

20090326 City Council Minutes

Mayor Buelterman called the Consent Agenda meeting to order at 6:30pm on Thursday, March 26, 2009. Council members present were Mayor pro tem Wanda Doyle, Charlie Brewer, Barry Brown, Eddie Crone, Dick Smith and Paul Wolff. Also present were City Attorney Bubba Hughes and City Manager Diane Schleicher.

Mayor Buelterman listed the following items on the Consent Agenda:

- City Council Minutes for 3/12/09
- Appointment of Dan Parrott to the Beach Task Force
- Special Event Application for Art in the Park- Mom's Day. Submitted by Mary Ingalls, owner of Art Encounter, May 9-10, 2009.
City Attorney advised council to **table this item** unless the previously approved application for the same event under the Arts Association is withdrawn.
- Special Event Application for Art in the Park – Tybee Days. Submitted by Mary Ingalls, owner of Art Encounter, November 21-22, 2009.
City Attorney advised council to **table this item** unless the previously approved application for the same event under the Arts Association is withdrawn.
- Special Event Application-Tybee Wine & Food Festival-Friends of Tybee Theater, May 9, 2009
Requesting: DPW to provide recycling containers (12=\$0), At least fifty (50) parking passes, Fees for Gym/Cafeteria be waived if rain site is needed. Gym usage @ \$300, deposit @\$500; Cafeteria deposit @ \$100, and requesting special events permit fee of \$100 be waived.
- Special Event Application for 10th Anniversary YMCA Celebration & Bike Parade, May 2, 2009.
Requesting possible police detail to lead bike parade.
- Potential Grant Application to NOAA Coastal Marine Habitat Restoration Project Grants under the American Recovery and Reinvestment Act.-Time Sensitive deadline is April 6, 2009.
Requesting funds to remove derelict structures from Tybee Beach and the Atlantic Ocean- Approximately \$1.2 million/matching funds up to 10% and Eric Olsen to provide Consultation for up to \$3,000. Funds to be taken out of refund from the corp for the beach renourishment.
- One Day Alcohol License Application for Friends of Tybee Theater, Lighthouse Grounds-May 9, 2009. Chief Price Approved.
- Contract award for annual financial audit services: Recommendation from Audit Committee for Reznick Group for \$18,000 for initial year.
- Prioritization of Road Paving projects using new SPLOST funds/Infrastructure Committee and Staff to work on this and come back with a recommendation. Feasibility of borrowing against SPLOST to save money on construction cost. Ms. Schleicher to follow up with County Manager on expectation of when Splost dollars are to be paid out.
- Indigent defense services agreement renewal
- Memorandum of Understanding with Marine Science Center regarding reserving 3 parking spaces for staff and 5 parking permits for seasonal to expire at the end of the season.

A MOTION by Councilman Wolff to go into Executive Session to discuss Litigation and Real Estate was seconded by Councilman Crone. The vote was unanimous.

A MOTION by Councilman Wolff to end Executive Session was seconded by Mayor pro tem Doyle. The vote was unanimous.

Mayor Buelterman adjourned the Consent Agenda.

Mayor Buelterman called the regular meeting of the City Council to order at 7:00pm on Thursday, March 26, 2009. Those attending the Consent Agenda were also in attendance for the regular meeting. The invocation was given by Rev. Andy Lamon, followed by the Pledge of Allegiance to the Flag.

Citizens to be Heard

Judy Miller spoke on the Energy Assistance Program which is expiring April 30th of this year.

Cecilia Russo spoke on the Fundraising campaign "Paint the Town Red" for the American Red Cross. Mayor Buelterman is one of the team leaders. Goal is to raise level of visibility, educate public on what and who the Red Cross is and to raise \$50,000. Wants to join this campaign to Tybee's BIG GIVE program. Hosting Hurricane Georgia May 14th at Armstrong.

Mr. Henry Levy commented on noise being pollution same as any other pollution. Noise should not disturb anyone ever or anytime.

Jenny Orr spoke on noise ordinance and previous studies. A lot of time and effort went in to last one and the decibel limits. C1 dates back before the 1900's and music has always been a part of the island and she stated that the current ordinance is working and leave it alone.

Rachel Perkins spoke on noise ordinance and stated there is a difference between noise and sound. What we have now is adequate. Suggested a music/entertainment district. Leave ordinance as is.

Ron Thomas spoke on noise ordinance. What is driving this? He went to records department at Police department. How many complaints last 45 days in commercial district. None have been received. If something is not broken why trying to fix it. Gave report on decibel readings around area. Please leave ordinance the way it is.

Annie Estes spoke on noise. Ask to leave ordinance alone.

