

## **20071213 City Council Minutes**

Mayor Buelterman called the Consent Agenda Meeting to order at 6:30pm. Present in addition to the Mayor was, Sessions, Crone, Doyle, Williams, Pearce and Wolff.

Also present was City Attorney Bubba Hughes and City Manager Diane Schleicher.

Mayor Buelterman listed the following items as Consent Agenda items:

**Special Event-SCAD Sand Arts Festival May 2, 2008 at North Beach  
American Tower Lease Amendment to extend their lease to 2036 with  
15% increases for each renewal.**

**Request for Out of State Travel for Woody Hemphill to attend Certified  
Park Operator Training in Wheeling WV on Feb. 18-22, 2008.**

**2008 Alcohol License Renewals w Fee Waived**

American Legion Post #154 /Morris E. Kindrick/#10 Veterans Dr-Alcohol,  
Sunday Sales, Entertainment.

Tybee Supper Club, Inc./Michael Scarbrough-35 Meddin Dr.-Alcohol

**2008 Alcohol License Renewals with Outdoor Conditional  
Entertainment: City Manager Recommended non-amplified  
acoustical only with no drums-Indoors okay**

Huc-a-poo's Bites & Booze/Eric Thomas/John Shep Dunn-1213 Hwy 80 Ste 2-  
Alcohol, Sunday Sales, Entertainment

North Beach Grill/George Spriggs, Jr./George Jackson-41-A Meddin Dr.-  
Alcohol, Sunday Sales, Entertainment

**2008 Alcohol License Renewals**

ABC Beverage/Myrtice Morrison/-1515 Butler Ave-Alcohol

A-J's Dockside Restaurant/Alan Burn/Jacqualand Burn-1315 Chatham Ave-  
Alcohol, Sunday Sales, Entertainment.

Bamboo Room Restaurant/Frank Shuman, Jr.-1106 Hwy 80-Alcohol,Sunday  
Sales Entertainment.

Benny's/Tybee Tavern/Rose Brown/Alvin Ward, Sr.-1517 Butler Ave-Alcohol,  
Sunday Sales, Entertainment

Bernie's Tybee Island/Bernie Reyes/Margaret Reyes/Vance Reyes-13 Tybrisa  
St.-Alcohol, Sunday Sales, Entertainment

Charly's/Charles Vonashek-106 S. Campbell Ave-Alcohol, Sunday Sales

Chu's Convenience Mart/Aimi M. Chu-Pruden/Mola Jung-725 First St.-Alcohol

Chu's Convenience Mart #101/Mola Jung-306 First St.-Alcohol

Chu's Convenience Mart #102/Mola Jung-1603 Inlet Ave-Alcohol

Dewey's Fish House/Michael Dulac/Richard Dulac-1 Old Tybee Rd.-Alcohol,

Sunday Sales, Entertainment  
Fannie's on the Beach/Jennifer Orr-1613 Strand-Alcohol, Sunday Sales, Entertainment  
Gayna's Pub and Outback Café/Gayna Bernstein-725 1st St-Alcohol, Sunday Sales, Entertainment  
George's on Tybee/George Jackson/George Spriggs-1105 Hwy 80-Alcohol, Sunday Sales, Entertainment  
Hunter House/John Hunter-1701 Butler Ave.-Alcohol, Sunday Sales  
Jaydeep LLC DBA Shell Food Mart/Jatin Desai/Rajendra Patel-1315 Butler Ave-Alcohol  
Macelwee's Seafood Restaurant/Lynn Zeigler-101 Lovell Ave-Alcohol, Sunday Sales, Entertainment  
Ocean Plaza-Dolphin Reef Restaurant/Harry Spirides/Eugenia Spirides/Frances Spirides-1401 Strand-Alcohol, Sunday Sales, Entertainment  
Scandals-1518 Butler Ave./E.C. Burnsed-Alcohol,Entertainment  
Spanky's Beachside/John Yarbrough-1605 Strand-Alcohol, Sunday Sales  
Stingrays/Raymond Rogers Jr./Raymond Rogers III-1403 Butler Ave.-Alcohol, Sunday Sales, Entertainment  
Sundae Café/Kevin Carpenter/Anthony Baker-304 First St.-Alcohol  
Surfside Restaurants DBA Marlin Monroe's/Jennifer Orr-404 Butler Ave-Alcohol, Sunday Sales, Entertainment  
Sweet Dreams Pavilion/Myrtle Morrison-Tybee Pier-Alcohol, Sunday Sales, Entertainment  
The Quarter Sports Bar/Erika Barlow-601 First St.-Alcohol, Sunday Sales  
The Sand Bar Inc./David Armstrong-1512 Butler Ave.-Alcohol, Sunday Sales  
Tybee Island Bait and Tackle/Thomas Ray Golden/Amy S. Golden-1-A Old Tybee Rd.-Alcohol  
Tybee Market, Inc IGA/Michael Hosti-1111 Butler Ave.-Alcohol  
Tybee Time/Steve Kellam-1603 Strand-Alcohol, Sunday Sales, Entertainment  
Tybee Tropics Pool Bar-Ocean Plaza/Harry Spirides/Eugenia Spirides/Frances Spirides-1401 Strand-Alcohol, Sunday Sales, Entertainment  
Tybee's Terrapin Station/John Black III/John Black-1513 Butler Ave-Alcohol, Sunday Sales, Entertainment  
Wind Rose Café/Mark Klein/Mary Klein-19 Tybrisa-Alcohol, Sunday Sales, Entertainment  
XYZ Liquors/Mola Jung-302 First St.-Alcohol

