

20081211 City Council Synopsis

Mayor Buelterman called the Consent Agenda to order at 6:30pm. Council members present were Mayor Pro Tem Doyle, Charlie Brewer, Barry Brown, Eddie Crone, Dick Smith and Paul Wolff. Also present were City Attorney Bubba Hughes, City Manager Diane Schleicher and Planning and Economic Development Director Brannyn Allen.

Mayor Buelterman listed the following items on the Consent Agenda:

- Special Events Application: Mardi Gras/Tybee Fest, February 21, 2009, Request for waiver of fees associated with the use of roundabout and Tybrisa Street Closure not to exceed \$1,036.
- City Council Minutes for 10/23/08
- City Council Minutes for 11/18/08
- City Council Minutes for 12/04/08
- Bike Friendly Designation for Tybee-Tybee will join City of Savannah in their application for a partial fee of \$400 from Line item 100-1110-52-3501.
- Rejection of Ante Litem Notice: J. Counihan

Mayor Buelterman adjourned the Consent Agenda.

Mayor Buelterman called the regular meeting to order at 7:00pm. Those at the consent agenda were also in attendance for the regular meeting.

Disclosures / Recusals:

Mr. Brewer recused himself from discussion and voting on the Alcohol & Entertainment license for Eleven06 Restaurant because his son is an owner.

Mr. Brewer recused himself from discussion and voting on the South End Policies and Procedures because he owns property there.

Mr. Brewer and Mr. Wolff disclosed their business interest and requested recusal appeals in order to participate in the Short Term Rental Properties discussion regarding the water /sewer rates for short term rentals.

Mr. Brown moved to allow Mr. Brewer to participate and vote on the w/s rate structure. Ms. Doyle seconded. The vote was Brown, Doyle, Crone, Smith and Wolff in favor.

Ms. Doyle moved to allow Mr. Wolff to participate and vote on the w/s rate structure. Mr. Smith seconded. The vote was Doyle, Smith, Brewer, Brown and Crone in favor.

Mayor Buelterman disclosed friendly relationships with the owners of Huc-a-Poo's and Stingray's.

Updated w/clarification 12/15/08vw

Mr. Crone recused himself from voting on the Alcohol Licenses for all Chu's stores.

Mr. Brown disclosed friendships with all the business owners applying for alcohol licenses.

Business Legally Presented:

Consent Agenda Items: **Mr. Wolff moved to approve. Mr. Brown seconded. The vote was unanimous.**

Proposed Water and Sewer Rates: Mr. Wolff motioned to adopt Option II, Phase I of the rate plan shown for January 1, 2009 and to monitor and review the rate structure during the budget review for fiscal year 2010 before implementing additional rate changes. Ms. Doyle seconded.

Mr. Wolff amended his motion to exclude the differential on vacation rentals but not B&B's. Ms. Doyle seconded the amended motion. The vote was 4 in favor with Wolff, Doyle, Brewer and Crone voting in favor and Brown and Smith opposed.

Garbage Cart Rate Change based on Waste Pro's Contract Amendment: Mr. Wolff moved to take the monthly savings to the city and divide it among 1st cart owners to reduce their charges. Mr. Brown seconded.

Mr. Wolff amended his motion to ask staff to come back with numbers to reduce the 1st cart and increase the 2nd cart. Mr. Brown accepted the amendment. The vote was Wolff, Brown, Crone and Doyle in favor and Brewer and Smith opposed.

Employee Survey- Ken Chapman and Associates \$1,000: Ms. Doyle moved to approve. Mr. Wolff seconded. Mr. Crone offered to pay the fee out of his City Official Travel Budget.

Ms. Doyle amended her motion to approve the survey and pay for it with \$1,000 from Mr. Crone's travel budget # 100-1110-52-3505. Mr. Wolff seconded the amended motion. The vote was Doyle, Wolff, Brewer, Brown and Crone in favor and Smith opposed.

Memorandum of Understanding between City of Tybee Island and Georgia Department of Transportation for CSTEE-0008-00(997) Historic Butler Avenue Pedestrian Safety Project-Grant Share (\$125,000) and City's Share (\$69,154) Budget line item 100-4210-54-1410: **Mr. Brewer moved to approve Grant. Mr. Wolff seconded. The vote was Brewer, Wolff, Crone, Doyle and Smith in favor and Brown opposed.**

Revised South End Business District Policies and Procedures: Mr. Smith moved to approve. The motion died for lack of a second.

