CITY OF RALEIGH
STORMWATER MANAGEMENT ADVISORY COMMITTEE

The Stormwater Management Advisory Commission met in regular session on November 7, 2013, at 3:00 p.m., in room 305, Raleigh Municipal Building, Avery C. Upchurch Complex, 222 W. Hargett Street, Raleigh, North Carolina, with the following members present.

Committee Members	**Stormwater Staff**
Michael Birch	Danny Bowden
Chris Bostic	Zayda Esquivel
Kevin Yates	Scott Bryant
Marc Horsfman	Ron Davis
JoAnn Burkholder	Brad Stuart
	Kevin Boyer
	Mark Senior
	Jonathan McNeill
	Lauren Witherspoon
	Ben Brown

Absent
Ralph Thompson
Francine Durso

Guest	**Reason for visit**
Wayne Miles	Observing
Amy Jacobs, Jennifer Hariston	Drainage Petition
Carl Johnson	Drainage Petition
Jennifer Diaz	Drainage Petition
Amit Sachan	Observing
Charles Archer	Observing

The following items were discussed with action taken as shown. Mr. Birch called the meeting to order.

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

1.1 Mr. Bowden indicated that Ralph Thompson has resigned from the Commission due to other time restraints.
1.2 Thank you to Councillor Stagner for his service to the Commission.
1.3 Will Service was reappointed to the Commission.

Item 2 – 2701/2705 New Bern Ave Drainage Cost Share

2.1 Sheila Thomas-Ambat said this project was previously funded by Council. We create estimate and take it to Council for approval. We don't do the estimate based on true design and we come up with it based on consensual design and 95% of these are done in house. We do give property owners the options to pursue projects as reimbursement and they hire their own Engineers to design and contractors to build. The property owners hired Withers & Ravenel when they completed the design, got bids and received the lowest cost bid which was higher than approved amount. This presentation is a request for money funds.

2.2 Summary of Presentation

Additional Funding Request: (reimbursement project) 2701/2705 New Bern Ave. –

- Previously presented to SMAC on Sept 5, 2013, owner requested additional $24,615
- Staff did not make recommendation because of no plans and specific breakdown cost
- Finalized plans on 10/17/2013 - Received 5 bids
- Owner requesting additional $74,000
- Staff recommendation to increase funding by $42,700
  - Scope changed – additional manhole, additional area for stream stabilization
  - City total estimate include design fee, etc.; $175,000 adjusted inflation, economies of scale with large contract
  - Sept., 2013 – 5 projects approved for City share $468,000. Ten projects deferred until Spring, 2014
  - Currently 22 projects (30 owners) requesting estimates for Spring, 2014. Will continue to accept estimates for another 4 months, probably increasing the number

Question and Answers for this project

- The 22 projects – does it include the 10 deferred.
  (a) *M.s Thomas-Ambat* said no, that's an additional 22 that we haven't done estimate
- Going back to 1st slide, what's the risk to the concrete pad area? How much erosion is getting under there?
  (a) *Ms. Thomas-Ambat* said this qualifies because it was less than 10 ft. from the foundation of the house. It did not qualify under the structural flooding which is highest priority.
  (b) *Property owner* said the erosion is at the edge of the fence and encroaching beyond the fence into the concrete area. The one on the downstream area is considerably worse.
- When does reimbursement occur?
  (a) *Mr. Bowden* said when we make a final inspection and accept it.
- From a construction standpoint, what is the timing from beginning and how long does it take to have it done?
  (a) *Applicant* said we did get time limit from contractor the low bidder; said it would take 9 weeks.

2.3 The applicant indicated the $74,000 they are asking takes in account the contingency.

2.4 Mr. Service made a motion to fund the differential the City generated $42,700.

2.4.1 Mr. Horsfman seconded; the motion was approved unanimously.

Item 3 – Stormwater Quality Cost Share Projects

3.1 Brad Stuart indicated at the previous meeting was requested to review Water Quality Cost Share policy highlighting payments, transfer responsibility and

recordation of agreements *(hard copies of presentation provided in agenda packets)*

3.2 Items for Discussion

(1) *Repayment –*

(a) *Repay the full amount funded by City*

(b) *Repay prorated amount based on time remaining on the maintenance term*

Questions/ Answers Comments

- The prorated amount seems reasonable. Would that be new to the policy?
  (a) Brad Stuart said as it states now, the cost would have to be determined by the City.
- The City has in its agreements now the right to request the full or prorated amount. Do we want to be more specific and in what amount?
  (a) Mr. Bowden said the program is allocated $250,000. It was funded in 2010, but we never utilized that entire amount of money. You will have to think about balance how much you want people to use the policy versus make it more astringent. Secondly, the City will be doing retrofit on the private side. There are some funds extended by property owners that City will not have to spend on the retrofit side.

