

20100527City Council Minutes

Mayor Buelterman called the Consent Agenda meeting to order at 6:30pm on Thursday, May 27, 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 and City Manager Diane Schleicher.

Mayor Buelterman listed the following items on the Consent Agenda:

- Approval of Council Minutes for 4/08/10 Paul Wolff confirmed with Vivian Woods she had made the corrections to the 04/08/2010 minutes.
- Appointment of Dottie Kluttz to the Historical Preservation Committee
- Appointment of Craig Harrison to the Historical Preservation Committee
- Appointment of Sandy Major to the Historical Preservation Committee

Mayor Buelterman addressed the issue of appointing Mallory Pearce as chair of the Community Resource Committee. The committee by-laws state the committee will vote for their chair not the council. Ms. Woods stated she has called and informed Mr. Pearce of this.

- Resolution for 30 day Moratorium on Special Event Waiver of City Fees, including cost of city staff labor, services, deposits, clean-up costs and any associated expenses. Mayor Buelterman confirmed with the City Manager and council, the request from the Eastern Surfing Association would be allowed but they would have to pay the fees. The City Manager responded that is correct. Mayor Buelterman stated the applicant would still be allowed to address council later in the meeting.
- Discussion was held on Hubbard's Alcohol License Application. The City Manager recommended the application be tabled until it has been determined what kind of business would be established. Kathryn Williams asked with a new business like this would the license be valid for a calendar year or would they have to renew in January. Mrs. Schleicher answered they would have to renew in January. **Council tabled action to regular agenda.**
- Special Event Application: Tybee's Big Beach Workout (Tybee Throws a Fit)-July 02, 2010 8:00am to 10:00am Applicant: Stacye & Lannie Jarrell for Oceanfront Cottage Rentals. The goal for the event is 5000 people.
- GEFA Contract

Paul Wolff stated Diane Schleicher would be the point of contact. The contract has to be back at GEFA within five business days and we received it yesterday. He had sent it out two weeks ago for everyone to review, nothing has changed and it is etched in stone so he would like it approved tonight. To summarize, it gives us a lot of lead way on how we do the renewable

energy. If we do a wind turbine, where it goes and that sort of thing. We have all kinds of options that were not in the original proposal. **Council tabled action to regular agenda.**

- Action Items List

Kathryn Williams asked for an update on the enforcement of the beach litter laws. The staff has really been doing a lot and she would like to see the latest statistics. The City Manager stated she did not have that information in front of her but she knew they had been enforcing and writing tickets aggressively. It is \$100 for the first offense and \$200 for the second. Litter must be in a container of some sort when I the beach. If you are drinking beverages, the container must be put in back in the cooler or other containment. It can't be left next to the blanket, etc. Even eating peanuts or fruit, the peelings or shells must be contained. Mayor Buelterman commented on beach sweeps peanut shells are not being picked up. There is confusion on rather or not peanut shells are biodegradable. He understands staff is just following and enforcing the ordinance. Ms. Schleicher stated there had been a lot of discussion when the ordinance came up and it had been decided to include that. Kathryn Williams asked if this might be a situation where the officers could use a little discretion and first ask the people to pick up the peanut shells before issuing a citation. This would be the proper thing to do. When council first started discussing increasing enforcement fees earlier in the year our goal was not to be punitive but to have a clean beach. She also asked if the officers were walking in the commercial areas and big parking lots. The City Manager stated yes they are walking because it is very hard to get around on heavy weekends, even on the mules. Mayor Buelterman stated, just to be clear, we are going to warn people on the peanut shells. Council agreed and City Manager confirmed.

Shirley Sessions asked about the status on the policies and procedures for the cemetery. The City Manager stated staff has been reviewing it but was delaying until after the budget process was completed for the new year, then it would be presented to council.

- Feasibility study for a Charter School on Tybee Island-No cost to city and to be delivered back to the council at the second meeting in July. Mayor Buelterman stated this was only to authorize an informal group of experienced people to conduct a study to determine if it is even feasible to have a Charter School on Tybee. Kathryn Williams asked what location was being considered. Mayor Buelterman stated that's one of the things they were looking at. There had been some talk of the existing St. Michael's buildings but it was only informal conversation nothing firm and no commitments. Wanda Doyle stated she had a conversation with Carolyn Durreck and she stated in her experience with the application process you do not have to have a location to start that process but there is a lot of discussion about where. Mayor Buelterman stated transportation is another issue. There have been conversations with the Superintendent and he had called Greg Sapp and told him about it. Mr. Sapp has been a supporter of Charter Schools for years. He is asking the group to report back to council by the second meeting in July. Shirley Sessions asked if Sue Off was going to be involved with this as she had been the principal at Oglethorpe. Mayor Buelterman responded, yes he had talked with her. Mike Pollack had also agreed to help; he was in the State Senate. Others had also come forward to help.

- Motorized Cart Ratification with effective date of ordinance of June 10, 2010

Bubba Hughes stated council had 1st and 2nd readings on this but in the process of the 2nd reading there were discussion on a few things that have now been revised. Removing the reflective triangle requirement and instead requiring an amber light, to permit travel on Jones Avenue, and if a decal is used for parking; it must be a purchased decal, are those revisions. The Chief has asked this to be effective June 10, 2010 so that it is not legit until after that date. Ms. Doyle stated this was all correct and it had been discussed at the public safety meeting and the only other thing was the signage for the crossings and she understood staff is working on that. Mayor Buelterman asked if this required a vote. Mr. Hughes stated yes, because of the new effective date, but it could be put on the consent agenda.

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. Andy Lamon gave the invocation and everyone recited the Pledge of Allegiance to the Flag.

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

Vivian Woods, Clerk of Council asked Mayor Buelterman to postpone the approval of the 4/22/2010 and 5/13/2010 minutes. Mayor Buelterman postponed approval.

Proclamations and Recognitions

Mayor Buelterman assisted by former Tybee Mayor Walter Parker read and presented Andy Lamon, Pastor of Trinity Chapel, and his family with a Proclamation proclaiming May 27th, 2010 Lamon Family Day on Tybee Island in honor of all the family has done for Tybee. Former Mayor Walter Parker addressed the Council and citizens of Tybee and stated the Church and Tybee's lost will indeed be Rincon's gain.