Mayor Buelterman closed the Consent Agenda Meeting.

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Mayor Buelterman opened the Regular Meeting of the City Council at 7:00pm. City Officials present at consent agenda were still in attendance.

Former Mayor Pat Locklear gave the Invocation and the Tybee Island Memorial Color Guard posted the colors. Everyone recited the Pledge of Allegiance to the Flag.

Mayor Buelterman thanked Ms. Doyle and everyone associated with the Lights on for Tybee event as well as the Christmas Parade.

Mayor Buelterman thanked Jimmy Brown for his hard work in getting us an additional 15% rate reduction on our Flood Insurance from FEMA.

Mayor Buelterman announced the Tour De Georgia Bike Race that will be held on Tybee in April.

Mayor Buelterman announced 4 openings on the Planning Commission. He requested applications be given to Vivian Woods on or before January 3, 2008 at 4:30pm.

Ms. Bentley of the Memorial Park Planning Committee gave a report to Council and requested a 3 month extension in order to accommodate schedules over the holidays.

Mayor and Council thanked Ms. Bentley for the in depth presentation and for the work of the committee.

Mr. Charlie Fenwick gave an update to Council on the efforts to save the Cockspur Island Light House. He said the Cockspur lighthouse is on the 2008 Georgia Historic Trust places in peril list which has resulted in a great deal of media attention. He said the lighthouse has an active area of shipworm damage that is tearing up the wooden foundation. He said they received a recommendation from a National Park Service expert to eliminate the Shipworms and that will involve moving some of the rocks around the wooden foundation and putting a barrier between the shipworms and air, which will destroy them. He said the staff at Ft. Pulaski is working right now to address that emergency issue. He said the total repair estimate is one million dollars. He said due to lack of federal money for projects a group of citizens at Tybee are forming a Tybee Friends Group to try and raise money independently and are in the process of making the group a 501 C-3 non profit.

Mayor Buelterman thanked Beth Martin for the Polka Run she organized for Breast Cancer Awareness in which Tybee raised \$3,000.

Mr. Bill Cannon of Tybee Beautification Association announced they will recognize residential holiday lighting on Monday, December 17<sup>th</sup> at 6:30pm. He said a panel of Blue Ribbon Judges will travel around the Island by trolley.

Ms. Sandy Major with Tybee Neighbors announced the possible implementation of a neighborhood watch program. She also announced they are collecting canned goods and peanut butter for Second Harvest Food Bank through December 31<sup>st</sup>.

Mr. Donald Cowart expressed concerns on the fence location for the MRS. He said he was notified yesterday the MRS fence was on the agenda. He said he requested the Mayor put this off until the first of the year. He said he sent a list of questions to the Mayor and City Attorney. He said Mr. Hughes graciously answered the questions and he received the answers at 8:30pm yesterday. He said he appreciates the consideration and didn't feel he could prepare adequately for tonight's meeting. He said his concern is; the city is putting a fence around public property and a building that belongs to the city. He said he felt the city was giving 10 MRS members exclusive use of this compound on city property. Mr. Cowart recommended relocating the MRS building to the corner of the property and locating the proposed skate park there. He said he was strongly against putting a fence around public property.

