

## **20100311City Council Minutes**

Mayor Buelterman called the Consent Agenda meeting to order at 6:30pm on Thursday, March 11, 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.

Danny Adams-Student at Savannah State University addressed council on a class project he is working on and using Tybee as a base for a community analysis: "What does Council perceive as the greatest needs of Tybee Island?" Once the analysis is done he will also submit a proposal for improvements or ways to meet those needs. The mayor had previously given him a few issues such as the flooding on Hwy 80, getting sand back on the beaches.

Shirley Sessions asked for his email for corresponding. Wanda Doyle gave suggestions of parking, trash and bathrooms as areas of concerns & needs for improvements. The number one priority would be parking. Kathryn Williams suggested her number one priority would be litter. Paul Wolff asked for communication tools to better communicate between staff, residents and visitors as how everyone can help with the previous mentioned areas and visitors can feel more of a part of the island.

Mayor and council discussed postponing the approval of the February 25<sup>th</sup> minutes. Kathryn Williams stated, and was confirmed by the city attorney, the way the synopsis is written does meet the legal requirement of having the minutes ready at the next meeting.

Mayor Buelterman and council agreed to limit reports to council to ten minutes in the future and also cut down on how many on the same night.

Mayor Buelterman listed the following items on the Consent Agenda:

- Seaside Sisters-Special Event Beer, Wine, Liquor Alcohol License Application  
Date: 03/31/10 Applicant: Sallie Armstrong Location: 202 Fifth St. (Gym)
- Seaside Sisters-Request for waiver of user fees (\$200) for use of Gym on 3-31-2010 for the Flip Flop "Last Song" Movie Premier Party Applicant: Susan Kelleher  
Funds raised are being given to the Marine Science Center. The City Manager confirmed applicant would be submitting the \$500.00 deposit for the use.
- Friends of the Tybee Theater-Special Event Beer/Wine Alcohol License Application. Date 04/17/10 Applicant: Gordon Matthews Location: Lighthouse Grounds
- Procedural Policy for Council to be drafted by City Attorney for council's review.

Kathryn Williams stated this is in response to GMA's recommendation to adopt your own policy in lieu of using Robert's Rules of Order.

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 Pro Tem Sessions gave the invocation and everyone recited the Pledge of Allegiance to the Flag.

Citizens to Be Heard: Please limit comments to 3 minutes. Maximum Allowable time is 5 minutes.

Hillary Brodofsky gave a report and power point presentation on the Priceless Gifts Campaign Fundraiser. Council submitted their collection jars with the funds they have been collecting. She will announce totals at a later meeting. Wanda Doyle congratulated Hillary and her staff on a good job of utilizing the gym facilities and making more programs available to the citizens of the community as well as the YMCA members. Shirley Sessions suggested Ms. Brodofsky nominate one of our youth volunteers to the United Way for the Youth Volunteer recognition and awards for potential scholarships.

Henry Levy addressed council in favor of the boat storage facility and asked for council to help the applicant not hinder him.

Bill Blakely addressed council and asked for council to defer Audit Committee appointment on the Agenda this evening and advertise opening a little longer for other candidates who may be interested so council would have a larger selection to appoint from. He also asked for the committee to be allowed to meet with potential members to get more background information on their qualifications and they can learn what the committee actually does. There is nothing pressing at this time so the delay in the appointment would not be a critical issue.

Wanda Doyle asked how long the ad was advertised. Vivian Woods, Clerk of Council responded the ad ran from February 10<sup>th</sup> thru February 25<sup>th</sup> when council directed her to advertise it. Mrs. Doyle also stated Jan Fox, the person on the agenda for appointment, is not a green horn. She has a very good background, was the CFO for the city for many years, so she doesn't understand why this is an issue tonight when it hasn't been for months.

Paul Wolff stated he appreciated Mr. Blakely's input and respected his opinion, this is a specialized committee and Mrs. Fox has done a lot of good work for the city and helped put our financials in order when it was really needed. He does not have any problem with re-

advertising for openings. We do have a lot of talent on the island and the committee and chair should have a say on who they accept or don't because they have to work pretty well together. He did ask what the committee really does as his understanding was they really just review the audit and make sure the procedure runs as smooth as possible. Mr. Blakely replied that is pretty much it. Going down the list; hiring the outside firm that does the audit and this was done this past year. Then making sure of the scope of work being done and if any conflicting issues come up between the audit and staff assisting in resolving them. After the audit is done they review it and the financials, approve them and present them to the city for your approval. Mr. Wolff then asked if they interact with staff asking for records, etc. Mr. Blakely replied not at all. That is not the function or what an Audit Committee does. The committee also makes sure what accounting principles the city is following because the policies an organization is following can have a significant impact on the results they present.

