

20100624 City Council Minutes

Mayor Buelterman called the Consent Agenda meeting to order at 6:30pm on Thursday, June 24, 2010. Council Members present were Mayor pro tem Shirley Sessions, Wanda Doyle, Bill Garbett, Frank Schuman, Sr., Kathryn Williams and Paul Wolff. Also present were City Attorney Bubba Hughes, City Manager Diane Schleicher and Zoning Director Jonathan Lynn.

Mayor Buelterman listed the following items on the consent agenda.

- City Council Minutes 4/22/2010
- City Council Minutes 5/13/2010

City Council discussed the action items list. Buelterman asked about the showers and said we were going to look into some different options. Schleicher said she talked to a company that had coin boxes and she had them talk to the company that did the showers. She said they weren't very compatible and they wanted us to be the experiment and they wouldn't guarantee their work. She said there is no one in the country that does coin operated/solar operated showers because we do not have electricity in all these places. Williams asked when the construction debris would be cleared out of Memorial Park. Schleicher said it will be cleared out by the Fourth of July. Doyle asked if they wanted to add New Beach Signage as a separate item on the action list. Buelterman said it couldn't hurt. Doyle asked Schleicher to put the item under the public safety committee.

Special Events Policies and Procedures, Schleicher said there were questions about these policies and the language may need tweaking a little. She said we have a moratorium and she would like council to be comfortable with it. She said Williams asked about whether certain events were required to have a special event permit. She said they need to work on that language. Schleicher asked council to send her questions so she could address all of their concerns. She said she believes the question is our intent and we need to make sure our intent is clear. Garbett said he felt that the document may be too thorough but it covers all the bases and that is the way we want to start out. Williams asked if council should send their comments to Schleicher on the special event policy and the volunteer policy. Schleicher said they could take them up on the first meeting of July. Garbett asked for revised versions of both policies to be sent to council. Schleicher said after she receives comments. Garbett said Schleicher was supposed to simplify the volunteer policy quite a bit. Schleicher said she did not receive any comments on the volunteer policy. Garbett said he thought they were going to go back to what Sessions submitted. Sessions said for her own comments she would defer back to the two pages that were initially sent along with the confidentiality agreement. Schleicher asked council to send her comments about where the policies were weak and staff would revise them.

Buelterman asked that council address a policy on recording their meetings because some of them come down to the last minute before deciding to record. He said he feels Tybee goes beyond what is required in terms of recording everything. He said he would like to see a written policy stating which meetings are to be recorded and which are to be recorded and broadcast and these are the ones we are not going

to record at all. He said maybe the staff involved could look at all of the meetings and suggest which should be recorded. Sessions asked for Hughes and Woods to be involved in order to help with the legal requirements for which meetings require minutes. Buelterman said there is confusion on which meetings require minutes and which do not such as the budget meetings. He asked for Schleicher, Woods, Hughes and Smith to develop a policy for council to review. Garbett said meetings like the Infrastructure Committee could be recorded and saved for six months and then destroyed. Hughes said if a meeting is recorded we would be required to retain the recording according to the retention schedule.

Buelterman requested the letter from Jack Kingston about the seawall and iron structures and trying to get them removed be retained with the minutes in the minute book so anyone researching in the future will be able to locate it.

Doyle gave a report on the emergency management stabilization unit. She said they had a representative from Medstar, Director of the Emergency Room at Memorial and also Dr. Bromberg who is a Trauma Surgeon at the meeting this afternoon. She said they received a very good lesson on everything that Medstar and Memorial does working with Chief Sasser and the Lifeguards. It sounds as if they have made a lot of progress in the last few years with their communications with people such as the people out here on Tybee, our First Responders and the Lifestar Helicopter. Doyle said they plan to consider it over the next month and bring it back to the public safety committee in order to determine if this is something Tybee needs. She said the doctor felt that Tybee has a good stabilization unit in medstar and they have made a lot of improvements over the last few years. She said the committee felt it did not need to take action at this point. Williams asked if a liability issue was discussed at the meeting. Doyle said there is a Georgia Law that states once Medstar picks up a patient they have to take that patient to a hospital. She said if they don't follow that procedure there is a liability issue. Sessions said a few years ago Tybee had representatives from Memorial and Medstar come and give a presentation. She said maybe it's time for them to come again since it's very informative and may give the citizens confidence in our own internal safety groups working with them in handling situations. Buelterman said he would call Mike Pollack and try to set it up.

Mayor Buelterman adjourned the Consent Agenda.

Executive Session

A Motion by Wolff to go into Executive Session to discuss Litigation and Personnel was seconded by Garbett. The vote was unanimous.

A Motion by Paul Wolff to end Executive Session was seconded by Kathryn Williams. The vote was unanimous.

Mayor Buelterman adjourned the Consent Agenda.

