

20080828 City Council Minutes

Mayor Buelterman called the Consent Agenda to order at 6:31pm. 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:

- Waste Water Treatment Plant-Waste Service Bid Proposal-Republic Waste Service-Budget Line item 505-4310-52-2110.
- Approve 2-day Parking Pass for Licensed Businesses that pay Tybee Hotel/Motel Tax.
- Transfer Taste of Tybee approval from 8/24/08 to 9/4/08-Event rescheduled due to inclement weather; Savannah Chamber.
- One Day Alcohol License-Friends of Tybee Theater, September 20, 2008 for Rain location at the Gym.
- Special Event Application for Friends of Tybee Theater, September 20, 2008 at Lighthouse-including free parking at North Beach Lot starting at 6:30pm; waiver of \$100 special event fee; waiver of \$250 user fee and \$250 deposit for the Gym as a backup rain location.
- Special Event Application for Sea Kayak Georgia, October 17-21, 2008, launching from Inlet, Alley 3; including selling parking passes for participants with all collected revenue being given back to the city.
- OMI Waste Water Treatment Plant Operator Contract for Professional Services-Amendment No 2-12 Months at \$64,990-Budget Line Item 505-4310-52-3850.
- City Council Minutes for August 14, 2008
- Battery Row July Deed and Letter dated 8/7/08
- Notice of Charter Amendments: Section 6.29 relating to timing of adoption of the - operating budget in relation to the end of the fiscal year; Section 6.32 relating to capital budget and the adoption prior to the end of the ensuing fiscal year; Section 4.15 regarding rules of the Municipal Court of the City.

Mayor Buelterman adjourned the Consent Agenda.

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

Invocation and Pledge of Allegiance:

Reverend Andy Lamon of the Trinity United Methodist Church gave the Invocation.

Everyone Recited the Pledge of Allegiance to the Flag.

Announcements:

Mayor Buelterman and City Council congratulated Diane Schleicher on her new Grand Daughter Ella Marie, Born August 27, 2008.

Reports of Officers, Boards, Standing Committees and or invited guests:

Sherry Evans of the Office of Downtown Development gave a presentation about the Better Hometown Program. She said the programs mission is to assist neighborhoods and small towns in the development or redevelopment of their core commercial areas. She said their core principles are: community based, self help, public/private partnership and professional, comprehensive downtown management. She said the Main Street 4-Point Approach is: Organization, Promotion, Design and Economic Restructuring. She said the keys to managing a successful downtown program are: A Public/private partnership, an active board, committees, & volunteers, stable funding and know where you are statistically.

Quarterly Reports were given by:

Joe Wilson-DPW

Chief Price-Tybee Police

Hillary Brodofsky- YMCA

Brannyn Allen- Planning and Zoning

Bonnie Kline-Finance

George Reese- Water/Sewer

Woody Hemphill-Rivers End Campground

Chief Sasser- Tybee Fire Department

Mr. Brewer commended Diane Schleicher on the accomplishments of the departments over the last ninety days.

Visitors:

Julian Toporek requested that the City pave Solomon Ave. to eliminate the dust problem. He also requested that the speed bump be taken up if it can't do the job of slowing traffic down. Ms. Schleicher said the City paid \$22,500 to remove the white rock and create a gravel road in order to cut down on the dust. She said paving this street will create more of a speeding problem. She said the speeding check done by the Police Department reflected that 5% of the cars were exceeding the speed limit. Chief Price said the test revealed that most of the cars are traveling at 14.1 MPH on Van Horn which has a posted speed limit of 20MPH and he doesn't believe there is a speeding problem.

Pam Lappin of the Friends of the Tybee Theater announced their concert featuring Charlie Sherrill on September 20, 2008 on the Lighthouse Grounds. She gave an update on progress made to the Theater and said they are working on interior planning to get the building open and the facade using grant money from the state.

Henry Levy said Van Horn is a semi arterial street and good urban planning would dictate that the sharp curves be taken out or corrected and the speed limit increased. He said the speed bump hurts his foot and back and is a bad irritant and he requested it be taken out.

