Present: Larry Toomer, vice-chair; Troy Lucas; Al Stokes; Chris Burden; Eric Montie

Absent: Wes Jones

Staff: Bryan McIlwee; Kim Jones; William Baugher; Beth Lewis

Guests: Dan Wood, Town Councilman; Richardson LaBruce, Assistant Town Attorney, Finger, Melnick & Brooks, P.A.

Media: None

I. CALL TO ORDER
II. ROLL CALL
   1. Members introduced themselves.

III. ADOPTION OF AGENDA
   1. Mr. Lucas moved to adopt the Agenda as presented. Mr. Burden seconded the motion. Unanimous ayes.

IV. APPROVAL OF JANUARY 27, 2017 MEETING MINUTES
   1. Mr. Lucas moved to adopt the Minutes as presented. Mr. Burden seconded the motion. Unanimous ayes.

V. PUBLIC COMMENT
   1. Mr. Kent Collins requested to hold his public comment until he could hear the committee’s actions.

VI. NEW BUSINESS
   1. WATERSHED ACTION PLAN ADVISORY COMMITTEE (WAPAC) WELCOME NEW COMMITTEE MEMBERS
      Ms. Jones introduced two new committee members appointed by Town Council, Dr. Eric Montie with USCB and Mr. Chris Burden of Old Town Bluffton. Ms. Jones stated staff had the opportunity to provide history of the committee and accomplishments within the watershed to both new committee members at the May WAPAC meeting, which did not have quorum.

   2. REVIEW AND RECOMMENDATION TO TOWN COUNCIL FOR A REVISED SEWER EXTENSION AND CONNECTION POLICY
      BACKGROUND DISCUSSION:
      Ms. Jones stated that since the adoption of the Sewer Connection Policy in September 2016, Town staff has been gathering information related to the list of priorities set forth by the Committee. Specifically Town staff had been trying to determine how similar policies have been accomplished in other jurisdictions – locally, regionally and nationally.
Locally, the Town of Hilton Head and the Town of Port Royal approach were discussed (Attachment 4). Ms. Jones stated that outside of these two local examples there were no similar programs in the state of South Carolina or within the Southeast. The majority of policies are from the west coast, which have very different municipal laws governing use of public funds, than South Carolina.

Town staff and the Town attorney have been looking for options and legal ways to move the Sewer Connection Policy forward. Ms. Jones reminded the committee that the Sewer Connection Policy piece was referring to the lateral line that extends from the main sewer line, connecting a residence to the sanitary sewer system. Ms. Jones stated that this portion of the line is on private property and how staff implements a program to use public funds on private property has been a legally-challenging component of the policy.

In addition to the Sewer Connection Policy, the Town also has a Mandatory Sewer Connection Ordinance passed in 2015. This ordinance provides seven (7) qualifying events that mandate connection to public sewer, if currently served by septic within the Town of Bluffton’s jurisdiction. If one of the qualifying events occurs and available sewer is within 300 feet of the parcel line, the owner must connect. The first case to fall under this ordinance presents challenges with enforcement. As “available sewer” as defined exists, however construction requires easement acquisition along a road of unclear ownership, aka a “Ghost Road.”

The Town is currently extending public sewer to residents within the Town’s jurisdiction utilizing Community Development Block Grant (CDBG), Capital Improvement Program (CIP), and Stormwater Utility (SWU) funds. This sewer expansion program has been successful because of the ability to use SWU funds for extension and CDBG grant funds for private connection to public sewer on private property.

With regards to areas within the County’s jurisdiction currently on septic, Ms. Jones stated that the County looked for areas within their jurisdiction that could use CDBG funds within the May River Watershed and could not find areas that met CDBG grant qualifications for income and location. In addition, the Town’s current Microbial Source Tracking (MST) program helps to address those septic systems that are failing within the headwaters of the May River and in the County’s jurisdiction which can then be required to remediate via the County’s Stormwater Ordinance and/or by the SC Department of Health and Environmental Control (SCDHEC).

Changes to the ordinance and policy are necessary, thus Staff has brought both items back to the Committee for review and recommendations for Town Council’s consideration during their upcoming July 18, 2017 Workshop. Ms. Jones stated that looking at the concentration of septic within the Town’s jurisdiction it became obvious that Old Town Bluffton and the extended area of Goethe Road should be the Town’s focus.

DISCUSSION:

Ms. Jones and Mr. LaBruce continued to provide the Committee with information regarding the revised sewer extension and connection policy including the legal and logistical challenges facing implementation. Key points of the discussion follow:
1. Develop a mechanism to address septic systems in Beaufort County near the May River.
   - Mr. Toomer – The Town can only exert control within its own jurisdiction and 100% connection to sewer throughout the Town brings leverage for future requests for participation from others.
   - Mr. Lucas – Due to the headwaters being out of the Town’s jurisdiction, the Town should focus on problems in Old Town.
   - Mr. LaBruce – If a successful model is created in the corporate limits of Bluffton, it could be extended into other areas conditioned upon annexation into the Town.

2. If funding is an issue for individual connections, consider a special area tax such as a TIF district to finance private connections.
   - Mr. LaBruce – Consider incentives such as
     i. Assess a fee if available sewer – this must be administered by Beaufort-Jasper Water & Sewer Authority (BJWSA) uniformly across their service area. Thus, there has been hesitation by BJWSA to adopt.
     ii. Capacity fee credit for an individual connection performed within a defined time period
   - Mr. Toomer – Mandated connection is required in the existing Sewer Connection Ordinance 12-134(b) regardless of a qualifying event, but that was not the intent of the ordinance and should be modified to include “that one of the above triggers” the need to connect, or similar language.