Holly Halls in favor of leaving ordinance the way it is. We are inviting tourist in and trying to do everything to help our business economics, why are we voting to do something negative to the businesses. Why can't we outlaw loud noises like leaf blowers? Lot of things are loud noise. Music and people enjoying themselves is not. Would we shut down special events with noise? Leave things the way they are and encourage businesses to operate.

Public Hearing:

- Consideration of location for Public Safety Facility.

Mayor Buelterman explained we have lobbied for SPLOST dollars to pay for the facility we have the money coming and we now have to decide where to put it. We paid \$25,000 to firm to come

in and their recommendation was next to Memorial Park. The Committee of Citizens recommended it to stay where it is.

Henry Levy spoke and reminded council experienced firm recommended park. Escaped detainees should not pose a threat because according to police there has only been 3 and that was during transport. Our open government does not extend to police department because it is too far away. He is in favor of following recommendation from firm and put facility at park.

Bonnie Nesbitt spoke to leave where it is. Do not tear down the old school building. Where would the YMCA and its services go or do. It serves a lot of Tybee's citizens.

Sandy Major shared the Tybee Neighbors survey showing 113 responded and 11 pages of comments. 79%, 90 people new facility should be near current police station. 2 people said near Memorial Park if it did not include tearing down the old school building. 13 people selected near Memorial Park even if old school building had to be torn down. Comments supporting Memorial Park stated city departments could operate better if located all together. 1 comment supporting this viewpoint a police presence could help with slowing down speeders. Comments supporting the current location cited reasons such as children's playground & jail, more congestion and traffic to parking issues and city listening to chief and staff's recommendation. Also deed restrictions for Memorial Park were commented on.

Edwin Longwater spoke to keep police station at same location but a satellite location down at South End maybe where marine science center is now. This would cut down on speeding police down Butler across recent crosswalks and help with emergency response. There should be 2 locations rather than one.

Ron Callaway spoke to keep facility where it is.

Bill Kriener requested clearer plan as to what plan actually is. What is going to be where? Spoke to keep facility close to or where it is now. Why would you put facility between 2 of the busiest streets on Tybee. Court dates parking would overflow it to what should be used for the rest of the park. Current site offers quick & easy access to rest of island, unlimited room for expansion, parking, impound lot, and even a new city hall. Fire truck bay is close to 2 largest condo sites. A truck on that side of island could be very helpful. Current location serves everyone well. Another location close to pier would be great also.

Annie Estes spoke to leave location where it is.

Dave Postle spoke to listen to police & staff and majority of citizens. Will leave it in hands of council to make decision everyone will be proud of.

Kathryn Williams went on record in support of leaving the public safety building where it is. Her opinion is that would be safer during hurricane.

Holly Halls spoke to leave station where it is but a substation close to pier area would be great because south end is where most of the problems are. Memorial park does not address this or making police department more transparent. Also moving dog park was to improve what park is

putting a new facility there also goes against leaving park as park. Because Chief Price and majority of citizens say leave it there she recommends leaving it also.

A MOTION by Councilman Crone to leave the Police Facility where it is was seconded by Councilman Wolff. The vote was unanimous.

Consideration of Consent Agenda Items:

A MOTION by Councilman Smith to approve the Consent Agenda was seconded by Councilman Wolff. The vote was unanimous.

Consideration of Ordinances, Resolutions and Zoning Variances:

Before opening public hearing Attorney Hughes explained why Noise Ordinance was again on the agenda and why the two Options.

- 1st Reading for Ordinance to Amend the Code of Ordinances Section 22-112, Amendment to Table 1 Regarding Sound Levels by Receiving Land Use Amendment so as to add Sec. 22-113 Regulation of sound equipment and sound-amplifying equipment.

Mayor Buelterman, Councilman Brown, Councilman Wolff, all disclosed friendships in the bar business. Attorney Hughes stated that it is also true for Councilman Brewer as that discussion was held last time (1/22/09 council meeting) he has relations in the business.

Mr. Hughes followed up to council's request to consult with Chief Price on his recommendation. He did and the chief's recommendation is for it to remain as is, they are able to enforce it as is.

A MOTION by Councilman Crone to leave the noise ordinance as it is was seconded by Councilman Wolff. The vote was unanimous.

- 1st Reading for Ordinance to Amend the Code of Ordinances Article 9 Sec 66-8(b)(3) to Regulate the Usage of Motorized Carts on the City Streets for the City of Tybee Island –Councilman Brewer disclosed his business interest in Electric Cars and abstained from voting.

