

CITY OF RALEIGH
STORMWATER MANAGEMENT ADVISORY COMMISSION (SMAC)

Minutes

Raleigh Municipal Building · 222 W. Hargett Street · Conference Room 305 3:00pm · Thursday, August 4, 2016

Commission Members Present: Vanessa Fleischmann, Ken Carper, Matthew Starr (*vice-chair*), Francine Durso David Webb, Marion Deerhake and Chris Bostic

Stormwater Staff Present: Blair Hinkle, Suzette Mitchell, Kelly Daniel, Lory Willard, Chris Stanley, Ben Brown, Ashley Rodgers, Lauren Witherspoon, Wenju Zhang, Sheila Thomas-Ambat, Dale Hyatt, Scott Bryant, Alex Shpik, Justin Harcum, James Pflaum, and Veronica Barrett

Members Absent: Marc Horstman (*chair*), Evan Kane, and Kevin Yates

Guest: Adam Martin, Nancy Wehling, Robert Nichols, Chris Hamblet, Susan Brosnan, Laurie Vann, Mark Senior, Craig Deal and Steve Dawson

Meeting called to order: 3:04 by Matthew Starr

Motions (Absentees and Minutes)

- Absence: Ms. Fleischmann made a motion to excuse Mr. Horstman, Mr. Kane and a Mr. Yates from today’s meeting and Mr. Webb seconded. The motion was approved unanimously.
- June Meeting Minutes: Mr. Bostic made a motion to approve and Ms. Durso seconded. The motion was passed unanimously.

Special Note: Mr. Hinkle announced that Mr. Starr was chosen as “Tarheel of the Week”

The following items were discussed with action taken as shown.

1. Stormwater Staff Report

1.1 Update on Public Works Reorganization – *As of July 1st the Public Works Department no longer exists. All transportation related divisions moved under the newly formed Transportation Department (Director - Michael Rogers), while non-related divisions moved under the newly formed Engineering Services Department (Director – Rich Kelly). This group includes Stormwater, Design Construction, Construction Management, Vehicle Fleet Services and Facilities Maintenance and Operations.*

1.2 Introduction of New Staff Members –

- *Engineering Technician Supervisor (Drainage) - Veronica Barrett promoted*
- *Conservation Inspector - James Pflaum*
- *BMP Inspector - Alexandra Shpik*
- *Plans Review Supervisor - Ashley Rodgers*

1.3 Update on Open Data Initiative – *Scott Bryant reported that the SMAC Subcommittee members and staff met on June 30th about the beginning stages of the Open Data Program for the Stormwater Division and City of Raleigh. Adam Martin reiterated that Stormwater is the pilot for other departments on proactively engaging the data we have and helping to share it across the departments. The next step is to use the capital project maps we use for stormwater, and standardize the format and take to other departments.*

2. **Drainage Assistance Project Review** (Chris Stanley)

Blair Hinkle commented that the City Council approved the policy revision in July. The projects will be reviewed bi-monthly on odd months and since the Commission did not meet in July, August will be the first month of the bi-monthly process.

Chris Stanley informed the Commission there are four projects up for review and recommendation under the new policy. He provided a presentation on these projects and the consideration it took to bring these forward.

Estimated Project Costs	
Spring Drive	\$350,000
Rainford Court	\$50,000
Williamson Drive	\$120,000
*Rembert Drive - (Previously funded through Drainage Petitions- October 2013)	
Total Estimated Project Costs This Period	\$520,000
FY17 Budget	\$1,250,000
FY17 Remaining Drainage Assistance Funds	\$730,000

Ms. Durso wanted to know how long these four projects have been on the list.

Chris Stanley indicated Spring Drive was about six months, but we've known about it for several years, Rainford and Williamson are newer compared to some others, and Rembert Drive was approved in 2013.

Mr. Nichols (Rainford Ct property owner) asked what is CIP.

Chris Stanley said it is our Capital Improvement Program. It's our larger stormwater projects, and how we as a program are funded and our drainage program is part of that program.

Mr. Nichols wanted to know who oversees the program.

Blair Hinkle stated that ultimately it's him, but Veronica High is the Program Manager.

Mr. Nichols commented that he wants to make sure this thing was finally taken care of and he's tired of his property flooding so he wants it done.

Ms. Deerhake commented that since the drainage list will increase, it would be useful to try and analyze it to see if anything is driving these new listings.

Chris Stanley replied that more than likely it's the growth of the City and having an overall sense of what's out there and being proactive in tracking and scoring those.

