

## 20090910 City Council Minutes

Mayor Buelterman called the Consent Agenda meeting to order at 6:30pm on Thursday, September 10, 2009. Council Members present were Mayor pro tem Wanda Doyle, Charlie Brewer, Dick Smith and Paul Wolff. Council Members Eddie Crone and Barry Brown were absent due to illness. Also present were City Attorney Bubba Hughes, City Manager Diane Schleicher and Zoning Director Jonathan Lynn.

Mayor Buelterman listed the following items on the Consent Agenda:

- City Council Minutes for 8/27/09
- Savannah Tree Foundation- Adrienn Mendonca- Thank You Party- October 18<sup>th</sup>, 2009. 1:30pm-6:30pm at Guard House. Requesting waiver of facility rental fee \$162.50(Non-Profit rate).
- Handicapped Ramps and Sidewalk Repairs for City of Tybee on Hwy 80/SR26 (Butler Ave): Recommended Award of Contract to the Low bidder, A.D. Williams Construction, subject to approval to Georgia Department of Transportation, in the amount of \$122,050 Budget Line Item #100-4210-54-1410
- Proposed Budget Amendment #1: Add \$244,868 to Real Property Tax- Current (Budget Line Item #100-00-31-1100); add \$55,000 for Way finding Signage (100-7220-54-2105), \$189,868 to Contingency (100-9000-61-1000). 2009 Millage Rate added \$244,868 potential available revenue.
- Special Event Beer and Wine License Application for Beer, Wine per Event: Tybee Fest, October 9<sup>h</sup> & 10<sup>th</sup>, 2009(Pirate's Fest), 16<sup>th</sup> Street Parking Lot. Applicant: Ross Howard
- Special Event Beer and Wine License Application for Beer, Wine per Event: Tybee Fest, October 17<sup>th</sup> & 18<sup>th</sup>, 2009(Arts Festival), 16<sup>th</sup> Street Parking Lot. Applicant: Ross Howard
- Alcohol License-Package Sales Only-Retail Beer/Wine and Liquor-Alexander Beverage Center- 1515 Butler Ave. Applicant: Nicholas C. Alexander.
- Special Event Beer and Wine License Application for Beer, Wine per Event: Friends of the Tybee Theater, Inc. October 2<sup>nd</sup> – 4<sup>th</sup>, 2009 – Tybee Gym for "Treasure of Lefty's Island" Play Applicant: Pamela Lappin

### Executive Session:

**A Motion** by Councilman Wolff to go into Executive Session to 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 meeting of the City Council to order at 7:00pm. Those present at the Consent Agenda were also in attendance for the regular meeting. The Tybee Island Memorial Color Guard presented the colors and everyone recited the Pledge of Allegiance to the Flag. Reverend David Laughner gave the invocation.

### Mayor's Announcements

Mayor Buelterman asked for continued prayers for Councilman Crone and Councilman Brown for their speedy recovery from illness.

Mayor Buelterman recognized the candidates for the upcoming council elections. Both those present and absent were: Marianne Bramble, Charlie Brewer, Barry Brown, Eddie Crone, Wanda Doyle, Bill Garbett, Anne Miller, Frank Schuman, Sr, Shirley Sessions, Dick Smith, Kathryn Williams, Paul Wolff and himself unopposed as mayor.

Mayor Buelterman announced the Tybee Island Residents and Property Owner's Association will be holding a candidates forum on Tuesday, October 6<sup>th</sup> at 7:00pm at City Hall. All candidates are invited to participate. Tybee residents may submit questions by email to [Tybeeresidents@comcast.net](mailto:Tybeeresidents@comcast.net). Specific information on the forum and how to submit questions will be broadcast on channel 7.

