


Town of Navassa
Environmental & Stormwater Advisory
Committee Minutes
November 2, 2009
5:30 PM

IN ATTENDANCE:

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

Committee Members Absent: None

Staff: Travis Barnes, Town Planner.

Other Attendees: None

Call to Order – Chairman Westfield called the meeting to order at 5:30 PM.

Approval of Minutes – Mr. Klein made a motion to accept the previous minutes. Mayor Willis seconded the motion to approve the minutes and the vote passed unanimously.

OLD BUSINESS:

- Chairman Westfield asked Mayor Willis if he has discussed with the Town Council about setting a stipend for the Environmental & Stormwater Advisory Committee. Mr. Willis stated that it would be appropriate to ask the council about the stipend after the Navassa municipal elections are held. Mr. Willis stated that the council might be willing to provide the committee with an equitable stipend that would help cover the costs of transportation and the time the committee would be spending. Mr. Willis stated that the Navassa Water Board and the Planning Board both receive monthly stipends and that the Town Council will use their compensation when determining whether to provide any to this committee.

NEW BUSINESS:

1. Basin-Wide Information Management System (BIMS) Update– Mr. Barnes stated that the town's Phase II Stormwater Permit requires the town to complete an annual report that must be submitted to the state through an online process. Mr. Barnes stated that he has successfully completed the online registration to set up a BIMS reporting account for the Town of Navassa. Mr. Barnes stated that we are currently in year 3 of the stormwater permit and that the first two annual reports were never submitted by the town. Mr. Barnes said that he has been in contact with Mike Randall with DENR and Bill Diuguid with the Division of Water Quality and they have stated that Navassa does not need to go back and complete the previous years' reports and that it would be acceptable to start the process this year. Mr. Barnes stated that he will be completing the BIMS report in February or March. Mr. Willis asked how this reporting process affects our basin wide water issues. Mr. Barnes stated that the BIMS report is required by the state and is another means for them to track stormwater mitigation across the state and in each basin. Mr. Klein showed the committee a map of the water basins in the eastern part of North Carolina, the main basin affecting Navassa is the Cape Fear River Basin. Mr. Klein stated that when dealing with stormwater the ideal approach is to mimic the natural drainage pattern of the development site so that the stormwater runoff after development is as close to what was on the site before development. Mr. Barnes then explained to the committee the difference between point source pollution and non-point source pollution.
 - Mr. Klein stated that he would like to discuss with the committee the difference between the Coastal Stormwater Rules and the Phase II Stormwater Rules. Mr. Barnes stated that there are two different sets of regulations addressing stormwater runoff that Navassa has to adhere too. Mr. Barnes stated that the Coastal Rules affect the 20 coastal counties of NC and that because Navassa is in Brunswick County the town has to follow the Coastal Rules. Mr. Barnes then stated that because Navassa is in Wilmington's metropolitan statistical area and we have a Phase II stormwater permit that the town also has to adhere to the National Pollutant Discharge Elimination Standards (NPDES) rules as well. Mr. Barnes stated that there are differences between the two sets of rules and that Navassa's Stormwater Ordinance will need to adopt the most stringent regulations of both sets of regulations into one cohesive ordinance.

Mr. Klein gave some background information on the history of stormwater regulations in NC. Mr. Klein said that the state of NC has different classifications for waterways across the state based on how clean the waterways are and whether they are salt or fresh, etc. Mr. Klein then discussed in more detail the types of classifications across the state. THE COMMITTEE REQUESTED THAT STAFF FIND MAPS OF THE WATER CLASSIFICATIONS FOR WATERWAYS IN THE NAVASSA AREA AND A DEFINITION OF EACH CLASSIFICATION.

