

CITY OF RALEIGH
STORMWATER MANAGEMENT ADVISORY COMMISSION (SMAC)
Minutes

Raleigh Municipal Building · 222 W. Hargett Street · Conference Room 305
3:00pm · Thursday, August 6, 2015

Commission Members Present: Matthew Starr, Francine Durso, Chris Bostic, David Webb, Will Service, Vanessa Fleischmann, JoAnn Burkholder, Michael Birch and Kevin Yates

Stormwater Staff Present: Blair Hinkle, Kelly Daniel, Suzette Mitchell, Lauren Witherspoon, Robert Kirkpatrick, Kevin Boyer, Scott Bryant, Gilles Bellot, Chris Stanley, Ben Brown, Veronica High, Sheila Thomas-Ambat and Rob Normandy

Members Absent: Marc Horstman

Guests: Jonathan Carr, Joseph Kirby, Robert Crane, Everett Gupton, David Well, Chris Hamblet and Joel Tucker

Meeting called to order: 3:02 p.m. by Mr. Starr (vice-chair)

Motions (Absentees and Minutes)

- Absence: Mr. Birch made a motion to excuse Marc Horstman from today's meeting and Ms. Burkholder seconded. The motion was approved unanimously.
- July Meeting Minutes: Ms. Burkholder made a motion to approve, and Mr. Service seconded. The motion was approved unanimously.

The following items were discussed with action taken as shown.

Item 1 – Commission/Stormwater Staff Update on Matters of Importance to the Stormwater Management Advisory Commission

1.1 Stormwater Staff Report: (Blair Hinkle)

- Staffing Update - *no report*
- Watershed Planning Framework Development (*Sheila Thomas-Ambat*) *indicated the watershed approach is a very effective framework to address today's water resource challenges. It's considered one of the most appropriate ways to move forward with long-range project planning from a programmatic perspective. Staff has outlined some initial thoughts on how we would like to move forward using this integrated approach to Stormwater (agenda packet)*
 - *What do we consider high priority capital projects/watersheds*
 - *Where are the highest priority watershed areas/projects in the City*
 - *How can we integrate capital projects for holistic watershed management*

We will start by doing a data compilation by major watershed on existing data only and doing a data analysis to show the outcomes and how we can put the data to use.

Blair Hinkle: As we work through and develop the watershed framework, we will come back to SMAC with more details for input.

Item 2 – Drainage Petition Project Review – Raleigh Grande Theater

2.1 Blair Hinkle: At the August 4th Council meeting, the Manager of Raleigh Grande Theater asked this project to be included in the Drainage Petition Program. City Council has referred this item to the Commission for a recommendation of a sink hole that has formed in the parking lot.

2.2 Chris Stanley: There's precedence for bringing petitions out of cycle in terms of tapping into the Drainage Petition Assistance program for taking care of these issues. It does qualify and we were

aware of this issue since late June. The property owner has requested assistance through the program and they will be seeking reimbursement of the funds necessary to perform repairs through the City's Stormwater Reimbursement Policy.

○ Project	4840 Grove Barton Rd (Raleigh Grande Theater)
City Share	\$ 275,000
Owner's Share	<u>\$ 5,000</u>
Total Cost	\$ 280,000

Problem Summarized: Severe erosion – This is a 5.4 priority, located in the Turkey watershed and the drainage area is 40 acres. **Proposed Solution:** Begin at existing manhole downstream. Excavate and remove approximately 100 LF of aluminized metal pipe. Replace with new 60" diameter RCP pipe, end replacement at a new RCP manhole.

2.3 **Robert Crane (Carolina Cinemas)** The property was developed in 1997/1998. We came to the property in 2008 and I do not know who the original developer was. We operate the property under a lease which requires us to do all the maintenance. When this occurred, the survey said it was a drainage easement. I assumed it was a public easement since it has a huge pipe that drains from the subdivision and there's a creek across the street too. Everything uphill is draining in there, so when it happened I called the City thinking it would be taken care of. Stormwater staff came out and took a look at it. They explained the situation, the city policy and the petition program. We are asking for assistance since the pipe is draining a lot of water and it's a lot of money to repair. We are willing to participate more than the \$5,000 share, but we cannot afford the total cost of the project.

2.4 Question\Comments

Commission: Did the owner attempt to fill the hole and was the rip rap over the pipe to begin with.

