

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

August 26, 2015 at 2:00 p.m. in Beaufort Industrial Village Building #3 Conference Room

**Board Members**

**Present**

Don Smith  
William Bruggeman  
Marc Feinberg  
Larry Meisner  
Patrick Mitchell  
James Fargher

**Absent**

Allyn Schneider

**Ex-Officio Members**

**Present**

Andy Kinghorn  
Jeremy Ritchie  
Scott Liggett

**Absent**

Van Willis

**Beaufort County Staff    Visitors**

Eric Larson  
Eddie Bellamy  
Carolyn Wallace  
Kevin Pitts  
Patricia Wilson  
Allison Coppage  
Thomas Keaveny  
James Minor, Jr.

Dan Duryea, BC Solid Waste Board  
Reed Armstrong, Coastal Conservation League  
Cynthia Bensch, County Council  
Alice Howard, County Council  
Shelby Berry, Bft. Soil & Water Conservation Dist.  
Denise Parsick, Bft. Soil & Water Conservation Dist.  
Kate Schaefer, Coastal Conservation League  
Paul Moore, Ward Edwards

**1. Meeting called to order – Don Smith**

- A. Agenda – The board members consented to switch item (5) Unfinished Business with item (6) New Business. The agenda was approved with this change.
- B. July 15, 2015 Minutes - Approved.

**2. Introductions – Completed.**

**3. Public Comment(s) – None.**

**4. Reports –** (Mr. Eric Larson and Mr. Eddie Bellamy provided a written report and Mr. Alan Eisenman provided a copy of the June financials and they were attached to the agenda and can be accessed at <http://www.bcgov.net/departments/Administrative/beaufort-county-council/boards-and-commissions/council-appointed/board-list/stormwater-management-utility-board/agendas/2015/082615.pdf>)

**A. Utility Update – Eric Larson**

Mr. Eric Larson referred to the report he submitted with the agenda packet. He had nothing new to report.

- B. Municipal Separate Storm Sewer System (MS4 Update)** – Eric Larson  
*MS4 Permit Application* – The County received a letter from SCDHEC on August 21<sup>st</sup>. Public announcement was delayed until September 1<sup>st</sup>. The effective permit date should be October 1, 2015.
- C. Monitoring Update** – Eric Larson  
*US 278 Pond Project*- Mr. Kevin Pitts and Mr. Danny Polk are working together to provide preconstruction sampling as a baseline. Later sampling should result in improved water quality and volume control as a result of the project.  
*USCB and County MOU* – Meetings with Dr. Warren (USCB) have been postponed until September. The goal is to restructure the MOU for changing monitoring needs due to Capital Improvement Projects (CIP) and MS4 requirements without having to constantly amend the MOU.
- D. Stormwater Implementation Committee (SWIC) Report** – Eric Larson  
 The focus (of the SWIC meetings) has been the Rate Study and selection of the consultant for the Storm Water Management Plan Update. Both the July 15, 2015 and August 12, 2015 meeting minutes are included in this report.
- E. Stormwater Related Projects** – Eric Larson  
*Bluffton Gateway Final Development and Island Shops Final Development Plan Review* – Both of these projects are private developments of large shopping centers. Mr. Larson reviewed these plans as part of the Staff Review Team (SRT) and he does reviews for the City of Beaufort as well. One is the Wal-Mart Center by the Airport off of Sea Island Parkway. The developers for these projects are not local and they question the complexity and cost of implementing Stormwater design standards. Mr. Larson believes these issues need to be addressed when the BMP Manual is being reviewed as part of MS4.  
**Professional Contracts Report** – Eric Larson  
*Utility Rate Study* – Will be discussed under Old Business.  
*Stormwater Management Plan (Master Plan) Update* –The Stormwater Implementation Committee interviewed Applied Technology Management, Center for Watershed Protection, Bowman Construction and Ward Edwards. The responses were based on qualifications. The committee’s recommendation is Applied Technology Management (ATM). The committee will meet with ATM to establish a scope of work, cost of service and contract and should be ready to present a recommendation to hire ATM at the September meeting.
- F. Regional Coordination** - Eric Larson  
*Salinity Study (\$25,000 Budget –County Portion)* – The advisory committee is meeting on September 10<sup>th</sup> to go over the final report. SC-DNR has asked to present the findings at the September 30<sup>th</sup> Board Meeting.  
*Solid Waste Board Request for Support* – Will be presented under New Business.  
*SC 170 Widening* – Mr. Larry Meisner confirmed that Mr. Zinn is the same individual who made a public comment during the last board meeting. Mr. Larson reaffirmed that the County continues to meet with Mr. Zinn to resolve matters of concern to.
- G. Financial Report** –  
 The report was included in the packet and no questions were addressed.
- H. Maintenance Projects Report** – Eddie Bellamy  
 Mr. Eddie Bellamy reported that five major and twenty-three minor or routine project summaries were included in his report. Ms. Cynthia Bench questioned whether Davis Road by the new school in Bluffton was having flooding issues. Mr. Bellamy stated that he is not aware of flooding issues and the drainage is adequate. Mr. Donald Smith questioned if the recent excessive rain has caused any issues. Mr. Bellamy and Mr. Jeremy Ritchie replied that Bluffton Parkway and the area between

Masters Way and Buckwalter Parkway were experiencing flooding issues. Unclogging a storm drain resolved one issue, but staff is still trying to locate the other drainage problem.

