

20100114 City Council Minutes

Mayor Buelterman called the Consent Agenda meeting to order at 6:30pm on Thursday, January 14, 2010. Council Members present were Mayor pro tem Shirley Sessions, Wanda Doyle, Bill Garbett, Frank Schuman, Kathryn Williams 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:

- City Council Minutes for 12/10/2009
- Mayor's Ex Officio and Committee appointments:
 - Audit Committee: Bill Garbett
 - Beach Task Force: Paul Wolff
 - Better Hometown Board: Shirley Sessions-Ex Officio
 - Infrastructure: Kathryn Williams, Paul Wolff, Bill Garbett and Barry Brown (Ex-Officio)
 - Marine Science Center: Frank Schuman and Kathryn Williams
 - Tourism Council: Wanda Doyle
 - YMCA: Wanda Doyle
- Ethics Commission Appointment: Tyler Marion
- Special Event Beer and Wine License Application-Mardi Gras Celebration-Strand and Tybrisa, February 13, 2010-Tybee Fest
- Public Defender Service Agreement

Executive Session:

A Motion by Paul Wolff to go into Executive Session to discuss Litigation and Personnel was seconded by Kathryn Williams. The vote was unanimous.

A Motion by Paul Wolff to end Executive Session was seconded by Wanda 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. Father Thomas Peyton gave the invocation and everyone recited the Pledge of Allegiance to the Flag.

Appointments of Planning Commission:

Clerk of Council, Vivian Woods read the votes cast by City Council.

Paul Wolff voted for Demery Bishop, Marianne Bramble, Robert Callahan, John Major and Monty Parks.

Kathryn Williams voted for Demery Bishop, Marianne Bramble, Robert Callahan, John Major and Monty Parks.

Wanda Doyle voted for Demery Bishop, James Boyle, George Dausey, Henry Levy and Whitley Reynolds.

Shirley Sessions voted for Demery Bishop, Marianne Bramble, Robert Callahan, Monty Parks and Whitley Reynolds.

Frank Schuman voted for Demery Bishop, George Dausey, John Major, Monty Parks and Whitley Reynolds.

Bill Garbett voted for Demery Bishop, Marianne Bramble, Robert Callahan, John Major and Monty Parks.

Mayor Buelterman selected John Major to serve the one year unexpired term left from Lisa McKenzie's resignation.

1. Demery Bishop received 6 votes
2. Monty Parks received 5 votes
3. Marianne Bramble received 4 votes
4. Robert Callahan received 4 votes
5. John Major received 4 votes

Committee Reports:

Chantel Morton gave an update on the Better Hometown Program.

Citizens to be heard:

- Libby Bacon requested Council approve plans for a community garden.

A Motion by Wanda Doyle to approve moving forward with staff working with Libby and Kelly was seconded by Paul Wolff. The vote was unanimous.

- Stacye Jarrell agent for Suzanne Painter of the World Organization of China Painters, requesting reduction of \$1200 for the 12 day facility rental fees (50%) for the cafeteria.

A Motion by Shirley Sessions to approve the reduced fee was seconded by Bill Garbett. The vote was unanimous.

Consent Agenda:

A Motion by Paul Wolff to approve the Consent Agenda was seconded by Frank Schuman. The vote was unanimous.

Public Hearings:

- 2nd and Final Required Public Hearing for City of Tybee Island Solid Waste Management Plan As required by the Georgia Department of Community Affairs.

Mayor Buelterman opened the public hearing and asked for public comments.
Mayor Buelterman closed the public hearing.

A Motion by Kathryn Williams to approve with the following amendments:

Page 11-addition of "Through Contractors"

Page 14-addition to section 4.3 of Beautification conducts 3 Beach Sweeps and 4 adopt a-highway annually

Page 14-Add Dog Feces to particular concerns-add ordinance reference.

Was seconded by Paul Wolff. The vote was unanimous.