Chris Stanley: Yes, but we would be only guessing. We cannot confirm it because the city did not perform an inspection of it when it was constructed.

Commission: Is there structural flooding at the residence across the street?

Chris Stanley: Not to his knowledge, but there's significant yard flooding and the water flows into the cul-de-sac street area.

Commission: Who was responsible for the design of the pipe and the oversight of the construction?

Ben Brown: That would be the owner's responsibility and we don't have a drawing for that. We are not sure who designed it and there was no city inspection on private property.

Commission: Is it a public drainage easement?

Chris Stanley: No, it's a private easement.

Commission: Have you contacted the owner on whether they are responsible for the repair?

Robert Crane: It's a ground lease for all maintenance and repair. EPR Properties is just a financing owner. We operate the property, so we are the responsible party for taking care of it.

Commission: Do we have the ability to modify the petitioner contribution?

Blair Hinkle: You could limit the city expenditure on the project versus increasing the petitioners share.

Commission: If this wasn't a drainage project could the city negotiate something that works with the property owner?

Blair Hinkle: If we move forward with this project under the petition program, we could be setting a precedent that bad construction means and methods could be repaired under the Drainage Petition Project. There is an element of Public Safety, and based on text of the policy it does meet the policy.

Commission: Could it be placed under another category?

Blair Hinkle: There's not another more appropriate policy that this would come under.

Commission: If we support a cost share I think it should be significantly less than the city share of \$275,000/\$280,000. There are concerns with upstream impacts for just a relative small storm event. I would support the city participation in the \$50,000 range. It's a percentage of a smaller type of project, and since this is coming out of cycle, it is hard to compare with the petitions that are coming in the fall. Usually this is the program we have an overwhelming number of requests that far outpace what we are funded. This will have to be addressed, it's just the matter on how much the petitioner and city is going to participate in the cost.

Robert Crane: We are willing to participate more than \$5,000 in the policy. This is an expensive project, and all the other people that the pipe drains through they pays taxes too and share the same pipe. We are not responsible for the damage that happens to that pipe. Under the city policy all the responsibility for the money lies with us, except for the stormwater reimbursement policy which our liability is \$5,000. We are willing to work something out to pay more than the \$5,000. If the city is funding only \$50,000, and with the requirements they are putting on this project, it increases the cost of the project more than \$50,000. If we do it, we are going to do the cheapest way to get the water flowing again. We think the best way to do it is the way the city proposes, but we cannot afford a \$280, 000 project.

Blair Hinkle: We can bring the petition projects along with this one in October. If the Cinema would start work and include the City in the process for review, we would be open in finding a less costly alternative, but I'm not sure we can go down that road until we have approval for the reimbursement.

2.5 **Motions/ Amendments:**

- 2.5.1 Mr. Service made a motion to fund this project \$50,000 considering the limitation of our budget and the great demand for these petition funds we recommend funding at that lower amount.
- 2.5.2 Mr. Birch said he will second, but also proposes an amendment to the motion to make it clear that funding level is also in recognition for a potential less reduce scope project that staff feels comfortable with. The basis for my second is the size of the sink hole today, the potential for it to grow, the upstream issues we anticipate it's causing on small events, and the fact that it does meet our policy.
- 2.5.3 Mr. Starr said the motion in front of us is to fund this project at a \$50,000 level with the understanding that smaller scope options will be looked at.
- 2.5.4 Mr. Service wants it on record the reason for the lesser funds is the demands on the petition budget.
- 2.5.5 Ms. Burkholder said the smaller scale project is only about half of the amount. We would only be paying 1/3 of it. What if we pay \$75,000, that would be about half.
- 2.5.6 Mr. Service said he would amend his motion to \$75,000 and Mr. Birch seconded.
- 2.5.7 Blair Hinkle noted this is still under the petition program we would require an Engineer to develop the plans. Our staff would review those plans and work with the applicant to make sure the of the lowest cost option.

- 2.5.8 Mr. Starr repeated the amended motion. The City funding amount is \$75,000 with looking at a lesser scope with all the things Mr. Service and Mr. Birch included in their motion and the amendment. The motion passed unanimously.
- 2.5.9 Blair Hinkle: This item will be placed on Sept 1st Council agenda under the Report and Recommendation of Stormwater Management Advisory Commission

****Note: Following the Commission meeting, the petitioner contacted staff to withdraw their request for assistance. Among the reasons cited were the fact that the City would require that our standards be met in the design of the repair, and the express liability disclaimer in the City's standard contract language.***

Item 3 – Draft SMAC Work Plan

- 3.1 **Blair Hinkle:** The chair did not receive any additional comments on the work plan, so staff will prepare a final draft and present it in September along with the annual report from last fiscal year for the Commission's approval and then take it to City Council.

