

MINUTES

MEETING: COASTAL RESOURCES COMMISSION (CRC)

LOCATION: Shearton Hotel
Atlantic Beach, North Carolina

DATE: April 23-24, 2003

PRESENT: CRC MEMBERS

Eugene Tomlinson, Chairperson
Courtney Hackney, Vice-Chairperson

Bob Barnes	Larry Pittman
Bob Emory	Melvin Shepard
Peggy Griffin	Joan Weld
Mary Price Harrison	Bob Wilson
Jerry Old	Lee Wynns
Bill Peele	

Coastal Resources Advisory Council (CRAC) Members

Ginger Webster, Chairperson
Bob Shupe, Vice-Chairperson

Frank Alexander	Joe Morris
Natalie Baggett	Bill Morrison
Joe Beck	Jim Mulligan
Gordon Cashin	Lee Padrick
Carlton Davenport	Bill Price
Don Davenport	Spencer Rogers
Joe Dooley	Lester Simpson
John Doughty	Mike Street
Tom Ellis	Penny Tysinger
Ann Holton	Dave Weaver
Joe Lassiter	Beans Weatherly
Harrison Marshall	Calvin Wellons

Wednesday, April 23, 2003

Commission Call to Order

Chairperson Eugene Tomlinson called the meeting to order at 8:30 a.m. Chairperson Tomlinson advised that Executive Order One mandated that CRC members avoid conflict of interest or the appearance of conflict. He asked CRC members to state, as the roll was called, if they had any such conflict or appearance of conflict.

Roll Call

Eugene Tomlinson:	Present. No conflict.
Bob Barnes:	Present. No conflict.
Renee Cahoon:	Not present.
Bob Emory:	Present. Mr. Emory advised that he knew the attorney representing the petitioner in the Declaratory Ruling but he did not consider it a conflict.
Peggy Griffin:	Present. No conflict.
Courtney Hackney:	Present. No conflict.

Mary Price Harrison: Not present. NOTE: Ms. Harrison arrived at 10:15 a.m.
Doug Langford: Not present.
Jerry Old: Not present. NOTE: Mr. Old arrived at 10:05 a.m.
Bill Peele: Present. No conflict.
Larry Pittman: Present. No conflict.
Melvin Shepard: Present. No conflict.
Joan Weld: Present. No conflict.
Bob Wilson: Present. No conflict.
Lee Wynns: Present. No conflict.

Chairperson Tomlinson welcomed Bob Wilson to the CRC.

Approval of January 22, 2003 Meeting Minutes

Melvin Shepard moved that the minutes of the January 22, 2003, CRC meeting be approved and his motion was seconded and unanimously approved (Bob Barnes, Bob Emory, Peggy Griffin, Courtney Hackney, Bill Peele, Larry Pittman, Melvin Shepard, Joan Weld, Bob Wilson, Lee Wynns).

Executive Secretary's Report

Donna Moffitt presented the Executive Secretary's Report. (SEE ATTACHMENT 1 FOR WRITTEN COPY OF REPORT.)

Ms. Moffitt stated that all eight variances scheduled to be presented to the CRC today would be heard in the order listed on the agenda. Ms. Moffitt advised that two written comments from the public had been received on the Declaratory Ruling scheduled to be heard by the CRC today and those comments had been placed before each CRC member and should be included in the CRC's Declaratory Ruling material. Ms. Moffitt advised that the Implementations and Standards (I&S) Committee was scheduled to hear a presentation today on the erosion rate update and draft rule language. Ms. Moffitt said she wanted members of the Planning and Special Issues (P&SI) Committee to know that at the CRC's meeting tomorrow, a brief overview of this presentation would be given to the full CRC.

Variance Requests

Glen Sasser (CRC-VR-02-21)

Dave Heeter advised that he was with the Attorney General's Office and would be representing DCM staff on several variance requests this morning. Mr. Heeter said the first request was from Mr. Glen Sasser. Mr. Heeter advised that Mr. Sasser was requesting a variance from the 60 foot erosion setback rules and from the rules prohibiting broadening or extending frontal dunes in an oceanward direction.

Mr. Heeter stated there was a procedural issue here that he was not sure how to address. Mr. Heeter said Mr. Sasser had submitted a variance request back in December of last year. Mr. Heeter reported that Mr. Sasser then asked to modify his development proposal a few days prior to the mail-out date for the CRC's January meeting packet and DCM had refused to accept the modification. Mr. Heeter said DCM refused to accept the modification because the CRC had a rule requiring all variance material to be submitted four weeks prior to the CRC's scheduled meeting date. Mr. Heeter advised that the CRC had been mailed Mr. Sasser's initial development proposal and not Mr. Sasser's requested modification. Chairperson Tomlinson asked why Mr. Sasser did not withdraw his original plan and submit a new complete variance request that DCM staff would have adequate time to review. Mr. Heeter responded that Mr. Sasser could do that and he could modify it and resubmit it at the CRC's July meeting. Mr. Heeter said, however, that there was a deadline on considering variance requests at the second regularly scheduled meeting so that deadline would have to be waived.

Ryke Longest said the CRC could consider the variance request currently on the table today. Mr. Longest advised that Mr. Sasser's proposed modification, with respect to the CRC's rules, was scaled back and the CRC had the authority to either partially grant or deny a variance or

grant a variance as requested so even if the CRC could not change the Stipulated Facts today due to the CRC's rules, they certainly could grant less relief than was originally requested.

Mr. Longest advised that he had spoken with Mr. Heeter and with Mr. Sasser's attorney, Stephen Coggins, and advised them of this.

Courtney Hackney said he would like to go ahead and consider the variance request as the CRC currently had it, unless Mr. Sasser would like to withdraw it. Dr. Hackney stated he felt after the CRC did that, they would be able to understand what the variations might mean. Dr. Hackney said if the variance request was denied, Mr. Sasser could always come back with another variance request with what had been submitted late. CRC members and Mr. Coggins agreed with this approach.

Mr. Heeter stated that Mr. Sasser owned an oceanfront lot at 1502 North Shore Drive in Surf City that ran between North Shore Drive and the Atlantic Ocean. Mr. Heeter then reviewed the Stipulated Facts contained in Attachment B of CRC-VR-02-21 (CRC VR 2002-21). Mr. Heeter showed slides of the property to the CRC.

