

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

May 9, 2018 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  
Allyn Schneider  
Marc Feinberg  
William Bruggeman  
James Fargher  
Patrick Mitchell

#### **Absent**

#### **Beaufort County Staff**

Eric Larson  
Patty Wilson  
Melissa Allen  
Katie Herrera  
Joshua Gruber

### **Ex-Officio Members**

#### **Present**

Van Willis  
Andy Kinghorn  
Scott Liggett  
Kim Jones

#### **Absent**

#### **Visitors**

Dr. Alan Warren, USCB Lab  
Alice Howard, County Council  
York Glover, County Council  
Ellen Comeau, Clemson Extension  
Sam Connor, Citizen

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

- A. Agenda – Approved.
- B. April 11, 2018 Minutes – Approved.

### **2. Introductions – Completed.**

### **3. Public Comment(s) – None.**

**4. Reports** – Mr. Eric Larson and Mr. David Wilhelm 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/2018/050918.pdf>

#### **A. Utility Update – Eric Larson**

In reference to item #1 will be discussed under unfinished business. The budget is going through the approval process; it received a 7/0 vote and is moving forward.

#### **B. Monitoring Update – Eric Larson**

In reference to item #2, County Staff and Lab Staff met and discussed the monitoring plan. With changes to the MS4 permit there is a need to update the plan. The updated plan will be

presented in the future. Mr. Don Smith asked if the County is trying to increase monitoring at County line to get a baseline near development areas. Mr. Larson said no baseline, but will be expanding monitoring in the watershed with a TMDL to meet requirements. He mentioned the plan they are putting together will be able to track land uses and have the ability to isolate impacts and contributors to be able to address the cause.

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

Please reference the report, no additional updates.

**D. Stormwater Related Projects – Eric Larson**

In reference to the Bold and Gold addition (item #1), the County is looking into a \$20,000 change order and going through the process to approve it for the project.

**E. Professional Contracts Report – Eric Larson**

Please reference the report, no additional updates.

**F. Regional Coordination – Eric Larson**

In reference to item #5, the project is ongoing and the County had a meeting with the Graves family today. It was an SRT level meeting to discuss code and how it would apply to development of that track. The concepts look good.

The Fall SESWA Conference (item #6) will be held in Hilton Head in October and the local community (as a whole) submitted eight papers, two of which were selected for presentation.

**G. Municipal Reports – Eric Larson**

In reference to the Mossy Oak Task Force (item D) the update provided by the City is consistent with the County commitment, the money has been budgeted for the next FY to help fund the project.

Mr. Scott Liggett indicated they have delivered the budget to Town Council for review during a workshop that will be held on May 22<sup>nd</sup>.

Ms. Kim Jones thanked the County for their partnership with Keep Bluffton Beautiful. Another event will be taking place on May 19<sup>th</sup>, primarily focusing on clean-up of May River Road.

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

Mr. Larson shared that on April 1<sup>st</sup> the County moved to enforcing permitting (one year into the programming), which shows in the increase in of violations, referring to the MS4 charts. In reference to item #5, staff is working with DHEC and Hilton Head Homebuilders Association to get permit process training set up.

Mr. Billy Bruggeman asked about runoff into the Okatie from new construction. He commented there is permitting, but no violations. Mr. Larson responded that it [new development] falls in Jasper County and permitting is through DHEC. He explained the goal is to proactively work with Hardeeville and Jasper County to protect the Okatie. Mr. Joshua Gruber provided history of when the development was called the Semmler tract, now called the Horne Development. The County at that time said if there aren't assurances that there are protections to make sure the County isn't negatively impacted from the development that

they would hold them up in litigation. At that time it drove the development away. Now they are much more proactive in understanding what needs to be done to not negatively impact the Okatie. The East Argent tract has recently come up and the bulk of that tract drains toward the New River, but small portion drains to the Okatie. Conversations have taken place with the City; the County has expressed that when they begin looking at actual development plans that they want a seat at the table to provide steps to avoid negative impacts to the river.

