

UNRBA Board of Directors: *January 18, 2012 Meeting Summary*

**The next UNRBA Board meeting will take place Wednesday, March 21, 2012
at the City of Durham Water Management Facility Training Room
(1600 Mist Lake Drive, Durham NC) at 9:30 AM.**

The Board of Directors of the Upper Neuse River Basin Association (UNRBA) held its fourth meeting of FY12 at 9:30 A.M. on Wednesday, January 18, 2011 at the Butner Town Hall.

Meeting attendees are listed below (* denotes member representative to the Board).

Name	Affiliation	Continued...
Bill McKellar*	Town of Butner	
	City of Creedmoor	
Cora Cole-McFadden *	City of Durham	
	Durham County	
	Franklin County	
Edgar Smoak*	Granville County	
	Town of Hillsborough	
Pam Hemminger (Chair)*	Orange County	
Jimmy Clayton*	Person County	
Lindsay Mize*	South Granville Water and Sewer Authority	
Randall Stagner*	City of Raleigh	
	Upper Neuse Soil & Water Conservation Districts	
Ellen Wilkins*	Town of Stem	
Scott Miles*	Town of Wake Forest	
Tom Lane	Mayor, Town of Butner	
Melissa Hodges	Town of Butner Planning Department	
Randy Cahoon	City of Creedmoor Planning Department	
Don O'Toole	City of Durham Attorney's Office	
Reginald Hicks	City of Durham Water Management Department	
Michelle Woolfolk	City of Durham Stormwater Services	
Maverick Raber	City of Durham Stormwater Services	
Chris Roberts	Durham County Engineering	
Barry Baker	Granville County	
Tom Davis	Orange County Environment & Resource Conservation	
Paula Murphy	Person County Planning Department	
Dan McLawhorn	City of Raleigh Attorney's Office	
Kenneth Waldroup	City of Raleigh Public Utilities	
Britt Stoddard	Wake County Environmental Services	
Jim Wrenn	Attorney rep. Granville Co., Person Co., Butner, Creedmoor & SGWASA	
Mike Ciriello	Kerr-Tar Council of Governments	
Haywood Phthisic	Lower Neuse Basin Association/Neuse River Compliance Association	
Howard Kimbrell	Highfill Infrastructure Engineering	
Henrietta Locklear	Raftelis Financial Consultants, Inc.	
Tom Jones	Citizen of Raleigh	
John Huisman	NC Division of Water Quality, Nonpoint Source Planning Unit	
Lauren Elmore	Cardno ENTRIX	
Alix Matos	Cardno ENTRIX	
Renee Green	Century 21 Hancock Properties	

Forrest Westall	McGill Associates/UNRBA
Mike Schlegel	TJCOG Water Resources Program
Sarah Bruce	TJCOG Water Resources Program

Introductions & Announcements

Chair Pam Hemminger called the meeting to order and asked attendees to introduce themselves and share anything relevant to the group.

Several local government representatives and John Huisman with the DWQ Nonpoint Source Unit cited the recent acceptance by the EMC of the local governments' Falls Lake New Development Programs as well as meshing these new requirements with other local ordinances. Additional announcements included:

- Raleigh is in the middle of a strategic planning process, and some changes regarding division realignment have already been implemented. A 4th assistant director has been created, and Raleigh public utilities now has an assistant director for each of water, wastewater, code enforcement/strategic planning/regulatory compliance, and capital improvements divisions.
- TJCOG is hosting a panel discussion on water resources and fracking on Jan. 19, 2012 at 9:30 am.
- Orange County has spent the revenue from its riparian land preservation bond but is about to obtain another easement along the Eno River.
- CDM presented to the SGWASA Board on preliminary designs for Stage I. Components have been selected, and the firm is moving into final design stages.
- Phase I stormwater communities have just received their draft stormwater permit, which includes additional provisions for jurisdictions with stormwater TMDLs. Neuse jurisdictions could get new requirements.
- DWQ brought to EMC a comprehensive rewrite of mitigation guidelines in 2B .0295 that could hamper water quality improvement efforts with overly burdensome prerequisites. Dan McLawhorn suggested UNRBA and/or its members consider a comment on the rule.
- Michelle Woolfolk announced that the all-day NC Lake Management Society workshop on Nutrient Management and would be either March 15 or March 22 in Durham. [Michelle has sent a save-the-date for March 15th.]
- Representatives of the Lower Neuse Basin Association presented a "Point Source Perspective on Progress under the Neuse Nutrient Management Strategy" to the NC Environmental Management Commission on January 12. The presentations are available on the EMC website [HERE](#) (scroll down to information item #2).

