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ATTACHMENT 2

POINT	COUNTERPOINT
<p>The University is not required by law to participate in or pay fees associated with a local stormwater management utility.</p>	<p>In Grayson Kelly's (Special Deputy Attorney General) letter dated March 27, 1996 to Robert Hagemann (Office of the City Attorney Charlotte, NC), Mr. Kelly's opinion notes that "state agencies are obligated to pay for such city or county services rendered to the agency." The runoff from the University leaves the University's property and enters the Town's stormwater system. It places a burden on the Town's system, both in terms of water quantity (volume) and water quality (pollution). Unless or until the University can keep 100% of its runoff on its property, the University is being provided a service, even if it did not explicitly request such service.</p>
<p>The University already manages the stormwater runoff generated on its properties.</p>	<p>The University's stormwater management efforts are directed toward new construction and do not relieve the burden on the Town's stormwater system from existing development that was constructed with minimal or no stormwater controls for volume and quality.</p>
<p>The University spends significant amounts of money each year for stormwater management on its properties. These expenditures are in effect "funds-in-lieu" of stormwater management fees charged by the Town.</p>	<p>The University's stormwater management efforts are directed toward new construction and do not relieve the burden on the Town's stormwater system from existing development that was constructed with minimal or no stormwater controls for volume and quality.</p>
<p>The University received an individual NPDES Phase II MS4 permit. University compliance with the requirements of its permit will offset service demand that University properties place on the Town's stormwater management system(s).</p>	<p>The NPDES permit is specific to stormwater quality activities only. NPDES stormwater quality activities are but one component that comprises the Town's stormwater fee. A credit system, if approved by Council, could potentially recognize the University's NPDES permit activities.</p>
<p>University compliance with OI-4 zoning regulations and the Town's Land Use Management Ordinance offset service demand that University properties place on the Town's stormwater management system(s).</p>	<p>The University's stormwater management efforts are directed toward new construction and do not relieve the burden on the Town's stormwater system from existing development that was constructed with minimal or no stormwater controls for volume and quality. A credit system, if approved by Council, could potentially recognize the University's stormwater management practices for new development.</p>
<p>There are no valid precedents for University participation in the Town's Stormwater Management Utility.</p>	<p>State agencies, including UNC system campuses, are paying the stormwater fee in various municipalities statewide.</p>

<p>There are valid precedents for non-participation by the University in the Town's Stormwater Management Utility.</p>	<p>The NC DOT has applied for and received a NPDES permit. The permit coverage includes state roads and maintenance facilities. For all other properties such as its residency and districts offices, NC DOT is being charged a stormwater fee.</p>
<p>The University has developed and is implementing a master plan that will manage stormwater on its properties.</p>	<p>The University owns properties throughout the Town, ranging from single buildings to the main campus. It is unlikely that the University intends to retrofit individual properties, constructed with minimal or no stormwater management, with stormwater controls. A credit system, if approved by Council, could potentially recognize the University's stormwater activities.</p>

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