Kathryn Williams stated when she was previously on the audit committee they actually recruited members because some people won't necessarily respond to ads. At that time the committee's scope of work was a lot more, such as with contract compliance, etc. She does not understand why and when that changed. They would actually meet twice a month and worked quite a bit with the staff. She asked if the committee would be interested in doing more. Mr. Blakely replied they would do what the council directed. Shirley Sessions asked how often the committee meets. Mr. Blakely replied three or four times last year. He does not have meetings for the sake of having a meeting. If something needs to be done a meeting can be called. The first meeting this year will probably be the end of April or first of May. Ms. Sessions asked when the city begins its budget process. The City Manager replied we have already started internally. The council workshops with department heads will begin in May. Ms. Sessions asked if the Audit Committee as anything to do with the budget process. Ms. Schleicher answered no. She also stated when she came on board that is when the contract compliance issues were just being resolved. It was her understanding that had been a directive from council to have the Audit Committee work with staff in correcting this. Times like that would be when the committee would interact with staff. Ms. Schleicher also said right now the committee would not have any contact with the staff except some with the Finance Director as she attends meetings where they are discussing the audit and maybe at times when her input at meetings would be valuable. Ms. Sessions asked how the meetings work. Are the meetings posted so council or the public can attend. Are there agendas and minutes? Ms. Woods, Clerk of Council answered most committees on the island do send her minutes after they are approved. I know their meeting schedules a year ahead of time and I fax them to the newspaper and the community is notified of the meeting dates. However, the Audit Committee has reserved their meeting times and she is not aware of their meetings and not able to advertise until she receives notice of it. If the meetings are quarterly then I am only

going to receive the minutes quarterly. Whenever I do receive minutes I give to council in their packets and post them on the website.

Mr. Edwin Longwater addressed council in opposition to the proposed dry boat storage facility due to its invasion of the beauty and history of the cultural heritage of the Lazaretto Creek area, parking, and dangers to already congested area.

Reports of Staff, Boards, Standing Committees and/or Invited Guest Limit reports to 10 minutes

Lauren Lewis of the US Census Bureau addressed council on the 2010 Census. Residents should start getting their Census Forms around March 15<sup>th</sup>. Normally they come via your mailboxes but, since Tybee's majority has PO boxes, and the Census Board does not deliver to PO boxes, Tybee residents will have someone knocking on their door to take their census around May. If you do receive mail at your house you will get your form by mail. She stated census workers will never go into your home, unless invited. If they ask you to come in that should be a red flag. They should never ask for anyone's social security numbers. The Census Bureau does not share your personal information with any other Federal Agency. They will have ID badges but will not have a picture on it. She encouraged everyone to participate. Georgia is looking to gain big. Possibly another congressional seat and Georgia is one of the top five growing states and could get 400 billion dollars to be distributed based on the Census information. This goes to roads, community organizations, schools, hospitals, so forth. Chatham County also looks to gain big. According to the 2000 Census the county population was 232,000. They are estimating that has grown to at least 265,000. If we have a count of over 250,000 we are a true metropolitan area and with that comes hundreds of millions of dollars more for grants and other eligibilities. Living in a coastal community in case of natural disaster, such as a hurricane, we also need to know how many people live here. She hopes Tybee has a great census. Frank Schuman asked how the rental properties would be handled. Ms. Lewis replied their door will be knocked on also, as they go to every address. She suggested if a property is a vacation rental to attach a card to the front door or front window to alert the census worker of that so it will cut down on them coming back three or four times. Wanda Doyle asked if the City Manager could contact the rental companies and let them know when the census workers will be here and maybe they could post all their properties. Ms. Lewis stated that would help a lot. Also post it in newsletters, meetings, etc. Mayor Pro Tem Sessions asked for it to be put on the water bills also.

