

CITY OF RALEIGH
STORMWATER MANAGEMENT ADVISORY COMMISSION (SMAC)
Minutes

Raleigh Municipal Building · 222 W. Hargett Street · Conference Room 305 3:00pm · Thursday, October 1, 2015
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Commission Members Present: Marc Horstman, David Webb, Michael Birch, JoAnn Burkholder, and Vanessa Fleischmann

Stormwater Staff Present: Blair Hinkle, Suzette Mitchell, Sonya Debnam, Scott Bryant, Chris Stanley, Susan Locklear, Dale Hyatt, Carmela Teichman, Veronica High, Carrie Mitchell, Kevin Boyer, Ben Brown, McKenzie Gentry, Sheila Thomas-Ambat, and Lauren Witherspoon

Members Absent: Francine Durso (e), Matthew Starr (e), Chris Bostic (e), Will Service, and Kevin Yates
**Note: (e) denotes that the Commission excused the absence.

Guests: Joel Tucker, Stuart Couinan, Justin Huntley, Matthew Hornack, Everett Gupton, Brenan Buckley, and Jonathan Henderson

Meeting called to order: 3:08 p.m. by Mr. Horstman (chair)

Motions (Absentees and Minutes)

- Absence: Mr. Webb made a motion to approve the absences of Ms. Durso, Mr. Starr and Mr. Bostic, and Ms. Burkholder seconded. The motion was approved unanimously.
- September Meeting Minutes: Mr. Birch made a motion to approve and both Ms. Burkholder and Mr. Webb seconded. The motion was approved unanimously.

Recognition: *Scott Bryant awarded APWA NC Chapter Stormwater Employee of the Year*

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 –
 - *Drainage Petition (Project Engineer II) – introduction of Dale Hyatt*
- *Wake County Flood Map Revisions (Ben Brown) - FEMA Flood maps will be out for review for a 90 day period. Four public meetings will be held (Oct 5th- Holly Springs; Oct 7th- Barwell Rd. Community Center; Oct 8th – Wake Forest; and Oct 15th - Bond Park, Cary) for residents to review results of the revised studies and new flood hazard areas.*
- *2016 Environmental Awards (Carmela Teichman) – The planning process has already begun. Some changes: Venue, catering, and shorter categories. Environmental Advisory Board (EAB) has decided that there won't be individual juries for the different competitions. Public Utilities has opted out, and Solid Waste Service has joined. We will need some SMAC volunteers to act as liaison for reviewing our Stormwater Public Service Announcement (PSA) competition and one volunteer for EAB. The next meeting is scheduled for Oct 30th. Please notify Blair by email if you are interested in participating as a juror.*
- *Divisional Foster Stream - Will be held on Oct 24th at Apollo Heights Park.*

Item 2 – Drainage Petition Program

2.1 Chris Stanley: This is a topic we have touched on the past two years. We want to delve more into the Drainage Assistance Petition Program. **(Ms. Burkholder left at 4 p.m. during presentation)**

2.2 Outline of Presentation –

- Commitment to Council – *A formal request came from Council to review the program to see what enhancements can be made.*
- Historical perspective – *From 1970’s through 2000’s.*
- Petitions Program in relation to overall CIP – *Five percent of expenditures spent on drainage petition projects.*
- Current Drainage Petition Program – *Provides financial assistance for property owners for qualifying drainage concerns on private property where there is a public contribution of runoff (structural flooding, failing drainage infrastructure, severe erosion / degraded open channel streams), annual budget of \$750,000 (under the CIP budget), projects recommended by SMAC and approved by City Council, typically 80% or 85% City cost share, property owner cost contribution at 15% or 20% with cap of \$5,000, over a hundred petition projects constructed citywide since 2000 and currently about 60 approved projects.*
- Service Challenges and Opportunities for the current drainage assistance program - *Equity and consistency in service delivery, efficiency and effectiveness in service delivery and sustainability in service delivery.*
- State of the practice in peer NC municipalities –