Chairperson Tomlinson asked if he understood correctly that if the CRC allowed Mr. Sasser to build the house he was proposing, the rear deck would hang out over the street. Mr. Heeter responded that it would not hang over the street. Mr. Heeter said the town had agreed to vary the street setback and the rear deck would be within three to four feet of the street.

Bill Peele asked if, at the time Mr. Sasser had purchased the lot, he was aware that he could possibly not build back on the lot if his residence was destroyed. Mr. Heeter responded that all that was contained in the Stipulated Facts was that when Mr. Sasser purchased the house it was a nonconforming structure. Mr. Peele said he thought what Mr. Sasser understood played an important role in this case. Mr. Heeter stated that to find that out there would have to be a hearing. Chairperson Tomlinson pointed out that in staff's response to the four variance criteria, Mr. Sasser's knowledge of, or lack of, the setback was addressed in criteria three.

CRC members questioned Mr. Heeter on the protective dune Mr. Sasser was proposing to construct and Mr. Heeter reviewed Mr. Sasser's proposal for construction of the protective dune.

Stephen Coggins asked that the slides Mr. Heeter showed the CRC earlier be put back up for the CRC to see. Mr. Coggins said there had been two material changes since Mr. Sasser's variance request in 1997. Mr. Coggins advised that first there was now a new berm that had not been there before on this site and secondly the variance rules had been modified. Mr. Coggins provided CRC members with a copy of the previous variance rules so the CRC could use them as a comparison with the current variance rules so they could be very clear as to what the standards were governing the activity and discretion of the CRC today.

Mr. Coggins advised that what Mr. Sasser was proposing was a 700 square foot mushroom or topsider house sitting on a circular support structure that was 10 feet in diameter. Mr. Coggins said on top of the support structure would be the living space that was octagonal shaped and was 20 feet wide. Mr. Coggins stated the overhang of the deck that went beyond the circular structure was 5 feet all the way around. Mr. Coggins stated that what was being proposed was that the landward part of the overhang would go right up to the permitted road setback which the Town of Surf City had agreed to grant to Mr. Sasser, if the CRC granted a variance from their setback rules.

Mr. Coggins reported that Mr. Sasser's lot was just to the north of a public beach access area. He stated that Mr. Sasser had originally proposed, in addition to building the house, to place sand on the oceanward side of the existing protective dune that was there and to plant vegetation to stabilize the fill area. Mr. Coggins said Mr. Sasser was certainly willing, given the fact that it was the contention of DCM staff that was a violation of the rules regarding altering oceanward dunes, to withdraw that part of the proposal. Mr. Coggins advised that this was a proposal Mr. Sasser made because he felt it would enhance the eventual attractiveness of the public beach access area and provide further protection for the public beach access area.

Mr. Heeter stated it was his understanding that the CRC was now considering the variance request which was proposed initially and would make a decision on that and then, if they wanted to consider a modification, they would do so. Mr. Coggins said it was his understanding that he was free to argue regarding modifications. Chairperson Tomlinson advised that the CRC could not hear information that was not germane to this particular property. Mr. Coggins stated a criteria the CRC was allowed to look at was what was consistent with the spirit, purpose and the public welfare and what would happen to the adjacent public beach access was something that went directly to the public welfare inquiry of the variance criteria. Mr. Coggins said, in any event, if this was something that was bothersome to the CRC, Mr. Sasser was willing to withdraw this portion of his variance request.

Mr. Coggins stated that not only was the berm that had been placed on Mr. Sasser's property since Hurricane Floyd a unique feature of Mr. Sasser's property, but it was also unique because it was immediately adjacent to a public beach access. Mr. Coggins reviewed the slides of this property with the CRC pointing out unique features of the property.

Ryke Longest urged Mr. Heeter and Mr. Coggins to limit themselves to the Stipulated Facts and to address how those facts were related to the four statutory criteria.

Mr. Coggins reviewed Mr. Sasser's response to the four variance criteria and then Dave Heeter presented DCM staff's response to the four variance criteria contained in Attachment C of CRC-VR-02-21 (CRC VR 2002-21).

Bob Barnes moved that the CRC deny this variance request and his motion was seconded and unanimously approved (Bob Barnes, Bob Emory, Peggy Griffin, Courtney Hackney, Bill Peele, Larry Pittman, Melvin Shepard, Joan Weld, Bob Wilson, Lee Wynns).

Chairperson Tomlinson said, in the interest of time and for the fairness of both the CRC and the parties to be represented, he was going to suggest that both attorneys limit their comments to the questions and answers.

John Fulcher (CRC-VR-02-16)

Merrie Jo Alcoke advised that she was with the Attorney General's Office and was representing DCM staff in three of the variance requests on the agenda this morning and the Declaratory Ruling. Ms. Alcoke asked Chairperson Tomlinson to clarify his limitation in more detail. She asked Chairperson Tomlinson if he would like a brief explanation of the facts or did he want to go directly to the CRC for questions. Chairperson Tomlinson clarified that the CRC members had read the materials sent to them so he would ask the attorneys to present a brief discussion of anything they felt should be outlined again.

Ms. Alcoke said this first case was a variance request by John Fulcher. Ms. Alcoke advised that Mr. Fulcher and his wife, Patsy Fulcher, were present today and they would respond to any questions the CRC might have but they were going to leave the presentation to her.

Ms. Alcoke advised that the Fulchers' were seeking a variance from the 30 foot buffer rule in order to put gravel down on a driveway that would provide access to a proposed residence. Ms. Alcoke stated that the Fulcher's owned property at the end of Styron's Creek Road in Sea Level, Carteret County, North Carolina. Ms. Alcoke reviewed the Stipulated Facts contained in Attachment B of CRC-VR-02-16. Teri Barrett reviewed slides of the subject property with the CRC. Ms. Alcoke then reviewed the petitioner's and staff's responses to the variance criteria contained in Attachment C of CRC-VR-02-16.

Mr. Fulcher advised that he did not have anything to add to Ms. Alcoke's presentation.

Courtney Hackney moved that the CRC grant this variance request and his motion was seconded and unanimously approved (Bob Barnes, Bob Emory, Peggy Griffin, Courtney Hackney, Bill Peele, Larry Pittman, Melvin Shepard, Joan Weld, Bob Wilson, Lee Wynns).

