

## 20080410 City Council Minutes

Mayor Pro Tem Doyle called the Consent Agenda meeting to order at 6:30pm on April 10, 2008. Mayor Jason Buelterman was absent. Council members present in addition to the Mayor Pro Tem were, Crone, Brewer, Brown, Smith and Wolff. Also attending were City Manager Schleicher and City Attorney Hughes.

Mayor Pro Tem Doyle listed the items on the Consent Agenda as:

- ◆ 2nd Reading: Ordinance to amend Code Section 46-25(e) - Compensation Plan;
- ◆ 2nd Reading: Ordinance to amend Code Section 2-212 - Change of the Fiscal Year;
- ◆ Fort Screven Water Improvements - recommendation for contracting with Southern Champion Construction, Inc for \$1,071,093; line item #505-4410-54-2100 (water administration) and 320-4420-54-2105 (SPLOST);
- ◆ Special Event Application: Tour de Georgia-Event -**Approved to include closing parking lot at 14th Street for staging and VIP parking and South End Lot for a hospitality tent and festivities. (Monday Only);**
- ◆ Council Minutes for February 28, 2008;
- ◆ Request for out of state travel to attend The League of Historic American Theaters Forum on Historic Theaters in small communities in Newberry, SC/April 13-15, 2008;
- ◆ **2nd Reading:** Ordinance to amend Code Section 6-12, regarding alcoholic beverages, to prohibit the sale or distribution of liquor at special events;
- ◆ **2nd Reading:** Ordinance regarding special events and alcoholic beverages (amend Chapter 54, Article III)
- ◆ Contract for Tour de Georgia;
- ◆ Beach Renourishment contracts and or resolutions;

Council discussed the process for committee appointments and requested committee openings be posted with deadlines and all resumes submitted to council for review and appointments. Committee members may request copies of resumes of applicants. Council agreed to conduct further discussions concerning committees at the work shop on April 19<sup>th</sup>.

Mayor Pro Tem Doyle closed the Consent Agenda.

Mayor Pro Tem Doyle called the Regular City Council meeting to order at 7:00pm. City Officials listed earlier were still in attendance.

Carolyn Smith gave the Invocation and the Tybee Island Memorial Color Guard posted the colors. Everyone recited the Pledge of Allegiance to the Flag.

Mayor Pro Tem Doyle announced that Andy Dehay had passed away this morning. She said he was the dog catcher for Tybee for several years and she asked everyone to remember his family and friends in their thoughts and prayers.

Visitors included:

Sandy Major for the Tybee neighborhood watch.

Mayor Pro Tem Doyle opened the public hearing.

**Ms. Allen presented a request for a Zoning Variance:** Section 5-090 from Section 3-090, schedule of development regulations; William Gustin / setback variances for new single family dwelling, 2001 Hwy. 80 - PIN 4-0024-02-002 (R-2 zone): PC recommends approval. Mr. Wolff moved to approve contingent on the City receiving a minimum 5 foot right of way for a bike trail along the front of the property, Mr. Crone seconded. Ms. Allen said the ten foot setback line that is being requested is from the property line. She said there is still room to maneuver in the right of way to put a trail in. The vote tied with Wolff, Crone and Doyle voting in favor and Brewer, Brown and Smith voting in opposition. Mr. Brown moved to approve with no stipulations and discuss an easement for a bike trail at a later date. Mr. Smith seconded and the vote tied with Brown, Smith and Brewer voting in favor and Wolff, Crone and Doyle voting in opposition. **Mr. Wolff moved to reconsider this petition at the next council meeting, Mr. Smith seconded and the vote was unanimous.**

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Mayor Pro Tem Doyle opened the public hearing.

**Ms. Allen presented a request for a Map Amendment:** Section 5-020(D); Erin Sheldon for Tybee Trees, LLC - rezone from zone R-T to zone C-1, 13 Fourteenth St. - PIN 4-0007-06-001 (R-T zone): PC recommends approval. Mr. Hughes explained that another option for this property would be conditional zoning in which the map would be amended and restrictions about what would be allowed in it. He said it would last until someone petitioned to rezone it. Mr. Hughes said let the minutes reflect the map is in the room and the parcel is identified with the PIN number on the agenda as well as on the map.

