Stormwater Management Advisory Commission

Meeting Minutes
February 7, 2018
3:00 pm

Conference Room 305
Raleigh Municipal Building

Commission Members Present: Mark Senior, Matthew Starr, Claudia Graham, Tappan Vickery, Ken Carper, Jonathan Page, Francine Durso, David Markwood, and David Webb

Staff Members Present: Wayne Miles, Kelly Daniel, Suzette Mitchell, Scott Smith, Scott Bryant, Carmela Teichman, Ben Brown, Kevin Boyer, Dale Hyatt, Bonnie Kadhim, Michele Meyer, Neil Harrison, Craig Deal, Wenju Zhang, Brad Cole, and Veronica High

Commission Members Absent: Evan Kane

Guests: B. Buckley

Meeting called to order: 3:00 pm by Matthew Starr *(chair)*

1. **Welcome, Introductions, Excused and Unexcused Absence**
   - **Mr. Starr** announced that **Ms. Durso's** term has ended with the Commission. On behalf of the Commission, **Mr. Starr** expressed his gratitude for her dedication and expertise that she's provided to the City of Raleigh.
   - **Ms. Durso** spoke that it has been an honor to serve the City, the Commission and staff, and how much she appreciates working with everyone. Her service includes two terms on the board, and she served as the first chair on the Commission in 2004. She noted there has been so much done since the creation of the Commission and she is excited about the work the Commission will continue to do after she leaves.
   - **Ms. Tappan Vickery** was introduced as the new Commission member. She is a citizen advocate who has worked for five years with "WakeUp Wake County" through the UDO process in relation to growth issues. She is excited about serving on the board.

   - **Mr. Senior** made a motion to excuse **Evan Kane** from today's meeting, and both **Mr. Markwood** and **Mr. Page** seconded. The motion was passed unanimously.

2. **January 10, 2019 Minutes for Approval**
   - **Mr. Senior** made a motion to approve and **Mr. Page** seconded. The motion was approved unanimously.

3. **Stormwater Staff Report**
   - Staffing Updates

- New Employees
  - *CIP – Michele Meyer as Engineer Support Supervisor*
  - *Drainage Assistance – Bonnie Kadhim as CADD Specialist*

- Promotion
  - *Drainage Assistance - Dominick Smalls to Engineer*

- *Annual election of Commission Officers (chair and vice-chair) will be held at the March meeting*

Hot Topics

- **Draft Commission Membership Diversity Policy** – At the request of the Commission, a policy was drafted for consideration. The intent of the policy is to maintain diversity of representation, qualifications and experience, and in all aspects of the Commission moving forward. If they so desire, the Commission can formally make a recommendation and staff can take it to Raleigh City Council.

  ***Commission Comments* –**

  - *Consider replacing the words "policy and guidelines" with "recommendation" where it appears in the draft*
  - *Item 4 –*
    "One representative of a citizen advisory group or homeowner's association" how is that defined
    - *Define a citizen advisory group (**Mr. Starr** said its different groups in the city such as a Citizen Advisory Council)*
    - *Clarify if it's a CAC, or find another way to define (**Ms. Durso** said every person in the city is a member of the CAC you don't have to sign up for it*)
    - *Delete Homeowner's Association (HOA) - There are people who are not part of a homeowner's association, particularly in older neighborhoods that were built before there were HOAs*
    - *There's no neighborhood representative (not referring to HOA)*
    - *Strike the item – the way it's written even with a CAC you are a citizen beholden to a geographic proximity*
    - *Use owner, occupier, or representative of City of Raleigh homeowners – Someone who has an interest in stormwater management but not an expert*

  - *Item 5 –*
    - *Appears to say trade development industry. Re-word to say "one representative of the development industry*"

  - *Item 6 –*
    - *The word "active", we may want to re-think that word*

  - *Item 8 –*
    - *Change from "other representative" to "One representative" like the other* items *are*
    - *Consider deleting "once previously described representation has been filled to*

extent practicable" (it appears like saying the position doesn't get filled until the others do)

- *Remove "or remain independent and at-large" and replace with "provide expertise at the discretion of the Raleigh City Council".*
  - ***Wayne Miles** noted there are 10 members and the intent is to not to be too restrictive in terms of mandating every one of those 10 members*

Ms. Graham commended staff for working on this. She remarked that she's written many job descriptions and the qualifications and recommendations for the proposed policy might be so specific, that it may be difficult to administer or manage, and she wants that considered.