2. Review Navassa Phase II Stormwater Implementation Plan- Mr. Barnes stated that the Town of Navassa does have a *Phase II Stormwater Implementation Plan* that was adopted back in 2007. Mr. Barnes stated that at the last meeting he distributed a spreadsheet that has all of the Phase II permit requirements and a description of how Navassa has been working towards meeting these requirements. The implementation plan goes over each of the Phase II permit requirements as the excel spreadsheet does, but it also lists a paragraph on how to go about achieving each requirement with suggestions and potential resources to utilize in the process. Mr. Barnes went on to state that the implementation plan has been posted on the Navassa town website under the stormwater section and that the committee will be using it to help administer the Phase II permit. Mr. Barnes asked the committee to review the implementation plan at their leisure whenever they have time. Mr. Westfield asked how the implementation plan will affect the committee and how it operates. Mr. Barnes stated that at the last meeting the committee adopted a set of bylaws, which are designed to describe the roles and responsibilities of the committee and how it functions and operates, whereas the implementation plan is a set of specific suggestions to help the committee and the town meet each respective Phase II requirement. Mr. Barnes stated that the implementation plan does not have to be adhered to but is rather an additional resource for us to utilize when determining how to achieve each phase II requirement.
3. Start Reviewing the DRAFT Navassa Stormwater Ordinance (Attached, with goal of reviewing the first 10-15 pages)- Mr. Barnes stated that he would like to have the committee to start reviewing the Draft Stormwater Ordinance page by page in order to thoroughly review it before recommending that the Town Council adopt it. Mr. Barnes stated that the town has a Phase II permit that requires the town to regulate qualifying new development and redevelopment projects in addition to the public outreach and community events that the committee has already talked about. Mr. Barnes then went on to state that the Draft Stormwater Ordinance that has been distributed is designed to address the town's administration of stormwater permits and how development projects will be reviewed by the town. Mr. Barnes states that the draft spells out how stormwater BMPs will be reviewed and maintained, how the town will enforce the ordinance, etc. Mr. Barnes said that the state of NC is concerned that we meet all of the requirements of the town's permit including the public outreach and other requirements, but that having an effective stormwater ordinance in place is now our top priority and he hopes to have town council adopt it by March of 2010. Mr. Willis asked Mr. Barnes where our draft ordinance came from. Mr. Barnes stated that the state of NC has a "Model Stormwater Ordinance" for municipalities to adopt and that he used the majority of this model ordinance to create the current draft, although he did incorporate some of the Town of Leland's stormwater ordinance which was recently adopted this year because the Leland ordinance includes the Coastal Rules as well. Mr. Klein asked staff if he could identify which portions of the Navassa draft are from the model ordinance or from the Leland ordinance. Mr. Barnes stated that the only real differences from the state model ordinance is where the Coastal Rules have been incorporated to make a requirement more stringent than the state model ordinance because we are in one of the 20 coastal counties. Mr. Barnes then stated that he would like to have Mr. Klein help to look over the draft and pay attention to the specific details because he has more direct experience with stormwater engineering. Mr. Klein said that he can help with that.

Mr. Willis asked if the state and the coastal resource commission would both have to approve the Navassa Stormwater Ordinance after it is adopted by the town. Mr. Barnes stated that he is under the impression that the state will be reviewing the town's stormwater ordinance but not the coastal resource commission because the coastal rules can be incorporated into any town's zoning ordinance or other development regulations and it is separate from the NPDES. Mr. Klein stated that the town will have to consider how they will administer the review of future stormwater development permits as to whether or not they will be performing the review or if the state will still be performing the review process. Mr. Barnes stated that the town of Leland is in charge of reviewing stormwater development projects and that according to Navassa's permit the town will need to do the same. Ms. Beatty clarified that once the town adopts the draft stormwater ordinance then they will be in charge of enforcing it and policing their own territory. Mr. Barnes said she was correct. Mr. Klein stated that the problem with having the town administer their own stormwater review is that there most likely will not be enough development permits coming into the town to be reviewed to warrant having an engineer on staff here at the town. Mr. Willis stated that what has been done in the past is to use Brunswick County for a lot of things and we might be able to do that. Mr. Barnes stated that we will have to specify in our ordinance that the developer will be responsible for paying adequate review fees sufficient enough to cover the engineering review costs for a project and that he as Town Planner and Stormwater Administrator would work with an engineer in order to review the permits. Mr. Barnes stated that he has had discussions with the state and Leland and

that the state has agreed to help in the review process for the first couple of permits that Leland and Navassa administer themselves in order to serve as additional training. Mr. Westfield asked if the review process will be highly technical requiring topographical data and calculations. Mr. Klein stated that it would have to be reviewed by an engineer at some point.

