Stormwater Management Advisory Commission

Meeting Minutes
November 7, 2019
3:00 pm

Conference Room 305
Raleigh Municipal Building

Commission Members Present: Mark Senior, Ken Carper, Jonathan Page, David Markwood, Tappan Vickery, Matthew Starr, Glenn Taylor, Claudia Graham, and Evan Kane

Staff Members Present: Wayne Miles, Suzette Mitchell, Renee Wilson, Scott Smith, Justin Harcum, Kevin Boyer, Ben Brown, Veronica Barrett, Barbara Moranta, Michelle Sclafani, Kristin Freeman, Heather Dutra, Scott Bryant ,and Dale Hyatt

Commission Members Absent: Jemonde Taylor

Guests: Trevor Clements, Bill Needham, Holt Browning, Donna Browning, Katie Cromwell, Kristen Navaroli, Jeffrey Crump, Marsha Presnell Jeanette, Matthew Hornak, Ken Trefzger, and Chris Stanley

Meeting called to order: 3:02 pm by Matthew Starr *(chair)*

1. **Welcome, Introductions, Excused and Unexcused Absence**
   Mr. Carper made a motion to excuse Jermonde Taylor from today's meeting and **Mr. Senior** seconded. The motion was approved unanimously.

2. **October 3, 2019 Minutes for Approval**
   Ms. Graham asked to correct her name on page four in the comments section. It should read as "Ms." and not "Mr.".

   Mr. Carper made a motion to approve and **Mr. Senior** seconded. The motion was approved unanimously.

3. **Stormwater Staff Report**
   New Employee –
   - Renee Wilson as Administrative Specialist

   Retirements –
   - Drainage - Veronica Barrett (December 1, 2019)
   - Watershed – Craig Deal (December 1, 2019)

   Stormwater Management Advisory Commission
   - **Glen Taylor** was introduced as the newest member

Hot Topics

- **SMAC Ordinance Update** – Primarily focusing on a question before taking it back to Council. It was on the number of seats where there was specific guidance given in terms of technical expertise that would be suggested for that seat. Clarified that for six of the ten seats some expertise is suggested with the idea that expertise will be valuable for discussions of SMAC. Other than that, there was language added for SMAC to align with City's diversity policy.

- **Update on Lake Management Evaluation Policy revision** – At the Growth and Natural Resources meeting they recommended no changes to the current policy and sent it back to Council. Council has sent the policy back to SMAC for potential public input and for staff to look at other aesthetics as applicable.

  Mr. Starr commented there was nothing in the motion that we had to consider. It was approved by SMAC and we gave staff flexibility they need for wet detention for stormwater control devices. Those on Council that felt the policy should not move forward as is, will no longer be on Council. He feels there was confusion from some of Council thinking we were looking at all Raleigh lakes which aesthetics can play part of that decision making; however, for stormwater control measures, it's there to treat stormwater. The policy will come back before the Commission, so we can move forward as written or discuss what was unanimously approved. **Wayne Miles** suggested bringing back the policy as a future discussion item. He noted at the Council meeting there was mention of the list of lakes (102) that was created in the past by a consultant. The list was provided to the City Manager and will be published online as part of a future City Manager's Weekly Report.

4. City's Residential Infill Study

Ben Brown informed the Commission that Roger Walden *(Planning Consultant)* will be providing a presentation on infill development *(located in agenda backup).* He indicated the infill study is separate from the stormwater design manual, but it's interchangeable. He mentioned the stormwater issues that are caused by infill were a big driver to have a major overhaul of the stormwater design manual.

Roger Walden gave a presentation on the history, concerns and response on infill, stakeholder's meetings, field visit observations, key findings, and the next steps.

Mr. Starr requested if the Commission could see the report before it goes to Council and **Mr. Walden** said he's in agreement with that.

Mr. Kane said recently SMAC had looked at the allowable increase on impervious surface on existing development lots and he wanted to know if there's a potential relevance between that and the infill study. **Mr. Starr** said we chose to leave it as is. **Mr. Kane** said prior to December's meeting he's going back to review for any potential relevance.

Mr. Taylor asked is the 400 sq. ft. exemption up and above the existing limits. **Mr. Starr** said yes. **Mr. Taylor** wanted to know if there are any standards for qualifying, or do you have to request. **Mr. Brown** answered that it's an existing house and if you don't tear down the existing structure you can get that bonus.