Mr. Wolff moved to adopt page 10 relating to garbage and trash collection and accept recommendation from City Manager to charge \$22.28/Cart/Month (not including surcharge) for

compactor rate. Ms. Doyle seconded. The vote was Wolff, Doyle, Brown and Crone in favor and Smith opposed. Brewer recused himself.

GMA Lease Program: Emergency Sirens (\$123,078 @ 3.22% for a three year lease) and Datamatic Water Meters project (\$627,456 @ 3.05% for a 5 year lease) Budget line items 100-3920-54-2505 and 505-4401-54-2501: **Mr. Smith moved to approve. Mr. Wolff seconded.**

After discussion on combining the leases in order to obtain a lower interest rate and asking if the increased amount would reduce our ability to borrow money. Ms. Schleicher said she would find out. Mr. Smith withdrew his motion and Mr. Wolff withdrew his second.

Mayor Buelterman requested the Bid received for the Removal of Derelict Structures on the North End of the beach be reviewed by the Beach Task Force.

14th Street Drainage Improvements-Proposed Bid Approval and Contract Award to BRW Construction Group, LLC. \$809,271.50 Line item 100-4210-54-1100 & 320-4210-54-1400: **Mr. Wolff moved to accept the bid and request Hussey, Gay, Bell & DeYoung review and try to reduce cost. Mr. Brown seconded. The vote was unanimous.**

2009 Alcohol License Applications- Beer/Wine, Liquor, Sunday Sales, and Entertainment:

A.J.'s Dockside/Alan & Jacqueland Burn/315 Chatham Ave

Benny's Tavern & Restaurant/Rose Brown, Alvin Ward, Sr/1517 Butler Ave

Bernie's Tybee Island/Bernie, Margaret & Vance Reyes/13 Tybrisa St

Cafe Loco/Joel Soloman/1-A Old Hwy 80

Doc's Bar/Rob Parker/10 Tybrisa St

Fannie's On the Beach/Jennifer Orr/1613 Strand Ave

Gayna's Pub & Outback Cafe/Gayna Bernstein/725 B First St

Huc-a-Poo's Bites & Booze/Eric Thomas, John Shep Dunn/1213 Hwy 80 Ste 2

Macelwee's Seafood Restaurant/Agnes Lynn Zeigler, Ardrea, Moblely/101 Lovell Ave

North Beach Grill/George Spriggs, George Jackson/41-A Meddin Dr

Resort Inns Inc-Dolphin Reef/Eugenia, Harry & Frances Spirides/1401 Strand Ave

Scandals/Edmond Burnsed/1518 Butler Ave

StingRay's/Raymond J Rogers Jr, Raymond J Rogers III/1403 Butler Ave

Surfside Restaurant DBA Marlin Monroe's/Jennifer Orr/404 Butler Ave

Sweet Dreams/Myrtice Morrison/Tybee Pier

Tybee Time/Steven Kellam/1603 Strand Ave

WindRose Cafe/Mary & Mark Klein/19 Tybrisa St

Beer/Wine, Liquor, Sunday Sales:

Charly's/Charles J Vonashek/106 South Campbell Ave

Cousin Vinnie's Pizza/George Paul Jackson Jr, Kevin King/1311 Butler Ave

Grace(Formerly Georges)/George Spriggs, George Jackson/1105 Hwy 80

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Hunter House/John Hunter/1701 Butler Ave
Spanky's Beachside/David Silverman, Tommy Greber, Paul, John Alben Yarbrough/1605 Strand
The Quarter Sports Bar/Wayne Barlow/601 First St
Beer/Wine, Liquor:
ABC Beverage/Myrtice Morrison/1515 Butler Ave
Sundae Cafe/Kevin Carpenter/304 First St
The Sand Bar/Ana Olsen/1512 Butler Ave
XYZ Liquors/Terese Jung/302 First St

Beer/Wine, Sunday Sales:
Lighthouse Pizza/Richard Hammons/15 A & B Tybrisa St

Beer/Wine:
JayDeep LLC DBA Shell Food Mart/ Jatin Desai, Rajendra & Jaimini Patel/1315 Butlet Ave
Sundae Cafe/Kevin Carpenter, Anthony Baker/304 First St
Tybee Island Bait and Tackle/Thomas & Amy Golden/4-F Old Hwy 80
Tybee Market INC/Michael J Hosti/1111 Butler Ave

Ms. Doyle moved to approve. Mr. Wolff seconded. The vote was unanimous.

American Legion Post 154/George Walker/10 Veterans Dr

Mr. Crone moved to approve and waive the fees for the American Legion Post 154 License. Mr. Brown seconded. The vote was unanimous.

