

A work session of the Beaufort City Council was held on April 20, 2010 at 5:00 p.m. in the City Hall Conference room, 302 Carteret Street. In attendance were Mayor Billy Keyserling, Council members Donnie Ann Beer, Mike McFee, Mike Sutton, and Scott Dadson. Councilman Fordham was absent.

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

Mayor Billy Keyserling called the meeting to order at 5:07 PM.

DISCUSSION WITH PAUL SOMMERVILLE REGARDING SCHOOL CAPITAL CONSTRUCTION FEES

Mr. Sommerville said in 2008 the city passed a resolution agreeing to require the payment of a school capital construction fee for development agreements. County was excited because there were going to be major capital expenses by the school board. Since then there have been 3 PUDs done. One could potentially mean millions when construction takes place. Tanger is rebuilding on the same footprint, so they didn't need to pay the fees, but to the extent that they go over that footprint, they will have to pay \$2.50 per square foot. The third was Fred Trask's Greenheath development. The PUD there has been there since 1997. All orphan PUDs not in progress have to return to the county for renewal. There are a couple others that fall into this category that will die a natural death unless they are renewed or extended.

The county has either by-right density or whatever the PUD allows. Greenheath is in a community preservation district allowing roughly 2 units per acre. The PUD Trask negotiated in 1997 allows him 300 units or he can go by-right for 200. He wanted to renew, and they said he could with provisions: he had to give a strip of land for a walking path, create interconnectivity to Coosaw Elementary, and negotiate a development agreement, so he would be required to pay school capital construction fees. These would come to \$1.8 million which would be equivalent to \$18,000 per incremental unit. Trask doesn't want to pay that and county likes the PUD. So Trask suggested that when the PUD was approved in 1997, they had an impact fee for schools that they no longer have. It was just shy of \$1000 per unit for the first 200 by-right units, (adjusted for inflation), and \$6000 for every unit over that. The committee felt it was a good deal, sent it to Natural Resources committee, and then it was sent to council.

Mr. Sommerville said County Council is partners with City of Beaufort, Port Royal, Hilton Head, and Bluffton. All have passed similar resolutions. If there is deviation from it, they feel that it should be considered with the county's partners, so Mr. Sommerville said he is here to gather input and will get it from the other municipalities as well. The school board passed a unanimous resolution in support of this negotiated agreement. Councilman McFee asked if Mr. Trask would pay school capital construction fees if he builds the 200 units by-right and Mr. Sommerville said that was correct.

Councilman Sutton said no fees are being collected in the city on existing PUDs; his feeling is that the city will never have another PUD. Mayor Keyserling said PUDs may not make any sense in the future and certainly development agreements won't. Things will be looked at in the

context of a form-based code. Mayor Keyserling said a lot of things aren't done like they were in the past; he asked what the impact is of writing a check to the schools and drawing people out of the cities. This is a discussion of money where there is an excess of classroom capacity. They're trying to think in a new way; by using form based code and the TIF they have more control.

Mr. Sommerville said he suspects when form based code becomes everyone's method of future development, he doesn't see room for development agreements and PUDs. Councilman Sutton asked the county's experience when a PUD expires. He asked if they've ever said "no." Mr. Sommerville said with Greenheath, the county said yes to Mr. Trask but only with contingencies. They told Bennett who has an expired PUD that they wouldn't renew at 6 to the acre but might consider 3; that developer has 12 months to get his density down to a point that's acceptable for the county.

Councilman Sutton asked if they would rezone if they don't renew. Mr. Sommerville said they don't have to. Councilman Sutton said form based code looks like the right direction to go in, and they are learning about it. It might do great things for the larger community. He asked where the money will come from if the way to get money for schools is an agreement that may be extinct. Mr. Sommerville said when development agreements are no longer relevant, they're back at square one with no contribution to school impact fees. Councilwoman Beer said she's always had a problem with impact fees because of the price it adds to housing when they are seeking to have more affordable housing. And now they don't seem like a reliable means of funding because of the construction downturn. Mr. Sommerville said he's not asking the city to modify its resolution but wants to know if the city feels it's a reasonable compromise.

