

**Town of Navassa
Environmental & Stormwater Advisory
Committee Minutes
July 12, 2010
5:30 PM**

IN ATTENDENCE:

Committee Members Present: Gregory Westfield, Dorsey Jones Jr., John Klein, Ella Beatty, Mayor Eulis Willis

Committee Members Absent: None

Staff: Travis Barnes, Town Planner

Other Attendees: None

CALL TO ORDER: Chairman Gregory Westfield called meeting to order at 5:35 pm

APPROVAL OF MINUTES: Mr. Willis stated that in the minutes that were distributed he repeatedly saw his name; however he was not in attendance at that meeting. After reviewing the minutes handout, Mr. Barnes stated that the minutes that were distributed were from the May meeting and are not from the June meeting. Mr. Barnes apologized to the committee and asked that they approve the minutes from June's meeting along with the minutes from this meeting at the committee's August meeting. The committee agreed to review the minutes next month.

OLD BUSINESS:

1. *Address Outstanding Issues from DRAFT Stormwater Ordinance:* Mr. Barnes stated that since the last committee meeting he and Mr. Klein met with Larry Sneed, who is a professional engineer with the Coastal Carolina Resource Group Inc. that has an office in Leland. Mr. Sneed administers maintenance contracts for stormwater BMPs, while focusing on retention ponds, erosion control, and stormwater management. Mr. Barnes reminded the committee that the only outstanding issue with the draft Stormwater Ordinance is Article IV which addresses maintenance of the stormwater BMPs. Mr. Barnes and Mr. Klein stated that after meeting with Mr. Sneed they both felt that they now had more questions than answers. Mr. Barnes stated that the maintenance section is difficult because NC DENR wants the town to require an escrow account to be funded by the developer so that there is funding for ongoing maintenance, however the comments from Cameron Moore with the Business Alliance for a Sound Economy state that the town should not be requiring the developer to put up additional money for the maintenance of stormwater BMPs because that should be the responsibility of the homeowners association. BASE feels that once the developer installs the BMPs to the town's specifications and submits the as-built drawings demonstrating that they have done everything that is asked of them, then they should no longer have to worry about future maintenance. Mr. Barnes said that the main issue is the lack of maintenance over time that contributes to the stormwater system not functioning as it is intended once you get a few years down the road. Then the question becomes who do you get to pay for the cost of fixing the problem? Both the state and Mr. Sneed agree that long term maintenance is a key issue that the town should address in some way.

Mr. Sneed had also suggested that the town may want to require a service agreement contract from the HOA that describes how the BMPs will be maintained, however not all BMPs would require such a rigorous agreement. For example, a vegetated swale could be easily maintained by an adjacent property owner or landscaper and would not need to be placed under a service agreement for professional maintenance. Mr. Willis clarified that the state wants the town to require the escrow account and staff confirmed that is correct. Mr. Barnes stated that he would really like to see a legal opinion from an attorney on this section of the ordinance because this committee is only stuck on the maintenance issues.

The committee had numerous comments on the maintenance article and felt that the language needed to be more clear and concise. In particular Sec. 155 (B) (3) & (4) needs to be revised so that everyone knows exactly how much money needs to be escrowed based on the requirements of the current draft ordinance and the timeline for putting the money into the account. The committee felt that since the Town of Leland already requires the escrowed funds in their stormwater ordinance, requiring it in our ordinance will not deter development from coming to

Navassa. Mr. Barnes said that he felt that requiring the escrow account would be the best means of ensuring the BMPs function properly over the long-term. Mr. Barnes also mentioned that Mr. Sneed had suggested that the maintenance escrow account be administered by the HOA as opposed to the town, however the town should still reserve the right to be reimbursed from the escrow account if the town is forced to make repairs to a BMP. Mr. Klein stated that it might be hard to get the money from the HOA in the event of a BMP failure, so enforcement would be more difficult. Mr. Klein stated the escrow fund is not to be used for routine maintenance, but only to be used to repair BMPs when they are failing as indicated by the annual report that the ordinance requires. Ms. Beatty asked what the other small towns of Northwest and Sandyfield require for stormwater, and Mr. Willis stated that those towns do not have to do the Phase II as Navassa does because we are so close to Wilmington.

Mr. Willis stated that he is on the board for the North Carolina League of Municipalities and that he would ask one of their attorneys to review this section of the ordinance for us. Ms. Beatty felt that this would be a great idea because this section of the ordinance is beyond the committee's expertise. Mr. Jones and Mr. Klein stated that they are in favor keeping the required escrow account in the ordinance but that it would not hurt to have a legal opinion. The committee agreed to get the legal opinion and to be ready to have a recommendation to the town council at our next meeting.