Lindsey Fruchtl and Vicky Buck of the Tybee Tourism Council gave the First Quarter Report. The 2010 Marketing budget is approximately \$450,000. 50% of that goes to advertising and promotions for Tybee Island. The focus and key initiatives this year will be on the internet, our website, advertisements on other websites. Our Facebook page has over 18,887 fans, which is even more than Savannahs. She asked for input and suggestions for content on the website. They have started a blog. They have expanded the Wedding section. The addition of the chapel on the island is going to help increase this huge market and we need to capitalize on that. Photos will be updated on the website. They will be increasing their event marketing. Sponsoring events on Tybee like the Mardi Gras, Irish Heritage, Tybee Wine Festival, etc. They have a business card size handout being used with Tybee Events listed. Print and radio advertising is being used in Augusta, Macon and Atlanta. Projects coming up are Georgia Tech on the Phase 2 of the Market Study. Working with Better Hometown, now that we know who are coming-why are they coming? This will help us better target our advertising Partnering with the State of Georgia on a "Last Song" sweepstakes promoted in the UK. Miley is big there and in Germany, and this will help give us some international exposure. International visitors stay longer and spend more money. They have had booths at area trade shows and displayed one of their trade show backdrops. Ms. Buck recently attended Tourism Day, representing Tybee and presented the Governor with a check for 850 Million Dollars of tourism revenue. The Ga Dept of Economics Tourism Division has also been sponsoring boot camps for training in the areas of Group Tour Markets and Family Reunion Markets. They have been doing some marketing with the military and Tybee will have a representative at the Pentagon on May 11<sup>th</sup> for a show there. We also are featured in the vacation planner for the Savannah Chamber of Commerce.

Kathryn Williams commending them on a great job promoting our island and asked for them to explain where the other 50% of the budget goes, not all on salaries. Ms. Fruchtl stated on operational expenses. We operate the Visitor's Information Center and have overhead expenses like any other business. Ms. Williams asked about the sponsorship of events. Ms. Fruchtl replied they send a RFP to non-profits to submit their request in November at budget time. We have a review process and award promotion dollars to help with PR for the events. Mr. Wolff congratulated them on doing a great job on promoting the island and suggested fewer ads and more travel pictures and also suggested adding music to the background of the website. Ms. Fruchtl said they had looked at that but it seems web surfers sometimes do their looking at work and if they go to a site with music they just click right off.

Danny Hill, Chairman of the Ethics Commission, addressed council and Tybee residents on the vacancies on the commission. He asked if you have Ethics then please step forward and fill one of those vacancies. He also asked council to have legal representation retained for the

commission. He asked for clearer directives for what the council wants in review of the current Ethics Ordinance.

Kathryn Williams asked the City Manager if funds were in the budget for legal assistance for the commission if needed. The City Manager replied not now. But it could be added in the next budget cycle. She asked for the City Manager to work with the City Attorney and determine how much would be needed and look at doing this. The Mayor agreed. Mr. Hill stated the commission is set up to have 10 members, 7 primary and 3 alternates. At the present we have 5 primaries and 1 alternate.

Chantel Morton gave an Update and power point presentation on the Better Hometown program. We are still in the Start Up stage in receiving the designation. One more step will be met this month when the board members attend a Hometown Conference in St. Mary's. Continued education is a primary part of the designation. Continued efforts are being done thru the four point committees to assist with areas of issues such as parking, trash, esthetics of the business corridors, economic restructuring and promotions of events such as "Third Thursdays".

Consideration of the approval of the minutes of the regular meetings of the Tybee Island City Council.

2/25/10 City Council Minutes approval postponed by council

Consideration of Boards, Commissions and Committee Appointments

Audit Committee- Jan Fox

**A Motion** by Wanda Doyle to approve was seconded by Mayor Pro Tem Shirley Sessions.

Paul Wolff stated he would like to take the recommendation of the chair and open this back up for more applicants and let the committee be part of the review process. Ms. Doyle stated Ms. Fox's resume speaks for itself so my motion stands.

Mayor Buelterman asked if committee chairs are notified when applications are received for openings. Ms. Sessions asked doesn't the Beach Task Force make recommendations to council for appointments. We have had this applicant's information for a while. There is another opening and we already have others that have indicated interest so that would be an opportunity for the other openings. Mayor Buelterman suggested, and Ms. Sessions agreed if it hasn't been done before then maybe we can let the committee chairs know before it comes to council, of applications received. Ms. Doyle commented these are posted. Ms. Williams stated

she understood the concern of the chair but it doesn't seem fair to change rules midstream when people have followed the rules and submitted what they were supposed to.