### Proclamation:

Mayor Buelterman presented a proclamation to Susan Stephens Harvey, State President, Georgia Committee for POW/MIA, INC proclaiming Friday, September 18th, 2009 as National POW/MIA Recognition Day on Tybee Island in recognition of those that became Prisoners of War and those that remain missing in action. He then encouraged all businesses and residents to flag the POW/MIA flag in tribute. Ms. Stephens then presented the proclamation to the Tybee Veteran's Memorial Committee to be properly displayed at the memorial of all veterans. She also presented a new POW/MIA flag to Mayor Buelterman and asked it to be flown under the American flag at city hall symbolizing all missing and POW's of all wars from all of America not just Georgia.

### Committee and Board Reports

Chantel Morton gave a power point presentation update of the Initiative to become a Better Hometown Community.

### Citizens to Be Heard:

Julia Pierce addressed and thanked council and the residents of Tybee for their support in her mission travels. She then introduced Dr. Kennedy Okere of Horizon International Medical Missions, the organization that enables her to travel on missions to Nigeria. Dr. Okere presented and introduced special guests, Eze Sir James O. Muruako, King of Owerri, West Nigeria, his Queen and wife, Lady Regina

Muruako. He expressed the appreciation of himself and his community for the support of the missions from Tybee and extended an invitation of increased communications between our communities.

Carrie Fletcher spoke and requested council to address debris on our Hwy 80 bridges. Whose responsibility is this? Are they being swept and kept clean? City Manager stated it is the GDOT responsibility as they are out of the city limits. Ms. Fletcher asked council to approach the GDOT in resolving this situation. She also gave contact information for the GDOT to the city manager.

Councilman Brewer introduced Debbie Bell National Account Lighting Manager for Hubble Lighting. She gave a power point presentation on LED Lighting and the invitation for Tybee to participate with Hubble. Georgia Power and The Department of Energy in a Gateway Demonstration Program. Tybee would serve as a host site for demonstrations of special Energy Efficiency and Renewable Energy Solid-State LED lighting at no or very minimal cost. (In Kind ex: Staff time) Unless Tybee requested it, the lighting installed would remain and not be removed. Councilman Wolff asked who would provide the poles. She stated Georgia Power has already come on board and would provide the poles. This will be a federal demonstration site. Councilman Brewer asked what the next step would be. She replied the application, which she brought with her and gave to the city manager. Mayor and council consented to let the city manager work on a feasible plan to proceed with Ms. Bell.

Henry Levy addressed council on the planning commission. He asked the council to listen and follow the advice of the planning commission more. There has been too much questioning and variances going against the commission's recommendation. He gave the Tybee Market's petition as an example.

#### Consent Agenda:

Mayor Buelterman reviewed agenda items listed by council on the consent agenda.

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

#### Public Hearings:

1. Site Plan (Section 5-080): To establish a Car Wash Petitioner: Evelyn Ballinger  
Address: 1116 Hwy 80 East PIN 4-0026-11-011, Zone C-2

Jonathan Lynn explained the petition was for a car wash. There is no current use on the property. It is a vacant lot. The proposed use is permitted by right after special site plan approval. The community character area map of the Tybee Masterplan shows this area as Arts-Eats & Eco Business Corridor. The applicant is seeking site plan approval for this project and intends to establish a car wash there. The staff has worked with their engineer and architect in the design of the car wash, and they have met all requirements proposed by the city engineer

and water department to ensure the proper water drainage is adhered to. The area around this is all commercial coming onto Tybee. The planning commission recommended 3 to 0 to deny.

Mayor Pro Tem Doyle asked how many members were missing at the planning commission meeting. There was one recusal but only 3 people voted. Lynn responded two were absent.