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

Ross Howard on behalf of Chairman Danny Hill addressed council with an advisory opinion from the Ethics Commission created on May 19th in reference to the current Ethics Ordinance and rather or not it should be revised to include the following requirement. If a councilmember receives a campaign contribution of \$500.00 or more, then the Council Member must recuse them self from voting on issues that involve the contributor. The basis of the opinion is that in the State of Georgia, and this has been researched extensively, we are unaware of any local government that imposes a recusal requirement in connection with campaign contributions based on the amount of the contribution. Also we are not aware of any case laws dealing with this same issue in those exact terms. Further, the acceptance of consideration; and the consideration is defined as money, contributions, or non-monetary gifts to a campaign in exchange for action on part of the council member, such as a vote, actually constitutes a bribe and is already addressed in GA law and therefore it would be redundant to place a campaign fund

based recusal requirement on elected officials. So the conclusion and the advisory is, after diligent review of past and present recusal requirements related specifically to campaign contributions for the community of Tybee Island, GA, the City of Tybee Ethics Commission elects not to act on the issue as related to recusal due to campaign contributions. Therefore we conclude, campaign contributions should be disclosed, as per state law, and this disclosure, which is a matter of record can make it possible for the City of Tybee's Ethic Commission to conduct an investigation, either on our own initiation or if called to our attention. If deemed necessary by the commission, to determine and then to offer an opinion to the Tybee Island City Council. This would be evident in allegation by the conduct of the City Council Member is believed to be, or if there is evidence to be present to support a recommendation by the City of Tybee Island's Ethics Commission that the Council Member recuse themselves. This would apply only to issues within the scope of the authority established by the By-Laws of the Tybee Island Ethics Commission. This is our advisory opinion on that issue. Mr. Howard stated if anyone has any questions the Ethics Commission's door is always open. Kay Strickland, Ethics Commission member spoke and encouraged everybody present to join the commission. There are three vacancies. She encouraged everyone to visit the city website to complete the application and go from there.

Joe Richardson spoke in lieu of Maria Procopio's absence, on behalf of the Marine Science Center. He gave a brief report on a research project and stated Maria would have the complete report on a DVD and would submit copies to all of council. Mr. Richardson stated the project was supported by a Coastal Incentive Grant from the Georgia DNR Coastal Resources Division and it was awarded to the City for the Marine Science Center. As the title indicates, it was a project on Invasive Species Research, Education and Outreach. He has been involved in all three of the aspects but will only be reporting on the Research findings this evening. Invasive marine species are a growing concern on all coast lines. Here in coastal Georgia we hear the most about are the Red Banded Line Fish on off shore reefs, the Green Mussels on North Beach jetties, and the Giant Pink Barnacle, the subject of our research. In the last couple of months there has been an appearance in our Georgia marshes of a new one called the Mangrove Fiddler Crab. He has not personally seen one but has someone looking out for them. The Giant Pink Barnacle was selected for the public exhibit and study because it grows right on the beach. He briefed council on the findings and involvement of the public with the use of the exhibit at the center. The Giant Pink Barnacle has been growing in our area since 2005 around the North Beach jetty. Our research and data is on the center's website and is being used by scientist at other places.

Mayor Buelterman made an announcement he had received positive response and information on the oil spill and its potential effect to the Tybee coast from Congressman Jack Kingston's office.

Woody Hemphill presented the April Monthly Financial Report for the Rivers End Campground. The anticipated revenues were \$98,700 and the total actual revenues were \$111,252.04. The operating expenditures were \$83,711.49. This is good news. Kathryn Williams asked if the bookings were still holding strong. Mr. Hemphill answered, yes they are. Beach Bum last week-end was very busy and they were full. There were also lots of tent campers.

Julia Pearce addressed council and thanked everyone for their support of the recent medical mission trip to Haiti. The 20 member team was compiled of physicians, nurses, pharmacists, therapists and people giving lots of tender care. Dr. Okeeri was head of the team. Ms. Pearce stated she personally has done humanitarian mission work the past seven years and the Citizens, Mayor and Council of Tybee have always supported her in this work and she sincerely appreciated it. That has created good international relationships.

Dr. Okeeri, on behalf of the Horizon International Medical Mission, thanked Mayor and Council and the Citizens of Tybee for the outpouring of support for this mission to the people of Haiti. He shared a view of the mission thru a PowerPoint presentation. He stated WJCL, Cosmos and Johnson High School were all partners with the City of Savannah and the City of Tybee in supporting the mission. In the one week the team was in Haiti they treated over 800 people with medical conditions ranging from Malaria to Post-Traumatic Syndrome, as well as money and spiritual problems. The team was one of the best because it was a complete comprehensive team for all ages and staffed to meet complex immediate needs of the people of Haiti. He introduced the team to Mayor and Council and presented the Mayor, the Citizens of Tybee, the City Manager, and Michael Sullivan of WJCL, and team members with Certificates of Appreciation.

Mr. Sullivan addressed council on the importance of community and the efforts of the team and sponsors in working together to get the donated gifts as well as the care to the people. The efforts will continue thru other groups because of the seeds planted on this mission and documented in a film being produced by FOX.

Mayor Buelterman thanked Dr. Okeeri for allowing Tybee to be a part of such a wonderful mission. Mayor Pro Tem Sessions shared comments from Jeanne Hutton, former city council member and a nurse that had been a part of the mission team, who had complimented the efforts of Julia Pearce and the whole team, and expressed appreciation to Ms. Pearce for representing Tybee so well.

Citizens to be Heard

Vivian Woods stated Richard Adams had requested his item to be removed and it will be presented privately.

Frank Kelly addressed council and presented a petition from citizens to ban Pay and Display parking in R2 Streets especially Chatham Ave and Jones From 6th Street to Chatham Road. Mr. Kelly stated two years ago he had started talking to the city about parking on the Back River and Jones and the Inlet area. At that time he sat in on various parking committee meetings and was given the suggestion that he try to learn as much as he could so he started asking questions of the parking committee as well as finance. Some questions don't always have answers. Diane has done a good job of trying to find some of the answers but right now we don't know what the answers are. We are going into the busy time of the season and two years later the folks on Chatham and that whole area are still concerned about the amount of parking. Many are just here on the weekends, not full time, and have already signed a petition and he still has some signatures to come in, so he will present the completed petition next week. What he asked, is on Chatham and Jones from 6th Street back to Chatham, the City not allow Pay

and Displays and on Inlet to go back to the Meter heads that were there at one time. The reason for this is primarily safety. But we do need to come up with other answers of where these people are going to go. One of the things still needing to be looked at is increasing parking in C1. We have increased quite a bit over the last year and there is more to come. Other areas we would like to ask the city to look at, and has been discussed briefly at the parking committee, is setting up warning signs on Butler, maybe in the area before city hall. Signs such as "The lot is full, or highly congested," so people will go ahead and start looking for parking. Maybe look at rerouting people to go down 14th Street as opposed to waiting till they get to Tybrisa. People are backing up in that four block area for hours sometime and getting upset and frustrated at not being able to find parking. If we can make some small increment changes we can make our visitors happy and the people on Chatham and the Back River as well. Mr. Kelly showed a map of the island with free parking areas and lower parking rates. People traveling down Butler are not aware there is a public beach on their left because just about the only signs they see say "Private Beach Access". They get to the end and that is where the congestion and narrower streets are. If we can get people to park before getting there, that will help with the bottleneck on the South End. Mr. Kelly showed a video slide of the parking survey and report done in 2005. The company doing the study's number one suggestion was for a short term project, to add signage indicating public beach access and parking at all beach access points along Hwy 80/Butler Ave. It is five years later, maybe we need to look at putting those signs up. Maybe where the crosswalks are, saying there is beach parking. The next issue is designation of individual parking spaces as outlined in Sec 66-138. Mr. Kelly stated two years ago he, as well as his neighbors, was told as long as a person buys Pay & Display, they can park anywhere they want to in the City's right-a-way. He showed pictures of automobiles parking where they wanted to because there was not any designation of where they should park. The key words in the section are "individual marked spaces". We have no "individual marked spaces" in this area. On 18th Street we have marked spaces. In the fishing pier lot there are curb stops. By allowing people to just by using Pay & Display they can pull into anybody's yard and park there, as long as they have the Pay & Display pass. He has spoken to members of council that have had to deal with people doing this on their own property. The next area in highlighting what the parking issues are, is cars and trucks blocking the Stop signs causing you to miss your line of sight for the Stop sign, parking on both sides of the narrow streets making it so two cars cannot pass, and unsafe conditions for biking and walking in the Chatham area. Last month we were talking about Tybee being a more "Bike Friendly" community. Jones Ave is a different situation. You don't want bikes or walkers on that road, especially at Chatham going up we already have cars having to pull into the right-a-ways. That road is just too small for bikes and walkers. The other thing is we are now coming into our streets being visually polluted with signs stating "No Parking", "Tow Away", etc. There is an empty lot at 18th Street and Chatham that has 8-9 signs stating this. This might even interfere with our new sign ordinance. As residents here we almost feel like we are a second class citizen but living on Tybee there is no way you can be a second class citizen. Mr. Kelly showed a video slide and stated we even had people camping last weekend on 18th Street between Butler and Chatham. They had a Welcome mat out, they had their pop-up out on the side, and they even had a clothes line up to dry their towels. The irony here is parking services on Friday came over and told them, "you have to get a parking pass for the 3 days and if you are going to leave your trailer by itself you have to buy a pass for that, and a pass for your truck." They actually paid more money to