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

Beach Task Force-Arnold Seyden

Mayor Buelterman asked if this had come from the Task Force. City Manager stated yes. He has already started attending the meetings.

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

#### Consideration of Approval of Consent Agenda

**A Motion** by Wanda Doyle to approve was seconded by Frank Schuman. The vote was unanimous.

#### Old Business

Site Plan Approval for location of a dry boat storage facility and parking; subdivision of lot (Section 4-050L) Petitioner: Paul Burns Address: 4 Old Hwy 80 PIN 4-0024-01-005 Zone M-D Public Hearing originally held on 02/11/10 and Council tabled.

Mr. Lynn stated after the text amendment was brought forward and approved at the last meeting, Mr. Burns withdrew his subdivision request and moved forward with his site plan approval which was given to council earlier this evening. The difference in this site plan is he has actually removed the line for the subdivision and just asking for the site plan approval for the dry boat storage.

The City Attorney stated the public hearing was actually held at the last meeting. Ms. Williams asked if any of the trees in the setback were going to be removed. Mr. Hughes stated the applicant's attorney is not present as the public hearing was already heard. Mr. Lynn stated Mr. Burns had asked Mark Boswell to answer any questions. Mr. Boswell stated all the trees in the setback and buffer are staying. The only other tree being removed is a small cottonwood shown. Ms. Williams confirmed with Mr. Boswell that all cedar trees will remain.

Paul Wolff asked about the cedar trees in the areas delineated for parking for the trailers. Mr. Boswell stated they are just going to work around them. Mr. Burns addressed council and stated this is already being done. Mr. Wolff confirmed with Mr. Burns the structure would be

open racks not an enclosed structure. Mr. Burns stated open racks and Mr. Lynn stated open racks with a roof on top.

Mr. Garbett stated no walls on the side and asked Mr. Burns to address the appearance issue. Mr. Burns stated it could be gray or black steel. The roof could be blue like is being used on the hoist. The height would not be above 35 feet.

Mayor Pro Tem Sessions asked for clarification from Mr. Hughes about the lawsuit mentioned earlier by Mr. Longwater that the city had been involved in for years and won. It is her understanding we are still in litigation and that has not been resolved. Mr. Hughes stated that is correct, it has not been concluded.

Ms. Williams stated with all the parking issues we already have if council approves this and it does become a parking problem, whose problem is it the city's or the property owner. Mr. Lynn stated here it would be the property owners because it is all on private property. Ms. Williams asked if there is parking allowed on Old Hwy 80. Ms. Schleicher answered on one side. Ms. Williams asked if it is metered. Ms. Schleicher answered no, but it could be.

Mayor Buelterman asked about the email or letter received from Pam O'Brien referencing something brought up earlier and not addressed.

Ms. Woods stated it was a letter and her question was it was her understanding that the planning commission reviewed the plans on a conceptual basis and somehow between the planning commission meeting and the council meeting the plan changed to not be on a conceptual basis. Her concern was the planning commission did not get to make a recommendation on a regular plan it was on a conceptual basis and didn't know how that happened. Mr. Lynn stated when staff received the application from Diversified Designs; we noticed the word conceptual on the plans. We asked the applicant if he wanted to move forward as a conceptual as it would not go to council but to the planning commission for comments back to them to reapply. They said no they wanted it to go to council. Even though the application stated conceptual staff moved forward based on the applicant saying they wanted to move forward with it going to council. Mayor Buelterman asked the city attorney if this was ok, nothing procedurally was done wrong. Mr. Hughes replied no, in fact, he believed they had actually changed the site plan before it actually went in front of the planning commission.

Mr. Schuman expressed his concern with having enough parking for all the businesses that are down there. Mr. Boswell stated he had reviewed other similar facilities in other cities to come up with the required parking spaces.

Ms. Williams asked if there was a way to assure the twenty-five foot buffer is not used for parking. Mr. Lynn stated he is working with DNR and staff would consult them before permitting and have a letter on file that he knows exactly where that buffer is and nothing goes in it.

Mayor Buelterman stated there were multiple public hearings held with council and the planning commission when the uses were being considered for this area. This was one of the allowed uses. If there were any opposition to this use it should have been addressed at that time.

**A Motion** by Wanda Doyle to approve Site Plan was seconded by Bill Garbett. The vote was Sessions, Doyle, Garbett and Williams in favor. Schuman and Wolff opposed.

