

20100513 City Council Minutes

Mayor Buelterman called the Consent Agenda meeting to order at 6:30pm on Thursday, April 22, 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 called the Consent Agenda to order:

Mr. Wayne Hildreath, wind farm consultant of Wind Energy Consulting & Contracting, along with other colleagues gave a power point presentation on wind turbines. The first in the US, he stated his company, based in Jacksonville, does not sell turbines but represent clients by putting them in the best possible position by handling all items on a slippery slope that can make a wind project go wrong. Most of their clients are in the Southwest, Midwest, and Caribbean and also in the Middle East. They have completed hundreds of wind studies economic models of projects of all sizes. The single turbine or a few behind the meter is really his niche market. There is currently nothing in the southeast, with the exception of a few vertical access turbines that are spinning in a few locations along the coast. The potential in the south east is great for wind. Mr. Hildreath stated the technology was started by the Danish. He showed numerous examples of locations across the US. There is great wind potential in our area. He stated there have been some negative connotations associated with wind projects and he has put together a PDF document addressing most of those and handed copies out to members of the Council. For example, one has been bird fatalities. However in single turbine placement, birds seem to avoid the turbines. In wind farms there are radars that shut down the turbines when flocks of birds are approaching to fly over and then restarted after they pass. They have looked at a possible project in our area being done in two phases. First is to install a small 20kw turbine in the city center (Memorial Park area). This would indeed be a tourist attraction, very pleasant to look at. Somebody is going to do it and be the first. It should be Tybee. The second phase would be at the water treatment plant, installing a 275KW turbine and offsetting a good part of the dollars being spent on electricity. Brian spoke on specifics of installation such as cost (beginning at \$87,500), available federal funding, grants, payback periods and expected energy savings. He also gave a comparative analysis on wind & solar. Solar power showed to be at a cost of \$158,720 and payback being 22+ years, compared to the wind power at a cost of \$87,500 and payback being at the 15th year. Brian also gave a recording example of the noise generated by the single wind turbine and stated many times the noise is overshadowed by the wind itself. Mayor Buelterman asked about the height. Brian stated it could be as high as 120' down to 18meters. The lower you go the less power you generate. He gave examples of the value over and above the energy saving, such as the educational value and tourism. Bill Garbett asked what their assumption was on the average wind speed for Tybee. Mr. Hildreath stated they have not done a wind study on Tybee. Mr. Garbett said they had to have an average wind speed to use in their financial calculations. Mr. Hildreath said they had used the Savannah Airport and other coastal airport data and the wind regime here is very similar. They did a study for the Naval Station Mayport three years ago and found the wind regime there on the coast had a capacity factor using the turbine, of 37%, which is better than many of the projects in the Midwest. When starting a wind project a met tower is usually

installed for about a year to model the wind and get a good resource. Mr. Garbett said when you look at the National Wind Resource Map our average wind speed is about 5 meters per second. The manufacturer offers a performance guarantee and they are not going to do this if they are not confident in the wind regime. Mayor Buelterman asked if there were other small municipalities that have projects like this. Mr. Hildreath stated yes. They had been involved with the installation of two small turbines in Genoseo, Illinois and a school district in Erie, Illinois. In the school district they also negotiated a purchase agreement, estimating about four million dollars revenue over the lifespan of the turbine in addition to the energy savings. This turbine allowed them to air condition all of their buildings throughout the district. Mr. Garbett asked where the nearest turbine similar to this was located. Mr. Hildreath stated, Tennessee in the mountains. Mayor Buelterman asked how far away it can be from where you want the use. Mr. Hildreath stated that would vary according to several factors. He also stated you would need a fall zone of the size (height) of the turbine plus one blade. Some are made to drop down or be lowered in preparation of a storm. Shirley Sessions asked about them being in located in a populated area. He stated they have been in city centers. There are safety mechanisms in place, such as emergency shut downs, etc. Kathryn Williams asked about the diameter of the pole, does it vary according to the height. Mr. Hildreath stated typically about 6 feet in diameter. The foundation is typically 24 x 24 and 4 feet deep, depending on the soil. The manufacturer gives recommendations but usually above ground it is six feet in diameter. Mr. Wolff asked if there is a limit to the 30% tax credit you can get thru the blocker corporation or any cap on that. Brian answered no.

Mayor Buelterman listed the following on the consent agenda.

- Proclamation: National Preservation Month-May 2010
- Freda Rutherford-Appointment to Community Resource Committee
- Application for Retail Beer/Wine, Liquor and Sunday Sales Alcohol License and Entertainment License, Location: 1311 Butler Ave, Applicant: Kurtis Schumm for Tybee Island Social Club. Chief Price has approved.
- Change order #1 for BRW Construction Group: Cost of \$480 for WWTP Effluent Line Extension Additional Signs Budget Line #505-4310-54-1407 Infrastructure approved
- Change order #1 for AD Williams Construction CO: Cost of \$4800 for Butler Avenue Crosswalk Improvements, Pavement Mounted Signs. Budget Line #100-7520-54-1420 Infrastructure approved.

During the Consent Agenda Ms. Schleicher requested council to approve installing a gate on the Back River pier and locking it at night when the restrooms and the parks were closed at 10:00 pm and reopening it in the morning when the restrooms and parks are reopened?

Mayor Buelterman asked Ms. Williams if she was ok with that since she had had some questions. She answered no. She thought the gate was going up now and council would determine if it needed to be closed at a later date. Mayor Buelterman deferred the item to the regular agenda for discussion.

Mayor Buelterman adjourned the Consent Agenda.

Minutes prepared 06/02/10dw

Page 2 of 24

Mayor Buelterman called the regular meeting of the City Council to order at 7:05pm. Those present at the Consent Agenda were also in attendance for the regular meeting. Larry Nesbitt gave the invocation and everyone recited the Pledge of Allegiance to the Flag.

Mayor's Announcements

Mayor Buelterman spoke on the Gulf of Mexico oil spill. At this point the risk of it entering the Gulfstream is very minimal. Jack Kingston's office is keeping us informed and would be there to help if needed.

A dedication ceremony for Eddie Crone will be held at the Guardhouse on May 23rd at 3:00. This is to honor Eddie for all he did in the restoration of the Guardhouse. Everyone is invited.

Consideration of draft minutes for the regular meetings of the Tybee Island City Council.

1. 04/08/2010-Postponed

Proclamations

Mayor Buelterman read the proclamation proclaiming May as National Preservation Month.

Citizens to Be Heard

Bill Cannon spoke on behalf of the Tybee Beautification Association. He invited everyone to participate in the Adopt-a-Highway on May 15th. Volunteers need to meet at the Tybee sign on Hwy 80 at 8:00am. He also announced the Tybee Prom on July 17th at the American Legion. This adult prom is the annual TBA fundraiser and the cost is \$20. This year's theme is "Twilight Time on Tybee". You don't have to dance to donate. He also thanked Mayor and Council for their continued support.

