

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

September 20, 2017 at 2:00 p.m. in Executive Conference Room, Administration Building, Beaufort County Government Robert Smalls Complex, 100 Ribaut Road, Beaufort, South Carolina

Board Members

Present

Don Smith
Marc Feinberg
Allyn Schneider
Larry Meisner
James Fargher

Absent

Patrick Mitchell
William Bruggeman

Ex-Officio Members

Present

Andy Kinghorn
Scott Liggett
Kim Jones (By Phone)

Absent

Van Willis

Beaufort County Staff

Eric Larson
Melissa Allen

Visitors

Alice Howard, County Council District 4
Alan Warren, USCB Lab
Steve Andrews, Andrews Engineering
Paul Moore, Ward Edwards
Lamar Taylor, City of Beaufort
Denise Parsick, Beaufort SW Conservation District
Jeff Netzinger, Town of Hilton Head
Jeff Buckalew, Town of Hilton Head
Brian Eber, Town of Hilton Head
Jeff Ackerman, Carolina Engineering
Penney Smith, Broad River Bluff

1. Meeting called to order – Don Smith

- A. Agenda – Addition under New Business - Discussion of Regionalization of Stormwater Services – Approved.
- B. July 19, 2017 Minutes – Approved.

2. Introductions – Completed.

3. Public Comment(s) –

Mr. Eric Larson explained that Stormwater staff member Rebecca Baker is not here with us today, as she is out on extended leave due to an illness in the family. He asked to please keep her, her family and husband in thoughts and prayers.

4. Reports – Mr. Eric Larson provided a written report which is included in the posted 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/2017/092017.pdf>

A. Utility Update – Eric Larson

In regards to Hurricane Irma, Mr. Larson noted that stormwater and public works staff have been out responding over the past week. The County has some system damage and has more debris clogging pipes and ditches at outfalls than seen during Hurricane Matthew which is estimated at \$280,000 (assuming it was managed by a contractor). The County is currently pursuing funding through FEMA and NRCS Emergency Watershed Protection program. If able to receive any of these funds an update will be provided, if not it will be an in house effort over the next few months.

Mr. Don Smith asked if the County was aware of an overtopping that occurred on Highway 21 outgoing (west bound) at the Whale Branch bridge. Mr. Larson stated he was not aware, but will make note of it.

In reference to the tax run (item #2), Mr. Larson noted that there will not be a delay in billing due to Hurricane Irma. He also mentioned that item #4 regarding the Southern Regional Planning committee and item #5 regarding County Code of Ordinance Chapter 99 will be discussed during new business.

B. Monitoring Update – Eric Larson

In reference to the USCB Lab report for Beaufort County, Mr. Andy Kinghorn asked if the September 18th, Battery Creek 319 meeting took place. Mr. Larson stated that meeting is being rescheduled.

Mr. Larson expressed his appreciation to the Board for their concurrence with staff to increase the budget for the Capital Improvement Project FY18 grouping. It has been approved through both Natural Resources Committee and County Council and work has begun on those projects.

In reference to the 319 project, Mr. Kinghorn mentioned that there was some damage to the pond from the storm and an overtopping had occurred at some point. Mr. Larson indicated that the County and City are aware, as Dr. Gray reached out to them by email. Paul Moore, design engineer for the project, will be part of the upcoming staff meeting.

C. Stormwater Implementation Committee (SWIC) Report – Eric Larson

Please reference the report which is included in the posted agenda. No additional updates.

D. Stormwater Related Projects – Eric Larson

In reference to item #3, part of the five year operations plan and justification for the rate increase was to expand our services and purchase equipment. The County has been testing street sweepers to find one to add to the fleet that will meet the needs of MCM6 and MS4 program and help maintain our porous paver parking lot (at the Administration Building).