Mayor Pro Tem Sessions asked for city staff to look at possible pay to park being added along Old Hwy 80.

### Public Hearings

Zoning Variance for porch expansion at existing single-family dwelling (Sec 3-020)  
Petitioner: John-Paul White for Renee Shamp, owner. Address: 66 Van Horn PIN 4-0021-04-006 Zone R-1.

Mr. Lynn stated the applicant is requesting the extension and expansion of the existing porch that runs along the length of the house. This porch is not going to create any new encroachment on any setbacks but the house does exist as a non-conforming use due to house on the side yard setback on Fort Ave side of the property is three and half feet from the property line where it was constructed. That constitutes it being a non-conforming use and that is why they have to request the variance. The porch and expansion will not encroach any further in any setback and they will still be able to meet all applicable setback requirements. Mr. Wolff asked if this is all going to be elevated or will it be a ground level deck.

Mr. White stated porch will be expanded from where it exist out about 7 feet on the Van Horn side of the house, and in the same footprint underneath will be a deck out about 5 feet and about a foot off the ground. Mr. Wolff asked if the deck underneath is going to be 5 feet or 10 feet. That is what he seems to remember from the Planning Commission. Mr. White stated there has not been a final decision she just wants a deck underneath and enough room to put the water hogs she has. Mr. Wolff asked about the size and cost of those. Mr. White stated he thought about 50 gallons and were about \$300-\$500 each.

Ms. Williams asked if it met the green space requirements. Mr. Lynn stated yes.

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

Ms. Williams stated this property is a prime example of why residential (not Commercial) non-conforming uses need to be looked at during the workshop on the Article 3 Text Amendment. Mr. Garbett asked about the hardship rule on non-conforming use variance requests. Mr. Lynn stated that is going to be looked at during the review of Article 5.

Site Plan Review for addition of buildings and pole barn. (Section 5-020 (B) and Section 5-080) Petitioner: Gerald Schantz Address 1115 E. Hwy 80 PIN 4-0026-03-021 Zone C-2 **\_Planning Commission recommended approval with 3-2 vote.**

Mr. Lynn stated the applicant is requesting to add an additional building to this property, a modular or manufactured building in addition to a commissary/pole barn, which he will use to serve food and allow his patrons to eat under. The building will have to meet code of course. This request goes in conjunction with what was requested on July 11, 2009 by council. This is to add on to a site where a mobile kitchen was permitted in June of 2009. The current site plan involves expansion of the use of this lot to incorporate a covered area for patrons to sit as well as a building that is going to be 12' by 28' in size that will have a commissary food prep storage area inside, a small office area and ADA restrooms. He has added five more parking spaces bringing parking to a total of thirteen spaces which meets the Land Development Code. There will also be additional pervious material to replace a portion of the white rock to comply with our storm water management ordinance. The applicant has taken the tree considerations into effect on this lot to make sure they comply with the Tree Ordinance. They will add four new trees to bring the total to nine. He does wish to construct a 36" by 60" brick pad which will be to the northern side of the current mobile chuck wagon which he will place a propane grill for the outdoor cooking and is requesting approval for that brick pad.

Ms. Session asked for Mr. Lynn to address the buffer abutting C2 properties. Mr. Lynn stated our LDC requires a 20' buffer between commercially zoned properties and residential properties. The properties on Laurel right behind this location are zoned C2, they are not residential. According to some conversations with Mr. Hughes those properties had coincided with TBR which is a transitional type of district, but right now that area is zoned C2 so those buffers would not come into play at this point. Ms. Sessions stated just for the record, they had received emails asking specifically when this change was made. He stated he was not sure when it was changed or if it was always C2 but residential uses had been allowed.

Mayor Buelterman read a letter from Diane Killorin of Laurel Ave. (which is attached as part of these minutes) addressing the same question.

Mr. Hughes responded the problem is the two overlap. You can be in TBR and use it under TBR zoning as C2 and TBR within the 200 foot strip. You can build a residential home you just have to use residential setbacks. If you look at the map it shows C2. As far as he knows it hasn't

moved. It has always been that and never changed from TBR to C2, it just overlaps. The city has talked about changing it when the process first started over a year ago. There was a meeting with the planning commission where they discussed mixed use. They didn't want to do away with the right to have a residential along that strip. As long as you permit both districts to overlap you are going to have these kinds of problems. One thing that is going to help is the change in the proposed Article 3 which would change the buffer requirement so it doesn't apply just when a district abuts another district. When you have a commercial use abutting a residential use then there is going to be a buffer requirement regardless of what the districts are. Right now it is just district to district.

