

CITY OF RALEIGH
STORMWATER MANAGEMENT ADVISORY COMMITTEE

The Stormwater Management Advisory Commission met in regular session on December 5, 2013, at 3:00 p.m., in room 305, in the Raleigh Municipal Building, Avery C. Upchurch Complex, at 222 W. Hargett Street, Raleigh, North Carolina, with the following members present:

Committee Members

Michael Birch, JoAnn Burkholder, Marc Horstman, Will Service, Kevin Yates, Francine Durso, David Webb, Chris Bostic

Stormwater Staff

Mark Senior, Kevin Boyer, Suzette Mitchell, Marva Watkins, Carl Dawson, Brad Stuart, Mike Kennon, Scott Bryant, Kevin Kidd, Robert Kirkpatrick, Joy Sumner

Absent

Vanessa Fleischman

Guests

Rick Rowe and Amos Clark (Crabtree), Matthew Starr, Beth Chisson, Dennis Hoye and Gary Hughes (Variance), Amit Sachan

The following items were discussed with action taken as shown. Mr. Birch called the meeting to order. Mr. Dawson (*Public Works Director*) noted we are in the process of reorganizing the Stormwater division. There will be new roles for some staff and added staff to make us more agile & responsive in getting projects on the ground and more responsive to drainage complaints more quickly.

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

- 1.1 Mr. Senior -
 - Commission must sign in. City Clerk has to provide to Council the attendance record for boards and commission members.
 - Minutes from the past will be forwarded at next meeting for approval to adopt and post on the website.
 - Service award presented to Francine Durso for previous years on SMAC.
- 1.2 Mr. Boyer –
 - LID - Consultant (*TetraTech*) selected for RFQ and started work.
 - Environmental awards needs two SMAC members appointed to serve; one for general awards and one for new Stormwater public service video awards among high school students (*Francine Durso & Marc Horstman volunteered to serve.*)
- 1.3 Ben Brown –
 - Development exemption- Council Agenda for January to authorize public hearing meeting for text change exemption for smaller lots.
- 1.4 Will Service just wanted it noted he was in attendance at the November SMAC meeting. His signature was not listed under present or absent.
- 1.5 Michael Birch made a motion to approve November minutes.

1.5.1 Will Service seconded; the motion was approved unanimously.

Item 2 – Variance Request – Rite-Aid #11920 at 4600 Capital Blvd. from URS

2.1 Ben Brown indicated Rite-Aid representatives are requesting a variance from the nitrogen section from our Stormwater runoff treatment. They have existing impervious on site to cover actual building itself they don't have to do any Stormwater treatment. They are looking for right-of-way improvements that are required as part of submittal on the impervious associated with that. That will need some Stormwater treatment and they are asking for relief from the aspect of that. (*Variance request provided in agenda packet.*)

2.2 Joan Davis (*Attorney for Rite-Aid*) provided historical background. Site was previously dry cleaners and Hardee's at New Hope Road. In 2003, Eckerd's identified as site that can be improved on; however, dry cleaner site label as hard site to develop on. The corner could be developed as Rite-Aid if environmental implication of dry cleaners could be dealt with. They received site approval by DENR for development. The project stalled because instead of putting in sidewalk along certain areas for Rite-Aid, they would have to put sidewalk in front of Capital Blvd. and down New Hope, but since leased land, you just cannot put sidewalk everywhere. The additional concrete will create problem with impervious/pervious surface. On site we reduce the amount of impervious on our site, but offsite is the issue. Since it's DENR site, there are restrictions that we had to output in place in order to develop the site. We can't do anything on site without their permission (*see copy of Notice of Dry Cleaning Solvent*). It's not advisable to dig down in TC contaminated soil to address Stormwater. A question was asked to maybe use parking spaces but it involves excavation. We know this is a contaminated site; is it better for public safety not to disturb that soil?

2.3 Summary Questions

- *Why are they being required to this with sidewalk?*
 - Staff said there were gaps in some of sidewalk between bank and their property and they wanted connection which was a component and there are also some ROW improvements and construction drawings going to DOT.
- *Are ROW improvements required because you are developing the site?*
 - Nitrogen removal credit will have to have enough impervious.

2.4 Rite-Aid Representatives request to defer to next month and speak with staff on calculation to see what it involves and also the cost factor to see if feasible or not.