Mayor Buelterman asked Mr. Hughes if there was anything in our ordinances to prevent this use. Mr. Hughes responded it is a commercial zone so it would be permissible. Hughes stated the property did have a wrinkle to it. This is the middle lot of three lots that were subdivided into five lots years ago by Elk Development Company. They recorded a sketch plan and it was approved to be townhouse developments with two on each of the lots. It is currently 300 feet wide total. After the sketch plan got approved and recorded it was five 60 foot lots. The lot Ms. Ballinger is making the application on was part of that subdivision as a result of there being a contract with Elk Development to acquire it. But they never closed. So it hasn't been acquired. We need another plat recorded that will put it back the way it was. He has spoken to a representative of Elk Development, he still owns the lots on both sides and his intentions were to make them residential but he seemed agreeable to going back to the original three 100 foot lots instead of the five 60 foot lots. He is not real clear on how both plats got recorded after only preliminary plat approval.

Mayor Buelterman asked if council desired to approve would it need to be contingent on ..... Mr. Hughes stated he would like to see something worked out that one of the lots didn't get sold as a 60 foot lot and we were then missing 20 feet or something overlapped.

Mayor Buelterman asked if he recommended waiting on taking action. Hughes replied that is up to council he just doesn't want to see the city get in the middle of a dispute between property owners of who owns what.

Lynn stated he would not issue a building permit to begin the work until they had an updated site plan and recorded survey showing it was back to three lots.

Doyle asked, should we vote on this or table it until all that was settled? Hughes suggested to go ahead and hold the hearing and if that is the will of council that is an option. His concern is if someone was to buy one of the adjoining lots. Doyle asked if this came up at planning commission. Hughes replied sort of. The more work done on finding out how this happened and after speaking with the representative, I have a better understanding of how it got to where we are. Wolff asked for clarification on whether it is three lots or five, what is recorded at this time? Hughes answered both. There are plats for both. The most recent is five 60 foot lots. He doesn't believe it is a valid plat. The application is on the middle lot as if it is 100 feet wide. The only way it can be 100 feet wide is if the other plat is ineffective. The representative from Elk under the circumstances said they would be willing to go back to the other plat. Wolff stated before any action is taken he would like to see the real estate divided properly. Doyle agreed. Smith asked if this would be a hand washed car wash. Lynn answered

yes, there would be staff physically washing the cars. Smith asked if there would be a building built. Lynn replied it would be classified as an overhang or a shed on a slab. There would be a separator to keep any hazardous car wash materials from going into the city's water system. Smith confirmed assuming a maximum of 16 car washes a day they would use 512 gallons of water. Lynn stated he believed that was correct but Mr. Boswell could address that.

Mayor Buelterman opened the public hearing.

Mark Boswell spoke on behalf of the petitioner and asked for approval contingent on getting the subdivision worked out, the petitioner then would not have to come in front of council again. He also stated he had been the engineer for the Elk Development Co. and the property had been split into seven total lots-six for townhomes and one for a common lot. According to Ms. Ballinger the deed never left her hand and went to the development company so he does not understand how it got recorded as six lots. Mayor Buelterman commented you can now understand why council may not want to move forward. Councilman Wolff asked about significant trees being cut down. Boswell stated that is not correct. They have moved things back closer to the marsh and made changes to make sure the trees closer to Hwy 80 do not have to come out. All of the washing will be done under the shed so rain water will not impact the sewage system of Tybee and all the wash down water is going through an oil/water separator. The only thing going in the marsh is what is falling there now. Wolff asked if there is any attempt to reuse the water. Boswell stated no, because it is very expensive and also after interviewing several car washes around the area, the recyclers after about three cars get very dusty and you can't get the dust off of them and you end up discarding the water. So you don't save as much as you think you are. Wolff asked about 16 cars a day is that per bay. Boswell stated the average usage is about 600 gallons a day. He got the data from the City of Savannah's water use under the car wash ordinance. The pressure washer they intend to use is actually less than the 600 gallons a day.

An average resident uses 300 gallons a day based on a three person household. Wolff asked how many bays will be there. Boswell stated there are five bays total, washing bays and separate waxing bays. Wolff asked if there will be a barrier to keep overspray from going into the marsh. Boswell answered no. Mayor Buelterman asked Downer Davis if the environmental impact had been looked into.

