

Shore Protection Manager

Greg L. Rudolph  
Tel: (252) 393.2663  
Fax: (252) 393.6639  
rudi@carteretcountygov.org

www.protectthebeach.com



## CARTERET COUNTY BEACH COMMISSION MEETING

Minutes

Pine Knoll Shores Town Hall

March 27, 2006, 2 pm

### **Acronyms:**

AB – Atlantic Beach

CRC – Coastal Resources Commission

EI – Emerald Isle

NCDCM – N.C. Division of Coastal Management

PKS – Pine Knoll Shores

### **Attendance.**

Commission chair Buck Fugate, vice-chair William Donnelly, Commission Members Tom Doe III, Jack Goldstein, Jerry Huml, Joan Lamson, Ted Lindblad, Pat McElraft, Stewart Pickett, Jim Stephenson, Jim Willis III, secretary Greg Rudolph, and the general public.

- (1) **Call to Order.** – Chairman Fugate called the meeting to order.
- (2) **Approval of Minutes (Regular Beach Commission Meeting – February 27, 2006).** - Chairman Fugate asked the Commission if there were any corrections, additions, or comments regarding the minutes presented in the agenda packet. With no comments forthcoming from the Commission, member Goldstein motioned that the minutes be approved as presented. The motion was seconded by member Pickett and unanimously approved.
- (3) **Occupancy Tax and “Beach Fund” Update.** – Secretary Rudolph noted that the February 2006 occupancy tax report attached to the Commission’s agenda indicates that the collection was up by 33% compared to last February. This continues the trend of not having a single month where the tax collection has been down compared to the year prior. To date (for the current fiscal year) the collection is up by 17.5%. Secretary Rudolph concluded by mentioning that the year-to-date total for the Beach Fund is just over \$1.5 million, and interestingly the collection was at this level at the end of May last year. Thus, unless a dramatic turn of events occurs this year, then the tax for this year should be significantly up, possibly in the order of 10% to 15%. Member Lindblad asked if the “number reporting no tax” truly represents whether or not the tax was reported in the appropriate time, or if the business was closed for the month, etc. Chairman Fugate replied that it could be a number of factors and it is never really a direct correlation. Member Lamson asked if the closing of Best Western and potentially the Royal Pavillion hotels will have a marked signature on the occupancy tax (down). Secretary Rudolph replied that this would appear to be the case, but likewise it also appears the condominium market is filling this “gap” to an equal or greater amount.

- (4) **Discussion – North Carolina’s Static Vegetation Line and Beach Nourishment.** – Secretary Rudolph reviewed that the setback line for structures under 5,000 square feet was 30 times the annual erosion rate from the most seaward line of vegetation, with a minimum of 60 foot, which is the setback for most of Bogue Banks. Without a nourishment project, the vegetation line, hence the setback is allowed to oscillate seaward and landward. However, if a nourishment project is constructed that is greater than 200,000 cubic yards with a placement rate greater than 50 cubic yard per linear foot (cy/ft), then the vegetation line becomes fixed in perpetuity (i.e., static line). Thus if a lot is non-conforming at the time of a large scale nourishment project, then it shall always be non-conforming because the vegetation line has become fixed. Most of Bogue Banks has a static line as result of the many nourishment projects that have taken place along the island.

The secretary continued that at the State level, two issues have transpired that have compelled staff to re-evaluate the static vegetation line rule. One is that beach nourishment projects are being designed at placement rates just under 50 cy/ft to avoid having to set a static vegetation line. The second development includes a recent variance ruling at the State where a property with a fill rate of 50.1 cy/ft was called into question, as a non-conforming property owner was seeking to improve his property although the vegetation line was static by 0.10 cy/ft. Last week, the State’s CRC was requested by NCDCM staff to provide guidance concerning the static vegetation rule. However a contested case at the CRC meeting ran longer than expected and the static line topic was never presented nor discussed with NCDCM staff. However during the CRC comment period, the body noted that they are looking to “tweak” the language, not necessarily change the static vegetation rule of the State that determines setbacks, erosion rates, etc. The Secretary Rudolph closed by noting it would be good to get a flavor of what the Beach Commission thinks about this issue to best represent the Commission when asked about the topic.

Member Doe disclosed that AB was pleased where the static vegetation line lies, and the Town Board is on record to this effect. Chairman Fugate and member Doe discussed where the static line lies in AB and also mentioned the old seawall. Vice-chair Donnelly asked if Bogue Banks has a considerable number of non-conforming lots. Secretary Rudolph replied that EI has the largest cluster of the island communities with well over 150 non-conforming lots. The remaining Towns on the island have a handful per Town. Member Lamson added that PKS has 193 oceanfront parcels, all of which are conforming. However a few condominium structures are non-conforming but they could be relocated within the same property to be conforming. Member Lindblad asked if the State was monitoring the vegetation line on a periodic, routine basis. Secretary Rudolph replied that usually the application of the vegetation line is by means of a case by case basis, although the NCDCM does take aerial photography every 4 – 8 years to determine erosion rates, and the vegetation line can be determined at this time. Member Lindblad mentioned that it might be a good idea to include a monitoring provision in the new rules. The secretary noted these types of issues are the ones that the CRC was supposed to discuss last week. Again the CRC could just stay focused upon the static vegetation line related only to beach nourishment, which they seem to be leaning towards, or could take a look at bigger issues such as how the erosion rate is established, whether monitoring is appropriate, etc. Member Stephenson noted that the CRC tried to address this issue with the Alternative Vegetation Line, which was mentioned in the agenda topic summary sheet, and provides communities the ability to set an alternative vegetation if hit by a storm before a nourishment project. The issue is driven by economics despite that the setback is for 30 years (i.e., 30 times the erosion rate for a setback) and the 30 years have

elapsed for many properties. Chairman Fugate concluded that the static vegetation line will continue to be an issue for the community to think about.

- (5) **Presentation – Regional Sand Transport Study: Morehead City Harbor Navigation Project (Final Report).** - Chairman Fugate introduced Dr. Kevin Bodge and Erik Olsen with Olsen Associates, Inc. who subsequently provided a PowerPoint presentation to the Beach Commission and audience summarizing the key aspects of the Regional Sand Transport Study. The Olsen Associates presentation is available at <http://www.protectthebeach.com/minutes/2006/summary-mar2006.ppt>.
- (6) **Public Comment.** – None.
- (7) **Other Business.** – None.
- (8) **April 2006 Meeting Date (April 24, 2006 – proposed).** – It was agreed upon that the April Beach Commission meeting would be held on April 24<sup>th</sup> at 2:00 pm.
- (9) **Adjourn.** – Chairman Fugate asked for any additional comments and with no additional comments forthcoming, the meeting was adjourned.