Councilman Sutton said he supports the process by which this was done. Mr. Sommerville said the advantage to local people owning it is that the development has been sitting there, and Mr. Trask may continue sitting on it for another ten years, but if he decides to break ground there need to be rules.

Councilman Sutton said it seems in transect zoning concepts, the county could be a player in PUDs but perhaps PUDs should be looked at in a different light. Mayor Keyserling said that's why developers will give a fire station and a site for a school. Mr. Dadson said transect zoning doesn't mean there will necessarily be hamlets and villages. Mayor Keyserling said Habersham is a good example; they have a transportation problem. He thinks the county did a good job on this agreement. Mr. Sommerville said he wants to know if anyone feels they "sold out." Councilman McFee asked if it's for a five year renewal. Mr. Dadson said the development agreement locks it in. Councilman Sutton said it probably sets in motion what the city does in terms of PUDs in the future.

Mr. Sommerville said Greenheath is distinguished from Okatie Marsh is that there were no impact fees in place at the time it was negotiated, and it's also zoned rural, which is 1 per 3 acres. Councilman Sutton said the few they discussed recently are hand-me-downs from the county. He has no problem with the negotiating, and if it comes up, they may call Mr.

Sommerville in to discuss it. Mr. Sommerville said the city doesn't have the sunset provision. Councilman Sutton said that seems like a good thing. Councilman Sutton said regionally it's good.

Mr. Dadson said the city latched on to form based code and the metro-planning concept. The cities are an asset to the county if they do what they can to develop their core; that benefits everyone. The city gets the cost uptick, and the county gets benefit without it costing them anything. If everyone has the same density everywhere, there's sprawl. He reminded those present that the school board walked away from negotiations on TIF3. The way the incremental money is divided can be rethought and re-negotiated. He went on to enumerate some school board decisions. Councilman Sutton said the road they're on is to reprogram thinking from what it's been in the past. It's a larger community issue, not city vs. county. Councilman McFee said the municipalities and the county are on board with form based code, etc., but the school board is not, which is "a disconnect" and concern for him. Mr. Sommerville said they have no control over how the schools borrow. They set their own millage on debt, not operating costs. Mr. Dadson said 60% of the Beaufort tax base is funding the schools. The municipalities are "exporters of dollars." And that's what cities are supposed to do. He thinks there are other mechanisms than land use to produce the dollars that benefit the schools. The current land use pattern is costly. The layout can produce its own economic benefit.

BUDGET DISCUSSION - FIRE OPERATIONAL PLAN

Mr. Dadson said the chief has drafted a management letter; council needs to see a presentation about the fire department budget on an operational level. Chief Negron made a presentation for council on this year's performance-based budget. He presented the mission statement and a budget overview. He showed the numbers for taxes and benefits. He said the ICMA survey and analysis was refreshing. He showed how fire hours are allocated among emergency response (23%), fire suppression (24%) and prevention and training (53%). He showed how the dollars are allocated for these categories and the allocation of full-time employees. They came up for "assumptions." Mr. Dadson said the city suggested a cost of living allowance; all department's have built in a cost of living increase, and it will be the same across the board for everyone as it's part of a larger management position. Chief Negron showed the functions of prevention which he and all fire fighters will be committed to. He showed the costs related to fire prevention. There will be more fire trucks around because they are engaged in an aggressive pre-incident survey of area businesses so they're familiar with them in the event of a fire.

