

20100225 City Council Minutes

Mayor Buelterman called the Consent Agenda meeting to order at 6:30pm on Thursday, February 25, 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 2/11/2010
- Appointment of Dick Smith to Better Hometown Board (non-voting)
- Application for retail beer/wine, liquor and Sunday Sales Alcohol License and Entertainment License. Location: Topsail Bar & Grill -4B Old Tybee Rd Applicant: Chong Calabro.
- Application for Retail Beer/Wine, Liquor and Sunday Sales Alcohol License and Entertainment License. Location: J.J.'s Beach Café 1106 E. Hwy 80 Applicant: Jack Alshire
- Application for Special Event Beer and Wine License-402A Hwy 80 April 10, 2010 Applicant: Tybee Veteran's Memorial Committee.
- Application for Special Event- First 37th Annual Tybee Seafood Festival 4/10/10 and Carnival 4/8/10-4/11/10 Applicant: Chatham County Public Works & Park Services Requesting waiver of application fee(\$106) and carnival to operate in the Ocean Plaza lot at the corner of Butler Ave and 15th Street-Waiver of application fee, All rides inspected prior to opening, no food sold on premises, no alcohol signs posted at site, two police officers to be on site during operation, separate fenced in area, only alcohol sold will be at Dolphin Reef.
- Agreement with the City of Tybee Island and Corp of Engineer-Detention Pond Study, City cost share at 50%-\$16,500 Budget line item # 100-4250-52-1201.
- Taxi Cab Enforcement-Savannah based companies- Mayor Buelterman asked how we are going to enforce it. Mr. Lynn stated he has a list of all Chatham County and City of Savannah Cab owners and wants to send a letter stating it is ok to drop off clients on Tybee but if they pick up fares they must apply for a City of Tybee Business License. This will put them on notice across the board. This is the same for Tybee cabs going or picking up from Savannah. Mayor Buelterman asked how law enforcement would be able to enforce it. Mr. Lynn replied they would have a list of all licensed cabs and police can check if they are licensed without pulling them over.

Ms. Tammy Smith gave a presentation and update to City Council on the Turtle Project.

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. Ms. Susan Hill gave the invocation and everyone recited the Pledge of Allegiance to the Flag.

Recognitions and Proclamations:

Mayor Buelterman recognized former City Council members Barry Brown and Dick Smith, for their service to the community. Former council member Charlie Brewer was out of town and could not attend.

Mayor Buelterman presented a posthumous Georgia State Proclamation sponsored by Representative Buddy Carter and honoring former City Council member Eddie Crone and recognizing Eddie's service to the community and citizen's of Tybee Island. He presented the proclamation along with a plaque and watch from the city to Mr. Crone's daughter Linda.

Reports of Staff, Boards, Standing Committees and/or Invited Guest:

Campground Manager Woody Hemphill gave the January financial report on the campground. He said they met and exceeded their projected revenues for January. Mayor Buelterman asked that the campground financials be put on the website in order to allow the public to review them. He thanked Mr. Hemphill for everything he was doing at the campground.

Jerry Holcomb and Maureen Hoke gave a presentation on the recently completed Tree Inventory. Trees in the city's right of ways were inventoried, and recommendations made for their maintenance.

Sarah Huey, Consultant for RS&H presented the pedestrian and traffic study, and reviewed their recommendations with city council.

Citizens to be heard:

Ann Miller expressed concern to council regarding volunteering to scan records in the clerk's office and being notified that council had asked for this practice to be stopped until a discussion and determination on a volunteer policy could be made. Ms. Miller assured council that the records she scanned were public and asked if everyone that volunteers for the city would have to submit to a background check in the future. Mayor Buelterman said council wanted to develop a policy in order to track volunteer hours to help with grant requirements and also have policy and procedures in place to protect the city and the interest of the citizens. He said council had agreed that no background check would be necessary. Wanda Doyle said as long as she has been with the city, Ms. Miller has volunteered on many projects. She said we have a city clerk that has gone to school, is very professional, and knows how to take care of her office and our records. She said if we have someone that wants to volunteer to come in and scan public records, we should applaud her for a job well done. She said she trusts Ms. Woods 150% with her office and the things that she does because she is a smart woman and she is a professional. Mayor pro tem Sessions said the city values their volunteers and four years ago there was money put in the budget to recognize them. She said it is critical because without them not only would non-profits be

unable to survive but the city gets an awful lot of help. She said council would be talking again this year about putting the money back in the budget to recognize our volunteers. She said the National League of Cities is working on getting cities more involved in working with volunteers. She said council's concern was not aimed at one person or situation but instead was intended to be used as a general discussion such as, if a volunteer was used in finance, would it be appropriate, and should we had a confidentiality agreement, in case they overheard something confidential. She said it is not unusual for an organization or government entity that utilizes volunteers to let the volunteers know how much they are valued, and not just take them and put them in the back room. She said however, we need to be more professional and institute a formal policy regarding volunteers for both quality assurance and liability concerns.

