

20090611 City Council Minutes

Consent Agenda

Mayor Buelterman called the Consent Agenda to order at 6:30pm on Thursday, June 11, 2009. Council Members present were Mayor pro tem Doyle, Charlie Brewer, Barry Brown, Dick Smith and Paul Wolff. Councilman Eddie Crone was absent due to illness. Also attending were Attorney Dana Braun and City Manager Diane Schleicher. City Attorney Bubba Hughes was out of town.

Mayor Buelterman listed the following items on the Consent Agenda:

- City Council Minutes for 05/28/09
- Amendment to Special Event Permit for Piano Pictures, Inc. (The Last Song) Bon Fire on the Beach with a Control Burn for Filming Purposes under the Pier, June 19,22,23 and 31, 2009
- Mayor's Correspondence to GA Department of Transportation on Hwy 80 widening issue.

A Motion by Councilman Wolff to go into Executive Session and discuss personnel and Real Estate was seconded by Councilman Smith. The vote was unanimous.

A Motion by Councilman Wolff to end Executive Session was seconded by Councilman Smith. The vote was unanimous.

Mayor Buelterman adjourned the Consent Agenda.

Mayor Buelterman called the regular City Council meeting to order at 7:00pm. Those present at the Consent Agenda were also in attendance for the regular meeting. Father Thomas Peyton gave the invocation and everyone recited the Pledge of Allegiance to the Flag.

Mayor's Announcements

Mayor Buelterman asked everyone to keep Councilman Crone in their prayers.

Mayor Buelterman asked Clerk of Council Vivian Woods to read a letter from 8 year old Baxter Palmer written to Mayor Buelterman requesting him to consider a skate park on Tybee.

Citizens to be heard.

Bill Cannon of Tybee Beautification announced the Tybee Prom on Saturday, July 18th at the American Legion at 7:00pm.

Perb Fortner announced the formation of the Tybee Island Business Alliance. He said their goals are to provide a source for council on proposed ordinances that may impact businesses or other opportunities that arise and provide a source for the City Manager. They will help Tybee Island be more business friendly and create more communication within the business community. They will improve communication between the City and businesses and develop awareness in the business community.

Carolyn Smith spoke in support of the budget adjustment for the old school building. She asked council to take the necessary steps to create more space and make this building more energy efficient.

Bonnie Nesbitt, President of the Y Board spoke in support of the budget adjustment to the old school building. She asked city council to approve the budget to renovate and weatherize the YMCA building and the old school. She asked for reconsideration of the request to replace the windows and upgrade the a/c units.

Consideration of Consent Agenda:

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

Public Hearings:

1. Site Plan Approval (Section 5-080)/ ice vending machine Petitioner: Keith Gay
Address: Lot 36 Hwy 80. PIN 4-0003-02-019 Zone C-2

Mr. Gay requested Council approve with the same conditions as the Planning Commission recommended. Councilman Wolff asked if Mr. Gay agreed to put a vegetative buffer between them and the neighbor behind the property. Mr. Gay said he agreed to put in an 8 foot Cedar Fence and greenery. Wolff asked if the condensation went into the holding tank. Mr. Gay said yes it does. Wolff recommended they use the condensate to operate the sink or irrigate. Wolff recommended they landscape in front of the property also. Mr. Gay said they plan to landscape the whole site to make it look like a permanent project. Mr. Gay said they had to do an entire survey for the DNR which slowed the process up dramatically. He said they had to have drainage approved which required gravel which is currently there. Councilman Brewer asked about their plans for lighting. Mr. Gay said the bulk of the lighting is housed under the awning. He said they would comply with the light friendly requirements of the city.

Ms. Otto said this requires an EPD permit for the W/S extension. She asked if there was a consideration for a trash receptacle for the plastic bags. Mr. Gay said there will be a standard roll off on site.

A Motion by Councilman Smith to approve with conditions recommended by the Planning Commission was seconded by Councilman Brewer. The vote was unanimous.

2. Zoning Variance (Sec 5-090) from Sec 3-020. Petitioner Richard Schley, III
Address: 1310 Venetian Dr. PIN 4-0011-03-017 Zone R-2. Continuance of Nonconforming Uses/Structures/ addition of single family dwelling to existing garage and carport.

Mr. Anthony Sapone represented Mr. Schley. Councilman Wolff asked Mr. Sapone if they had the intention of redoing the eaves on the carport. Mr. Sapone said yes that is a part of the project even though the new structure will be separate. He said Mr. Schley plans to put gravel around the carport area to help with drainage. Councilman Wolff asked Dana Braun if they could legally consider doing any construction on a building straddling two lot lines. Mr. Braun said no it would have to be recombined or subdivided. Mr. Sapone said Whitley Reynolds recommended moving the set back line back 10 feet in order to allow 4500 square feet on the rear lot. Councilman Wolff said he

doesn't think they can do it with a straight line. He recommended that if they do a subdivision, they make sure to include the 10 foot setback lines and a 4500 square foot lot allowance. Councilman Brewer asked if it was a carport and said our ordinances allow carports to be within the 10 foot setback. Ms. Otto confirmed that statement and added as long as the carport is open on three sides.