- **Update on 400-square-foot exemption for residential additions** – ***Ben Brown** informed the Commission that the Raleigh* City Council accepted their recommendation.

- **Draft Flood Prone Area Stakeholder's Group** – ***Ben Brown** presented the Commission with a summary of the five recommendations that would go to the stakeholder's group and a list of 10 stakeholder names for consideration.*

- **City Open Space Update** – *A follow-up from last meeting where the Commission wanted information on how we designate open space for development around buffers/creeks.* ***Ben Brown** stated as part of the City's strategic plan initiative they are cataloging all the open space they have and the only open space requirements we have is for new development.*

4. <u>Update on Revisions to the Lake Preservation Policy</u>

Scott Bryant provided an update on the policy. The presentation was on the history of the lake preservation policy and highlights of the policy revisions.

Ms. Durso remarked how detailed this is and how it would be an excellent recommendation to take forward.

Mr. Starr asked will the NPDES MS4 permit deter us from taking a lake and turning it into a larger wetland. **Scott Bryant** replied for privately owned facilities/lakes it's not a requirement because it's not part of the City's MS4, but we can come in and make a restoration project for other public benefits. Projects just as Carolina Pines/Beaman Lake that are City-owned and operated are strictly considered part of the MS4. The MS4 permit, does not speak directly or indirectly to preserving or not preserving lakes, but it does speak to our charge to minimize the discharge of pollution from MS4 to receding waters.

Dan McLawhorn *(City Attorney)* said that an element we need to talk about that is important is on the liability side. Therefore, there is common law that is created by the courts without any specific legislation in North Carolina, and Raleigh is some of that source in the stormwater management area so when exercising enough control of a drainage feature it becomes a part of the city liability portfolio. He indicated that we were cautious in looking at this issue so that the lake maintenance activities in the policy wouldn't push you over the threshold *(i.e. when picking up an easement from the owner)* and that's where the same thing would happen in the NPDES context. The permit includes what we own and control. It's the extent of control the City has over a feature that causes

it to become a part of the MS4 system. He believes the policy you have anticipates well where the next MS4 permit is going to go. He indicated the regulations that were effective in 2016 and the next permit will be more aggressive about what the City must do in identifying sources of contamination. Working on those sources of contamination will reduced impairment of any segment of streams in the City or which they contribute. This policy will serve you well in addressing that new responsibility.

Motion:
Ms. Durso made a motion to endorse the policy change and take to Raleigh City Council and both **Mr. Senior** and **Mr. Carper** seconded. The motion was approved unanimously.

5. **Update on Revisions to the Stormwater Utility Fee Crediting Policy**
Kelly Daniel presented the Commission's 2017 recommendations in enhancing the fee crediting program, existing and proposing fee crediting framework, credits for going above and beyond requirements and credits for water quality target areas.

Mr. Starr referenced in the presentation for peak control *(2-, 5-, and 10-year)* is staff suggesting getting a fee credit for something less than a regulated storm. **Kelly Daniel** replied if they are meeting the requirements there's no credit, but yes if they exceed it.

Kelly Daniel asked the Commission if "development requires 2- and 10-year peak discharge control, but if property owner/development install a 25-year control device, should they receive the 10 percent credit, or should they receive the 5 percent difference between regulatory requirements and what they installed. **Mr. Starr** said we should not be giving a credit for something you have to do. **Mr. Senior** wonders how many people will participate in this and should we do everything to encourage them. It will be an impact on the Stormwater Utility, but it would be a good incentive if we can give them a credit.