Mayor Buelterman called the regular meeting of the City Council to order at 7:00pm on Thursday, June 24, 2010. Those present at the Consent Agenda were also in attendance for the regular meeting. Susan Hill of All Saint's Episcopal Church gave the invocation and everyone recited the Pledge of Allegiance to the Flag.

Mayor's Announcements

Congratulations to everyone on the Better Hometown Board and Chantel Morten for their hard work in receiving the Better Hometown Designation for Tybee.

Sock Hop on Saturday night at 7:00 at the Legion to benefit the Milton Project.

Wolff invited everyone to come out anywhere from Center Street down to 19th Street on Saturday at noon and join hands in order to build a boom at the waterline to keep oil off of our beach as part of a world wide statement saying we no longer want offshore drilling and subsidies going to oil companies but instead would like the subsidies moved to renewable energy projects

Buelterman thanked Pat Farrell, Chatham County Commissioner for providing the resolution that was adopted and unanimously approved by the commission to prioritize improvements to Hwy 80, especially the bridges.

Michael Bodine gave a short presentation on how to get on the council agenda. Buelterman said if you get your request in on time we will let you speak about almost anything. Bodine told everyone to go to City of Tybee.org and on the left side of the screen go to the downloads menu, go to download forms and the very first document under Government Document Forms is a downloadable form that you can fill out and mail in or bring to City Hall and there is also a form that you can fill out on the web and automatically e-mail your request to Vivian Woods, Clerk of Council. He said on the calendar pages, every meeting has the agenda request form until the deadline and then it is removed for the agenda. Buelterman asked Bodine to show how to get to the council packet that is scanned and posted for every meeting. Bodine said you start out at the navigation bar and go to city officials, and under city officials there will be either an agenda or synopsis posted. If you look at the top of the page it says click for downloadable council packet which is usually a very large packet that you can open and review or download. Wolff said there are always agenda request forms in the rack outside of Vivian's office which you can fill out and hand in while your there.

Recognitions

Mayor Buelterman presented a Certificate in recognition of Frankie Conaway, Director of Parking Services, congratulating her on her retirement after eighteen years of service to Tybee.

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

Danny Hill, Chairman of the Ethics Commission asked City Council for a text amendment to Article B, Section 4, line 4. Currently the ordinance reads Council may remove a member at anytime at will with or without cause. The Ethics Commission requested an amendment to read Council may remove a member at anytime at will with cause.

Mr. Hill asked for the status of the Commissions request for an Attorney if the City Attorney is unable or cannot provide legal counsel to the Commission.

Mr. Hill asked for the status of funds to provide Ethics Training.

Mayor Buelterman said council had discussed these items while considering the budget and will get an answer to Mr. Hill for the Commission as soon as possible.

A Motion by Kathryn Williams to approve amending the ordinance to read: Council may remove a member at any time at will with cause was seconded by Paul Wolff.

Mr. Hughes said the Charter provides that unless you establish otherwise, anybody appointed to a commission by council is removable at will. He said the way the Charter reads unless otherwise provided by law and he would take that to include an ordinance that would provide that removal can only be done for cause. He thinks the purpose of the proposal is to try and take some of the political potential out of the situation as well as potential conflicts. He said in his view there is no way to do both. He said there is no way to make this system purely perfect. Mayor Buelterman said amending this ordinance would make it more difficult to remove someone without cause because they would have to amend the ordinance again. Ms. Doyle said she didn't think that was what Mr. Hughes said. Mr. Hughes said any council can amend the ordinance at any time. He said his preference is always at will for everybody. Ms. Williams said if council is not in favor of the motion we at least need to give them an answer. Mr. Wolff said in keeping with the reasons the Ethics Commission was established, we should grant them a specific exclusion from the at will removal simply because they could in essence be dealing with us in terms of our ethics.

The vote was unanimous.

Lindsey Fruchtl and Vickie Buck from the Tourism Council gave the quarterly update showing an increase in tourists and revenue for this quarter.

Woody Hemphill gave a report on the Campground. Williams asked how many responses were included on the rating scale. Hemphill said he was not sure but would check the numbers and send them. Schuman asked how many cabins were at the campground. Hemphill said six. Schuman asked if we had room for any more. Buelterman said Hemphill had requested additional cabins because they do generate money but that creates a host of other issues.

Citizens to be heard

Stacy Jarrell announced the Tybee Throws a Fit event hosted by Oceanfront Cottage Rentals on July 2, 2010 at 8:00am.

Mark Shapiro addressed council about truck traffic and speeding on Jones Ave. He requested council look at the situation to see if something can be done to move the heavy traffic back on Butler Ave. Buelterman asked him to come to the public safety committee meeting in order to share his concerns.

Bill Cannon announced the Beach Sweep on Sunday morning July 4, 2010 and Tybee Beautification's Tybee Prom on July 17 at American Legion.