E. Professional Contracts Report – Eric Larson

Mr. Larson indicated he is in regular communication with Joe Mina from ATM (consultant) and the Stormwater Master Plan is still on schedule to be completed by December. There will be a SWIC meeting in the near future to go over the report Mr. Mina is working on. Mr. Don Smith asked if the consultant is looking at the overtopping areas. Mr. Larson said they are revisiting them to see if those constrictions still exist in the system.

Mr. Larry Meisner mentioned that had heard that there was overtopping near Old

Sheldon Church during the most recent storm (Irma). Mr. Larson indicated he would take note of that happening.

In reference to item #3, the project for Brewer Memorial Park, the meeting with Clemson is scheduled for September 21, 2017.

F. Regional Coordination – Eric Larson

In reference to item #5, discussions are taking place on how it is going to be formally brought forward with administration and decision makers within the County, Towns and City.

The Wallace Road project is moving along quickly to help solve some flooding problems (houses and roads). Emergency pumps are being used to keep water off of structures, which is not Irma related. Mr. Don Smith asked what the cause of the problem is. Mr. Larson explained that it is topographic, a low area with no relief. The County found that a sidewalk project done by them a dozen years ago altered drainage on the road which is the reason the County is vested in the solution.

G. Municipal Reports – Eric Larson

Mr. Lamar Taylor with City of Beaufort mentioned the regional drainage meeting was held on September 18, 2017 and that their current projects will resume in a couple weeks once debris cleanup is complete.

Mr. Scott Liggett with Town of Hilton Head said the impact from the storm surge was quite remarkable, short lived in many areas. It was more prevalent on the South end versus the North end. He noted that in general the storm didn't generate much debris or rainfall. Mr. Smith asked if they had about a two foot higher storm surge than Matthew. Mr. Liggett explained that since Matthew occurred at night they do not have the documentation and footage like they do with Irma. He said based on observation the front/ocean side surge was much less than on the back side of the island. Several overtoppings occurred, but were short lived.

H. Municipal Separate Storm Sewer System (MS4 Update) – Eric Larson

Mr. Larson noted that you can see activity is slowly increasing from past reports, a reflection of the workload that the new MS4 has created. In reference to public education item 5B, the bi-annual pond conference will be held at USCB campus on October 19th. There will be a great panel of speakers and lunch is also included in the fee.

I. Maintenance Projects Report – No Report

Due to recovery efforts from Hurricane Irma, the report will be included with the update for the meeting scheduled on October 18.

5. Unfinished Business – None.

6. New Business

A. Update from City of Beaufort on Mossy Oaks Drainage – This item will be discussed along with agenda item 6C.

B. Proposed Revision to County Code of Ordinance Chapter 99 for Transportation

Exemption – Mr. Larson provided a memo and proposal to the board to amend Chapter 99 of the County Code of Ordinance to provide transportation related facilities within the County an exemption from paying stormwater fees. In the current ordinance the County exempts public roads and private roads within a right of way, as they are understood to be for the general good of the public. The proposal is to expand that definition of transportation facilities to include facilities associated with airports, railroads and water navigation (public docks).

Mr. Marc Feinberg asked how that would impact fee collections. Mr. Larson replied that the most significant rate payers would be the Lady’s Island airport and Hilton Head Island airport. A bulk of the fees for the Hilton Head Island airport (around \$19,000) go to the Town of HHI and the Lady’s Island Airport (approx. \$13,000) fees go to the City of Beaufort, with the County receiving a CWI fee for each (around \$1000 from HHI and approximately \$750 from LI). The boat landings contribute about \$16,000 total to the utility; most of them are unincorporated, with a few within the municipalities. The Port Royal Port, if it is private, they would pay fees, but if it was deemed to be publicly owned and operated they would be exempt.

Mr. Feinberg asked if the Town of HHI and City of Beaufort are in favor of losing that amount of money. Mr. Kinghorn asked if discussion has happened. Mr. Larson apologized and said it has not and this is an opportunity for discussion. Mr. Taylor suggested holding off until a discussion can take place in different form and bring it back to the Board.

