

**Beaufort County Stormwater Management Utility Board (SWMU Board)**  
*Meeting Minutes*

December 1, 2010 at 2:00 p.m. in Beaufort County Council Chambers  
Final January 5, 2011

**Board Members**

<b>Present</b>	<b>Absent</b>
Brad Samuel	John Youmans
Donald Cammerata	James Fargher
William Bruggeman	
Don Smith	
Allyn Schneider	

**Ex-Officio Members**

<b>Present</b>	<b>Absent</b>
Tony Maglione	
Ron Bullman	
Scott Liggett	
Bob Gross	

**Beaufort County Staff**

Daniel Ahern  
Rob McFee  
Lori Sexton  
Amanda Flake  
Audra Antonacci  
Tony Criscitiello  
Hillary Austin  
Arthur Cummings  
William Winn

**Visitors**

Reed Armstrong, CCL  
Steve Andrews, Andrews and Burgess  
Denise Parsick, BC S&W Cons. Dist.  
Joe Croley, HHAOR

**County Council**

Paul Sommerville

1. Meeting called to order by Don Smith; welcomed new Ex-officio member Ron Bullman from Town of Bluffton and made some modifications to the agenda.

2. November 3, 2010 Minutes were approved.

3. **Initial Opportunity for Public Comment** – None

4. **Monitoring Update** – Bob Klink

Next monitoring meeting is January 25, 2011. Still trying to set up initial meeting with SC DNR on watershed analysis and will be including other stakeholders in this meeting: Sun City; Town of Bluffton; and GEL. Bob reported that the county has had an abstract accepted to present a paper at the SC Environment Conference in Myrtle Beach next March.

5. **SW Volume “Lots of Record but not Built”** – Dan Ahern

Based on last month’s decision to go to a uniform standard for On-lot controls. This month staff is asking you to approve/concur on the proposed ordinance changes and walk the board through an example of the worksheet that will be used to develop the suite of controls needed to meet the controls.

Reviewed the proposed changes to the ordinance:

**Sec 106-2865** is the new addition to stormwater (Division 4) portion of the ZDSO and applies to any home not in approved community volume control system. It also includes modifications to homes where renovation is in excess of 50% of their taxable appraised value. It allows use of either the SW Volume worksheet that we will explain later or separate analysis that would need to be reviewed. This is key addition and other changes are to link to this new requirement.

**Sec 106-7** includes lots in PUD's

**Sec 106-8** includes lots in minor subdivisions (less than 4 homes that can exempt themselves of community SW requirements) that take exemptions

**Sec 106-18** includes definitions for "BMP on-lot" and modifies definition for detention basin

**Sec 106-732** requires on-site control via zoning permit

**Sec 106- 2857&2861** links minor subdivision and volume control wording to **section 2865**

**Attachment U** – will be the Stormwater Volume Worksheet that is in your packets. This will allow homebuilder/owner to select suite of controls to meet volume reduction requirement, if ordinance changes are adopted.

The Stormwater Volume Worksheet was a challenging project to develop a system to allow a person building a home to decide what controls are needed to comply with the ordinance changes. The worksheet presents some challenges in completing but if the County council decides to adopt these controls we plan to go to a web based system. For purposes of explaining the worksheet we had an excel program developed and I will walk you through an example of how this works.

I am also going to show you the examples that Allison Ramsey had cost out. He took examples of urban infill that had been of concern for the City of Beaufort and Town of Port Royal.

Guided the Board through an example and how homeowner input leads to appropriate practices to meet volume control practices utilizing an excel program.

Requested the Board's feedback if this system has been made easier to utilize. Noticed that there was one issue calculation and that would be checked.

Then reviewed the 7 examples that had been analyzed by Allison Ramsey. These included urban lots and infill/densification and suburban examples. The costs per rooftop varied based on size of home and impervious surface (\$1,850 to \$6,950), but the cost per square foot of heated space was between \$1 to \$2 per square foot or about a 1 percent increase in total building cost.

Requested concurrence from the Board on proposed changes.