R Campbell, a Design Management MFA graduate of Savannah College of Arts & Design, spoke on Wind Power and the community. In the last year he has been working on wind studies in the south east. He explained the opportunity that Tybee has to lead by example and combine the old, the history of Tybee with the new, alternative energy in Memorial Park. He presented a slideshow of examples in other cities. Some were of solar & wind combinations in business & office complexes, others were just the wind turbine behind church and school complexes. The past 10 weeks he and other SCAD students have been working on wind designs and did research on Tybee and will make this available to Mayor and Council.

Kurtis Schumm addressed council on new family friendly restaurant and bar he is opening on Tybee in the old Vinnie's location on Butler Ave. He and his partners invite all to come out and try them. Liquor/alcohol license approval will allow for grand opening by Memorial Day. Frank Schuman reminded him to monitor noise and trash in the residential neighborhood behind him.

Larry Nesbitt spoke to council in reference to considerations of wind power on Tybee. He asked council to research and study the noise issues associated with wind turbines. A lot of information is on the internet. Other states have laws now that turbines can only be so close to residential districts. He

stated he had previously asked Mr. Wolff if turbines made noise and was told no. There are thousands of websites about noise levels. Another thing to consider is health issues that have been documented around turbines. A lot of medical and hearing organizations have documented people that live near turbines that before had no medical problem or insomnia, since have had problems. Off shore the cost would be prohibitive to have the energy brought back to Tybee but he asked council to be careful about the neighborhoods because people do come first. He also stated prior to being elected, council members had stated they were not going to allow variances and this exceeds 35'. One green website for green energy is not favorable about the noise pollution or visual pollution. He reiterated to please do research before taking a vote. If wind turbine is not used maybe we can use photocells or something else.

Shirley Sessions asked Mr. Nesbitt if the comment he made on council stating no variances was said on 35 feet height variance specifically or what. Mr. Nesbitt replied no, basically on any variances. That is what the citizens heard during the elections. Mr. Schuman stated that is not on a resident but on a windmill. Mayor Buelterman stated that will be dealt with when the decision comes up. Mr. Wolff clarified he did not say they didn't create any noise. He stated turbines create 50 to 60 decibels at 120 feet and that decreases as you get closer to ground level. Mr. Garbett asked if we have had an energy audit and Mr. Wolff stated yes.

Richard Burnsed addressed council on the private parking lot application his father had submitted and encouraged approval. Mr. Garbett stated council had spent time on trying to figure out where the actual parking spaces would be as they are not on the drawing and the ordinance requires a scaled drawing. What he submitted is adequate but he would hate to see more projects coming in like this. The poor drawing did show everything that needed to be seen in order to make a good decision. That is why the stammering.

Shirley Sessions asked isn't it the responsibility of the staff to make sure applicants submit what they need rather than have them appear before council and be put on the spot.

Jonathan Lynn stated Mr. Burnsed had presented what the current ordinance asks for. It does not require scaled drawings. The amendment to the ordinance on the agenda tonight will require that. The current ordinance only requires a site plan or a professional survey of the lot. We actually did have a professional survey at the last meeting but it wasn't as detailed as the one now.

Kathryn Williams asked if Mr. Lynn had looked at page 12 as it seems that was already amended. Mr. Lynn and the city attorney stated no. It had to be brought back tonight for second reading.

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

Chantel Morton addressed council on the progress of the newly formed "Green Team", an internal city government committee consisting of an employee from each department and assisted by the city manager and community development director. The team has applied to partner the City of Tybee with the state of GA in their goal to create a Sustainable Georgia. The team members introduced themselves

to council. Ms. Morton explained the team has elected to pursue and go after Waste Reduction for the first year. The past month an assessment has been done across the city departments to see what type of materials are recycled, what each department knows about recycling and developing a starting point for proceeding with education. We have also been tracking and measuring the departments current recycling to develop a baseline to be able to measure the recycling changes and results from improvements or behavioral changes implemented, such as double sided printing, reusing paper, and using recycled paper and also using personal cups or water bottles. We will meet again in June and will be doing another measurement cycle in July. Again this is working with the GA DNR Sustainability Division. We are very excited about educating and raising awareness within city hall and the city departments and have that spill out into the city of Tybee.

Shirley Sessions congratulated Tybee and stated the county and the city of Savannah have a Green Team or are part of this initiative. As far as she knows Tybee is the only other municipality that has taken an active approach to this and this is really good we are doing this.

Chantel Morton gave an update on the Better Hometown Visioning Workshop held in April. She thanked Mayor Buelterman for the Historic Preservation Month Proclamation and stated this goes along with the Green Team in that *"The Old is the New Green"*. With Better Hometown we are looking at economic development based on historic preservation. The board and committees have been reviewing what information we received regarding strengths and challenges in order to know what direction we are going to go for the next year. With design we are going to continue working with the city with the parking committee for the businesses and looking at the possibility of having a kiosk around the business corridor to help with the visitors and the businesses and continue to continue working with the historic preservation and the awareness of it and education. With organization we are going to continue the newsletters and working with the department of community affairs. We have sent everything to DCA within the past five months and are waiting on final approval at this point. We will continue with all the guidelines DCA has for Better hometown and will continue to have monthly meetings and working with the businesses and city with outreach and really pushing and striving for more positive outcomes for the city and positive press. With economic restructuring we are also going to continue working and assist the businesses in looking at diversification within the business corridor. We got a lot of feedback from residents as to what services or merchandise they would like to see on the island. That is part of the economic development we are going to be looking at to continue to grow year round. For promotions, there was a lot of feedback on Third Thursdays on Tybee and we will be continuing that. May 20th will be our first one with Megan Panther and Darryl Lee VanHorn. Two months of Third Thursdays will follow that. To continue with more family fun activities our promotion liaison for the board is Stephen Palmer and he has really been thinking of a way to brand Tybee. It is almost like a new Tybee with all the new changes that have happened over the years. He is working with the tourism council on this to have a joint partnership on how to really brand Tybee.

Mayor Buelterman stated it is good the Third Thursdays are able to be continued. Ms. Morton stated they had been supported by a grant from the GA Council of the Arts and was a grassroots program that was only for three months. Because of such positive results the city is going to continue it with some support from area organizations.

Janice Elliott addressed the council on the new prescription discount card program offered by the National League of Cities. The city will participate beginning May 15, provided the resolution is passed tonight. This program provides the citizen with some relief on the high cost of prescription drugs. Free prescription discount cards will be available to citizens through this program. The cards offer an average savings of 20% off the retail price of commonly prescribed drugs. The card can be used by all residents of the city and has no restrictions based on the resident's age, income, or even their existing health coverage. The card can be used when purchasing prescription drugs at more than 60,000 participating pharmacies across the country. Island's Pharmacy here on Tybee is also participating. In the current economic climate the city of Tybee is happy to participate with the National League of Cities to make this discount card available to our residents. This is no cost to the city or the residents of Tybee. This program is administered by CVC/Caremark. Cards can be printed from the internet at www.caremark.com/nlc and will be available at city hall, the library, the YMCA and at the Island Pharmacy. Citizens can visit the website or call 1-888-620-1749 for assistance. The card is easy to use and is free. Residents only have to show their card when purchasing at the participating pharmacy. There is no enrollment form required, no membership fee of any kind. Every family only needs to have one card for all members to use. Even some pet medications, if they can be used to treat humans, can be discounted. Pick up a card and start saving today.