Ms. Durso asked was there any additional cost for Rembert Drive.

Chris Stanley said that project is scheduled to be built with our on-call contract so there is some extra cost. He mentioned that previously there were two or three properties that we focused on; staff realized there were more issues such as a property upstream that we have incorporated with this project. We have accounted for that with the contract we have in place now.

Blair Hinkle commented that this is a good example of the policy revision working. We are able to expand project scopes to get at the problem rather than just fixing the symptoms of the problem.

Mr. Carper wanted to know the criteria of the project when it becomes out of the unit price.

Chris Stanley answered if the project is half a million or over, we will bid that out.

Blair Hinkle reminded the Commission that normally we would spend half of the budget in the Fall and half in the Spring. However, with the new process, staff is carefully monitoring what we present to ensure that we are on track not to exceed the budget or fall short on the projects.

Motion:

Ms. Durso made a motion to approve all four projects that were presented and Mr. Webb seconded. The motion was approved unanimously.

3. **Stormwater Quality Cost Share Project Review** (*Lory Willard*)

Kevin Boyer provided a background summary on the Water Quality Cost Share program. Kevin mention the policy was adopted by Council in 2009, and amended in 2012 and 2015. It was established to encourage installation and operation of Stormwater treatment devices on private property, but just not private, because the city is eligible for funding as a compliment to devices that the city installs, and private entities install in compliance with our NPDES permit for Stormwater. It is a volunteer program, with a \$250,000 annual budget. In 2015, the policy was revised to create five areas in the City designated as priority water quality target areas in which the city will now contribute 90% of funding. Property owners must commit to a 10 year operation maintenance agreement of the device they installed.

Lory Willard informed the Commission there is one project located at 2405 Fairview Road up for recommendation. This project is for a 3,400 gallon underground cistern.

Project

Petition Request	Project	Budget	Cost Share	Funding Request
2405 Fairview Rd	3,400 Gallon Below Ground Cistern	\$19,137	90/10	\$17,224

Blair Hinkle noted that as we score these projects and use the model, we will be able to provide these scores in context of other scores that's been developed for projects.

Mr. Dawson (*property owner*) remarked that it's a higher cost than other cisterns that have gone in. The primary cost increased because of the grading and digging a ditch for an underground cistern. Fairview is a busy road so it's going to take the legitimate type graders to handle this type of project. Their work will be done the right way because it's highly visible, and there are some safety concerns since a sidewalk is nearby so there's an additional cost. He said this is an 18 month project that he's been conversing with stormwater staff and NC State Extension office so it can be correctly done to meet both the City and his requirements. He submitted three proposals to the City and he is managing the project as well as working directly with the suppliers for a cistern system. He wants to do it right so it can be maintained, it operates effectively, and that it meet the requirements.

Ms. Deerhake wanted to know what the water will be used for.

Mr. Dawson responded saying the water will be used for irrigation and it would not require backup into city water.

Ms. Deerhake asked if there will be runoff from the site and will anything be running into the storm system.

Mr. Dawson answered that it will be captured from the front and pumped into the back. We have done the calculations and we don't believe there will be any runoff.

Mr. Bostic wanted to know how much water per week he anticipates going through the irrigation system.

Mr. Dawson replied at the peak it would be 3,400 gallons, so potentially it could go dry. We could adjust it to stretch out the water supply.

Blair Hinkle pointed out that this program has been under-utilized. Our staff is promoting the use of this program by engaging in additional marketing activities, and this is in one of our water quality targeted areas, so Pigeon House is subject to a TMDL. The cost is relatively higher than past projects, but the staff considers this as a good project to approve.

Kevin Boyer added that one of the revisions to the policy was changing the criteria for suitability of a project from lowest cost alternatives to acceptable cost. We don't always think it's appropriate to approve only lowest cost projects, and after evaluating the project we find this price to be acceptable.

Ms. Durso commented that when you look at cost per pound of nitrogen, it is higher than what we funded before, but we are working to promote this program and it is in the targeted watershed, yet, at some point the Commission will have to deal with oversizing and how big are we going to fund.

Kevin Boyer stated that staff's job is to evaluate if it's acceptable or not in a subjective way. We would like to come back in the winter with some ideas on possible changes to the policy.

Ms. Fleischmann wanted to know if the cost includes the annual maintenance on the cistern.

Lory Willard replied any of the annual maintenance cost is the homeowner's responsibility.