## 5. New Business –

- A. Public Education Briefing-** Denise Parsick - Beaufort Soil and Water Conservation District  
Ms. Denise Parsick gave a 2015 fiscal year end briefing to the Stormwater Management Utility Board Members. She provided a presentation in advance which can be viewed on the posted agenda.
- B. Solid Waste and Recycling Board Letter for Stormwater Management Utility Board-** Dan Duryea- Solid Waste Board Chairman  
Mr. Dan Duryea referred to a letter which was included in the posted agenda. Mr. Duryea is seeking the support of the Stormwater Board to phase out drop-off convenience centers for curbside service. The Stormwater Board would like more background information and consequences of MS4 implementation before discussions continue.
- C. Okatie West Pond Acceptance of Section 319 Grant and Recommendation to Beaufort County's Natural Resources Committee -** Eric Larson  
Mr. Larson included the 319 Grant Acceptance documents and the Recommendation Memo to the Natural Resources Committee in the posted packet. Mr. Larson explained how the grant is a 60% grant with 40% matching requirement. Federal funding totals \$792,000 and the Non- Federal matching portion is \$528,000. The total amount is \$1,320,000. Questions about fluctuation in the project cost were answered by stating that the total Federal funding will not increase with an increased cost, however, if the project costs are lower, then Federal funding will still only pay 60% which would reduce the Federal amount paid. This project was previously approved so the board unanimously recommended the grant approval to the Natural Resources Committee.

## 6. Unfinished Business –

- A. Update on Rate Study –** Eric Larson  
Mr. Larson advised all in attendance that the rate study information being presented is available by viewing the July 15, 2015 Stormwater Management Utility Board Meeting Video at [http://beaufort.granicus.com/MediaPlayer.php?view\\_id=3&clip\\_id=2204](http://beaufort.granicus.com/MediaPlayer.php?view_id=3&clip_id=2204); by visiting the Stormwater Management Utility home page and clicking on the relevant links at <http://www.bcgov.net/departments/Engineering-and-Infrastructure/stormwater-management/>; by watching the Natural Resources Committee Meeting on July 20, 2015 and County Council meetings on September 22, 2014, July 27, 2015, August 10, 2015 and August 24, 2015; and by watching the County Council workshop Mr. Larson presented on January 22, 2015. Mr. Larson informed the board that County Council has delayed the 3<sup>rd</sup> reading of the Stormwater Ordinance until September 14, 2015. This revised ordinance coincides with the recommended rate study model fee increase.

Mr. Larson presented a time line of the rate study process to the board. He highlighted issues that have been brought up at public hearings and council meetings. Two key concerns addressed are:

1. Private Citizens are concerned that their drainage issues are not being addressed. Many citizens feel that they are paying a Stormwater fee with no benefit. Mr. Larson referred to the Extent of Services which provides for publically owned infrastructure. With a fee increase, the Extent of Services could be expanded. Mr. Larson also stated that the County has experienced difficulty obtaining drainage easements from citizens to perform the necessary drainage maintenance. Without an easement, the County has no legal justification for providing the necessary maintenance.

2. The potential impact on Rural, Agriculture Use and Vacant Land parcels. County Council requested that the rate study model be adjusted to analyze a cap on five or more acres. Mr. Larson discussed the percentage of parcels that were five acres and greater and their impact on revenues. He also referred to monitoring data that suggest that vacant land does affect bacteria levels in undeveloped watershed areas. These parcels have been paying based on runoff factors and were paying an impervious percentage based on SFU. The new rate study terms this as Gross Area. His revenue analysis reflects that of the 126,000 [sic] billing accounts, 65,000 are county parcels and 3,118 meet the 5 acres or more criteria. Using this data set: **the existing** rate structure percentage of revenues is 9.66%; **Option A** percentage of revenues is 8.89%; and the recommended **option E** percentage of revenues is 5.94%. This analysis demonstrates less dependency from revenues generated by parcels five acres or greater using the recommended **option E**.

Mr. Larson also addressed an adjustment in Countywide Infrastructure (CWI) for the municipalities based on reallocation of infrastructure. Mr. Larson and County Staff met with the city and towns to go over all the maps and infrastructure calculations to fine tune the rate study model. This resulted in decreased percentages for the municipalities and an increased percentage for the County. Since the CWI is calculated to the penny and the model rounded to the whole dollar, the difference made no change in the County fee.

