

## 20100211 City Council Minutes

Mayor Buelterman called the Consent Agenda meeting to order at 6:30pm on Thursday, February 11, 2010. Council Members present were Mayor pro tem Shirley Sessions, Wanda Doyle, Bill Garbett, Frank Schuman, Sr., 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 1/28/2010
- Ethics Commission appointments:  
Howard Ross  
David Postle

### Executive Session:

**A Motion** by Paul Wolff to go into Executive Session to discuss Litigation, Real Estate Acquisition and Personnel was seconded by Wanda Doyle. The vote was unanimous.

**A Motion** by Paul Wolff to end Executive Session was seconded by Frank Schuman, Sr. 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. Mayor Jason Buelterman gave the invocation and everyone recited the Pledge of Allegiance to the Flag.

### Citizens to be heard:

- Hillary Brodofsky gave a presentation on the priceless gifts campaign for the YMCA. She said it will run for the next six weeks and they scholarship kids, families or anyone that wants to have a membership or participate in one of the programs and are unable to afford the associated cost. She said last year they gave out scholarships to 600 participants. She said their goal this year is \$24,000. Mayor Buelterman thanked Ms. Brodofsky for doing an outstanding job.

- Joey Burrell requested the waiver of fees for the use of the Gym for the Spelling Bee. She said last year the spelling bee raised over \$6,000 for scholarships for Tybee Children to attend St. Michaels School. She said their goal this year is over \$9,000. She said the date is April, 28<sup>th</sup>.

**A Motion** by Wanda Doyle to approve waiving the fees was seconded by Paul Wolff. The vote was unanimous.

Consent Agenda:

**A Motion** by Kathryn Williams to approve was seconded by Frank Schuman, Sr. The vote was unanimous.

Public Hearings:

1. Site Plan Review (Section 4-050) for location of tent/temporary structure.  
Petitioner: Susan Kelleher for Seaside Sisters  
Address: 1207 Hwy 80 PIN 4-0026-02-009 Zone C-2

Mayor Buelterman opened the public hearing.

Jonathan Lynn presented the Site Plan Review for a tent structure currently located on their property. He said we currently have no provision in our code to allow tent structures.

Ms. Doyle asked why this needed to be considered for site plan review since it was a temporary structure. Mr. Hughes explained that the ordinance is being considered for an amendment to make it compliant with the international building code which requires any temporary structure under 120 square feet to be removed after 180 days.

Mr. Hughes said the reason they need a provision in the code for a temporary type structure is to make sure you don't end up with a use that no one anticipated simply because there is no building being built. He said a flea market could just spring up without it ever having come before you. He said if you have a site plan with an existing use, he believes the existing ordinance could be reworded to allow for over the 180 day limit.

Mr. Lynn explained that if council approved this site plan tonight, Ms. Kelleher will not have to take down her tent after 180 days.

Mayor Buelterman closed the public hearing.

**A Motion** by Kathryn Williams to approve the Site Plan was seconded by Bill Garbett. The vote was unanimous.

2. Site Plan Review (Section 4-050 (L) for location of a dry boat storage facility and parking;  
Subdivision of lot. Petitioner: Paul Burns  
Address: 4 Old Hwy 80 PIN 4-0024-01-005 Zone M-D

Mayor Buelterman opened the public hearing.

Jonathan Lynn introduced the petition for a dry boat storage facility and also approval of a subdivision to allow the dry boat storage to be a separate use from all the other existing uses. He said the staff noted

one concern with the subdivision; the well currently serving this property would be located on the dry boat facility lot and would still serve the other uses on the other lot. He said this would create a substandard lot of record defined by the lot not having its own water source. Mr. Burns explained that staff had offered him two options. He could go for a text amendment or a subdivision and he thought the subdivision seemed to be an easier solution because the lot fit the criteria. Ms. Sessions asked if both lots had septic systems. Mr. Burns said the lot with the dry boat storage would not because; there would be no need for it. He said they could put port a johns there if needed. He said he would write an easement for the water use if needed.

Mayor pro tem Sessions asked about parking. Mr. Lynn explained that parking is under the boat storage building.

Mr. Wolff said based on the code, Mr. Burns would need 56 parking spaces just for the dock space. He said the parking doesn't work. Mr. Hughes said the parking requirements did come up as part of the dock and hoist plans and as Mr. Wolff said overlaps as part of this plan. Mr. Hughes said he has no problem with the dry boat storage as long as the parking is available but he thinks it is a mistake to accomplish that by subdividing off the small piece. He said he thinks there is a better way to do this if the parking can be provided but the issue is having multiple structures on the property. He said the code states that you can't have more than one principle structure on a property and he thinks that is why they are subdividing the property. He said the Maritime district's character is so unique that clarifying that and allowing more than one principle structure would be appropriate and would make this property conforming but would not alleviate the parking question. Mr. Hughes said it would specifically take a text amendment to the code or a text amendment to the Maritime District to allow more than one principle structure. He said that is part of Article III that has been advertised for a public hearing tonight but there is no specific text in article III to address this. He said council needs to have the text in front of them which they don't have. He said it could be suggested that the proposed text amendment allowing more than one principle structure could be applied to the Maritime District and he would come back with the text for 1<sup>st</sup> and 2<sup>nd</sup> readings.

Mr. Schuman asked how many businesses Mr. Burns had there currently. Mr. Burns said he has three businesses there.

Mr. Wolff expressed concern with maneuvering boat trailers under the storage area. Mr. Burns explained that there would not be an issue with backing a trailer under that rack because you have a thirty foot space. Mr. Mark Boswell explained there are seventeen parking spaces underneath the storage racks. He said they will not park cars in the space needed to maneuver the trailers. He said it works out to be four dry boat slips per parking space which would result in 15 spaces being needed and this plan shows 17 parking spaces.