Shirley Sessions asked if it can be used if you have insurance. Ms. Elliott answered; if you have insurance and it is not covered you can use the card.

Mayor Buelterman called for a motion for the Resolution for National League of Cities Prescription Program.

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

Consideration of Local Requests & Applications-Funding, Special Events, Alcohol License

1. Application for Private Parking Lot Permit: Address-11A Lovell Avenue
Applicant: E.C. Burnsed.

A Motion by Bill Garbett to approve was seconded by Wanda Doyle. The vote was unanimous.

Consideration for the Consent Agenda

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

Public Hearings

1. Site Plan Review for locating a permanent awning (Section 4-050 (E) (1) Petitioner: Nick Alexander. Address: 1513 Butler Ave PIN 4-0008-07-0004 Zone C-1/SE
Planning Commission recommended approval with 5-0 vote.

Jonathan Lynn stated the request is for a non-retractable awning at 1513 Butler Ave. The applicant is seeking a non-retractable awning to extend out approximately four feet from the front edge of the building over the sidewalk on Butler Ave. Currently the zoning for this property is C1 South End Overlay District. The Master Plan shows this area as Historic Downtown District. The reason the applicant is seeking site plan approval for this is the South End policies and procedures permits awnings, however it must come up and down and retract every night. The applicant feels this is not consistent with his intentions for the future use of it as a bar and grill and he is proposing a site plan similar to what the Rock House proposed last summer. To have a permanent awning with a clearance of just less than eight feet so it will not pose any threat to public safety for people to walk under it.

Mayor Buelterman asked if it was the same distance out from the building as the one across the street. Mr. Lynn replied, he believed it would be a foot or two less. The one at the Rock House is intended for patrons to sit under it and this one is not. Mayor Buelterman then confirmed with Mr. Lynn planning commission had voted unanimously to approve. Mr. Lynn confirmed.

Mayor Buelterman then asked about the statement in the planning commission minutes stating the awning could sustain winds up to 130mph. Mr. Lynn stated staff would require engineering on it. The Rock House came through with theirs. Mayor Buelterman asked about the ability of an awning to withstand winds at 130. Mr. Lynn replied yes, the only requirement on an event like that is the applicant or owner would be required to remove any canvas materials. The metal would actually have to stand up to that. Mayor Buelterman then confirmed it is not the canvas that can withstand the wind it is the frame. Mr. Lynn said correct.

Dean Morrison spoke and confirmed the engineers did have the rating at sustaining 130 mph winds for the awning frame.

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

2. Updating of Land Development Code Article 4, Section 4-050 (K), Planned Unit Development District **Planning Commission recommended approval with 5-0 vote.**

Jonathan Lynn addressed council and stated this request is from staff and is a request to update Section 4-050 (k) of the Land Development Code relating to Planned Unit Developments. Currently in that section we reference every allowable PUD on the island and there was one left out and has since been determined in a legal matter that the judge ruled that the Gulick Street area is a PUD unit. Staff requested the City Attorney to include Gulick Street specifically as an allowed PUD under this ordinance.

Bill Garbett asked how this now affected the vacant lot. Is it now green space? Mr. Hughes stated that is still in litigation. This does not change anything about who has the rights to do what. It is just correcting an omission in the text of the current code.

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

3. Text Amendment, Land Development Code Article 3, General Provisions.
Continuation of the previous public hearing held on 2/25/10 with amendments to ordinance draft as requested by council in last workshop.

Mr. Lynn stated this request is a continuation of the public hearing held on 2/25/2010. We have since had a workshop and discussed some other issues with Article 3 and what you have before you is a revision based on that workshop and the last council meeting to see if we can get this moving forward and through the First Reading. There have been other requests come in from council members since the meeting packet went out and during the course Mr. Hughes has been notified and there are some amendments to discuss when the time comes.

Wanda Doyle asked the city attorney if she should recuse herself due to the part on driveways and pervious materials may affect her daughter's business. Mr. Hughes stated it was ok to participate and vote. It is a text amendment that has application citywide. It is no different than indirect impacts anyone would have.

Mr. Wolff asked about the last page Section 3-250 on private parking lots, is that going to refer to the ordinance before council tonight or how is that going to be incorporated. Mr. Lynn replied that entire ordinance, the current one is incorporated here, and the amendments that will be voted on tonight if approved, would actually go into this ordinance at the second reading.

Wanda Doyle asked about page 5, there has been a lot of work with the tent issue and we took out the umbrellas after the workshop but down at the end where it says, "tents set for special occasions, screen houses, and seasonal recreation". If you are putting up something that is 10 x 10 do you have to still come to city hall and get a permit or is it only if you are going to use something that is 120 square feet. Mr. Lynn replied if it is something that is 120 square feet. This would be an exempted section for them.

Mayor Buelterman asked if the diagram on street corners for public safety purposes on page 3 is new. Mr. Lynn answered the diagram is new but the requirement is not. Mayor Buelterman then confirmed it was only to illustrate and Mr. Lynn stated correct. Mayor Buelterman asked if the city has a lot of discretion in that. Mr. Lynn answered correct.

Bill Garbett commented this changes the definition of right-a-way lines to right-a-way center lines. Was that somewhat unclear before? Mr. Lynn stated before people were utilizing it

somewhat to their advantage so it was clarified from the center of the right-a-way where it is centered back as opposed to right-a-way line across the street or right-a-way in the front yard. It is actually from the center line back and is where the right-a-way is. Mr. Garbett stated unfortunately for streets that then intersect with Butler that means there is a very small clearance triangle because if you go out to the center line of Butler, you really don't hit the corner of the property.

Mr. Wolff stated that is a very good point and he would like to hear the answer to that one. That is why the original ordinance said the corner of the property where it abuts the road so you have 45 feet all the way down the property. Mr. Garbett is correct if you go to the center of the line on Butler you don't have any kind of clearance. You are not going to have that triangle.

Mayor Buelterman commented in other words it was more advantageous to the property owner before. Mr. Lynn stated 25 feet would be greater than the biggest front yard setback we require on Tybee, if you are bringing it 25 feet back from the right-a-way line at your property as opposed to the center line.

Mr. Wolff stated this is just about a fence if it is over 3 feet, correct? Mr. Lynn answered a fence or anything over 3 feet, a shrub or anything. Mayor Buelterman than asked if you use the right-a-way line on that corner lot it could go all the way back to....pretty far. Mr. Wolff stated that is where the line of vision is and that is the point. Mayor Buelterman stated not all the time though. It is his understanding staff uses a lot of discretion; we don't chop down peoples

Mr. Lynn answered no. We actually had an incident a few days ago with a fence. Sometimes it is actually more cars parking on the street as opposed to the actual fence, that is the blocked vision. With Butler Avenue you would be easing out further if cars were parked there than just a little white picket fence. So a lot of time it's not the fence or shrubbery that is the problem. We do try use a lot of discretion and not fault anybody but there are times we have to tell people to bring it back and do something like that. We try and catch it when they apply for the permit but it's hard to see on paper.