A Motion by Councilman Brown to approve was seconded by Mayor pro tem Doyle. Councilman Wolff asked for an amendment for the motion to approve be contingent on subdividing or recombining the lots. Councilman Brown and Mayor pro tem Doyle agreed to the amendment. The vote was unanimous.

3. Zoning Variance (Section 5-090) from Section 3-090 Petitioner Wyman Sharpe
Address: 200 block of Fifth Ave PIN 4-0004-13-013 Zone R-2
Schedule of Development Regulations: Section 5-130(J) (1), Major Subdivision Plat Procedure-
Revisions to Recorded Plat-Major revisions

Ms. Otto said that Council will only be considering the variance and not the Major Subdivision. She said the request is for Lot# 6 in the subdivision. He is requesting a 10 foot setback instead of the required 20 foot. Mark Boswell represented Wyman Sharpe and presented the petition. He said there were originally ten lots in the subdivision and it has been recombined and subdivided where they will only have six lots. He said the total size of the subdivision is the same with the density actually going down from what was originally platted in 2004. He said they addressed concerns of the Fire Chief and added a fire hydrant, increasing the fire safety of that subdivision. He said the owner is willing to give an additional five foot easement for the water and sewer on lots 3, 4, and 5.

A Motion by Mayor pro tem Doyle to approve was seconded by Councilman Smith. Councilman Wolff stated 75% of this lot is tidal marsh and when you put the 25 foot buffer on top of that, this lot isn't buildable. Councilman Brown stated there is enough land on this plan to build a house on and whether or not it is marsh is not indicated on this plan. The vote was Doyle, Smith, Brewer and Brown in favor and Wolff opposed.

4. Site Plan Approval (Sec 5-080)/mobile kitchen. Petitioner Gerald Schantz
Address: 1115 Hwy 80 PIN 4-0026-03-021 Zone C-2

Councilman Brown recused himself because he is a neighbor.

Ms. Otto said this plan is for a mobile structure that may be on site at times and not be there at other times. She said the site has no restrooms, no tables or chairs and is takeout food only. No water/sewer connection. She said the planning commission recommended approval with the following conditions: A revised site plan showing the location of a trash receptacle and elimination of the water and sewer receptacles shown on the plan, correction to the paving at the site. She asked Mr. Schantz if his referral at the PC meeting to his other unit meant an additional unit or a substitute for the proposed unit.

Mr. Schantz said he did not understand the question and has only one mobile food unit licensed by the health department. Ms. Otto asked if a barbecue cooker is coming to the site. Mr. Schantz said it may or it may not but it would be like a grill that anyone else has in their back yard. Ms. Otto said it is not shown on the site plan. Mr. Schantz said it would be no different than someone having a grill in their back yard and he may park it there or on another lot.

Mayor pro tem Doyle said there are a lot of structures on the island that do not have bathrooms. She asked if Mr. Schantz would consider a port o let. Mr. Schantz said he was told he couldn't have a port o let. Doyle asked Ms. Otto if that was true. Ms. Otto asked Downer Davis to answer the question. Mr. Davis said he reviewed the plans for this project and the plans have changed quite a bit. He said he doesn't remember port o let's being discussed since an initial meeting with Mr. Schantz and Harold Yellin with the City. He said he knows the decision was dropped but it was not his decision to drop it. He said at that time Mr. Schantz had not submitted a set of plans and it was conceptual. He said Mr. Schantz gave a sketch at the initial meeting but later submitted architectural plans that included seated dining. He said the port o lets were never reviewed by the city but they were discussed early on. He said he is not opposed to port o lets but has not reviewed a set of plans with them on it. He said since this facility is intended to be an ongoing operation and not a temporary facility. He doesn't know how the code reads for a permanent business to operate with temporary restrooms. He doesn't know if it's allowed or if it's not. He said it would surprise him if an ongoing year round restaurant, expected to renew his license year after year could use port o lets. Mayor pro tem Doyle said when they inquired about port o lets at the North end of the island, it was her impression it was up to the owner of the property. Mr. Davis said his understanding of the international building code, temporary structures stay for six months and that's what it reads. He said this project was not reviewed as a temporary structure because Mr. Schantz plans on being there over six months. He said one of the heartaches has been in Dianne, Ray and himself looking at the FEMA and flood damage prevention ordinance it refers to RV's but does not talk about mobile commercial facilities. He said it has been quite difficult to get through this process.

Councilman Wolff asked how he could maintain a health department permit without water. Mr. Davis answered because the health department has given them a letter stating this is a standalone unit. He said his chuck wagon machine is not like those portable hot dog machines or mobile snow cone machines but is a full self contained kitchen. He said if he connects to our water and sewer then he would have to put in grease traps.

