



MINUTES
STORMWATER ADVISORY COMMITTEE
BOARD ROOM
THURSDAY, April 14, 2022 3:45PM

Committee Members Present: *See list of names on sheet for people present -

Qiang He, Valerie McFall, Jennifer Mayfield, Violet Freudenberg, Louise Povlin, Ed McGimsey, and Nia Maheshwari (youth member)

Staff Present:

Lori Saal, Shae Macdonald, Darryl Smith, Trevor Hobbs, and Christopher LaForce (intern)

Ivey Farms Subdivision representatives Present:

Jean Matthews with Water Quality and Erosion Control of Tennessee – storm water consultants for Clayton Homes

Parker Steger- Goodall Homes (Land team)

Call to Order:

Violet Freudenberg called the meeting to order at 3:46pm.

Approval of the Minutes:

Approval of February 10, 2022 minutes - motion to approve by Valerie McFall with a second by Qiang He. All in favor – minutes approved.

Business Items:

Public Hearing Appeal of NOV #2202251 at Ivey Farms Subdivision

Ms. Saal gave a brief overview of the development. Mr. Steger and Ms. Matthews gave their point of view.

Item 1. Failure to complete required inspections

Ms. Matthews stated inspections were completed and available onsite; gave committee a copy of the inspections. Town stated only inspections available at the time were 2/4/22 and 2/18/22; but now all inspections are available via Ms. Matthews (hard copy provided to committee).

Questions were asked by the committee (Ms. McFall) regarding how inspections were conducted. Rebuttal by Ms. Matthews. There will be two inspections going forward – Goodall Homes and Southern Site. Clayton Homes is the permittee.

Goodall Home (home construction) and Southern Site (land developer) – both under the Clayton Homes umbrella; inspector who did the inspections was under Southern Site.

Discussion for the NOV's to possibly separate for site development and home building. Discussion as to which company receives the NOV; Ms. Saal stated NOV is for the entire site and at the time, the Town did not know two inspections occurring. Ms. Saal stated NOV's are only issued to the property owner.

Ms. Matthews stated the inspections will be in one location going forward.

Motion to overturn **Item 1.** by Mr. McGimsey and seconded by Ms. Povlin. Motion to overturn **Item 1.** approved.

ii. Item 2a. Insufficient EPSC and Item 2c. Construction road not stabilized
NOV insufficient EPSC and construction road not stabilized; Ms. Saal stated plans do not specify any stabilization for road construction so she will support removal of that item from the NOV.

Ms. Matthews stated no clear instructions on how to stabilize the road; not contesting sediment was not in the roadway and a water truck was used to remove sediment (admitted water truck used to remove sediment was wrong). Ms. Matthews and Mr. Steger not contesting this. In their opinion is a vague point, since The Town has already cited "us" on several issues, and wants to know the point if no specific EPSCs listed.

Ms. Saal stated there are still issues where additional erosion controls are needed (Road B and roundabout). Written warning issued a month before NOV issued; didn't specifically mention Road B but said The Town is not required to provide step-by-step instructions.

Ms. Matthews stated she agrees erosion needs to be addressed and there have been additional erosion controls installed recently and will implement best management practices.

Mr. Smith indicated Southern Site should contact their engineer so they can offer advice if Southern Site/Goodall Homes did not know what to do. Ivey Homes representatives did not know if the engineer was contacted in regard to this matter. Ms. Saal stated the main issue was a written warning was issued and a month went by with no changes/actions of improvement. The Town feels like additional measures were not taken at the time the NOV was issued.

Ms. McFall stated she feels like the overall plan was ineffective but has not received a site assessment; therefore, we have no way of knowing if things were done correctly.

Ms. Matthews asked if the plan or implementation is the issue. Ms. Saal stated the SWPPP should have been updated and has not been. Ms. Matthews agrees that offsite discharge of sediment occurred.

Based on discussions, Ms. Povlin made a motion to remove **Item 2c.** Ms. Freudenberg seconds the motion. Motion passes to remove **Item 2c.**

Ms. McFall makes a motion to keep/uphold **Item 2a.** Mr. He seconds the motion. Motion passes to uphold **Item 2a.**

iii. Item 2b. Sediment pond not installed as designed

Ms. Saal provided background on Sediment Pond 2

Per The Town ordinance, Sediment Pond 2 needs to stay as a sediment pond until final stabilization – all soil disturbance has been completed, 70% uniform vegetated cover, and temporary controls removed. Land disturbance still happening in and around Sediment Pond 2; therefore, Sediment Pond 2 should still be a sediment pond. An additional issue is Sediment Pond 2 was not installed per design (nearly 6 feet of permanent pool, may be 1-1.5 feet currently) and not holding water; some issues have been addressed. The Town does not believe Sediment Pond 2 was installed per design (i.e., rock forebay) and is not working properly. Ivey Farms representatives stated The Town told them to convert the sediment pond to detention pond; but no plat has been submitted to the Town for approval. The Town stated Sediment Pond 2 should still be a sediment pond and not a detention pond.

Ms. Matthews – Clayton Homes stated Sediment Pond 2 was installed according to plans. Ms. Matthews stated it should have stayed a sediment pond until the final plat was approved.

Ms. Matthews stated it will cost \$46,000 to convert back to a sediment pond. She stated no written change order or email has been found. According to Ivey Farm representatives, “someone” said Ms. Saal instructed the sediment pond could be converted to a detention pond. Ms. Saal stated she did not instruct anyone to make these changes. All parties agreed changes should be asked for in writing and approved. Ms. Saal stated a punch list (date not indicated) to Clayton Homes did not include converting the pond.

Ms. Matthews and Mr. Steger stated currently (April 12, 2022) Sediment Pond 2 is being converted back to a sediment pond: pond is being drained, sediment removed via excavation, and rock forebays being removed. They stated this will take considerable effort. It was noted The Town and Ivey Farms tried to work together in regard to issues with Sediment Pond 2; however, efforts made did not solve the sediment issues per The Town.

Motion by Ms. McFall to keep/uphold **Item 2b**. Ms. McFall stated if they were following the permit standards, Ivey Farms would have known to question pond conversion before beginning. Ms. Freudenberg seconded the motion. Motion carried to uphold NOV for **Item 2b**.

iv. Additional considerations: Land disturbances of >20 acres

Ms. Saal provided background on civil penalties as related to above violation. Area of disturbance is used as an indicator of potential harm to environment. At the time the NOV issued, area currently disturbed is >20 acres.

Ms. Matthews asked how many acres? Ms. Saal stated the total site area is approximately 80 acres.

Motion by Ms. Freudenberg to uphold civil penalty. Ms. McFall seconded motion. Motion approved.

Ms. Freudenberg briefly went over all discussion items and motions.

Ms. Saal stated she will review all items discussed and will reassess, because The Town will owe Clayton Homes money since they have already paid the fine.

Confirm Date of Next Meeting:

Next meeting is Thursday, May 12, 2022 at 3:45 p.m.; location to be determined.

Adjournment:

The April meeting was adjourned at 4:54 pm.