park there then if they would have gone to the campground. Mayor Buelterman cautioned Mr. Kelly his time was up and to please wrap things up. Mr. Kelly summarized his request to ask that Pay & Display not be allowed in unmarked areas, the City does not go and strike this code and say the City is allowed to put them anywhere, to allow Jones and Chatham to be "Park Free", but realize there are always exceptions like on July 3rd, etc when there is never enough parking everywhere on the island. Mr. Kelly asked to assist visitors in making their stay more enjoyable by putting up signs that say start looking for parking now. Mr. Kelly stated he is not saying he doesn't want people coming on the island he just wants the current laws to be enforced.

Shirley Sessions asked the City Manager if the camping is allowed under the City ordinances. Ms. Schleicher responded it is illegal to camp on a city street or in a parking lot and she had spoken to parking services and they stated they had been asked how to use the Pay and Display meters. Staff did not realize the people were actually parking and camping there. They showed them how to use the meter. They didn't realize they were spending the night over there. Mr. Kelly commented it was two nights. Wanda Doyle asked the city manager if she had sent an email that the police went over there and the camper was gone. Ms. Schleicher answered yes, and the camper was gone. Mayor Buelterman confirmed that was on Sunday. He also thanked Mr. Kelly for addressing these issues and agreed they were a difficult challenge. Mr. Kelly stated we have laws that state Pay and Displays are only to be used in marked areas and he was asking the laws be followed and not changed.

Wanda Doyle asked to be allowed to follow up on this and take it to the parking committee. The committee can discuss the issues and follow up with staff. She had met with a group of businesses weeks ago and one of the things they talked to her about is some type of sandwich board sign to put in the middle of the road where the crosswalks are indicating beach access. Visitors would know it is there and start looking for parking. She disagreed with 8th Street to the curb being open because on the weekends all the parking spaces are full and even the private parking lots are going to be full. We are a small island and we have a lot of tourist and it is going to be hard to handle that kind of capacity and influx of people. There are some things we can do to try and lessen the congestion down at the South End of the island because that's where the majority of the people wind up. If council is ok with it I would like to discuss this with Mr. Wolff and Mr. Garbett and the rest of the parking committee and hopefully come up with some ideas like the use of the sandwich board.

Frank Schuman commented he had went down to the place where Mr. Kelly was talking about the camper being parked and he wanted to know how he got a permit to park the truck and camper there as many days as he did. He also stated the Pay & Display meters should have markers, curb stops or something to say where to park, because people are parking all around them anyway they can. Tybee can only handle as many people as they can basically. He would like to work with parking services as much as possible to get as many parking spaces as we can but also keep the residents in consideration when doing this.

Kathryn Williams stated she had seen the camping pictures Mr. Kelly had shown and another resident had sent some in also with pictures of camping on Lovell. The camper on Lovell had a green zoning sign that gave them to May the 2nd to park there. I can't imagine how they got that sign. Ms. Williams asked the City Manager if she recalled that picture. Ms. Schleicher responded she didn't think she had that one. Ms. Schleicher stated there is something in the code where, on your own property with a permit,

you can have a camper in your yard for a very limited amount of time. There is a portion that allows you to have a camper on your own property, not on the city right-a-way.

Ms. Williams stated the camper on Lovell was on the city right-a-way and even had a "welcome" mat out and a name plate hanging out in front of the camper. Ms. Schleicher stated she wanted to make sure council was aware and ok with the parking services request to designate "No Parking" on one side of the street on 19th between Butler and Chatham for safety reasons and to remove the hazardous conditions with parking on both sides in such a tight area. Joe Wilson in DPW informed her he already has ten posts and can get the tight end of that south area signed before the week-end and order the rest. The plan is to have one side of the street designated "No Parking". That means the residents that live there can't park in the right-a-way either. They will have to park in their neighbors for their overflow. We will not allow any parking on that side. The fine would be \$50 for parking there. In preparation of Memorial Day we felt we needed to control that tight area. By Friday we should have the posts in and the signs up. That is the most we can get done in a short time and hopefully this will help some of the congestion on the South end.

Ms. Williams asked which side of the street. Ms. Schleicher answered on 19th Street on the North side. Because of all the timber on it, if you tried to park you would basically be on the road. On Chatham Street to stay consistent we are keeping the "No Parking" zone on the Back River side all the way up and the signs will face the flow of traffic. That will eliminate quite a bit of parking because there is only a little bit left on the East side. The difficult part is those people that buy Pay & Display and there is no parking in the lot and they park outside the lot off the road and there are no signs. So, they get a ticket. It is hard to make the visitor pay when they have tried to park legally and a visitor or relative to a home park in the same space and doesn't get a ticket. It is hard to distinguish who is a visitor to the home and who is a visitor to the island.

Ms. Williams asked if she was talking about on Chatham from Inlet toward 19th. Ms. Schleicher stated DPW is going to stretch what signs we have now and order more but she doesn't know if they will get all the way to Inlet now. DPW is starting at the Chatham lot and going toward Inlet. They are working on the narrowest part first to address the safety issues, especially with Memorial Day coming up, and then continue as more post come in. The problem may be it is going to push the parking on Chatham up and the overflow from Inlet and the overflow from the Back River and we will just have to assess it as it goes along. If they can't find parking on the lower end it will just keep pushing them up. We will just have to keep an eye on it. She will take some direction from the parking services and keep on top of the public safety issues.

Shirley Sessions commented on the issue Mr. Shuman had addressed about the parking spaces not being visually clear. Is this somewhere parking services can do some actual markings. Ms. Schleicher stated she had spoke to Mr. Schuman about this and on Inlet we had parallel parking and people were parking side by side and it was getting really narrow. She had talked about putting stops on one side and that will clearly define because once you have one person park poorly it is just a domino effect. Adding the parking stops will define that.