In regard to education, Chief Negron showed the goals. Fire and life safety education is not entertainment; they're taking it to a different level. He showed targeted audiences for education. He showed the code enforcement goals, and the hours spent on various aspects. Plan review goals and the hours associated with that function were shown. He did the same for ISO training requirements' goals and the breakdown of hours and dollars. The training is intensive and specific to ISO; it takes a big portion of those dollars. He then showed the goals for NFPA training requirements and recertification training and the breakdown in people, hours, and costs. Firefighters must take many classes to be eligible for promotion; these are

other than what they learn at the academy. He showed a summary of the types of training and the breakdown of hours and wages. ISO takes a big chunk of it. A discussion ensued. Councilman Sutton said the city responds to a lot of calls the county is responsible for, which means Beaufort citizens are double-taxed for emergency service. Councilman Sutton said he needs to study those numbers more.

Chief Negrón said one of the trucks has cost close to \$100,000 in the last 3 years to work on it, and the program needs to be managed better. Councilman Sutton asked about accounting for the costs of equipment related to medical response calls. 60% of calls are related to wearing out equipment. It might be better to measure hours driven. Running service calls wears out components. Mr. Dadson said it's "the difference between white and red trucks." Chief Negrón said fire trucks weren't designed to stop and go. Councilman Sutton said it must be based on an ideal in the industry. The heavy, expensive equipment is rolling for things it doesn't need to be, and that needs to be looked at.

Mr. Dadson said the training and time spent, not even including maintenance, is disproportionate. Chief Negrón said the question "Why the red truck?" will be considered. Why is the truck brought to traffic accidents? Councilwoman Beer asked and said that issue has rarely been discussed. Ms. Hughes said sometimes it's because of equipment available when it's a full service fire department, and the city isn't that. Beaufort County is supposed to be providing that level of service. Mr. Dadson said every fire district is responding in this way with 66% of their call volume being emergencies, not fires.

Mr. Dadson moved discussion to the management letter. ISO is elective, he said, for an insurance agency. 25% of the rating deals with personnel, proximity, etc. 75% of it is water, which is mostly excellent. Ms. Hughes said some insurance companies don't use ISO. Councilman Sutton said citizens are better served by taking on the cost of insurance at their doorstep. Mr. Cook said it has a commercial impact. Chief Negrón said he chose to pursue prevention and codes when he began with the fire department. He felt it was important in the 70s and 80s when there weren't building and fire codes as stringent as they became in the 90s. The codes now address those issues, and ISO is used as a tool to get more fire equipment, personnel, etc.

Chief Negrón said the management letter came as a result of the ICMA study and the data it provided. Re: the First Responder Program, fire departments in South Carolina aren't required to provide medical emergency response. It came in Beaufort County from volunteering to expand by fire chiefs to the county. He discussed the issues with that. 66% of calls are for emergency response; this is 235 of the total allocated full-time employees per year. EMS is the duty and responsibility of Beaufort County. The fire department is not reimbursed for providing this service and a portion of the tax millage for all Beaufort County residents pays for EMS service. The first responder service provided by all fire departments is generally faster and this initiates patient contact that allows the EMS to "get there eventually." In the meantime, there is someone there (from the fire department) taking care of the patient.

Chief Negrón said that if this continues to be the method of service delivery, the city shouldn't expect the county to have a sense of urgency to provide an accepted level of service. If the fire departments were not in place, the level of service they provide today would not be possible. Mayor Keyserling said he assumes the county has an obligation but asked if there is an agreement about this. Where is it defined who does what? Mr. Dadson said because of home rule, it depends on what they have elected to take on as far as level of service. He doesn't know the answer; the county is doing a study now but what they'll determine is unknown. Mayor Keyserling said police and the deputies work together; he thinks they have agreements.

Mr. Dadson said a discussion about the Chief Negrón's recommendations brings the matter full circle. Councilman Sutton asked the millage percent paid by city residents vs. county for EMS, sheriff, fire, call center, etc. Councilman Sutton said it would be interesting to know the total volume contributed to EMS support. Mr. Dadson said when the EMS shows up, they transport patients, the fire department doesn't, and so the EMS is out of service for that time. Chief Negrón said for EMS, that translates to longer response time.