Ron Borders said he was trying to gain some information on the present and future status of the North Beach Grill. He said he lives within walking distance of the North Beach Grill. He said in 2008 he was approached by George Jackson about buying the business. He said the North Beach Grill finances were in shambles and Mr. Jackson knew he was looking for investment opportunities in the city. He said after months of difficult negotiations he thought that he had a purchase agreement on the business, essentially buying the remaining lease. He said during that period he hired an attorney and met with the city manager and city attorney to discuss the process necessary to transfer the lease to him. He had agreed with a list of requirements that the city would most likely require before approving the transfer. They consisted of a personal guarantee letter of credit, acceptance of the fact that any and all repairs would be at his expense, be prepared to deal with past noise issues, late night patrons and employee parking. He said they agreed to all of those conditions and were put on the February 12, 2009 agenda for approval of the lease transfer. He said the morning of that meeting, George called him and unsuccessfully tried to renegotiate the deal and they cancelled their appearance at the council meeting. He said many people including him expected the business to fail and had been told at that point there would be a competitive bid process for the property lease and that any successful bidder should expect a significant increase in the lease amount. He asked if there were adequate financial guarantees in place to supplement George Spriggs and George Jackson. He asked if council could look at the alcohol license application impartially. He asked if council could expect city employees to comfortably deal with code enforcement issues that invariably come with the operation of this kind of business. He asked if Ms. Williams would be voting on other matters coming before council concerning bars and restaurants. He said he believes other city council members own and run businesses on Tybee but he doesn't think their businesses are located in a building owned by the city.

Ms. Williams responded that she too has had a long relationship with the business and her son Steven has worked there for ten years. She said she developed a very good relationship with Big George over the years. She said last summer she became aware of the financial difficulties and since she was contemplating retirement, she spoke to Big George about forming a partnership. She said they negotiated a deal in the early fall, long before the election. She said they did not finalize the deal until much later due to issues with Big George's former partner George Jackson. She said the lease is dated 2001 and she has not negotiated with the city and has not asked for special favors. She said they have hired an architect to look at the building and they will be doing some renovations and repairs. She said she bought into a well-established partnership and she is going into an existing business so it wasn't that negotiated anything directly with the city. She said they have formed a new LLC and the restaurant will

be called the North Beach Bar and Grill and they hope to open in April. Ms. Williams said they plan to comply with all codes and have a family atmosphere at the grill. Ms. Williams said as long as Mr. Spriggs was still involved with the business the lease did not require approval from city council.

Mr. Hughes said the city had given notice for the second time to Beachcremes, the tenant, the guarantors and their lender around mid November of last year. He said keeping the existing lease was not an option for Mr. Borders because he was not going to be in business with the existing owners at that time. He said the lease was pretty tenant friendly about terms including the right to cure a default. He said they gave notice in mid November and they had sixty days to bring their obligations to the city current, and if they did that, they would be back in good standing with the lease. He said shortly thereafter in January there was an indication that Ms. Williams was going to be partnering with Sprigs. He said he received an e-mail from Mr. Sprigs asking about the lease. He said he reviewed it on assignments and subleasing and it has a provision that allows assignments without the consent of the lessor or the city to an affiliate defined as another entity as long as it includes the principle of the existing tenants.

Mayor Buelterman asked if Ms. Williams would be able to participate on matters concerning noise ordinances, etc. Mr. Hughes said he would rather make recommendations on a case-by-case basis. He said the only option we have at present is a recusal on any items affecting that business. Ms. Doyle asked if Mr. Hughes was notified that Ms. Williams was in the process of working out a business deal. Mr. Hughes said the deal was worked out and then he was notified.

Ms. Doyle said a year ago when Barry Brown was looking at doing some work on the North Beach Grill he was told not to do the work because it would not be in the best interest of the city. Mr. Hughes said he would have given the same advice to Ms. Williams had he been asked because the law does not favor the appearance of conflicts.