Ernest & Connie Johnson (CRC-VR-03-01)

Dave Heeter advised that the Johnsons' were present today. He stated that they owned a one story residence on Marlin Drive in Holden Beach, North Carolina. Mr. Heeter explained that the Johnsons wanted to construct a 4 foot by 32 foot (192 square feet) uncovered deck within the 30 foot shoreline buffer and they also wanted to add a roof and enclose an already existing uncovered deck, 128 square feet of which would be within the 30 foot buffer. Mr. Heeter stated that before a permit could be granted, the CRC must vary the 30 foot buffer requirement. Mr. Heeter explained why he was passing around two drawings to the CRC members.

Mr. Heeter reviewed the Stipulated Facts contained in Attachment B of CRC-VR-03-01 (CRC VR 2003-01) and DCM staff's response to the four variance criteria Contained in Attachment C.

Mr. Johnson thanked the CRC for the opportunity to come before them today. Mr. Johnson advised that they had lived in this house for eleven years. He advised that up until now there had been no house to their south. Mr. Johnson stated they had received notice that within two years there might be building on the property but at that time did not get a sense of what would go there or what would be on this property. He said he felt the pictures included in the CRC's packet were very revealing and he would encourage CRC members to look at those. Mr. Johnson stated they were trying to be environmentally sensitive to what was required for something like this by having a stormwater runoff system. Mr. Johnson explained why they were proposing to construct the new decking and cover the existing decking and why alternative construction that would not require a variance would not be a solution to their problem. Mr. Johnson stated that he felt Mr. Heeter had given a good overview of their situation and what they were proposing.

Courtney Hackney said that Stipulate Fact No. 26 states that the petitioners would provide a stormwater management plan but that had not been included in the CRC's meeting packet. Dr. Hackney asked if a stormwater management plan had been provided and Mr. Heeter responded that a plan had been provided and was mailed to CRC members but perhaps Dr. Hackney had not received a copy of the plan.

Bob Emory moved that the CRC grant this variance request subject to approval from the Town of Holden Beach of a stormwater management plan and his motion was seconded. Mr. Emory's motion was approved by a vote of 10 in favor of the motion (Bob Barnes, Bob Emory, Peggy Griffin, Courtney Hackney, Mary Price Harrison, Jerry Old, Larry Pittman, Melvin Shepard, Bob Wilson, Lee Wynns) and 2 opposed to the motion (Bill Peele, Joan Weld).

William Ellington (CRC-VR-03-04)

Merrie Jo Alcoke advised that this variance request was from Bill and Meta Ellington and the Ellingtons were present today. Ms. Alcoke stated that the Ellingtons owned property in Topsail Beach adjacent to Banks Channel. She said the lot in question was currently undeveloped and they wished to construct a residence on this undeveloped lot.

Ms. Alcoke reviewed the Stipulated Facts contained in Attachment B of CRC-VR-03-04. Ms. Alcoke reviewed slides of the property with CRC members. Ms. Alcoke referred CRC members to Stipulated Fact No. 18 advising that she needed to make an amendment to that fact. Ms. Alcoke advised that Mr. Ellington had revised his stormwater management system and this system was now designed to collect stormwater runoff for 2,325 square feet, or all of the roof area, and not 1,163 square feet as stated in Stipulated Fact No. 18. Ms. Alcoke said a copy of the revised stormwater management plan was currently being circulated to CRC members.

Ms. Alcoke reviewed petitioner and staff's response to the variance criteria contained in Attachment C of CRC-VR-03-04.

Mr. Ellington said if CRC members had any questions he would be happy to try to answer them. Mr. Ellington advised that he had additional photographs that he would pass around to CRC

members that were a little easier to see than the slides had been.

Mary Price Harrison moved that the CRC grant this variance request subject to the stormwater system and her motion was seconded and unanimously approved (Bob Barnes, Bob Emory, Peggy Griffin, Courtney Hackney, Mary Price Harrison, Jerry Old, Bill Peele, Larry Pittman, Melvin Shepard, Joan Weld, Bob Wilson, Lee Wynns).

George Rose/Holden Beach (CRC-VR-03-05)

Dave Heeter said the next variance request was from George Rose. Mr. Heeter advised that Mr. Rose was a builder and he wanted to construct a single family residence on a vacant lot on a man-made canal in Holden Beach. Mr. Heeter said Mr. Rose was asking the CRC to vary the first exception in their buffer requirements which limits the footprint of residential structures to 1,200 square feet so he could build a 1,500 square foot residence which is a size limitation imposed by Holden Beach.

Mr. Heeter reviewed the Stipulated Facts contained in Attachment B of CRC-VR-03-05 (CRC VR 2003-05). Mr. Heeter advised that there was a typo in Stipulated Fact No. 10. Mr. Heeter said Mr. Rose was proposing a 187 square foot open deck and not a 117 square foot open deck as stated in Stipulated Fact No. 10.

Mr. Rose stated that he felt his request met the four variance criteria and urged CRC members to grant this variance request. Mr. Rose advised that he would be glad to try to answer any questions CRC members might have.

Mr. Heeter advised that DCM staff did support this variance request.

Jerry Old moved that the CRC grant this variance request and his motion was seconded. Mr. Old said when the CRC was developing these rules, the CRC knew there were going to be some anomalies that came along and the comment at that time was that was what the variance process was for and this was certainly a good illustration. **Mary Price Harrison asked if part of this motion was that approval of the variance was conditioned on installation of a stormwater management system that would collect and contain on site the first 1 1/2 inches of rainfall and Mr. Old responded this was a part of the motion. Mr. Old's motion was unanimously approved (Bob Barnes, Bob Emory, Peggy Griffin, Courtney Hackney, Mary Price Harrison, Jerry Old, Bill Peele, Larry Pittman, Melvin Shepard, Joan Weld, Bob Wilson, Lee Wynns).**

Steven Stroud (CRC-VR-03-07)

Merrie Jo Alcoke advised this variance request was from Steven Stroud on behalf of a development called Broad Reach Development. Ms. Alcoke stated that Mr. Stroud's attorney, Mack Paul with Helms, Mullis and Wicker in Raleigh, was present and would address the CRC as well as his landscape architect, Larry Zucchini.

Ms. Alcoke said Mr. Stroud was seeking a variance from a procedural rule as opposed to a substantive rule such as the 30 foot buffer. Ms. Alcoke advised that Mr. Stroud had sought a renewal of a major permit that was issued a long time ago and was denied a renewal and was seeking a variance from that denial. Ms. Alcoke said Mr. Stroud was the owner of a 271acre tract of land on the Intracoastal Waterway in the community of Ocean in western Carteret County. Ms. Alcoke reviewed the Stipulated Facts contained in Attachment B of CRC-VR-03-07. Ms. Alcoke handed out photographs of the work that had been completed to date on this project.