Chief Negrón said the first responder system is good for the citizens but in regard to costs, the county needs to be talked with. He recommends exploring an agreement with EMS to only respond to high-priority medical calls; pursuing cost-sharing of the first responder program with EMS; if cost-sharing isn't feasible, the EMS should consider staffing up and deploying more units including quick response vehicles to service these municipalities; if none of these can be agreed upon by EMS, ICMA recommends creating an emergency medical division within the city fire department. Councilman Sutton calculated about \$1100 per call responded to.

Councilman Sutton said the fire department responded seamlessly when the bridge was shut down by a tug boat, and the Rescue One van was rolling often without moving fire trucks which were blocked. He said the manning requirements require a certain number of people per truck. He hopes in the near future, the city can adapt something different. Mayor Keyserling said he and Mr. Dadson have had these talks with the county, and they've been postponed further discussion until after their study. Mr. Dadson said command and control has been done. How 8 am to 8 pm is staffed means a shift in business, and Chief Negrón has made those recommendations in his letter. There's also a need to make sure the county realizes the costs in terms of communication. The fire department has a great staff.

Chief Negrón said in regard to call processing, three minutes after they call, the call taker takes the call and it's processed through EMS dispatch which equals longer response times. ICMA said turn-out times for the fire department is from the moment the alarm is received until they get on the radio and go en route to that call. The ICMA report showed that according to the data in the CAD, that was 4.5 minutes, which raised concerns on Chief Negrón's part.

Chief Negrón said re: ISO requirements, there are some issues, including the fact that they don't give credit for fire prevention activities and that's what this city fire department is all about. His letter offered recommendations to correct some of these issues, including evaluating the benefits of maintaining an ISO evaluation for fire services.

Mayor Keyserling said it seems ISO judges the ability to fight a fire as opposed to the ability to prevent a fire. Chief Negron said ISO is related to the municipalities' ability to provide a level of fire service to protect the citizens, but 75% of it is just the water system. Mayor Keyserling said they overtraining in one and under-training in the other. Councilman Sutton asked the penalty for not doing ISO guidelines for training, since water is the biggest piece; he asked if other fire departments do that. Chief Negron said quite a few are considering abandoning their ISO ratings because the adopted codes are to assure a level of fire prevention so a chief could ensure they had more trucks, hydrants and personnel. International codes address that.

Mr. Dadson said the men need to prevent fires from happening and create the safest system they can. A discussion then ensued about sprinkler systems. Chief Negron said architects and developers know well the letter of the code. A multi-family dwelling requires sprinkler systems. He's not surprised that there are some that should be sprinklered that aren't because they know how to get around code. Chief Negron said pursuit of a state ordinance depends on what happens on the state level. The focus should be on *prevention*. In regard to command and control, a deputy fire chief has been appointed. The fire marshal's office should be strengthened with an assistant fire chief or captain; senior shift lieutenants should be reclassified to captains; and a vacant lieutenant position should be filled without increasing current full time employees. Councilman Sutton recommended against having too many lieutenants and a top-heavy command. Chief Negron said it's not.

In regard to call volume and staffing, his recommendation is to explore creating a pool of part-time personnel working 12-hour shifts to address staff needs during peak hours and ensuring a core of full-time employees available to staff fire stations and equipment during natural disasters and multiple alarm fires. He doesn't have a problem with filling those vacancies. They have attempted to target groups to get local volunteers, but they haven't been very successful. Councilman Sutton said he'd like to see volunteers looked at as a manpower tool instead of full-time employees. Councilwoman Beer said volunteers can't always be counted on. Mr. Dadson said the bottom line is the percentages the chief provided. There may be different ways to do shifts, too. Mayor Keyserling asked Chief Negron if he knew before he started this exercise how well his department ran. He said yes, and getting the numbers helped.