Housekeeping

Ms. Cole-McFadden moved to approve the December meeting summary. Ms. Wilkins seconded the motion, which was approved unanimously.

The next UNRBA Board meeting will be at the Durham Water Management Training Room (1600 Mist Lake Drive, Durham NC).

The Board has decided to move the July 21 meeting to June 20 due to July local government recesses.

The group discussed Public Meetings requirements. **Jim Wrenn agreed to research requirements and let the group know if any additional activities were needed for UNRBA to comply.**

City of Raleigh Falls Lake Hydroelectric Project (Kenneth Waldroup)

Kenneth Waldroup with the City of Raleigh Public Utilities Department presented to the Board on their application for a hydropower license on Falls Lake. Mr. Waldroup's PowerPoint is available on the UNRBA website.

Mr. Waldroup's said that the City anticipates significant growth in water demand and that Falls Lake will remain the City's primary water source. The Army Corps of Engineers (COE), which operates the lake, often holds more water in lake than is required by lake operations plan.

In February 2009, a private company community applied for a FERC permit to develop hydropower. The City was concerned that this potential use would force COE to release more water at times less desirable from a water supply perspective. The City also feels that a hydropower facility could help them reduce greenhouse gas emissions from the EM Johnson water treatment plant. Raleigh put in a competing application and in Nov. 2010 was informed that they had been successful.

The group discussed several issues related to peak releases, ecological flows, and managing lake levels. Dan McLawhorn added that FERC has a list of publicly owned dams where hydropower licensing is to be encouraged and that Falls Lake is on this list. An additional concern is that a corporation that may obtain a permit can sell the hydropower privileges to another private entity. Permits are good for 50 years.

The City's first public meeting on the project will take place on Jan 23.

UNRBA Path Forward

Don O'Toole announced that the contract would be signed by Chair Pam Hemminger on behalf of the UNRBA that day. Since the last Board meeting, one change was made to authorize Executive Director to extend the contract based on good cause up to 6 months. Don also explained that the Cardno tool deliverable uses proprietary information and that they desire to keep this as private as possible. The solution proposed was that Cardno provides UNRBA the tool labeled as confidential and a trade secret. If UNRBA gives it to members or if it shares with any regulatory agency, it needs to pass along that it is confidential and a trade secret.

Chair Hemminger commended the committees and the full Board for much progress in the past year. Chair Hemminger then signed the contract. A PDF of the fully executed contract is available upon request.

Don said that a project kickoff meeting will be scheduled soon. [It was scheduled for 1:30 pm on Jan. 30 at the new Butner Town Hall.]

UNRBA Personnel

Jim Wrenn presented a draft contract for Executive Director services to be provided by Forrest Westall between McGill and Associates and the Upper Neuse River Basin Association. Jim reviewed the scope of Work (Exhibit B). The budget is \$120,000, including compensation to the Executive Director, direct costs, and other support services (subcontracting to be blessed by the Board).

The Board discussed and made two minor changes:

- Because the UNRBA Board did not have a meeting planned in February, the February Board meeting mentioned in the contract was changed to March.
- The hourly NTE would be worded to be “in the same manner as set out above”

The Board may accept or reject any budgetary recommendations. A subcommittee assigned by the Board. There will be a confidentiality agreement for confidence in services provided.

Ms. Cole-McFadden moved to approve the contract. Mr. Mize seconded the motion. Chair Hemminger gave a role call vote, and all members present voted in the affirmative, so the motion passed.

The contract with TJCOG will remain in effect on a de-escalating basis for the remainder of Jan, Feb and March (in full, in half, and in quarter, respectively, based on the TJCOG staff budget approved by the Board for the current fiscal year). Any TJCOG services thereafter shall be on an hourly monthly basis.