Ms. Williams asked about the requirements for soil stabilization as mentioned during the Planning Commission meeting. Mr. Boswell said they would have to meet the soil stabilization requirement when they get to that point because it is a state mandate.

Mr. Schuman asked if there was enough parking there if everyone came to put their boats in the water on the same day. Mr. Burns said not more than 25% of a marina leaves the dock at one time in a day.

Mr. Garbett asked if Mr. Burns would have a problem with a text amendment which would allow him to manage his property on one parcel. Mr. Burns said he doesn't have a problem with a text amendment or a subdivision. He said he has been through this twice and he has another season coming up. He said he is asking and trying to provide a service.

Mr. Paul Manley spoke in favor of the petition.

Mr. Larry Kline spoke in favor of the petition.

Former Tybee Mayor Pat Locklear spoke in favor of the petition.

Mr. Tommy Thompson spoke in favor of the petition.

Mr. William Johnson clarified that the opening for backing the trailers into will be thirty feet wide and will be supported by cross beams eliminating the need for supports that would block access underneath. He said you could parallel park the boat trailer and automobile if needed.

Ms. Pam O'Brien asked council to consider the esthetics of boat storage facilities in Thunderbolt and at Hogan's Marina before approving a like facility for the entrance to Tybee.

Mr. Brent Current spoke in favor of the petition.

Mr. Frank Kelly spoke in favor of the petition.

Mayor Buelterman closed the public hearing.

**A Motion** by Wanda Doyle to approve was seconded for discussion by Mayor pro tem Sessions. The vote was Doyle in favor and Garbett, Schuman, Sessions, Williams and Wolff opposed.

**A Motion** by Bill Garbett to table the petition until February 25<sup>th</sup> was seconded by Frank Schuman, Sr. The vote was Garbett, Schuman, Sessions, Williams and Wolff in favor and Doyle opposed.

### 3. First Reading: Text Amendment, Land Development Code, Article 6, Sign Regulations

Mayor Buelterman opened the public hearing.

Jonathan Lynn showed pictures of signs while explaining the proposed ordinance changes.

Mayor pro tem Sessions asked if amending the sign ordinance was going to solve issues as long as there is an enforcement problem.

Mr. Lynn said the City Marshal has taken a priority to sign enforcement now that they have mushroomed out of control and he thinks there will no longer be an enforcement problem. He said the City Marshal participated on the proposed amendments to the sign ordinance.

Mayor Buelterman asked how this ordinance would affect the benches. Mr. Lynn said the benches would be grandfathered in as long as they are properly maintained but no new benches can be added.

Ms. Schleicher said the bench owner knows that the DOT may require that the signs be removed from their right of way because they only allow for bus stop benches and the existing benches are not serving as bus stops.

Mr. Jimmy Kelleher expressed concern over the city fixing an ordinance that was not broken. He said someone coming into town with a new business and having to have signs that are half the size of existing signs would be at a disadvantage.

Ms. Marianne Bramble expressed concern over not being able to put a temporary sign up to advertise her parking business.

Mayor Buelterman closed the public hearing.

**A Motion** by Paul Wolff to approve with following revisions:

6040(J) include permitted parking in sections a & b.

6040(L) (d) specify number of signs on a property.

6080(A) If a sign is to be illuminated; it should be done so as to prevent harmful lighting to residents, motorists and wildlife and down lit wherever possible.

6040(L) (b) Political signs will be limited to 12 square feet in commercial zones.

6040 (A) (B) Merge the two sections to allow for four square feet total for building signs.

The motion was seconded by Kathryn Williams. The vote was Wolff, Williams, Garbett and Schuman in favor and Doyle and Sessions opposed.

Mayor Buelterman requested that the temporary sign requirements be reviewed in order to determine if they can be made more palatable for local businesses.

**4. First Reading: Text Amendment, Municipal Code Section 34-3, Private Parking Lots**

Mayor Buelterman opened the public hearing.

Mr. Jonathan Lynn said this ordinance was tabled by council on August 13<sup>th</sup>.

Mayor Buelterman closed the public hearing.

**A Motion** by Wanda Doyle to approve with changes suggested by Mr. Lynn including:

Second paragraph to include after professional survey or evidence of property lines demonstrating corners and Site Plan to show structure locations and parking spaces.

Mr. Hughes recommended the ordinance be moved from the General Code to the Land Development Code Article 3-250.

The motion was seconded by Paul Wolff. The vote was unanimous.

**5. Introduction of Text Amendment, Land Development Code, Article 3, General Provisions**

Mayor Buelterman opened the public hearing.

Mayor Buelterman closed the public hearing.

**A Motion** by Mayor pro tem Sessions to approve with Mr. Hughes suggestions:

Section 3-070 to include sub section F that provides within the Maritime District, more than one principle structure be allowable for permitted uses, subject to site plan approval.

The motion was seconded by Paul Wolff. The vote was unanimous.

**A Motion** by Paul Wolff to continue discussion on Article 3, General Provisions until February 25<sup>th</sup> was seconded by Kathryn Williams. The vote was unanimous.

Executive Session:

**A Motion** by Paul Wolff to go into Executive Session to discuss Real Estate Acquisition and Personnel was seconded by Mayor pro tem Sessions. The vote was unanimous.

**A Motion** by Paul Wolff to end Executive Session was seconded by Wanda Doyle the vote was unanimous.

Adjournment:

**A Motion** by Paul Wolff to adjourn was seconded by Frank Schuman, Sr. The vote was unanimous.