

Summary of the February 16, 2010 Meeting
Dare County Shoreline Management Commission

Members Present:

Warren Judge, Chairman	Jodi Hess
Paul Buske	Neil Morrison
Jamie Daniels	Gary Perry
Bob Oakes for Wayne Gray	Lee Wrenn

The Shoreline Commission meeting was called to order by Chairman Warren Judge at 3:00 PM in the Meeting Room of the Kill Devil Hills Town Hall.

Agenda Item 2 – Minutes

A motion was made by Member Perry, seconded by Member Buske to approve the minutes of the May 27, 2008 meeting. Motion carried.

Agenda Item 3 – New Members

Chairman Judge welcomed members newly appointed by the DCBOC, Manteo Mayor Jamie Daniels, So. Shores Mayor Pro Tempore Jodi Hess and Kitty Hawk Councilmember Gary Perry. Member Perry has served for some time but was officially appointed by the BOC along with the other new members.

Agenda Item 4 – Public Comment

Mr. Ray Midgett expressed concern that the SMC was not fulfilling its mission statement.

Agenda Item 5 – Sand Fencing

Lee Wrenn, Shoreline Manager, provided a brief update about plans for current year's sand fencing project. Ledger sheets were provided to the member towns outlining funds available for the current year.

Member Perry expressed a desire to have the \$5 million dollars collected from the repealed sales tax to be set aside whereby interest earned on that amount will be used to fund sandfencing and planting projects in the municipalities and the County. Members representing the other towns; Morrison (Duck), Buske (KDH), Hess(SS) and Oakes(NH) agreed.

Agenda Item 6 – Nags Head Beach Plan

Nags Head Mayor Bob Oakes presented a financing plan for the Nags Head Nourishment project which is proposed to place four million cubic yards of sand on 10 miles of beach

at a cost of \$36 million. Copy of the presentation is attached. Mayor Oakes took question from the members about various items.

Member Buske asked questions regarding amount of sand to be placed and the expected longevity. Sand amounts are based on the erosion rates with the most sand going where the erosion rate is highest. Projected life is ten years with financing model to be paid out in 5 years.

Member Hess questioned whether lands built up will become buildable. CAMA regulations call for the establishment of a “static line” which will prevent forward placement of structures. In addition lands built up below mean high water belong to the State per NCGS 146-6f. She additionally suggested the use of breakwater structures as was done in Va. Bch.

Member Daniels questioned where the maintenance funds would come from and how they would be collected. The NH plan calls for an assessment on a per front footage basis to be levied every 5 years for maintenance.

Member Perry requested clarification on the proposed use of the new 1% occupancy tax and questioned whether the existing 1% tax was originally to be used for maintenance of the federal project. Chairman Judge said the original plan for the federal project called for the occupancy tax to carry the local portion of financing for maintenance of the project for its 47 year maintenance cycle.

Agenda Item 7 – Kill Devil Hill Beach Plan

Kill Devil Hill Mayor Ray Sturza introduced the KDH plan to implement a Section 206 project to nourish approximately 2.7 miles of beach in KDH. “The project was authorized by Congress and we don’t plan to let Uncle Sam off the hook.” A section 206 plan is where the local sponsor builds the project and seeks reimbursement from the federal government.

Mr. Ken Wilson and Mr. Tom Jarrett with Coastal Planning and engineering presented the plan which consisted of four alternatives. Copy of the presentation is attached. The preferred alternative was the “locally preferred plan” which will construct the COE profile without the dune element and take sand from the southern borrow area where it has a larger grain size.

Member Hess questioned the use of the larger grain sand. Per Jarrett, the large grain sand will remain on the beach longer, the finer grains will move offshore and the beach character will not be noticeably different than present conditions. Grain size is regulated by CAMA to ensure suitable fill material.

Member Buske questioned the difference in budget figure between the KDH and NH plan. Explanations were as follows: KDH is smaller project with less economy of scale. KDH plans winter dredging which is more costly. The KDH plan was purposely conservative, estimated high.

Member Daniels questioned why only 2.7 miles of beach to be renourished. This represents the area with erosion. Other areas are stable with little erosion. The project will have tapers on each end, and, on the north will extend into Kitty Hawk.