Mack Paul reviewed Mr. Stroud's response to the four variance criteria contained in Attachment C of CRC-VR-03-07.

Mary Price Harrison moved that this variance request be granted with the conditions that the petitioner comply with the 30-foot buffer requirement and limit the built upon area to no more than 25 percent and her motion was seconded. After questions and discussion of this variance request by CRC members, **the CRC voted unanimously in favor of Ms. Harrison's motion (Bob**

Barnes, Bob Emory, Peggy Griffin, Courtney Hackney, Mary Price Harrison, Jerry Old, Bill Peele, Larry Pittman, Melvin Shepard, Joan Weld, Bob Wilson, Lee Wynns).

The Riggins (CRC-VR-03-06)

Dave Heeter stated that the Riggins Homeowners Association represented the individual owners of a condominium on the oceanfront at Kure Beach in New Hanover County. He said the condominium had been threatened by beach erosion since 1985 and in 1985 a Coastal Area Management Act (CAMA) permit was first issued to protect it with sandbags.

Mr. Heeter reviewed the Stipulated Facts contained in Attachment B of CRC-VR-03-06 (CRC VR 2003-05). Mr. Heeter pointed out that Stipulated Fact No. 29 contained a typo. Mr. Heeter advised that Stipulated Fact No. 29 stated that the CRC had granted a variance extending the deadline for removal of the sandbags until May 23, 2003. Mr. Heeter said this deadline was May 26, 2003, and not May 23rd. Mr. Heeter showed the CRC slides of the Riggins' property.

Mr. Heeter advised that DCM was willing to support granting a one year extension of the deadline for removing the sandbags. He said DCM would recommend that the CRC impose a condition requiring the Riggins to report to DCM on a quarterly basis on the progress they were making.

Glenn Dunn, attorney for the Riggins Homeowners Association, said he knew a lot of the CRC members were familiar with the Riggins and the circumstances surrounding it. Mr. Dunn said they were before the CRC today primarily asking for a variance for the purpose of getting more time to try to find money so these homeowners could afford to move their condominiums to the property they had already purchased across Highway 421. Mr. Dunn said this property had been purchased and this was a substantial step. Mr. Dunn advised that the cost estimate for moving these condominiums was an expensive proposition. Mr. Dunn said he wanted to emphasize one thing and that was that this was not a wealthy group of homeowners. He stated this was the permanent residence for approximately 30 percent of the homeowners. Mr. Dunn reviewed the petitioners' response to the variance criteria. Mr. Dunn said he did not think the CRC could find a set of circumstances that better met their variance criteria than what could be found with the Riggins Homeowners Association case. Mr. Dunn stated the petitioner had asked for a two year extension and he explained their reasoning for asking for the two year extension. Mr. Dunn said they would be happy to provide the quarterly progress reports DCM staff was recommending as a condition of granting the variance. Mr. Dunn reviewed some possible sources of funding for relocating the condominium units being investigated by the Riggins Homeowners Association.

Chairperson Tomlinson said he felt a one year extension would be foolish because he did not feel there was any way the Riggins Homeowners Association could locate the necessary funding, enter into contracts and move the threatened structures in a year. Chairperson Tomlinson said he felt the two year extension was more reasonable.

Courtney Hackney moved that the CRC deny this variance request and his motion was seconded.

Dr. Hackney stated he had opposed this whole sandbag issue every since it began. He said the little sandbags became giant sandbags and he had maintained from the beginning that they were going to become permanent and eighteen years was about as permanent as a lot of structures along North Carolina's coast. Dr. Hackney said he felt it was time to stop. Dr. Hackney stated this was a common problem all along North Carolina's coast. Dr. Hackney said the CRC had to balance the needs of the public with the needs of individuals.

Melvin Shepard said when a sandbag permit was granted, it was granted for a period of time to give homeowners time to move their structures from harms way. Mr. Shepard said the arguments presented today were the same ones given to the CRC previously when the Riggins Homeowners Association had asked for an extension of their sandbag permit. Mr. Shepard said he would speak very strongly at this time to say no to the Riggins Homeowners Association request for an extension.

Mary Price Harrison asked for clarification on the history of the variance requests from the Riggins Homeowners Association and Dave Heeter reviewed this for her. Ms. Harrison said it was hard for her to get an understanding of what had happened since the last variance was requested. Glenn Dunn responded that there were 48 property owners involved in this process and they had certain democratic rules that had to be followed. He said circumstances changed sometimes because of the people involved. Mr. Dunn said now, however, there was a resolution by the majority of the property owners that they want to move the units. He stated there had been problems with that in the past. Mr. Dunn advised that while the sandbags had been there for around fifteen years, the extensions in order to look for money to help to move the units was a more recent issue. Mr. Dunn said the 2000 extension was more or less a grandfather situation so he did not think it was quite fair to categorize these homeowners as having been stringing out extensions for fifteen years. Mr. Dunn said he felt an important point to keep in mind was that while others had been required to remove their sandbags, none of them had coquina rock outcroppings designated by one agency which stopped another agency from solving their erosion problem. He stated this is exactly what had happened in this case and he felt this clearly qualified the Riggins Homeowners Association for a variance.

Bob Emory said he would like to speak in opposition to the motion although he did share the frustration of having to deal with this time and time again. Mr. Emory stated that the fact that property had been purchased showed some progress and was important in that at least there was a place to move these units. He said there were many cases where people had sandbags but they had no options for where their structures were going to go. Mr. Emory said there was a place to move the units if the Riggins Homeowners Association could find the money to move them. Mr. Emory advised that this was the third time since he became a CRC member that he had talked about this situation and every time he was struck by the uniqueness of this particular setting. Mr. Emory stated that he felt the CRC needed to give the Riggins Homeowners Association some more time and, therefore, he opposed the motion on the floor.

Courtney Hackney said from the very beginning sandbag permits had been issued with the idea that they were temporary structures and that was the understanding right from day one. Dr. Hackney said the 1995 date came about because the CRC was suddenly struck by the fact that there were many homeowners who no intention of ever removing these temporary structures and they were becoming permanent all along the coast. Dr. Hackney said the CRC at that point allowed a five year time limit for large structures and a two year limit for small structures.

