

CUMBERLAND COUNTY POLICY COMMITTEE
JANUARY 4, 2007 – 9:30 AM
REGULAR MEETING

PRESENT: Commissioner Diane Wheatley
Commissioner Jeannette Council
Commissioner Ed Melvin
Commissioner Kenneth Edge
James Martin, County Manager
Juanita Pilgrim, Deputy County Manager
Amy Cannon, Assistant County Manager
Grainger Barrett, County Attorney
Sara VanderClute, Public Information Officer
Bob Stanger, County Engineer
Tom Lloyd, Planning & Inspections Deputy Director
Tom Cooney, Public Utilities Director
Greg Caison, Storm Water Services Manager
Bobby Teague, City Director of Engineering
John Fersner, Storm Water Consultant
Andrew Barksdale, Reporter – The Fayetteville Observer
Marsha Fogle, Clerk
Marie Colgan, Deputy Clerk

Commissioner Wheatley called the meeting to order at 10:10 AM

1. Election of Chairman for 2007

MOTION: Commissioner Council moved to appoint Commissioner Wheatley.
SECOND: Commissioner Melvin
VOTE: UNANIMOUS

2. Selection of 2007 Meeting Dates

The Committee agreed to remain with the 1st Thursday of each month at 9:30 a.m.

3. Approval of Minutes: October 12, 2006

MOTION: Commissioner Melvin moved to approve.
SECOND: Commissioner Council
VOTE: UNANIMOUS

4. Update on Upcoming Phase II Stormwater Management Requirements

Grainger Barrett, County Attorney, advised members that their packets include consideration of upcoming Phase II Stormwater management regulations, as well as recent developments on the renewal of the County's Phase I permit. Mr. Barrett reminded members that the County has jointly been in a program with the City of Fayetteville since the 1990's and was the only county in North Carolina subject to Phase I Stormwater regulations and joined with the City of Fayetteville to create a joint stormwater utility. The legislature has now adopted the Phase II regulations effective July 1, 2007. Cumberland County will be in the Phase II stormwater coverage area and Best Management Practices will be required. The issue is whether to allow the State, DENR, to run the Phase II program in Cumberland County or whether the County wants to implement Phase II regulations locally.

According to discussions with the State by Mr. Caison, the State now is actively considering whether the County needs to be included in the Phase I permit renewal. A policy decision will also need to be made on whether the County wants to remain in Phase I. Mr. Caison explained to members that if they continue to run Phase I as is, the cost associated with the program may need to be increased above the current \$1.00 per month. If the County drops back to Phase II, then there is an opportunity to do something with the current fee. If the fee is continued, it can be used to help with other stormwater problem areas in the County. Responding to a question from Commissioner Wheatlery, Mr. Caison stated that if the State runs the Phase II program, there will be zero cost to the County. Mr. Barrett stated that over the last several years, the public has expressed support and demanded flood water type activities and if we drop out of Phase I and allow the State to run Phase II, the County would not actively addressing flooding concerns in the unincorporated areas of the County. Commissioner Council questioned whether the current fee would make a significant difference and how projects would be prioritized. Commissioner Council asked for the staff's opinion. Discussion ensued and Mr. Barrett clarified that if the County continues to be included in the Phase I program, there is a 5-year commitment tied to the renewal permit and the majority of those dollars would be used for water quality. Commissioner Wheatley stated that the public is concerned that the severe flooding problems are not being addressed and that all residents do not use water from the County. Mr. Barrett noted that the primary focus of the permit is for water quality, with excess funds used for minor maintenance and repair. Lately there has not been any left over dollars and if the County stays with Phase I, there still would not be enough dollars to address repairs or flooding problems with the fee at the current rate. Therefore, Phase I is now primarily only a water quality program.

Mrs. Pilgrim questioned how rapidly DENR would come in if administering Phase II requirements and who would pay for it if it is turned over to the State. Mr. Barrett stated that they will come in and require developers of one acre (or more) tracts to implement Best Management Practices, but nothing regarding flood prevention. Commissioner Edge advised that there have been complaints regarding DENR's administering of erosion and sedimentation control program and questioned whether the County should do it locally. Mr. Lloyd stated that if it is not handled by the State, there will be more pressure at the local level. After further discussion, it was noted that even if the State is allowed to take over the program, the County's stormwater/flooding problems would still remain. Mr. Martin reminded members that this Committee approved a request to the Stormwater Advisory Board last year to select a qualified engineering firm to do a study of the Locks Creek district and to determine a cost for the study. This is still pending and no funding has been identified, but the information will come back to this committee. Commissioner Wheatley requested that the staff make a recommendation on these matters and include justification for the Committee's consideration. Mr. Barrett advised that a decision on Phase I needs to be made by early February. Mr. Caison informed members that there will be an EPA audit of the Phase I program in a year or two and there will be chances for fines and lawsuits if the County stays in the Phase I program (if the State does not require them to do so).

MOTION: Commissioner Melvin moved that discussion on this matter be referred to the Commissioners' planning retreat.
SECOND: Commissioner Council
VOTE: UNANIMOUS

5. Other Matters of Concern
None stated.

MEETING ADJOURNED: 10:53 AM