In reference to LSP (item #4) the next consortium meeting will be taking place on May 15th. Ms. Ellen Comeau indicated they will be working on a special project dealing with septic tank education and also having a special guest from Clemson. Ms. Jones thanked Ms. Comeau for doing an Enviroscope at the May River event, where there were 340 participants.

Dr. Alan Warren informed the Board that Mike Monday resigned from the USCB lab and they will be looking for a replacement. The lab hopes to arrange a contract relationship with Mr. Monday in the future.

#### **I. Maintenance Projects Report – Eric Larson**

There were no major projects to report; all projects were minor routine maintenance.

#### **5. Unfinished Business**

**A. Regionalization Update** – Mr. Larson expressed that regionalization is gaining synergy from SoLoCo and the Mossy Oaks Task Force. The stormwater subcommittee has been working toward determining a single design standard that could be applied throughout the region and it was suggested to hire a consultant to help establish that standard. It has been agreed to find a consultant (cost share). The subcommittee had a good idea of scope and cost based on some work the Town of Bluffton had done for a similar project and an RFQ was put out. The results are due Monday, May 14<sup>th</sup> and the subcommittee will be meeting soon after to make a selection.

The second part of the process will be discussing the idea of a regional authority, to implement one program regionally. Mr. Marc Feinberg asked who the regional board would report to. Mr. Larson said the board would be appointed by the Councils and would be evenly represented by all of the communities [municipalities].

Mr. Don Smith asked if the consultant for this requires specialized experience. Mr. Larson replied that the consultant is for a design standard that would be general enough to cover all of conditions of the region, but be specific to be used by the jurisdictions (redevelopment vs development). In response to a question about how many submissions were received, Mr. Larson stated there were two responses.

**B. Easement Acquisition Update** – Mr. Larson and Mrs. Patricia Wilson shared easement acquisition updates for three ditch systems that are located in Councilman Gerald Dawson's district that are in need of maintenance. The efforts made to obtain the necessary easements required to be able to properly clean/maintain the ditch systems are described in the [attached memo](#). Following an update of each ditch system, brief discussion took place to clarify the steps taken by staff and to ensure that all options were considered. The board then made a recommendation on how to proceed with each project.

- **Pine Grove, Kato Lane, & Burlington Circle** – A motion was made to recommend proceeding with condemnation for easement on tracts: 42B, 284, 285 and 287. The motion was approved (6/0).

- **Jenkins Road** – A motion was made to recommend proceeding with condemnation for easement on tract 15-103. The motion was approved (6/0).
- **Bessies Lane & Young Circle** – A motion was made to recommend abandonment of easement for tracts: 16-199, 17, and 8A. The motion was approved (6/0).

**6. New Business** – None.

**7. Public Comment(s)** – None.

**8. Executive Session** – A motion was made to go into Executive Session. Approved (6/0).

**9. Matter Arising Out of Executive Session** – None.

**10. Next Meeting Agenda** – Approved.

**11. Meeting Adjourned**



**BEAUFORT COUNTY STORMWATER UTILITY**  
**120 Shanklin Road**  
**Beaufort, South Carolina 29906**  
**Voice (843) 255-2805 Facsimile (843) 255-9436**  
**wstormwater@bcgov.net**



**M E M O R A N D U M**

TO: Natural Resources Committee  
Stormwater Utility Board

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

DATE: April 25, 2018

SUBJECT: Condemnation for Easement – 4 tracts associated with the Pine Grove Road, Kato Lane & Burlington Circle

Condemnation for Easement – Jenkins Road tract 15-103

Easement Abandonment – Multiple tracts @ Bessies Ln. & Young Cir.

---

The attached easement exhibits are being proposed by staff at the request of adjacent property owners and/or Councilman Dawson to either begin formal condemnation procedures to acquire the easement, abandonment of existing easements, and/or cease easement acquisition. Multiple written, verbal and personal communications have resulted in unsuccessful voluntary easement acquisitions. Councilman Dawson has been involved with the acquisition process and supports further action.