Business Legally Presented:

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

Council discussed the speeding concerns on Van Horn. Ms. Doyle asked if the meter should have been placed in another location as Mr. Toporek suggested. Ms. Schleicher said they placed the meter in front of Mr. Toporek's house and in front of the park. Mayor Buelterman said Ms. Schleicher will talk with Chief Price and Chief Sasser about city personnel's use of Solomon Ave. Mr. Brown asked that the Police Department meet Mr. Toporek on Van Horn and allow him to pin point a location for the meter to record speeds. Ms. Doyle requested Ms. Schleicher look into the dust concerns on Solomon to determine if there is an ongoing problem. She requested that everyone on the street be polled before removing or installing a speed bump. Mr. Brewer asked that information be gathered from the traffic report to establish validity to Mr. Levy's suggestion to classify the Steet for future planning needs.

Adoption of New Tiered Water and Sewer Rates was tabled until the 2nd meeting in September.

Mr. Wolff said he priced two different carts to be used for recycling and he is giving the information with his recommendations to Ms. Schleicher. He suggested the City buy the 65 gallon recycling carts. He said we can have the carts computer chipped for \$1.50 per cart. He said he spoke with the Pratt representative at length and asked if they would be willing to buy the carts for us and let us pay for them out of the recyclables if we agreed to sign up with their contract and piggyback on Savannah's Recycling Station. He said they seemed open to his suggestion. Mr. Wolff suggested that if Tybee can get a 50% participation in the recycling program we will likely break even. He said ultimately they want people to see that they will pay less if they recycle more. He suggested the city negotiate the contract with Pratt for delivering the recyclables and they pay both the City and Waste Pro an incentive to increase participation and Waste Pro would receive a percentage of what we get for recyclables. He said the city would have a definite incentive to increase that participation in the program as would waste pro because they will have to pick up and haul more. Ms. Schleicher said she wants council's permission to work with Waste Pro and come back with a proposal for council's consideration. Mr. Crone suggested that Mr. Wolff deal with staff instead of bringing this information to a council meeting without anyone having knowledge of what he has been working on. Mr. Wolff said he has been talking

to Ms. Schleicher through the whole process. He said he has been a little busy but definitely wants Ms. Doyle involved in this process and it has not been his intention to exclude anyone. Mr. Brown asked if this contract will cost the citizens more than the amount they are now paying. Ms. Schleicher said they will make the contract cost the citizens less than they are paying now. Ms. Doyle said she understood the whole purpose is to save people money and encourage them to recycle. Mr. Wolff said hopefully the residents and businesses will see a direct cost benefit ratio that the more they recycle the less they will pay. Mr. Smith moved to allow staff to negotiate with Waste Pro and bring the contract back for the September 25th meeting. Mr. Wolff seconded. The vote was unanimous.

2nd Reading of Text Amendment to Article 11 reducing the size of the Planning Commission from nine to seven members to be accomplished as terms expire. Mr. Crone moved to approve. Ms. Doyle seconded. The vote was Crone, Doyle, Brewer and Smith in favor and Brown and Wolff opposed.

Mr. Brown said he has been approached by a lot of businesses requesting that the 4th of July Fireworks be moved back to July 3rd. Mr. Brown moved to approve moving the fireworks back to the 3rd of July. Mr. Smith seconded. The vote was unanimous.

Resolution requesting DOT prohibit long term parking of unattended vehicles in the fire lane of Hwy 80. Ms. Doyle said the business across the street from the nursery parks their work trucks on Hwy 80 because they have no other location to park their vehicles. Mr. Hughes said this is a complicated issue. Mr. Brewer said initially the concern was for parked vehicles blocking the view for autos entering Hwy 80. He asked why the working people couldn't park their vehicles on their property. Ms. Doyle said these people have their personal vehicles on their property but these are their work vehicles that they drive back and forth to work. Mr. Brewer said he felt the overall issue was safety and it shouldn't be compromised for a few people that can't park their work trucks on their property. Mr. Brown asked what long term is. Mr. Hughes suggested they send it to DOT and see what their recommendation is because they may have dealt with this issue before. Mr. Brown moved to approve. Mr. Brewer seconded. The vote was unanimous.