Mr. Solomon spoke in opposition to the petition to rezone saying it would affect property values for the residential neighbors to the North. He said he made sure the zoning was still R-T when he bought his property and he requested Council protect him. Ms. Sheldon said there would still be a buffer between the property and the Garrett's and Solomon's.

Mr. Gay spoke in favor of the petition to rezone saying it would give the ability for the property to provide a service that is in high demand and would complement our business community.

Mr. Andre spoke in opposition to the petition to rezone saying it would be a detriment to the neighborhood.

Mr. Hughes explained that conditional zoning permits the property to be rezoned to a category to where you control what activities are conducted there rather than opening up the whole list of allowable uses in C-1. He said this property would be burdened with whatever restrictions are put on it until somebody was to apply to rezone it again.

Mr. Brown moved to continue this until the overlay district is in place, Mr. Brewer seconded, and the vote was four to two with Brown and Brewer in favor and Wolff, Crone, Smith and Doyle in opposition.

**Mr. Wolff moved to continue until petitioner presents their Site Plan and Special Review to Planning Commission and it has come back to council on May 8th for consideration of C-1 conditional zoning, Mr. Smith seconded and the vote was Wolff, Smith, Doyle and Crone in favor and Brewer and Brown opposed.**

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Mayor Pro Tem Doyle opened the public hearing.

**Ms. Allen presented a request for Site Plan Approval of a new retail commercial building:** Section 5-080; Paul Scarborough / new retail commercial building, 406 First St. - PIN 4-0003-13-020 (C-2 zone): P.C. recommends approval with conditions. Ms. Allen said council had been given a revised site plan addressing the conditions recommended by the P.C. She said by approving the site plan you will be approving variances for a narrower drive isle and parking requirements. Mr. Wolff said since we are allowing you to meet your parking requirement by putting parking spaces in the right of way on Miller that potentially the city will be metering those spaces. Ms. Allen said the city is not allowing the petitioner to count those spaces as part of their parking requirement because those spaces are in the city right of way. **Mr. Wolff moved to approve, Mr. Smith seconded and the vote was unanimous.**

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Mayor Pro Tem Doyle opened the public hearing.

**Ms. Allen presented a request for a Zoning Variance:** Section 5-090 from Section 5-010(J), Shore Protection with variance clause; Bonnie Gaster for Randolph Bishop / shore protection line variance for new single family dwelling, 8 Palmwood Ct. - PIN 4-0002-24-005 (PUD zone): Ms. Allen said the PC recommends approval. Ms. Gaster said the petitioner wants to be able to pull back 10 feet from the toe of the dune and build an acceptable house on this property. **Mr. Smith moved to approve, Mr. Brewer seconded and the vote was unanimous.**

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**Zoning Variance:** Section 5-090 from Section 3-080, off street parking requirements; Robert Chu / two driveway openings, 5 Palmwood Ct. - PIN 4-0002-24-003 (PUD zone): PC recommends approval. **Withdrawn @ staff's request.**

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Mayor Pro Tem Doyle opened the public hearing. She read a letter from William Peterson asking council to consider allowing dogs on the beach.

The following people addressed council regarding the Dog Park.

Chris Garbett: in favor of not moving the Dog Park.

Lynn Hamilton: in favor of keeping the Dog Park in Memorial Park.

Annie Quinting: in favor of keeping the Dog Park in Memorial Park.

Bill Criner: opposed to a Dog Park located on Fort Avenue.

Freda Rutherford: concerned with Tybee selling public land.

Libby Bacon: encouraged council not to make a decision until their review of the Memorial Park Plan.

Wayne Harper: concerned with keeping open space in Memorial Park  
Peggy Stone: opposed to relocating Dog Park to Jaycee Park.  
Deb Barreiro: opposed to moving the Dog Park  
Mimi Ferrell: Garden Club to make Dog Park their major project this year.  
Dave Postle: spoke in favor of the Dog Park in Memorial Park.  
Sandi Postle: opposed to relocating the Dog Park to Jaycee Park  
Roxanne Fleetwood: spoke in favor of keeping the Dog Park in Memorial Park.  
Pamela Losing: spoke in opposition to the Dog Park being in Jaycee Park  
Harvey Farrell: expressed support for the Memorial Park Master Plan.  
Larry Nesbitt: expressed support for Dog's on the Beach.