Pine Grove Road, Kato Lane & Burlington Circle

The Stormwater Department often receives requests to maintain this regionally significant system due to flooding issues. The process to obtain easements needed for this ditch system formally began in January 2017. The County has received 20 unrecorded notarized easements out of the 24 requested easements. Three property owners consisting of four tracts (42B, 284, 285 & 287 as noted on the attached exhibit) have verbally denied granting easements. These property owners were contacted at least twice by letter, door hangers were left and personal contact was established. Councilman Dawson was instrumental in acquiring a couple unrecorded notarized easements, however, he is recommending board/committee review for condemnation and he will support their decision.

Jenkins Road

The process to obtain easements for this ditch system formally began in March 2017. Easements for the southern section of the ditch were acquired and recorded. The County has received 2 unrecorded notarized easements out of three requested easements for the northern section of the ditch. Multiple attempts of communication and negotiation including a visit from Councilman Dawson were unsuccessful on the remaining tract. Tract 15-103 (as shown on the attached easement exhibit) is heir's property and the heir who pays the taxes does not want to grant an easement to the County. Staff proposes condemnation of tract 15-103 to complete the easement acquisition process for this ditch. Councilman Dawson is recommending board/committee review for condemnation and he will support their decision.

Bessies Lane and Young Circle

The process to obtain the easements needed for this regionally significant ditch system formally began in March 2017, although conversations with one of the residents offering to assist in garnering community

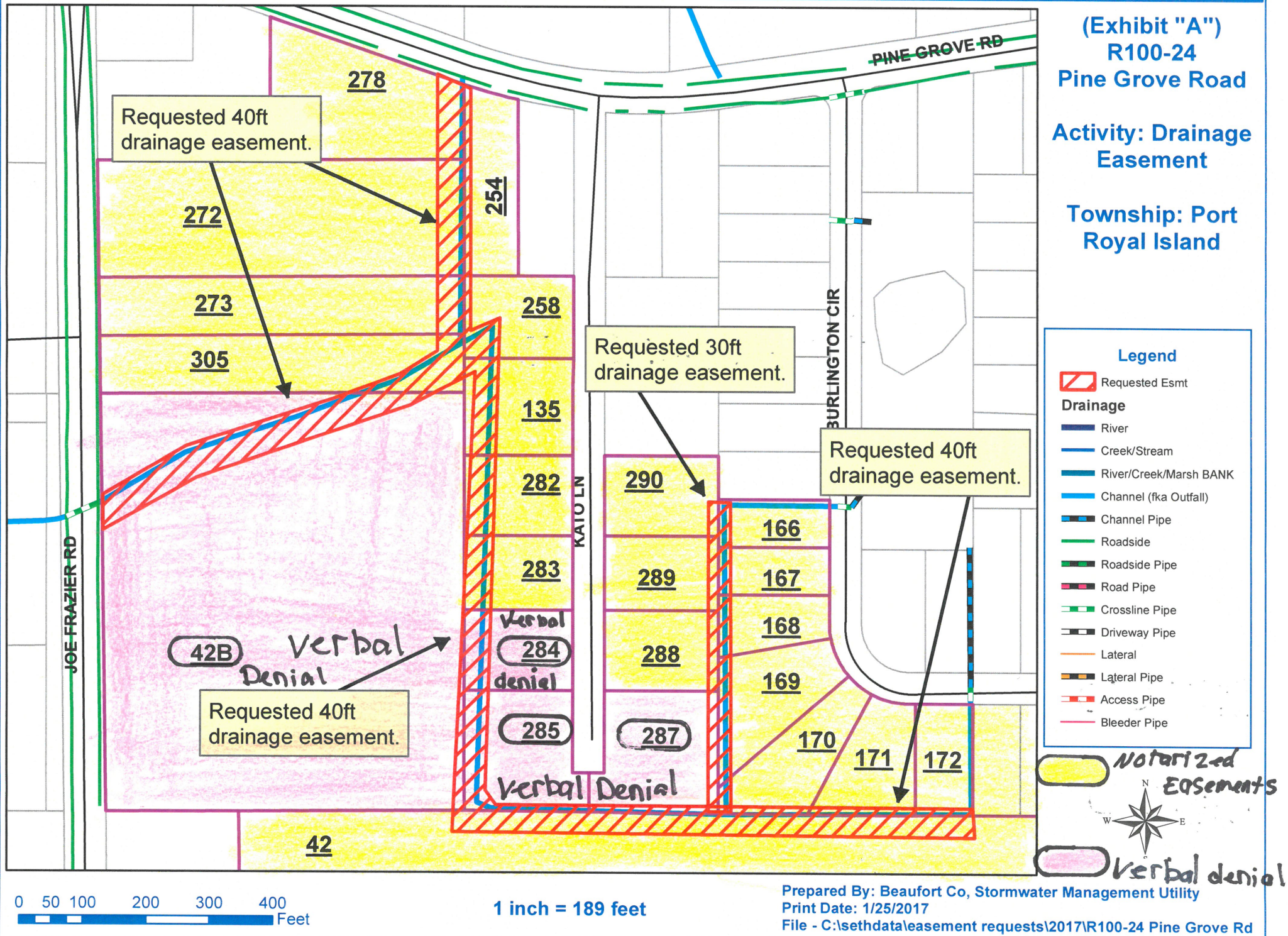
support began several years ago. Through past efforts, the County has recorded several easements. However, there are gaps in easement coverage to fully cover the system. While we have signed (unrecorded) easements on two tracts, we have numerous tracts still unsigned. All remaining property owners have been contacted by letter at least twice and have had multiple other attempts to communicate with them. Rev. Venice Young initially volunteered to assist us. We communicated with him 12 times, including 4 “no-show” meetings. Recently, one of the property owners, in which the County has a recorded easement, has stated verbally they desire to have the easement abandoned and do not want the County to continue to maintain the system. Due to lack of interest, Staff is recommending abandonment of all current recorded easements, ceasing further attempts to acquire easements, and ceasing future maintenance of this system. Abandonment would include easements on Tracts R100-16-199, R100-13-8A, & R100-13-17.