Mr. Hughes said Mr. McCall with DOT said he would look at the crossovers on Highway 80 when he visits the island to determine which intersections would be the best to allow crossing over with Golf Carts. He said they would only be allowed at the intersections with lights. He said initially the carts were considered in order to be used by the businesses that have garbage issues at the South end and City Personnel in order to save fuel in designated departments. Mr. Brewer asked for clarification of the term Golf Cart. Mr. Hughes said you have other vehicles defined as low speed vehicles but a Golf Cart is not defined as a low speed vehicle. He said a motor vehicle has to be completely street legal and we don't regulate them at all and they can go everywhere cars can go as long as the street has maximum speeds and the vehicle meets those specifications. He said Motorized Carts are go carts all the way to golf carts and they have maximum speed caps and other requirements. He said this ordinance with a lot of input from the Police Department requires a lot of equipment that golf carts usually don't come with as standard such as seat belts. He said this also requires that insurance be obtained. He said Motorized Carts don't fit the definition of motor vehicles for purposes of having tags and registration like a low

speed vehicle does. He said there is no insurance requirement unless we impose it locally which is in the ordinance as suggested by the Police Department. He said the Police Department also recommended they only be allowed to operate during daylight hours. He said they also require a licensed driver just like an automobile would. Mr. Brewer said if a primary reason for this ordinance is to help the businesses at the South End haul their trash off, the daylight hours restriction would not work for them. He said he wants to make sure they are solving the issue. Ms. Doyle said the ordinance requires the carts have headlights and taillights so why couldn't they be used at night. Mr. Hughes said Chief Price did not want people riding around the island in carts at night. He said council could keep it where they weren't allowed at night except in the commercial zone of the South Beach overlay district. Mayor Buelterman asked for the Police Department to review this ordinance giving priority to safety issues at night while considering the garbage concerns. Mr. Brewer asked if motorized carts in the parking lots would require decals and paid parking because they have the potential to decrease revenue. Ms. Schleicher said they would have to pay to park. Mr. Brown said he is concerned this could lead to additional parking issues. Mayor Buelterman said this ordinance can come back at the next scheduled meeting after further review by the Police Department.

1st Reading Text Amendment to Section 6-12 Alcoholic Beverages at Special Events-To allow on Private Property. Mr. Crone moved to approve. Mr. Wolff seconded. Mr. Brown expressed concern that this ordinance will allow an event to be moved from private property to public property and allow them to pour liquor. Mr. Hughes said it would have to be approved as a backup location in advance. He said the reason for the liquor prohibition was the commercial district competition angle. He said they would not be allowed to move it from a private location to the North Beach parking lot for instance. Mayor Buelterman said most groups will want the Gym as the backup location and it doesn't involve competition issues. The vote was Crone, Wolff, Brewer, Doyle and Smith in favor and Brown opposed.

1st Reading Text Amendment to Chapter 54, Article III-To allow on Private Property. Mr. Smith moved to approve. Ms. Doyle seconded. The vote was Smith, Doyle, Brewer, Crone and Wolff in favor and Brown opposed.

Consideration of policies for disposal of cremated remains in the cemetery. Mr. Hughes said he placed this item on the agenda to get guidance from council as to what sort of items they want to permit. He said once a body is cremated it is up to the individual as to how the ashes will be disposed of. He said he doesn't see a problem with a policy that allows ashes to be distributed within the cemetery. He said where we run into issues is if they want to bury an urn with the ashes in it in the cemetery or if they want to have a plaque commemorating the fact that the ashes were distributed in the cemetery. He said that runs into the record keeping requirements as well as where the plaques will go or how many urns can you put in. Mr. Crone moved to approve scattering of ashes only; digging and urns prohibited; Memorial wall with name plates to be considered later. Mr. Smith seconded. The vote was unanimous.

Land Trust Issue at Lighthouse Point and Captains Row. No action needed.

Mayor Pro Tem Doyle moved to cancel the Regular Scheduled Council meeting on September 11, 2008 and conduct the Public Hearings during the second monthly council meeting on September 25, 2008. Mr. Brown seconded. Mr. Hughes said we will have to re-advertise the public hearings and give notice to the applicants. The vote was unanimous.

Mr. Wolff moved to conduct an Executive Session to discuss Litigation, Property Acquisition and Personnel. Ms. Doyle seconded. The vote was unanimous.

Mr. Smith moved to end Executive Session and Adjourn. Ms. Doyle seconded. The vote was unanimous.

Mayor Jason Buelterman

Vivian Woods, Clerk of Council