

CITY OF RALEIGH
STORMWATER MANAGEMENT ADVISORY COMMISSION (SMAC)

Minutes

Raleigh Municipal Building · 222 W Hargett St · Room 305 3:00pm · Thursday, July 3, 2014

Commission Members Present: Matthew Starr, David Webb, JoAnn Burkholder, Kevin Yates, Francine Durso, Marc Hortsman, Will Service, JoAnn Burkholder, and Chris Bostic

Stormwater Staff Present: Mark Senior, Sonya Debnam, Scott Bryant, Ben Brown, Kevin Boyer

Members Absent: Michael Birch and Vanessa Fleischmann

Guests: Jamie Powless, Michael Allen, Sarah Bucher, Amit Sachan, Beth Nooe, and Danny Bowden

Mr. Yates called the meeting to order at 3:04 p.m. The following items were discussed with action taken as shown. Ms. Burkholder made a motion to excuse both members (Chris Bostic and Matthew Starr) from June meeting. Mr. Service seconded, the motion was approved unanimously.

Item 1 – Stormwater Staff Report

- Mark Senior -
 - June meeting minutes – *Mr. Webb made a motion to approve the minutes. Marc Horstman seconded, motion was passed unanimously*
 - Staff Changes – Stormwater should be fully staffed within the next few months.
 - Stormwater Division Head - *Carl Dawson putting together a team to review applications. Decision should be made within the next month.*
 - CIP Engineers – *Scott Bryant has made selections.*
 - Petition Program – *A decision has been made for replacement for one of the positions for the petition program.*
 - Water Quality Cost Share (562 New Bern Ave & 2705 Talbot Ct West) approved at June’s meeting
 - Council meeting on July 2nd, Council member Maiorano pulled the two water quality cost share projects on the consent agenda. He’s concerned about the city spending \$40K on two private driveways, and whether it was a good use of public money, and whether the city should be involved in the Water Quality Cost Share Program. It was primarily Council Member Maiorano’s concern. The other members voiced their support of the program. Typically those do not get pulled from the Consent Agenda. The Council agreed to approve those, but sent the concerns about the Water Quality Cost Share Program to the Public Works Committee. Staff will put together a presentation on why we have the Water Quality Cost Share Program; the purposes of it; where it comes from; and hopefully convince them that it is a valuable program; and then send a recommendation back to Council. One of the work items we’re going to suggest is taking a look at both of our petition programs and tweaking those.
 - Milner Inn / Dunkin Donuts possible purchase –
 - The owners are interested in selling to the City. The plan is in keeping with the Capital Blvd. corridor plan, which is to turn that area into a park and a greenway.

We will be having meeting with city departments on how to move forward with that, how we're going to fund future acquisitions, whose going to be responsible for maintaining that land, all the big issues, and working with DOT on the interchanges that are part of that and so on. We'll probably have some more to report on that in the future.

Item 2 – LID Update

2.1 **Mark Senior** - On June 17th staff did a presentation to the council work session. They wanted to know about LID in general and low impact development in water supply watersheds. Kenneth Waldroup (*Public Utilities*) and I gave them a presentation. We talked about LID in general, what it is, where it came from, and why people are excited about it. We also talked about potentially using LID in the water supply watershed, and what the pros and cons. The Council is still supportive of the idea of pursuing green infrastructure low impact development, but they want to do it cautiously. There are concerns about maintenance issues, enforcement issues, cost benefits, and a great concern about applying it in water supply watersheds. If we're going to do it, let's try it out in non-water supply watersheds and if we see it's working, and then entertain moving that into a water supply since they are very critical. The other issues is whatever we do in our watershed, is going to trickle down to other towns that we supply water too. Right now, we're holding their feet to the fire about not allowing commercial development and extending utilities in the water supply. If we start changing that, they're going to want to do that and the council is very concerned about it. The council wants us to move forward with implementing the plan we have in place. Our next step is to work on putting together the stakeholders group, presenting that draft work plan that TetraTech developed; getting feedback, tweaking that, and bringing it back to SMAC for some additional review before we send it to Council.

Kevin Yates: What's the timing on getting the reports of SMAC from Tetra-Tech and back to council?

➤ **Mark Senior:** There is no fixed schedule. It's just that we need to keep moving with it. Council did indicate that they are more along the line of caution and moving slowing and deliberately as opposed to jumping in to it and heading off in the wrong direction and have to back track.

Francine Durso: You said that they did discuss about the other towns?