Councilman Brewer asked why a bathroom would be required for a stand up barbecue place when they just approved an ice machine without even asking about a bathroom for the site. Ms. Otto said the vending machine does not have employees. Mr. Schantz said a friend has rented a house that is literally across the street and 100 feet to the West and he has discussed use of the bathroom by his employees. Mayor Buelterman said it is hard to cross that street. Mr. Schantz said it is easier to cross the street than to get in the car and drive to the public facility. Ms. Otto asked for Mr. Braun's opinion on whether or not the additional unit would require another site plan. Mr. Braun said if Mr. Schantz is going to use another unit then he needs to show it on the site plan. Mr. Schantz said if he is not allowed a grill, he will not have a grill.

Councilman Smith said he and Mr. Davis had discussed the yellow line painted in front of Mr. Schantz's property and asked Ms. Schleicher and she responded that she thought the bank wanted it

there and it probably had to do with safety for the bank. He said it will be removed. Councilman Smith read portions of the letter from the Health Department confirming full compliance with health regulations. He also asked Mr. Schantz why he had submitted so many plans. Councilman Brewer called a point of order and asked if the 500 foot recusal rule still applied because his business is located within 500 feet of Mr. Schantz property. Councilman Smith said that rule was in the old Ethics ordinance and is not in the new Ethics ordinance. Mayor pro tem Doyle agreed.

Mr. Schantz answered Councilman Smith's question and said he felt he was given incorrect information and at great expense had his engineers draw plans up according to that incorrect information and one of those was that the mobile food unit had to have another building to attach to. He said in November when he went in and asked Ms. Allen if he could put his mobile food unit there she said not only no but no way it is not allowed. He said in March Mr. Yellin had a meeting with the City Manager and the City Attorney and they told him he needed to reapply. He said in February all of the codes changed and required him to change the parking on his plan. He said the bricks alone are over \$3,000. He said the only thing he would have had to do in November was put in a handicap sidewalk to get it approved.

Mr. Schantz said zoning officials told him his mobile unit needed to be five feet off of the ground and movable in ninety minutes. He said that's what he drew plans for. He said the overwhelming question is why if its five feet off of the ground does it have to be mobile and if it's mobile why does it have to be five feet off of the ground. He asked that question and said he was told "that's the rules". He said he submitted plans showing a ramp to the built bathrooms and was told these plans would not be accepted because there is no ramp to the mobile food unit. He said he went online and looked up the ADA rules and found he was exempt because his business does not meet the requirement because of the number of employees and so he went back and submitted another set of plans. He said the plans show a standalone mobile unit with the water and sewer connections shown because they exist. He said the engineer said the notes would state that the unit would be self contained and he would not hook up to water and sewer. He said he would like to have the water turned on in order to water his shrubs. He said he would apply for a water meter in order to water existing shrubs and he plans to plant additional shrubs. He said that is why there have been so many sets of plans submitted because he was following what he was told and he spent a lot of money on that first set of plans and they went right into the circular file because it turned out they weren't needed.

Mayor Buelterman said an organization like the one Perb Fortner announced would help out a lot in this kind of situation.

Mr. Schantz said every other department says what can I do to help you but this department just says these are the rules and a lot of the time the stated rules are not the rules. He said it is very difficult for a person doing a project that doesn't do this for a living, to keep up with all the rules, so they depend on the professionals. He said when the professionals don't help you what are you supposed to do. He asked why he was told by the zoning department that he needed to do two things, neither of which is on the plan submitted to council. He said it's because the rules weren't the rules.

Ms. Otto said also on that first plan there was a pavilion restaurant type, dine in to LEED standard building with cisterns and obviously the city did not instruct Mr. Schantz to design that way. She

said his design team did. Mr. Schantz responded that he designed that plan due to Ms. Otto telling him he needed a building. He said he stands before council tonight without a building because he doesn't need a building for this mobile food unit.

Councilman Wolff asked for confirmation of the following statements: This is a take out facility only? Mr. Schantz answered true. You do have a valid health department certificate? Mr. Schantz answered true. You will have a trash receptacle on site and it will be buffered? Mr. Schantz said he will have the roll out carts plus trash receptacles by the windows. Councilman Wolff said if Mr. Schantz is selling anything in plastic or aluminum he would appreciate recycling containers on site. Mr. Schantz said he would be glad to. He asked Mr. Schantz if he voluntarily agreed not to have an onsite cooker. Mr. Schantz said outside of the mobile unit would be correct. Councilman Smith asked to make sure they were not preventing Mr. Schantz from coming back to apply for an outside cooker.

Mayor pro tem Doyle said the elimination of the water and sewer connection is not an issue right? Ms. Otto said she heard Mr. Schantz request water service and she would like clarity because if he is connecting to water, he will be required to connect to sewer and if he connects to sewer he will be required to have restrooms on site. Mr. Schantz asked if he could have a hose bib to water his shrubs. Mr. Schantz withdrew his request due to his council's recommendation that he say no because it was not a part of this plan.

Councilman Brewer said he was bothered by the restroom issue and the fact that during the summer there is a lot of traffic there and it's dangerous. He asked if the law doesn't require that employees have an onsite bathroom facility to use. Mayor Buelteman said Doyle's Nursery doesn't have restrooms and neither does the oaks. He said there are a lot of places that don't have restrooms. Doyle added that they all have employees.

