

STORMWATER REGULATORY COMMITTEE
April 14, 2021 Minutes

1. CALL TO ORDER

Members of the Stormwater Regulatory Committee met on the above date at 9:00 am via Microsoft Teams. Daryl Norris, the Facilitator, called the meeting to order and welcomed all those present. The following attended the meeting:

MEMBERS:

Landon Weaver
Rocky Russell
Jill Howell
Michael Odriscoll
Ken Malpass

Michelle Clements
Bryan Fagundus
Steve Janowski
Matt Prokop

OTHERS PRESENT:

Lisa Kirby
Daryl Norris
Hayleigh Wade
Travis Welborn
Kendal Paramore
Jonas Hill

2. APPROVAL OF MINUTES

A motion was made by Ms. Howell to approve the agenda as presented. The motion was seconded by Mr. Janowski and passed unanimously.

3. APPROVAL OF AGENDA

Mr. Janowski made a motion to approve the March 24, 2021 minutes. The motion was seconded by Mr. Odriscoll and passed unanimously.

4. SCM DESIGN, CONSTRUCTION, AND APPROVAL

Mr. Norris presented topic notes regarding SCM review, construction, and acceptance for discussion among the committee. Mr. Norris asked the committee for their opinion regarding the general MDC 7 guideline. Mr. Weaver asked if this guideline was specific to construction sites. Mr. Norris stated this guideline referred to every SCM.

Mr. Norris proposed the idea of disallowing disconnected impervious surfaces as SCM to the committee. Mr. Weaver asked Mr. Norris if this was disallowed could the developer still go through a variance process to appeal it. Mr. Norris stated you would be allowed to appeal through a variance process if this was disallowed. Mr. Fagundus stated he did not think it should be disallowed and provided an example of a construction site that successfully utilized this SCM option. Mr. Fagundus suggested getting involved in HOA documents to hold the HOA liable rather than the home owner. Mrs. Kirby stated her concern would be residents bypassing or changing the SCM without any regulations. Mrs. Kirby stated this would require annual inspections of every home within the neighborhood, creating a lot of overhead for the City. Mr. Fagundus stated this could be avoided by getting involved in HOA documents to ensure the

homeowners are liable through the HOA. Mr. Weaver agreed with Mr. Fagundus and stated this type of system works well in the coastal communities currently being built.

Mr. Russell stated a problem could arise with giving the HOA rights to go into private property to inspect the SCM. Mr. Norris stated the ordinance required to record an easement around the SCM as well as the access easement to a public right away providing access to the HOA and City. Mr. Russell stated although regulations are in place to allow access to the private property you could still have homeowners that refuse access and potentially create issues with access for inspections.

Mr. Fagundus stated communities within patio home developments could benefit utilizing disconnected impervious surfaces as SCM and should have the option. Mr. Fagundus stated he believe the State could be overregulating these requirements and the City should try to maintain as many options as possible for developers. Mr. Weaver agreed with Mr. Fagundus. Mrs. Kirby suggested tabling this issue and setting up individual meetings to discuss the issue further and bring it back to the committee with recommendations.

Mr. Norris proposed discussion on SCMs in the floodplain to the committee. Mr. Janowski suggested creating a hydrograph to illustrate real-time results of the SCM. Mr. Janowski shared his thoughts on treatment/detention volume inundated by floodwaters. Mr. Norris stated he could support the idea that even if the water you are treating is flood water you are still going to get the treatment from the water.

Mr. Malpass asked for clarification regarding guidelines within the floodplain. Mr. Norris stated the goal is to avoid creating an ordinance that encourages additional fill in the floodplain when it is intended to reduce flooding. Mr. Norris stated he would check with NCDEQ if treatment volume can be inundated by floodwaters, or can floodwaters count as equivalent volume required for treatment.

Mr. Norris discussed qualified professional definition and SCM annual inspection requirements with the committee. Mr. Weaver asked for clarification regarding how often the City will inspect SCM's. Mr. Norris stated inspections would be 20% of SCM's a year and differ each year however, the owner of the SCM would still be responsible to inspect each year. Mr. Norris stated the City needs a method to handle repetitive non-compliant inspection reports. Ms. Howell asked what the current process is for identifying inspectors that are not upholding standards. Mr. Norris stated the City's inspection holds precedence over the private inspector. Mr. Paramore suggested inspecting every five years and if a non-compliant pond is found the City can add it to another list to follow up more often and charge for the additional charges. Mr. Norris stated this would be a good outlet for ponds that continuously come back as non-compliant. Mr. Russell stated he believes conducting inspections every five year could be a mistake and lead to ponds not being upheld. Mrs. Kirby stated the expectation would be the inspections conducting during those five years would be as thorough as the City inspections are currently. Mr. Norris stated all annual inspection reports will still be sent to the City and all non-compliant inspection reports will have required follow up inspections to ensure compliance. Mrs. Kirby suggested adjusting the inspection reports to identify major and minor infractions for non-compliant inspections. Ms. Clements suggested adding strong repercussions for continued non-compliant inspections.

Mrs. Kirby proposed continuing this discussion into the next meeting and City employees developing a plan for inspection frequency and standards. Mr. Odriscoll suggested basing frequency of inspection on the type, history and age of the SCM. Mrs. Kirby asked Mr. Odriscoll

if an ECU graduate student could help study the common deficiencies. Mr. Odriscoll stated he would look into assigning a graduate student and update the committee in the next meeting.

5. NEXT SRC MEETING AGENDA

The next meeting will be on May 5th, 2021. The minutes from this meeting will be emailed out on April 21, 2021.

6. QUESTIONS AND COMMENTS

None.

7. CLOSING REMARKS

Mr. Weaver made a motion to adjourn the meeting. The motion was seconded by Ms. Clements and approved unanimously.