- Variance Request for setback for condominiums (Section 3-090 (B)), Petitioner: Natasha Wilhite for Pelican's Landing of Tybee, LLC Address: 26 Atlantic Ave Zone C-1/SE PIN# 4-0008 03140,141,142,143,144,145,146,147,148,149,150,151,152,153,154,155,156,157,158

Mayor Buelterman opened the public hearing.

Jonathan Lynn explained the owners are seeking a side yard setback reduction from 10 feet to 5 feet in order to subdivide the property in between the two buildings.

Mayor pro tem Sessions requested the code requirements for variances be read aloud.

JB Blackburn, Jr., Attorney for the petitioner presented the petition. He said his clients bought the property after the developers were foreclosed on. He explained that last year the rules on commercial property financing from FHA changed in regards to condominium units. He said the owners intentions were to sell the 18 individual condominium units, He said they decided to subdivide the property so that the condominiums are on one lot and the commercial building is on another; leaving the condominiums as a residential use only on that lot. He said there would be no physical changes to anything.

Shirley Sessions said she is concerned with Council setting precedence on the city being held responsible for reasons foreclosures can't be sold and financial situations in general.

Wanda Doyle said she could not understand why we would not want to help someone come to Tybee and buy property and stimulate the economy.

Mayor Buelterman closed the public hearing.

A Motion by Shirley Sessions to deny was seconded by Kathryn Williams. The vote was Sessions, Williams, Garbett, Schuman and Wolff in favor and Doyle opposed.

- Site Plan Review (Section 5-080) for Petitioner: Mark Boswell for Stacye Jarrell
Address: 1112 & 1114 Hwy 80 PIN 4-0026-11-010 Zone C-2

Mayor Buelterman opened the public hearing.

Jonathan Lynn said the current use of this property is none as it is a vacant lot. He explained the Site Plan Review and Special Review can go hand in hand because this includes a special event facility. He said the applicant is requesting to relocate the Movie Set (Chapel) from its current location and locate it on Hwy 80 and use it as a multipurpose special event, wedding facility. He said they would be responsible for bringing the building into complete code compliance. He said they will raise the building above BFE and add parking underneath even though they are not required to because this is not a residential building. He said the car wash plan approved earlier in the year for this property would not happen because the owner Ms. Ballinger has transferred the property deed to Ms. Jarrell and it has been recorded at the courthouse.

Cullen Chambers spoke in favor of the project.

Brucie Westerman spoke in favor of the project

Dale Williams spoke in favor of the project but requested the large Pine Tree be saved.

Sandy Major spoke in favor of the project.

Stacye Jarrell thanked city staff and everyone for their support. She described the process for getting this plan in motion.

Mark Boswell described the location of the large pine and asked for a special consideration.

In order to get a 24 foot drive lane, that tree would have to come out. He said if they are allowed to have possibly a 12 to 15 foot drive then the tree can stay. He said they intend to have parking valets so they would not have the general public driving back and forth through there.

Paul Wolff asked for creativity in parking in order to save the pine tree.

Mark Boswell said creatively this is about the 63rd plan all of which were trying to provide required parking while saving as many trees as possible.

Jonathan Lynn explained that staff worked with Mark on this plan including compact car spaces that are not covered in our code. He said they plan to come back at a later date with a code provision for compact parking.

Kathryn Williams commended the Jarrell's and said she believes this is a very important project for Tybee. She said her concerns are with trying to save as many of the trees as possible.

Wanda Doyle commended Stacye and Mark on this plan and said she has every confidence that they will do everything possible to save the trees. She said her concern is noise in this location and how are issues going to be addressed.

Stacye Jarrell said because of the stacked parking on the plan, she is required to have a parking attendant. She said the parking attendant will be an off duty police officer; he will have a noise meter. She said she has promised neighbors that this project will not impact their homes. She said she will not limit the kinds of events that will be held there but she will promise that she will not be fined for any noise or occupancy issues.