Councilman Brewer said he thinks they should grant Mr. Schantz the right to have a port o let if he is going to have employees working in the building and he feels the same way about Doyle's Nursery. Mayor pro tem Doyle said the owner will not allow it. Brewer said having a business where the employees have to cross Hwy 80 to go to the bathroom is unrealistic and does not compute with him.

Ms. Otto said there will need to be a revised plan submitted by Mr. Schantz's engineer removing the notes related to connection to water and sewer. Mr. Schantz's Attorney Sherwin Robin said he disagrees that Mr. Schantz needs to submit another plan because the plan presented to council tonight states that they are not connected, he has stated he is not going to use them and he doesn't have a water meter. He said Mr. Schantz cannot take another continuance of his business yet again and he doesn't understand why we are trying so hard not to facilitate Mr. Schantz opening of his business. He asked Ms. Otto what the purpose of her request is because besides being Mr. Schantz attorney he lives on Tybee as well. Mr. Davis said he has a note from Ward Edwards signed by Wiley Powell saying the purposed water and sewer services have been removed and a note stating the mobile kitchen will not be connected has been added. He said he looked for that note and could not find it. Mr. Braun said the site plan will be recorded so the site plan needs to contain the proper conditions on which it is existing, which is that it is not going to hook up to water and sewer. He said council can make it a condition for getting his license issued but he will not have to come back to council again.

Mayor Buelterman asked Vivian Woods to read a letter received today from property owners at 1108 Laurel Ave. opposing the petition.

Julie Willet of 1111 Laurel Ave. spoke in opposition to the petition.

Perb Fortner said he is saddened by the fact that Mr. Shantz has had to go through this since November and we've had an eatery like that on the island already. He said maybe the Tybee Business Owners Alliance will help in the future. He said we need to figure out how to tell him this is what you need and this is what you have to go do. He said lets be able to help these people when they come to us. He said he can sense City employees are really frustrated and Mr. Schantz is not happy either but we ought to be able to figure out how to make it work if it's workable as opposed to going through what he has just gone through.

Mayor pro tem Doyle asked what Mr. Schantz's hours would be. Mr. Schantz said he has learned that customers dictate what you do. He said on 4th of July he may be serving iced tea and lemonade until the roads are clear. He said most nights he will want to get home at a reasonable hour.

Councilman Wolff asked Mr. Schantz to discourage loitering in the parking lot in order to be a good neighbor. Mr. Schantz said his property is zoned C-2 and he doesn't know why he should be punished for buying property that is zoned C-2 and he pays taxes on property that is zoned Commercial.

Councilman Smith said he sees twelve parking spaces on the plan and serving twelve people out of the window, Mr. Schantz is going to be busy. He said it looks like he has adequate parking and complies with the site plan and everything council has asked him to comply with.

Councilman Brewer said at twelve o'clock at night you have two people serving food and they have to go to the bathroom and they can't cross that street. He said there is a fallacy in this concept that this is going to be an acceptable process. He said they will go out back behind the trailer and they will find a dark spot and urinate by the fence and the people behind there will be in here raising cane with us. He said if Mr. Schantz said he is putting a bathroom in here, he would be supporting him 100%. Mr. Schantz said he was told he can't put a port o let there. Brewer said like Mr. Fortner said we need to address this as a city and come up with a way to make this either work or turn it down.

Councilman Brewer asked how Mr. Schantz was going to light that property without creating an intrusion on the neighbors. Mr. Schantz said he planned to put pin point lighting to accent the large oak tree and some lighting around the unit. He said there was an electric pole on the property left after the bank moved that had a street light on it and he plans to ask the electric company what is involved in putting a street light back on the hwy 80 side of the property.

Greg Willet of 1111 Laurel Ave. spoke in opposition to the petition. He asked about the food having to be reheated. Mr. Schantz said the barbecue will be cooked in Savannah.

Councilman Smith explained that Mr. Schantz has a restaurant in town where he will complete most of his cooking.

Edwin Longwater spoke in favor of the petition.

A Motion by Councilman Brewer to approve on condition of a Port o let being located on site failed for lack of a second.

A Motion by Councilman Smith to approve with all the conditions recommended by Planning Commission and that the hook up to water and sewer be deleted from the plans prior to the business license being granted was seconded by Mayor pro tem Doyle.

Mayor pro tem Doyle said on Tybee Island everyone knows this is a small place and a small island where we have commercial and residential. She said unfortunately sometimes we are side by side and it's very close out here. We do have rules and regulations in place about noise and loitering, etc. She said if issues come up the police should be called but they have to look at everything and she believes Mr. Schantz has a right to have a business on his property that he pays taxes on.

Councilman Brewer said he likes Mr. Schantz's food and he likes the idea of a barbecue restaurant being within 500 feet of his wife's business because he likes barbecue. He said they have the Huc a Poo's noise issue and the event center down on the South End and he hopes Mr. Schantz doesn't have to come back before them because of people complaining. He said while he supports him because he does own the property he does not support him because he believes there is going to be an issue because of the bathrooms.

The vote was Smith, Doyle, Wolff voting in favor and Brewer opposed.