Mayor pro tem Sessions asked Mr. Hughes how long he had been the City Attorney. Mr. Hughes responded seventeen years. Ms. Sessions asked if there had been other situations like this during the last seventeen years. Mr. Hughes said Jack Youmans used to paint the City's signs. He said there is a state law that deals with selling services by an Elected Official to the city and Jack was very careful to stay within the restrictions. He said there were beach equipment issues when Jimmy Burke was on council. He said there was no specific lease but there was a given area, so it was a similar situation.

Jay Burke announced the Tybee Island Irish Heritage Parade on March 13, 2010 at 3:00. He thanked the City of Tybee for accepting the parade, The Tourism Council and all of his volunteers.

Joey Burel announced that Alec Fanning will be the Grand Marshall of the 2010 Tybee Island Irish Heritage Parade due to winning a poster contest. Alec is a 7th grader at St. Michael's school.

Susan Kelleher of SeaSide Sisters announced the Flip Flop "Last Song" Movie Premier Party to be held on 03/31/10 as a citywide celebration of the movie filmed on Tybee that showcased our island so well.

Julia Pearce thanked everyone for their support and told of the medical mission team that is heading to Haiti. Team member Stanley Williams from Gateway Behavioral Health thanked Tybee for their efforts with financial support and compassion.

Sandy Major gave an update on the last Tybee Neighbors Planning Team survey. Issues were items those surveyed wanted City council to pursue or not. Approximately 106 participated in survey. One of the most important to pursue was calculating water capacity on island. Maintaining height restrictions and cross walk public safety were other issues. The full survey results are on their website. She also stated Tybee Treasures video is in the process of being updated and asked for suggestions from non-profit organizations.

Bill Gillespie presented a proposal to allow dogs on the beach entitled Dog Beach Access Plan.

He stated his purpose was to request that the city conduct a 60 day test period for limited dog beach access. It would be leash only in a restricted area at a restricted time. He said he wanted to find an acceptable and manageable solution to change the Tybee City Ordinance; Animal Restriction 10.2(b) and allow for limited dog access on the beach.

Wanda Doyle asked how it would be different on the beach when people are not picking up dog waste now all over the island. Gillespie responded the pamphlet will help educate and according to other reports, people are more responsible when on the beach.

Mayor Buelterman commended Mr. Gillespie on following through with the issue.

King Singleton spoke to council amending his request for a beach equipment rental area to Gullick St.

Mayor Buelterman asked if this is one of the designated areas in our beach ordinance. Mr. Lynn answered with that location in our North Beach Parking area and we have one beach rental business that operates at the middle crossover. Mayor asked does the ordinance only allow one business at that crossover. Lynn stated it only says North Beach Parking Lot. Ms. Doyle responded no, it doesn't, does it. Mr. Hughes read an insert from the ordinance. Ms. Doyle asked why the request was amended to Gullick St. when we weren't allowed to renourish there because of the bird nesting issues. She asked how we could consider putting a business there. Ms. Schleicher stated the renourishment was done during the winter when the bird nesting is there. This would be during the summer and would not interfere with that. Mr. Lynn stated Mr. Singleton had come in and worked with staff and this was their recommendation to

him due to only one other business being in that area. It is actually at the end crossover by the North Beach parking lot and Gullick St.

Mayor Buelterman informed Mr. Singleton the consideration would be taken up later in the meeting.

Clerk of Council Vivian Woods addressed council informing them that after the agenda was posted for the public; her office was inundated with phone calls from citizens about the dogs on the beach proposal. She informed the callers that Mayor and Council would hold a public hearing before considering allowing dogs on the beach.

Rachel Perkins spoke to council about the number of children that are on the beach and how much the areas being proposed for the test site for dogs on the beach are used. She encouraged council to vote down any change to the current ordinance and not allow dogs on the beach and move forward with other issues.

Karen Kelly addressed council and asked for the proposal for dogs on the beach to be approved as that is our citizen's right.

Edwin Longwater spoke in support of the proposal. He also spoke against the approval of the dry boat storage due to parking inadequacies, drainage runoff, and other environmental impacts and issues.

Harvey Ferrell spoke in approval of dogs on the beach as it is really allowing the property owners the privilege and right to take their dogs to the beach.