Mayor Buelterman asked Mr. Lynn to email Ms. Killorin and let her know what Mr. Hughes had just explained.

Ms. Doyle asked for clarification of what a pole barn is? Mr. Lynn stated it is just a covered area where patrons are going to be allowed to sit. No walls. Mayor asked if it was like a picnic shed. Mr. Lynn said yes. Mr. Shantz also responded it would be like a pavilion. He will be using reclaimed lumber. It will look like it's always been there and be visibly appealing.

Ms. Williams asked what kind of signage is planned. Mr. Shantz stated he has not given it full thought yet but it would be minimum.

Mr. Wolff commented on the upkeep of the property such as lawn maintenance and the broken fence, and Mr. Shantz's commitment to keep the impact with noise, lighting, etc. to the neighbors at a minimum. Mr. Shantz responded absolutely. He has already started clean up and that is why he has positioned the pavilion the way he has so it is the furthest away from the neighbors. The fence is his neighbors and he hasn't fixed it yet and hopes to expand it, they have discussed making it a little nicer. But he will do all he can to keep everything neighbor friendly and tidy so his customers will also like it and want to come back.

Mayor Buelterman and Ms. Doyle reminded at the end of the day it is the city's responsibility to monitor and make sure these things are done.

Ms. Williams asked about him volunteering to put a vegetation buffer in since shortly it was going to become required anyway. Mr. Shantz replied he didn't know how much space he would have due to parking requirements but he would try. Even though he could use it for more parking he did leave all the vegetation on the side where the neighbor that wrote the letter lives.

Mr. Schuman asked when Mr. Shantz shuts down the business for the season to please keep it maintained. Mr. Shantz stated he hopes to not be shutting down but has hired a maintenance man and will keep it maintained.

Gregory Wilets stated he still doesn't understand exactly what this is going to look like and is concerned how it all is going to fit. Mr. Lynn explained the site plan to Mr. Wilets and that parking requirements had been met and there is room on the lot for everything. Mr. Wilets

stated the pieces look distorted. Ms. Doyle confirmed with Mr. Lynn that these were engineered drawings. Mr. Lynn also confirmed all setbacks are being met.

Mr. Willets also expressed concerns with the outdoor cooking and smoke intrusion into the neighborhood and the overall appearance of the business as a restaurant as people come onto our island.

Mayor Buelterman asked if there was anything that could help with the smoke. Mr. Lynn said maybe but that is a health department issue and Mr. Shantz will have to work with them when they come out for inspections; there is nothing really in our ordinances. The city attorney confirmed this unless it becomes a nuisance.

Ms. Doyle stated she understood where everyone is coming from in the neighborhood but this is a small island and people get smells from all over. The property is zoned C2 and this is an allowed use. The applicant had done everything he is supposed to do and met all codes so as much as she feels for the neighbors we have to let this businessman do what he has applied to do.

Ms. Sessions stated she agrees it may not be as pleasant to look at as she would have wanted but our code does not deal with architecture designs as long as it meets code.

Ramsey Khalidi, a Historical Building Architect and Developer, previously worked on the River Street project, addressed council on the appearance and materials of the project. He is acting as a consultant to Mr. Shantz's architect and is providing the green sustainable materials like the pervious paving with reclaimed brick. The lighting is a big issue. His will be down lit. The pavilion will be constructed in a simple pagoda type style with antique heart pine reclaimed lumber that is coming from the river walk. The podiums will be deep enough to meet wind load requirements; the metal will be a standard sea metal roof. It will allow a very pleasant experience to have a picnic here on Tybee. He felt everyone will be pleased and will be considerate of everyone during the process.

Barry Brown addressed council, as a property owner around this property, in support of this project.

Edwin Longwater addressed council in support of this project and felt Mr. Shantz will be a good neighbor.

Ms. Williams asked about the outdoor cooking. Will the concrete pad be used to fry shrimp? He replied no that is for the propane cooker for the meat.

Ms. Session complimented Mr. Shantz on the very well thought out proposal and improvements over the plan brought to council last time.

Mr. Lynn also stated the narrative on this application would be used as a model for future developments. It has followed the code letter by letter.

