

Shore Protection Manager

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CARTERET COUNTY BEACH COMMISSION MEETING

Minutes

Pine Knoll Shores Town Hall

December 14, 2009, 2 pm

Attendance.

Commission chair Buck Fugate, vice-chair William Donnelly, Commission Members A.B. "Trace" Cooper, Jack Goldstein, Tom Hoover, Ted Lindblad, Art Schools, and Jim Willis, secretary Greg Rudolph, and the general public. Member Dr. Antonio Rodriguez was absent and two vacancies currently exist on the Commission.

- (1) **Call to Order.** – Chairman Fugate called the meeting to order.
- (2) **Approval of Minutes - Regular Beach Commission Meeting (October 26, 2009).** – Chairman Fugate asked the Commission if there were any corrections, additions, or comments regarding the October 26th regular session minutes presented in the agenda packet. Member Goldstein subsequently motioned the minutes be approved, which was seconded by member Donnelly and unanimously approved.
- (3) **Occupancy Tax and "Beach Fund" Update.** – Secretary Rudolph mentioned that the September and October occupancy tax reports were included in the Commission's agenda packet, which are often referred to as the "shoulder months" compared to the high visitation summer months of June, July, and August. Collectively, the total revenue for September and October 2009 was up by approximately 3% compared to the cumulative September and October 2008 receipt total. However, the occupancy tax remains roughly -3% down compared to this same point in time last fiscal year. The August 2009 collection was down significantly and this will likely keep the year-to-date total in negative territory until the May/June timeframe. Also, there are no apparent conflicting trends regarding the occupancy tax if examining the collections from a sector standpoint, i.e., both the hotel/motel and condo/cottage sectors were "up" in September and "down" in October, which is reflected in the overall collection reported for September and October, respectively as well. The secretary concluded the briefing by noting the "beach fund" reserve was at roughly \$8.9 million at the conclusion of October.
- (4) **Nomination Committee Appointments and Upcoming Beach Commission Vacancies.** - Chairman Fugate mentioned that as summarized in the agenda packet, he would like to appoint the entire Beach Commission as the nomination committee, and also noted that unless otherwise directed, he would entertain a motion to recommend that all the members whose terms were expiring be nominated for another appointment by the County Board of Commissioners. Additionally Doug Fleming (Pine Knoll Shores resident) also wishes to be nominated along with member Willis for the expiring Bogue Banks Beach Commission designation. Member Schools subsequently made a motion to nominate members Hoover, Donnelly, Willis and Mr. Fleming for

the County Board's consideration. The motion was seconded by member Cooper; and Chairman Fugate and member Lindblad continued by noting that Joan Lamson (immediate former mayor of Pine Knoll Shores) has recently resigned from the Beach Commission. Member Lindblad further disclosed the Pine Knoll Shores Board of Commissioners would like to have Mayor Ken Jones serve on the Beach Commission in the wake of Ms. Lamson's absence. Member Lindblad consequently made a motion to add the nomination of Ken Jones to the Beach Commission, which was seconded by member Donnelly, and the entire motion on the floor was unanimously approved. Secretary Rudolph added that he would formalize and present the Commission's recommendations to the County Board of Commissioners for their consideration in January 2010.

- (5) **Consideration & Approval of the Bogue Banks Master Nourishment Plan / Programmatic EIS Contract – Moffatt & Nichol.** – Chairman Fugate initiated the dialogue by thanking the Shore Protection Office for all the administrative work required for the subject contract. Subsequent to reviewing the basic tenets leading up to the solicitation for a Master Nourishment Plan and providing a summary of the selection process; it was disclosed that the contract was for a total of \$1,385,584 plus \$360,00 for field work. The contract price was the result of extended negotiations and the selection committee feels the County will indeed receive a superior product at the best possible price. Following this introduction, the chairman opened up the floor for comments regarding the actual contract or scope of work submitted for the Beach Commission's consideration.

