



City of Harrisonburg Stormwater Advisory Committee

Minutes: Meeting No. 12
February 4, 2015 5:00 – 5:45 p.m.

Members in attendance: Kathy Holm, William Jones, Daniel Michael, Eldon Kurtz, Dale Chestnut, J.M. Snell, Ted Byrd

Staff/Other in attendance: Thanh Dang, Carolyn Howard, Kelley Junco, Harsit Patel, Tom Hartman, Dan Rublee, John Eckman, Sam (EMU student)

Review and Adopt Minutes

Bill Jones called for a motion to adopt the January 2015 SWAC meeting minutes. The motion was made, seconded, and passed.

Public Comment

No public comment.

Review of Documents and Make Recommendation

Thanh reviewed the revised Revenue Projections spreadsheet and explained that railroad tracks had been inadvertently left out of impervious mapping and has now been mapped. The railroad will be billed approximately \$40,000 for the stormwater utility fee. This is consistent with the Virginia Code authorizing localities to implement a stormwater utility fee, and is consistent with what Charlottesville and Roanoke are doing. Thanh explained that city-owned properties will not be billed a stormwater utility fee. William Jones asked further about this change; Thanh explained that if city properties were billed a stormwater utility fee the City would pay \$160,000 per year, which is less than the \$500,000 the City is paying directly from the general budget to support the MS4 stormwater program. J.M. asked for clarification about the billing unit gain/loss. Thanh explained that the railroad added additional billing units. J.M. also asked if the City tracked the percentage of impervious surface in the City. Tom mentioned that the city is estimated to be 41% impervious. For comparison purposes, Newport News was 56% impervious several years ago.

Since Daniel Michael couldn't be at the meeting, he emailed a comment to SWAC regarding the 30 day limit on circuit court appeals in the Stormwater Utility Ordinance. William Jones said he thought 30 days was sufficient for circuit court appeal and Dan Rublee expressed that the ESC and SWM appeal is also set at 30 days. Eldon Kurtz suggested that it may be easier for applicants to submit an appeal since they will have already submitted an appeal to the City of Harrisonburg Public Works Department Director. Eldon moved that the time limit for appeal remain at 30 days. The motion was passed.

Thanh explained the deletion of the word “depressed” in the conservation landscaping credit language in the Residential Credit Manual. This change was made to ensure consistency with the Bay Homeowner Guide. Dale mentioned that a link needed to be added in the Resources section and Thanh explained that the link would be added after Council approves the utility fee.

Dan expressed the need to resolve the question of whether nutrient trading credits would count towards the stormwater utility credit in the same manner as an on-site stormwater management facility would count. Thanh explained that she has reached out to DEQ, VAMSA, and other municipalities. DEQ said they do not have oversight over stormwater utility fees and advised that the City Attorney be consulted with to interpret the state code (law). Carolyn suggested that SWAC review the stormwater utility law language which does not mention nutrient trading, but does explicitly state “stormwater management facilities”. Ted expressed support in crediting nutrient trading. Thanh said she would consult with the City Attorney, and continue to follow up with DEQ and other parties. Future amendments to the credit manuals will be considered if nutrient trading can be given a stormwater utility fee credit. Dan asked if changes to the manuals need to be council approved and Thanh confirmed that yes, edits and additions need to be approved by City Council.

Thanh said that site visits with individual property owners are not planned to occur as part of the credit application process. She said that the fee does not account for staff time and would not be feasible for the number of requests we will receive. Eldon said that those paying over a certain payment threshold should receive a site visit upon request. Dan advised that the city should not give technical assistance or consulting. It was agreed that the language would not be added to any of the documents reviewed, but it would be further considered when determining internal processes.

Bill Jones called for a motion for the documents to be presented to City Council. The motion was made, seconded, and passed.

Dan told SWAC he is presenting stormwater language changes and to City Council on February 24th. SWAC said that it might be confusing presenting on both stormwater topics since there will be two public hearings. Dan said he would try to change the date of his Public Hearing.

Harsit introduced the sample bill to be sent to property owners. Tom and Thanh commented with edits.

J.M. requested an updated version of the revenue spreadsheet which Thanh will send to SWAC.

Utility Fee Approval Schedule

- 1st reading at City Council is now on February 24th
- 2nd reading at City Council is now on March 10th

The next SWAC meeting will be held on March 4, 2015.