Agenda Item 6 – Members Items

Member Buske expressed interest in re-establishing committee meetings.

The meeting was recessed at approximately 4:20 PM to be reconvened on Thursday, February 23 at 3:00PM in KDH Town Hall meeting room.

The meeting was reconvened on Thursday, February 23 at 3:00PM in KDH Town Hall meeting room with the following members present.

Members Present:

Warren Judge, Chairman	Mike Johnson
Greg Loy for Paul Buske	Richard Johnson
Jamie Daniels	Neil Morrison
Bob Oakes for Wayne Gray	Gary Perry
Jodi Hess	Lee Wrenn

Agenda Item 4 – Public Comment

None

Agenda Items 3&4 – Nags Head and Kill Devil Hill Beach Plans

Chairman Judge said that the two plans appeared as separate items on the agenda but discussion was open for either plan. Summary of the items discussed:

Mayor Oakes, occupancy tax was thought to be the least harmful to other towns in terms of affecting distribution of tax revenues based on tax levy.

Member Morrison asked for explanation of math on recovery of fund balance with respect to the NH plan. He also shared a handout provided by the COE showing ancient riverbed locations which are thought by some at the COE to be the cause of erosion that is happening in Duck above the COE pier. Copy is attached. COE did not offer a solution related to this.

Member Daniels question the sunset period of 10 years on the proposed occupancy tax when financing for NH plan is 5 years. Additional time provides money to replenish the fund.

Member Hess suggested that efforts be made to combine the KDH and NH plans to realize economies of scale and savings on mobilization costs. This would require a change in approach to one or both of the projects. KDH calls for winter dredging and NH calls for summer dredging.

Member Perry questioned getting authorization to collect additional taxes before having permits in hand. NH folks are meeting with Marine Fisheries, CAMA and Wildlife Resource Commission this week in what they hope will be the final step in securing permits.

Member Richard Johnson pointed out that there had been some concern that additional sand in the system might migrate to the inlet but was pleased to note that the larger grain sand that is to be used for this project will remain on the beach for a longer period of time.

Member Hess questioned the original intent of the 1% occupancy tax and whether it was to be used in proportion to how it was collected. Chairman Judge said it was intended to create a stable fund balance that would sustain the federal project and allow for other projects in the County. Member R. Johnson said it was not intended to be returned to the point of collection but rather to fund permitted projects.

Members Items

Member Perry read a prepared statement on behalf of the Kitty Hawk Town Council. Copy of the statement is attached. Key points are: Maintain \$5M for sandfencing. Oppose additional 1% sales tax. Don't deplete the fund for one town. Disburse funds in proportion to point of collection. Don't use new occupancy tax to pay entire debt for a municipal project.

Member Morrison said towns need to take a stand but he will wait until Mayor Oakes has a chance make a presentation to the Duck Town Council. He asked for clarification regarding the role of SMC to the Dare BOC with regard to funding decisions. Chairman Judge replied that SMC is advisory and the decision with regard to funding rest with the Dare County BOC.

Chairman Judge asked the members to consider future meeting schedules for the commission and its committees. He offered that it would be possible to eliminate the finance committee as it appeared that all members want a vote on how shoreline funds would be spent. Because of the small amount of public participation, he suggested that the function of the advisory committee might be rolled into an expanded public comment section where members would respond to public comment.

Member Perry said he saw no need for the finance committee, that the advisory committee was not necessary if public comment was expanded and the technical committee matters were best left to the engineers.

Member Richard Johnson said that if public comment was expanded that there would be no need for the committees.

Member Daniels suggested that technical items could be assigned to a committee if needed in the future but saw no need to schedule regular committee meetings now.

Consensus of the members was that meetings of the SMC will be held monthly at the Dare County Administration Building on the second Tuesday of the month at 5:30 PM until further notice. Meeting room will be scheduled as available and will be prominently displayed in the lobby.

The next scheduled meeting of the Shoreline Management Commission is Tuesday, March 9, 2010 @ 5:30 PM in the DC Admin Bldg Room # 238.

Submitted by: Lee Wrenn, Shoreline Manager

Adopted: _____