Ms. Sessions also addressed the campers. She asked Mr. Hughes if the ordinance addressed campers on private property and being able to use them as far as electricity, etc. Somewhere it states a resident could come before council once a year to get permission to do that. Mr. Hughes answered this seems

to come up about once a year but he would have to look that up. Ms. Sessions stated she does not remember anyone coming before council asking for that permission and she thought it needed to be clear you just can't set up shop. Ms. Schleicher stated there is a process and you do have to get a permit but she is not sure if you have to come before council, she will have to look at that, but you do have to get a permit. In the four years she has been here she can remember going through the permit process at least twice. It is not where you can just do it. You have to get a permit and there is a time limitation and it has to be documented when you start and when you stop. You can't just all of a sudden, like you said, set up shop. There is a strict process to go thru and it has to be documented.

Mr. Wolff stated he thought the code reads it can't be more than two weeks a year and it has to be documented within a time frame from the zoning department. Mr. Wolff also stated when you start putting up "No Parking" signs if you are ordering more, can you get the kind that says "No Parking Between Signs" so we can limit the number, because if we just have signs that say "No Parking" period, it is going to take a ton of them to get the message across. It's a lot better message with fewer signs, if we just say "No Parking Between Signs" and in real visible spots. Ms. Schleicher stated they had just been trying to use what they had but it does make sense and she will get those when she reorders. Mr. Wolff stated if she has to order signs anyway this will also make it less cluttered.

Mayor Buelterman asked if putting up parking stops on Inlet, in her opinion, would solve the problem of emergency vehicles being able to get back there on busy week-ends. Ms. Schleicher answered; she thought that issue on Inlet had been solved a long time ago when they did parallel parking on one side of the street. She thought Mr. Kelly's issue is he still thinks we should have more definition and she agrees. It is sort of like North Beach parking lot before we added the parking stops. It is chaotic at times. Adding the parking stops will help with that and she doesn't have a problem doing that. Mayor Buelterman stated he thinks we can get more spaces out of the North Beach lot, but that is a different issue. Ms. Schleicher stated we have that set up to our code. Mayor Buelterman stated Mrs. Schuman brought up a very good point of parking in the residential areas. That has been an ongoing difficult issue for years now. He remembers about eight years ago the people on Butler actually wanted us to eliminate parking on Butler. The issue came up if we would be illegible for beach renourishment dollars if we lifted out those parking stops. When he has gone out on those streets the perception has been those spots are all taken. The few that are there are going away because people are expanding their driveways. He understands there are people that are unaware the beach is there. But he would be hesitant about putting signs at every crosswalk, because then we have problems with people not having a place to turn around unless they back into someone's driveway, which is an issue. Also, the issues of letting people know there is a parking lot at North Beach. You all probably get the same complaint I get. We have too many signs directing them to North Beach and it has made the traffic too heavy on North Campbell during the summer. No matter what direction we go we are going to take heat from people on how we are directing people to go on the island.

Ms. Doyle asked if he was referring to the sandwich board signs. She agrees it might not be a good thing to put them at every crosswalk but just sprinkle them here and there and see if they work. Mayor Buelterman asked the City Manager if we were allowed to put them in the middle of Butler and she responded no, not in the middle, because of it being Hwy 80 and the State's jurisdiction. We had to get a permit just to put the signs that say "Don't hit the pedestrians". Ms. Doyle asked if they will put us in

jail for standing on the corner with signs that say "Beach This Way". Ms. Schleicher stated we could talk about other alternatives. Mayor Buelterman stated Ms. Doyle's suggestion to refer the issues to the parking committee was a good one. Mr. Wolff suggested we not do anything in the crosswalks because we've taken a lot of trouble getting people to understand they are crosswalks and we don't need to send two messages in that space. Looking at signs saying "park here" in the crosswalk, means they won't be looking at people in the crosswalk. If we are going to do that we need to put the signs elsewhere. Mr. Kelly stated something like the flashing sign that stated "Roll up your windows" used last week end would be good. Just one large sign at the curve would get people's attention. Mayor Buelterman thanked Mr. Kelly for all his suggestions.

Karen Kelly addressed council asking for the City to be conscientious of the residents. She has actually heard parking staff tell people, "yes you can pull up all the way to the stop sign, as long as you have a Pay & Display you can park anywhere you want, we don't care." Let's make some rules and city council and the City Manager and parking staff all line up together and know what the rules are and do the same thing all the way around so we are not asking who and what. Residents are planting flowers, putting ropes across the driveway and all sorts of things to keep people out of the front yard, even city officials. We pay taxes and love Tybee but she asked that the City respect the residents and to please do the best you can.

Jeffery Mosley-District Director-Easter Surfing Association/GA was not present and Mayor Buelterman stated Mr. Mosley was requested waiver of special event and beach permit fees. One way around this is that they already have a permit for International Surf Day and that may allow us to get thru the hurdle of that first one. Ms. Schleicher stated because they had already paid for that permit. **No action taken**

Stacey Jarrell addressed council and announced the event "Tybee Throws a Fit". To follow up and celebrate our past award of the "Healthiest Beach in American" we are having a healthy eco fitness experience. We are already seeing national coverage in that area. We have Ovie Mughelli, Lisa Hartwell and Ann Hartwell as well as other celebrities that have discovered and fallen in love with our island. "Tybee Throws a Fit" begins at 8:00 am on July 2nd at the Pier Pavilion but is really a celebration of our island. The quiet people that like to have their activities a little quieter, meaning the Kayakers, will launch their kayaks when we begin our activities on the pier. We are going to have the ultimate pier workout including our special guest, Ruby Gettinger, whom we are excited about. She is Emmy nominated and appears on Style Network's number one show. Drew and Shazzy Edmonds are also going to appear and they actually workout with Ruby and other celebrities. We have Body by Banks coming, who will be launching their video nationwide thru Wal-Mart, and they will be also assisting participants with their workouts on the pier. We will have encouraging sessions with vacationers also. Everyone will be doing something; from the kayakers, yoga people, bikers, swimmers, people playing soccer, volleyball, skating, surfing, kite surfing, and maybe even the belly dancers. The dog walkers will not be on the beach they will be at JC Park. We will also have a hula hooper. We hope to be featured on the Weather Channel and other national programs.