Bob Wilson asked for an explanation of what the net effect would be if the CRC approved Dr. Hackney's motion. Dr. Hackney said the net effect of not extending the permit for the sandbags would be that the Riggins Homeowners Association would basically fall under the same rules everyone else did when their permit ended. Dave Heeter advised that May 26, 2003, would be the deadline for removal of the bags. Charles Jones reviewed what would procedurally happen at that point. Mr. Wilson said he was going to vote against Dr. Hackney's motion but he did agree with what Dr. Hackney was saying. Mr. Wilson explained why he was going to vote against Dr. Hackney's motion.

Chairperson Tomlinson said the CRC had never been known specifically for its consistency on issues. Chairperson Tomlinson advised that several years ago when the CRC granted the extension for the sandbags at the Riggins, the CRC had made it perfectly clear that was the last final extension. Chairperson Tomlinson said he was just bringing this up for information.

Courtney Hackney moved to call the question and his motion to call the question was unanimously approved (Bob Barnes, Bob Emory, Peggy Griffin, Courtney Hackney, Mary Price Harrison, Jerry Old, Bill Peele, Larry Pittman, Melvin Shepard, Joan Weld, Bob Wilson, Lee Wynns).

The CRC voted against Dr. Hackney's motion to deny this variance request by a vote of 5 in favor of the motion (Bob Barnes, Courtney Hackney, Mary Price Harrison, Melvin Shepard, Joan Weld) and 7 against the motion (Bob Emory, Peggy Griffin, Jerry Old, Bill Peele, Larry Pittman, Bob Wilson, Lee Wynns).

Bob Emory moved that the CRC grant the variance for a period of two years with the condition DCM staff suggested that quarterly updates be made on progress toward getting these buildings moved and his motion was seconded. Dr. Hackney said the CRC had been told this morning that DCM's budget had suffered a 27% cut in the last three years and DCM staff was having difficulty doing what they needed to do now. Dr. Hackney stated he did not see any particular reason to have the petitioner report back to DCM staff on a quarterly basis because it really would not matter very much. Dr. Hackney said the petitioner would have a two year extension and knowing what was going on really would not help much plus it would take staff time to process the reports and pass them on to the CRC. Dr. Hackney advised he would offer this as a friendly amendment to Mr. Emory's motion. Mr. Emory advised he would accept this amendment.

The CRC voted in favor of Mr. Emory's motion to grant this variance for a period of two years by a vote of 7 in favor of the motion (Bob Emory, Peggy Griffin, Jerry Old, Bill Peele, Larry Pittman, Bob Wilson, Lee Wynns) and 5 against the motion (Bob Barnes, Courtney Hackney, Mary Price Harrison, Melvin Shepard, Joan Weld).

Declaratory Rulings

Declaratory Ruling Request (Doug Brady)

Mary Price Harrison advised that she was going to refrain from participating in the discussion and voting on this declaratory ruling.

Jill Hickey advised that a declaratory ruling was a decision the CRC could make and was provided for under the North Carolina Administrative Procedures Act (APA). Ms. Hickey said this meant it was something the General Assembly had enacted into law. Ms. Hickey advised that the CRC also had rules. Ms. Hickey said the APA provides that:

On request of a person aggrieved, an agency shall issue a declaratory ruling as to the validity of a rule or as to the applicability to a given state of facts of a statute administered by the agency or of a rule or order of the agency....

Ms. Hickey said what the CRC would be looking at today was the section on the applicability to a given state of facts to several of the CRC's rules. Ms. Hickey advised that the APA provides further that:

A declaratory ruling is binding on the agency and the person requesting it unless it is altered or set aside by the court. An agency may not retroactively change a declaratory ruling, but nothing in this section prevents an agency from prospectively changing a declaratory ruling.

Ms. Hickey advised that this meant that the decision made by the CRC, unless altered by a court, would be binding with respect to this particular party but not with respect to future parties. Ms. Hickey stated that the APA also provides that:

A declaratory ruling is subject to judicial review in the same manner as an order in a contested case.

Ms. Hickey said, therefore, there was an appeal from this, if necessary, to the superior courts.

Ms. Hickey stated this was a declaratory ruling regarding the applicability of the urban waterfront rules, specifically for development, but it also encompassed a broader question for direction, through the staff by the Department, on the CRC's rules. Ms. Hickey said under the statute you would not be bound but the staff was coming to the CRC with a request for instruction on how to construe this rule.

Merrie Jo Alcoke said the petitioner in this case was Doug Brady and he was present today with

his attorney, Clark Wright, and Roger Schecter who had been consulting on this matter. Mr. Alcoke advised this was a request for a declaratory ruling proposed by Mr. Brady. She said Mr. Brady owned a fish house and restaurant in downtown Morehead City in an urban waterfront area that he wanted to make improvements on. Ms. Alcoke showed the CRC slides of the area and structures in this case. Ms. Alcoke said these structures were in bad shape and were very old and Mr. Brady wanted to rebuild and renovate these structures. Ms. Alcoke said Mr. Brady came to DCM with a proposal that was in its very early stages so there was not a permit application pending before DCM but DCM had been meeting and talking with Mr. Brady and his attorney and consultant to talk about the possibility of what they could do under the urban waterfront rules to renovate and rebuild the old structures. Ms. Alcoke reiterated that there presently was not a permit application pending with DCM and this project was in the proposal stages. Ms. Alcoke said what Mr. Brady wanted to know was what he might be able to do as far as renovating and rebuilding this old structure. Ms. Alcoke advised that Mr. Brady would like to take advantage of the urban waterfront rules to the extent that he could since he was located in an urban waterfront.

Ms. Alcoke reported that as a part of this declaratory ruling request, and in compliance with the rules, notice was given to a wide variety of parties regarding this declaratory ruling including all local governments that had an urban waterfront, the Coastal Federation, adjacent property owners and notice was published in newspapers. Ms. Alcoke advised that DCM had received comments from two local governments, Wilmington and Morehead City, and copies of these had been provided to CRC members. She stated that both local governments supported the interpretation Mr. Brady was seeking.

Ms. Alcoke advised that in order to repair this old structure Mr. Brady was going to have to do a lot of work and it was necessarily going to exceed 50% of the value of the original structure. Ms. Alcoke stated that the CRC had a rule that if a repair cost less than 50%, then the repairs could be made in place and the CRC's current rules did not apply. She advised that if the cost of the repair exceeded 50% of the value of the structure, it was considered replacement and new development that had to comply with the current rules. Ms. Alcoke stated that the 50% rule came up all the time on the coast, especially after storms.