3. Notification to owners of available sewer and potential financial incentives be delivered to those properties within 300’ of available sewer.

4. ACTION: Create a new exhibit of parcels within a 500’ buffer from the river in Old Town. Perhaps these parcels should be prioritized to extend and connect to sewer. COMPLETED

5. Existing Challenges as presented by Mr. LaBruce:
   - Without a clearly established public purpose, public money should not be used to finance private improvements. This includes Stormwater Utility Fees.
   - Offering financial assistance to those property owners along the waterfront may be publicly unpopular.
   - Some parcels within 300’ of available sewer may face additional hardships to connect as there is no clear ownership from which to obtain the necessary easements for construction. ACTION: Create an exhibit highlighting Ghost Roads within 300’ of the river to highlight parcels impacted by Ghost Roads, but within close proximity of the river, i.e. highest potential for a failing septic system to impact the river. COMPLETED

6. Potential ways to address Ghost Roads as presented by Mr. LaBruce:
• The Town could condemn the roads to take ownership and then can grant easements for private connection. Costs associated with this course of action include survey work and appraisals.

• The Town could incentivize a quit claim deed from adjacent owners by adding 3 points to the proposed financial assistance schema (Table 2) in the Staff Report. This approach reduces financial costs, reduces time spent in condemnation, and shows community support for sewer.

• The Town can acquire Ghost Roads via one of the two (2) proposed methods above and extend sanitary sewer main lines along these roads, thereby facilitating private connections by reducing costs.

• Mr. Lucas offered that perhaps a non-profit could be established to grant funds for connections.

Following is a list of recommendations from the WAPAC to Town Council for consideration of Sewer Connection Ordinance Revisions, Sewer Connection Policy Revisions, and Sewer Extension priorities:

1. Regional Coordination:
   • BJWSA partnership with the Town to prioritize extension of sanitary sewer in Old Town as part of their CIP plan

2. Strategic Planning:
   • Program sewer extension projects in Old Town into the 5 year projections of CIP
   • Establish an annual septic system inspection program until 100% sewer connection is achieved
   • Prioritize Ghost Road acquisition nearest to the river’s edge in support of sewer extension
   • Increase the Stormwater Utility Fee to support:
     i. Sanitary sewer extension projects in unserved portions of Old Town based on recommendations of the May River Watershed Sewer Master Plan
     ii. Support septic system inspection program

3. CIP Projects:
   • Prioritize sewer extension in the Town’s jurisdiction to those parcels nearest to the river’s edge.

4. Policy –
   • Sewer Connection Ordinance:
     i. Allow for on-going hardship deferments in the case of Ghost Road complications. Currently one (1) year deferment with a one year extension
     ii. Clarify language requiring connection within 180 days of notification that is contingent upon a qualifying event occurring

   • Sewer Connection Policy:
i. To encourage private connections, adopt an incentive component tied to a clear public purpose supported by such incentives

5. Programs –
   - Septic System Inspection Program:
     i. To protect the health, safety and welfare of the public and environment, establish an annual septic system inspection program to ensure proper functioning of septic systems
   - Educational/Outreach Program:
     i. To ensure septic system owners have adequate knowledge, skills and abilities related to the health risks, proper operation and maintenance needs of a septic system to encourage regular maintenance, inspection compliance and eventual connection to sewer

**ACTION:**
Ms. Jones – Compile WAPAC recommendations and distribute to committee for review and agreement prior to presenting to Town Council at July 18, 2017 workshop. **COMPLETED**

VII. OLD BUSINESS

1. MICROBIAL SOURCE TRACKING (MST) UPDATE
   Ms. Lewis stated that Town staff had conducted Microbial Source Tracking (MST) sampling May 25, 2017 and June 7, 2017. A positive result was received on both sampling events at PBR9 and a positive result was received at Huger Cove on the June 7th sampling event.

**ACTION:**
County Staff inspected the area of PBR9 and found two RV’s with no septic system and a gray water line in the marsh. The County issued a corrective order for the gray water line, notified the Department of Health & Environmental Control (DHEC) of the issues, and has given the property owners 30-days to provide evidence that shows they have contacted DHEC and submitted a permit application, if need be, for state approved means of handling and removal of their wastewater and sewage on site. – **COMPLETED**

Town staff inspected the area of Huger Cove looking for signs of failing septic or a sanitary sewer overflow and nothing was found. Additional sampling was conducted on June 21, 2017 and results will be shared with the Committee upon receipt. – **IN PROGRESS**

Staff will continue to update the Committee and conduct MST throughout areas within the May River Watershed – **IN PROGRESS**

2. SCDHEC SHELLFISH DATA
   SCDHEC sampling data for stations 19-19 to station 19-16 was presented. Ms. Lewis utilized FDA standards to provide the data in the 90%ile and
Geometric Means. This FDA methodology mimics that used by SCDHEC thus, giving the Town a better understanding of the data/predictions.

VIII. DISCUSSION

IX. ADJOURNMENT

1. Mr. Lucas moved to adjourn. Mr. Stokes seconded the motion. Unanimous ayes.

NEXT SCHEDULED MEETING DATE – JULY 27, 2017 @ 10:00 AM