Mr. Liggett mentioned that the fees are meant to address the demands that these public systems place on the drainage infrastructure. He said to indicate that to say the Town has provided no service on the airport property would be inaccurate, there here has been several times in the past that they have provided service and expressed that the demands don’t go away just because the fees have.

Mr. Smith asked where the request for changes came from. Mr. Larson indicated it was a staff request from the airport. Mr. Kinghorn suggested waiting until the Town of HHI and City of Beaufort administration review it and weigh in on it. Mr. Larson stated he is available to have a meeting to discuss the proposal.

A motion was made to defer this discussion to next month. The Board unanimously (5:0) approved to defer until next month.

[The memo and proposed revisions regarding County Code of Ordinance Chapter 99 are attached.](#)

C. Regionalization of Stormwater – Mr. Larson wanted to brief the public and board as a result of some things that have been going on regionally regarding stormwater. He shared vision casting for the future of stormwater. [Vision Casting Stormwater – September 2017 attached.](#)

Following vision casting for stormwater lengthy discussion took place.

Mr. Marc Feinberg asked if he is correct in understanding that the MS4 standards that EPA has set are not any different if you are in Bluffton or in Beaufort. Mr. Larson answered correct.

Mr. Feinberg shared that he had a conversation with Mr. Kubic, when he first became a Board member, about there being so many MS4 coordinators and that there may eventually be some economies of scale. Mr. Larson explained the state’s MS4 permit is the same for each municipality; it is generalized and states the goals of the program. The way you achieve those goals can be much different, such as bare minimum or to go above and beyond. He explained there are multiple jurisdictions, so there is economy of scale that could be found because the jurisdictions are so interwoven. Being able to coordinate operations and maintenance across

multiple jurisdictions and having the ability to combine resources and fund capital projects together allows for projects to happen that can't be done on their own.

Mr. Liggett expressed that it would be a challenge to have identical and equivalent extent and level of services. He mentioned there is desire to do different things within each of the political subdivisions within the County. Mr. Kinghorn asked why they couldn't be they be the same. Ms. Kim Jones explained that the Town of Bluffton has been focused on elimination of septic tanks for fecal coliform contribution, using funding for microbial source tracking and identifying failing septic tanks effecting May River, while a majority falling within the County's jurisdiction. She indicated that Mr. Larson has made it known that that is not a priority for the County, but is to their (Bluffton's) Council.

Mr. Larson said it doesn't mean that the County can't change programs and he would like for everyone to quit looking backward. He indicated Ms. Jones and Mr. Liggett are correct; that Hilton Head is developed out and they are focused on redevelopment, the City of Beaufort has a downtown core that is focused on redevelopment, and the Town of Bluffton is focused on septic issues. This doesn't you mean you can't have a regional authority and not have different goals for different regions within the County. Mr. Larson expressed the need to think regional. He explained there could be a regional authority that would have a standard to address everyone's concerns in respect to urban development, redevelopment, rural expansion, and septic issues.

Mr. Kinghorn noted that the BJSWA example would be similar and believes it works well, explaining that the sewer service from the City of Beaufort's perspective is much better than if they would have stayed as a separate entity.

Mr. Feinberg asked how representation of this governing body be divided. Mr. Larson explained that it would be best to bring outside party in to assist. An exploratory committee could be formed to provide an objective assessment of what we have and how we can get there.

Mr. Smith asked if anyone has spoken with somebody that is part of a regionalized stormwater program. Mr. Liggett suggested looking into what Charleston does, as they are similar to Beaufort County with watersheds and islands or even look to Columbia metro or Greenville and see how their MS4s are interacting. He mentioned it is important to understand the problems regionally that are trying to be solved, how different or similar the codes and standards are, annexation issues, and how influential stormwater standards are.

Mr. Smith asked if the municipalities are willing to go back and discuss this with counter parts, staff, and politicians and come back next month and discuss it.