Davis replied this is a cover with an overhang that goes out beyond the slab. In excessive wind you may have rain but they probably would not be washing anyway. Reasonable care was taken to make sure storm water was not going into the sanitary sewer. We made sure we would not have any unreasonable adverse impact. We did not require it to be enclosed. People will be standing out spraying inward at the cars, not aiming out of the enclosures. He did not believe there would be that much of an impact. Wolff asked if they were going to be using

pressure washers. Davis replied it was his understanding they were going to be using pressure washers. Wolff responded he does see a lot of spray coming off the cars, if there are no walls. Davis responded he has used them at car washes and he doesn't see that much leaving the bays. Mayor Buelterman asked about concerns of water usage and drought conditions. Boswell reviewed reports from the Water Use Standards from the state of Georgia that we are currently in a non-drought situation. And according to the standards car washes are exempt from restrictions of usage only on certain days as that only pertains to residential not commercial. Councilman Brewer asked about the site lighting. Boswell answered no site lighting is planned other than what is inside. There is a small building with offices and a restroom for customers. Brewer asked if the restroom is going to meet all the requirements. Boswell stated yes. It has a handicap ramp about 50 feet long that goes up one foot above FEMA flood. Brewer asked about noise. Boswell stated he cannot answer that. Brewer asked if it would be blocked off toward the Dowell property. Boswell stated if noise is a problem they can call and have it turned off. Smith asked if there was a plan to operate it at night. Boswell stated he believed it would only be to 7:00 or 8:00 at night. Boswell stated there are also ordinances that cover this.

Mayor Buelterman closed the public hearing. Buelterman stated he would like to see council wait on this and he believed this is the consensus of the council. Councilman Smith stated he does not see the need to wait.

**A Motion** by Councilman Smith to approve subject to the plat being recorded properly and Site Plan being approved by Zoning, was seconded by Mayor pro tem Doyle. The vote was Smith, Doyle and Brewer in favor and Wolff opposed.

Hughes stated to make sure council doesn't have to go into this again there would be a plat that the mayor, Ms. Woods, Clerk of Council, and Jonathan Lynn would have to sign putting the property back into three lots. They may have had a plan for 6 or 7 lots but the plat that is recorded has five.

2. Site Plan with Variance (Section 5-080): To construct a non-retractable awning projecting 6' over the 11'4" sidewalk on Tybrisa Street and 3' over the 5'3" sidewalk on Butler Ave. The sign request is seeking a variance allowing the proposed signage to extend 3'6" above the roof line in order to meet the sign regulations. Petitioner: Diversified Designs for Bikinis, Inc.  
Address: 1518 Butler Ave. PIN 4-0008-03-014 Zone C-1.

This petition was postponed at the request of the petitioner. Hughes stated the representative of the applicant was not able to attend and asked it be held until October. So it will be re-

advertised but because it has already been advertised we need to entertain for anyone wishing to speak now. Mayor Buelterman opened and closed the public hearing with no one wishing to speak to the petition.

City Manager's Report - Diane Schleicher:

- Confirmation of Finance Director Appointment of Mary Hogan

**A Motion** by Councilman Wolff to approve was seconded by Mayor pro tem Doyle. The vote was unanimous.

Mayor Buelterman stated the Potential Impact of Proposal for Early Retirement Health Insurance for City Employees was Councilman Brown's initiative so this is being postponed until the next meeting.

Executive Session:

**A Motion** by Councilman Wolff to go into Executive Session to discuss Real Estate Acquisition and Litigation, was seconded by Mayor pro tem Doyle. The vote was unanimous.

Mayor Buelterman left the meeting at 8:30pm.

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

Adjournment:

**A Motion** by Councilman Wolff to adjourn was seconded by Councilman Brewer. The vote was unanimous.

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Jason Buelterman, Mayor

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Vivian Woods, Clerk of Council