Motion:

Ms. Durso made a motion to approve the project so we can have further discussion and Ms. Fleischmann seconded. The motion was approved unanimously.

Blair Hinkle noted that we are working to clear up some of the agreement language. This will be the second case to use the new agreement language. The main shortfall we found was the language did not include anything related to the timeline for construction. We have a few of these that have been approved and funded, but remain sitting out there unbuilt. With this, it allows for 12 to 15 months notification process to at least begin construction.

4. **Illicit Discharge Detection & Elimination – Policy Update** *(Kevin Boyer)*

Kevin Boyer provided a brief background on the program explaining that Raleigh has an Illicit Discharge Detection and Elimination program and an ordinance that enables that program. It was adopted by City Council 1995 and was amended in 2011. The ordinance gives the City authority to site anyone discharging anything in the stormwater system or to a stream that's not stormwater, with 18 exempted substances, and gives the City authority to enforce against that discharge. We have the authority to issue a Notice of Violation, to monitor containment and clean-up, to issue civil penalties and administrative fees, and to recover cost incurred by City. We believe we can operate more efficiently with the proposed 10 revisions that's outline in the

agenda packet. If the revisions are recommended by SMAC, then it would go to the City Attorney for review and then to City Council if there are no minimal changes. If there are any subjective changes, we would notify the Commission of the changes.

Proposed Policy Changes

- (1) *Explicitly define the term “allowable non-stormwater substance” and use this term in defining “illicit discharge”. Section 13-5004*
- (2) *Explicitly define the terms “unmodified potable water” and “wash water” and use these terms in defining “allowable non-stormwater substance”. Section 13-5004*
- (3) *Delete “pollution” from the definitions. Section 13-5004*
- (4) *Delete the term “spills” and references to this term. Section 13-5006(3), 13-5007(c)*
- (5) *Simplify the statement that prohibits illicit connections. Section 13-5007(b) (1)*
- (6) *Add a one-time “initial civil penalty” that is independent of the duration of the illicit discharge or illicit connection. Also, add a “continuing civil penalty” that is based on the duration. Section 13-5008(b) (1), 13-5008(b) (2)*
- (7) *Add procedures for assessing civil penalties for illicit discharges, similar to procedures for illicit connections. Section 13-5008(b) (1) d.*
- (8) *Add a statement that the civil penalties may be calculated from the date of the onset of the illicit discharge or the illicit connection. Section 13-5008(b) (1) d, 13-5008(b) (2) d.*
- (9) *Add a new item to allow staff discretion to issue warnings, rather than notices of violation, civil penalties, and administrative fees, for violations of a minor nature. Section 13-5008(f)*
- (10) *Edit as appropriate.*

Mr. Carper wanted to know when the civil penalty would start.

Kevin Boyer said when the staff first observes it.

Ms. Deerhake asked how the city arrived at the \$5,000 per incident.

Mark Senior said that amount was arrived at from discussions with the City Attorney’s office. They felt that amount would be reasonable if it had to go to court.

Ms. Deerhake commented that DWQ had developed a penalty tree system that allowed assessment of penalties based on various factors. She suggests that it would be useful to document in that way in case there are any challenges in the future. It will also give you a paper trail for any decision making and help standardizing it would be useful.

Motion:

Mr. Carper made a motion to accept the changes and presented to the City Attorney and Mr. Webb seconded. The motion was passed unanimously.

5. **Stormwater Management Advisory Commission 2017 Work Plan Preparation** (*Blair Hinkle*)
Blair Hinkle informed the Commission that it’s time to finalize the current year Work Plan and the previous year Annual Report. Please forward any of your comments, or changes to him. A photograph of the Commission will be taken at next month meeting to go in the Annual Report.
6. **Other Business**
September 1st meeting – Due to a few Managers being out of the office on that date, Blair requested the date of the meeting to be changed to Wednesday, Sept 7th. A photograph of the Commission will be taken at that meeting. Ms. Deerhake informed the Commission that she will be unable to attend the meeting on that date.

Motion:

Mr. Starr made a motion to move the September 2016 SMAC Meeting to Wednesday, September 7th at 3:00 pm and it would also be SMAC picture day, both Ms. Fleischman and Ms. Durso seconded. The motion was passed unanimously.

Adjournment: Mr. Starr made a motion to adjourn and Ms. Fleischman, Mr. Carper, and Ms. Deerhake seconded. The motion was passed unanimously. The meeting adjourned at 4:24pm.

Suzette Mitchell