DISCUSSION REGARDING FORM BASE CODE

Mr. Dadson detailed the Memorandum of Understanding which the council received. He said in discussions with the contractor they've been seeking to ensure that they get the most out of every penny spent. The city would have a relationship with the county which would agree to their sum, and the city would agree to \$100,000. Mr. Dadson said it should be included in the memo that this will be driven by the Metro Planning Commission. Harley Laing requested that there would be lots of briefings for understanding of what's going on in the process. There might need to be a moratorium on PUDs and development agreements while it's being written. Mayor Keyserling said he is concerned about the Northern Regional Plan driving it because that would be slow-moving. Mr. Dadson said "you'd do it during the period of consultancy." Councilwoman Beer said if the county doesn't buy in, they'll still go to some form. Mr. Dadson

said they'd still go to this process if the county doesn't buy in. They'd know by Phase 1. There was general assent to proceed.

DISCUSSION REGARDING INTERGOVERNMENTAL AGREEMENT – SOUTHSIDE PARK POND

Council was presented with a Memorandum of Understanding about how costs would be shared.

PRESENTATION ON BUGGY TOURS STUDY

Councilman Sutton said he had an impartial source, Stuart Wagner, study the matter, and he came back with interesting points. The TBC, Officer Carter, took notes at meetings. The group identified two key areas of high stress: ticket sales at the loading zone and clean-up. He showed a guide to the regulations. They found out the TBC and City Manager have a lot of ability to do things without having to come to council. At the loading location, simple things could be implemented, i.e., signs that say when the buggies leave have been put up. There will be a trial period from April 1 to September 30, and then the effectiveness will be evaluated.

The group recommended the city fund a ticketing kiosk that the city would own. The owners would put people in to sell tickets; this would be the only place tickets could be sold from. They can be competitive but only in the time the buggies run, not in pricing. They can discount only through existing coupons they've given out. They sit together and as soon as a buggy fills, the remainders go on the next buggy. Officer Carter said there's a definite improvement already, and there's less suspicion and no fistfights in the kiosk area. They're more willing to help each other in clean-up and have extended their goodwill to other areas.

Councilman Sutton said ticket sales will evolve. The study group didn't feel right determining how they run their businesses. They debated and agreed to every piece of what's written in the agreement. Officer Carter said during the current busy time, they're doing well, which is when they normally have problems. Officer Carter said there have been no resident complaints about needing clean-up in the last 4 weeks; Councilman Sutton noted that this is with the same number of buggies going. The chemical process to clean up has changed. The issue was the turn-over time, which the group believed was an issue of oversight. They determined there was a better day to do it than Fridays, so they chose Tuesdays. It only works if the TBC can ensure that the report card is done. There's a log book in the kiosk.

Council needs to take no action at this time. They required minor infrastructure changes to the staging area. Mr. Dadson said he'll sign the PO for that this week. Councilman Sutton said a lot of the issues are caused by the reactions of those around the operators.

The TBC position is not well-suited to a police officer, and the group recommend it not be one. An officer can prevent fistfights but doesn't have the authority of the City Manager's office, which is connected with business licensing, etc. He asked Mr. Dadson for recommendations about who that should be. Mr. Dadson said it's a good report. Mr. Cook asked questions relevant to power, phone, etc. for the kiosk.

EXECUTIVE SESSION

On motion by Councilwoman Beer, seconded by Councilman McFee, council voted to move into Executive Session pursuant to Title 30, Chapter 4, Section 70(a) (2) of the South Carolina Code of Laws for Receipt of Legal Advice. The motion was approved unanimously.

Councilman Sutton, seconded by Councilwoman Beer, made a motion to come out of Executive Session and resume the council work session. The motion was approved unanimously.

ADJOURNMENT

There being no further business, the meeting was adjourned at 8:25 p.m.

ATTEST: _____
SHIRLEY HUGHES, ACTING CITY CLERK