5. 2009-2010 Budget Proposal

Bonnie Kline said they are on the third draft and basically the changes are just clean up items but she wanted to point out that the budget was worked out with department heads input and everything in it is important to someone. She said this budget draft comes up 1.2 Million dollars short. She said to be fair a little more than .5 Million is propping up the campground and the solid waste fund. She said she wanted to point out items that could be done at a different period. She said they have cut back on some of the revenue projections. She said while she doesn't believe taxes will be down she does believe there will be a collection issue because of the economy. She said parking revenue has dropped a little bit. She said Hotel Motel will stay the same or increase slightly due to the ordinance change. She said part of the other revenues is a onetime return of money by the Corps of Engineers. She said it looks skewed because of that but she could have taken it out and it would look pretty even. She said Public Safety is where we spend the brunt of our money and DPW keeping the island clean. She said some of the big items in the budget and some of the items that need to be considered are; Beach Renourishment and the one cent from the Hotel/Motel tax which is basically a third of what we get from it. Also the \$180,000 set aside from the cell tower revenues for green space. She said \$420,000 for paving, originally was in the SPLOST budget. She said she believes we can borrow from the general fund and get reimbursed by SPLOST as long as they make it clear that is what the intent is. She said \$200,000 for sidewalks. Mayor Buelterman asked if that included the \$160,000 we are getting from the state. Ms. Kline answered yes. She said on drainage projects they always try to put money in for crossovers to repair as they go along. She said Solomon Rd. may or may not happen because it was in the budget last year and never got done. Mayor pro tem Doyle asked if that \$400,000 was the reason the community development budget was so high. Ms. Kline said that was the bulk of it. She said the lifeguards don't have huge budget to start with but it is going to be a big increase because we plan to start them earlier, also covering some spring break weekends. The Fire Chief wants a bay to put the rescue boat under. The signs

that would flash at pedestrian crossings and three crosswalks at \$10,000 each. She said there is \$100,000 in grant matching funds and the non profits and museums we've cut 10% down to \$101,850. Portable Restroom Trailer will be \$39,890 and Beach Mobi Mats will be \$15,000. She said there is no additional staffing requested other than converting the two part time positions, one in the Clerk's office and one in DPW to full time. No merit or cost of living adjustments are included and Health Insurance Cost remains unchanged. She said the LOST funds that are collected by the county but dispersed by the state for May this year was \$118,000 versus \$95,000 in May of 2008. She said parking is down slightly but the trend is the same. Councilman Wolff commented it might be because of the rain. Parking fines are at \$120,000 for the first five months of this year compared to \$100,000 last year. Mayor Buelterman asked about the \$800,000 cut they made earlier this year and if Ms. Kline knew what percentage of that money would still be left over to go back into the fund balance for next year's budget. Ms. Kline said there will be revenues left over because she doesn't think they were down that much and we have really stuck to cutting spending. Mayor Buelterman said essentially we need to find 1.2 Million dollars to keep from taking money out of the reserve. Ms. Kline said yes. Mayor Buelterman said he will continue to advocate them doing the roads because of the low bids and refund that with SPLOST money as long as we have it in the capital improvement plan.

Mayor Buelterman said he is fine with Beach Renourishment going down to \$125,000 because that is where they used to have. Taking the Green space money and putting it in the General Fund. Taking Solomon Ave. out ads up to \$655,000 and gets us close.

Mayor pro tem Doyle asked about the water/sewer charges and why if the fiscal year 2009 amended budget was \$1,080,000 and we are only proposing \$800,000 in 2010 and why is that when we went up on w/s rates? She said the sewer is less also. Ms. Kline said she went back and looked at what is actually happening and the new figures are closer than in the 2009 budget. Councilman Brewer said based on what was introduced tonight as the Tybee Island Business Association he would like to propose they take the \$78,000 Better Hometown Program out of the budget this year and eliminate that position from our government.

Mayor Buelterman recommended council get input from the business community. Brewer said they established the Better Hometown Program to be a link to the businesses but he believes the businesses are stepping up to the plate and now they are going to be their own entity with its own leadership and he doesn't think there will be a need in city government to have a better hometown coordinator. He said it is certainly not an issue about the person but instead is an issue of the function and the budget. Councilman Wolff said the Better Hometown Coordinator does a lot more than liaise with the businesses and she is very early in the process of establishing some long range plans for other areas of the island that include interaction at the state, county and regional level. She has been in that job 6 or 8 months, roughly from the beginning of the year and it's very early and there are grant funds available for that position. Becoming a better hometown qualifies us for more grant money. He said eliminating that position would be extremely short sighted based on someone coming in tonight and stating they were going to create their own organization. He said she has been a catalyst for getting them together enough to do that and they are not going to be mutually exclusive organizations.

Mayor pro tem Doyle asked for discussion on the Fire Station Bay for \$65,000. She said she has concerns with spending \$65,000 on a fire station bay.

Councilman Brown said they have new equipment, new mules, new jet skis, new boat and the little area to the side is not holding all of it. He said the new boat and new fire truck are sitting outside.