Mr. Larson plans on getting a simplified version of the presented information for the public. He also referred to correspondence with SCDHEC confirming time lines and fines assessed if MS4 implementation does not meet regulations such as the \$37,500 per day fine. Mr. Larson said Mr. Brian Flewelling (Chairman of the Natural Resources Committee) is working on a two hour workshop prior to the Natural Resource Committee meeting on September the 8<sup>th</sup>. Mr. Larson encouraged the board to attend and support that workshop. The Stormwater Management Utility Board unanimously reaffirmed the following motions:

1. Motion to accept the rate study with the recommended option E and the rates as identified in the rate study.
2. Motion to recommend the revised Stormwater Management Utility Budget for Fiscal Year 2016.
3. Motion to acknowledge the draft ordinance and agree with the changes in the ordinance to be brought before County Council.

Mr. James Fargher questioned how individuals in Homeowner's Associations (HOAs) receive benefits from their Stormwater Credits. Mr. Larson said the HOA receives the credit. The individual is still responsible for personal Stormwater fees. Mr. Fargher feels that HOA individuals should have reduced fees due to stormwater credit compliance. Mr. Larson pointed out that the individual fee includes MS4 implementation, Capital Improvement Projects and Operation and Maintenance needs. All individuals use and benefit from public infrastructure. The utility fee would have to increase if the County maintained the HOA infrastructure.

Mr. William Bruggeman asked why five acres was the designated number for the acreage cap. Mr. Larson deferred the question to Ms. Kate Schaefer with Coastal Conservation League. Ms. Schaefer explained that she understands that this rate structure decreases revenues generated from five or greater acres, however, she feels from a scientific standpoint that Gross Area or Open Space provide an ecological service. She agrees with the revision to support MS4 implementation, but she feels there should be a cap on Gross Area. She stated that five acres is forestry zoning and that seemed like a

reasonable place to start. She also feels that development contributes more towards runoff factors and should be charged accordingly. She supports the revised rate structure with a five acre cap and she stated this at the public reading on August 24, 2015.

**7. Public Comment(s) – Cynthia Bensch (County Council)**

Ms. Bensch disagrees with putting a cap on five acres or greater. She believes that developers provide much of the fee burdens by paying impact fees and installing required infrastructure. Ms. Bensch referenced the Connecticut River Valley and how chemicals from farms ran into the Connecticut River Valley. She does not believe rural owners should receive a break while developers are penalized. Ms. Bensch is going to recommend that funding be provided by \$1.5 million out of reserve funds.

Mr. Donald Smith commented that if the rate study does not pass, then capital projects and consultant studies need to be closely evaluated because MS4 requirements need to be implemented.

**8. Executive Session –**

“Discussion of negotiations incident to proposed contractual arrangements and proposed sale or purchase of property, the receipt of legal advice where the legal advice relates to a pending, threatened, or potential claim or other matters covered by the attorney-client privilege, settlement of legal claims, or the position of the public agency in other adversary situations involving the assertion against the agency of a claim.”

Mr. Larry Meisner made a motion to proceed with Project A because (1) it is included in the Master Plan, (2) it is in the budget, and (3) after due diligence the price is determined reasonable. The motion was seconded and the board passed it unanimously.

**9. Next Meeting Agenda-** Approved with an amendment to 6B. ([Please see attachment](#))

**10. Meeting Adjourned.**



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BEAUFORT COUNTY  
STORMWATER MANAGEMENT UTILITY BOARD  
AGENDA

Wednesday, September 30, 2015  
2:00 p.m.

Beaufort Industrial Village, Building 3 Conference Room 104  
Industrial Village Road, Beaufort  
843.255.2805

In accordance with South Carolina Code of Laws, 1976, as amended, Section 30-4-80(d), all local media was duly notified of the time, date, place and agenda of this meeting.

1. CALL TO ORDER – 2:00 p.m.
  - A. Approval of Agenda
  - B. Approval of Minutes – August 26, 2015 (backup)
2. INTRODUCTIONS
3. PUBLIC COMMENT
4. REPORTS
  - A. Utility Update – Eric Larson, P.E. (backup)
  - B. MS4 Update - Eric Larson, P.E. (backup)
  - C. Monitoring Update – Eric Larson, P.E. (backup)
  - D. Stormwater Implementation Committee Report – Eric Larson, P.E. (backup)
  - E. Stormwater Related Projects – Eric Larson, P.E. (backup)
  - F. Upcoming Professional Contracts Report – Eric Larson, P.E. (backup)
  - G. Regional Coordination – Eric Larson, P.E. (backup)
  - H. Financial Report (backup)
  - I. Maintenance Projects Report – Eddie Bellamy (backup)
5. UNFINISHED BUSINESS
  - A. Update on the Rate Structure Implementation- Eric Larson (backup)
6. NEW BUSINESS
  - A. Presentation of the D.N.R. Salinity Study (backup)
  - B. Presentation of the ~~BJWSA~~ May River Watershed Sewer Master Plan by The Town of Bluffton  
~~Jeremy Ritchie~~ (backup)
7. PUBLIC COMMENT
8. NEXT MEETING AGENDA
  - A. October 21, 2015 (backup)
9. ADJOURNMENT

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