Gerald Schantz addressed council and first expressed appreciation on being able to be addressing them the week before Memorial Day. He was present to speak on the Alcohol Application he had submitted which had been approved by Chief Price. He received a phone call today from a staff person and for the first time in the history of Beer and Wine Applications, they chose to question something but he did not know what it is. He wants to ask Mr. Hughes if it was possible to split something. When he went to apply for the liquor license he was told that for \$50 he could get an Entertainment License, so go ahead and apply for it and it is no big deal. If you don't use it ok and if someone decides to have a party there or whatever you already have it. Now for some reason it is a big deal. Mr. Schantz would like to ask Mr. Hughes if he could withdraw the request for the \$50 Entertainment License tonight and come back for that later or do they have to ride on each other. Mr. Hughes answered it is two different licenses, the Alcohol and the Entertainment. It is two separate licenses. You would have to reapply for both if you withdrew the application for the Entertainment. The reason this question has come up is because when Mr. Schantz did his site plan approval, and it went through a number of meetings and hearings, the best he could recall, was there was not any reference to sale of alcohol on the property. Mr. Hughes stated he has not reviewed all those documents but apparently staff did. The public was shown what the intended plans were for that property and there were several hearings involved in that process. Again, apparently there were no references to alcohol or outside entertainment. Now that application has been made one of the criteria for if alcohol should be permissible is if alcohol is suitable for that location. That is paraphrasing what the ordinance says but that is what the problem is. Because that issue was not addressed in connection with the site plan, council is entitled to take into evidence if the property is a suitable location and the impact on the neighborhood. In order to do that correctly you may feel you need to get input on what the evidence would be in that regard. This is a rather unique arrangement here and it started going thru various forms of permanence is a loose way to describe it. Mayor Buelterman stated in other words what you (Mr. Hughes) is saying, is when all the public hearings and council's discussions took place the people who lived in that area did not understand, if the plans were approved, it would be approved with alcohol and, if that is to be the case, then they should have the chance to speak to it. Mr. Hughes stated that is correct, for the alcohol and entertainment. Mr. Schantz asked if there were other C2 businesses on the island that have Beer, Wine or Beer, Wine, Entertainment and in the same zoning as his. Mr. Hughes answered he was sure there were and we had several problems as a result. Mr. Schantz answered, as he stated in his first statement, never in the history of Tybee Island, anybody that he asked in the last few days, going back 20 years, has this come up. The application has been approved by the Chief and he was told when he applied, if it is approved by the Chief and comes before council and voted on, it is always approved. Never in the history has this been brought up to the planning commission. This is being singled out. If it had been asked it would have been answered. Six years ago when my site plan was first presented it had a bar. It was there. It was a pass through. When he first came to the island, Mallory Pearce shook his hand and told him he couldn't wait to get a cold beer and a BBQ sandwich. He has never made a secret that he was not or never going to serve alcohol. He has been told by everybody on the island, the only way you are going to survive is you have to have beer and wine. So this is a business decision. He doesn't drink. It is no big deal if he has a beer or wine. But he has been told to survive on this island you have to have beer and wine. If you delay this for two weeks, he still has to apply to the state, so that is two weeks of

business he is not going to get. No other time in history has this ever come up, even for discussion? He was told originally he did not even need to be present and should not even come.

Mr. Schuman asked if planning division or department is the one that told him he couldn't get a license. He was told it was brought up by a committee person for the first time in the history of this process. No one he has talked to has been able to tell him this has ever happened.

Mr. Wolff stated as Mr. Hughes has pointed out this has gone thru multiple incarnations. When you started out this was going to be a takeout only, no seating, a BBQ place with just a trailer where he cooked the BBQ and it was going to go away and the neighbors had concerns about what activities were going to go on. Now it has grown into not only a permanent structure but seating, full kitchen, a commissary, and with each step you have become more invasive to the neighbors who are only separated from you by a few feet. He realizes that the people on the other side of the fence are C2 as well. This is not a typical situation and early on in this process, you said you wanted to be a good neighbor and we took you at your word. Mr. Schantz responded he does. Mr. Wolff stated you are serving alcohol and the only place to set and eat is tables in an open air pavilion. There is going to be noise in that neighborhood, especially if you go for an Entertainment License. There is potential to be huge for a disruptive atmosphere where people are drinking, getting rowdy and you haven't specified hours of operations, and he is not sure council even has the right to ask that, but he believes this should go through the process again because it does add a whole new dimension to your original proposition. It has gone through at least three phases since he has been on council. Mr. Schantz stated he will be glad to address each one of those phases. Last year he was forced, by circumstances created by your inspections department, to be delayed by two months. When he was originally going to turn this in the building he is doing this summer was included in that package and was refused. It wasn't accepted and passed on and told there was a problem with it. It was refused at the gate. We would have been having this discussion two years ago. Six years ago I said I was going to have a bar. In all of this, if anybody would have ever asked me. If you (council) are sitting up here and represent the people, there is a restaurant beside me, they had fine wines. There is a bar around the corner. He doesn't know if the Wedding Chapel is going to serve alcohol but he would be very disappointed if he got married there and couldn't pop a bottle of champagne. So he is almost certain she is going to be standing up here too. Is she going to be told, by the way, this is the second time in history we are going to do this, I think there needs to be some kind of consistency. Mr. Schantz stated he finds it real hard to believe that this is just coming up now. That a staff person, after it has been approved by the Chief, they have done a background report on him..... You talk about being a good neighbor. Everyone on this island that has asked me to donate something since he has been here, he has done it. He put signs on his property for any organization that has asked him. He has been a good neighbor now he is asking to let him be a good business person.

Earl Hyman addressed council in reference to parking issues and stated the need of a shuttle service. Utilizing the available space of Fort Pulaski and just focusing on the shuttle service during main season and peak times could assist with cost. Mayor Buelterman asked if he was addressing the issue Frank Kelly was going to bring to council. Mr. Hyman answered yes; he lives at the end of Chatham and has two boats there. Mayor Buelterman stated if he would like to see the city moving forward on a shuttle

service, to get involve and come to the parking committee meetings and make a proposal. Mr. Hyman said he would and has told Mr. Wolff he would be happy to use any of his resources but it needs to be a long term profit. Mayor Buelterman stated he would love for him to get involve. It is a major problem and the City has been looking for all kinds of solutions and would love to hear from him. He asked Mr. Wolff to maybe share some of Mr. Hymans suggestions with rest of council.

Ed Dinello, District Manager and Joe Peay, Transportation Manager, with US Foodservice addressed council on concerns with the ordinance on Idling Vehicles. He understands the proposal is trucks are to be cut off at the delivery and Thermo King refrigerated trucks are to be cut off also. He presented council with a letter from Frank Ferko, Director of Distribution-Food Safety and Quality Assurance as an expert witness in objection to the proposed ordinance requiring refrigeration trucks to be turned off during deliveries. (The letter is part of Council folder records) Mr. Dinello stated they do not have a problem turning the trucks off, but they do with the refrigeration units. As soon as the food temperature rises above 40 degrees the food quality suffers and the chance of food borne illnesses grows drastically, especially in the summer on the island. You put your patrons and your visitors at great risk for food borne illnesses. He stated they have no problem cutting the trucks off but the Thermo King has got to stay running, that is the only thing that keeps the product viable and in good health code quality. Health inspectors are brutal and with all the current shellfish, seafood, chicken, etc. All the restaurants here use those items. We would ask the Ordinance to be amended and not include the refrigeration unit.

Mayor Buelterman asked in the other areas or municipalities they deliver to, do any of them have ordinances like this that you are aware of. Mr. Peay answered not that he is aware of.

Kathryn Williams asked if they knew the average time a driver would be a specific location. Mr. Peay stated that would depend on the customer and the number of cases ordered. On an average it could be 45 minutes to an hour depending on the volume ordered. Ms. Williams stated Tybee already has an ordinance on Idling in some areas like the C1 district along the strand. When that was enacted it was a concern to the neighbors because the parking spaces were right in front of residents. That hasn't seemed to be a problem to the people delivering to Fannies and Spankys. She asked the City Manager if it had or if there had been any complaints. Ms. Schleicher answered because they cut off the trucks but leave the refrigeration running if they need to. There is a difference.

