



Charlotte City Council

Environment Committee

Meeting Summary for May 14, 2014

COMMITTEE AGENDA TOPICS

- I. **Subject:** **Power2Charlotte**
 Action: None
- II. **Subject:** **PCCO Timeline Review**
 Action: Asked staff to schedule an August meeting.
- III. **Subject:** **Coal Ash Due Diligence Review**
 Action: None
- IV. **Subject:** **Tree Legislation**
 Action: Approved staff recommendations

COMMITTEE INFORMATION

Present: Ed Driggs, David Howard and Kenny Smith
Guest: LaWana Mayfield
Time: 2:05 p.m. to 3:00 p.m.

ATTACHMENTS

1. Agenda Package

DISCUSSION HIGHLIGHTS

Vice Chairman Driggs called the meeting to order and asked everyone in the room to introduce themselves. He then turned it over to Assistant City Manager Hyong Yi.

I. **Power2Charlotte**

Mr. Yi introduced Cass Bonfiglio from Corporate Communications and Darcy Everett from

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Neighborhood & Business Services. Ms. Bonfiglio and Ms. Everett walked the Committee through the different areas of the Power2Charlotte website. The website link is <http://charmeck.org/P2C/Pages/Homepage.html>. The sites goal is to engage the public to help learn more about City government and provides an avenue to promote our services. The website talks about our environmental leaders, citizen involvement in keeping Charlotte beautiful, and our partners. This site will continue to be updated on a regular basis. Vice Chairman Driggs said this site is a great resource and thanked them for their work.

II. PCCO Timeline Review

Mr. Hammock said on April 28th the Council approved a 6-month extension therefore staff is here today to do a quick update on where they are in the process and discuss the timeline. He stated that staff is recommending the Committee add meetings in July and August since there are currently none scheduled. Staff needs to continue to update the Committee on their process during the summer months.

Driggs: I'd like to propose that we ask that you submit reports on your progress rather than having to consider meetings in July and August.

Howard: We could do it that way, but I think we should have a meeting in at least one of those months. When does the 6 months end?

Hammock: October 31st. However, when you look at the schedule there is a limited number of Council meetings in the fall so in order to meet that date, it would require some input from the Committee.

Howard: So we would only hear it once. I think we could do a meeting in August.

Smith: I say let's plan on just having a meeting in August.

Maynard: I'll send a confirming email out to look at scheduling a meeting the second Wednesday in August.

Driggs: That's great. Let's move to the Coal Ash item.

III. Coal Ash Due Diligence Update

Mr. Yi said this discussion is to give the Committee an update on the due diligence process. He pointed out the handout in their packet (copy attached) which gives a listing of the activities that the City staff has undertaken in the last 30 days. The main issues at this time are the legal issues and the environmental issues that we are still working on.

Howard: In reference to the newspaper article that was just released, I want to point out that the Airport questions are important to us and they need to be included in any reviews.

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Yi: We put this document together before the newspaper article, so for those that aren't sure what Council member Howard is referring to, through a public records request the Charlotte Observer received a copy of all emails trading back and forth between staff to get a better understanding of the issues. One of the emails had the Airport Director saying he would not put this under a runway. Initially that was an attractive option to save the City money from buying fill. Then when you really start looking at it, there is risk putting it under a runway. It may save money short term and then over the next 50 years it works fine, but in year 51 if something fails in the liner, we have to dig it up. That would mean shutting down a runway at the 6th busiest airport in the country. We have to consider how it impacts the airline partners and the disruption to the national air network, and at some point the risk is not worth entertaining. There is no way to quantify that risk and what the damages would be.

Driggs: That hasn't risen to the elevation of an official staff recommendation has it?

Yi: No, this is just thinking through it and going through the due diligence process. The other piece of this is looking at other opportunities at the Airport and not just under a runway. We are not finished with that piece yet. As we get our questions answered and consult with experts, we may learn that it's perfectly fine under a runway. That is a possible outcome of the due diligence process.

Driggs: Are we on schedule?

Yi: Yes, I think we will be able to speak to this at the end of May.

Driggs: I know we are particularly focused on the legal and environmental issues but I don't want to put ourselves in a bad position. I understand the concerns about the idea of locating it under the runway, but this stuff has to go somewhere.

Howard: I referred to the article about the email because I want to be sure we are addressing the Airport's concerns.

Yi: We have two main criteria; make sure it's good for environment and make sure it is good for the Airport.

Driggs: Has the FAA communicated their thoughts?

Yi: Nothing formally to the City, but we haven't formally approached them yet. If after the due diligence is done and it's a yes, then we would take the proposal to the FAA.

Driggs: Are you getting input from the public?

Yi: We've had a community meeting, but at this point there is nothing to tell them yet. We don't think it's time to talk to the neighbors because we don't have anything to inform them on at the moment.

Smith: Are you consulting with experts to get validation on the environment issues?

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Yi: Duke, Charah and the Catawba Riverkeeper are providing us information. We have staff doing soil sampling, etc. and we have contractors who we retained that are experts on coal ash. We have also been in contact with a UNC professor whose work is about coal ash. We've also received great information from the University of Kentucky.

