

**NC Coastal Resources Advisory Council
Ramada Inn
Kill Devil Hills, NC
January 22, 2003
Meeting Summary**

Attendance

Frank Alexander	Spencer Rogers
Natalie Baggett	Alan Sanders (for Patti Fowler)
Joseph Beck	Bob Shupe, Vice-chair
Joe Dooley	Lester Simpson
John Doughty	Mike Street
Rick Gardner	Ray Sturza
Ann Holton	Wayne Teeter
Wanda King	Penny Tysinger
Joe Lassiter	Beans Weatherly
Gary Mercer	David Weaver
Bill Morrison	Ginger Webster, Chair
Jim Mulligan	Calvin Wellons
Elwood Padrick	

Council Call to Order

The CRAC meeting was called to order at 9:30 am. Ginger Webster welcomed a new member to the Council, Ann Holton from Pamlico County. Webster announced that Rosetta Short has cancer and would probably no longer be attending Council meetings. A card was circulated for her. Webster informed the CRAC that all the CRC appointments had now been made and the new members were Renee Cahoon, Joan Weld, Bob Wilson and Lee Wynns. There are still five vacancies on the Advisory Council and she is working to have them filled as soon as possible. Webster also informed the Council that due to the possibility of snow, the CRC meeting for Thursday has been canceled and the standing committees would meet jointly this afternoon.

CRAC Officers Nominations Committee Report and Elections

John Doughty reported for the committee that Ginger Webster was being nominated for Chair and Bob Shupe for Vice Chair. A motion was made to close the nominations, and it passed unanimously. Ginger Webster and Bob Shupe were then unanimously elected as Chair and Vice Chair. Webster stated that she will continue to focus on improving communication between the Council members and their appointing bodies, fill existing vacancies and bring important issues to the CRC's attention.

Coastal Hazards Panel – Building Code Issues

Spencer Rogers reported on issues the Science Panel has with conflicts between CAMA and the State Building Code. Rogers advised that the Panel recommended that an ad hoc committee be restarted to look into issues such as flood zones and piling requirements, pilings for decks, breakaway walls and cantilevered foundations. He stated that since the code was being updated, the Science Panel put their recommendations on hold. Now that the code has been updated, it is time to bring the conflicts to the attention of the Building Code Council. While the Building Code Council will decide who will serve on the committee, Rogers expects that they will be looking for volunteers. He expects to be on the ad hoc committee and will update the CRAC as work progresses.

Town of Nags Head Septic Tank Initiative

Todd Krafft, Septic Health Coordinator, made a presentation to the CRAC on the Town of Nags Head Septic Health Initiative. Krafft stated that the initiative was created to maintain clean water in and around the town by improving the performance of septic systems. He advised that the program has several components, including a water quality monitoring program, a septic system maintenance program and an educational program aimed at system owners and users. The program has a budget of \$250,000, which comes from a reinvestment of water system revenues. The program works by encouraging participants to have their septic systems inspected through rebates on fees and by offering repair loans of up to \$3,000 at 1.3% below the prime rate. The Town has also negotiated a \$165 pumpout fee with haulers while at the same time offering participants a \$30 coupon from the Town. To date, the Town has had 725 participants and in 2002 conducted 448 inspections and 370 pumpouts. The Town has also made 22 loans for repair or replacement of failing systems.

In addition to inspection and repair of septic systems, the initiative carries out an extensive water quality monitoring program, with 26 monitoring wells, sampling 38 sites and tracking the flow of wastewater to the nearest surface water. Mr. Krafft showed an example of a site currently being monitored for contamination and stated that data from the monitoring is tracked on the Internet. Krafft further advised that the Town has a septic health education program which it takes to elementary schools, and also distributes educational materials to residents through a newsletter.

There was some discussion about whether or not the Town reports systems found to be failing to the Health Dept. Mr. Kraft stated that failing systems are not reported and that staff continues to follow-up with the owners to have the system repaired or replaced. Kraft further advised that other municipalities have requested information on the Town initiative and are considering implementing a program of their own.

Handicap Requirements at Beach Access Sites – Update

Kathy Vinson updated the Council on the continuing discussion regarding handicap access requirements at CAMA-funded public beach and coastal waterfront access sites. She stated that CRC rules require a site using program funds to meet the State Building Code requirements for handicap access. Problems arise when older facilities are remodeled or reconstructed. Vinson advised that in November 2002, she and Ginger Webster, Webb Fuller and Steve Underwood met with State Building Code officials and determined that all access sites need to meet the code's requirements. Existing facilities are allowed to deviate from the requirements if the local building inspector declares that it is "technically infeasible" to meet the requirements. However, new sites must meet the current code requirements. Vinson stated that the Division is waiting on written information from State Building Code officials and that there may be some leeway with CAMA projects. Vinson further advised that DCM is following the development of the new federal ADA guidelines.