NEW BUSINESS:

1. Review Draft Environmental Plan and NCLM Green Challenge Requirements Update- Staff distributed the most recent draft of the town's Environmental Plan for the committee to review. Mr. Barnes said that he reviewed the environmental plan/initiatives from the cities of Charlotte, Durham, and Charleston to get ideas for the town's plan. Mr. Barnes stated that there are a couple of sections at the end that need to be completed, mainly the sections on environmental education for the public and town employees. Mr. Barnes told the committee that he has been in contact with the NCLM and the deadline for submitting information for the Green Challenge is September 1st and not August 1st as originally thought, so that gives him enough time to finish the Environmental Plan. The committee will be asked to make a recommendation on the plan at the next committee meeting and the Town Council will need to approve it in August in order for us to meet the deadline. The Environmental Plan would be a working document that would incorporate all of the town's environmental initiatives into a single document that will be updated every five years. Mr. Barnes then proceeded to go through each section of the document.

Mr. Barnes stated that he will produce a draft of the Environmental Plan that highlights each new requirement that the Town Administrator, Town Planner, and Public Works Director will have in order to abide by the plan once it is approved. Mr. Barnes said that there are not many requirements and that he intentionally used language that made a lot of recommendations, but added little requirements because the town is just starting to consider environmental initiatives and it needs to be a gradual process for everyone.

Mr. Barnes stated that he wanted the committee to review the "Navassa Core Environmental Commitments" listed in the executive summary to make sure that everyone agreed with them. Mr. Barnes stated that it is important for any planning process to gather as much public input as possible and that he would have liked to have had additional input from the public on this environmental plan, but due to the NCLM Green Challenge deadline this plan would rely heavily on input from this committee. Mr. Klein asked if the plan addressed noise pollution. Mr. Barnes stated that the plan did not address noise pollution and that the Planning Board has researched developing a noise and nuisance ordinance that would cover that particular issue. Mr. Willis stated that in regards to the core commitment addressing working with other organizations that we include the Environmental Protection Agency due to the numerous brownfields the town has within its jurisdiction and the good relationship the town already has with the EPA.

In regards to the section on the "responsibilities of Navassa personnel", Mayor Willis stated that he did not want to place too much additional burden on the town's small staff, although he does want the town to start moving in the right direction with environmental initiatives. Mr. Willis suggested that we review the town's progress towards meeting the goals laid out in the Environmental Plan only once a year as opposed to twice a year as currently described.

In regards to the section that describes the energy reductions through climate control, Mr. Klein asked if the town's staff would be okay with leaving the thermostat set at 75 degrees in the summer. Mr. Barnes stated that the

thermostats have already been set at 75 degrees all summer and no employee has complained. Mr. Barnes stated that most of the employees are at their desk all day and are not moving around that much, so 75 degrees has been working.

In regards to the water conservation section, Mr. Barnes explained how the town is already pursuing water conservation by the use of the rain barrels for landscaping at the town hall and the new entrance sign, however the plan calls for the town to start keeping a monthly water loss report that would document water leaks that are reported to the town. Mr. Barnes stated that he would be sure to work with the town's Public Works Director to coordinate the water conservation measures identified.

In regards to the environmental office procurement policy, Mr. Barnes stated that the Green Challenge awards points for adopting a policy to only purchase office paper that has at least 30% post-consumer recycled content, although he is considering expanding the office procurement policy to include other office supplies. Mr. Willis stated that he did not want to move the town too fast and create problems with being able to administer all of these new policies. Mr. Willis recommended that we not include the office preferred purchasing policy at this time and that we only include the office paper policy as required by the Green Challenge. Mr. Klein stated that he thought it would be a good idea to have a copy of the plan that would highlight only what the new requirements of the town would be so that the Town Council could clearly see what they are committing to. Mr. Klein suggested that we include some of the more stringent policies that will not be adopted with the Environmental Plan at this time in a section that will outline the town's future goals. Mr. Barnes agreed and said that he would edit the draft Environmental Plan to reflect these desired changes.

Staff Report

1. Staff met with Jim Ussary with Lowe's Home Improvement Store in response to the town's request for assistance with the rain garden planting. Mr. Barnes stated that he informed Mr. Ussary that the town had completed the first rain garden project, but that we would be happy to have assistance with planting a second rain garden at the town hall and Mr. Ussary stated that Lowe's would be willing to donate supplies to help us with this project.
2. Staff has been working on text amendments to the town's Zoning Ordinance to enhance the tree preservation article to include a pay in lieu mechanism that would enable developers to pay for replacement trees if they could not plant them on the development site. Staff will provide more details based on the Planning Board's decision.

Chair's Report

1. The next EVS meeting will be on Monday, August 2nd at 5:30 PM at Town Hall.

Member Comments

Public Comment

Adjournment

Mr. Jones motioned for adjournment, seconded by Mr. Klein. The meeting was adjourned at 7:10 pm.