

**Minutes from the Public Meeting of the Baldwin County Watershed Coalition (BCWC) Steering Committee**  
**City Hall Council Chambers, Daphne, AL**  
**February 19, 2010**

In attendance: Cathy Barnette, Larry Chason, Commissioner Skip Gruber, Ralph Hellmich, Mayor Charlie Houser, Bob James, Leslie Lassiter, Marion MacPherson, Mayor Fred Small, Jonathon Smith, Sara Shields, and Tom Herder

Marian MacPherson called the meeting to order at 9:10 a.m. and asked participants/attendees to introduce themselves. When introductions were concluded, Tom Herder of the MBNEP provided an summary and recap of Coalition Steering Committee activities and then yielded the floor to Leslie Lassiter to discuss the project inventory developed by the BCWC Technical Committee.

Ms. Lassiter reported the determination of BCWC Priority Projects by Watershed was begun in development of a three-year plan by developing a needs inventory. She credited Ashley Campbell of the City of Daphne as being “instrumental” in figuring out how to identify needs, including asking:

- Where are they
- What are their impacts
- How frequently do they occur
- Do they impact Alabama’s Outstanding Waters or impaired (303d-listed) waters.

Needs submitted by municipalities and the County included a projects that ranged from upsizing culverts to bridge repair to the creation of detention areas. Projects selected as priorities by the Technical Committee were among approximately 130 submitted. The list of fifteen identified priority projects was passed to attendees by Brett Garr of Volkert. Watersheds included in this inventory varied widely in size. Jay Dickson, also of Volkert, developed a GIS map of the County indicating potential project sites and data. The Priority Projects were identified from 15 watersheds, and since the list was developed, three more were added. Ms. Lassiter provided brief descriptions of the 15 on the list (attached), and then introduced Jay to display the GIS map. Watersheds were color coded, and red triangles were used to indicate identified problem sites.

Casi Callaway asked if the three-year plan was to begin immediately/today or in November after the referendum. Ms. Lassiter responded that we’ll begin look for grants to fund projects immediately. Ms. Campbell asked if it was within the responsibilities of the BCWC to seek grant money, to which Ms. Lassiter answered affirmatively.

Art Hosey asked about user fees and wondered if they were to be based upon the size of his roof. Cathy Barnette responded that tentative ideas included one flat fee for residences of 2,500 square feet and below and one for larger ones. Mr. Herder added that credits would be available for management practices used to keep stormwater on one's property. Mr. Hosey asked who would be responsible for enforcement. Ms. Barnette responded that the authority will be non-regulatory in nature and that specific details associated with enforcement are in development. Mr. Hosey asked if we had an idea on the amount of service charges. Ralph Hellmich responded that prior to the referendum, these details would be developed and publicized. In fact, he added, it is possible that initial no fee would be charged. Mr. Hosey expressed the feeling that the user fee must be defined and asked whether it was "innocuous or horrible." After some further discussion, Mr. Hosey asked whether the Corps will be brought on board, alluding to the value of mitigation costs and credits. Mr. Gaar responded that we would try to avoid requiring mitigation.

Sasha Heller of the Daphne Bulletin noted that the single cent sales tax initiative for Baldwin County Schools would provide a test run.

Casi Callaway posed several questions. First, will this bill allow land acquisition? Her second question was more of a comment, as she expressed that she still sees a pervasive "move it out of here" attitude regarding stormwater. Finally she asked if generated revenue can be used to fund studies. Ms. Lassiter responded that 80% of the revenue has to be "on the ground." Ms. MacPherson added that it is still for our legal advisors to determine whether acquisition falls within the scope of the bill.

Ron Heveran addressed a question/comment to the Technical Committee. He felt that we ought to be able to tell the public the present cost of stormwater management in millions of dollars. He asked if we will be able to come up with an estimate of the present cost so that the voters will know that the money is already being spend. Ms. Lassiter responded that we will try this as a next step. Larry Chason asked Ms. Lassiter if the taxpayers will not look at the proposed projects as simply more treatment of "symptoms" rather than treatment of the "disease?"

At this point, Ms. MacPherson suggested a subject change to address the Bylaws. She commented that we had hoped they would be ready at this point, but that they will be completed at the next meeting and posted. She said that we have been looking long term and that the BCWC will be inclusive and will include a planning committee.

Ms. Lassiter responded to Mr. Chason's earlier "symptoms" comment, and said that the Technical Committee has tried to avoid band aid approaches, looking instead to regional detention as primary.

Ms. Callaway discussed an EPA review of the Jefferson County/Birmingham stormwater management experience, permitting, and MS4 regulations, and concluded by saying the

municipalities and/or authorities would be required by the federal government to manage stormwater impacts.

Mr. Herder made reference to the D'Olive/Tiawasee/Joe's Branch Comprehensive Watershed Management Plan (CWMP) and how well-timed the effort was to coincide with BCWC planning and outreach efforts.