Jim McCusker addressed council in approval of the project and Tybee thrives on its uniqueness and this goes right along with Tybee's little quirkiness and what we treasure.

Mayor Buelterman read a letter from Rebecca Jordan Starling in support of the project.  
(Attached as part of these minutes)

**A Motion** by Wanda Doyle to approve was seconded by Mayor Pro Tem Shirley Sessions. The vote was unanimous.

Consideration of Ordinances, Resolutions

2nd Reading of Ordinance to Amend Section 46-38 of Article 9 Regarding Sick Leave

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

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 Frank Schuman, the vote was unanimous.

Adjournment:

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

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Jason Buelterman, Mayor

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Vivian O. Woods, Clerk of Council

**Vivian Woods**

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**From:** Dianne Otto  
**Sent:** Wednesday, March 10, 2010 3:13 PM  
**To:** Vivian Woods  
**Cc:** Jonathan Lynn  
**Subject:** FW:

RECEIVED  
MAR 10 2010  
BY: Vivian Woods

Vivian,

I received the email below and a second email that I will forward in a moment. I am going to print them for the Planning Commission file for Gerald Schantz. Please provide them to the Mayor/City Council, etc.

Thank you,

Dianne K. Otto, CFM  
City of Tybee Island  
phone 912.786.4573 ext. 136  
fax 912.786.9539

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**From:** diana killorin [mailto:dkillorin@earthlink.net]  
**Sent:** Wednesday, March 10, 2010 12:49 PM  
**To:** Dianne Otto  
**Subject:**

March 10, 2010

Dear Councilmember,

I am writing in reference to Gerald Schantz's petition for an expansion of his temporary eating facility at Hiway 80 and McKenzie St. I live in the old two story gray house adjacent to the north side of his lot. Mr. Schantz has never been a congenial neighbor, but his establishment--as it exists now--- poses no great nuisance to the residential neighborhood on Laurel Ave. There is no smoker operating on site, there is little noise, and no overbearing lights..

However, I want to address the issue of the C-2 zoning of Laurel Ave. When I moved to this house twelve years ago, the south side of

Laurel Ave. was zoned TBR (transitional business residential). I do not recall ever receiving a notice of a hearing for its change to C-2. I

would appreciate knowing if this is documented. Also, since 1998 there have been twelve new residences built on the North side of Laurel Ave. It's just denying reality to keep pointing to the fact that North Laurel is commercial. It is "zoned" commercial, but that clearly doesn't reflect its nature.

We need to keep in mind that there would not be room for the buffers afforded to R-1 residents who abut Commercial property. However all of the residents of Laurel Ave deserve to have consideration for issues such as lights, noise, and smells.

This commercial corridor needs to develop in tandem with the thriving residential street it abuts.

Sincerely,  
Diana Killorin  
1114 Laurel Ave.

## Vivian Woods

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**From:** Dianne Otto  
**Sent:** Wednesday, March 10, 2010 3:14 PM  
**To:** Vivian Woods  
**Cc:** Jonathan Lynn  
**Subject:** FW: sorry two typos

email 2 of 2

Dianne K. Otto, CFM  
City of Tybee Island  
phone 912.786.4573 ext. 136  
fax 912.786.9539

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**From:** diana killorin [mailto:[dkillorin@earthlink.net](mailto:dkillorin@earthlink.net)]  
**Sent:** Wednesday, March 10, 2010 12:58 PM  
**To:** Dianne Otto  
**Subject:** sorry two typos

I meant to be referring to South Laurel as "zoned C-2"

March 4, 2010

City of Tybee City Council  
City of Tybee Island  
PO Box 2749  
403 Butler Avenue  
Tybee Island, Ga 31328

Mayor Jason Buelterman  
Respected council members City of Tybee

It is my understanding that Gerald Schantz has presented a proposal to the council in the matter of improving his property (commercial property he owns at U.S. 80 and McKenzie Street) on Tybee Island, Ga and a planning vote was returned 3-2. I have known Gerald since High School since we both were graduates 1970 and 1971 respectfully. Gerald has become very successful in operating his catering and food service establishments. He is extremely community oriented providing coffee and hot chocolate for the polar bear plunge, cooking, service and providing food for the United Way of Savannah following the explosion of the Savannah Sugar Refinery

"Along with the pulled pork, meals will include baked beans, Cole slaw, bread and iced tea. The food is free for all, Schantz said, but donations are encouraged. All proceeds will go to a Trust Company Bank fund for families of workers injured or killed in the Feb. 7 Imperial Sugar Co. refinery explosion." (SMN February 16, 2008)

"The owner of Gerald's Diner on Bolton and Montgomery said he had never taken a cooking class and had never given one. But when Ellie Titus, vice president of The Coastal Real Estate Group, asked him to help entertain a group of girls, Gerald stepped up." (SMN May 27, 2007).