Member Cooper mentioned that section 7.1 of the contract, stipulating that all drawings and work associated with the project shall remain the property of the engineer should be omitted entirely or substantially changed. If the Commission/County is paying for the data and analyses, then they should become property of the Commission/County – regardless of any propriety or intellectual property issues that the contractor may wish to protect; or at least those issues should be identified and addressed specifically. Chairman Fugate replied that he also had the same thoughts and they have already been relayed to Moffatt & Nichol for consideration. Secretary Rudolph added that after this meeting, all comments will be forwarded to Moffatt & Nichol and be incorporated in the final contract that will be submitted to the County Board of Commissioners for their final consideration and adoption.

Member Lindblad acknowledged that although the scope of work does provide a detailed roadmap for the engineering report and programmatic Environmental Impact Statement (EIS), there is no set of defined deliverables in the contract/scope of work. That list can become important if a permit is never secured or other aspects of the project never come to fruition. There was a general consensus of agreement among the Beach Commission regarding this point, yet a sentiment was also expressed regarding the degrees of "unknowns" associated with the project (especially the permitting aspects). The reputation at stake for all the contractors involved with the project in itself should ensure the project is completed in a timely manner.

Member Cooper added that although Atlantic Beach and Ft. Macon are mentioned in the scope of work; the emphasis of the document may justly be focused on the remaining portion of the island. However, it is important for the Beach Commission and Atlantic Beach to not overlook the eastern portion of Bogue Banks. The Commission agreed. Member Willis (as the Bogue Banks member) further asked why Ft. Macon was not officially part of the project. The secretary responded that it would be awkward and inappropriate for the County to seek permits for beach

nourishment along State property (Ft. Macon) in addition to providing any type of funding. Chairman Fugate added that the U.S. Army Corps of Engineers' Section 111 report from 2001 stipulated that they are responsible for erosion issues along Ft. Macon, and will mitigate for these impacts. With no other discussion, member Lindblad made a motion to present the contract to the County Board of Commissioners for their approval and execution. The motion was seconded by member Willis and unanimously approved.

(6) **Public Comment.** – None.

(7) **Other Business.** – The chairman and secretary mentioned that in addition to the municipalities of Emerald Isle and Atlantic Beach, the political subdivision encompassing both Indian Beach and Salter Path are also interested in pursuing a static line exception. State regulations mandate that a report documenting sand resources and a financial plan for 25-years must be included in the static line exception report/request which the Coastal Resources Commission ultimately approves/rejects. To this effect the Shore Protection Office has asked Tom Jarrett with Coastal Planning & Engineering for a cost proposal for a single static line exception request for Indian Beach/Salter Path. The estimated cost is \$10,000 and based upon the linear distances of each political subdivision compared to the whole, a 70% Indian Beach – 30% Salter Path cost share ratio seems appropriate. Further, because the Salter Path area (Hoffman Beach & the Roosevelt State Park) is unincorporated, a request should be entertained to see if the beach nourishment reserve can be utilized for the Salter Path portion of the static line exception (estimated to be \$3,000). Member Lindblad replied that if the nourishment reserve is used for Salter Path, then the incorporated communities would be able to make a similar claim for funding, and that probably is not a wise choice. Members Willis and Cooper agreed, while member Donnelly thought it might be a good gesture to fund the \$3,000 request and made a motion to this effect. The motion was seconded by member Hoover and did not pass (3 – 4; Hoover, Goldstein, and Donnelly yay – Schools, Willis, Cooper, and Lindblad nay).

In other news, secretary Rudolph mentioned that he, the chairman, the vice-chair, and possibly others will be visiting the U.S. Fish & Wildlife Service in Arlington, Va. on January 27th to discuss the Coastal Barrier Resources Act Pilot Study in addition to visiting our Congressional delegation in Washington, DC.

(8) **January 2009 Meeting Date (January 25, 2010 – proposed).** – It was agreed upon that the next Beach Commission meeting would be held on January 25, 2010 at 2:00 pm, Pine Knoll Shores Town Hall.

(9) **Adjourn.** – Chairman Fugate asked for any additional comments and with no additional comments forthcoming, the meeting was adjourned.