Mayor Buelterman asked Mr. Garbett if what he is saying is it lessens the city's ability to deal with that because you're using the center line instead of the right-a-way line.

Kathryn Williams stated it is important that we don't confuse discretion with inconsistency because there have been a couple of properties lately that have been cleared but the properties right across the street have all kinds of vegetation in the line of view. She wants staff to understand discretion doesn't mean inconsistency. You cannot force one property owner to have a clear corner and the three corners around them not to be cleared.

Mr. Lynn stated he agreed and public works does a really good job with that. If they see something when they are out and about and they see shrubbery or something growing around a STOP sign or street sign, they will actually go to the property owner and require them to go

ahead and cut it before it ever gets any deeper. They do a good job but they can't be everywhere at once.

Wanda Doyle stated she had concerns about section 3-160 Protective screening of adjacent property starting at the bottom of page 14. It seems like we had discussions about this at the workshop but it seems like this is just eating away at a piece of commercial property that happens to be sitting next to a residence. Ms. Doyle stated she doesn't understand what is trying to be done here unless it is to take away a person's piece of property. There are at least 2 people in the audience tonight that have concerns with this and I had concerns at the workshop. She asked why it is being put in this. She asked Mr. Lynn if he could answer.

Mr. Lynn stated this is a new addition, the fifteen feet and he believes it is at council's will. He stated he doesn't have any "dog in this fight" he is not Michael Vick. Ms. Doyle asked where this came from, what council's will. Ms. Doyle asked how it got in here. Mr. Lynn stated it was talked about at the workshop about reducing the number from 20 feet to the 15 feet. That is why it is fifteen feet right now. Ms. Doyle stated so we took it down 5 feet. We are still taking away people's property.

Mayor Buelterman stated so the answer is it came out of a workshop we had. Mr. Lynn answered correct. Ms. Doyle stated she sees the correction where 20 is crossed out and changed to 15 and she had not picked up on that. Mr. Hughes stated the change actually began way before Mr. Lynn, back when the original started back in 2008. The major change with this is changing from a commercial district to a commercial use, where the buffer requirement is triggered. If you have a commercial property that abuts a residential use or vice versa, it will trigger a buffer requirement that has previously not existed. Mr. Hughes stated he thought Ms. Doyle's issue is because of the size of the lot if you trigger even a fifteen foot buffer it can take away a significant piece of the property that is there.

Shirley Sessions stated maybe it would be helpful if staff in working with Bubba could explain the intent as to why it was felt this was a better idea to make this change.

Mr. Hughes said the frequent problem encountered has been the expansion of commercial uses against residential properties and the absence of any buffer requirement that was triggered because it wasn't a commercial district or a residential district. The TBR C2 overlay area, for example, what used to be Georges Restaurant; there was no buffer requirement between it and the residences behind it. That sort of situation was repeatedly occurring at various areas when these uses intersect or abut, but the districts don't. If it is limited to the districts you have no control over it. That is the issue that started it all. Obviously, if this goes too far that is up to council.

Shirley Sessions asked what is the set back currently for C2 vs. C1? C1 is 6, 6, and 6 around. Mr. Hughes replied he has to look. It is 3090 but he is not sure. Ms. Sessions asked if they were different and Mr. Hughes answered yes. Ms. Sessions asked if C2 has more flexibility regarding

the setbacks than C1. Mr. Hughes stated C1 is the one that changes depending on what the commercial use is. It goes all the way to 20, 10, and 10 just like the residential. C2 is always 10, 6 and 6. The setback is there but there is no buffer requirement. If you are living next to one, the thinking is, it would be nice to have a buffer, but given the size of some of the lots at 90 x 45, taking what was 20 feet from each side, eliminates over a third of the lot.

Ms. Sessions stated the types of businesses we have seen affront Hwy 80 are some of the more typical traditional businesses, but the ones perhaps on the back side wouldfor example if someone wanted to build an office building, the use would still be commercial, but it would not be as obtrusive as maybe a restaurant. She asked if there was any way of capturing those differences.

Mayor Buelterman commented on maybe doing something similar to what council had done with the cost associated with applying for variances based on the cost of the project or maybe the size of the lot and don't just blanket the requirement of the buffer. Stagger it or something because this has been an issue not having something in place. It limits what council can do to protect the residents affected by a commercial business.

Mr. Hughes replied having a buffer or a fence to provide protection to either the residence or the commercial is going to be the problem, it's how far in you have to come with it. That can eat up the property and that is the hard part. There is a way it could be drafted to fluctuate depending on the intended use and the size of the property.

Mayor Buelterman stated maybe the way it is written now could be used for a large development but for a small lot something different.

Mr. Lynn suggested as opposed to saying a specific number of feet, saying your green belt could not be less than the required setbacks, since they are already required to have setbacks to start with.

Bill Garbett stated it would have to be more specific because a green belt would not be a lawn, maybe some shrubby. Fifteen feet is a little unreasonable. There have been discussions such as with the Tybee Market and Gerald Shantz project. The market has a wall and shrubbery but Mr. Shantz couldn't put anything else because he didn't have room. We need to come up with a solution that something could be done without taking fifteen feet more out of the lot line.

Mayor Buelterman stated the problem with this section 3 is there is like fifty things. If we have an issue with one than it puts the whole thing down the road and then we are not putting things in to place for good things. He asked if council could go ahead and approve and leave out the more controversial or complicated items and revisit them individually. Mr. Lynn stated unless the city attorney has any objections, council could make recommendations for the things to be amended. Do the first reading and if it is council's desire to approve the first reading have it changed for the second reading. Mayor Buelterman stated if it wasn't correct for the second reading, keep it as is for certain parts until we come up with what we all agree on.

Mr. Hughes stated council did not have to act on the entire thing; you are just having a public hearing on the entire thing. He also mentioned, and felt maybe part of the confusion is on the private parking area. That ordinance which was just before council with the applicants request for the parking lot on Lovell Ave, is down for First Reading of 34-3 and is actually part of article 3 now and part of the public hearing now to make those changes. If you look at the end of Article 3, sec 250 is the private parking provision. Even though it started as a fairly straight forward ordinance dealing with an overall use it became very property and land use oriented. So it has been moved into the Land Development Code. The version that is in article 3 right now does not include the proposed changes that are up now for First Reading. That would be adjusted according to what council decides to do. You can take this section by section or take out ones you don't like. Like if you don't like section 3160 pass the rest on First Reading and take it back up later.

Kathryn Williams stated when she hears council's discussions on this in trying to protect residential use from commercial intrusions, because we do know this is a problem, council never had any intent to be punitive to the owners of commercial properties. She doesn't think from the conversations had that anyone has any difficulty with requiring the fence, so if we can just get a manageable buffer. She had planted confederate jasmine on the stairs and ramps at the school and it was amazing what a good buffer that provides. If someone has a commercial use they don't necessarily want to be looking at the house next door either if they have anything outside, so would probably prefer to have some type of vegetation. But she is in agreement the fifteen feet is excessive and would be more amenable to using the required setbacks as part of this ordinance.