➤ **Mark Senior:** There was two ways of protecting the water supply water shed – one was through use of development regulations and the other was through stormwater management practices. We explained it back when we first created Falls Lake that the Council made the selection to use zoning and use restrictions, because that was the most cost effective, predictable, insurable way of protecting the water supply watershed. We also wanted to set an example for the other communities that drained into Falls Lake. We wanted our standard to be the highest out there. There are places like Durham that already have commercial uses and so on in that watershed, but we still want to set that example for other towns that feed in there. We don't want them approving lots of development that's going to impact the water quality, so we want to hold firm on limiting what kind of stuff goes into that water supply. Most of the pressure is coming from other smaller towns that want to extend the utilities in the water supply watershed and we're telling them no, we don't want you to do that.

Kevin Yates: We work a lot in Durham and they are really restrictive up around Falls Lake, what they call the FJA – Falls Jordan Critical Area. The smaller towns trying to build their economies up, extend their ETJs are the ones probably pressing the envelope a little.

- **Mark Senior:** It becomes a complex issue for other reasons. Kenny was explaining Raleigh's need for looking for future water supplies. The one they were looking at was the Little River Reservoir and they're struggling with that one. Right now they are thinking about an alternative, which is putting an intake on the Neuse River right above where our waste water treatment plant. If we do put an intake there for additional water supply it would trigger a water supply watershed regulations from there upstream, which would actually throw a good chunk of urban Raleigh into a water supply watershed. So suddenly, we are where Durham is, and that is that our own regulations would be in conflict with what we have in way of development and we would have to sort out that conflict.

Joanne Burkholder: What about trying to encourage LID in the Falls watershed of existing places. I think that would be a great possible opportunity to try to encourage LID in existing development.

- **Mark Senior:** It didn't come up, but I think what we would be doing. As part of our Falls Lake regulations, we are all responsible for retro-fitting a lot of the development that's out there to reduce our nitrogen and our nutrient loads to Falls Lake. Mostly what we're looking at there is City owned property, but I don't think we can get enough reduction doing that, so we're going to have to look at private property. We have obligations under our MPDS permit to reduce pollutants, beyond that we have a specific requirement to look at vehicular areas; which is roadways; parking lots; and developing ways of controlling pollutant loads from those. One of our game plans is to look at all the City's facilities, parks facilities, and other department facilities that have parking lots associated with them, both in Falls Lake watershed, and throughout the city and develop processes for creating retrofits. Most of those are going to be LID type retrofits, rain gardens, infiltration trenches etc. We'll probably try to use the Water Quality Cost Share Program to springboard off to get those thing actually constructed. You should probably see a lot of that coming up within the next year. We're trying to coordinate a program to start reviewing those and identifying potential projects and bringing those back for actual construction.

Marc Horstman: A couple of months ago we heard about the LID at an old golf course, it was in the water supply watershed and currently they are pumping run-off to the other watershed. How's that project going?

- **Mark Senior:** That was one of the triggers for this work session with the council. They've been getting a lot of comments about that from when it started because it's still ongoing, as well as another re-zoning that was an undeveloped piece of property that they wanted a higher density. Council voted and questioned the status on that and as far as we know, the developer is still going forward with the plan. It was approved by council, which is to allow that commercial development, Life Time Fitness, with the understanding that their run-off would be captured and pumped over the ridge line outside of the water supply watershed. They were very much opposed to the idea of any commercial development in that watershed. The way that they solved it was by pumping it out and they also had an option when they got approved to come back to the council to do what they called Stormwater Management, which would capture very large storms and treat the water to a much higher level than our regular standards would be and let that water slowly run out into the water supply watershed. Russ Stephenson was the Councilor that was opposed to that and he reaffirmed that he would not approve that. We had other Councilors that were in support of the idea of using technology to treat the water and release it, versus council members that didn't want any commercial development at all in the water supply watershed. So that triggered that council work session. As of now, that project is still under the approval of pumping their water out.

Mark Horstman: Does that set a precedent then for others to development in these water supply watersheds as long they promise to pump the water into the other watershed?

➤ **Mark Senior:** It's been done or at least discussed in the past, where people are close to a ridgeline. A lot of development does break ridgelines. It may be in minor ways, but it's not something that is a brand new concept. I think each one of those will have to be taken at its face value. As an engineer, I'm not real thrilled with that idea, but that's going to be at the risk of the people developing in those properties.

Kevin Boyer: I would add to Mark's remarks about the council's work session. There was a lot a potential for council to get several issues mixed up or intertwined and that didn't happen. They want these two things kept separately.