The Board also authorized \$1500 plus hosting costs for the UNRBA website and \$1500 for the UNRBA tax return. The Board asked Mike Schlegel to provide more information on the costs of hosting the UNRBA website separate from TJCOG.

Mr. Mize moved to approve this arrangement. Ms. Cole-McFadden seconded the motion. All present voted in favor.

Jim Wrenn discussed the address for official notice for UNRBA matters, as TJCOG has current official address. Butner will provide Forrest office space at no cost. ***Mr. Mize moved to approve this arrangement. Ms. Cole-McFadden seconded the motion. All present voted in favor.***

Mr. Mize moved to approve Forrest Westall as registered agent and the UNRBA office at the McGill office's Asheville address. Ms. Cole-McFadden seconded the motion. All present voted in favor.

Jim Wrenn agreed to follow up on the process of changing the registered agent.

A transition committee will go through details with Forrest and bring a recommendation to March Board meeting. Don O'Toole, Dan McLawhorn, Pam Hemminger, Lindsay Mize, and Jim Wrenn were appointed to this committee. [Drew Cummings subsequently volunteered as well.]

Officer Elections

In Chair Hemminger's stead, Mike Schlegel opened nominations for UNRBA Board Chair. Mr. Clayton and Mr. Mize nominated Ms. Hemminger. Ms. Cole-McFadden moved to close the nominations for chair, and Ms. Wilkins seconded. The motion passed unanimously.

Ms. Hemminger resumed chairing the meeting. Don O'Toole moved that Ms. Cole-McFadden be Vice-Chair, Mr. Clayton seconded the motion, and it passed unanimously.

Mr. Mize nominated Mr. Clayton as Treasurer. Ms. Cole-McFadden moved to close nominations. Ms. Wilkins seconded the motion and it passed unanimously.

The Transition Committee will make a recommendation on who should be nominated to the Secretary position.

OFFICER ELECTION RESULTS FOR CALENDAR YEAR 2012: Pam Hemminger, Chair; Cora Cole-McFadden, Vice-Chair; Jimmy Clayton, Treasurer. *(continued)*

FY13 Dues / Budget Target

Sarah Bruce that four potential FY2013 dues scenarios had been developed in consultation with UNRBA Board Liaison Mike Schlegel and Chair Hemminger: a dues target constant, a 20% increase, a 50% increase, and a 100% increase.

Sarah explained the formula by which a budget target figure is used to calculate the member dues. 10% of the total target is a base rate, 50% is divided among the water withdrawers, and the remaining 40% is based on jurisdictional land area. The figures are examples because land area and water withdrawal have not yet been updated. If the organization intends to meet the full budget target, then dues will go up slightly even under the constant scenario to compensate for Wake County's uncertain membership status. Sarah offered to provide more detail upon request.

Future UNRBA Budget Needs

Michelle Woolfolk said that the group might anticipate Cardno ENTRIX's Falls Lake monitoring plan 1 year from now. To cover the entire growing season of the lake, data collection might need to commence before the start of FY2014. She suggested running some numbers to see how much monitoring at the beginning of the growing season should be considered.

Dan McLawhorn said that an MOU process with DWQ will be necessary for them to consider UNRBA data. Dan offered examples from the LNBA. Michelle Woolfolk added that a Quality Assurance Project Plan (QAPP) will also be necessary for the Path Forward, and its cost will depend on what Cardno gives in terms of monitoring recommendations.

Forrest Westall said that quality-assured/quality-controlled data are key; he will touch base with DWQ on their monitoring program. Dan McLawhorn said that the LNBA spends \$85k to monitor 49 sites. Density of samples may be very important to the re-look.

UNRBA Dues

Ms. Cole-McFadden expressed that any dues increases need to be accompanied with a detailed explanation of exactly why they are being increased.

Mr. Mize said that SGWASA had freed up funds for additional activities also and also cautioned that additional funds could be necessary quickly.

Wake County has submitted a budget request and a recommendation to the Manager's office to join for the second half of FY12.

Chair Hemminger asked the group to carefully consider and discuss with their respective localities the 20% increase table in preparation for consideration at the March meeting.

Adjourn

There being no further business, Ms. Wilkins moved to adjourn. Ms. Cole-McFadden seconded the motion, and it passed unanimously.