Rusty Fleetwood addressed council and expressed his appreciation in council's work in attempting to simplify a lot of the confusion in some of the ordinances. Certainly there are some pluses and minuses, but there are a bunch of little inconsistencies in it, then there are some big ones, such as the 3-160. That one thing tells him there needs to be more workshops and put back to planning commission for another look at it. That one section, if you had a 90 foot wide commercial lot, would take away about \$50,000 to \$60,000 value right there. A buffer is not the same as a setback. You can't do anything with a buffer. You can put a driveway in a setback but you cannot drive on a buffer. There is also some confusion on the fence. In one part it says the fence can be a natural planted fence, in another part it says no, it has to be a man made structure; like a concrete, block, brick or wood structure. He would be happy to help with planning commission taking another look at it.

Mayor Buelterman asked when planning commission had looked at this. Did they look at it after a lot of the last revisions were made? Mr. Lynn responded they had not seen it since he has been with the City. It went to planning commission before he started with the city.

Barry Brown stated to council he had a lot on Laurel Avenue and if you take the new setting of fifteen feet, you are going to take an additional eighteen feet off of his property. It is only 79' x 80' and has a gigantic Oak Tree in the front yard. For the people who buy property in the C2 district, let them put the buffer in their yard. They choose to build a residential house in a commercial zoning. That is no different than what they do down on the strand. He wants to go on record and has sent Mr. Hughes a letter of how he feels about this and it needs to be left alone. He does not have a problem putting Jasmine on a fence on the property line. But he has a real big problem not being able to use the setbacks for parking. He bought this property with a zoning of 10, 6 and 6 to build a commercial office building there. The downside with the market has made him delay building but he has had the lot for about five years. He had bought it with the intention it was going to be for commercial use. At that time, he and Dee Anderson, had a long discussion about the way that ordinance was written. It was written as abutting commercial property to residential and now he sees they are changing the word to district. He asked Mr. Hughes if that was changing the zoning on it. Mr. Hughes replied no. Mr. Brown stated then it is only changing the wording of how it is written in the zoning. Is that correct? Mr. Hughes answered that is correct. Mr. Brown stated he is opposed to it.

Mayor Buelterman stated he felt Mr. Fleetwood had a very good suggestion and since it had not been to planning commission in a while, let them take a look at it. There are some good things in here that we would like to get done soon, but it doesn't hurt for something of this importance, for them to take another look at it and make recommendations. They may find some other things as well.

Wanda Doyle stated she knows a lot of work has gone into this and it has been going on and on, but if the purpose is to make things better and right, then we need to consider that.

Kathryn Williams stated the only thing about sending it back to Planning Commission is that back in February when council got it the first time, she had typed a whole list of items that council had gone thru point by point at the workshop and there was general consensus with most all of them. She was rather surprised when council got this version of Article 3 and only one thing had been incorporated. She and Mr. Lynn had talked about it and he has talked with Mr. Hughes about some of the language that would need to be utilized. She stated this needs to go in first before it goes back to planning commission.

Mayor Buelterman asked if council could submit the discussion that was had at the workshop as an addendum to the Article 3 for the Planning Commission's review so they can look at those items. Or would she rather see them added in the draft first before it goes to the planning commission. Ms. Williams answered at least as an attachment, but to her knowledge she has not seen any minutes from the workshop so she doesn't know if they are available.

Mr. Lynn replied he hasn't seen any either, so he doesn't know if they exist.

Mayor Buelterman stated if we can dig up what council discussed and agreed to at that workshop; we can add that to the packet that goes to the planning commission. He asked Mr. Lynn to explain to the planning commission where that attachment came from.

A Motion by Bill Garbett to continue Text Amendment and send it back to the planning commission for further review with amendments as proposed at council workshop was seconded by Frank Schuman. The vote was unanimous.

Kathryn Williams asked Mr. Lynn to explain to planning commission council would like their input or recommendations for any potential changes so they will know why it is coming back.

Mr. Lynn stated it would miss the next planning commission meeting but would be on meeting the 15th of June.

Mr. Wolff suggested on the buffer where commercial abuts a residential use a six foot fence and a five foot vegetated buffer that would not be unreasonable. It would be like a good healthy stand of jasmine on a fence. That wouldn't be intrusive to anybody, but would act like a cushion. The vegetation part is important to absorb the sound and would serve the purpose and not violate anyone's commercial rights.

Mayor Buelterman asked Mr. Lynn to add in the notes.

Consideration of Ordinances, Resolutions

1. 1st Reading Text Amendment, Municipal Code, Section 34-3, Private Parking Lots
Mayor Buelterman stated this was to make it where applicants have to provide more detailed information such as scaled drawings

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

2. 2nd Reading of Ordinance to Amend the Code of Ordinances Section 66-8(b)(3) and delete in part (b)(2) of Article 9 Section 2: To Regulate the Usage of Motorized Carts on the City Streets

Wanda Doyle stated the public safety committee had reviewed this and Chief Price was there. They agreed mostly on everything but two issues on the last page s, "motorized carts must observe the parking regulations and ordinances applicable to motorized vehicles" and they must purchase a decal or pay the parking meters. The way it is written here is it could be either or. Is that Mr. Hughes interpretation? Mr. Hughes answered yes. The chief, when we started this, didn't want the carts to be eligible for a decal because they didn't pay ad valorem tax. Ms. Doyle stated they had discussed that. He did say that, but now we are talking about them purchasing a decal. Either pay the parking meter or buy a decal.

Mr. Wolff stated he was at the meeting to and there was some disagreement but personally allowing people to purchase a parking decal is fair enough. If they are going to use it a lot around the island they are going to get their money's worth, and they don't pay ad valorem tax. It's not an apple to apple thing with cars that pay ad valorem tax getting one for free.

Ms. Doyle stated it does say they have to display a decal and maybe it needs to be clearer about buying. Diane Schleicher stated she understood. We just need it to be clearer that they are required to purchase the decal in leu of just receiving it upon registration or they would have to pay the meters.

Ms. Doyle stated correct. Ms. Schleicher stated there is also another correction in section 66-8 (b1)" a reflective triangle will be issued upon registration "needs to be taken out because an amber flashing light is going to be required by the owner instead.

Mayor Buelterman asked if a lot of signs are going to have to be put up all over the island. Ms. Schleicher replied Mr. Hughes said we don't.

Mayor Buelterman stated he had noticed in the ordinance they could not drive on Jones except they could go on the north side of 80 and on the south side to get to Second and that was it. They could cross at certain points at Jones but only at certain streets. Council then discussed the issue of carts allowed or not allowed on Jones.

Mayor Buelterman asked if the public safety committee decided it would be better to let them drive on Jones. Ms. Doyle and Ms. Schleicher answered yes. The mayor stated he would be fine with them going on Jones that will mean you don't have to have so many signs. Ms. Doyle stated she thought that was intended to be taken out.