Councilman Wolff suggested they look for a temporary alternate storage location such as the ceramic building for some of the smaller items. He said we could convert that and put some garage doors on it. Mayor Buelterman asked why they can't put that in the capital improvement plan and put on the record that we will reimburse SPLOST from the general fund.

Councilman Brewer asked that they reduce their expenses by \$600,000 by closing the campground and just continuing paying the debt service. He said he wants the discussion to address the cash flow of these entities and the drain it is putting on the general fund.

Councilman Wolff addressed the campground comment and based on the last draft of the budget that we got, we pulled \$314,000 out of the general fund to subsidize the campground. He said they are paying off a piece of property and it's a 20 year investment that they are 3 years into. He said closing the campground would be the worst thing they could do because it would eliminate 1 Million dollars in revenue in cash flow that is helping pay off that debt service. He said if they shut it down they will be paying \$500,000 versus \$300,000 they are paying now.

Councilman Brewer said there are other alternatives such as closing it during the off season.

Councilman Smith said he thinks they should be more realistic in their proposals of revenues for the campground. He said they have proposed revenues this year of \$1,036,000 and what they actually did in the last twelve months was \$743,000. He said we need to realize we are going to have to continue to feed this thing and we will have to feed it more than \$314,000 because it's going to be more like \$670,000 which is what we had to feed it in the last twelve months. He said and if we have to raise taxes to pay for it then we knew that when we bought it. Mayor Buelterman said he agreed except for the last part and he wouldn't support that. He said we have to look at spending because the bottom line has gone up and it's not quite as rosy as we'd like it to be.

Councilman Brown asked how many people it took to run a campground. He said the Simmons ran it with about three people. He said he thinks there are seven over there now. He said the salaries are a third of what they actually gross. He said they do need to look at the spending over there and think about cutting some of it.

Mayor pro tem Doyle said you might consider there are more things coming in like more business, more activities being done, more marketing. Just about everything that wasn't being done when it was owned by a private individual.

Councilman Wolff said the staff that Mr. Hemphill has developed has given some of the best customer service measurable in our market. He said even when someone is not thrilled with the site they are still thrilled with the service.

Councilman Brown asked for the exact profit and loss for the campground including the debt service, interest and payment. He said for 11 months into this year. He said what concerns him is with all the road construction that's needed we are sinking another \$200,000 or \$400,000 into the campground every year. He said that money could be used for putting in infrastructure and more roads. Councilman Brewer agreed.

Councilman Wolff said in Seventeen Years when the campground is paid for we will have over a million dollars in profit.

Councilman Brown said you'd better add another twenty years to it because you will have to pay the taxpayers back the money that you supplemented it to date so when you get to that 20 years you'd better add another twenty years to pay that 8 million back.

Mayor Buelterman said he wanted to make sure it was clear that they are not sending that message and he supports and believes a majority supports not closing the campground. He said it becomes a self fulfilling prophecy and does fail because no one comes because they are worried it might be closed and they will book somewhere else.

Councilman Brown said he is not suggesting they close the campground but he is suggesting they tighten the budget up on it. He said when the website is gone and there are no e-mails then it is dead.

Councilman Brewer asked who could give them all the analysis options such as: leave it open and suffer and just keep going or lets trim out all the off season costs and treat it as a business just as real businesses do. They may decide there are certain days they don't need to open because there is nobody coming. He said its time they started having a realistic discussion about the campground using realistic numbers. He said another piece of data should be how many rentals we did and how much did the citizens of Tybee subsidize that person being in that campsite.

Councilman Smith said he has looked at the amount of money they spend on travel and related and if they take out their travel and related which is \$2,000 a person and they take out most of the Mayor's travel and related, leaving him only \$1,500. He said travel and related would be \$12,000 and give the Mayor \$900 for training just as he spent last year and take out our training we would save \$63,000 altogether. And if they take out uniforms because he hasn't seen the first one of them with uniforms that's another \$350. He said that would save over \$63,000 of the budget. He said if we want to take a course or go to Mayor's Day or Savannah Chatham Day then we can pay for it. Mayor Buelterman said that is a worthwhile suggestion and he is fine with significantly cutting but he feels it would be a disservice to the residents of Tybee to not allow the city council to get educated and receive training and receive certifications.

Councilman Smith said if you want education you pay for it. If you want to travel you pay for it. He said the easiest thing in the world to do is spend other people's money, especially tax payers' money.

Councilman Brewer disagreed and said he thinks one of the best things that can happen for a council is to be encouraged to learn a lot more about government. He said they are on a two year cycle and they come in and don't know everything and they need to learn some stuff. He said one of the first things you do is attend newly elected officials training and you learn what you can do legally, ethically and morally and how to behave and act on council. He said it's important that they invest in council just like they do the employees. He said not everyone that's elected will have a lot of money and they will need to be given the money to go.

Mayor Buelterman said hypothetically if one or two new people are elected then they will be required to go to newly elected officials training.

Councilman Smith asked if anyone up there or on previous councils has been a better councilman than Eddie Crone. He said common sense has a lot more to do with it than what we learn.