Ms. Alcoke said the 50% rule came into play in this instance because it would be impossible for Mr. Brady to repair the building for less than 50%. Ms. Alcoke said Mr. Brady would have to bring his building up to local building codes as well as federal flood insurance requirements. Ms. Alcoke stated that DCM staff had made a determination, based on the discussions and Mr. Brady's informal proposal, that once Mr. Brady exceeded that 50% mark then it would be considered new development under the rules. Ms. Alcoke said there was also the question of whether or not the structure was an "existing structure", which under urban waterfront rules would allow expansion vertically and allow repair within the original footprint, or whether the structure would be considered a "new structure" which the options under the urban waterfront rules were extremely limited.

Ms. Alcoke referred CRC members to Undisputed Fact 14 contained in Attachment C of CRC-DR-03-01. She advised this cited the CRC's rule that said generally new non-water dependent structures were not allowed over the water. Ms. Alcoke stated this had been at the heart of the CRC's rules for a long time because of the impact to public trust waters of new structures being built over the water as they had been in the older urban waterfront areas. Ms. Alcoke said if you looked at 15A NCAC 7H .00209(h)(B)(i) it said:

Existing structures over coastal wetlands, estuarine waters or public trust areas may be used for non-water dependent purposes.

Ms. Alcoke said the urban waterfront rules here were allowing for non-water dependent structures such as restaurants over the water and this was a special thing in itself. Ms. Alcoke said that (B)(ii) said:

Existing enclosed structures may be expanded vertically provided that vertical expansion does not exceed the original footprint of the structure.

Ms. Alcoke advised that Mr. Brady would like for the CRC to find that he had an existing enclosed structure so they could expand vertically which could potentially alter the use of the building from the fish house and restaurant they currently were to potentially a mixed commercial, residential and parking type of use. Ms. Alcoke said what DCM staff had determined, after looking at the informal proposal, was that once the repair went beyond 50% you would be a "new structure" under 15A NCAC 7H .0209(h)(4)(iii) and "new structures" for non-water dependent purposes was limited to pile-supported, single-story, unenclosed decks and boardwalks. Ms. Alcoke said this would not cover the expanded use Mr. Brady would like to make of his property.

Ms. Alcoke said what this came down to was whether or not the CRC intended for the urban waterfront rules to basically "trump" the CRC's older rules regarding repair and replacement because the older rules required DCM to consider structures that had to be completely rebuilt to be new structures. Ms. Alcoke advised that DCM staff was taking a neutral position on this. Ms. Alcoke referred the CRC to the Staff Memorandum contained in Attachment D of CRC-DR-03-01. Ms. Alcoke advised that this Staff Memorandum outlined the matters DCM staff felt the CRC should consider in this ruling. Ms. Alcoke stated that DCM staff did believe this was a policy question. Ms. Alcoke said DCM staff had asserted and was supporting its interpretation of the rules as she had described which was that this would be "new structure" because Mr. Brady was completely rebuilding and, therefore, this would not be an "existing structure". Ms. Alcoke said DCM staff did recognize this was going to conflict with the purpose of the urban waterfront rules that allowed in-fill development, reuse and redevelopment in urban waterfront areas. Ms. Alcoke said that at the end of her Staff Memorandum she had said this required the CRC to strike a balance between minimizing impacts to public trust waters and allowing meaningful redevelopment along North Carolina's urban waterfront. She said this was a difficult question and was a policy question. Ms. Alcoke stated that DCM would like to act as a guide for any questions the CRC might have about the impacts of the ruling. Ms. Alcoke said it was important to note that because this project was only in the proposal stages that DCM was not exactly sure what this project would entail but DCM did rely, as the CRC should, on local governments to address architectural, aesthetic and zoning constraints.

Clark Wright advised he was with Ward and Davis in New Bern and he was here today representing Doug Brady in this declaratory ruling. Mr. Wright thanked Ms. Alcoke, Charles Jones and Ted Tyndall for their constructive approach in dealing with this issue. Mr. Wright also thanked Roger Schecter who was acting as a consultant in this matter. He said Mr. Schecter had been instrumental in educating him on the history of the urban waterfront rulemaking process and he had been instrumental in developing the materials being presented to the CRC.

Mr. Wright reviewed what was geographically shown in one of the slides of the project site Ms. Alcoke had shown the CRC earlier. Mr. Wright said he was doing this because geography was the key here. Mr. Wright stated that the bottom line of their position was simple. Mr. Wright said they thought the geographic location of the proposed activity was the key issue discussed in the history of coming up with the urban waterfront use standard. Mr. Wright stated that from a public trust perspective that made sense. Mr. Wright said it was felt that if you were going to be able to do anything significant in terms of urban redevelopment and economic development it would be best to do it within an existing footprint so no more public trust waters would be displaced. Mr. Wright said as long as you took additional new redevelopment activity under and within an existing roofline you were maximizing both economic development and minimizing environmental harm.

Mr. Wright advised that when you looked into the history of the development of the urban waterfront rules, the first drafts actually allowed any kind of development, including over new portions of the public trust waters, within the designated urban waterfront zones. Mr. Wright stated that the original proposal was not only to allow redevelopment within the existing footprint but also to allow in-fill development within these new areas. He said in later drafts that was taken out because it was viewed as having too much of a negative impact on public trust rights, because of navigation concerns of the Corps of Engineers (COE) and because it would involve new environmental impacts within more dense urban waterfront zoning. Mr. Wright said it was important to go back and look at the management objectives written

into 7H .0209 and he reviewed these management objectives. He said when you kept these management objectives in mind and looked at the use standards, they were consistent. Mr. Wright said the 50% rule contained in 7J .0210 said that replacement of structures could be allowed, if consistent with current CRC rules. Mr. Wright said when the CRC passed 7J .0210 over a decade ago the CRC was wise enough to put a catch-all at the end and that said that use standards might change in the future and when they changed in the future if you were consistent with those, you were consistent with the 50% test. Mr. Wright said when the two were read together appropriately they were very consistent and provided a very wise balance that was reached over a tough issue when the final version of the use standards in the urban waterfront rules were developed a few years ago.

Mr. Wright said the same thing applies to 7J .0211, the non-conforming development statute. He stated that it also said you did not even get to .0211 unless you had a situation that was inconsistent with current CRC rules.