Mr. Larson mentioned that the Southern Regional Planning committee recognizes that development is moving to Jasper County and there is a desire (prompted by elected officials) to coordinate regionally. From his perspective there are regional issues regarding the Okatie River, as Bluffton has a small portion under their jurisdiction, the County has a larger portion and there is a TMDL for bacteria. The Okatie also crosses over into Jasper, where there is a proposed development. This got the County interested to talk to other players because there is a goal to reduce bacteria by 52% and the County only has control of less than 50% of the watershed in their jurisdiction. The County has started to look at everyone's standards to be able to compare them. A committee has been put together.

Mr. Lamar Taylor asked if there is a law that prevents the board from being regional. Mr. Larson mentioned that the ordinance that was set up in 2001 intended to be regional and that he thinks State law will allow it. He indicated that if anything mentioned today goes forward, the ordinance would have to be appealed; the article regarding the makeup of the board would need amended.

Ms. Alice Howard noted that the BJSWA was a perfect example. She expressed that regionally there is an opportunity to reduce failures by consolidating compliance.

A motion was made to add this topic to next month's agenda. The Board unanimously (5:0) approved to add this topic to next month's.

After voting, discussion continued:

Mr. Liggett expressed that a challenge will be to generate a meaningful response in less than 30 days; how would you reconstitute the utility and do it differently when the utility over the last 20 years has been a good thing. The Town of Hilton Head has been able to put in new infrastructure, deliver services agreements and return the fees and services internally to the gated community which is important to the Town, as well as improve the water quality by five levels since 2001 in the Broad Creek.

Mr. Smith noted he has a lot of questions as he represents a rural community and the residents there wouldn't be interested in paying more to subsidize all of the development going on in other areas which have larger needs. The extent of service they receive is typically getting the ditches cleaned. He is interested in how fees would be set.

Mr. Liggett stated they can attempt to respond, as Mr. Larson shared his thoughts. There are a lot of different facets to the program, whether it stays the same or becomes regionalized.

Mr. Larson suggests forming an exploratory committee with representatives from the municipalities to come up with the questions that need answered. He said we need to start somewhere and feels it's a good time to start, as the City of Beaufort wanting a regional task force for a problem and the southern part of the County is wanting to partner with Jasper County.

7. Public Comment(s) – None.

8. Next Meeting Agenda – Approved.

Additions to Old Business –

- Proposed Revision to County Code of Ordinance Chapter 99 for Transportation Exemption
- Regionalization Update

9. Meeting Adjourned



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M E M O R A N D U M

TO: Beaufort County Council
Beaufort County Stormwater Utility Board
Gary Kubic, County Administrator

FROM: Eric W. Larson, PE, AICP, CPSWQ, CFM

DATE: September 21, 2017

SUBJECT: A proposed revision to Code of Ordinance Chapter 99 related to Stormwater service fee exemptions for transportation infrastructure, specifically County owned facilities

Traditionally, the County's Stormwater ordinance has had exemptions to the requirement to pay Stormwater utility fees, or service fees, for public roads. It also exempted private roads within defined rights-of-ways, condominium boat slips, and railroad tracks. (See Section 99-109). However, it should be noted that there are other public transportation infrastructure that function similarly to roads in that the population as a whole benefits from the construction and maintenance of said facilities. In particular, municipal airport facilities and public boat ramps and docks provide a transportation function interconnected with the vehicular roadway system, moving people and goods for business and leisure.

It should be noted that in the case of the County operated airports, each facility has a comprehensive stormwater management plan and are permitted with the South Carolina Department of Health and Environmental Control as an industrial facility. As such, each facility expends significant funds annually for compliance and does not rely on the respective municipal jurisdictions for Stormwater related services. In addition, the stormwater system at the Hilton Head Island Airport is undergoing a ~\$5,000,000 improvement project that is being funded by the Federal Aviation Administration, the South Carolina Aeronautics Commission, and the Airport itself. This system receives stormwater from an offsite light industrial/commercial area on the island, treats the stormwater, and releases it at the opposite end of the airport. The airport maintains this system expending its own funds.