Mayor Buelterman explained that for a number of years the MRS has had a facility between Café Loco and Dewey's Dockside designated to them. He said they had a dilapidated building and the city helped them build a new one with SPLOST money. He said it has been a goal of a number of city officials to give them access to water in order to run missions from that facility which they cannot do right now. He said the MRS members have to use their own slips or the crab shack facility to run missions out of and that's where a lot of their equipment is located. He said the fence is needed in order to allow them to store their boats, when access to water and a boat hoist is acquired.

Ms. Williams asked for copies of the answers to Mr. Cowart's questions and Ms. Doyle asked for the number of MRS members.

Mr. Chuck Eaton spoke as a member of the MRS squad and told Ms. Doyle they currently have 38 active members. He said some live on Tybee and some don't but when a call goes out they all go to work for the City of Tybee.

Mayor Pro Tem Sessions said the MRS is also affiliated with the CEMA team for disaster preparedness and she thanked them. She said it may be helpful for the new council to encourage associations like the MRS and Tourism Council to give quarterly reports to council.

Mr. Bill Garbett representing Tybee Beautification Association announced the outstanding awards in the commercial district for Lights on for Tybee with Third Place going to Stingrays, Second Place was Crab Shack, First Place was River's End Campground.

Ms. Doyle thanked Chris and Bill Garbett, Sandy Major, Debby Brady Robinson, Ann Monahan, Joe Wilson and DPW for their help with Lights on for Tybee.

Mr. Pat Locklear asked for a committee to be formed to study the MRS concerns and come up with an amiable recommendation to council. Mr. Locklear requested that council not raise the parking rates due to the already ailing commercial district because of construction on Tybrisa and Strand.

Ms. Ellen O'Leary responded to the request on the agenda for a Shore Protection Act application to manipulate the sand at 14<sup>th</sup> Street and the Pier. She said she remembers the waves lapping over the boardwalk at 14<sup>th</sup> Street and it could happen again if the sand is manipulated. She requested the city obtain an experts advice before applying for a permit.

Mr. Ronald Jones a member of the MRS for the last 10 years said he would like to clear up a few issues that came up earlier. He said in 1981 the Georgia Legislature deeded 75 feet on either side of the old Tybee road as the piece of property for the exclusive use of the MRS. He said in 1992 the council asked for the deed to default to Tybee in case the MRS ceased to exist because the original deed would default back to the state if anything happened. He said at this time Tybee owns the property but in good faith allows the MRS exclusive use of it. He said Mr. Swanberg sued the City for half of the MRS property and the Supreme Court ruled in favor of Tybee so it is Tybee's property. He said they have neighbors on both sides that they try to get along with and they do everything Tybee asks them to do whether it's a benefit or put up safety signs on the old sea wall. He said they use their own equipment and provide their own insurance when they are doing a Marine Rescue at no cost to Tybee or its citizens. He said they are very proud of the facility and they do not rent it out as is stipulated in their lease and they pay the insurance on the building. He said the city helps with gasoline cost for missions and that's it.

Mr. Magiano said he has been a member of the rescue squad for a quarter of a century and has been on over 220 missions. He said the squad cannot compete with commercial assistance but if there is a medical emergency, or children or older people involved they scramble and go. He said if someone is broken down in the river that person has to take some responsibility for what has happened.

Diane Schleicher welcomed anyone having questions or concerns about the Tybrisa Project to attend meetings on Thursday afternoon at 3:00pm at City Hall.

Mayor Pro Tem Sessions said regretfully a couple of volunteer committee's were overlooked in compiling the list for the volunteer luncheon that was held on December 7<sup>th</sup>. Ms. Sessions apologized for the oversight and said those groups will be honored at a later date. She thanked everyone that volunteers on Tybee.

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Ms. Schleicher announced that automated meter reading will not be implemented until June of 2008 because Datamatic is updating the equipment to be installed. She proposed the city go to monthly meter reading along with tiered rates. She proposed a contract with OMI with Datamatic helping with the cost to read the meters until the equipment is installed.

