

A MEETING OF THE STORMWATER ADVISORY COMMITTEE OF THE COUNTY OF JAMES CITY, VIRGINIA, WAS HELD ON THE EIGHTEENTH DAY OF NOVEMBER, TWO-THOUSAND FOURTEEN, AT 4:00 P.M. IN THE FREEDOM PARK MEETING ROOM AT THE FREEDOM PARK VISITORS CENTER, 5537 CENTERVILLE RD, JAMES CITY COUNTY, VIRGINIA.

A. ROLL CALL

Committee Members Present:

Allen Ayers, Stonehouse
Curtis Darren, Berkeley
Phillip Doggett, Stonehouse
Robert Gasink, Jamestown
Doug Haller, Roberts
Malcolm Martin, Jamestown
Roger Schmidt, Stonehouse
Aaron Small, Jamestown
Angela Whitehead, Jamestown
Bob Winters, Powhatan
Alexandra Younica, Berkeley

Committee Members Absent:

Nitant Desai, Powhatan
Gerald Hanley, Roberts
Richard Strenkowski, Berkeley
Randy Taylor, Stonehouse

Staff Present:

Darryl Cook, Stormwater Engineer
Frances Geissler, Stormwater Director

- B. **PUBLIC COMMENT** – Two members of the public spoke and presented written comments, which are attached to these minutes.
- C. **APPROVAL OF MINUTES** – The September 16, 2014 Regular Meeting of the SPAC minutes were approved.
- D. **Order of Business**
- a. **Clean Water Heritage Grants** – The Committee reviewed the previously distributed summary of applications. There were 16 eligible applications totaling \$20,575 in requests. The budget for the program is \$22,000. Staff asked the Committee to provide guidance on two issues: can an HOA apply for multiple BMPs and would the Committee accept shorter term maintenance agreements? The Request for Applications did not specifically prohibit an HOA from applying for more than one BMP so members felt that they could not deny applications for that reason. Since there were no other problems with the applications, the Committee agreed that the one-HOA-multiple-BMP applications should be funded this year. Committee members would like to revisit the application form next year in order to address this situation. Recognizing that there may be legal reasons for

which an HOA might be unable to sign a maintenance agreement that obligates the organization in perpetuity, the Committee agreed to accept maintenance agreements for 10-year periods. The Committee voted to accept the applications as presented and to accept 10-year maintenance agreements.

b. **Neighborhood Drainage Program Draft Report** – Fran distributed a list of remaining modifications to the draft drainage report and asked the Committee to confirm the recommendations and to provide staff with suggested revisions to the Committee’s evaluation criteria. The Committee voted to accept the recommendations of the report and to keep the criteria as they have been since 2011. The CIP ranking criteria should be added to the report appendix. Staff will make the remaining changes, draft an executive summary and finalize the document. A copy will be forwarded to each member upon submission to the County Administrator.

E. **Staff Updates** – Fran reported that plans are underway for a BMP Owners training this winter, sponsored by Colonial Heritage. Committee members were happy to hear this and asked to reinstate the BMP Outreach Subcommittee to assist staff in development of the training program. Based on the overwhelming interest of Committee members in this topic, staff was asked to keep the entire group updated regarding meeting times, etc. Staff was also asked to post the County’s BMP operations and maintenance manual on the County website.

F. **Committee Requests** – Members asked to be informed of the process for moving the drainage report forward. Would there be a work session? Reading file? As staff learns of the process, the Committee will be notified.

G. **The next meeting will be January 20, 2015 at 4:00 PM, Freedom Park Meeting Room**

H. **ADJOURNMENT** - The meeting was adjourned at 5:10 pm

Aaron B. Small, Chairman

Frances C. Geissler, Secretary

PUBLIC COMMENT – Frank Polster, 420 Hemstead Road, Williamsburg.

I started attending your SPAC meetings this last Feb and that first meeting discussed the impacts of the new *Virginia Storm Water Management Regulations* and the required updates to the county's storm water ordinance. As I listen to your discussion my impression of the committee members was the thoughtfulness of your questions, the quiet competency of the county staff and that sixty-four thousand dollar question – “Is this going to improve the Water Quality in the State?”

As I attended subsequent meetings I have come to understand the complexity of storm water and the interrelationship of run-off, flooding, stream restoration, BMPs, watersheds and drainage on water quality. Though the goal is improved water quality, attaining it seems to be a slow, gradual process, navigating itself through resource constraints, competing priorities, regulatory mandates without the requisite resources, shortfalls in citizen understanding of the issues and their responsibilities, to name a few.