Frank Kelly spoke in favor of the proposal for dogs on the beach and agreed peer pressure would be necessary to make it successful.

Tammy Smith spoke and requested council to keep in mind sea turtles nests and the hatchings are at night and please remember this when considering the after 4:00 dogs on the beach proposal.

Henry Levy addressed council against dogs on the beach due to diseases, etc. He also reminded council of the concern of visitors following the restrictions with leashes, etc.

Mayor Buelterman asked Mr. Hughes if council needed to vote to hold a public hearing and if that was the normal procedure. Mr. Hughes said we have an ordinance that prohibits pets on the beach and council would have to consider that. He said it isn't like a zoning ordinance

where you have to prescribe to publish before a public hearing but you would have to have an amendment if you were going to change it. Mayor Buelterman asked if permission from city council was needed in order to do that. Mr. Hughes said yes.

A Motion by Mayor pro tem Sessions to not have a public hearing and take up the issue tonight was seconded by Wanda Doyle.

Mr. Wolff said they should try to come up with a sixty day trial that is manageable. Ask the City Manager, Community Development, Animal Control and the Beach Patrol to get together before council's next meeting and draft a proposal or an amendment to the ordinance for a sixty day trial period. He proposed just the front section of the beach, 5th to 13th Streets.

Mayor pro tem Sessions said she applauds Mr. Gillespie and everyone. She said since 2000 this issue has come up every time. She said her understanding is that the ordinance banning dogs on the beach took place in 1985. She said since that time, there has been a multitude of council members, some environmentalists and some for development. And every time this issue comes up, there are the pros and cons but the ordinance remains the same. She said Shirley Sessions, private citizen would love to have the privilege of walking dogs on the beach but Shirley Sessions, city council member, elected to serve and be a steward of this island, looks at it a little differently. She said they have asked Ms. Schleicher for Staff input from the enforcement officers of the police department. She said it is critical to see where the people are now and what they will be charged with as far as implementing the laws and ordinances.

Ms. Schleicher gave a summary of Chief Price's input. Chief Price said in his opinion allowing dogs on the beach with time and location restrictions would be difficult to enforce and require many additional unattractive signs. Dog owners would ignore the signs, just as they do now and we would see an upsurge of dogs running on the entire beach at all hours, endangering not only people but the local bird population. Ms. Schleicher said they currently have a problem enforcing no dogs on the beach and the Chief feels like it will be difficult to enforce it in a given area.

Mayor pro tem Sessions said council had received a report that 49 citations were issued last year at \$200. She said people walk their dogs all over the island and they have witnessed a significant problem with them not picking up. She said she believes 80% of the people do the right thing but unfortunately it's the 20% in high concentration that make it really bad for everyone else.

Ms. Sessions said they had looked at having two dog parks as a compromise, but the fact that they had to close the larger dog park this past autumn in order to clean up after people that had not cleaned up their dog waste is indicative of the situation and not the way we would like it to be.

Ms. Sessions referenced a website that's called "pet friendly areas" and it lists areas that people can take their pets to. She quoted the website as saying "Unfortunately more and more beaches are prohibiting dogs on the beach in the US and Canada because of two primary reasons with number 1 being the disregard of pet owners for the leash laws" she said it gives several different areas that had to renege on their ordinance allowing pets on the beach. She said the second, number 1 reason they quote, as banning dogs on the beach is because people will not pick up after their dogs. She said the waste has become problematic from Florida to California. She said they talk about people burying the dog waste in the sand or leaving it out. She also quoted the CDC and the DNR on the different types of dog diseases that can be transmitted to people, which to her is a big health and safety issue.

Ms. Sessions said she would love to see some hard data on the economic impact as stated in the proposal, validating this type of increase.

Ms. Sessions said they must be doing something right because they recently have been recognized in at least five publications. AOL noted that we were among the top ten best beaches in America and voted Americas number one healthiest beach by health magazine and Georgia magazine voted us the readers choice best beach. Atlanta Journal rated us the best one tank trip and creative loafing voted us the best beach retreat.

Ms. Sessions said several years ago DNR came and addressed council and said one of the reasons Tybee did not have as many beach closings as, St. Simons, Jekyll and Hilton Head was in part due to the fact that we do not allow dogs on the beach and they encouraged us to enforce our laws in that area.