Kelly Daniel told the Commission they need to consider that originally peak control got 50 percent credit, but now it's 15 percent and currently all they have to do is install a 25-year device and they get the full credit. Another thing is if you have someone that is required to have a 10-year device, and they put in a 25-year device and you give them 10 percent, what do you do with someone who is not required to do anything but puts in a 25-year device, do they get 10 percent as well?

Ms. Graham asked how the proposed fee credit will affect the budget. **Scott Bryant** said currently it is an 85 percent cap, in some cases 50 percent, but we asked what if most customers take us up on the credit policy. It helped us with the breakdown on the various percentages for structural controls to support the recommendation to the Commission of maintaining the policy of not giving credits for just meeting requirements. It would be several millions of dollars of impact even under a reduced scenario. Each category has its own cap. In addition, we looked at other stormwater utilities throughout the state and their credit participation is low and the revenue loss is modest. We want more participation and a little more conservatism on the cap. We did a performance base analysis on how much City stormwater services are providing our different flood controls, water quality, volume control areas and equated it back to the customer. **Kelly Daniel** added that we only have four customers that participate in the fee credit that covers 90 properties and mostly it's NCSU. There are many credit programs throughout the state, and it doesn't appear there's

much participation, but we are trying to get more participation and want them to put in the devices to help treat stormwater runoff.

Ms. Graham asked can someone who participated in the Rainwater Rewards program and get reimbursed; would they be eligible for these credits. **Kelly Daniel** said after the agreement time has elapsed and they met their obligation, they will be eligible for a credit. However, you do have to maintain that device and report either annually or bi-annually.

Ms. Durso likes the idea of giving the five percent increments instead of giving them the entire 10 percent.

Mr. Page asked questions on the water quality and pollutant control section. He wanted to know (1) if there are requirements on how they are designed and sized, and (2) how did the green roof get on top in terms of the amount of credits it receives. **Scott Bryant** said they looked through the state SCM manual and they pull the percentages from that. He stated the assumptions are that a green roof gets full allowable credit if it meets the states standards for sizing and applied to the impervious area being treated per state requirements. **Kevin Boyer** believes there was a change in the state's manual in recognition of nutrient removal by green roofs and they are no longer giving credit for nutrient removal, so that's something staff must go back and take a look at. **Mr. Page** suggested just saying "if your water quality controls are following SCM guidance to ensure they are appropriately sized up to current design standards".

Mr. Senior mentioned that he didn't see a lot of difference between percentages for the devices, so he asked could the numbers be rounded up for all stormwater quality controls just to average it out.

Scott Bryant informed the Commission they will return with updated percentages and numbers.

6. **Backyard Stream Program Update**
   Tabled for next month

7. **Public Comment**
   No public comment

8. **Other Business**
   Mr. Starr made a request to have staff provide an update on the GI/LID plan and how it has been implemented and/or used in the City to get at the point how we can better the plan.

9. **Closed Session**
   Mr. Starr asked the Commission to make a motion to enter closed session pursuant to NCGS 143-318.11(a)(2) to prevent the premature disclosure of the 2019 Raleigh Environmental Awards – Capture it! Stormwater Arts Contest recipients. Mr. Markwood made a motion to enter closed session and Ms. Graham seconded. The motion was approved unanimously. The Commission entered closed session at 4:20 pm.

The Commission ended the closed session. **Mr. Starr** announced the Commission chose the recipients of the 2019 Raleigh Environmental Awards – Capture it! Stormwater Arts Contest, which will be announced at the awards ceremony on April 4.

Adjournment:
Mr. Senior made a motion to adjourn and **Mr. Carper** seconded. The motion passed unanimously, and the meeting adjourned at 4:55 pm.

Suzette Mitchell