Item 3 – Water Quality Cost Share (1 petition)

3.1 **Kevin Boyer:** There is one petition request for the Stormwater Quality Cost Share that has three bio-retention areas and one green roof with a cistern for irrigating the green roof. Five parcels. Project was evaluated and these scored in the middle. The parcel owners are current in paying their Stormwater Utility fees. They are eligible to be in the program. The petitioner, the City, has agreed to be in a 10 year maintenance term and with a net decrease in the sites impervious area, the City code, probably will not require a post construction stormwater treatment, but we need to have some discussion around one of the parcels. For the four (4) TTA parcels, the City is arranging to purchase those, fee simple and the City will become the owner of those. The Seaboard-CSX parcel, the City is acquiring the rights to use and access that parcel. CSX is not interested in conveying it fee simple to the City. The City is negotiating a permanent easement with CSX to enable this project. If a project is funded, Public Works Department will enter into a memorandum of understanding with the City department that is responsible for the site that would happen after the applicable parcels and rights have been acquired, that is the purchases and easements have been finalized. The memorandum of understanding would incorporate the conditions of that easement with CSX and there would be a provision in the memorandum of understanding that the stormwater devices may not be used to comply with stormwater regulatory requirements either now or anytime in the future. They must treat the stormwater above and beyond regulatory requirements. The amount requested in the petition \$1.3 million and the amount remaining in the fiscal year 15 budget is \$201,000. In our Stormwater Quality Cost Share policy, the staff is to consider the least cost alternative as a basis to provide to SMAC and City Council information on the cost of least cost alternatives to determine the level of funds. We have calculated some alternative costs.

- **Project 1** 510 West Martin Street (Raleigh Union Station)
Amount requested for this project: \$1,341,739

Question: What is draining to the first bio-retention area?

Petitioner: What we are proposing for bio-retention #1 is the roof of the station itself will tie all the roof leaders in to drain to that and has also where we have extra capacity to take future impervious from the surrounding area and tying into it as well.

Question: Why do these, specifically, bio-retention areas cost so much, relative to others in the City of Raleigh and the Piedmont region?

Petitioners: We've got some preliminary estimates from the construction manager that is on the job, they provide that based on a very preliminary design. They were conservative in their numbers. In addition, all of these bio-retentions are not your typical bio-retention. All of these are being formed by retaining walls. Your typical bio-retention would not have retaining walls, but with what we're dealing with here, we have a lot of retaining walls. We associated some of these retaining

walls to these bio-retention areas. We also incorporated the cost of the property for that small portion, because the site has environmental problems, we had some cleanup to do as well in order create bio-retention that would be safe full term, so that adds some additional costs that you might not experience in other greenfield development. We also got some demolition of additional buildings, parking areas and other things that are factored in to it as well.

Question: **Are there concerns with infiltration based devices now infiltrating to ground fill site:**

Petitioners: There was a rather large meeting that took place yesterday addressing that very issue. We got other consultants on the team. URS is doing some ground water modeling. John Gallagher is our environmental engineering consultant. The level of contaminates is very low, therefore the ability to absorb in this site is actually quite good as compared to higher other toxic sites.

Question: **Were these designs approved?**

Petitioner: Everything is preliminary. We had just started the review process through the City with the preliminary site reviews. The design has gotten to a point to where we could produce what is needed for the cost share; it's not by any means approved by the City or ready for construction.

3.2 **Ms.Burkholder** made a motion to table the vote until applicant could provide more information. Mr. Webb and Mr. Starr both seconded, the motion passed unanimously.

Item 4 – Annual Report Review

4.1 **Mark Senior:** We put together an outline of what an annual report would like and got feedback from the group as to what should be added. In your packets should be the results, along with some images of the projects. At this point we can put that in a format and send to the Public Education Specialist and make it a nice document that this group can approve and send to Council. We wanted this group to look over it and see if there was other information that needed to be added or modified.

4.2 Suggestioned Changes

1. Stormwater Capital Improvement Program (CIP)

- Projects Under Design - *Clarify whether design cost or construction cost*
- Projects Completed - *Add date of completion*
- Spell check - *SMAC member names*

2. Review of Stormwater Drainage Cost Share Projects

- Projects Approved - *Drop points and date. List approved projects (i.e. structural flooding, severe erosion)*

3. Review of Water Quality Cost Share Project Petitions

- Fill in information
- (sf, gal)or (square footage, gallon) – *be consistent*
- Order of projects consistent with first page – *completed, under construction, and under design*
- 505 Laurel Hills Rd shown twice – *looks as if money was counted twice in totals*
- Inform Council of number of request ~vs~ budget – *(qualified projects submitted, number of reviewed applications that year, how many approved, and how much of the \$250,000 those projects used in that year)*
- List when a project has come up more than once due to funds available

4. Requests for Variances to Stormwater Controls Regulations

- None

5. Low Impact Development (LID) / Green Infrastructure (GI)

- Add note “*strongly supported by SMAC*”

Item 5 – Annual Work Plan Review

- Discussion for Annual Work Plan will take place at August meeting

Item 6 – Other Business

- The Stormwater Division is moving sometime either late fall or early winter.
- August 7th meeting will be restricted to go over Annual Work Plan.
- Decision will be made at August meeting on whether there will be a September SMAC meeting

Meeting adjourned at 5:06 p.m.

Sonya Debnam