Our County Stormwater Ordinance only exempts roadways and railroad tracks. The attached proposed amendment expands the exemptions allowed by ordinance to include airports, boat ramps and docks, all railroad related properties, and the associated facilities that support and maintain them.

Sec. 99-109. - Exemptions and credits applicable to stormwater service fees.

Except as provided in this section, no public or private property shall be exempt from stormwater utility service fees. No exemption, credit, offset, or other reduction in stormwater service fees shall be granted based on the age, tax, or economic status, race, or religion of the customer, or other condition unrelated to the stormwater management utility's cost of providing stormwater programs, services, systems, and facilities. A stormwater management utility service fee credit manual shall be prepared by the Stormwater Manager specifying the design and performance standards of on-site stormwater services, systems, facilities, and activities that qualify for application of a service fee credit, and how such credits shall be calculated.

(a) Credits. The following types of credits against stormwater service fees shall be available:

- (1) Freshwater wetlands. All properties except those classified as detached single-family dwelling units may receive a credit against the stormwater service fee applicable to the property based on granting and dedicating a perpetual conservation easement on those portions of the property that are classified as freshwater wetlands and as detailed in the stormwater management utility service fee credit manual. The conservation easement shall remove that portion of the subject property from any future development.
- (2) Salt Water Marsh. All properties except those classified as detached single-family dwelling units may receive a credit against the stormwater service fee applicable to the property based on those portions of the property that are classified as salt water marsh and as detailed in the stormwater management utility service fee credit manual.
- (3) Submerged properties. All properties may receive a credit against the stormwater service fee applicable to the property based on those portions of the property that are classified as submerged and as detailed in the stormwater management utility service fee credit manual.
- (4) Those properties that apply for consideration of an adjustment shall satisfy the requirements established by the Beaufort County Stormwater Manager and approved reduced stormwater service fee.

(b) Exemptions. The following exemptions from the stormwater service fees shall be allowed:

- (1) Improved public road rights-of-way that have been conveyed to and accepted for maintenance by the state department of transportation and are available for use in common for vehicular transportation by the general public.
- (2) Improved public road rights-of-way that have been conveyed to and accepted for maintenance by Beaufort County and are available for use in common for vehicular transportation by the general public.
- (3) Improved private roadways that are shown as a separate parcel of land on the most current Beaufort County tax maps and are used by more than one property owner to access their property.
- (4) Railroad tracks, railroad stations, maintenance buildings, or other developed land used for railroad purposes shall be exempt from stormwater service fees. ~~However, railroad stations, maintenance buildings, or other developed land used for railroad purposes shall not be exempt from stormwater service fees.~~
- (5) Condominium boat slips shall be exempt from stormwater service fees.
- (6) Properties determined by the Assessor having 100% of the gross area of the property submerged, salt water marsh, or freshwater wetland will not receive an administrative charge, if applicable in the utility rate structure, AFTER the applicable credit defined in paragraph (a) above has been applied to the account.
- (7) Municipal airport runways, terminals, maintenance buildings, or other developed land used for airport purposes shall be exempt from stormwater service fees.
- (8) Public boat ramps, docks, parking areas, buildings, or other developed land used for public marina purposes shall be exempt from stormwater service fees.

Vision Casting Stormwater Sept 2017

Good afternoon members of the Stormwater Utility Board. Thank you for this opportunity to speak today. Allow me a few minutes to cast a vision. In recent weeks, the County has been invited to the table to think and act regionally. Elected officials south of the Broad River and Jasper County have reconstituted the Southern regional planning committee. Shortly after electing a chairman, their first item of business was stormwater. In that room, the Mayors and County Council chairmen made comments like "Standardization of stormwater requirements" and "creating the highest standards possible to protect the environment." North of the Broad River, the City of Beaufort, at the request of local and state elected officials, asked for the formation of a Special task force to address stormwater issues in the Mossy Oaks subdivision, where the City believes the issue is multi-jurisdictional and too large of a project for the City to take on alone.