Next Steps will be:

- Take to planning commission at their January 6th meeting
- Natural Resources probably at their February mtg.
- Council approval (three readings) by end of March

Board wanted to know if letters from ToPR and ToHHI are to be included in this discussion. It was stated that this analysis indicates that requirements can be met in maximum density on lot allowed by ToPR and ToHHI.

Board wanted to know how the costs were developed by Allison and Ramsey. These requirements only deal with new construction and major (50%) modification of existing homes.

There were questions about how much rainfall will be captured by these requirements. It is following the same criterion (95% storm event – 1.95 inch) that was followed in new development controls.

This discussion was suspended to allow for River Buffer Compliance Process

## **6. River Buffer Compliance Process – Tony Criscitiello**

Tony Criscitiello explained the coordinated efforts to rewrite the zoning regulation. The form-based code is being developed with CoB and ToPR and then it will be coordinated with the many boards that we all respond to as staff. He feels that Zoning Code and BMP manual needs to work in coordination. Actually writing this code now and as it relates to buffers is important. Mentioned that Allison Ramsey is part of the Code writing efforts and wants the SW Board eyes on this development. Wants zoning and BMP manual to be in sync. As far as buffers, the decision has not been made. It is not known if it will be 50ft throughout the county or some different system that might be tied to the transects of the form-based code.

Enforcement is another issue and we work on a complaint and inspection. Don Smith reviewed some on the previous issues:

- Is enforcement fine level a deterrent – the \$1,095 state limit on fines is not major deterrent but when damage to the buffer is identified then sizable costs can be assessed
- Level of enforcement activity – budgetary constraints on this effort and he does not have enough inspectors.

Tony Criscitiello explained the current enforcement process and offered to look into specific cases. Don Smith asked about using building inspectors to monitor buffers. Arthur Cummings said that it would be possible for building inspectors to assist in looking for violations. He feels many of the buffer clearing violations occur without building being involved. Arthur Cummings feels many of the Buffer violations occur because of ignorance and they are not aware. Bob Gross asked are most of the clearing by homeowner or contractor and if it is contractor then enforcement should focus on local contractor, who should be aware.

Rob McFee suggested that the Board might want to consider establishing a sub committee to work with staff on these issues and maybe also with Form-based code.

Allyn Schneider asked about the difference between setback versus buffer and both are on listed on plans. Rob McFee said that the Board should work through Dan Ahern to coordinate this subcommittee.

## **7. SW Volume “Lots of Record but not Built” (Continued) –**

Returned to this discussion with consideration on the letter that was brought to the Board from ToPR and CoB. Tony Maglione said this December 1, 2010 letter is the response to Rob McFee’s July 26, 2010. He said this overlaps with today’s presentations and may be revisiting of Step 1 controls to have lesser requirements in already developed areas. He said this is the concern of the municipality’s reference with the Intergovernmental Agreements.

Staff mentioned that this letter had a joint policy memo and Tony Maglione said this is an effort to get the dialogue going and maybe address the concerns that municipal planners have. Staff said that there may be a perception issue here. The county BMP manual does not dictate what controls have to be employed but what needs to be controlled. The way to control is flexible. The county is not saying municipalities must adopt county BMP’s but must be as protective as the county’s controls. Otherwise we would be accepting impairments. Tony Maglione said that the on-lot examples are a good start but we need to look at this in a larger scale. Staff mentioned that maybe education is a need here and maybe we need to get examples out there to help people see that redevelopment to new standards can work – like Abercorn Commons.

Scott Liggett discussed the ToHHI’s November 17, 2010 in response Rob McFee’s July letter. The town manager felt that he did not need to engage the Town Council, but authorized staff to work with county

staff. He feels there are more agreements than disagreements but a key issue is maintaining regulatory flexibility concerning volume issues. From the town's viewpoint that their development has lead to a situation where the town is comfortable with status is not ready to adopt county requirements for volume. Not ready to say we have a problem when they might not have a problem. In response to the issue of currently impaired waters in Town of Hilton Head Island, the town is not convinced that the required levels of expenditure will result in improvement. This was one reason the county was considering volume sensitive waters, because there are some waters that the expenditures will have more impact than others.

