

20091008 City Council Minutes

Mayor Buelterman called the Consent Agenda meeting to order at 6:30pm on Thursday, October 8, 2009. 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, City Manager Diane Schleicher and Zoning Director Jonathan Lynn.

Mayor Buelterman listed the following items on the Consent Agenda:

- Special Event Application-Tybee to Savannah Bike Ride, Sunday, November 8, 2009 at 9am. City Hall- With escort North on Butler Ave to Savannah. Requesting waiver of special event fee (\$106), Applicant: Drew Wade-Savannah Bicycle Campaign
- Hand Drainage Utility Easement Agreement
- Hand Escrow Agreement

Discussion was held on the Hand easement and escrow agreements. Hughes stated \$10,000 would be for the actual purchase of the easement and another \$10,000 would be held in escrow in case of damage to the marsh. Councilman Crone indicated concerns with determining damage. Brown stated DNR would be inspecting prior to and after completion. Hughes stated it would be difficult to prove damage if that came up and a judge would probably have final say.

Executive Session:

A Motion by Councilman Wolff to go into Executive Session to discuss Litigation and Personnel was seconded by Mayor pro tem Doyle. The vote was unanimous.

A Motion by Councilman Wolff to end Executive Session was seconded by Mayor pro tem Doyle. 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. Deacon David Hayden gave the invocation and everyone recited the Pledge of Allegiance to the Flag.

Mayor's Announcements

The Fire Department will be hosting a Station Open House on October 14th at 7:00pm. This is a Family Event with activities planned for the children.

A Rain Shower Workshop for public input on designs for rain showers at North Beach will be held on Friday, October 9th, 1-3:00pm in the old school cafeteria.

A Bike Ride is planned for Sunday, November 8th from Tybee City Hall to Savannah to bring attention to the dangers of riding on Hwy 80 between the two bridges. The bridges are on MPC's long range plan.

Recognitions:

Mayor and City Council recognized Edward L. Pollock for Thirty years of service as a City Employee and congratulated him on his retirement.

Citizens to Be Heard

Judy Miller spoke and presented council with information on workshops and seminars on Walkable Communities, energy efficiency using solar power, and integrating new green laws and sustainable buildings.

Cynthia Kinkel with Tybee Times announced the second Candidates Forum with the citizens on October 15th 7:00-9:00pm at City Hall. All candidates are invited to participate.

Consent Agenda:

A Motion by Councilman Wolff to approve the Consent Agenda as previously listed was seconded by Mayor pro tem Doyle. The vote was unanimous.

Public Hearings:

- Site Plan with Variance for awnings and signage, (Section 5-080): Petitioner: Diversified Designs for Bikinis, Inc. Address: 1518 Butler Ave. PIN 4-0008-03-014 Zone C-1

Councilman Brewer disclosed the petitioner's attorney Jon Hart had represented him on a previous occasion but it would not influence his judgment on this petition.

Mr. Lynn stated petitioner is requesting approval for site plan for non-retractable awnings to project six feet over the 11'4" sidewalk on Tybrisa and three feet over the 5'3" sidewalk on Butler Ave. The petitioner is also requesting a variance for two signs to extend 3'6" above the wall. Sign ordinance only allows signs to go above parapet wall but there is not a parapet on the Rockhouse.

Jon Hart spoke on behalf of the petitioner and stated again the building does not have a parapet and to place the signs lower on the building could create a visual safety issue. Consideration of the awning should be allowed as the language in the ordinance is not as clear as it should be to prohibit them. Numerous existing businesses already have these types of awnings.

Discussion was held on retractable vs. non-retractable, hurricane requirements (will withstand 130mph winds), the height of 8' being safe over the sidewalk and liability of city. Mr. Hughes stated city has no additional liability.

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

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

- Special Review for special events for up to 20 people at existing bed & breakfast. Petitioner: Cathleen Kilday Address: 24 Van Horn PIN 4-0002-22-002 Zone R-1

Mr. Lynn stated this is a rehearing, originally heard by council and sent back to planning commission for parking plan review. Upon hearing council's determination that the maximum 20 people for special events included guest staying at the B&B, petitioners redrew and submitted a new parking plan to show only required parking for guest and the owners. As recommended by the planning commission it shows eight spaces in the front and two in the rear of the property. The nursing home will not need to be used for the overflow parking.