Mr. Hughes explained we do already have an ordinance that permits golf carts in certain areas and certain handicapped individuals. Proposal be made to permit golf carts to be operated on island. State Law allows municipalities to do that with certain limited circumstances. One is signs up about regulated areas and you can only cross state highways at areas that are designated by DOT for that purpose. We have communicated with DOT several times and they declined to approve a crossing except at controlled intersections with traffic lights. There is a difference under the law between a low speed electric vehicle that can go anywhere as long as it does not go over 35 MPH and does not need an ordinance and can cross any highway anywhere just like any other vehicle. Golf carts are different. State law doesn't permit golf carts without an ordinance. Signage has to be up and crossing has to be approved by DOT. Ms. Schleicher clarified that the chief has reviewed ordinance and has expressed his approval with exception of operating them at night.

A MOTION by Councilman Wolff to approve with City Attorney or City Manager requesting a DOT crossing at Jones Ave. was seconded by Councilman Smith. The vote was unanimous with Councilman Brewer's abstention.

Mayor Buelterman asked Ms. Schleicher to get a response from Chief Price before the 2nd reading.

- 1st Reading for Ordinance to Amend the Code of Ordinances Article 9 Sec 6-9(B) Regarding Alcohol Prohibitions Applicable to Minors for the City of Tybee Island

A MOTION by Councilman Wolff to approve was seconded by Mayor pro tem Doyle. The vote was unanimous.

Mr. Brown asked Attorney Hughes if he should step out before discussion on permits and Mr. Hughes replied yes. Mr. Hughes explained he was asked to draft an ordinance allowing applicants to stretch out building permit fees. Mayor asked if other communities do this and Hughes responded no. Ms. Otto surveyed surrounding cities and county and they have no intentions of doing this.

- 1st Reading for Ordinance to Amend the Code of Ordinances Article 9, Sec 9-030 of the Land Development Code concerning Building Permits for the City of Tybee Island
 - Option A: Sixty(60) days for final payment
 - Option B: Ninety(90) days for final paymentCouncilman Brown recused himself because of being a building contractor.

A MOTION by Mayor pro tem Doyle to Deny was seconded by Councilman Wolff. The vote was unanimous with Councilman Brown recused.

Consideration Local Requests & Applications-Funding, Special Events, Alcohol License

- Special Event Application for Beach Bum Parade May 15, 2009. Beach Bums –R-Us Requesting City of Tybee Sponsor parade in the amount of \$1,500, the use of the North Beach parking lot for parade staging and the waiver of \$106 special event application fee. Budget Line Item #100-6110-53-1150.

Discussion was held about crowd interacting with parade participants creating dangerous situations. Participants following rules. Possible barricades, more police presence. Councilman Wolff reminded about water conservation during parade. Bike Patrol on parades except Beach Bum

A MOTION by Mayor pro tem Doyle to approve, contingent on Insurance, was seconded by Councilman Smith. The vote was unanimous.

Mayor Buelterman requested Councilman Brewer and Councilman Wolff work with Diane Schleicher to address safety and water concerns and bring back report to 2nd meeting in April.

- Special Event Application for August 29-30, Soccer in the Sand-Beach-South 11th to 14th Street from 8am to 6pm Applicant Chris Lemay.

Mayor Pro Tem Doyle expressed opinion that it does not allow citizens to use public beach. Too large an area. Brown also inquired if we have right to close off beach we don't own. Wolff said he would like to see this event held on Tybee but agrees with everybody and doesn't want to close a public beach. Brewer said we do have the surfing events that take place on the South End and

we do close down the beach for events like that but not three blocks worth. Mayor Buelterman said can't we contact the organizers and let them know council's concerned about the specific area and how much space is being used.

A MOTION by Councilman Smith to Deny was seconded by Councilman Brown. The vote was Smith, Brown, Crone, Doyle and Wolff in favor and Councilman Brewer opposed. Group would be allowed to submit a different proposal at another time.

Consideration of Bids, Contracts, Agreements and Expenditures

- GMA lease on Grit Separator equipment. Contract had been awarded to BRW Construction Group in the amount of \$721,424. GMA's offer is a Five Year Lease at 3.35%. Monthly payment amount \$13,076. Budget Line Item # 505-00-12-3100.

A MOTION by Councilman Crone to approve was seconded by Mayor pro tem Doyle. The vote was unanimous.

- Ethics Training Proposals for City Officials from Chapman and Associates (\$1,200 up to 40 participants) and Georgia Municipal Association (\$1,400 up to 20 participants) Budget Line Item #100-1110-52-1201.

Mayor explained that the new ordinance is shorter and clearer and should city spend money on training if it is something that is easier to be digested. Mr. Brewer responded that training is essential because different people interpret the same material differently. Training where everyone hears the same would help everyone. Spending now would help reduce higher cost later. This training would break down to about \$40 a person it is already in budget for training. He asked for Ms. Schleicher opinion. She said the ordinance now does not include employees. It would only involve elected, appointed officials. Mr. Smith does not agree it is cost efficient at this time.

A MOTION by Councilman Smith to Deny was seconded by Councilman Wolff. The vote was Wolff, Smith, Crone and Doyle in favor and Councilman Brewer and Councilman Brown opposed.