Ms. Williams confirmed with Mr. Hughes, the Ordinance did not reference refrigeration units. He confirmed. Ms. Williams stated vehicles are allowed to idle for ten minutes. She stated the city attorney had got this language from the City of Savannah which has a similar ordinance. Mr. Dinello stated they wanted clarification on the Thermo Kings because they had been getting mixed messages and hearing different things from their customers on the street, so they wanted to make sure it is a different thing. You may have a citizen on the street that passes by and hears the Thermo King running and may think it is the truck. It can be very loud and be mistaken. Ms. Williams asked if they had gotten a copy of the ordinance from the back table, and they responded they would.

Mayor Buelterman acknowledged Mr. Schantz permitting him to speak again but to keep it under one minute.

Mr. Shantz asked if he could separate his request so it is only for a Beer and Wine License and not the Entertainment. As he previously stated, the only reason he had included Entertainment was because the young lady had said it was only \$50. Council responded yes. Mr. Shantz stated that is what he wanted to do.

Consideration of Ordinances, Resolutions

1. 1st Reading -Resolution and Ordinances to Amend Section 2-81 amending the Rules of Procedures of the Mayor and City Council.

A Motion to approve the ordinance to Amend Section 2-81 was made by Shirley Sessions and seconded by Kathryn Williams. Paul Wolff requested an amendment to page 1: Whereas, council wishes to adopt rules that are less cumbersome and *easier to apply* than Robert's Rules of Order.

Wanda Doyle asked if it was all new stuff or if some places have been amended. Mr. Hughes answered all of this, with one exception, is new. That exception is the only existing rule that council has, other than Robert's Rule is one that specially says council is not literally required to read ordinances. The rest is all new to council.

Ms. Williams addressed Ms. Doyle's comments stating if she would remember a month or so ago, Ms. Williams had this on the agenda just for discussion and council agreed to have this drafted. It came out of a class Ms. Williams had at a GMA class when the GMA attorneys were expressing their dislike of Robert's Rules of Order. After that class she had discussed it with Mr. Hughes and he agreed with their opinion and that is why she had it on the agenda to get everyone's input before he was asked to draft something. This is to just clean things up a bit and has procedures that are more appropriate for a City Council meeting. Mr. Hughes can probably expand on it better than she can and explain why attorneys feel Robert's is not proper procedures to use in city government. Mayor Buelterman asked Mr. Hughes if he was comfortable with it, he assumes he is since he wrote it. Mr. Hughes stated he wrote it for council to look at it and think about. It is the first draft at doing it. Mayor Buelterman asked if Mr. Hughes had based it on any other city. Mr. Hughes answered it was a combination of about three locations, one of which was a GMA set. He has sent rules down every three year or so for the last twelve years. This is the most straight forward, and attempts to address things that cause confusion, like when an ordinance is introduced, and would make some debates unnecessary. He would encourage council to review it closely before acting on it. You may have ideas for others. This would make our life much easier if you do the parts you are most comfortable with sooner rather than later.

Shirley Sessions stated it is a comprehensive yet more user friendly, than Robert's Rules of Order. We could keep it in our folders to be able to refer to.

Mayor Buelterman stated even when he was reading it, it didn't seem like it changed the way we conduct business now, just makes it a little simpler. He asked Mr. Hughes, since it is a little more simplicity than Robert's Rules, would that ever get council in a situation where we don't have flexibility to deal with a complicated situation that comes up as they have in the past, on motions, etc. Mr.

Hughes stated it should make it easier. Plus the option is there to make a motion to suspend the rule. Mayor Buelterman confirmed with Mr. Hughes that could be done at any time.

Sessions agreed to the amendment and Williams seconded. Mayor Buelterman stated it will come back at 2nd Reading with that grammatical correction.

Mr. Hughes stated actually there are two things. There is a resolution creating and stating what the rules are as begins on Page 16 of 89 and goes for several pages, and there is an ordinance to be amended which is Ordinance 15-2010 on page 14 and that is where Paul's correction is and those should be done separately.

Mayor Buelterman asked if the reading could be done first and then the Resolution. Mr. Hughes answered yes.

Paul Wolff stated in that case there are two more corrections. On page 17 2.3 where it says.....impugning of members voting, shouldn't that be impugning. Mr. Hughes stated it should be. Mr. Wolff stated on page 23 option 4 under 7.2 it talks about motions to adjourn, to recess, to table, but it doesn't include a motion to continue and it should include that as well. Those are the only other corrections he has. Mayor Buelterman asked if Mr. Hughes agreed with the "continuing". Ms. Doyle asked where Mr. Wolff was talking about and he referred her to page 23 at the bottom where it talked about what motions are subject for debate. It talks about motions to adjourn, to recess, to table but it doesn't say anything about continuing and continuing is a different process from tabling. Mr. Hughes stated not under these rules it doesn't. You are getting hung up in Robert's Rules. That is why we are doing this. Mr. Wolff asked so instead of continuing it, we just table it, and that could be for an indefinite period. Mr. Hughes answered right. Mr. Wolff stated he is fine with that; he just wanted to make sure council still had that sort of option. Mayor Buelterman answered so we are changing the first part, and the impugning and that is it. Mr. Wolff stated he is fine with that. Mayor Buelterman confirmed if the person who made the motion is fine with that and the second. Ms. Sessions and Ms. Williams answered yes. Mayor Buelterman stated this is on the Ordinance and we will come back to the Resolution. Mayor Buelterman **called for a vote**. The vote was unanimous.

Mayor Buelterman called for a motion on the resolution.

A Motion by Shirley Sessions to approve the Resolution to adopt rules and procedures for council was seconded by Paul Wolff. The vote was unanimous.

2. 1st Reading-An Ordinance to Amend the Code of Ordinances Adding Section 66.104.
Limitations on Idling Vehicles/Engines Running

Mayor Buelterman read an email received late this afternoon but he did not have time to print it, from IGA owner, Mike Hosti in opposition to the ordinance.

Mr. Wolff stated he had also read the email and his thoughts were tour bus drivers usually stay with the bus and they can shut it off when everyone gets out and cut it back on about 10 minutes before they know the people are coming back. That way they would not be violating the ordinance and the bus

would be cooling when people are getting back on. That part can be addressed within the context of the ordinance. But since Mr. Hosti pointed out, contrary to what the men that just spoke said, if it is true some of the refrigeration unit is ran by the engine of the truck, we can address that in section 66. 104, we could add," except where necessary to refrigerate perishable products". That would solve that problem. They could leave the compressor running if it was a separate unit or the truck if the engine was necessary to keep the food cold.

Wanda Doyle stated she has a concern about the senior citizens because they don't all get off the bus when they are shopping. On the North End we have numerous buses that come up there and a lot of them have just been to the lighthouse, etc and they are tired and they don't get off the bus. When it gets to be 110 degrees out there, that is just unacceptable.

