

May 13, 2013

Board of Commissioners Meeting

Public Comment (Time limit of 3 minutes per person; 5 minutes per group)

Paul Manning, 506 Telegraph Court, Kill Devil Hills: Mr. Manning addressed his comments to the issue of beach nourishment. He spoke in support of the beach nourishment concept, citing his experience during college study with geology and earth sciences. Beach nourishment, he stated, is a science, not a political issue. He commended the Board of Commissioners for having the will to tackle this big issue. Sustainability of the beaches is something that needs to be addressed, he stated, and expressed his hope that the entire issue would stay out of the political arena.

Jack McCombs, 917 Cedar Drive, Kill Devil Hills: Mr. McCombs explained that just recently he has become a strong advocate for beach nourishment, rather than someone who was hesitant and cautious about the project. He found that the people who will benefit most by beach nourishment, those on the oceanfront, will pay more for the benefit. In the long term, he said, everyone will benefit from beach nourishment. Should oceanfront development be lost because of erosion taxes will go up for everyone to replace the loss of revenue. Mr. McCombs explained that he had also calculated an estimated increase in his property taxes due to beach nourishment and came to the conclusion that it would be about \$8.30 per month. That is very reasonable. Mr. McCombs suggested the Town provide a method of calculation on its website that would show what property taxes would be like if the oceanfront properties were destroyed or seriously damaged.

Mr. McCombs indicated that by reading information on the Town's website, and speaking with people in Nags Head and Kill Devil Hills, along with calculating what his revised tax bill would be, he had determined beach nourishment to be a cost-worthy project. He expressed hope that Kill Devil Hills would have the courage to move forward with completion of the project.

Mike Lowack, 106 Porthole Court, Kill Devil Hills: Also addressing beach nourishment, he explained that if the Town were not able to cost-share with Kitty Hawk and/or Duck, thus placing the full burden of staging and set-up costs, which is approximately \$5 million, that it might be good to consider expanding Kill Devil Hills' beach nourishment project to reach Nags Head's project. This would allow those costs to be spread out over a larger area and thus absorbed by more taxpayers.

With respect to beach nourishment, he felt the Town should implement a permit process and maintain beach nourishment. He cited a conversation he had with someone in Nags Head who saw sand ruts from vehicles actually help with minimizing erosion and ocean overwash. Mr. Lowack suggested the Town consider limiting the number of beach accesses open for vehicular traffic, which would help monitor the beach driving traffic further.

Response to Public Comment

Mayor Davies explained that beach nourishment is the next agenda item and comments will be addressed at that time.

With respect to beach driving, Commissioner Pitt explained that if the Town moves forward with a federal 206 [beach nourishment] project then beach driving will be prohibited in accordance with federal standards; if, however, if the Board selects to move forward with a local project, then the decision on beach driving will be up to the Board of Commissioners. However, Commissioner Pitt added, most places that implement beach nourishment programs prohibit beach driving.

Old Business

1. Beach Nourishment

This item returns to the Board of Commissioners, having been discussed at the April 8 regular meeting and April 24 public forum, for possible action. Staff submitted the following recommendations:

- That a local project be authorized, rather than the federal 206 project. The local project would extend from Tanya Drive north to the Kill Devil Hills/Kitty Hawk line and modeled on areas authorized by the Dare County Beach Erosion Abatement and Shoreline Protection Plan; and
- That the Town of Kill Devil Hills request the Dare County Board of Commissioners implement the additional one cent occupancy tax designated for beach nourishment funding as authorized by the North Carolina General Assembly.

To address Mr. Lowack's comments about extending the project, Planning Director Greg Loy explained Coastal Planning and Engineering would be looking at the entire beach in Kill Devil Hills, as well as 5,000 feet north into Kitty Hawk and 5,000 feet south into Nags Head to help in understanding what is going on in Kill Devil Hills. Their recommendation will be based on those findings. Commissioner Pitt added that the original project only included the north end of Kill Devil Hills as there are areas on the south beach that are stable and that are accreting, rather than eroding. He also explained that the entire beach in Kitty Hawk is unstable and eroding at approximately three feet per year. He also explained that the project might include a "taper" at the north end of Kill Devil Hills' project which could extend into Kitty Hawk. Stable beaches also exist from the Kill Devil Hills/Nags Head town line south approximately two miles.

In response to a question from Commissioner Hogan, Mr. Loy explained that there would be no delay in the project if the Town chooses to move forward with the local project; however, if the federal 206 plan were selected there would be a delay because the Town's south beaches were not included in the Army Corps of Engineers original beach stabilization plan for Dare County.

Commissioner Pitt explained the difference between a federal 206 project and a local beach nourishment project. The 206 project requires a difficult route: approval by the United States Army Corps of Engineers and application to the federal government for reimbursement of expenses, which generally requires lobbyist assistance. It is an unpredictable process. The local project, he explained, allows the Town to move forward in a more timely manner, without some of the additional costs that would be required by the 206 project. Also, if the 206 project were selected, then the specifications required by the federal program must be followed – which

requires much, much more sand to be placed on the nourished beach than what the Town might want – for example, 150 cubic yards per linear foot, as opposed to Nags Head’s local project which was 50 cubic yards per linear foot and is still a perfectly acceptable nourishment project. Further, the 206 project includes a much longer timeline than the local project would.