The key operational alternative is:

“Minimum Water Quality Controls in municipalities must be as protective as the County's requirements”

Going back to the proposed Step 2 controls the board was asked to approve the following motion:

“The board concurs with proposed staff new on-lot controls for control of runoff”.

Rob McFee said staff has been charged to develop these requirements and they will go into the existing ZDSO. We cannot give assurances and this is just another step in our journey.

Brad Samuel is concerned that, while the process seems fine, the investment may return a benefit in all areas of the county.

Scott Liggett wondered if these controls could impact credit. The Board then approved motion.

Chairman called for a short break and elimination of Utility updates and Project reports.

## **Break**

## **8. Utility Administration – Updates (Delayed to January)**

### **Reconvened meeting**

Bob Gross asked about last month's memo by ATM that he received since he was not at the last meeting. He had some administrative questions about this memo and ATM's involvement. Bob Gross wanted to know what SWOG is in memo. Tony Maglione said it stood by for Stormwater Ordinance Group. He asked who requested ATM to review the management plan and Tony Maglione said the County Administrator. Bob Gross wanted to know how this is being contracted and how much is the contract. Tony Maglione said it was via individual tasks that were authorized during ordinance and 5 tasks orders have been authorized for about \$110,000. Bob Gross asked about county procurement procedures and Councilman Paul Sommerville explained county procedures as he understood and experience it on committees. Bob Gross said he wanted to see the contract and asked staff to make this available and why this did not go out to bid. He also wanted to know how many other tasks are expected. Don Smith asked if the SW Utility is paying for the contract and staff said yes.

## **9. Utility Administration – FY2012 Budget Discussion - Carolyn Wallace**

Reported on 2 things – the FY2010 financials and then to solicit the board input into our FY2012 budget preparations.

Staff has received the audited FY2010 financials and has developed three spreadsheets.

The first one is the Revenues and Expenses report that we have updated using the county's FY2010 annual report (can view the county's annual report on the county's website). It indicates we ran a small surplus in FY2010. The next report is the Balance Sheet and this indicates we still have unrestricted net assets and we hope to utilize some of this in the future to address water quality retrofits and in the

expansion of the SW Utility building. Before I move on to our more detailed comparison report, are there any questions on these two reports?

This next report was the reported budget sheet which has been modified to compare the FY2010 budget to the actual financials for this previous fiscal year. This was done to see how close we came to what we were estimating in our budget. FY2010 was the year we made a major change in how we approached budgeting and we utilized the program elements in the SW Management Master Plan to create the budget categories.

It must be noted we had one big unexpected event in FY2010 and that was the county council requirement to adopt volume controls and the number of unexpected activities undertaken to develop these controls.

Explained some of the differences in these SW Management categories where there was difference between budgeted and actual. Some revenue sources like Del Web impact fees are being depleted and will not be available in future years. In response to board request listed projects for each of program elements on that sheet: Control regulation; Monitoring; WQ Controls; Annual maintenance; Public Information/outreach; Drainage enhancement; additional studies.

As was done last year, a list of priorities was developed and efforts to decide what should be our top ten priorities and which of the top 10 are the top 3 of these 10. Again this year the SW staff participated in developing the list and staff got input from the SW implementation committee. We would also like to get your input and ideas. This helps guide us as we develop the budget items. Eddie Bellamy had some input into the top three and said that priority 1 and 3 must be in our top three.

In reading the list, the numbers in parentheses are first the staff multi-vote input and then the second set of parentheses is the implementation committee's input. The top ten are not in priority order. It should be noted that there are some items that are not in the top 10 because we plan to have them completed before FY 2012.

Some board members asked these to be emailed to them so that they could review and comment.

**10. Annual Maintenance – Project Reports** – Dan Ahern - Postponed to January 2011

**11. Utility Administration – Regional Coordination** - Postponed to January 2011

**12. Final Opportunity for Public Comment** – None

**13. Next meeting agenda** – Discussed possibly having a workshop on Operational alternatives issues instead of January meeting and board decided to have meeting. Board decided to add “Stormwater Design Storm” presentation in lieu of monitoring update and also added agenda item about forming a Form-based subcommittee.

**14. Meeting adjourned.**