Smith: Has Duke provided you with their other options if we don't agree to the Airport?

Steve Gucciardi: No they have not wanted to share that with us.

Howard: They don't want it in our public records.

Driggs: We need to consider, from our standpoint, the alternatives may not be what we want to happened. We need to know what could happen if we turn this down.

Mayfield: When you bring this back will you bring back alternatives if we don't move forward?

Howard: Within the City?

Mayfield: Yes, whatever that looks like.

Yi: We will look at if it's not at the Airport are there other options. To the best of our ability and based on why they have not told us, we can give you a sense of what might happen.

Driggs: We may want to have a conversation with the State. Thank you for this information; let's move to the next agenda item.

IV. Tree Legislation

Mr. Yi introduced Tim Richards from Engineering & Property Management. Mr. Richards reviewed the "Review of Proposed Tree Legislation" presentation (copy attached) He discussed the proposed legislation, described how it affects our tree canopy, described the regulations of trees on private property and showed numerous examples of what stream buffers, parking lots, subdivision, and zoning buffers would look like if this legislation was passed. He also said that staff recommends opposing this legislation and referring the issue to the Intergovernmental Relations Committee to develop a lobbying strategy.

Howard: Regarding buffers, I assume the State has rules about trees as well. Our rules couldn't be any more restrictive than the States rules. Is the State agency that oversees their rules engaged?

Richards: We are doing an assessment right now. Many use buffers but they don't require tree buffers.

Driggs: Intergovernmental Relations needs to take this up. We are just hearing it because of the environmental impact.

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Mr. Driggs invited Dave Cable from Trees Charlotte to say a few words. Mr. Cable expressed the importance of trees in our City and added that we will not meet our 50/50 goal if this legislation passes.

Council member Howard made the motion on staff's recommendations and was seconded by Vice Chairman Driggs. Motion passed unanimously.

Yi: We will let Dana know this will be going to Intergovernmental Relations Committee.

Howard: Can we just make sure with the City Attorney that it's okay for a Committee to refer to another Committee.

Yi: We will do that.

Meeting adjourned at 2:50 p.m.

Environment Committee

Wednesday, May 14, 2:00 – 3:00 p.m.
Charlotte-Mecklenburg Government Center
Room CH-14

Committee Members: John Autry, Chair
Ed Driggs, Vice Chair
David Howard
Claire Fallon
Kenny Smith

Staff Resource: Hyong Yi, Assistant City Manager

AGENDA

- I. **Power2Charlotte** – 5 minutes
Staff Resources: Darcy Everett, Neighborhood & Business Services and Cass Bonfiglio, Corporate Communications
Staff will review the Power2Charlotte website that is being re-launched.
Action: None.

- II. **PCCO Timeline Review** - 15 minutes
Staff Resource: Darryl Hammock, Engineering & Property Management
Staff will review the timeline for PCCO and how we plan to accomplish the review.
Action: Request to schedule meetings in July and August.
Attachment: 1. Timeline and Process Map.pdf

- III. **Coal Ash Due Diligence Update** – 20 minutes
Staff Resources: Hyong Yi, City Manager's Office and Rob Phocas, Neighborhood & Business Services
Staff will provide an update on the Coal Ash due diligence review.
Action: None.
Attachment: 2. Coal Ash Due Diligence Progress.pdf

- IV. **Tree Legislation** – 20 minutes
Staff Resources: Tim Richards and David Weekly, Engineering & Property Management
Staff will review the proposed legislation to limit local jurisdiction protection of trees on private property.
Action: For Committee recommendation to Council regarding City position on legislation.

Next Meeting

Wednesday, June 11 at 2:00 p.m., Room 280

Distribution:	City Council	Ron Carlee, City Manager	Executive Team
	Bob Hagemann	Stephanie Kelly	Environmental Cabinet

Mitigation Options for Redevelopment projects in the Post- Construction Controls Ordinance

Timeline and Process Map

The temporary extension approved by council on April 28 expires October 31. To extend the options further, the following timeline is proposed:

- Provide update and seek input in May 15 Storm Water Advisory Committee meeting
- Conduct public meeting in Government Center May 29, 5pm Room 280
- Include SWAC update/comment in June 19 meeting on the proposal.
- Staff recommendation ready prior to July Environment Committee meeting
- *Need two Environment Committee meetings, one in July and one in August*
 - *One meeting the week of July 21st or week of July 28th*
 - *One meeting in August*
- Public hearing on September 8
- Council vote on September 22.
- Allow one extra Council meeting - October 27 as contingency

2014 Proposed Meeting Schedule for City Council Environment Committee

2nd Wednesday of each month at 2:00 pm Room 280

- May 14 (FYI – Budget Adjustments start at 3:00)
- June 11
- September 10
- October 8
- November 12
- December 10

Notes: No July or August meetings due to Council's summer schedule

Mitigation Options currently identified to be considered:

1. Administrative Options:
 - a. Continue allowing the fee as it currently is, or raise the fee
 - b. A case-by-case approval process by staff
2. Political Option:
 - a. Case-by-case approval process by Storm Water Advisory Committee (similar to what is available now through a variance process) or case-by case approval by some other body.
3. Creative Financing of onsite measures– Evaluate a Synthetic Tax Increment Financing (TIF) program
4. Remove the option entirely, no mitigation fee option for these redeveloping areas



Coal Ash Due Diligence Progress as of May 9, 2014

1. Coal Ash Strike Team continuing to meet with Charah and Duke to review due diligence areas
2. Legal and Environmental areas identified as having go or no go issues
 - a. Focus has been on answering legal and environmental questions
 - b. Legal team is continuing to work closely with Moore & Van Allen on:
 - i. Contract language
 - ii. Indemnification
 - iii. Operational classification (Ex - Would this be considered a beneficial reuse or a landfill operation?)
 - iv. Federal Aviation Administration contractual obligations
 - c. Environmental team is working closely with Charah on:
 - i. NEPA (National Environmental Policy Act) Implications
 - ii. Waste Characterization (Ex – what’s the chemical composition of the coal ash?)
 - iii. Transportation/Logistics
 - iv. Environmental Permitting
 - v. Ground Water Monitoring
3. Site Visits
 - a. Several Council members along with City and County staff have visited the Asheville Regional Airport twice
 - b. Council members along with City and County staff have visited the Riverbend Steam plant in Gaston County
 - c. An additional trip to the Asheville Regional Airport is scheduled for May 23, 2014
4. Staff training
 - a. Coal ash 101 conducted by Duke Energy, Catawba Riverkeeper, Charah, and UNC-Charlotte
5. Staff coordination
 - a. City & County staff regularly meet with Duke Energy and Charah to work through critical issues identified by staff. This process is ongoing.
6. Public outreach



CHARLOTTE

- a. Corporate Communications has developed a coal ash website linked to the Charmeck.org homepage
 - i. <http://charmeck.org/city/charlotte/FocusAreas/Environment/Pages/Coal-Ash.aspx>

Staff presented at Councilmember Mayfield's April 5th District 3 town hall meeting

- b. The transportation route and neighborhoods along the proposed route are being identified
- c. Public meetings would be held to hear from communities near Riverbend, the transit route, and within close proximity of the airport

7. City manager briefings

- a. To date the City manager has been briefed regularly on the due diligence status.

8. Next steps

- a. Complete question and legal review with Charah and Duke Energy
- b. Identify the conditions under which the City of Charlotte would accept the coal ash at Charlotte Douglas International Airport
- c. Brief the Environment Committee on results of the due diligence review
- d. Brief the Council on the results of the due diligence review



Review of Proposed Tree Legislation
Repealing Cities' Ability to Regulate Tree
Removal, Replacement and Preservation on
Private Property

May 14, 2014



Purpose

To provide staff recommendation for a response
to the proposed General Assembly tree
legislation

2



Proposed Legislation

- Advanced by the Agricultural and Forestry Awareness Study Commission, established by the NC General Assembly
- Eliminates municipalities' authority to adopt or enforce any ordinance, rule, regulation, or resolution that regulates the "removal, replacement, and preservation of trees on private property"

3



Hurts our tree canopy

- Proposed legislation would negatively impact Charlotte's tree canopy and the "50 by 50" tree canopy goal
- Most of Charlotte's tree canopy covers private property:
 - Total Tree Canopy = about 47% or 90,000 acres
 - Total Tree Canopy in City ROW = about 5% or 4,500 acres

4

 **CHARLOTTE.**

We need trees to...

1. Clean the air	6. Add beauty
2. Cool streets and cars	7. Enhance walkability
3. Prevent stream erosion*	8. Help prevent water pollution*
4. Block things like light, noise and dust	9. Save energy
5. Increase property values	10. Reduce the cost of meeting our water quality permit*

* Direct link to cost or compliance

5

 **CHARLOTTE.**

Eliminates City's ability to regulate trees on private property

- Post Construction Controls Ordinance
 - Stream Buffers
 - Natural Areas
- Tree Ordinance
 - Tree Save Areas
 - Parking Lot Trees
 - Perimeter Trees
- Zoning Ordinance
 - Vegetative Buffers
 - Conditional Rezonings
- Historic District
- Street trees in right-of-way

6

		<h3>Stream Buffers</h3>	
No Trees		Trees	
			
Glassy Creek at Barringer Drive	Gar Creek		
		7	

		<h3>Parking Lot Trees</h3>	
No Trees		Trees	
			
2701 Freedom Dr.	West Tyvola Rd. at Yorkmount Rd.		
		8	

 Subdivision Trees

Little to no trees Trees

	
Peachtree Hills Peachtree Rd. at Oakdale Rd.	Highgrove Subdivision Ballantyne Area

9

 Zoning Buffers

No Trees Trees

	
124 West 30 th Street	5707 Glenmore Garden Drive

10



Unintended Consequences?

- Dangerous/diseased tree removal
- Limbs hanging onto public sidewalks

11



TreesCharlotte

Dave Cable – TreesCharlotte Director

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Staff Recommendation

1. Oppose proposed tree legislation in its current form
2. Refer to the Intergovernmental Relations Committee for lobbying strategy