Shirley Sessions asked how Savannah handles this with all their tour buses. Mr. Hughes responded Savannah has different zones. It has been a while since he had looked at theirs but he seems to remember, there are Idling Zones that have different time limits, and the Historic Zone. He believes it may have exceptions where the vehicle is not going to be empty. Ms. Sessions agreed some type of exception, like you just mentioned, is something to consider.

Mr. Schuman commented he doesn't see a problem leaving engines running to keep the food safe, everybody has to eat, therefore he agrees with shutting the engines off unless it is needed for refrigeration and the Thermo Kings need to stay on.

Mr. Wolff commented he agreed with Ms. Doyle and Ms. Sessions, he wasn't aware people are staying on the bus so that has to be considered and maybe council could ask Mr. Hughes to research how Savannah is dealing with this and add the provision if the bus is occupied they would be exempt or similar.

Shirley Sessions asked Mr. Hughes if language of this type could be added instead of taking time to research it more. Mr. Wolff added he meant occupied by more than just the driver. Mr. Hughes answered yes he could clean up the language a bit. Mayor Buelterman stated he noticed vans are in there. Does that mean if mom comes out of the restaurant to her Honda Odyssey and wants to sit in the vehicle to breast feed her baby we are going to give her a ticket because she exceeded the ten minutes? Mr. Hughes answered we could. Mayor Buelterman commented there is just the law of unintended consequences here.

Ms. Williams stated when she looked at the City of Savannah's ordinance the way it is termed it's like the 15 passenger vans, because we are not specifying cars. Mayor Buelterman stated in the motion he would suggest changing it to 15 passenger vans or commercial van. He called for a motion.

A Motion by Paul Wolff to approve with the following changes: Add to Section 66.104 *except when necessary to refrigerate perishable items/passenger buses that remain occupied and insert commercial in front of the word van*, was seconded by Kathryn Williams.

Shirley Sessions stated to clarify the intent, she understands the reasoning for commercial trailers and trucks idling in residential areas, but what is the intent for the other situations, like the one the Mayor mentioned or other issues.

Kathryn Williams addressed that and stated the reason she had brought this up was because she had been called by a couple of citizens that were concerned for a number of reasons on buses coming into public parking lots and running with no one on it except the driver, for over a hour at times. In addition to the environmental concerns with noise and pollution, they had to breathe fumes. That is why she brought it up. Just like with the other ordinance she had it put on the agenda for discussion and input before we ever asked Mr. Hughes to draft the ordinance. This is protecting the quality of life for not only the people that live here abut also the visitors. Not only do we have parking lots that are next to houses but on the South tip we could have buses pull in there and run for an hour or hour and half. Mayor Buelterman asked if they pull in the lot and take up four parking spaces. Ms. Schleicher stated this afternoon on Chatham parking lot.....on a busy day they don't fit in but on a week day they could park in a residential area. Mayor Buelterman confirmed, so legally they could take up four spaces. Ms. Schleicher answered yes, a school bus did. Conceivably on a week day, one could park in several spots in a residential area. We do have bus zone parking in the North End Parking area and on Butler to try and get them a place to park. Mayor Buelterman stated if we really wanted to go through with this we could just say in bus zone places they can leave them running, but if they are not in a bus zone they can't. Ms. Schleicher responded she also gets complaints from the nearby property owners in the bus zones when they leave them running, a lot of complaints. Ms. Sessions asked, and then it really isn't going to impact personal cars with babies and mothers? Mr. Schuman commented what it boils down to is any commercial bus coming on Tybee Island has to shut down when people get off and cut back on 10 minutes (confirmed by city manager) before people getting back on the bus or refrigeration trucks can run the whole time. They have a job to do. Ms. Schleicher said the refrigeration units would stay on. Mayor Buelterman **called for a vote.**

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

Ms. Williams asked for a break and Mayor Buelterman called for a recess.

Mayor Buelterman re-adjourned the meeting.

3. 2nd Reading An Ordinance to Amend the Code of Ordinances - Article 15, Soil Erosion and Sedimentation Control. 1st Reading 4/8/10

A Motion by Paul Wolff to approve was seconded by Bill Garbett. The vote was unanimous,

4. 2nd Reading-An Ordinance to Amend the Text of the Code of Ordinances- PUD- Planned Unit Development Districts Section 4-050 (K) adding Gulick Row. 1st Reading 5/13/10.

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

5. 2nd Reading-An Ordinance to Amend the Land Development Code, Sec 3-250 Private Parking Lots. 1st Reading 5/13/2010

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

Consideration of approval of Consent Agenda

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

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

1. Application for Retail Beer/Wine and Sunday Sales Alcohol License. Applicant: Gerald Schantz for GPS BBQ Location: 1115 Hwy 80

Mayor Buelterman stated this was on for Retail Beer/Wine and Sunday Sales Alcohol License, not Entertainment.

Kathryn Williams recused herself.

A Motion by Shirley Sessions to approve for Retail Beer/Wine and Sunday Sales Alcohol License only was seconded by Wanda Doyle. The vote was Sessions, Doyle, Garbett and Schuman in favor and Wolff opposed.

2. Application for Retail Beer/Wine, Liquor and Sunday Sales Alcohol License and Entertainment License. Applicant: H.W. Hubbard Location: 1415 Butler Ave

Mayor Buelterman stated this was the old Captain Chris's location, and asked the City Manager what the issues had been with this, that there hasn't been approval for everything else that is in that building or what is it. Ms. Schleicher answered they have not submitted a building plan or anything. It is just a shell. Mayor Buelterman asked if all that had to come before the license. Ms. Schleicher answered that is right, it was recommended that we know what kind of business it was going to be or what it was going to look like. This is a suggestion because we have never had a situation like this, where we just had a shell of a building with no walls up or anything. We don't even know what kind of business it is going to be. It is just so early in the game. Mayor Buelterman stated once this is done there really shouldn't be any issue or anything to get the license. Ms. Schleicher agreed but you really don't know things like; where the bar is going to be, where they are going to store the alcohol, etc. This just seems kind of odd to have a license for an empty space in a building. Mayor Buelterman confirmed it is Ms. Schleicher's recommendation to hold off until all the other things come back to us. Ms. Schleicher stated yes and until we have a better idea of what kind of entertainment. At this point we have no idea what kind of business. Ms. Doyle asked if it is possible to have some kind of communication between the chief and the zoning and building department to let them know this kind of information. This kind of thing shouldn't happen. Ms. Schleicher answered correct. It is a no nominally. This is the first time she has seen anything like happen. That someone would apply for an alcohol license before they ever put up the first inside wall. Staff asked them what kind of business he was going to put in and they didn't even know. Mayor Buelterman confirmed with Ms. Doyle what she is saying is, if procedurally before

approving, the Chief emails Mr. Lynn and says we are looking at doing this can you verify this, this and this. Ms. Doyle answered yes and it does sound like someone asked a question, like what kind of business is it going to be and was told they didn't know.

Mr. Schuman commented it could be a lounge, bar/ restaurant or.....Ms. Schleicher stated but there were no floor plans or anything. As she said before, this is a no nominally, and she doesn't think council will see it again.