Municipality	Annual Stormwater Budget (\$)	Annual Stormwater Budget per capita est. (\$/cap)	Annual CIP Budget (\$, approx & % of total)	Drainage improvement program for private property?	Annual budget for private property cost-share program (\$, approx)
Raleigh	16.7 M	~41	~ 6 M/36%	Yes, cost-share, 80-85% City funded, share for property owner not to exceed \$5K each, based on qualifying needs, priorities, available funding	750 K
Charlotte	~70 M	~90	~67 M annual avg. next five years	100% City funded, based on qualifying needs, priorities, easements, available funding	Cost share not required Integral to CIP/Maintenance. Property owners have option of cost sharing at 50% but not required
Greensboro	9.7 M	~35	1.5 M/15%	100% City funded, based on qualifying needs, priorities, available funding	Cost share not required/ Integral to CIP Maint
Durham	12 M	~49	4.4 M/37%	Yes, cost-share, 70% to 80% City funded, not to exceed \$20K - \$35K City cost per parcel, based on qualifying needs, priorities, available funding	720 K
Winston-Salem	10.2 M	~43	2.3 M/ 23%	Yes, SF and MF-residential only, cost-share, 70% City funded, not to exceed \$35K City cost per parcel, based on qualifying needs, priorities, available funding	250 K
Cary	2.7 M	~18	1.1 M/ 41%	Yes, cost-share, 50% of construction cost, based on qualifying needs, priorities, available funding	500 K
Asheville	3.64 M	~44	656 K/18%	N/A, property owners have to petition Council on an individual basis	N/A

- *Raleigh’s Stormwater Fee at Median Rate for NC Municipalities –*
 - *Raleigh’s current average fee rate of \$4/month is close to the median rate (\$3.90) for municipal stormwater fees in NC. A more comprehensive CIP program for qualifying situations on private property would benefit from greater funding and increased resources. Regulatory requirements will continue to be satisfied / funded under any scenario.*
- *Larger Stormwater Program Benefits - Heightened stormwater program integration, encourages an efficient, effective, innovative, and strategic approach to stormwater management. Preferred*

projects help achieve both stormwater quality and quantity goals, provides framework and priorities for enhanced watershed management and master planning, alignment with recently adopted City Strategic Plan, leading practice example consistent with organizational excellence, contributing to overall community quality of life and helping advance the City of Raleigh.

- Going forward (Four Options) –
 - Option 1 – No changes to current Drainage Assistance Program
 - Option 2 – Maintain current policy, increase funding/ resource allocation
 - Option 3 – Enhanced policy, no changes to funding/resource allocation
 - Option 4 – Enhanced policy, increase funding and resource allocation

2.3 Feedback and Discussion

2.3.1 Commission – On the stormwater fee median rate slide, you mention that resource is not the driver.

2.3.1.1 Scott Bryant – It’s not the primary driver. Both Charlotte & Greensboro are in two different spectrums with resources but they take the same approach toward managing public runoff, and on how much gets done.

2.3.2 Commission – If you have a CIP type project that’s constrained because a property owner, that’s vital to a larger solution does not want to participate, will you take affirmative action and/or not do the project?

2.3.2.1 Scott Bryant – If Management, Commission or Council wanted to move toward this approach and build on the good work, it would become integral to the CIP.

2.3.2.2 Chris Stanley – There is opportunities to mix and match here. There still will be issues isolated to one property that are more maintenance issues you can address. Does it make sense for them to sit there for four to five years? Can we designate something for those that are more efficient and focus more on those, but at the same time doing something that looks at these in between petitions/small scale CIP.

2.3.2.3 Blair Hinkle – We are not saying we need to pick one of these options or else.

I think there are several decision points: Planning level, whether we move away from the cost share model and more to the integrated CIP model, how do we treat infrastructure on private property and whether we need to upkeep that infrastructure. Those are the key points we want the most feedback on.

2.3.3 Commission – When the property owner does not want to participate and they are down the pipeline, figurative speaking, is it because of the cost share or is it because they just want you to stay off their property?

2.3.3.1 Chris Stanley – Yes, the cost share can make a big difference. They can dedicate an easement to us to do this work. Of course you will have some that does not want you out there, but if they are integral to the fix we won’t do it until they’re ready to dedicate that easement.

2.3.4 Commission – What about some type of incentives for those citizens that are reluctant to do a cost share.

2.3.4.1 Chris Stanley – The petition program is voluntary. We are not going to try to force a project on anyone. The nature of the project is to focus on each property, so if you want improvements and it qualifies, we will partner with you.