Mr. Wolff said it would slow traffic down on Jones. Mayor Buelterman asked what Chief Price thought? Ms. Doyle answered he was fine with it. He agreed but not at night, right now especially during our busy season. Mayor Buelterman asked what constitutes night. Ms. Schleicher answered sunset to sunrise. Shirley Sessions stated Jones Ave is a big issue because already the bikes are an issue, so she has been concerned with this. It has been discussed in detail at the public safety committee meeting and even though she was surprised, the Chief didn't seem to have a problem with it. If he is ok with it that's fine but she still has a concern.

Ms. Schleicher commented it is because of the restrictions on the speed of the carts is about the same as the speed limit on Jones.

Mayor Buelterman stated maybe it will slow down traffic on Jones.

Kathryn Williams asked concerning the rules where carts can cross, will the city be issuing an information card for people coming in to register the cart so they can keep that in the cart showing the rules for other users.

Ms. Doyle stated the public safety committee had discussed this and when the owner comes in to buy the permit they will get a list of crossings and rules.

Mayor Buelterman asked if an operator violates one of the rules and the police issue them a citation, is there a standardized citation for this. He also read an insert for the penalty section of the ordinance. He knows there are specific penalties for vehicle violations, will this be the same or will Judge Scheer have the discretion to issue what is necessary. Mr. Hughes said the set fines for driving offenses are done so everybody doesn't have to go to court and can just pay the fine and go. This would, unless council

wants to provide otherwise, require the offender to attend court and it is the same penalty that applies to any other violation of an ordinance. Council can reduce it.

Mayor Buelterman asked if it would be better to set a standard, like we do for say dogs on the beach, so for instance, if someone drives here from Macon and gets a ticket, they would not have to drive all the way back to Tybee to come to court. There is not a fine so the way it is now they would have to come back for court. Mr. Hughes stated right, unless the Police Department establishes their own levels of fines. Mayor Buelterman confirmed they can do this without council doing it. Mr. Hughes answered yes. The court does that also. The people post a cash bond and then don't come back and just forfeit the bond.

Mayor Buelterman confirmed council would leave it to the police department's discretion to establish level of fines for violations. Mr. Hughes confirmed and stated the police department should let council know what they are. Mayor Buelterman agreed. Mr. Hughes asked if the chief had any input on this at the meeting. Ms. Doyle stated she doesn't remember any discussions on fines or violations.

Shirley Sessions commented there was a list of State fines that had been reviewed.

Ms. Doyle asked if this needed to go back to the public safety committee one more time to review and establish a fine structure.

Mayor Buelterman stated he trusted the police department could come up with something. This is not without precedence and they could contact other communities to see how they do it. And make council aware of it and if there is a need to make changes or corrections that can be done.

Bill Garbett stated they should be comparable to traffic fines. They are not going to be stopped for speeding. Maybe stopped for running a stop sign.

Mayor Buelterman expressed concerns about underage drivers.

Bill Garbett confirmed carts would be allowed to go all the way down Jones. Mayor and Ms. Doyle confirmed yes. Mr. Garbett stated that is going to cause some problems. Mr. Hughes stated one of the things the committee did recommend is a crossing at Tybrisa. That is Hwy 80 and the DOT will not approve a crossing because it doesn't have a traffic light. However, just south of that is not Hwy 80 and doesn't require a traffic light. Mr. Wolff asked if it said Seventeenth St. south of Hwy 80. That is all we need. Ms. Williams stated it says Hwy 80/Butler Ave south of the Park of Seven Flags.

Mayor Buelterman stated we can revisit this or approve it and amend it as necessary down the road.

A Motion by Ms. Doyle to approve was seconded by Paul Wolff.

Shirley Sessions commented if it becomes problematic we can revoke it or change it down the road. Mr. Hughes stated he was going to rewrite it and bring back at the next meeting just to make sure he had made all the changes from tonight. But it could still be approved tonight and revised.

Motion was amended by Ms. Doyle and seconded by Mr. Wolff to allow usage of carts on Jones Ave.

Kathryn Williams commented about addressing the reflection tape and parking. She also understood Ms. Sessions's concerns about Jones Ave but right now everything else can go down Jones, such as

bicycles with motors, etc so why discriminate against golf carts. Literally only those and skate boards can't go down Jones Ave.

Motion amended by Ms. Doyle and seconded by Mr. Wolff to have requirement of reflected tape triangle removed and insert requirement of amber flashing light and parking requires paying meters or purchasing a parking decal.

The vote was unanimous.

Mr. Garbett confirmed Mr. Hughes would be rewriting this with the changes. Mayor Buelterman stated he would and if something was different than how council was voting it could be amended.

Mr. Hughes, City Attorney introduced and gave to Deputy Clerk an Ordinance change 2 Sec 66.7 on Go Carts so there will be consistency between different ordinances on same topic. 1st and 2nd Reading will be done at the second council meeting of May. This is to prevent any conflict between one other ordinance that deals with this same topic and the new ordinance.

Mr. Hughes confirmed with council they had received an email where state legislature had made some changes in the state law that deals with golf carts or motorized vehicles. Council confirmed receipt.

Mr. Hughes stated it will not be effective until July 1. It may not change a lot on what happens here but nobody really knows, this is the first time they actually used the term "golf carts" but didn't define it. So council may see all of this again.

3. 2nd Reading Text Amendment, Land Development Code, Article 6, Sign Regulations
Continuation of 2nd Reading on 2/25/10

Mr. Lynn explained one of the hang ups on the last attempt at 2nd reading was how to address "Temporary Signs" there was some discussion about compromise for sandwich board signs, the "A-Frame" signs being allowed in front of businesses thru out the island. That is actually included under "Exempt Signs" letter R on page 27 of council's packet. That is the major change from the last version council has seen. Where this would be allowed, they would be exempted only when they are located in connection with a business location and do not encroach on the city right-of- ways, unless they are specifically allowed. Where they would be specifically allowed is in South End Policies and Procedures where they are allowed. On Tybrisa there is technically "private property" where they could put the signs on so we had to allow them so those businesses did not get lost in the shuffle.

Wanda Doyle asked where it is located. Mr. Lynn answered page 27 of the packet letter "R".

A Motion by Paul Wolff to approve was seconded for discussion by Wanda Doyle.

Mr. Garbett stated there are a few items in this version that he understood council had agreed to change but aren't. In section K, political signs, he had asked they not exceed sixteen square feet, a half

sheet of plywood. Mr. Lynn stated he remembered the discussion but did not remember the consensus to change that, if so he apologized.

Motion amended by Mr. Wolff and seconded by Ms. Doyle to change sec K (b) political signs not to exceed 16 sq. ft. in size.

Mr. Garbett stated he was still hung up on the temporary signs. He still does not see where staff has solved his dilemma on the Tybee Beautification Yard of the Month signs, which the just of the ordinance was to design the structure and where they could go. But there is not any attempt to direct what you can put on the sign. Here we have real estate temporary signs are excluded. He does not personally find real estate temporary signs offensive but maybe it is because he has grown used to them. But I don't understand why we can't have the TBA Yard of the Month signs because they are typically the same. He thought that was somehow going to be addressed.