Local Size Limits for Single-Family Residences

Gary Ferguson (Currituck County), Mike Hejduk (Southern Shores) and Bruce Bortz (Nags Head) participated in a panel discussion of local size limits for single-family residences. Gary Ferguson stated that Currituck Co. began to look at the issue because of what was happening in Dare Co. (implementation of size restrictions). There was concern that Currituck Co. would become a "dumping ground" for large houses. Currituck Co. staff began by looking at the current trend in house size. In 1997 the average size was 6,200 sq. ft. with 5.95 bedrooms. In 1999 the average size was 4,600 sq. ft. with 5.76 bedrooms and in 2002 4,500 sq. ft. with 5.84 bedrooms. Mr. Ferguson stated that while there was a perception of big houses being built, the numbers didn't show it. However, the county fire marshal was concerned that houses were being built too close together. There was also concern that the water capacity was being stressed. County staff identified some deficiencies in the ordinances, such as two parking spaces per home, which really doesn't apply to an eight-bedroom house. The County Board did not want a cap on large homes but did want to know the impacts. County staff did an analysis of an eight-bedroom oceanfront house vs. a five-bedroom oceanfront house. They found \$591,000 vs. \$541,000 tax value; \$118,000 vs. \$64,000 in rental revenue; \$4,700 vs. \$2,500 occupancy tax revenue; \$8,500 vs. \$2,500 transfer tax revenue. The County decided to put a moratorium on homes greater than 8 bedrooms. Mr. Ferguson stated that the County is approaching the issue incrementally and will be meeting with realtors and builders to better address all the issues.

Mike Hejduk with the Town of Southern Shores advised the CRAC that the Town Council instituted a moratorium on homes larger than seven bedrooms that could accommodate more than 14 people. The Town Council looked at secondary issues such as parking, noise, police service and impacts to groundwater. Mr. Hejduk stated that the Town received some feedback from realtors before moving ahead with the measure. Hejduk said that there have been some challenges to the moratorium, but none of them were on legal grounds. He stated that some people try to get around the

ordinance by installing a larger septic system during construction. Mr. Hejduk said that the Town ordinance seems to be working, although he does not believe the spirit of the CAMA setback law is being met when it comes to homes greater than 5,000 sq. ft. The Town may need to look at licensing these larger structures so they would be subject to the same inspections as commercial buildings.

Bruce Bortz advised the Council that the Town of Nags Head moved from one-story homes to hotels and, in the 1980s, to larger three- and four-bedroom homes. Changes in state laws and innovative septic systems are now making larger homes possible. In the spring of 2002, the Town received a permit request for a 20-room duplex of 10,000 sq. ft. Due to the setback requirements, the owners changed the structure to a 16-bedroom, 10,000 sq. ft. single-family home. The Town has held meetings with realtors, builders and citizens to address the issues. Town staff developed an ordinance that limits homes to a maximum of 12 bedrooms and 12,000 sq. ft. An ordinance was also developed to require that four- to six-bedroom homes meet architectural restrictions so they fit in with the rest of the town. A similar ordinance was developed for seven- to eight-bedroom homes. Public meetings were held in December 2002 and the consensus was that a 12-bedroom house was too big for Nags Head. There is now a moratorium on homes greater than eight bedrooms. The moratorium has been extended to June 2003, and Town staff are developing a new ordinance that highlights architectural styles that fit in with the rest of Nags Head.

Old Business/New Business

Ginger Webster reviewed the CRAC request to have the CRC adjust its meeting schedule so as not to conflict with the CRAC meetings or go back to the three-day meeting schedule. Because the budget situation has not improved and other options would still be costly, she recommends that the CRAC suspend its request. The Council will continue to monitor the budget situation and bring the issue back to the CRC when things improve.

Coastal Habitat Protection Plan – Update

Mike Street advised the Advisory Council that due to the cancellation of the Thursday CRC meeting, the CHPP presentation and discussion would be moved to the April meeting. The Intercommission Review Committee will be meeting in February to discuss options and recommendations. The Marine Fisheries Commission begins a discussion of hard- and soft-bottom habitats at its January 30th meeting in Plymouth.

Ginger Webster added that there is a DENR effort to educate the public on the CHPP. A video is being produced that will explain the CHPP process to the public and local officials. She expects that the video can be shown at the April CRAC meeting. She also asked for volunteers to see that the video is shown at county commission meetings.

With no further business, the Council adjourned at 12:30 p.m.