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

- Zoning Variance on driveway width, Petitioner: Mack Kitchens Address: 17 Izlar Ave PIN 4-0008-05-014 Zone C-1

Mr. Lynn stated the petitioner is requesting two feet added to the width of the driveway from the property line to the street. The petition already has a variance on the property due to the irregular lot shape.

Councilman Smith disclosed a campaign contribution of \$100 from Mr. Kitchens for the previous election. The contribution disclosure is not relevant to this project as the contribution was over two years ago.

Councilman Brown disclosed a campaign contribution of \$100 from Mr. Kitchens for the previous election. The contribution disclosure is not relevant to this project as the contribution was over two years ago.

Councilman Wolff stated his disagreement with granting this variance as it already has a variance and lot is already over built.

A Motion by Councilman Crone to approve was seconded by Mayor pro tem Doyle. The vote was Crone, Doyle, Brewer, Brown and Smith in favor and Wolff opposed.

- Zoning Variance on driveway additions, Petitioner: David Paddison Address: 16 Taylor St. PIN 4-0001-02-013 Zone R-1

Mr. Lynn stated petitioner is requesting a second driveway with this opening being on Taylor St. He needs the variance as the opening will be within 25 feet of an intersection. The driveway was already cut in during construction but was not completed when he was told he would need the variance, so he is coming back now. Councilman Brown asked if the driveway was drawn on the original site plan. Lynn responded no.

Dale Critz, Jr, co-owner spoke and stated the opening would be used primarily for egress.

A Motion by Councilman Crone to approve was seconded by Councilman Brewer. The vote was Crone, Brewer, Doyle and Smith in favor and Brown and Wolff opposed.

- Site Plan for concrete pad for fuel tank, Petitioner: Lazaretto Development Address: 4 Old Hwy 80 PIN 4-0024-01-005 Zone M-D.

Councilman Smith recused himself due to his boat being stored at Lazaretto.

Councilman Brown recused himself due to prior conflict with the petitioner.

Mr. Lynn stated the petitioner is requesting site plan approval for a concrete pad for a 10,000 gallon fuel tank. Mr. Hughes stated the plan submitted shows Parking and Concrete Pad but the parking part has already been approved, this is just for the concrete pad. Lines for the fuel will be above ground not buried and petitioner has obtained all of the required EPD, DNR and State permits. Petitioner has worked with staff and met all requests of staff.

Discussion was held on the type of tank and buffers to prevent spillage into the marsh. As the petition is only for the concrete slab, Mayor Buelterman stated we would have to rely on the State and Federal agencies to monitor the rest. Discussion was held on trailer parking and Mr. Hughes stated there is an ordinance in progress dealing with this and he is working with several people and the businesses. Downer Davis discussed the type of tank (double wall) and the federal agencies preference to these types of tanks for better environmental protection.

A Motion by Mayor pro tem Doyle to approve was seconded by Councilman Brewer. The vote was Doyle, Brewer and Crone in favor and Wolff opposed.

- Zoning Variance for screened porch, Petitioner: Melissa Turner & Thomas Oliver Address: 14 Lewis Ave PIN hh4-0004-14-016 Zone R-1-B

Mr. Lynn stated the petitioner is asking for an addition of a screened-in porch on the rear of the structure. This is a non-conforming use as the front of the structure encroaches in the front setback. This addition will not encroach on any setbacks.

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

- Amendment to Article III, Beach Equipment Rental Ordinance Code Section 34-85: Business Site Locations. To add Tenth (10th) Street as a location for a beach rental stand for chairs and umbrellas. Applicant: Roy Overstreet.

Roy Overstreet addressed council on his requested to add an additional location for a beach rental stand for chairs and umbrellas as allowed in the city ordinance. It would not include floats or any other floatation devices. He also stated council could require stand staff to be lifeguard certified and this would increase lifeguard coverage on the beach.

Discussion was held that the locations we already have are mainly in the commercial areas and this seems to impose more traffic and noise into the neighborhood area. Council agreed they needed input from the residents.

Mayor and City Council asked for the discussion of Beach Equipment Rentals to be put on the agenda for the Council Work Session on October 17, 2009.

Councilman Crone asked for 8th Street Drainage to be added to the Action Item List.

Adjournment:

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

It's October! Please remember to bring your trick or treat candy donations to City Hall and put them in the candy barrel for Lewis Ave. All donations are greatly appreciated. 😊

Mayor, Jason Buelterman

Vivian O. Woods, Clerk of Council