Sunday Marino of the Tybee Breeze said Jimmy Price has dedicated his whole life to serving this island. He has served this island in some capacity for 34 years. We are very fortunate not to have to live in fear the way other cities do. She said ask yourself do you feel safe on Tybee and if you do go thank Jimmy Price. She gave statistics from January 1 through June 18th. She said there were almost 4,000 calls made to Tybee PD for service and out of all of those calls there were nine complaints and only one for show of force which was the Grevemberg case. She said Chief Price doesn't deserve to be treated this way after everything he has given to this community.

Michael Scarborough a resident and business owner on Tybee said he has known Jimmy Price for over 25 years and he is proud to call him a friend. He said Jimmy Price has dedicated himself to Tybee and deserves to go back and finish his job in dignity.

Dean Morrison said he supports Jimmy Price but he thinks the citizens are torn because they have not been told by the City Council or City Manager what's going on.

Henry Levy said a few weeks ago they had a guest from Macon staying at their house and her name was Pam Webster. She is a certified teacher and dealer and problem solver with the autistic. She reviewed the things that happened here with the autistic young man and her professional opinion was that the fault did not lie with the Police Department but with the man's caretaker that left him alone in front of a bar on beach bum weekend. What has happened to our Police and those that have caused it should be ashamed of themselves.

Carolyn Elm said she has lived on Tybee for 20 years. She presented a petition from the Friends of Jimmy Price with over 400 names including phone numbers and addresses calling for his reinstatement. She said a lot of people would not sign because of having businesses and are afraid of something coming back on them. She said Tybee Island is one of the safest if not the safest place to live because of our Police and Firefighters. She said she does not know Jimmy Price personally but has seen him a lot over the last 20 years and he has always acted in a respectful and professional manner.

Jenny Orr owner of Fannie's on the Beach just celebrated 18 years at the location on the Strand. She said she is not from here but 18 years ago she met Jimmy Price as a new business owner. She said he doesn't drink in her bar and rarely eats in her restaurant and they are not personal friends but she considers him a friend because he is such a great Chief of Police to her. She said she has not worried once about being robbed or burglarized or someone coming in the back door for 18 years. She said we do not have to think about sawed off shotguns and managers being locked in coolers like other small communities have to. She said the Tybee Police Department is exceptional and Chief Price deserves more respect than he is getting.

Consideration for the Consent Agenda

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

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

1st Reading of the 2010/2011 Budget

A Motion by Shirley Sessions to approve the budget on 1st Reading was seconded by Paul Wolff.

An Amendment by Wanda Doyle to change the City Marshal's position back to a 40 hour week with half time as City Marshal and the rest of the time filled in with what the Police Department deemed necessary to fill that 40 hours. Motion died for lack of second.

An Amendment by Wanda Doyle to add the McKenzie Street Crosswalk back in the budget was seconded by Shirley Sessions. After discussing the use of SPLOST Funds to construct the crosswalk Ms. Doyle and Ms. Sessions withdrew their motions in order to revisit at a later time after the determination is made as to if the SPLOST Funds can be used for the crosswalk.

Ms. Doyle stated, she doesn't see how we can find \$97,750. to go into the general fund for a bike trail when we are cutting people's hours and she has nothing against bike trails, it's just the timing when

council is having to struggle with looking at all the positions. She asked to go on record as being opposed to the bike trail at this point in time.

Ms. Sessions said it might be helpful if it was explained that council did not decide to cut people's jobs but asked the City Manager and Finance Director to go back to the Department Heads and look at where it would be appropriate for them to do some cost reductions. She said as she understood it that information was given to the Finance Director and City Manager and those positions were first of all recommended to them to eliminate one and put three as part time but yet with five different workshops they all worked together and the department heads worked together to find different work plans to keep those three positions as full time to get benefits and to not eliminate any positions and all four positions would be getting benefits. Ms. Schleicher said correct. Mr. Garbett said what Shirley said was exactly what happened. He said several of these positions were cut to half time or eliminated and staff worked really hard to come up with an excellent compromise on these positions. He thanked Ms. Schleicher and Ms. Hogan for their outstanding job of putting this budget together in difficult financial times. He said it was everything they asked for.

Frank Schuman said he doesn't see how five hours is going to make or break anybody in this day and time and he thinks they did a good job with the City Marshal's position and they should just be grateful to have a job.

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

A Motion by Paul Wolff to approve the budget on 2nd Reading was seconded by Kathryn Williams. The vote was Wolff, Williams, Garbett, Sessions and Schuman in favor and Doyle opposed.

A Motion by Paul Wolff to approve Ordinance 17-2010 to approve the budget just voted on was seconded by Shirley Sessions. The vote was Wolff, Sessions, Garbett, Schuman and Williams in favor and Doyle opposed.

Executive Session

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

Kathryn Williams excused herself from executive session at 8:45pm for ethical reasons relating to certain litigation.

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

Adjournment

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

Jason Buelterman, Mayor

Vivian O. Woods, Clerk of Council