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Ms. Schleicher explained the request to apply to DNR for a permit to manipulate the sand in order to provide additional beach area at high tide. Ms. Williams said the area in question is an established dune with sea oats on it and is five to six feet tall. Mr. Pearce said he is opposed to taking dune vegetation out. Mayor Pro Tem Sessions asked Ms. Schleicher to address the public safety issue. Ms. Schleicher said if we have more area at high tide when people come to the beach they would be apt to concentrate in that area instead of spreading out and making it difficult for the lifeguards to watch them. Ms. Schleicher said the Beach Task Force remained neutral on this issue. Mr. Wolff felt this would set a very dangerous precedence, for us to go in and remove vegetation from a dune field we have spent a lot of time trying to establish.

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Mr. John Redmond gave a presentation on increasing parking fees. He proposed increasing parking fees per hour to \$2.00 along with an increase in decals and fines. He said Tybee has a lot of expenses associated with being a beach community that other communities don't, such as beach renourishment. He said currently renourishment is a 10 ½ to 12 million dollar project that will be completed some of this year and next year. He said this will be a growing burden because the cost will keep going up and the cost will keep increasing by 50 to 100% every time you do it. He said at some point it can't just be the 4,000 residents of Tybee that are paying for this. He said there are other expenses also including the Lifeguards and cleaning the beach and bathrooms. He said you can look at parking as being an impact fee for using the beach. He said ultimately the higher cost of beach operations will be handled through increased parking fees or increased property taxes. He said the annual cost of the beach is \$2,266,000. He gave a comparison on parking rates with Atlanta at \$2.00 and Key West, FL at \$1.50. He said before the pay and display meters were installed, the rates at the North Beach, 14<sup>th</sup> Street and 16<sup>th</sup> Street lots were "front loaded", such that the first half hour was \$3 and \$1 per hour thereafter.

Mayor Pro Tem Sessions asked the average time people pay for parking at the beach. Mr. Redmond said he didn't know but the average person pays for more time at the pay and display meters than at the coin fed meters. He said they plan to help merchants this year by putting change machines out for the public to use. He said over half of the people parking at pay and display sites are using credit cards.

Mayor Pro Tem Sessions said it would be nice if a decal could be purchased for parking in downtown Savannah like we have at Tybee. Mr. Redmond said it does provide an alternative for frequent beach visitors.

Mr. Wolff said he believes we need a more equitable distribution of bearing the burden of what amounts to a regional recreational resource with residents paying the bulk of expenses. He said he is concerned with expanding enforcement to midnight and the impact that may have on restaurants in that area. He said if we stop charging at 8 it would be fairer to people in that area. Mr. Redmond estimated the difference if we stop enforcement at 8 to be around \$100,000.

Ms. Williams asked if Mr. Redmond had considered implementing this incrementally instead of doubling the fees. Mr. Redmond said the difference between \$2.00 and \$1.50 is \$550,000 per year. Mayor Buelterman said he agrees in incrementally increasing the parking rates and going through the budget and cutting out unnecessary expenses to compensate for the difference.

Ms. Doyle said in meeting with the business owners she would like to look at increasing decal cost and fines instead of raising the rates overall.

Mayor Pro Tem Sessions said someone has to pay for the day people that come and litter the beach and it's not fair that Tybee people have to pay for that. She said we need to ask Chatham County and the State to help with those expenses as well as the Life Guards. She said we need to be assertive and work with them to save lives.

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Mayor Buelterman said after their meeting on December 19<sup>th</sup> with incoming council members, council will discuss the class and comp plan and also discuss possible changes to parking. He said we would possibly have a meeting the day after to finalize the budget.

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Mayor Buelterman asked for the Polar Bear Plunge to be taken off the consent agenda because of needed discussion. Ms. Schleicher said they are requesting the city waive the special event fee as they have done in the past and also co-sponsor the event to give organizers access to the pier and waive the liability insurance. Mr. Hughes said the city would not incur any additional liability by co-sponsoring the event.

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Ms. Schleicher said because of the change over from Southern Electric to Georgia Power the rate structure agreement at the water and sewer plant expired. She said the new rate structure agreement is favorable for Tybee and the infrastructure committee recommended council approval. Mr. Crone said this agreement will save us about \$500 monthly.