Councilman Wolff said he has been doing this going on six years now and it's not just the classes we take, it's the people we meet and the way we interact. He would be willing to bet the \$2,000 or \$3,000 he has spent yearly on going to workshops and conferences and interacting with people

from the county and state and federal government as well as regional commissions that he has brought back to this island several million dollars worth of grants, free consultations and professional services. It's not just the classes. He said he lives on about \$10,000 a year and can't afford to go to these things himself but he is definitely a better council member because he has. He said he found out yesterday that because Peggy is leaving and is not going to a meeting on Monday that he is going because it is a meeting with GEFA, Georgia Power and someone from the Governor's office along with two other meetings set up on Monday. He said the City of Savannah and Chatham County is going. He will have to attend at his own expense because he has spent his travel and education money. He said he told Vivian that he would pay this one but he could not pay for everything he has done this year. He said we have gotten a lot of good relationships around the state as a result.

Councilman Brown asked to pull out the proposed full time position in the Clerk's office and have her remain part time and allow volunteers to help Vivian. We can try that out and see how it works before we put somebody on full time.

Councilman Brown requested engineering be taken down to what it was in 2009 because of the lack of construction going on.

Councilman Brown asked that they pull the \$48,000 out for contract labor from the zoning department.

Councilman Wolff asked if they could put the \$1,000 back in for the Yeppies to do their address directory. Mayor Buelterman said they are alright with what they have in the budget for this year they just haven't collected it yet. Ms. Schleicher said if it's the consensus of council we will tell the Yeppies to go forward and get the money to do the address directory.

Councilman Brown asked if they were going to pull the \$14,674 out for part time seasonal in zoning. Mayor Buelterman said that will potentially be answered when Ms. Schleicher gives us her plan for the zoning department.

Councilman Brown said he doesn't see anything listed in the budget that tells him we have contracted with someone to remove the bathrooms and cabins from the island in the event of a Hurricane. Ms. Schleicher said she will get that but if they had contracts to remove all the items when there is a Hurricane it would not be reflected in the budget because you do not pay them unless you need them.

Councilman Brewer said the explanation for the 37% increase to the lifeguard budget was because of increasing lifeguard coverage for one month or 30 days but he asked if one month is equivalent to 37%. Ms. Schleicher said they changed the starting date to St. Patrick's Day. Ms. Kline said the 37% increase is between the 09 and 10 budget. Mayor Buelterman said we are comparing the 2008 actual and not what we budgeted for the fiscal year and if we compared it to the fiscal year it would not be close to 37%. He said it went from \$330,000 to \$384,000 and that's not 37%. Ms. Kline said the 37% was just on salaries.

Councilman Brewer asked that this be equated to the percentage of beach actually covered by lifeguards. He would like to start relating beach coverage to dollars budgeted in order to gauge performance. He said they are spending a third of a million and yet there is still a large surface of beach area that there is nobody really on. He said our guests are growing and he wants to start defining if the budget is going to give us the type of coverage we need or are we not being efficient with the utilization of the people we have.

Councilman Brown said he was on the Beach last Sunday and both the Lifeguards and the Beach Patrol passed them at least three or four times. He said they are out there and they are enforcing. Mayor Buelterman said Miami Dade spends one million per mile on Lifeguards. He said we spend \$330,000 on four miles. He said that's why we went to the county and asked them for money. Councilman Brewer said we use mules to traverse a lot of area because we don't go all the way and we have a lot of people without a real lifeguard sitting right there at their location. He said this may help in the future with more funding or going out for more funding because a statistic that says 40% of the Beach does not have a lifeguard or more than that becomes a number you can start equating dollars and contributions to but you can also look at efficiency. We need to have measures of performance to see how well we are doing.

Steve Fox said he has stayed at a lot of campgrounds and has run into a lot of people who know Tybee and has stayed at Tybee. He said the word is getting out there that it's a good campground. He thinks the marketing efforts are working. He said typically at a campground this size he sees 5 or 6 fulltime people. He considers the employees we have as about right for the size. He said he is concerned about cabins because typically you will see as many as four and maybe one with plumbing but normally not. Normally there will be no water, no sewer, no kitchen. He said they might want to look at the cabin revenue separately and see how it's trending. Recommended marketing expenses be looked at to determine the funds are being spent effectively.

Edwin Longwater thinks the campground was a great acquisition for the city. It promotes tourism and brings in a type of people that the hotels and motels don't necessarily bring in. He said it would be great if half of our officers would ride around in electric cars rather than gas guzzlers. He said along Hwy 80 heading west leaving Tybee there is a yellow line extending from Campbell Ave to the last driveway before the flat bridge. He said almost every night there are construction vehicles parked between the last driveway and the flat bridge because there is no yellow line there. He said these parked vehicles pose a hazard to bicycles and vehicles traveling west. He said a gallon of yellow paint along that curb will cure this situation.