- Items Commission requested from Rite-Aid for next meeting

- *More effort with mitigation portion in pursuant with general condition*
- *Environmental background*
- *Look at Phase II report, DSCA report on mitigation area that shows excavation part*

2.5 Mr. Birch made a motion to defer the variance until next month,

2.5.1 Ms. Burkholder seconded; the motion was approved unanimously.

Item 3 – Stormwater Quality Cost Share Projects

- 3.1 Kevin Boyer indicated there's a markup document of Policy by Resolution (*provided in agenda packet*) to regulate Stormwater Cost Share. At the last two Commission meetings, there was a discussion of revisions to Policy relating to concerns on the upkeep of devices that's installed under the program and requirements to record documents to Register of Deeds. Staff has provided recommended revision to the policy (*noted in red font*).
- 3.2 Recommendations –
- Section 3 (*Item Q*)- covers if petitioner not able to repay City.
 - Section 3 (*Item E*) - High dollar investments by the City (record 2 documents by Register of Deeds); COR investment more than certain amount for those projects owner record land use restriction on property. Would it be permanent land use restriction or limited term?
 - Section 3 (*Item F*) – 1st sentence re-wording, 2nd sentence for any project implemented by property owner as opposed to any implemented by City for property owner to receive competitive quotes for price of work.
 - Section 3 (*Item J*)- move to item E along with land owner restriction.

Summary Questions

- *What's the cost/distribution?*
 - \$30,000
- *Can there be ratio instead of dollar amount?*
 - Ratio set depending on term of commitment

Items to add in Policy:

- *Big ticket projects - if property is transferred or sold, have the new property owner have an option to buy-out the project to get the restriction off.*
- *Need City's approval on quotes so we won't run into the situation where you get an astronomical quote that we are stuck with. The City always has the right to reject that and do again or can change the scope of the project.*

- 3.3 Mr. Birch made a motion to adopt the changes proposed by staff with the following changes or amendments: The amount of City investment of \$40,000, triggering the recordation of language restriction in term of five to ten years depending on the maintenance obligation.

3.3.1 Mr. Webb seconded,

3.3.1.1 Ms. Durso said she would like to reduce the amount to \$30,000.

3.3.1.2 Mr. Webb both seconded; the motion was approved unanimously.

Item 4 – Crabtree Mall Flooding/Drainage Improvements

- 4.1 Scott Bryant welcomed (*Rick Rowe & Amos Clark with Crabtree Mall*). The Crabtree project would be under the drainage cost share program which is funded \$750,000, while the water quality cost share is \$250,000 and both are under the Capital Improvement Program which is about five million per year. The Crabtree group came in the past summer speaking of the flooding problems at Crabtree Valley Mall. The problem is not from Crabtree Creek and Crabtree floodplain but from waters coming from north to south. Crabtree Valley Mall is a valid drainage petitioner and project with public runoff and structural flooding. We do not have any additional information or proposal; we just want to do framework for discussion to see how the City can receive these types of requests. Potential

improvement is well beyond the scope of our \$750,000. This project could be five to eight million. The only way to address the flooding problem is the system that treats the area and those basins are coming down to Crabtree Mall area. We are speaking of a significant capital investment that goes beyond scale and scope of the petition program.

- 4.2 Rick Rowe (*Crabtree Representative*) indicated it's going to take time to find best opportunity to solve this problem. We have a proposed routing and alternate routing which we don't think it's feasible. We have done some subsurface investigation and we have done some alternative routing options to get the pipe depth up. We have four bidders as far as cost. We want to talk on the process of coming here, the merits of the project and how to deal with funding.

Summary Questions

- *Why isn't this a Capital Improvement Project?*
 - There are a number of capital projects and some on the books are in the three million range. It's not identified as a capital project. We have not done a study to identify a systems project in the area.

- *What is timeline for CIP in terms of when the funds are available?*
 - Once money in place for fiscal year, we start design. It usually takes 1½ years and the following fiscal year or two before we start construction.

- Staff requests from Crabtree Representatives
 - *Review Plans*
 - *Type of analysis, what the public benefit is*
 - *City and Developer need to sit with DOT and let them know what benefit this project will have for them and ask for assistance*

Item 5- Other Business

- 5.1 Check availability of next SMAC meeting either on January 9th or January 16th. Staff will send email for verification.

Meeting adjourned at 4:54 p.m.

Suzette Mitchell
Stormwater Management