Mr. Wolff asked how many parking spaces are required. Mr. Lynn said 37 spaces are required and the plan reflects those calculations with exactly the number of spaces required. Mr. Wolff said he would be inclined to give a variance for three spaces in order to save that tree.

Mr. Hughes said this is site plan review and special review for a special event facility. He said the code section that deals with special event facilities in C-2 specifically allows for a parking plan that allows for offsite parking. He said if you have an off-site location that can accommodate the parking; you may be able to save the trees.

Jonathan Lynn said the plan reflects parking on Hwy 80 and those spaces may be affected by DOT requirements. Mr. Boswell said Tybee's ordinance requires 90 degree parking so the spaces on Hwy80 do not count.

Kathryn Williams asked what the difference in the width of the drive would be in order to allow the tree to stay. Mr. Boswell said it would go from 24 down to 12-15 feet. Mr. Lynn said reducing the driveway width would require a variance. Ms. Jarrell said she is not requesting a variance.

Shirley Sessions commended the Jarrell's for this plan and asked Mr. Hughes if council could recommend a variance in order to save the tree.

Mr. Hughes said if the petitioner applied for a variance then council could grant the variance.

Bill Garbett said every effort needs to be made to save that pine, even if it requires reducing the driveway width.

Paul Wolff asked if Ms. Jarrell had made provisions to bring people from the parking area where her business is located to the event venue.

Mr. Boswell said they had discussed it for larger events but said 120 people would not fit in that building. Mayor Buelterman closed the public hearing.

A Motion by Wanda Doyle to approve Site Plan and Special Review was seconded by Frank Schuman.

Ms. Williams asked if it could be contingent on an offsite parking plan being worked out between the Jarrell's and Zoning Staff.

Wanda Doyle **amended her motion** to approve Site Plan and Special Review contingent on offsite parking plan being worked out between the Jarrell's and Zoning Staff in order to save the 30" Lob Lolly Pine Tree, was seconded by Frank Schuman. The vote was unanimous.

- Subdivision Plat Approval (Section 5-130 (J)) Petitioner: Mark Boswell for Wyman Sharpe
Address: 200 Block of Fifth Ave PIN 4-0004-13-004, -005, -012 and -013 Zone R-2

Mayor Buelterman opened the public hearing.

Mr. Hughes explained that this is a major revision to a subdivision plat. He said Mr. Sharpe did not develop this property but acquired it through a bankruptcy trustee transaction. He said there were no asbuilts at the time. The utilities weren't in the right of way and that is what makes this a major revision. To have the plat reflect what is actually there, this is the easement for the utilities to get to lots 4, 5 & 6. The plat that would be recorded if approved would reflect the utility line easements that actually run across the front of the lots and the walking trail previously dedicated to the city as well as the lots previously conveyed to the city, that consist primarily of marsh. Mr. Hughes said he would recommend a re-conveyance from Mr. Sharpe for the walking trail and the lots previously conveyed to the city.

Ms. Williams asked if the property would drain into the marsh. Mr. Davis said the property will drain into the Marsh and that the drainage plan had not been altered since it was developed but runoff will go through buffers and will be filtered before it gets to the marsh.

Mr. Garbett questioned Mr. Boswell about the elevations on the plat. Mr. Boswell said they had the survey done according to the delineation line that was done by the DNR. Mr. Garbett said he had no concerns about the delineation but the elevations caused him to raise an eyebrow.

Mayor Buelterman closed the public hearing.

A Motion by Wanda Doyle to approve contingent on re-conveyance of the easement for the walking trail and lots to the city, was seconded by Shirley Sessions. The vote was Doyle, Sessions, Garbett and Schuman in favor and Williams and Wolff opposed.

Executive Session:

A Motion by Paul Wolff to go into Executive Session to discuss Personnel was seconded by Wanda Doyle. The vote was unanimous.

A Motion by Paul Wolff to end Executive Session was seconded by Kathryn Williams, the vote was unanimous.

Adjournment:

A Motion by Paul Wolff to adjourn was seconded by Kathryn Williams. The vote was unanimous.