Item 4 – Impervious Area Exemption Limitations

- 4.1 **Ben Brown:** At the May SMAC meeting, the Commission asked staff to put together a text change summarizing the discussions we had on putting a cap on the impervious area based on your zoning. If you go above that, you could demonstrate you are matching the pre and post development volume control stormwater for the 90th percentile storm, which is covered in the StormEZ Program. The second option is you could provide a flood study demonstrating no impact to downstream properties for flood levels for the 25, 50 and 100 year storm based on the development. Since the May meeting, the City Council requested a text change to the exemption section of the stormwater code. The request for the exemption is for a situation when a residential property is recombined and the original house stays intact, and they are building an accessory used structure on the new recombined property. Staff and the attorneys went back and laid out the three categories you would have to meet those conditions:

- a. At least one of the recombined lots contains a detached house used for single-unit living which shall not be removed*
- b. The lot is to be exclusively used for a detached house used for single-unit living, including accessory uses*
- c. The recombination involved is either no more than two lots or an aggregate of less than ½ acre and the recombined lot contains a maximum of 24,000 square feet of impervious surface. Staff suggests "or" removed from "item c" and replaced with "and". You will have to be no more than 2 lots recombined or their sizes less than ½ acre and the recombined lots we would have an impervious maximum of \$24,000 square feet.*

- 4.2 **Blair Hinkle:** The commission has already voted on your exemption limitation on these impervious areas volume control and flood study option. There's no action needed from the Commission at this point. We are bringing this back to you only in the context of this other text change just to make sure you don't have any other inputs or concerns. We feel that TC-6-15 will make it through the process before the exemptions limitations.

- 4.3 **Ben Brown:** TC-6-15 text change will go to Public Hearing at the September 1st City Council meeting at 7:00pm

4.4 Motions

- 4.4.1 Ms. Burkholder made a motion to change the wording from "or" to "and" and Mr. Birch seconded. The motion was approved unanimously.

Item 5 – Increased Detention Requirement Investigation

5.1 **Ben Brown:** Staff did some analysis expanding the detention requirement for the 25 year storm event. When we talked about it last, 100 year was wanted. We did some scenarios presenting case studies to investigate the benefits and consequences of requiring detention of the 25 year storm.

5.2 Presentation Summary

	2 & 10 Year Sizing (surface area, sf)	2, 10 & 25 Year Sizing (surface area sf)	Percent Increase in Surface Area to Detain 25 year storm
Small Commercial	7,182	7,980	11.1
Large Commercial	9,800	10,500	7
Residential	15,145	16,372	8
Townhomes	25,221	28,601	13.3

Items to Consider

- *Increased surface area = decreased usable land*
- *Construction costs for above ground SCM (land value) vs underground costs*
- *Construction limits will extend further beyond SCM surface area (access easements)*
- *Increased size and construction cost will have a 4% change of being utilized each year*
- *Detrimental to LID program goals*

5.3 **Motions:**

5.3.1 Mr. Birch made a motion for the Commission to retain this and have staff to bring back once the GI/LID implementation process is further along. Also make a report to council that SMAC recommends holding off on any action on this item until the GI/LID implementation process is at a stage further down the road, and Mr. Service seconded. The motion was passed unanimously.

Item 6 – Other Business

6.1 Stormwater Management Project Prioritization Model (*Subcommittee*) - Ms. Durso indicated at the last SMAC meeting, the Commission had two questions for the subcommittee to provide feedback:

- Should the original language of **“project is not inconsistent with”** be changed? *The subcommittee suggests the more appropriate language to use is project “is compatible with” the City Strategic Plan*
- Do we include the cost of the project as something that got scored and given priority points? *The subcommittee decided it should not be part of the points, but should be another consideration when you are considering overall priority of that project.*
- *The next SMAC meeting will be a presentation of the entire model. A special thanks to staff for doing a tremendous job.*

Meeting adjourned at: 5:01 pm

Suzette Mitchell