- Contract to Tyler Technologies for adding graph to water bills showing monthly/yearly consumption. Cost \$1100 one-time set-up fee and \$275/year. To help people understand their usage better and should promote conservation. Budget Line #s Water conservation-Sewer 505-4310-52-3950 and Water Fund 505-4410-52-3950
Councilman Wolff explained this would help citizens understand their water usage and falls under education.

A MOTION by Councilman Wolff to approve was seconded by Councilman Crone. The vote was Wolff, Brewer, Crone in favor and Doyle, Smith, Brown opposed. Mayor Buelterman voted in favor to break tie.

Council, Officials and city Attorney considerations & Comments

- Compensation of Clerk of Council
Mayor Pro Tem congratulated Vivian on her recent completion of the clerk's certification courses. She has worked very hard to get this degree.

Councilman Brown asked if this would change her class. Doyle explained there needs to be a review of her class & comp plan and there are areas that need to be looked at that she is not receiving points for such as dealing with the public. We need to see if it agrees with what her position is and is where it needs to be. At this time this only deals with her pay grade. Councilman Smith asked if this is effective 1st of April and Doyle answered yes. \$980 would be moved from records management to cover the increase till next budget cycle. Mayor stated there are 4 positions under the council-Vivian, Judge, Attorney Hughes and Diane Schleicher. The Judge and Hughes have already been discussed so we need to look at Ms. Schleicher also. He will review and bring back recommendation soon. And he asked all evaluations be turned in by 4/15/09

A MOTION by Mayor pro tem Doyle to approve increase in pay grade from 22A to 23A was seconded by Councilman Crone. The vote was unanimous.

- 14th Street Drainage Progress Report
Councilman Brown asked Mr. Hughes to give update. He stated we have amicably resolved the last easement needed for the project and the paperwork should be to council before the next meeting. Mayor expressed concerns about starting project during season. Cannot be avoided. Brown also complimented the DPW on the Byers St. Crossover and invited the public to go take a look at it but just don't walk on it yet.
- Land Development Code and Consultant Work Progress Report
Hughes stated it should be submitted by articles. He asked for issues from council for what needs changed or addressed in code.(Such as issues with inconsistencies within Article 5). Anything proposed has to go thru planning commission & public hearings. He advised council should see proposals before going to commission, etc. He could email to council. Next week he would be sending Article 4, within April you should see #3 and #5.
- Accept the Governor's Energy challenge to reduce our energy use in city buildings 15% by 2020.
Councilman Wolff explained the next 3 items and its benefits to the city. The city of Savannah and Chatham County is already doing this. Manpower for this would be handled by Peggy and Joe stated Ms. Schleicher. She stated this information would be very helpful to find out where we are and where we need to go. Doyle expressed concern about spreading Joe (DPW) too thin. GEFA has stimulus money available for energy conservation and this could be available later if we can already have these in process. We will be early in the gate. He concurred with Councilman Brewer we will get a great return on our investment.

A MOTION by Councilman Wolff to accept was seconded by Councilman Brewer. The vote was unanimous.

- Join the Chatham County initiative to become the greenest county in the state by reduce our overall carbon footprint, including electricity, fuel, and employee commutes 20% by 2020.

A MOTION by Councilman Wolff to accept was seconded by Mayor pro tem Doyle. The vote was unanimous.

- Join ILCEI (Local Governments for Sustainability). We can join for \$600/year. Which gives us software, a free energy audit by GA Tech, training, and ongoing support. Cyrus Bhedwar, formerly with GEFA runs the Southeast Regional program.

A MOTION by Councilman Wolff to accept was seconded by Mayor pro tem Doyle. The vote was unanimous. Councilman Crone asked the \$600 to be taken from his travel budget.

Councilman Wolff addressed the council in reference to the Sea Turtle Ordinance and we need to educate the public of what the laws are and the staff to work on bringing the city more into compliance. Ms. Schleicher stated staff is on to this. She agreed for staff to work with MSC and Councilman to distribute Sea Turtle Light Friendly stickers to businesses in South End. Brown recommended PSA on water bills.

- Bench Signs
Mr. Hughes stated benches in right of way are DOT's (27) and they are supposed to be only for bus stops. They should have been removed.
Total Benches 38
Business license is required \$135
Doing away would be impact of \$1085.
Hughes recommended deferral of business license and ask staff to continue working with DOT.
Diane Otto stated people call and asks for signs on city property and are denied. They feel these people are being allowed to do this.

Adjournment

A MOTION by Councilman Wolff to adjourn meeting was seconded by Mayor pro tem Doyle. The vote was unanimous.

Mayor Jason Buelterman

Vivian O. Woods, Clerk of Council