Tybee Supper Club/Michael Scarbrough/35 Meddin Dr

Mr. Crone moved to approve and waive the fees for the Tybee Supper Club License. Mr. Brown seconded. The vote was unanimous.

Eleven 06 Restaurant/Clay Brewer, Vinnie Cusanelli/1106 Hwy 80

Mr. Wolff moved to approve. Ms. Doyle seconded. The vote was unanimous. Mr. Brewer recused.

Chu's Convenience Mart/Aimi chu-Pruden, Richard Pruden, James Soles, Mola Jung/725 First St
Chu's Convenience Mart #101/Mola & Terese Jung/306 First St
Chu's Convenience Mart #102/Terese & Mola Jung/1603 Inlet Ave

Ms. Doyle moved to approve. Mr. Wolff seconded. The vote was unanimous. Mr. Crone recused.

1st Reading Text Amendment and Map Amendment-North End Cultural Overlay: Mr. Hughes asked that the record reflect the map being in the room with the overlay district reflected on it.

Mr. Smith moved to approve the North End Overlay Text Amendment for 1st Reading. Mr. Wolff seconded. The vote was unanimous.

Updated w/clarification 12/15/08vw

Mr. Smith moved to approve the North End Overlay District Map Amendment for 1st Reading. Mr. Wolff seconded. The vote was unanimous.

2nd Reading Text Amendment (Section 50110) to Section 3-060.A {Bed and Breakfast (residential)} w/following conditions: 1) Expansion from five rooms to seven rooms subject to administrative site plan approval by staff; 2) Afternoon snacks allowed; 3) Hosting of special events for up to twenty people subject to one-time special review by Planning Commission and approval by Mayor/City Council.

Ms. Doyle moved to approve for 2nd Reading. Mr. Smith seconded. The vote was unanimous.

2nd Reading Ethics Ordinance: **Mr. Smith moved to accept the Ethics Ordinance Section A and B with Section B relating to the Commission specifically Article 4 that speaks of the duties, powers, limitations and administrative support-only striking the reference to Section 3.06 in limitations section 2 number 2. Ms. Doyle seconded.** Mr. Hughes explained that he has an immediate conflict of interest because the council is the people he works for. He said if he knows one of them has a significant interest in something but would really like to participate in it that puts him in a very bad position. He said he would be in violation of the ethics ordinance giving an opinion about that due to the conflict of interest. He said he will do his best to make the call objectively in regards to those issues.

Mr. Smith amended his motion to strike that part of it. Ms. Doyle seconded the amended motion. The vote was Smith, Doyle, Brown and Wolff in favor and Brewer and Crone opposed. Mr. Hughes said that is second reading and articles A & B are included.

2nd Reading Charter Amendment to Section 4:15 regarding the rules of the Municipal Court of the City: **Mr. Wolff moved to approve. Ms. Doyle seconded. The vote was unanimous.**

2nd Reading Charter Amendment to Section 6:29 relating to the timing of adoption of the operating budget in relation to the end of the fiscal year: **Ms. Doyle moved to approve. Mr. Smith seconded. The vote was unanimous.**

2nd Reading Charter Amendment to Section 6:32 relating to the capital budget and the adoption requirement prior to the end of the ensuing fiscal year: **Mr. Wolff moved to approve. Mr. Smith seconded. The vote was unanimous.**

Marine Science Center Lease: **Mr. Wolff moved to approve. Ms. Doyle seconded. The vote was unanimous.**

Parental Control Ordinance: Mr. Brewer said the Chief of Police said he was watching and monitoring the group of kids that are causing problems. He said he thinks this is a non issue and we don't need to create more restrictive ordinances on being parents. He said the Police are doing a fine job and the courts are there. He said let them handle it. Council members requested for Mr. Hughes to e-mail them the Savannah ordinance to review.

Updated w/clarification 12/15/08vw

Conservation Easement for 19th Street: Mr. Hughes explained that he would change the language in the description at Mr. Wolff's suggestion. **Mr. Wolff moved to accept the conservation easement, striking under number 3 on page 2; facilities including but not limited to signs, benches and platforms. Mr. Smith seconded. The vote was unanimous.**

Mr. Wolff moved to go into Executive Session to discuss Personnel and Litigation. Mr. Brewer seconded. The vote was unanimous.

Mr. Wolff moved to return to regular session. Mr. Smith seconded. The vote was unanimous.

Mr. Wolff moved to adjourn. Mr. Smith seconded. The vote was unanimous.