2.4 Mr. Horstman indicated to the Commission that Ms. Burkholder had to leave early and we do not have a quorum to vote. The Commission can read through all the information and consider all the impacts, especially funding, policy shift, and easements. We need to discuss this more at the next meeting.

✓ **Action Items**

Place item for discussion on November's agenda

Item 3 – Text Changes to UDO Section 9.2.2.A

3.1 Ben Brown (Regulatory update) - House bill H765 (*2015 Regulatory Reform Act*) is waiting for the Governor's signature. The part that affects us is the City's Stormwater Program standards must equal the standards of the State model program. The City has until March 1, 2016, to submit its amended changes to the Environmental Management Commission (EMC) for approval and the EMC has until December 1, 2016, to approve the City's program.

3.2 Outline of Presentation –

- Two main areas affected: *Exemptions are broader in the state model program and detention standard is less than current city standard.*
- Following activities must show stormwater compliance - *Any activity that disturbs greater than 1 acre in order to establish, expand, or modify a single family or duplex residential development or a recreational facility; any activity that disturbs greater than ½ acre of land in order to establish, expand or modify a multi-family or commercial development.*
- No net increase in peak flow leaving the site from pre-development conditions for *the 1 year, 24 hour storm and current city ordinance requires control of the 2 and 10 year, 24-hour storm.*
- *Stormwater Programs not affected by H765 - Erosion and Sediment Control (GS 150B-21.3A, Water Supply Watershed (GS 143-214.5) and Floodplain (Federal Registry).*
- *Prior to H765 passage, Council passed new exemptions for the Stormwater Regulations, Council requested SMAC review alternate language to include their work over the past 18 months and Staff produced alternate exemptions based on SMAC work and Council input.*
- *Existing and Alternate Exemptions are specified in agenda packets*
- *Next Steps - Staff still needs to discuss specific ordinance changes with City Attorney, staff will come back to SMAC with any changes that are mandated, and City Ordinance changes must be in place prior to submitting Raleigh's Stormwater Program to the EMC on March 1, 2016.*

3.3 Public Comments –

Stuart Couinan (Builder) – I want to know staff thoughts on TC-6. I found out about the change on the day of the last Council and I want to figure out how to fix my business model. My concern is that the downtown area is made up of a variety of lots (*small, narrow, land lot parcel*) and they are always thinking creatively about re-combining lots, doing subdivisions and how do we get our yields because land is expensive. It's always a tug of war on what we can do, how big we can build, and what we can afford to build and the change this might bring in terms of an added stormwater device. Whether its volume control or quality management, how do we tie into a storm system that may be a block away. Those are the unknowns that concern me. I build on small sites (40x100), where do we put this device, and what happens when we don't have positive flow to get the water off the site in some direction. How do we deal with the cost, is it an easement, or in cases where there's no options is there going to be a variance problem. Our concern is there's a lot of people that work downtown that specialize in infield, don't necessarily have a seat at the table to voice their concerns when it comes down to yield, affordability, and issues where it would affect everyone such as stormwater impacts. I can provide several scenarios with examples that might test the TC-6.

Justin Huntley (Builder) – Mr. Couinan and I have talked about this with other builders indicating that there needs to be a voice in the early stages. I found out about the text change on a re-combination that I was doing. It's so hard now to keep up with the rules and regulations. You may buy a piece of land with the assumption here are the rules, but in the meantime, there's some changes and you are stuck with a piece of land worth half of what you paid for. It's a high risk game to start off with. When you don't know what the rules are when purchasing something, or whatever the case may be, it makes it much harder. A lot of this can be talked about more informally. We would like an opportunity to have a small group of infield builders like us to take

part in early discussion on any possible future changes. We are willing to abide by the rules, but when it's constantly changing and you find out the last minute it just makes it more difficult.

✓ **Action Items**

Place item for discussion on next agenda

Item 4 – Other Business

4.1 Blair Hinkle (November SMAC) – We will be bringing back three items that will take one hour each. I recommend we start the meeting one hour earlier at 2:00pm. The Commission agreed.

Meeting adjourned at: 5:07 pm

Suzette Mitchell