As I read my copy of the Tybee Breeze last night and marveled at the idea "The Tour and Travel committee of the Savannah CVB has a very aggressive marketing plan for 2010 and looks forward to bringing lots of business to Tybee. The TITC will be helping to host a FAM (familiarization tour) this summer along with the Savannah CVB and the GCTA (GA Coast Travel)."

"Tybee's BHT Vision Statement (adopted 4/14/09):

*To improve the quality of life for those that live, work and visit Tybee Island through a healthy business corridor and enhance the cultural experience while preserving the community's barrier island heritage. "*

*"The Mission of the Tybee Island Better Hometown Program is to: facilitate efforts to revitalize, redevelop and enhance the business corridor; create a sense of place and improve the quality of life for residents, business owners and visitors using the Main Street.*

*"Remember, while you are out enjoying this island paradise, "Buy Local Tybee!"*

*(Tybee Breeze March 2010 edition )*

Gerald is requesting to add tables so his customers can relax and enjoy their food as well as a restroom facility for his customers. We ALL recognize the need for restrooms at Tybee. I ask that his request is reviewed for counsel on March 11, and quickly implemented so we can all benefit from another outstanding local establishment at our beach before this summer season is over.

Sincerely,

*Rebecca Jordan Starling*

# McCORKLE & JOHNSON, LLP

Attorneys At Law  
319 Tattnell Street • Savannah, Georgia 31401  
Phone: (912) 232-6000 • Fax: (912) 232-7060  
prm@mccorklejohnson.com

March 11, 2010  
**VIA EMAIL AND HAND-DELIVERY**

Edward M. Hughes, Esq.  
Callaway, Braun, Riddle & Hughes  
301 W. Congress Street  
Savannah, GA 31401

**RE: Application of Lazaretto Development, LLC**

Dear Bubba:

Not surprisingly, Paul Burns does not want to spend additional attorneys fees to have me attend a third meeting before the Tybee Island Council on his application for site plan/dry rack storage. I am assured by everyone I ask that this is not a public hearing, the public hearing has been held, and this is a simple vote on approval of the site plan.

This letter is not intended to be argumentative or accusatory. I simply wanted to put my client's position in writing for the record. I would appreciate your making my letter a part of the record in this file. These are the same thoughts I would share if I attended the meeting this evening.

My client's position was, and remains, that the dry rack storage is a Permitted Use as a part of a marina. It is also our position that the dry rack storage buildings are Accessory Structures. Therefore, they are allowed on the same lot as the marina under the ordinance that existed at the time of the filing of the application.

We submitted a site plan that asked for no variances which included a two lot subdivision. It is our position that we were entitled to approval on both issues at the meeting on February 11, 2010.

Because of some unspecified uneasiness on the City's part about the subdivision, my client agreed to allow the vote to be tabled for two weeks in order that the City could adopt language which the City thought necessary to allow approval of the site plan without the subdivision. Both the modification of the ordinance to achieve this purpose, as well as my client's application, were to be approved at the next meeting. Unfortunately, as you are aware, the application was not on the agenda at the last meeting although the modification to the ordinance was adopted.

As we have discussed, it is my position that we are entitled to approval pursuant to the terms of the ordinance which existed at the time that Mr. Burns filed his application. The subsequently adopted requirement for a Special Review does not apply to this application. Mr. Burns will not participate in any discussion about Special Review approval.

We have been patient and I hope everyone agrees that Mr. Burns has been cooperative. He is willing to accept approval of the site plan without the subdivision as long as the site plan itself is approved as submitted. However, should discussion about a Special Review ensue, Mr. Burns will insist upon approval not only of the site plan but the subdivision as well.

Again, I wanted to make the record clear without my client having to pay my firm to attend the meeting for a third time. I hope this letter will be received in the spirit in which it is offered.

Sincerely,



Phillip R. McCorkle

PRM/bgl

cc: Paul Burns

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