(Exhibit "A")  
R100-24  
Pine Grove Road

Activity: Drainage Easement

Township: Port  
Royal Island

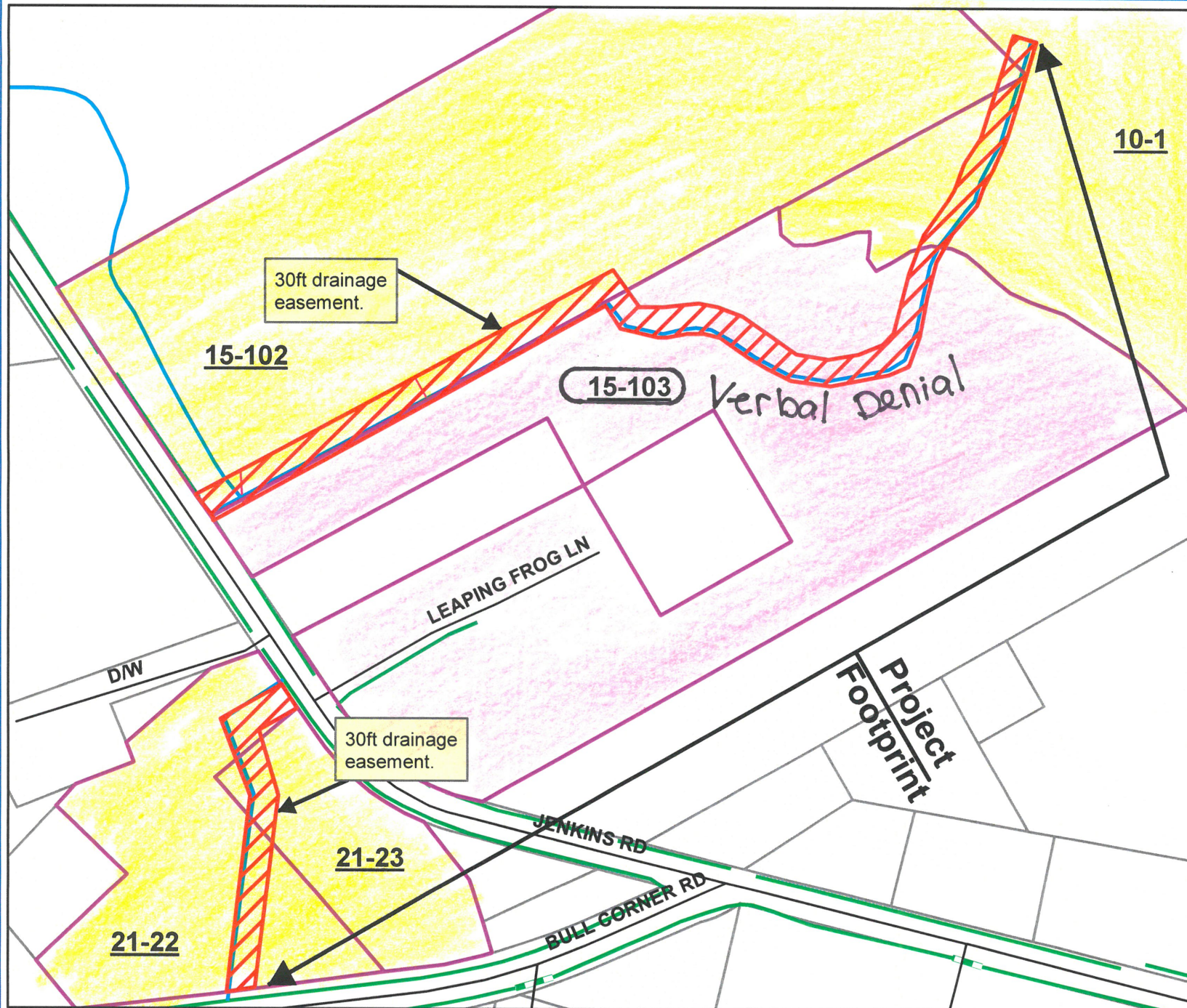




(Exhibit "A")  
R700-  
Jenkins Road

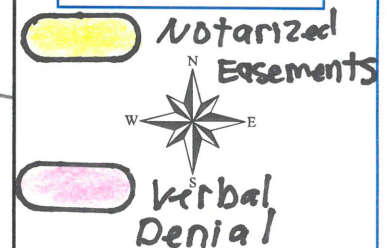
Activity: Drainage  
Easement Request

Township:  
Sheldon



Legend

- Requested Esmt
- Access Pipe
- Bleeder Pipe
- Channel Pipe
- Channel
- Crossline Pipe
- Lateral
- Lateral Pipe
- Road Pipe
- Roadside
- Roadside Pipe
- Parcels
- Easements



0 62.5 125 250 375 500  
Feet

1 inch = 192 feet

Prepared By: Beaufort Co, Stormwater Management Utility  
Print Date: 3/9/17  
File - C:\Seth\2017 easement\R700 Jenkins Rd
