Mr. Taylor inquired about tree preservation incentives and how difficult would it be to make a policy. **Mr. Walden** said there are statutory limitations on what you can do on residential lots, 2 acres or less in size, but there might be something that we can do to encourage or incentivize.

Mr. Starr was interested in knowing what percentage of tree canopy the city has lost. There should be some incentive to keep what we have.

5. <u>Outcome of Flood Prone Area Stakeholder's Process and Recommendation</u>

Wayne Miles informed the Commission that last year Council made a motion for staff and SMAC to look at the city floodplain regulations. The Commission suggested convening a stakeholder's group and recommendations were sent to that group.

Ben Brown gave a presentation on the stakeholder recommendations, the group representation, and the timeline of the meetings.

Kristin Freeman went over the communication and outreach efforts that was done during this process. She indicated they used a mailing list to target residents living in the floodplain, along with general communication through social media and relying heavily on digital and print communication.

<u>Outcomes from the Stakeholder Process</u>

Exemptions

- All parcels 0.5 acre or less
- All parcels with existing development that are not subdivided or created by subdivision after effective date
- All parcels that meet the first two may be recombined and maintain exemption

Floodprone Area Regulations

- Does not allow new development in the floodway fringe
- Does not change the current substantial building value restrictions
- Against using an additional 2 vertical foot building restriction line for new platted residential lots
- Maintain dry access to all habitable structures during the 100-year flood event for all new roadways
- Does not require local flood studies for all unstudied streams draining 25 acres or more

Additional Recommendation

- City implement a comprehensive communication and education process

Final Summary

- Change Unified Development Ordinance (UDO) to prohibit new development in the floodway fringe (100-year floodplain)
- Change UDO to require new development to provide dry access for 100-year storm for all new public roads
- Increase funding for the City's voluntary buy-out program;
- Implement a comprehensive communications and education process including all

residents in the floodplain

Questions/Comments
Ms. Vickery referenced item #5 *(not requiring local flood studies for all unstudied streams draining 25 acres or more)* asking if there's a middle ground between 25 and 100 acres.
Mr. Starr said they took 25 acres because that's what we asked them to look at and we can ask the City to do the study instead of putting it on the developers.

Mr. Page asked if the flood study is just a potential change in discharge or does it fall on the flood study where you are looking at encroachment limits. **Ben Brown** said the flood study encroachment limits show what your protection elevation will be and the area you need to stay out of.

Ms. Graham asked is a private road used by a single residence and no one else? **Ben Brown** said that is correct. The private roads would be restricted to driveways and single access.

Mr. Starr said other than driveways and access to single family residences, does the City have a list of existing private roadways that would be affected? **Ben Brown** replied that he will check with the Transportation Department on that but that it would be unlikely we have that information.

Mr. Page questioned what the funding for the recommended voluntary hazard mitigation buyout program would look like. **Ben Brown** said it's something we can pursue, and he knows Charlotte has a robust program, but he's not sure how they fund their program.

Ms. Vickery wanted to know the timeline. **Ben Brown** replied it's up to the Commission. **Mr. Starr** said it would be good to vote and send something next month.

6. **Stormwater CIP Budget, Rate Alternatives and Priorities**
Wayne Miles provided a summary for Capital Improvement Program (CIP) projects and for the major stormwater elements portfolio. In FY19 we spent more than budgeted, due to working on backlogged projects and unanticipated costs associated with a couple of culverts that had washed out. This was a record year as relates to rainfall in Raleigh and we were able to absorb these costs because of previous unspent funds. There was no proposed rate increase for FY20, operating costs increased slightly, rates did not, and the CIP budget was adjusted and decreased. The cumulative budget is gradually going down; however, last year we had one project that caused us to have to utilize monies from the fund balance based on bids that came in.

Mr. Taylor posed the question, is there an expectation of exceeding budget? **Wayne Miles** said the cumulative available budget is the budget allocated to CIP projects in past years, but not yet spent. This will be used for current projects, bring up-to-date past ventures to completion, plus emergency issues.

FY21 service options proposed plans:
- Option 1 (base case) = $0.50 (75-year build out)
- Option 2 = $1.50 adjustment (50-year build out)
- Option 3 = $3.00 adjustment (35-year build out)

Wayne Miles said the current rate is $5.00 and this would increase ten percent to $5.50 on option #1. Due to increasing operating costs as well as the goal to replace funds extracted from the fund balance, the base case would limit the ability to add new projects.