She said our beach is 2 1/2 miles long and Hilton Head is 16 to 20 miles long and Jekyll and St. Simons has long miles of beach. She said we have the highest concentration of visitors in Georgia. She said in her opinion there are too many issues to overcome including the liability issue. She said maybe we wouldn't be liable but it certainly wouldn't stop someone from suing us if they were injured or their dog was.

Ms. Sessions said the whole idea of a test trial makes her think it's so much harder to take something away and the larger issues she mentioned have not started to be addressed.

Ms. Williams said she was concerned about the public being assured a public hearing would be held. Mr. Hughes said legally they weren't bound to have a public hearing in order to change an ordinance and he thought tonight was the public hearing. He said whatever action city council takes will be legal one way or the other.

The vote was Sessions, Doyle, Garbett, Schuman and Williams in favor and Wolff opposed.

Consideration of Local Requests & Applications:

- King M. Singleton, Jr- Request for Beach Rental Site location at the end of Gullick Street.

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

Consideration of Ordinances, Resolutions

1. 1st and 2nd Reading of Ordinance to Amend Section 3-070 of the Land Development Code-adding subsection (f) Maritime District

Mayor Buelterman read a letter from Pam O'Brien into the record.

Mr. Hughes said the Site Plan Approval for Paul Burns was supposed to be included on tonight's agenda but unfortunately is not listed on it. He said anyone wishing to speak to the site plan should be allowed to speak tonight. He recommended council deal with the 1st and 2nd reading after the applicant is able to say what he wants to say. He said after that we can take up whether or not we can deal with the site plan tonight.

Mr. John McCorkle, Attorney for Paul Burns said they had submitted a site plan for approval including a subdivision. He said they have not requested a variance of any kind and have received approval from planning and zoning. He said they received a letter from the planning office stating they are not violating anything in the zoning ordinance at all. He said it seems a lot of the comments are concerning dislike for the proposed use. He said they are not asking for anything that is not an allowed use in the zone in which this property is located. He said his understanding is the text amendment was going to be worked out to eliminate the need for a subdivision and we are fine with it being done that way. He said they just want to make sure the project we can move forward.

A Motion by Bill Garbett to approve for 1st and 2nd Readings was seconded by Kathryn Williams. The vote was Garbett, Williams, Doyle, Sessions and Wolff in favor and Schuman opposed.

A Motion by Kathryn Williams to bring the Site Plan Approval for Paul Burns back to Council on March 11th in order to make sure it is clean and there are no challenges on either side was seconded by Paul Wolff. The vote was Williams, Wolff, Garbett, Sessions and Schuman voting in favor and Doyle opposed.

2. 1stst Reading of Ordinance to Amend Section 46-38 of Article 9 Regarding Sick Leave

A Motion by Paul Wolff to approve was seconded by Wanda Doyle. The vote was unanimous.

3. 2nd Reading of Sign Ordinance to Amend Article 6, Sign Regulations of the Land Development Code

Bill Garbett asked for the following changes to the proposed ordinance: Section 6-040(K) (b) regarding political signs and to change the proposed size from 12 to 16 square feet allowing for signs to be constructed from half of a sheet of plywood. And Section 6-070(I) regarding the exclusions in temporary signs to allow for nonprofit organizations to pose temporary signs not greater than 6 square feet in size, to announce awards or upcoming events.

Mr. Hughes said he and Mr. Lynn met today and they may have an idea to help resolve the nonprofit and business temporary signs that have been discussed. He said in section 4(I) where it does exempt from the permitting requirements, signs for temporary yard sales, permitted private parking lots, etc. located in?. He said we would have to work on the specific area but the idea is to have a specified number that the group or business can get.

A Motion by Kathryn Williams to continue the sign ordinance until council can get the finalized feedback from staff was seconded by Paul Wolff.

Ms. Doyle asked that they consider adding sandwich boards to this ordinance in order to address some of the concerns with temporary signs.

The vote was Williams, Wolff, Doyle, Garbett and Schuman in favor and Sessions opposed.

4. 2nd Reading of Private Parking Lots Ordinance to Amend Section 34-3 of Article 9 of the Municipal Code of Ordinances.

A Motion by Paul Wolff to approve was seconded by Wanda Doyle. The vote was unanimous.

5. Text Amendment to Article 3, General Provisions.

Ms. Doyle asked for anyone involved in giving input for this proposed ordinance to be present at a workshop to discuss the provisions with council.