Mayor Buelterman asked Mr. Lynn what he thought. Mr. Lynn responded in his non-legal schooling the reason we.....real estate and political signs have actually been challenged in court and have been upheld. However, if we allow all temporary signs, or allowed non-profit signs then we would have to allow all temporary signs then we would have to read the signs. It is one of those all or nothing situations. He does not have heartburn about doing it, but if we allow it then other signs like "Buy our Houses" or "Improve your Credit" will start popping up and we won't be able to do anything about it. Mr. Garbett asked if we could require things like metal signs. Mr. Lynn answered you can require any kind of materials and all that but what is on the sign. Mr. Garbett stated you would still have to read the sign to make sure it is a real estate sign by that. Mr. Lynn stated it is the same for a political sign. He agreed completely.

Mayor Buelterman asked if anyone had gotten a complaint about a proliferation of signs like these on Tybee. Mr. Lynn and several council members responded yes. Mayor Buelterman asked Mr. Lynn for examples. Mr. Lynn answered signs such as "We Buy Ugly Houses" pop up on telephone poles and a couple of weeks ago there was a rash of yellow signs all over the place. Some are put up over the week-end. Mayor Buelterman stated he is worried about the same issue Mr. Garbett is. We are hitting people we are not intending to hit. For instance, there have been incidents where there were lemon-aide stands or garage sales and we are going and taking them down. He doesn't know if we really want to do that.

Ms. Doyle stated she is also glad Mr. Garbett brought this up because she has had concerns about temporary signs since this was started. She has no problem with the Yard of the Month signs but if you allow one temporary sign then you have to allow another temporary sign and she understands Mr. Lynn's point but she does not have a problem with temporary signs period. She doesn't know what the answer is. Mr. Lynn has worked hard on this and came up with the sandwich boards and that is good but that still doesn't help with the temporary sign issue.

Frank Schuman stated the signs should be exactly what they are "temporary" signs. Once the event has come and gone they should be taken down. That is a lot of the problem. The signs are up too long, like garage sale signs up two weeks past the sale. He agreed with Ms. Doyle. Temporary signs should be there but when it's done it's done and should be taken up.

Kathryn Williams stated that a few years ago the Tybee Arts Association had trouble putting up signs advertising some of their performances and now they put them in yards and keep them out of the city right-a-ways. She asked Mr. Lynn if under this code, they would be allowed. Mr. Lynn answered there may be a little lead way there in terms of size you can have them in a residential area per sign. We kind of look at the construction, if it is not on the little metal stick in the ground kick over, it is not a temporary sign. So then you adhere to what is the maximum size of a sign in a residential area. Those are the types of signs we don't mess with. There are several out now around on the island and typically unless they are on a tree, fence or right-a-way we don't bother them. It would be the same under this ordinance. That might be a way around that, is how the sign is constructed.

Kathryn Williams stated that would take care of the Yard of the Month signs. Mr. Garbett stated if we could prohibit the little political signs and say it has to be made of 18 gage steel frame.

Mayor Buelterman stated if we can prohibit size of political signs then why can't we put.....Mr.

Garbett stated he is thinking about the ones like the little "we buy houses", they are on the same 12"x18" signs on the cheap little flimsy metal stakes that are temporary political signs and they all do become eyesores. Mr. Hughes suggested, and stated Mr. Lynn may or may not have a problem with this, but if you look at section 60.40 for Exemptions of Signs that don't require a permit, "D" is decorative banners, flags, buntings for city wide celebrations, conventions, commemorations when specifically authorized; you could add in and temporary signs specially authorized by the community development director for a prescribed period of time. Define what the time is. Council should state what temporary means, if it is weeks, thirty days, etc. When you go to 60.70 on prohibited signs, and it has temporary signs excluding real estate and political campaign signs, add and those signs as provided in 60.40 subsection "D". Then Mr. Lynn can determine which ones are there.

Mr. Wolff stated he thought that would take care of the problem and would amend his motion. Mr. Lynn asked to interject and if the allowed duration of time be 15 days, the same as what is allowed now for a banner on the city post. Ms. Doyle and Ms. Williams reminded him the Yard of the Month is 30 days. Mr. Wolff stated it would be at Mr. Lynn's discretion, he could set the time restriction. Mr. Hughes replied it would be better for council to establish time and Mayor Buelterman suggested 30 days.

Motion amended by Mr. Wolff and seconded by Ms. Doyle to amend sec 60.40 (d) to add temporary signs specifically authorized by the Community Development Director for a period of no more than 30 days and amend 60.70 to exempt those signs as included in Sec 60.40 sub section (d).

Vote was Wolff, Williams, Schuman, Doyle, and Garbett voting in favor and Sessions opposed.

Shirley Sessions asked if there were any current records or data on how many citations or signs that are removed that are illegal in the past year. Mr. Lynn answered you could look outside his door and see about 20 or 25 of the actual signs. In terms of citations staff tries not to do that, just remove the signs and bring them to city hall. If it is a little hard to do that, if they are attached with screws, etc., we give them a call and ask they be removed by the end of the day and most people have cooperated. We don't send people to court for that.

Ms. Sessions stated she had received calls from citizens where they had been threatened with citations for their yard sale signs. Mr. Lynn stated that is allowed under the City Marshal but he does verbally ask them to take them down and could go to the next step but hasn't. Ms. Sessions asked so if someone has a sign out on the street and there is no phone # on it, it is ok. Mr. Lynn stated we don't damage them we just put them behind city hall and when they pick them up we ask that they don't put them back.

Consideration of Bids, Contracts, Agreements and Expenditures

1. T-Mobile Cell Tower Lease Agreement: Potential Revenue: \$282,900.00
Budget#505-38-1002

Mayor Buelterman asked why we would think there would be another location for them to use to put up their cell phone towers. Where else are they going to go? Ms. Schleicher stated on top of Ocean Plaza or they could buy an empty lot and build another tower. Mayor stated they would have to get our approval. Ms. Schleicher answered that would be hard to deny. Mayor asked how long we had to give them an answer. Ms. Schleicher answered not a lot of time. Mayor Buelterman stated we have a workshop coming up soon could we get more information such as how much it may cost for them to build another one, and if they would want to do that instead of just paying us a little more and how high they would have to go. Would other areas or businesses give them enough height to be able to do what they need. He knows Ms. Hogan has worked a lot on this and he doesn't want to lose revenue, but he just doesn't want to give in to what they say will pass if we can get more money. Mr. Hughes stated he does not know what the deadline is. Ms. Sessions asked if we have a contract with them. Mr. Hughes stated we have a lease with them. They have a right to cancel under the lease and according to what he had seen in an email they have given notice they are not renewing on this current five year period. Which would mean the revenue would stop. They have a right to do that. That is not renewing. They are asking us to give up the right to terminate the lease in exchange for them giving basically a five year guaranteed revenue stream at an increased amount. Their letter refers to having executed documents on the 14th. I didn't communicate with them. If that is the deadline for yes or no on the change we would have to address it tonight. Ms. Schleicher stated they did anticipate there would be a meeting tonight and the fact that we really didn't have a whole lot of choice. We can talk with them tomorrow.