Mr. Willis stated that the City of Wilmington charges a stormwater fee along with their water bills. Mr. Barnes stated that is correct and that fee is utilized to help administer the stormwater program. Mr. Klein stated that he thinks the fee is approximately \$8 every other month for stormwater in Wilmington. Mr. Barnes stated that he has seen the Leland stormwater budget and it is approximately \$100,000 so Navassa will eventually need to be looking at possibly finding additional sources of revenue to fund the stormwater program.

Mr. Westfield stated he did not think that the committee would have time to review the first 15 pages. Mr. Barnes stated that he would like the committee to look over the draft and prepared to discuss it before the next meeting in December. Mr. Willis stated that the first 12 pages would make a good breaking point before the next section. Mr. Klein stated that he had a question on page 10 which addresses "material change". Mr. Klein asked what the intent was. Mr. Barnes stated that he thought it would be hard to calculate "material change" as the ordinance is written and that is an issue we will have to address. Mr. Barnes stated that he will try to find some additional information to clarify this point.

STAFF REPORT:

1. On October 31st the updated Navassa stormwater information pamphlet was distributed to 75 of the Fall Festival attendants as part of the public education and outreach requirements of the town's stormwater permit.
2. Staff had a meeting with Charlena Alston, Town Clerk, to discuss starting a neighborhood "best looking yard" program and an "adopt a street program". These items will be placed on the agenda in the next couple of months and staff requests that the committee review how other municipalities administer similar programs or come up with their own suggestions. Mr. Westfield asked how these programs would impact stormwater. Mr. Barnes stated that we might be able to utilize some of these events as part of the stormwater requirements. Mr. Barnes asked the committee to think about how the program will be run such as (do you have to register to participate, who will vote on the best yard, what will be the prize if any, how will we promote it, will it rotate from neighborhood to neighborhood, etc.)
3. Staff requests that the committee recommend "Stormwater BMP Reviewer Certification" training session in Raleigh, NC on December 8-9, 2009 at a cost of \$200. Mr. Barnes stated that once the stormwater ordinance is in place it would be good to have someone within the Navassa Planning Department to be certified for reviewing stormwater plans. Mr. Willis asked staff how often this class is offered. Mr. Barnes stated that he would look into that. Mr. Willis commented that it might be better to have an ordinance in place before we send staff for training. Mr. Barnes stated that he has no formal training in stormwater review and that he believed that the training would help staff be better prepared to draft the stormwater ordinance and be more aware of how to properly review stormwater plans. Mr. Klein said that he would like staff to make sure that this training workshop is not too technical because it looked as though it was geared for professional engineers. Mr. Barnes stated that he had contacted Steven Spruill, who is the Leland stormwater administrator, and Steven had stated that he and another Leland planner attended the same certification course last year so that Leland could enforce its ordinance. Mr. Barnes then stated that he would contact the workshop administrator to make sure that this was an appropriate class to take before registering. Mr. Barnes stated that there is money in the town's budget for stormwater training. Mr. Jones said that he thought it would be a good idea for staff to attend and bring back the information that is learned. **MR. KLEIN MADE A MOTION THAT THE COMMITTEE RECOMMEND TO THE TOWN COUNCIL THAT STAFF ATTEND THE TRAINING BASED ON THE FACT THAT STAFF WILL CALL TO VERIFY THAT THIS CLASS IS THE TRAINING THAT IS NEEDED BEFORE REGISTERING. MR. JONES SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.**

CHAIRMAN'S REPORT: Mr. Westfield reminded everyone that the next committee meeting will be on Monday, December 7th at 5:30 PM.

MEMBER COMMENTS: None

PUBLIC COMMENT: None.

ADJOURNMENT: Motion to adjourn by Chairman Westfield. Second by Mr. Klein. Meeting adjourned at 6:50 PM.

Minutes prepared by Travis Barnes, November 24, 2009.