A Motion by Bill Garbett to continue this until such time as we have a workshop to review and discuss was seconded by Wanda Doyle. The vote was unanimous.

Consent Agenda:

A Motion by Kathryn Williams to approve was seconded by Mayor pro tem Sessions. The vote was unanimous.

Consideration of Local Requests & Applications:

- Application for Retail Beer/Wine, Liquor, Sunday Sales Alcohol License and Entertainment License. All contingent on Certificate from Health Department and Fire Marshal. Location: North Beach Grill – 41-A Meddin Dr. Applicant: Kathryn Williams

Kathryn Williams recused herself because of being a partner in this business.

Ms. Doyle said her understanding is they have to be free of outstanding taxes owed to the Federal, State and Local governments. She asked Mr. Hughes if the taxes had been resolved. Mr. Hughes said he did not know but did know that taxes and utilities are a part of the lease and an obligation to pay those taxes owed to other entities are a part of it. He said to his knowledge there are no city taxes or utilities owed. He said he was told there might be payroll taxes that remain unpaid, which would possibly be under Article 6 and effectively not owed to the city but to the entity to which the taxes are owed. He doesn't know the status. He said the application could be contingent on establishing that there are no past due taxes along with the other contingencies.

A Motion by Mayor pro tem Sessions to approve with contingencies was seconded by Frank Schuman, Sr.

Ms. Sessions amended her motion to include an additional condition of providing proof that all outstanding taxes are paid, Mr. Schuman seconded.

Ms. Doyle expressed concern over the number of contingencies.

The vote was Sessions, Schuman, Garbett and Wolff in favor and Doyle opposed.

- Application for Tybee Island Irish Heritage Celebration-March 13, 2010 Applicant: Jay Burke for the Celebration Committee-Applicant requesting the following:
 - a. Application fee waived (\$100)
 - b. Street Closures/Blocked as necessary for parade route (4th Street-Tybrisa down Butler) DPW fees waived (number and total cost of barricades & cones to come

Wanda Doyle recused herself because of being a member of this committee.

A Motion by Paul Wolff to approve with requested waivers was seconded by Kathryn Williams. The vote was Wolff, Williams, Garbett, Schuman and Sessions in favor.

- Establish Task Force to assist Tybee with Energy Efficiency/Sustainability Issues. Detail as to make-up of Task Force.

Mayor Buelterman said we pay approximately \$400,000 to Ga. Power every year for electricity and approximately \$100,000 for Diesel and Gas. He said it is in all of our best interest to reduce that through relatively easy mechanisms.

Mayor pro tem Sessions said this goes hand in hand with the Georgia Sustainable Office Partnership because they will help provide an audit to help establish these types of baselines.

A Motion by Mayor pro tem Sessions to approve asking for applications was seconded by Kathryn Williams. The vote was unanimous.

Mayor Buelterman asked for Ms. Woods to post openings for this committee and solicit resumes for council's review.

Mayor pro tem Sessions asked Ms. Woods to update the Committee list and provide council with current membership and vacancies.

Executive Session:

A Motion by Paul Wolff to go into Executive Session to discuss Litigation was seconded by Mayor pro tem Sessions. The vote was unanimous.

A Motion by Paul Wolff to go back into regular session was seconded by Mayor pro tem Sessions. The vote was unanimous.

Adjournment:

A Motion by Paul Wolff to adjourn was seconded by Mayor pro tem Sessions. The vote was unanimous.

Jason Buelterman, Mayor

Vivian O. Woods, Clerk of Council

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March 18, 2010

VIA EMAIL ONLY

Vivian Woods
City of Tybee Island
P.O. Box 2749
Tybee Island, GA 31328-2749

RE: Minutes of February 25, 2010 Meeting
Our File No. 572.14536

Dear Vivian:

I need to clarify and/or correct some of the statements reflected in the minutes I made in connection with the North Beach Grill issue. I believe that the minutes correctly state what I said at the time; however, I think in some respects I misspoke or created an impression that was chronologically inaccurate. I don't believe that the minutes themselves should be changed because I do believe they accurately reflect what I stated; I just think the way I made the remarks makes them inaccurate or less than complete. Hopefully, this will clarify and avoid any confusion.