Ms. Sessions stated when we were looking at this at the beginning in consideration for the consent agenda we were hearing the buzz word that we really didn't have a choice in the matter. But we actually do have choice. They are paying us less money, they want a longer term and we are supposed to say sounds good to us. What happened to negotiations? Is there anyone negotiation for the city? We may not be the only game in town, but they may not be

either. Don't we have other cell carriers? Ms. Schleicher stated yes we have other carriers on the tower that pay us leases. Ms. Sessions stated are they saying this is what we want and there is no negotiations and we say ok or do we go back and let them know we want their business and appreciate it but we would like to have.....

Mayor Buelterman stated according to an email May 14th but would imagine..... Ms. Schleicher stated we have talked with them on the phone and basically they said in their current contract they have the opportunity to cancel and they wanted to cancel or renegotiate and this is what they were offering us. Ms. Sessions asked have we gone back to them. Mr. Wolff asked if we have offered a counter offer. Mayor Buelterman stated the risk is the deadline and losing the revenue. Mr. Garbett asked what the other carriers are paying. Ms. Schleicher stated it varies because we had negotiated at different times with different carriers. It is public record and they know what each other are paying and we don't want them to pay less than what everyone else is paying we want them to pay as much as everyone else. Mayor Buelterman stated this is ten years, \$28,000 a year. He suggested we call them tomorrow and say we have questions and concerns and bring it up at the workshop. Ms. Schleicher agreed. Ms. Sessions asked for cost comparisons to be done and maybe Ms. Hogan or finance has additional information. Ms. Schleicher stated there had been phone calls back and forth.

Ms. Schleicher stated Monday is a workshop so can it be advertised as a meeting so if council was ready to make a decision after more discussion that could be done. Mayor Buelterman agreed and council was in agreement.

Kathryn Williams stated she knew T-Mobile wanted to retain their ability to terminate but they do not want us to have that same ability. Ms. Schleicher answered right and we haven't had that before now. Mayor Buelterman confirmed this is all money going to water/sewer. Ms. Schleicher confirmed.

Council deferred action until further review by staff and city attorney.

2. Memorandum of Understanding: State of Georgia Human Resources to allow the city's participation in the Georgians Back to Work Program. 80% subsidy to employers who hire adults to work under this program for 6 months (6/1-9/30/10)

Ms. Schleicher stated she is not sure if this would be something we can use but we were contacted by Atlanta and this is a program that if we do find we have hired after June 1 that fits the eligibility that we can possibly use this program for six months and 80% of that employees wages could qualify for this program. She asked council to consider executing the MOU and if we hire an employee that qualifies and it could be up to two employees we could apply for the money if there is any left in the program. The chances are very slim but she would like to at least have the MOU if we were lucky enough.

Mayor Buelterman asked if there were any downsides to this. Ms. Schleicher answered no just paperwork if we are lucky enough if the money is still there. Why not take advantage of the opportunity. Ms. Sessions stated the United Way has used the program and the key is finding the right employee same as with anywhere or anything you are doing. It can be challenging but it is great and we should try it. Mr. Wolff asked if there were two specific positions in mind. Ms. Schleicher stated not really. She wanted to do the MOU first and continue with same hiring practices and if we have an employee that fits the criteria then apply for it. She figured she did not want to change the processes we have now, if it fits we will use the process.

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

City Manager Report

1. Budget Adjustment for paying expenses. \$75,000 from budget line # 100-4210-551-1100 and distributed as follows:
 - 100-4250-52-2102 \$29,000
 - 100-4250-52-1201 \$28,000
 - 100-4210-52-2200 \$18,000

Kathryn Williams recused herself due to part of funds being directed to drainage project on her personal property.

Ms. Schleicher requested approval from council to move \$75,000 from the public works personnel line items and move it into some operating line items. Most of these line items have to do with some drainage projects we are doing and with infrastructure we have had some unforeseen things come up. When we had the budget hearings we had the cafeteria roof, drainage easements on 14th Street and Chatham Ave. We also had the drainage study with the MPC that we had to pay for. This will let us pay for those and Mr. Wilson in public works has been very frugal and we have seen some savings in this department and we are able to make this shift.

A Motion by Bill Garbett to approve was seconded by Shirley Sessions. Vote was unanimous.

2. Proposed Back River Pier Gate

Bill Garbett resumed the discussion from the constant agenda and stated he was worried about locking the gate at night. We have not had any incidents reported to the police and knowing fisherman like to fish during the proper tide cycles, certain hours, etc., he would not like to see

the gate closed. Diane Schleicher explained just because the gate is up it doesn't mean it has to be closed. Mr. Garbett said the gate has already been constructed but he does not think it needs to be closed. Mayor Buelterman asked why have the gate, what is its purpose. Mr. Garbett answered in case we did have to close it.

Ms. Sessions asked if we had current hours of use for that area. Ms. Schleicher answered no we do not. When she discussed the gate with DNR they did not express any concerns about limiting the hours of use at night. Ms. Sessions stated we do have hours of use on the pier and in our parks. Would that be something we could try first instead of a gate? What the pier did was put the gate up because of the hours of use and that may have been what caused the increase of activity on the Back River pier because Chatham County pier has limited its use at night. Ms. Sessions stated she had talked to some people at that pier and they had limited the hours because of problems with people loitering, etc. Not necessarily with the people fishing. Has there been a problem with disruptions? Has there been a mass of fishermen or women going over there at night. She thinks doing the hourly thing would be better to start, and then if that doesn't work go for the gate.

Mr. Wolff stated it would be fine to post the hours but he had heard from several people that live down there and it wasn't the fisherman causing the problems it is kids hanging out and partying. They have their windows open at night but they were too nice to call the police. They said they didn't want to do that. He understands that doesn't create a record that can be followed up on. But this is just a courtesy to the neighbors down there it might be fine since we already have the gate to put a small nonintrusive sign that states "Closed at 9:00PM" or whatever it is that coincides with the county pier.

Mayor Buelterman stated the people in that area need to be encouraged to call the police if there are problems.

Kathryn Williams stated she felt council was still missing the point about fisherman. She does not fish but is married to someone who does. Like Mr. Garbett stated, people fish seasonally and in conjunction with the tides. When the tide is running there are large groups of people out there. They are not making noise because they don't want to run the fish off. She isn't opposed to putting the gate up because if there is a problem, and she hopes the police is checking this area regularly because it is an isolated area and needs to be supervised, the gate can be locked. Maybe look at locking it on the week-ends during the season. It is not necessary to set hours and it is not necessary to lock it all the times and punish local fisherman because teen-agers are not being properly supervised. That goes to another issue that needs to be addressed at another time and that is parent accountability for their children. Having children unattended, running loose and causing havoc in the neighborhoods. Ms. Williams stated she would support having the gate up but not posting hours or locking it. Mayor Buelterman asked for the motion.

A Motion by Kathryn Williams to approve installing gate but not locking it at night and not posting hours of operation was seconded by Bill Garbett. The vote was unanimous.

Executive Session

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

Adjournment

Jason Buelterman, Mayor

Vivian O. Woods, Clerk of Council