Mr. Wright advised that he could understand why DCM staff wrestled with this because the 50% rule was so important to so many projects but another way to look at this was from the back end. Mr. Wright said if DCM staff meant what they said in their letter regarding Mr. Brady's project, it essentially meant that there were no urban waterfront redevelopment rules with any meaning because you would almost always exceed the 50% test so the only thing you could do was build a boardwalk. Mr. Wright said this was the only "new structure" allowed under (iii) in the use standards of the urban redevelopment rules and he did not think that was what was intended. Mr. Wright advised that the best way to look at it was real simply. He said there was an existing structure and regardless of what was done to it, if you stayed within the footprint the rule allowed expansion vertically and did not have a cost provision in it and it did not refer to 7J and the 50% test. Mr. Wright stated that Mr. Brady had an "existing enclosed structure" which was allowable in (ii) and he felt the CRC added the word "enclosed" to make sure what the footprint was so a developer would not try to build a "new structure" on a set of old beat-up pilings that did not have an "existing enclosed" viable building on it. Mr. Wright said the CRC wanted again to focus on geography. Mr. Wright advised that as long as you stayed within the footprint, the rule expressly said you could expand vertically and it expressly said you could have non-water dependent new uses. Mr. Wright stated that this made sense because the whole focus was on targeting the existing footprint and thereby avoiding any new public trust impact or any new stormwater impact.

Mr. Wright said that despite the fairly extensive public notice, the only comments DCM had received on this declaratory ruling were positive ones. Mr. Wright stated he was before the CRC in the rare situation of not having any strong opposition.

Mr. Wright said to recap he thought the CRC should start with the use standards themselves and the use standards said in black and white that you could expand vertically within the existing footprint of an "existing enclosed structure". He said they said you could have new non-water dependent uses. Mr. Wright stated that the use standards did not say that you should weight the cost or that it mattered how much you expanded vertically. Mr. Wright said the local government would have the zoning control over the vertical expansion. Mr. Wright stated that function was appropriately carried out by the local government who had gone to the trouble of having a designated urban waterfront zone. Mr. Wright said there was no reference in the use standards in the urban waterfront rules to 7J .0210 or .0211. Mr. Wright advised that he thought it was because .0210 and .0211 said, if you were consistent with current CRC rules, you did not have a problem. Mr. Wright said if you went back and read the management objectives of the urban waterfront rules they specifically encouraged redevelopment and reuse and the only way to do that was to take an old structure like this within its enclosed footprint and sink more than 50% of the existing value into it to create revitalized urban waterfront development in this area.

Courtney Hackney asked Mr. Wright if basically what he was saying was that to redevelop this it was going to cost more than 50% and Mr. Wright responded that was correct. Dr. Hackney said if the staff's interpretation were used regarding the project constituting "new development" due to the 50% rule, this would not prevent a property owner from undertaking a small major repair to fix the foundation to meet the 50% rule and then coming back a little

later with another major repair and ultimately they could be at the same place after doing little things over a period of time as long as each of the improvements were less than 50%. Dr. Hackney stated that he did not think the CRC wanted to be in the business of making property owners go through all those little hoops just to get to where they wanted to be with their property. Mr. Wright advised Dr. Hackney that this approach to Mr. Brady's project had actually been debated. Dr. Hackney said the point he was trying to make to his fellow CRC members was that were the CRC not to change the way DCM staff was interpreting this, that would not mean that these developments would not occur but they probably would not be as good if they were done in phases. He said he felt they would be better with a comprehensive plan that could be accomplished fairly quickly.

Lee Wynns asked what was going to be done so far as the foundation for this project. He asked if the old piling were going to be removed and new pilings installed and how much bottom disturbing was going to take place. Mr. Wright responded that he was not an engineer and he could not answer that in detail but he said he thought there would be significant foundation improvement but again any current state or federal requirements, rules or regulations would have to be complied with. Mr. Wright said the urban waterfront redevelopment rules did not grant a free pass on everything else. Dr. Hackney said he thought it was important to remember that there were a lot of nonconforming structures in the State and this was only going to be relevant to those that were in urban waterfront areas and also along with that this required a development plan and a lot of oversight.

Melvin Shepard moved that the CRC approve the declaratory ruling as requested by Mr. Brady and his motion was seconded and unanimously approved (Bob Barnes, Bob Emory, Peggy Griffin, Courtney Hackney, Jerry Old, Bill Peele, Larry Pittman, Melvin Shepard, Joan Weld, Bob Wilson, Lee Wynns).

Public Input and Comments

Chairperson Tomlinson said the CRC invited anyone present to approach the CRC on any issues they had of concern that were not already on the CRC's agenda.

Dick Eckhardt, Emerald Isle, NC: Mr. Eckhardt said he was appealing to the CRC today to establish a quantitative and possibly qualitative guidelines relative to the compatibility of beach nourishment materials to our natural beaches here in North Carolina. Mr. Eckhardt then reviewed with the CRC the recent experience Pine Knoll Shores, Indian Beach and Emerald Isle had with nourishment on their beaches providing a bar graph and a chart to illustrate his points. Mr. Eckhardt urged the CRC, as the commission responsible for setting the standard, to do whatever it took to assure that in the future compatible nourishment and the right materials were put on North Carolina's public trust beaches.

Dorothy Marks, Emerald Isle, NC: Ms. Marks stated that it had been said that a picture was worth a thousand words and she provided CRC members with pictures taken during the beach nourishment project at Emerald Isle and Pine Knoll Shores explaining when the pictures had been taken and explaining what was shown in the pictures. She urged CRC members to look into the compatibility of sand used for beach nourishment projects.

Emory Trainnam, Emerald Isle, NC: Mr. Trainnam expressed his concern over the type of material used in the beach nourishment project at Emerald Isle. Mr. Trainnam stated that the CRC had the authority to see that this type of beach nourishment was never again permitted.

Jenny Godwin, Emerald Isle, NC: Ms. Godwin expressed her concern over the type of material used in the beach nourishment project at Emerald Isle. Ms. Godwin urged the CRC to stop any further nourishment at Emerald Isle with the type of material used to date. She asked the CRC to adopt standards to make it impossible to use this type of material.

Meg Voss, Morehead City, NC: Ms. Voss expressed her concern over the type of shell content in the recent beach nourishment projects at Bogue Banks. She said the CRC had rules against hard structures and sea walls and she felt the beach nourishment project along Emerald Isle and

Pine Knoll Shores was a had structure.