As the minutes do correctly indicate, the City had given notice of default in mid-November and the tenants had a 60 day right to cure. I did receive the email indicated from Mr. Spriggs in January 2010 and also learned that Kathryn Williams was intending to be participating in the business at that time. I initially incorrectly advised Mr. Spriggs that the assignment of the lease or any sublease would require City approval; however, once I reviewed the lease in connection and the definition of "affiliate," I corrected that as I believe that as long as he remains a principle in the business, the City cannot insist on a right to approve any sublease or assignment. During the meeting, Wanda Doyle asked me if I was notified that Ms. Williams was in the process of working out a business deal and I responded that the deal was worked out and then I was notified; however, I think it would be more accurate to state that Ms. Williams and Mr. Spriggs had an agreement amongst themselves but were still working out the details when I learned of the situation to that extent. I was not, however, asked, as I stated at the meeting, for an opinion regarding the issue of Ms. Williams participation nor did I volunteer one.

In reference to my comments regarding the beach equipment issues and when Jimmy Burke was on council, I think I stated that the situation might be considered similar to some extent, but there was no lease as was the case with the North Beach Grill.

Vivian Woods
March 18, 2010
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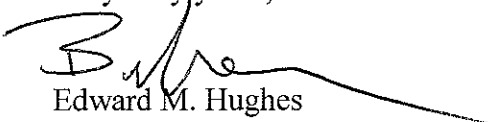
Also, several days ago when I looked at the disk of the meeting, it seems as though the order of my comments was such that it would create the impression that the past due rent was paid sooner than, in fact, was the case. The past due rent was not paid until I was aware of the situation described above and I believe was paid on January 19, 2010.

I think it would be appropriate to put an asterisk in the minutes making reference to this clarification and to attach this email as clarification.

Also, so that there will hopefully be no misunderstanding on the part of anyone who might have watched the meeting, I think I should make reference to this matter during the open part of our next meeting.

I regret having misspoken or to having confused the situation and certainly regret any inaccuracies in my comments. Hopefully, this will clarify and answer any questions that might exist.

Very truly yours,



Edward M. Hughes

EMH/md

cc: Diane Schleicher, via email
Mayor and Council, via email

**Pam O'Brien
5A Lighthouse Lane
Tybee Island, GA 31328-1667
(912) 786-9319**

February 22, 2010

Re: Text Amendment to Allow >1 Primary Structure in Marina District

Dear Mayor & Council,

As you know, this amendment was preceded by a request for a new, dry-boat storage facility at Lazaretto Creek. I am writing because I have concerns about how such a facility would look, given its incredibly prominent location on the island.

While we're not necessarily about appearances here on Tybee, I do think we understand the importance of a positive first impression. As we cross Lazaretto Creek now, residents and visitors enjoy panoramic views of the marshes, rivers and shrimp boats. This focus could easily change to the new facility, possibly in an unflattering manner.

Given the massive size of the dry-boat storage facility submitted for consideration at your last meeting (i.e. two, roofed steel buildings 35 feet tall, at least 30 feet wide and lengths up to 120 feet long), I urge you to request renderings with any future site plan changes. The renderings should show how the buildings would look as one arrives at Tybee. In addition, I urge you to disallow any advertising on these buildings, and reserve the right for the City to use the surfaces for promotion if it desires.

While dry-boat storage might be a convenience for some boaters who live and visit here, there are far more folks who now enjoy the beautiful vistas coming onto the island. Let's not shoot ourselves in the foot by situating two eyesores at the gateway to our island. If you believe this business and the associated structures are truly warranted, I urge you to find a less conspicuous location, or find a way to buffer the proposed large, unattractive commercial structures.

Sincerely yours,



Pam O'Brien

cc: City Manager, City Attorney

February 22, 2010

Hi Vivian & Jason,

I will not be at the meeting this Thursday. Jason, would you please read ~~this~~ letter out loud when you consider public comment for the text amendment regarding the marina district? Vivian, would you please make copies for council, manager and attorney?

In addition, Jason, I have a procedural concern which I did not include in my letter. Last meeting, Bubba stated that, some how or other (?!), Paul Burns' dry-boat storage request changed from "conceptual" to "final." My questions relating to this are as follows: (1) who changed the request and why?; (2) how was the request treated for the Planning Commission meeting/vote (i.e. "conceptual" or "final")?

If it turns out the Planning Commission was instructed to treat it as "preliminary" and then it was changed to "final" for City Council meeting, I have concerns as the Commission vote was presented to council without any stipulation (which would be incredibly misleading and deceptive.)

Please let me know what you find out.

Sincerely,

Pam
(912) 786-9319