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Mayor Buelterman explained the changes to the holiday ordinance for city employees. He said he asked for Veteran's Day to be added and Ms. Schleicher asked for Christmas Eve to be added. Ms. Schleicher explained the city would not recognize President's Day as a city holiday or employee birthdays. Ms. Williams said she supports having Veteran's Day off as a holiday but she is disappointed that the city does not have President's Day off. She said last year when this was discussed she never would have voted to have Martin Luther King Day over President's Day because she feels it is disrespectful. **Mr. Crone moved to approve the holiday ordinance for 1<sup>st</sup> Reading, Mr. Pearce seconded and the vote was unanimous.**

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**Mr. Wolff moved to approve the Consent Agenda items as listed earlier in the minutes, Mr. Crone seconded and the vote was unanimous.**

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**Mr. Crone moved to enter into a contract with OMI and Datamatic pending Mr. Hughes review of the documents, Ms. Williams seconded and the vote was unanimous.**

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**Ms. Williams moved to deny applying for a shore protection permit to manipulate sand, Mr. Pearce seconded and the motion carried with,**

**Williams, Pearce, Sessions and Wolff in favor of denying and Doyle and Crone opposed.**

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**Ms. Williams moved to approve the Polar Bear Plunge and the City co-sponsoring the event, Ms. Sessions seconded and the vote was unanimous.**

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**Mr. Wolff moved to approve the Georgia Power contract for rate structure for the waste water treatment plant, Mr. Pearce seconded and the vote was unanimous.**

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**Mr. Pearce moved to approve Boonma's Thai Cuisine, Alcohol and Sunday Sales License, Mr. Wolff seconded and the vote was unanimous.**

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**Mr. Pearce moved to approve Cousin Vinnie's Pizza, Alcohol and Sunday Sales License, Mr. Wolff seconded and the vote was unanimous.**

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**Mr. Pearce moved to approve Doc's Bar, Alcohol, Sunday Sales and Entertainment License, Mr. Wolff seconded and the vote was unanimous.**

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**Ms. Williams moved to approve staff and if necessary the City Attorney looking into special tax districts as a whole for not only the beach business district but other areas on the island as well.** He said this will allow us to tap into money that would otherwise go to the county schools and can be used to upgrade areas such as parking issues. **Mr. Wolff seconded and the vote was unanimous.**

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**Mr. Crone moved to approve the MRS fence permit contingent on putting the flags up and allowing council to look at the location and providing staff with any objections within 10 days, Ms. Doyle seconded.**

Ms. Williams said the map was not in council packets and it would have been nice to see the flags prior to the meeting. She said the adjoining property owner was not notified. She recommended postponing it. Mr. Wolff said without an agreement being reached with the Scarborough's on water access he thinks this is premature. Ms. Sessions agreed with Ms. Williams that this should be postponed until the new council takes office. Mayor Buelterman read a letter from Dac Cowart. **And the motion failed with Crone and Doyle voting in favor and Sessions, Williams, Pearce and Wolff voting against.**

**Ms. Williams moved to have this item added to the agenda of the 1<sup>st</sup> or 2<sup>nd</sup> meeting in January so that we can get some resolution, Mr. Wolff seconded,** Mayor Buelterman asked if the flags would still be placed out for everyone to see the location, Ms. Williams and Mr. Wolff both agreed. **And the vote was Williams, Wolff, Sessions, Pearce and Crone voting in favor and Ms. Doyle abstaining.**

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Mr. Hughes gave an update on litigation against the city. He said the Lazaretto Development Case is still pending with a motion being filed but we are still waiting on the court ruling. He said Live Oak, LLC versus Tybee is the dispute over the Gulick St. parcel and whether or not it is buildable, is still pending. He said on the Sadowsky, O'Shaunessy, Freyermoth on the regulation of density, we received a favorable ruling initially they filed an appeal but the appeal was withdrawn. He said the same topic was the suit with Patel and A&S Corp. and that case was dropped after the favorable ruling. He said Enviro Assets is a contractual dispute over the Waste management Contracts arranged through that company and is still pending. He said White, Smith, McNeil and Chu; is a dispute over trying to get a subdivision approved with variances and it is still pending. He said Bergman versus Chu and The City of Tybee is a dispute over the 6<sup>th</sup> Avenue right of way that is primarily a dispute between the owners of the Quarter and the Bergman's who own adjacent property. He said recently filed was the Lou Kietzman case against the city and it has been responded too and will be dealt with in due course. He said Mr. Booker's suit is pending because an order was issued a long time ago and we are in the process of insisting on compliance with the order on as builds. Mayor Buelterman thanked Mr. Hughes for compiling that information for them.

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Mr. Wolff moved to adjourn, Mr. Pearce seconded and the vote was unanimous.

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Mayor Jason Buelterman

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Vivian O. Woods, Clerk of Council