

## **Minutes from the meeting of the Steering Committee of the Baldwin County Stormwater Working Group**

Friday, June 19, 2009

In attendance: Cathy Barnette , Joe Bullock, Larry Burnette , Larry Chason , Comm. Charles “Skip” Gruber, Mayor Charlie Hauser, Ralph Helmich, Bob James, Marian MacPherson, Stan Mahoney, Rep. Steve McMillan, Sen. Trip Pittman, Roberta Swann, Toby Bolton, Sara Shields, Brenda Lowther, Tom Herder

The meeting was called to order by Committee Chair Marian MacPherson at approximately 9:15 a. m. She thanked and welcomed Committee members and the public for attending, then directed the Committee towards old business and the signing of the approved By-Laws. As By-Laws were being signed, Committee members introduced themselves to the audience. At the conclusion of the introductions and signings, Ms. MacPherson passed the floor to MBNEP Deputy Director Roberta Swann, who had prepared an overview presentation to bring Committee members and attendees up to date on Committee accomplishments since passage of Act 2008-507, the enabling legislation for the establishment of a stormwater management authority.

The presentation began with an explanation of why Baldwin County is particularly susceptible to the impacts of stormwater and continued into the ramifications of the language included in the act. Even the exact language that will appear on ballots in the November 2010 referendum is included in the Act.

At the conclusion of the presentation, Ms. MacPherson sought clarification on the process by which a utility can be established. She asked if the Act was, in effect, Legislative permission to ask for voter approval for the utility which would then be brought back before the Legislature for final approval. Casi Callaway of BayKeeper responded that it will allow us to set a rate and then seek voter approval. Senator Trip Pittman directly addressed Ms. MacPherson’s concern, stating that if the voters approve the utility, its establishment can move forward. She asked, “With out further legislation,” to which he responded, “Yes.”

Ralph Helmich asked whether once the referendum is approved, will the BCWC be tied forever to one rate structure, or will the authority have the flexibility to make changes. Senator Pittman responded that it depends upon how we develop/establish this authority. Councilman Helmich suggested that restrictions or goals on rate structures could be built in, to which Sen. Pittman responded that we’re looking for feedback in the development of the authority.

Jim Horner of the Fairhope Environmental Advisory Board (FEAB) noted that he didn’t see any description of a rebate (or credit) structure (for individual implementation of best management practices). Some discussion followed about rebate/credit development as a rate structure is developed.

With the language that will appear on the November 2010 ballot still projected, Ms. Callaway commented that with that being the language that we’ll vote on, the goal of the Steering Committee is to create a manual, show how we’re going to address stormwater management. She wondered if it will define how rates can be changed, and asked if such changes will require

voter approval. Sen. Pittman said that once the plan is approved, an appointed/selected committee will go forward based upon what the Steering Committee has developed. The process will be defined up front (not through re-votes). Good accountability will be built in, and the authority will be charged with goals and requirements (in contrast to the Jefferson County utility and establishment of bureaucracy).

Cathy Barnette said that it is the challenge of the Educational Committee to take Steering Committee components and represent the points (representation, fees, collection processes, credits, etc.) so that people understand what they are going to get.

Darrellyn Bender of the Eastern Shore Chamber of Commerce cautioned the Committee “to keep one thing in mind” – businesses. She noted that they are required to pave but face monetary penalties for doing so. She stressed the importance of keeping businesses connected. Bob Gross of the Baldwin County Advisory Board challenged her assertion, saying, “Not exactly.” There is, he suggested, an area of creativity. For example, how do we create parking without so much impervious surface? There is huge middle ground.

Stan Mahoney voiced appreciation for input from the Chambers. He felt that in order to assure balance we need chamber input in the development of this effort. Ms. Barnette expressed confidence that some recommendations (for creditable efforts) will be generated. Ms. Bender volunteered to help with surveys and efforts by the Education Committee.

Jeanine Normand of the FEAB, the League of Women Voters of Baldwin County (LOWV-BC), and the Fairhope Unitarian Fellowship commented that the churches have vested interest in this endeavor. She felt that pervious concrete offers a good compromise for handicapped access. With regard to parking, Mr. Horner noted that the City of Orange Beach mandates that 50% of parking be pervious. He said that Fairhope is presently investigating similar mandates. These are examples of practices that could earn incentives.

Commissioner Gruber, commenting on impervious parking, noted that parking is built for “the day after Christmas.” He said that regulations need revision. He suggested credits for individual Best Management Practices (BMPs), like rain gardens, etc.

Ms. Callaway said that the State’s new MS2 guidelines are set to be released in July. She wondered whether the Technical Committee will take these new standards into consideration. She realizes that the proposed authority will be non-regulatory in nature, but felt that it will be a good idea to let developers and businesses understand their options. Ms. Swann assured the audience that the Technical Committee will take that into consideration.

Jeanne Lacey of the LOWV-BC noted that these authorities are functioning elsewhere. She hopes that the best possible standards are set and that this legislation is sufficient to ensure that stormwater problems are solved in Baldwin County. Sen. Pittman said that we will be the new example. If it’s right and works here, others will follow our lead. Ms. Lacey asked, “Is the amendment adequate?” Sen. Pittman answered that it is adequate for us to come up with a plan that will first pass the referendum and second, work. He expressed confidence that we’ll generate a good product, but offered no guarantees. Ms. Barnette noted that this is a “regional

effort,” and that Mobile County is presently watching Baldwin County with an eye to see how we do. Ms. Lacey said that she’s impressed by what’s been done so far and hoping to “plug holes” before they appear. Ms. Swann said that we’ll rely on the LOWV-BC, we are working to develop a favorable business plan, and lots of energy will be put into ensuring an effective authority. Ms. Lacey commented that this effort is creating a nucleus for what can happen regionally and that we want this to grow to the state level.

Ms. Bender stated that Walter Ernest represents the Eastern Shore business community. Mr. Ernest responded that we need the Eastern Shore Chamber to get the word to the Eastern Shore business community. Ms. Swann volunteered to provide the presentation used at this meeting. Ms. Bender agreed to use the presentation, which, she said, shows the thought being invested in this process. Councilman Helmich agreed that we can get to the numbers of businesses through the chambers of commerce.

Ms. Normand commented on the concept of “microclimates”, noting that rain gardens and similar BMPs are necessary in consideration of microclimate science.

Mr. Horner asked what was meant by the term “inventories”, which the Technical Committee will be charged with developing. He wondered if we meant projects. Ms. Swann responded that the inventory will include capital improvement programs for each of the municipalities and the county and any other identified problem areas.

With regard to the employment of incentives in the fee strategy, Sen. Pittman said, “We want to be liberal with incentives.” **Note, Senator Pittman said “we want to be liberal…”** Ms. Callaway suggested that perhaps retrofitted BMPs could be “double the incentives”.

Ms. Swann asked if there were any more comments or questions. Ms. Lacey responded “One more.” She said that the stormwater issue is part of a huge problem in Baldwin County – updating our infrastructure. She said that the problem is already critical, citing impairments triggered by periodic sewage spills. “We have problems,” she said. “Quality of life preservation, stormwater plus sewage plus water quality, overall. You can’t separate them. It’s a package deal.” Ms. Swann cited success in getting 14 municipalities together with the County to deal with this issue and encouraged Ms. Lacey to “Take a leap of faith.”

Ms. MacPherson adjourned the meeting at 10:40, thanking the audience for their valuable public input.