

COUNTY POLICY COMMITTEE  
NOVEMBER 4, 1999  
SPECIAL MEETING

PRESENT: Chairman Ed Melvin  
Commissioner Talmage Baggett  
Commissioner J. Breeden Blackwell  
Cliff Strassenburg, County Manager  
James Martin, Deputy County Manager  
Grainger Barrett, County Attorney  
Marsha Fogle, Clerk  
Greg Caison, Storm Water Management  
Marcus Ingram, Chairman, Storm Water Board  
Walter Moorman

Chairman Melvin called this special meeting to order.

1. Discussion/Consideration of proposed amendments to the Storm Water Management Ordinance

BACKGROUND: The County Attorney, Grainger Barrett, reviewed the facts concerning this matter (as was a part of the packet of the Commissioners meeting on November 1, 1999, and attached to these Minutes).

The bottom line is the Ordinance needs to be amended to reflect the ruling in the Smith Baptist Church v. City of Durham case, where the NC Supreme Court ruled that storm water utility fees, such as the County's enacted under Article 15 of Chapter 153A, must be used for programs related to quantity issues (physical infrastructure and natural stormwater and drainage systems) as opposed to quality matters.

Mr. Marcus Ingram, Chairman of the Storm Water Board, Mr. Greg Caison, Director, Storm Water Management Department, and Mr. Walter Moorman recommend that the amendment Ordinance be adopted as presented by the County Attorney.

Mr. Caison and Mr. Moorman noted there may be a **remote** possibility the Legislature will amend the laws to allow the county to address quality related stormwater issues as well as quantity issues with the stormwater utility fees. If that should happen, the Ordinance will probably need to be amended again.

Mr. Moorman also pointed out the County will certainly have to appropriate some funds to deal with the quality issues because of the mandate from the federal government.

**MOTION:** Commissioner Baggett moved to recommend to the Board of Commissioners approval of the amended Storm Water Management Ordinance as presented by the County Attorney.

**SECOND:** Commissioner Melvin

**VOTE:** UNANIMOUS

MEETING ADJOURNED: 8:30AM