Ms. Barnette discussed the gamut of activities necessary to be undertaken. Among them were the creation of model ordinances that would "fit" across the county. She noted that planning efforts and communication only cost staff time, to which we have already committed. Formation of the corporation should be the next step.

Bob James noted that the 80% prescribed for capital activities only applies to revenue generated through the user fee. Commissioner Gruber echoed the need for a uniform set of regulations for the entire county. Ms. Callaway asked if maintenance could be included under the 80%. Mr. James responded that he thought so but wondered what's "plan B" if voters reject user fees.

Ms. Callaway talked about her statewide organization and noted that when she talks about Baldwin County efforts to develop a stormwater management authority, "ears perk up." She said that there are different ideas and answers about storm water management authority failure (in Jefferson County/Birmingham), but that the concept works elsewhere. She recommending postponing the vote or , alternatively, conducting another poll. She feels that if the effort fails here, it will fail statewide. She feels that we need to make sure that it passes, and it can pass. She wondered if we want to attempt the referendum on the tail of imposition of a one cent tax or during an election year or when the economy has a way yet to go. She expressed her feeling that we can finish details this year. She noted that the MBNEP, County, and others are educating the community. She recommends starting with funding from grants or other sources before attempting to initiate a fee. She believes that we need tools and time to get this passed, and recommended finishing planning before starting the education process.

Jeanne Lacey responded that we have been at this for four years, and now we are working together. She discussed the background of the effort, and said, "I don't think that we dare slow down. Double the effort, move forward, and see to it that we protect what we have."

Jonthan Smith asked if it is for the BCWC to identify problems and let others remediate them, or will the BCWC directly oversee them. Ms. MacPherson responded that the BCWC will provide a planning tool but the public corporation that is created will be the implementation tools.

Richard Thompson asked whether, in our stormwater studies/experience, is the primary culprit residences, commercial entities, government entities, or whom? Ms. Lassiter responded that such a determination has not been made, and that "it's everybody." She noted that development preceded planning.

Ms. Lassiter noted that postponement had been addressed by Steering Committee members and the consultants. She reported that they talked and “the idea is momentum.” People are seeing flooding and draining problems on the tails of the extraordinary precipitation we have recently experienced. She expressed the fear that delays result in the “loss of players.” At this point, we do not want to delay it any further. Ms. Callaway wondered whether the municipalities would stay on board if the initiative/referendum fails. Ms. Lassiter responded that “plan B” is in development, but that we intend to push forward. Ms. Callaway asked whether the BCWC would conduct another poll. Ms. Lassiter answered negatively, citing expenses. Ms. Callaway said that Mobile BayKeeper would fund an additional poll.

Mr. Smith asked if the BCWC has looked at subdivision regulations and ordinances. He asked whether municipalities had been audited. Ms. Lassiter responded negatively and offered that “everyone is upgrading.” Ms. Campbell added that as part of the D’Olive Creek CWMP Thompson Engineering is comparing municipal regulations, another example of the good timing associated with this project.

Ron Heveran suggested a compromise: Set fee very low initially, with flexibility to increase as necessary. Commissioner Gruber replied that the legislation holds that voters have to approve the fee, so we do not have time to employ that strategy. Ms. Barnette reiterated Mr. Hellmich’s statement that possibly we could delay collection of fees – perhaps defer fees for one year

Jim Horner remarked that regulations have improved recently, but as Ms. Lassiter indicated, there was a lot of development before there were good regulations.

Mr. Thompson asked if there will be another public forum. Ms. Lassiter replied that there would be another public meeting in May – they are scheduled for every third month.

Mr. Smith asked if there is a way to subsidize user fees (“microlevel approach”). Some discussion ensued about external funding.

Mr. Hosey asked Mr. Gaar if he was correct in assuming that the BCWC wants to stay out of wetlands. He asked if there projects in which water will be channeled into wetlands. Ms. Campbell said that was planned in the D’Olive Creek watershed. Mr. Hosey suggested that the BCWC go to the Corps and find impact wetlands and offer as a mitigation bank, stating that we should be able to get monetary credits for improvements to wetlands. Ms. Campbell referred to D’Olive Watershed Working Group activities. Commissioner Gruber added that mitigation credits are presently being investigated.

Ms. Lacey asked about the status of flood plains delineation? Commissioner Gruber responded that the County received money from the Congressional Delegation to do studies to get up to date, and those studies are currently being undertaken. Ms. Lacey asked if the findings were subject to EPA approval. Commissioner Gruber responded that FEMA was the approving agency. Ms. Lacey expressed the need to get flood plains mapped and asked whether the data

revealed by the studies would be used towards that end. Commissioner Gruber responded affirmatively. Ms. Callaway asked, “What is your budget?” “One million dollars,” responded Commissioner Gruber.

Ms. MacPherson thanked meeting participants and said that Bylaws will be posted after the third Friday in March. Ms. Barnett added that the Education Committee will distribute notice via press releases and other media. She suggested emailing Education Committee members if you want to be added to the distribution list.

The meeting was adjourned at 10:50 a. m.