Commissioner Pitt supported the local project. Although no federal funding is available for a local project, FEMA funding would be available if the nourished beach were damaged because of a coastal storm or hurricane. After nourishment, the local plan will allow the Town to be more flexible in its pursuit of beach nourishment, and will likely be completed much sooner than the 206 federal project.

Mayor Davies made a motion for the Board of Commissioners for focus on the local beach nourishment project and to not move forward with a federal 206 beach nourishment project. Commissioner Pitt seconded that motion and approval was unanimous, 4-0.

Mayor Davies indicated her satisfaction with how well the citizens of Kill Devil Hills have reacted to the potential of nourishing Kill Devil Hills’ beaches. Nags Head has provided a great study example for Kill Devil Hills. She stated that she fully supported the local beach nourishment concept.

Commissioner Rheubottom explained that she had, at one point, vehemently opposed beach nourishment; however, she now understood the importance of beach nourishment and realized it is not a worthless cause. But, she added, she has a difficult time reconciling the cost of beach nourishment for persons on fixed incomes and at lower level incomes, who would find it difficult to pay anything extra. She concluded by stating that she has mixed feelings on the entire matter. Commissioner Pitt empathized with Commissioner Rheubottom’s concerns about the expenses and explained that persons who own lesser valued properties are going to pay more in taxes than other, higher value properties in a percentage basis. He explained that the first five years of the beach nourishment project are the most expensive, and that there would be an ongoing cost though the long-term life of the program. When considering that in Kill Devil Hills alone there are 4,000 tourist-related jobs, and 6,800 (+/-) citizens, that the benefits as a whole outweigh the negative effect, and that must also be considered, Commissioner Pitt said.

Commissioner Hogan agreed with Commissioner Pitt and added that he felt like doing nothing would hurt more people overall in the long-term. The project will benefit a majority of the people in Kill Devil Hills, and it will be a shared burden, he added, that he felt like can be accepted. He also recognized Commissioner Rheubottom’s concerns and understood them.

Considering what she felt to be best for Kill Devil Hills in the long-term, Mayor Davies illustrated the “trickle” effect when the local economy became so sluggish several years ago. Everyone was affected – home prices fell, real estate market was negatively affected, other individuals in restaurants, service industries, builders, etc. Without the beach, she stated, the Town loses viability and could become someplace where people cannot make their livelihood and therefore they can’t stay here. She stated that she felt beach nourishment is important and needs to be done. Making the extra cost payments could be done by people re-evaluating their discretionary income priorities.

Commissioner Pitt also addressed comments he has recently heard about why something “permanent” could not be constructed. At this time, North Carolina General Statutes do not permit things like seawalls, berms, a weir, something with rocks and steel, etc. It is not likely that these restrictions will be changed. The only two options appear to be: beach nourishment, and doing nothing. Commissioner Hogan added that a seawall would give people plenty of places to fish, but no beach from which to swim or enjoy sun.

After discussing how to proceed with motions from this point, and realizing that Commissioner Rheubottom would be more flexible in her vote with two motions rather than one combined motion, the Board took the following action:

Commissioner Pitt made a motion for the Board of Commissioners to proceed with the local beach nourishment project to extend from Tanya Drive north to the Kill Devil Hills/Kitty Hawk line and modeled on areas authorized by the Dare County Beach Erosion Abatement and Shoreline Protection Plan. Commissioner Hogan seconded that motion and approval was by majority vote, 3-1, with Commissioner Rheubottom voting against the motion.

Commissioner Pitt made a motion that the Dare County Board of Commissioners be asked to implement the additional one cent occupancy tax designated for beach nourishment funding as authorized by the North Carolina General Assembly. Commissioner Rheubottom seconded that motion and approval was unanimous, 4-0.

Commissioner Hogan thanked the audience for listening to this important discussion and he encouraged anyone with questions to bring them forward so they can be answered and help others have a better understanding of the issue.



TOWN OF KILL DEVIL HILLS

Land Where Flight Began

MEMORANDUM

May 13, 2013

TO: Mayor and Board of Commissioners

FROM: Debora P. Diaz, Town Manager

REF: Old Business

1. Beach Nourishment

This item returns to the Board of Commissioners, having been discussed at the April 8 regular meeting and April 24 public forum, for possible action. If the Board determines to move forward with a beach nourishment project then the following motion is recommended:

- That a local project be authorized, rather than the federal 206 project. The local project would extend from Tanya Drive north to the Kill Devil Hills/Kitty Hawk line and modeled on areas authorized by the Dare County Beach Erosion Abatement and Shoreline Protection Plan; and
- That the Town of Kill Devil Hills request the Dare County Board of Commissioners implement the additional one cent occupancy tax designated for beach nourishment funding as authorized by the North Carolina General Assembly.

Board action or guidance will be appropriate.