

-----Original Message-----

**From:** Don Brewer [mailto:lfadonbrewer@mindspring.com]  
**Sent:** Tuesday, February 17, 2004 3:31 PM  
**To:** Town Council  
**Cc:** George Small  
**Subject:** Why a stormwater utility with fees?

This is primarily directed to Cam Hill. At the forum on Monday night, you expressed serious doubts on the wisdom of setting up a utility structure with special fees. That's exactly where I was, but through my work on the advisory committee I am now persuaded it is the way to go. I would like to share my reasons with you. (I spoke at the forum on behalf of Lake Forest Association, and this e-mail is as a private citizen).

As a theory, I still don't like the idea of a utility with its extra expense and complexity. But as a practical matter, I don't think things will get done without such a focus and structure.

Vocabulary is a problem here -- "utility" usually means an entity offering a product or service such as gas or water that one can choose to use or not, with the charges for "service fees" following from the degree of usage as controlled by the customer/citizen. The stormwater utility and its fees turn those concepts on their heads.

Regarding choice of fees and other funding approaches, the consultant's report in the package you got from the Manager on Friday covers various alternatives, and they all have significant drawbacks. I now do think the best one is fees similar to what was recommended, based on how many multiples of 2000 square feet (or fraction thereof) of impervious surface are on the parcel. Reasons are in section 2.5 in the Cost of Service/Rate Structure Analysis. I think it is at least as "equitable" as the alternatives.

"Everyone" (except NCDOT) pays on the same basis -- how many multiples of impervious surface they have. NCDOT is left out because they would cite sovereign immunity and decline to pay. At the end of the day, probably UNC will partially assert sovereign immunity also. I personally believe there should not be a cap on single family residences. Thus a single family residence with 9500 square feet of impervious surface should pay the same as a commercial property with 9500, and more than the neighbor with 6500. Even the Town pays into the utility on that basis, including the area of the streets. The Town's money would come out of the general fund, but be roughly equivalent to what the Town is already spending for stormwater activities before transfer to the utility. Therefore it not exactly new money.

Every parcel is unique, but the fee structure needs to be kept simple and consistent. Therefore, I think further fee modifications or credits for individual parcels should be rare, perhaps limited to partial credits for extra-ordinary on-site stormwater detention facilities. The actual amount of the fees per 2000 feet billing unit will need to be modified depending on how UNC negotiations and other issues play out. Apparently the GIS data that the Town already has will have enough precision to count up the billing units for the various parcels without a lot more detailed analyses.

Some of my further thoughts and reasons are in the excerpts below from an e-mail I sent last week to others on the advisory committee.

" A basic problem with most organizations and individuals is that activities and fundings tend to overly-favor the short term, with continuation of the familiar and the ongoing, and with reactions to perceived urgencies and noise. This means that other things of great longer term benefits never really get underway. And that is much of the stormwater management challenge.

I have been a skeptic of the idea of imposing town fees that can not even be deducted from one's income tax, with its corollary that the democratic process of council could not achieve the justifiable objectives through its usual ways. But I have been (barely) persuaded by the short term vs. long term reasons that the utility with fees IS the way to go, as a practical matter.

Regarding "equity", there is no way to fully achieve this, whether the objective is to correlate to peak runoff rates or water quality of one's runoff, or location within the watershed, or ability to pay, or individual benefits realized. Even using impervious surface area as a surrogate has limitations -- when the ground is fully saturated, almost all new rainfall becomes fast runoff regardless of impervious or not, and that is exactly when many of the stormwater problems occur. That said, I support a fee structure similar to what is now proposed, including tiers.

A basic question is whether there is enough of a "program" defined now, compared to what could be defined a year from now, to get underway. I say yes. I would be happy for Council to hold off on the fees for a year while the planning and programs otherwise get cranked up. But I doubt that would happen in a meaningful way: no new funding = not much new activity. I think it best to get fully underway now. "

Thanks for listening.

Don Brewer

-----Original Message-----

**From:** Julie Vann [mailto:jvann5@nc.rr.com]

**Sent:** Friday, February 20, 2004 9:42 AM

**To:** Town Council

**Subject:** Stormwater article 2/18/04

Dear Mayor & Chapel Hill Town Council Members:

In the 2/18/04 Chapel Hill News article concerning Stormwater Runoff, it was suggested that residents of Chapel Hill may be taxed further to address the stormwater runoff problem. I don't object to additional taxes in general.

However, I propose that Chapel Hill work to structure taxes in such a way to penalize those who create the greatest problems. For example, persons who use pesticides, herbicides and/or lawn fertilizer should be taxed to address the stormwater runoff problems because these individuals are threatening the health of the community. Many of us want to raise healthy children, and our neighbors' use of these chemicals pose a threat to this goal. Second, charges for garbage services have been discussed in previous news articles. Again, I propose that the users and abusers be charged for their excessive abuse of the environment. Those of us who work every day to not just recycle but to minimize use of anything that needs to be disposed of should be charged less than our wasteful neighbors. I am appalled by the volume of recyclable materials that are picked up curbside by the CH sanitation workers each day as garbage. Not only should fines be imposed for throwing away recyclable materials, but our sanitation workers should not be picking up huge quantities of cardboard for the purpose of tossing it into the landfills).

Please work toward creative solutions that incentivize people to improve care for the environment in which we live.

Thanks!

Julie Jacobson Vann