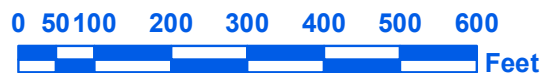
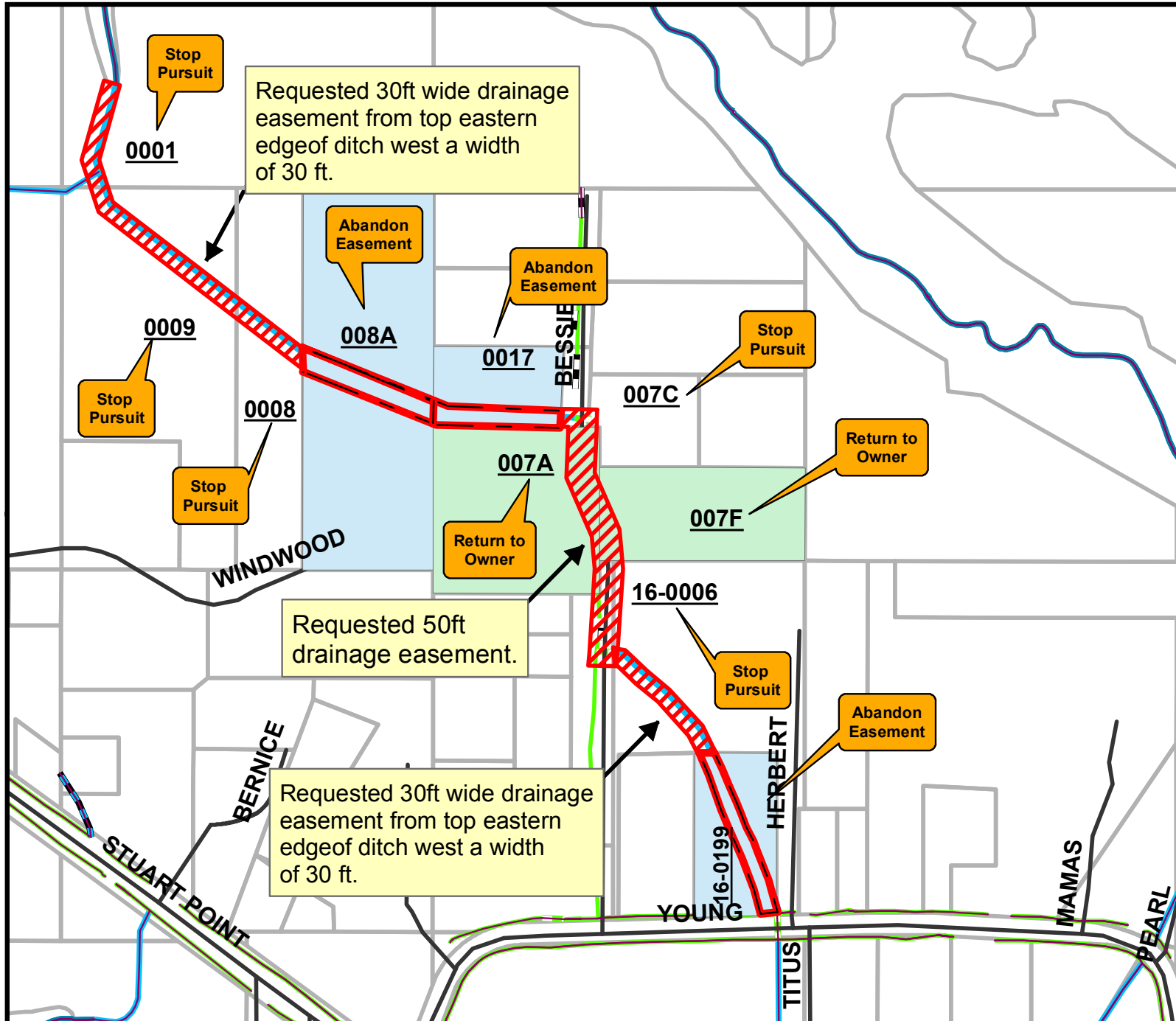
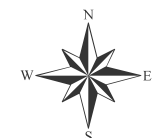
(Exhibit "A")  
R100-13  
Young Circle &  
Bessies Lane

Activity: Drainage  
Easement Request

Township: Port  
Royal Island

Legend

-  Requested Esmt
-  Recorded Easements
-  Notorized Easements
-  Parcels
-  Easements
-  Ditch to be Constructed
-  River
-  Creek/Stream
-  River/Creek/Marsh BANK
-  Channel Pipe
-  Roadside
-  Roadside Pipe
-  Road Pipe
-  Crossline Pipe
-  Driveway Pipe
-  Lateral
-  Lateral Pipe
-  Access Pipe
-  Bleeder Pipe
-  Channel (fka Outfall)
-  To be Piped



1 inch = 251 feet