Mr. Starr wanted it noted of projects that are not included in the budget *(GSI supported projects, backyard streams program, flood hazard mitigation)* all of which the Commission has spent a vast amount of time speaking on. Wayne Miles said, correct and staff has provided other options that could be recommended.

Mr. Carper asked under option #1 does it mean that it will take 75 years to complete backlog projects? **Wayne Miles** said yes.

Wayne Miles stated that the rate in Durham is around $7.00 while Charlotte and Mecklenburg falls in the range of $10.00-12.00 (they have a premier program in the state).

Mr. Kane stated that with climate change there's more prediction of rainfall, and the less charged, the more runoff leads to failing infrastructure and higher need for GSI and he feels there's a compelling case for maxing this out and going to a full $3.00 increase.

Ms. Tappan feels the rate of increase $3.00 is modest, and she knows people will be upset about it, but she feels the amount will not be enough to address future rainfalls. She knows having a bond dealing with aging infrastructure can help, but she wonders if we could end up with both funding mechanisms? **Scott Bryant** replied that we are looking at bonds for future strategies regardless of rate increase, and staff is looking at FY23 as the earliest target for that, but we do see it as part of the solution.

Mr. Carper commented that he believes the rate increase should be a minimum of $3.00 and he feels we could justify it.

Mr. Starr commented on the increasing number of projects on the spreadsheet that we are unable to get too. We need to make headway and be proactive in dealing with stormwater and we desperately need to increase that funding. There's lot of residents that's been waiting on their projects, but there's no funding to give them the help they need.

It was recommended that this item be added to the February 2020 SMAC Agenda. There will be a CIP presentation to Council in March 2020.

7. **<u>History of Green Stormwater Infrastructure (GSI) activities in Raleigh</u>**

Kevin Boyer and **Trevor Clements** *(Tetra Tech)* provided a history of the program. Items discussed were: what GSI looks like, vision and advances of GSI, timeline, final GI/LID work plan items, reviewing City ordinances and policies, the tools for evaluating GSI, cost, maintaining GSI devices, retrofit opportunities, incentives, current challenges and next steps.

Council would like an update of a plan for the advancement of the program; however, there was no deadline given.

Raleigh

8. <u>Public Comment</u>

Holt Browning *(property owner)* stated he's an engineer by trade. He lives about 150 feet from Crabtree Creek and his house was built in the early 1990 and is 12 feet above ground. He mentioned having a little water during Hurricane Fran, but that's the only event that water came close to his house. He said the rules are very adequate as in place and his house was built to those standards. Anything these rules are going to make, will put an encumbrance on his house and almost 10% of Raleigh is in a floodplain. This is affecting property values on almost 10% of the properties in the city. There's no need to push anything through because you have lots of encumbrance on us now. We have the Neuse River Buffer rules, wetlands etc. We have lots of problems without adding more to deflate our home value. He said in 2006, the flood map put his house in the floodway. The new map 2015 *(not accepted yet)* lowers the 100-year flood line six feet at his house. He believes there's an error in the math by FEMA of 50%. They are predicting 50% more water coming through his house than it needs to be. The new math is an inch or two of what Fran came too which was classified as a 179-year storm when it hit. He was told on the new revision that it was lowered so much because Umstead Park *(7 to 8 thousand acres)* is not going to be develop. The construction above them is the problem, because it's causing flooding down below, so why penalize the people that choose to live down there. He states they are going to pay the price for the development above them.

Marsha Presnell-Jeanette encourages the commission to increase the budget to get that backyard steam program underway. As a member of the parks board, they invited Caroline Lindquist *(Planner - Dorothea Dix Park*) to make a presentation on the concept of biophilic cities. The Council recommended the Parks Board and Sustainability work together in considering ways for Raleigh to achieve that status. Since SMAC is working on green infrastructure she encourages them to get with Parks to have Ms. Lindquist do a presentation for them.

9. <u>Other Business</u>

No further business

<u>Adjournment:</u>

Mr. Senior made a motion to adjourn and **Mr. Carper** seconded. The motion was passed unanimously, and the meeting adjourned at 5:16 pm.

Suzette Mitchell/Renee Wilson