3.2.1 Mr. Birch said he is comfortable with the language that is in there and don't necessarily need to be more specific from the City's standpoint

(2) Transfer of Responsibility –

(a) Transferee could sign agreement assuming responsibility for water quality device

(b) Repay the cost as determined by City

Questions/ Answers Comments

- What's the City typical cost and what is the highest we've had?
  (a) Brad Stuart said the highest cost would probably be the green roof recreation center. Total construction cost is in the $140,000 range; we've had projects in the low range $3,000. The highest private project

3.2.2 Mr. Birch said from a transfer standpoint the City right now is not recording a property can change hands, the City has the right to ask for repayment at this point.

3.2.2.1 Brad Stuart said internally the concern we have is people signing agreements that do not stipulate some of things although it's in the policy. What kind of message are we sending? We are not certain that it would bind future owners or heirs to the agreement to those conditions without recordation to the deed.

3.2.2.2 Mark Senior said we can record these documents now, but it would not put any lieu or title restriction on that property to transfer. It would not transfer to future owner it would be a document that just sits in the clerk office that someone look up. If we want to transfer documents to future property owners, additional documentation involving deed easements or restricted covenant on that property will have to be signed as well. Our only recourse is if we find a device that's not being maintained, we have a legal

agreement with the owner regardless of what happens they own and they are responsible to pay back the City

(3) *Recordation of Agreements–*
   (*a*) *Remove the requirement for Agreement recordation*
   (b) Require recordation for high cost projects
   (c) Reimburse the petitioner in installments
   (d) Record all future agreements
   (e) Record all agreements

3.2.3 Mr. Birch said he supports in revising the policy to removing the language requiring the agreement be recorded except for projects where City's share is greater than $30,000. Something similar that will provide the City some interest some rights. What if in the next meeting we came back with a revised resolution mending policy regard to recordation and finish discussion how to handle transfer and recordation for smaller and larger projects?

<u>Item 4 – Stormwater Regulation Exemptions Projects</u>

4.1 Ben Brown indicated we will be adding to the sections of the UDO, impervious depending on the density for residential units. Part of the discussion is adding another section to what we do if anyone goes over that limit. I took the language downstream structural flooding off the current code.

4.2 Mr. Birch asked where the percentage number from R1 to R6 come from.
   4.2.1 Ben Brown said from a technical standard TR55 published by NRCS.

4.3 Ms. Burkholder asked if there are any impervious covered caps on sub watershed levels.
   4.3.1 Ben Brown said no, except in water supply.

4.4 Mr. Birch said his thoughts are we need to have something like this in place. (2) I see it has a major change in terms required something that's not required now. I'm unsure of scope of these changes in terms of the amount of property being affected. We can look at lots un-built right now and this will also bring in lots developed with houses now and torn down and we could have new houses. From an impact standpoint, the 38% is low; we are going to capture a lot of projects that were not previously captured.

4.5 1:34 Ms. Burkholder said mentioning impeding development that's already a lot of lots enjoy at these high impervious covers. One of the things this Commission is to be directed toward doing is to protect natural resources, especially receding waters and that's not being done by these % at all. We have always done this way so why curtail now? The problem with water quality is huge in this State. Don't believe that a cap of 60 to 80% of impervious is unacceptable unless there is a watershed cap, which there isn't. We should encourage more conservation.

4.6 Mr. Birch said he envisioned a motion to Council would be is that SMAC recommends to Council authorize a text change to address these two exemptions with something similar to this.

<u>Item 5 - Other Business</u>

Meeting adjourned at 5:10 p.m.

Suzette Mitchell
Stormwater Management