Yet we are diverging. We have multiple MS4 jurisdictions in the County. It is only a matter of time before the urbanized clusters in Beaufort and Jasper County, who have the population density to qualify as an MS4, will be designated and permitted by DHEC. We could see 8 separate MS4 permits with differing standards if we don't change our way of thinking. Example of this divergence can be seen now. The County updated its BMP Manual last year. Although we invited feedback from the municipalities, it was pretty much developed in a silo. The Town of Bluffton is currently considering updating its standards. In addition, The Town of Bluffton has the May River Watershed advisory committee that meets monthly. In conversations with Neal Desai, City Engineer for the City of Beaufort, he tells me the City fully intends to develop its own stand-alone stormwater standard. We are duplicating efforts and in some cases driving a wedge between jurisdictions and encouraging jurisdiction shopping by developers, who are looking for the cheapest and easiest way to make a profit.

We need standardization of services and regulations. We are duplicating services to the community and unnecessarily driving up costs to our rate payers. We don't have to look far for examples of regionalism. Our own Beaufort Jasper Water and Sewer Authority acts as a quasi-governmental yet stand alone "utility" that is self-funded and provides services over multiple jurisdictions. I have first-hand knowledge of other examples such as the Sanitation District #1 in Northern Kentucky that provides consolidated Sanitary and Stormsewer services over 3 counties and 20+ municipal governments. Louisville Kentucky's Metropolitan Sewer District provides Sanitary and Stormwater services for the entire Metropolitan Statistical Area of Louisville encompassing numerous cities, towns, and villages within Jefferson County. In my last job as a City Engineer and MS4 manager, my community was part of a regional alliance consisting of 7 MS4s across 6 counties. There are countless others across the nation that are set up similarly. Given the geography of the region, our Metropolitan Statistical Area will never extend to the Charleston area or cross state lines to Savannah, so Beaufort and Jasper Counties need to consider the idea that 1 program is better than 8.

This Board was originally envisioned to be regional. Early drafts of the ordinance gave voting rights to all municipalities equally. I do not think it was ever the intent to have 5 MS4 programs in one county. There apparently was not the political will to make that happen. As evident by the recent meetings of the SoLoCo and City Task Force, I think that will has changed it now is the time to act. It is no accident that DHEC withheld review of the County's and the Town of Hilton Head Island's MS4 permit applications nearly 6 months until the Town of Bluffton submitted their permit application. DHEC reviewed the permits concurrently and issued identical permits on the same time schedule. They too saw the value in regional partnership and encouraged us to partner to implement the permits.

We need to re-think what we've done in the past. We have resources at our disposal. The Center for Watershed Protection is nationally recognized as a leader and vision of the future of stormwater. The County's volume control standards are based on their principles. Bill Hodges, retired Stormwater Engineer for Savannah and former board member now works for the Center and lives right here in Bluffton. He is currently negotiating a contract with the Town of Bluffton for their code update. I am

confident I could bring my colleagues from KY to the table to offer advice on how to set up a regional authority. We need to set up an exploratory committee to engage with a consultant and begin thinking through what a regional authority might look like. Questions that need answers range from how a regional authority affects the differing SWU fee rates across the County to what happens to the staff and assets owned by each jurisdiction if individual stormwater departments are eliminated in lieu of a new utility.

This is what Gary Kubic hired me for four years ago. I am not asking for a vote today, but I am recommending that this Board consider this, ask the municipalities to discuss this idea among themselves and come back in October and ultimately recommend to the county and municipal governments of Beaufort and Jasper Counties to begin these discussions, set up a task force, and let's flesh out the details of what a regional stormwater authority might look like.

If we aren't willing to look at this and be proactive about the future, then we need to rethink the constitution of this Board to be a County Board only and quit operating under this thin veil of partnerships, all the while we continue to diverge in our missions to protect water quality in this region.

Thank you for your time.