He said you don't want these people we bring in leaving sandy grubby and angry. He said in an effort to save water we eliminated the beach showers and it was well intentioned but not a very good idea. Not only do they leave sandy and unhappy but they are using the public restrooms to wash not only themselves but their bathing suits with the result being the sewer lines being clogged with sand at the south end and the city has to clean them regularly which is costly for the city. In response the council installed foot showers at a few of the locations. He said if the shower is hitting you in the chest it will wash your feet. He said he seldom cares about his feet being sandy but it's his crotch where the sand is and if the shower hits him in the chest it's going to cleanse his feet and get rid of the sand. He said he observed two young people using the foot showers to wash off using more water than a regular shower would have used and the older boy hit his shoulder when he was trying to get up and the younger girl hit her head.

He thinks it's a liability and it's dangerous to children. He asked if they are likely to go to a restaurant or gift shop if they are uncomfortable with sand or add additional money to the parking meter so they can stay. He requested council put the showers back on all the beach accesses.

Jim Klutz said he was concerned about the budget list because the first wish list had a deficit of 1.2 million in it. He said he is hearing council say wait a minute we can't do that. He said Ms. Kline

started off this evening by saying her and Ms. Schleicher had talked with department heads. He said you almost need for Bonnie and Diane to go back to the department heads and say we've got to cut 1.2 million or whatever the number is. Because they may have a sense of what they need or not. He said remember the only reason its 1.2 million instead of 1.7 million is because of the onetime \$500,000 coming back from the Corps of Engineers.

Mayor Buelterman closed the public hearing.

Consideration of Ordinances, Resolutions:

1 2nd Reading on Ordinance to Amend Sec 42-60(5) the Code of Ordinances Pertaining to Litter and to add a new section to be designated as Section 42-64 for *Penalties for Littering*.

A Motion by Councilman Brown to approve was seconded by Councilman Wolff, Mayor Buelterman stated he felt the \$100 fine was excessive and recommended \$50.00. Mayor pro tem Doyle suggested changing the wording to no more than \$100. Councilman Brown confirmed the ordinance was amended to include the word container. Councilman Wolff asked that they try to earmark some of the funds coming in for educating the public.

The vote was unanimous.

2 2nd Reading on Ordinance to Amend Code of Ordinances Pertaining to Litter on Municipal Beaches to add subsection 12-1(e) *Penalty for Litter* to Section 12-1.

A Motion by Councilman Brown to approve was seconded by Councilman Wolff. The vote was unanimous.

Consideration of Bids, Contracts, Agreements and Expenditures:

1. Budget Adjustment and Plan Approval for reallocation of Old School Building rooms & usage: Add \$30,000 to Line Item #100-1565-52-2201 Repair & Maintain-Buildings, Deduct \$30,000 from contingencies line item#100-9000-61-1000

A Motion by Councilman Smith to approve was seconded by Mayor pro tem Doyle. Mayor Buelterman suggested the A/C in the Y building be fixed also. Ms. Schleicher said it may work well after the building is weatherized. She said the problem was a compressor that was not running. She said she didn't have a price on it. Councilman Wolff recommended they revisit the a/c after the other items are fixed and wait to see if the problem still exists. Councilman Wolff asked that Ms. Brodofsky come up and give her opinion of the plan. Ms. Brodofsky said she feels it is a temporary solution. She said when you add 200 square feet to the space you're only allowing for 2 to 4 additional people in that class.

Councilman Brewer requested a professional qualified person be consulted to determine the usage of these rooms and what type of a/c is needed. He asked for a Manual J calculation to be done when Weather Doctors does their assessment. Mayor pro tem Doyle said they gave this task to Ms. Schleicher in the beginning with Ms. Brodofsky's input and they have staff to take care of things. Let's approve the money and let them take care of it. Councilman Wolff recommended they focus on the space they need instead of windows etc.

The vote was Smith, Doyle, Brown and Wolff in favor and Brewer opposed.

Council, Officials and City Attorney Comments

Charlie Brewer

a. Leadership Tybee Grant Update

Councilman Brewer gave a Leadership Tybee update. He said they developed a committee consisting of Councilman Brewer, Rebecca Sutlive, Diane Schleicher, Perb Fortner, Peggy Martin, Debby Brady Robinson, Michael Bodine and Lou Off. He said with the work of the committee they were able to secure a \$5,000 grant to develop leadership Tybee. He said one of the key points is they requested the city accept the roll as the program coordinator. He said they received letters of support from William Hubbard, Leadership Savannah, Gregg Steffler, Tybee Tourism Council Chairman, Rebecca Sutlive of Sutlive and Associates, Richard Adams of Tybee Arts, Alan Fleming of First National Bank and Deb Berreiro of Tybee Beautification. He noted that these were a cross section of various civic groups and political groups that recognize that good leadership goes across all boundaries regardless of ideology or beliefs. He said it will last for ten months and there will be a \$125 fee required for a person to be in the leadership. He said the graduates from the first class will go through a nomination process to select the next year's class. He said the course is scheduled to start sometime in September. Councilman Brewer thanked Peggy Martin for her outstanding work on obtaining the grant.

Adjournment:

A Motion by Councilman Brown to adjourn was seconded by Councilman Smith. The vote was unanimous.

Mayor Jason Buelterman

Vivian O. Woods, Clerk of Council