Amy Ringwood, Charleston, SC: Donna Moffitt advised that she had received an e-mail from Ms. Ringwood also commenting on the type of material used in the beach nourishment project at Emerald Isle. (PLEASE SEE ATTACHMENT 2 FOR WRITTEN COPY OF MS. RINGWOOD'S COMMENTS.)

Donna Moffitt stated that the issue of sand compatibility had been brought up before. Ms. Moffitt advised that the CRC's rules did not specify what compatible means and the CRC had sent this issue to the Science Panel on Coastal Hazards and the Science Panel was working on developing standards for the CRC to consider.

Thursday, April 24, 2003

Chairman Tomlinson called the meeting to order at 8:30 a.m.

Presentations

Coastal Habitat Protection Plan (CHPP) - Shell Bottom and Hard Bottom (CRC-03-01)

Steve Underwood presented this information presentation to the CRC. No action was required by the CRC.

Department of Environment and Natural Resources (DENR) CHPP Outreach Plan, Schedule and Video

Steve Underwood presented this information presentation to the CRC. No action was required by the CRC.

North Carolina Coastal Geology Cooperative Program, East Carolina University (ECU), United States Geological Survey (USGS), North Carolina Geological Survey (NCGS)

Bill Hoffman, NCGS, Rob Thieler, USGS, and Stan Riggs, ECU presented this information presentation to the CRC.

Mary Price Harrison advised that she would like to recommend that the CRC chairperson send a letter of support for the continuation of this cooperative effort to Senator John Edwards. CRC members agreed that this letter would be appropriate.

CRAC and Committee Reports

CRAC Report

Ginger Webster presented the report from the CRAC. (SEE ATTACHMENT 3 FOR WRITTEN COPY OF REPORT.) The CRC took no action on items presented in this report.

Report from P&SI Committee

Peggy Griffin presented the report from the P&SI Committee. (SEE ATTACHMENT 4 FOR WRITTEN COPY OF REPORT.) The following items required action by the full CRC.

North Topsail Beach Land Use Plan Amendment (LUP) (P&SI-03-03)

Ms. Griffin reported that the P&SI Committee voted unanimously to recommend that the CRC certify the proposed amendment to the North Topsail Beach LUP. **Ms. Griffin moved that the CRC certify this LUP amendment and her motion was seconded and unanimously approved (Bob Barnes, Peggy Griffin, Mary Price Harrison, Jerry Old, Bill Peele, Larry Pittman, Melvin Shepard, Joan Weld, Bob Wilson, Lee Wynns).**

Report from I&S Committee

Jerry Old presented the report from the I&S Committee. (SEE ATTACHMENT 5 FOR WRITTEN COPY OF REPORT.) The following items required action by the full CRC.

Erosion Rate Update and Draft Rule Language (I&S-03-03)

Mr. Old advised that the I&S Committee voted unanimously to recommend that the CRC send the erosion rates determined through the 1998 erosion rate update to public hearing. **Mr. Old moved that the erosion rates determined through the 1998 erosion rate update be sent to public hearing and his motion was seconded and unanimously approved (Bob Barnes, Peggy Griffin, Mary Price Harrison, Jerry Old, Bill Peele, Larry Pittman, Melvin Shepard, Joan Weld, Bob Wilson, Lee Wynns).**

Permanent Rule for Rip Rap Groins Under the General Permit Provisions (15A NCAC 7H .1400 (I&S-03-04)

Mr. Old advised that the I&S Committee voted unanimously to recommend that the CRC send the proposed changes to 7H .1400 to public hearing and he so moved. Mr. Old's motion was seconded and unanimously approved (Bob Barnes, Peggy Griffin, Mary Price Harrison, Jerry Old, Bill Peele, Larry Pittman, Melvin Shepard, Joan Weld, Bob Wilson, Lee Wynns).

Permanent Rule Making for Variance Criteria (15A NCAC 7J .0700) (I&S-03-05)

Mr. Old advised that the I&S Committee voted unanimously to recommend that the CRC send the changes to 7J .0700 to public hearing and he so moved. Mr. Old moved that the erosion rates determined through the 1998 erosion rate update be sent to public hearing and his motion was seconded and unanimously approved (Bob Barnes, Peggy Griffin, Mary Price Harrison, Jerry Old, Bill Peele, Larry Pittman, Melvin Shepard, Joan Weld, Bob Wilson, Lee Wynns).

Presentation

Erosion Rate Update and Draft Rule Language (I&S-03-03)

Donna Moffitt advised that she had reported at yesterday's meeting that an abbreviated version of the erosion rate update presentation would be presented at the meeting today. Ms. Moffitt advised what Steve Underwood was going to do today was walk the CRC very briefly through the maps. She said that yesterday Steve Benton had given a presentation on the methodology used in this erosion rate update. Ms. Moffitt reminded CRC members about the public hearings that were coming up and advised that individual CRC members were probably going to be asked to serve as hearing officers at the eight public hearings scheduled on the erosion rate update.

Steve Underwood presented an overview of the erosion rate maps. CRC members asked questions about the erosion rate update methodology and the maps and about what would be presented and available for the public at the public hearings. No action was required by the CRC on this item.

Other Items

Mary Price Harrison updated the CRC on actions taking place in the General Assembly that possibly could have an impact on the coastal management program. Chairperson Tomlinson thanked Ms. Harrison for keeping the CRC updated on these matters.

Donna Moffitt reminded CRC members that in her Executive Secretary's Report yesterday she had advised of an emergency situation on NC 12 in Kitty Hawk. Ms. Moffitt said the Department of Transportation had submitted a general permit application yesterday and this application had been denied yesterday. Ms. Moffitt advised this matter moved to the variance mode and it was expected that the variance petition would be submitted today and notice would be published in the newspaper. Ms. Moffitt said a five day notice was required. Ms. Moffitt stated there would probably be an emergency conference call to deal with this variance petition next Wednesday or Thursday.

Old/New Business

Express Permitting and Coordinated Coastal Permitting

Donna Moffitt updated CRC members on the express permitting and coordinated coastal permitting initiatives currently being undertaken by DENR. No action was required of the CRC on this information presentation.

Adjournment

With no further business, the CRC adjourned at 12:05 p.m.

Respectfully submitted,

Donna D. Moffitt, Executive Secretary

Mary Beth Brown, Recording Secretary

MINUTES APPROVED BY
CRC 07/23/03 _____