Your discussions surrounding the Neighborhood Drainage Program have navigated them selves through these issues but not lost their focus on the sixty-four thousand dollar question – “Is this going to improve the Water Quality in James City County?”

It is worthwhile to look backward a bit at the Neighborhood Drainage Program you have managed over the last 6 years as well as to recognize the efforts of this committee since 2008. The criteria and process used to approve those projects, as well as other storm water projects, is an endorsement of the updated criteria and process in your recommendation to the county administrator. But more important is that it underscores the need to continue the program, which helps to maintain an aging infrastructure and improves water quality.

As you know there were 73 drainage projects funded over that period with a total cost just under \$940K.

- 63 of those parcels were all, partially or very near a Resource Protection Area (RPA). The projects clearly contributed to improved water quality and therefore link directly to the county's MS4 permit.
- 41 of those projects were associated with Non HOA neighborhoods and 24 were associated with HOAs, highlighting the fact that there is still a substantial portion of residential neighborhoods with no maintenance. This supports your recommendation to reach out and support the entire community regardless of neighborhood HOA status.

Your *Identified Concerns* section of the report identifies the issues of Lack of Responsible Owners and Maintenance Burden on HOAs as factors that make adequate maintenance of the County's drainage systems difficult or unwieldy. I think you would agree that these concerns apply to other storm water issues facing county residents.

You have correctly pointed out the potential impacts to the county's MS4 from the drainage system. These future financial impacts of TMDL implementation plans for the county's watersheds and the financial implications and regulatory obligations of adding private drainage systems to the county currently owned drainage systems are valid concerns.

The proposed *Drainage Program Components* of the report – Inventory, Routine Inspection, Routine Maintenance, Maintenance Incentives, Enforcements and Outreach, reinforce components of the minimum control measures of the county's MS4 (VAR040037) Program Plan Permit Plan 2-3 July 1 2014-June 30 2016.

The approach for maintenance *Incentives tied to a Grant programs*, exploring the possibility of financial assistance to HOAs is innovative and inclusive and as a minimum reaches out to private HOAs extending technical support, enabling HOAs to solve their repair issues.

I understand that how this program is resourced is out of scope of report and is the responsibility of the county administrator and Board of Supervisor, however I do believe the development of a level of service based funding mechanism is an equitable solution for both Non HOA and HOA, in the short run and meets the need of maintaining an aging drainage infrastructure and improves our water quality. For the long term I don't believe there is any doubt that a larger funded program is needed not only for an aging drainage system but an ageing set of BMPs county wide, funds required for the implementation of watershed TMDL implementation plans, and future MS4 permit requirements perhaps in the form of a storm water utility

PUBLIC COMMENT Judy Fuss, 3509 Hunter's Ridge, Williamsburg

Good afternoon. My name is Judy Fuss; I live at 3509 Hunter's Ridge in the Berkeley District. I have read your draft Evaluation of the JCC Neighborhood Drainage Program and Recommendations for the Future and applaud the committee for looking at all the types of stormwater management systems in the county and examining the differing maintenance challenges presented by the various organizational structures existing in neighborhoods. Many of these systems, installed during the boom years of the 1990's, are now approaching the time when big-ticket maintenance tasks, such as pond dredging and disposal of dredged effluent, are coming due. Your report rightly notes the wide variance in understanding and preparation among neighborhoods to meet these challenges. State laws and expectations for private citizens to fulfill and fund specified maintenance obligations on these systems may be clear but to date they have not been fully comprehended by many of the citizens who must shoulder this burden. Incomplete county data on these systems further complicates the matter.

I find your recommendation of a tiered level-of-service approach reasonable but I am concerned about relying on HOA's to initiate contact for monitoring because of their general lack of understanding of issue and the volunteer nature and high turnover rate of HOA leadership. On paper, HOA's may appear as solid, unified structures but their reality is much more ephemeral. Currently the County has no reliable contact information for identified HOA's, something I can attest to as an HOA board member, and no good way to get and update that information. Since HOA's are required to report their contact information annually to the SCC, perhaps the County could draw on these reports to keep their own HOA information current, facilitating successful communication with these groups.

The time is ripe for the County to seriously address this issue across the full scope of our county neighborhoods and I think this report is a good step in that direction.