**Mr. Crone motioned that the Dog Park is to be removed from Memorial Park within 30 days; after 30 days the City Manager will be directed to get it gone, Mr. Brewer seconded.** Mr. Wolff said the people that put up this park have been good and faithful stewards. He said the dog park is in a good visible location for tourist and is heavily used. He said it is irresponsible for us to be making changes to the master plan for the park or moving something at city expense that is in the right place to begin with. He said the only legitimate criticism is it needs some shade. Mr. Brown said he has had enough people contact him over the last few weeks that he believes there would be plenty of volunteers to help them move the park. Mr. Brewer said he believes this council has tried hard to find a workable solution. **The vote was Crone, Brewer, Smith, Brown and Doyle in favor and Wolff opposed.**

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Mayor Pro Tem Doyle called for a 5-minute break.

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Mayor Pro Tem Doyle opened the business meeting.

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

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Alcohol License Application: Savannah Pride - beer, wine, liquor per event; 8/2/08 @ Memorial Park: City Manager recommends approval of only a beer and wine license per the newly adopted code regarding special events and liquor **Mr. Smith moved to approve beer and wine license only per newly adopted code, Mr. Wolff seconded and the vote was unanimous.**

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Alcohol License Application: Tybee Island Veterans Committee - beer, wine, liquor per event; 5/31/08 @ Memorial Park: City Manager recommends approval of only a beer and wine license per the newly adopted code regarding special events and liquor. **Mr. Wolff moved to approve beer and wine license only per newly adopted code, Mr. Smith seconded and the vote was unanimous.**

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Alcohol License Application: Tybee Fest-beer, wine, liquor per event; 5/16/08 @ 5/17/08: City Manager recommends approval of only a beer and wine license per the newly adopted code regarding special events and liquor. Mr. Wolff asked why this license was requesting liquor when Tybee Fest president had expressed his support of the city not allowing liquor at special events. Ms. Allen said she did not process this application and was unaware it was on the agenda for tonight. Ms. Schleicher said this was time sensitive and our applications still include liquor. She said we will be changing the applications to omit liquor in the future. **Mr. Wolff moved to approve beer and wine license only per newly adopted code, Mr. Brewer seconded and the vote was unanimous.**

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**2nd Reading** (revision #2: rewording of deposits): Water/Sewer Billing Ordinance to amend Code Section 70-38 **Mr. Crone moved to approve w/Change to allow review after 12 months to determine if deposit should be adjusted to reflect actual average, Mr. Brown seconded and the vote was unanimous.** Ms. Schleicher asked if this would allow the city to take deposits now. Mr. Hughes said yes and the second sentence in sub-section C is to be deleted.

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**Byers Street/Permission for owners at Savannah Beach and Racquet Club to make application to DNR for a permit under the coastlands protection act.** Ms. Allen said they are trying to speed their paperwork up and get in line with the DNR to have their coastal marshland protection permit reviewed. She said they are applying on behalf of the city because it is city right of way. Mr. Brown asked if there was a way to speed the Byers Street crossover up. Ms. Allen said she thinks we could process the paperwork for the shore protection permit at the same time as the Savannah Beach & Racquet Club. Mr. Brown asked if the Racquet Club was going to share in the expenses for the crossover. Ms. Allen said the crossover cost will be paid by the city and any cost-sharing discussed would be for the improvement of the unopened right of way **Mr. Brown moved to approve, Mr. Smith seconded and the vote was unanimous.**

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**Mr. Wolff moved to go into Executive Session to discuss Litigation and Personnel, Mr. Brown seconded and the vote was unanimous.**

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**Mr. Wolff moved to go back into Regular Session, Mr. Brown seconded and the vote was unanimous.**

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

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**Mayor Jason Buelterman**

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**Vivian Woods, Clerk of Council**