Shirley Sessions asked the city manager, why is this before us, can you explain that. The City Manager did not respond and Mayor Buelterman answered because it is on the agenda. We are talking about it just like the one before it that we ended up approving. Ms. Sessions stated that is true but he had a location and plans. Mayor Buelterman but it was the same. Ms. Sessions stated she did not think it was the same at all. Ms. Schleicher stated when she spoke with the chief and he had looked at it and approved it. Basically with him it is more of the issue of the background check. At the department head meeting, the Tuesday before the council meeting, we discussed it and that is when....this is a highly unusual situation. Mayor Buelterman commented the agenda was put out prior to the issue coming up. Ms. Schleicher stated right. Ms. Doyle commented and questioned is it possible.....but yielded the floor to Ms. Williams to speak.

Ms. Williams asked if she had contacted the petition and is he aware of the situation and have any objections. Ms. Schleicher answered, yes we did. Angie Anderson at the police department called Mr. Schantz and Mr. Hubbard and they understood there was a chance of it being tabled. Mr. Schantz talked to me several times with good conversations and he was told he could come and speak under the visitors section and that was why he was being called. Mr. Hubbard did not call back but he understood there was a chance of it being tabled. Mayor Buelterman stated Mr. Hubbard was just here and he and Mr. Schuman had spoken to him and he understood the situation. Ms. Schleicher stated everyone was made aware and given proper notice because it was not the intention to do anything behind anyone's back.

Ms. Doyle asked if it was possible not to put on the agenda it has been approved by the Chief. When someone looks at the agenda, because of past history or as long as she has been here, they automatically assume if it has been approved by the Chief, it gets approved by the council. She understands it gets discussed at the department head meeting, etc and that is good. But can the Chief's approval or not, not be put on the agenda. Ms. Woods, Clerk of Council stated on the Alcohol Application there is a space where the Chief signs off approving it, if council wants to they can just be aware of when the Chief has approved or not, and then she can just not put it on the agenda, if that is council's wish. Ms. Doyle stated she would have to see how everyone else feels about that but she thinks seeing it on the agenda in bold print does say, "OK I'm good." Ms. Schleicher stated if council wanted to they could always approve it on the condition of the gentlemen getting a CO on the building. That is another alternative.

A Motion by Paul Wolff to continue until such time as Mr. Hubbard submits building plans was seconded by Bill Garbett. The vote was unanimous.

Consideration of Bids, Contracts, Agreements and Expenditures

1. GEFA Contract

Mayor Buelterman asked for clarification relative to the wind turbine, since there has been a lot of discussion on that. Mr. Wolff answered it is in the general comment section. Mayor Buelterman stated it says, "solar,.....and/or wind turbine will be installed with GEFA funds. That does not lock the city in to a wind turbine. Mr. Wolff confirmed it does not.

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

Council, Officials and City Attorney Considerations & Comments

Shirley Sessions

1. City Council Mission & Vision Statements

Ms. Sessions stated during the first workshop and subsequent workshop council talked about how important it was and to be mindful for the city to have a mission statement and a vision statement. How having one really defines who we are and what we are trying to do. When we get off track it can help us get back on track. Everybody had input in it and agreed the language needed to be very succinct specific but something we all could really follow and live with and to remind ourselves time to time of what we are trying to achieve. The Vision and Mission statements we all agreed on are:

Mission Statement: The City of Tybee Island's mission is to provide a safe, secure and sustainable environment by delivering superior services through responsible planning, preservation of our natural and historic resources and partnership with our community to ensure economic opportunity, a vibrant quality of life and a thriving future.

Vision Statement: The vision for the City of Tybee Island is to be the premier beach community in which to live, work and play.

Mayor Buelterman asked if this would be on our website. Ms. Sessions answered not only on the website, but as part of our meetings in our booklets to refer back to time to time, to be able to live by it. Several of council had mentioned in the last few months things that we do and we are not perfect but we do continue to try and do better. Trying to do that collectively, having that reminder helps us to get there and stay there. Where ever anybody thinks it is appropriate, that is where it should go. Even the Vision is simple and something we want to aspire to. In the future, maybe, adding it on the stationery or where ever.

Ms. Doyle stated maybe it should be posted in City Hall to let everyone know, even our visitors, what our Vision and our Mission is, as well as, the website, stationary, etc. Ms. Sessions agreed it was a great idea to have it in city hall, which would make council accountable also. Ms. Williams added it needed to be put on the agendas also.

Mr. Wolff thanked Ms. Sessions for spearheading this and putting all the thought and energy into it. The whole process has been a good collaboration of all of council working together and building a mission

and vision statement we can share and he hoped it could transcend all of us in moving forward positively. It was a good job. Ms. Sessions thanked Mr. Wolff and said she and Mr. Garbett had talked and the whole idea of vision and mission, especially if you come from a corporate background, can be a big help. She was also happy at how everyone had worked together and put their input to it because that was what it was all about.

Mayor Buelterman asked to put the phrase “a vibrant quality of life first. Ms. Sessions answered ok, we can do that.

Ms. Woods commented in reference to Ms. Doyle’s statement about putting it on the stationery. She can add it to the City letterhead with no problem if that is the will of council. Ms. Sessions answered that would be great. She also liked how on the website, many of the department heads have their own mission statements that is exclusive to their own department. Council took that into consideration in composing this one so everyone could be united.

Mayor Buelterman said his only comment is putting the vibrant quality of life first since council had been getting hit with parking and comments that we do more for visitors than we do for residents, so if we put that first.....no. Ms. Doyle said no because the “partner with our community to ensure a vibrant quality of life”. She thinks it is perfect the way it is written, unless Ms. Sessions has some objection. Mayor Buelterman stated he didn’t want to debate it so it is fine the way it is and called for a motion.

A Motion by Shirley Sessions to approve and live by it was seconded by Wanda Doyle. The vote was unanimous.

Bubba Hughes

1. T-Mobile Lease Agreement

Mr. Hughes stated council had seen correspondence recently relating to this where he had been in touch with the representative with the company hired by T-Mobile. Mr. Hughes had a problem with a number of the clauses they (T-Mobile) had suggested as they sent some inconsistent signals about whether this lease was in a termination period or not. It is not yet, but they have a right to terminate upon a six month notice. There is a lot going on and he doesn’t know what their reaction is to the clauses he had problems with but he and the T-Mobile reps have a call scheduled for tomorrow at 11:00am, so he suggested council not take any action. Council was in consensus and **No action was taken.**

2. GMA Agreement to Renegotiate Cellular Lease with T-Mobile

Mr. Hughes stated GMA for a long time did provide contract services related to cellular systems because of the technical aspects of the system. A whole lot is changing there too. For awhile the City had a consultant that negotiated a number of the leases. State law is changing that will impact this lease and all leases very soon. Mr. Wolff asked what kind of cost is involved if we ask GMA to negotiate the lease. Mr. Hughes stated the one that is in the agenda packet the estimate is approximately a \$3000 fee to renegotiate this particular lease with T-Mobile. Mayor Buelterman asked Mr. Hughes what he recommended. Mr. Hughes replied don’t deal with it. Let the law change and it will take care of a lot of it. **No action taken**

Executive Session

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

A Motion by Paul Wolff to go back into regular session was seconded by Kathryn Williams. The vote was unanimous.

Adjournment

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

Jason Buelterman, Mayor

Vivian O. Woods, Clerk of Council