

20100812 City Council Minutes

Mayor Jason Buelterman called the Consent Agenda meeting to order on August 8, 2010 at 6:30pm. Council members present were Mayor pro tem Shirley Sessions, Wanda Doyle, Bill Garbett, Frank Schuman, Kathryn Williams and Paul Wolff. Also present were City Attorney Bubba Hughes, City Manager Diane Schleicher and Zoning Manager Jonathan Lynn.

Mayor Buelterman listed the following items on the Consent Agenda:

- 6/24/2010 City Council Minutes w/corrections
- Appointment of James P. Locklear to the Community Resource Committee
- Council Approval and support of the City of Tybee Island Shore Protection Permit application to DNR for locating four (4) volleyball courts on the beach between 16th and 18th Street crossovers.
- Special Event 3 day Alcohol permit for Beer/Wine, Applicant Tybee Island Tourism Bureau, Inc. dba Tybee Fest for October 8, 9 and 10th.
- Alcohol License application for Beer, Wine, Liquor, Sunday Sales and Entertainment for PJ's Spirits LLC. Db a Seagrass Saloon & Grille, 725 First Street.
- Contract for Georgia DNR to provide drinking water testing and related services for Chemical & Coliform-3 annual payments of \$8,910 Line Item #505-4410-52-1310.
- Proposed Capital Improvement Plan for FY 2011

Mr. Wolff asked why 4 volleyball courts were needed on the beach. His concern was people not using that part of the beach because of being cramped up at high tide. Mayor Buelterman said he is down there a lot and they are in use all the time. Ms. Schleicher said the permit gives us flexibility when our beach changes.

Ms. Williams asked if the volleyball court locations were selected because of the Last Song. Ms. Schleicher said yes and also because that is kind of our business district area. She said that was also where they had the professional tournament and all.

Mr. Wolff asked how often the DNR testing of drinking water will be conducted for the \$8,900. Ms. Schleicher said she did not know and she wished he would have asked her last week. Mr. Wolff said he read the contract and assumes it will be what we need. Ms. Schleicher said it is the state contract according to the state requirements.

Mr. Schuman said he had talked with Interim Chief Bryson about the Golf Carts registered on Tybee and Bryson said there have been no problems at all. He said there had been a few problems with some of the buggies and all. Ms. Doyle said this ordinance started at the public safety committee and needs to go back to the public safety committee. Mr. Schuman said there is no difference between the Golf Carts registered on Tybee and the carts that Charlie Brewer rents out. They all have lights on them and everything is legal. Ms. Doyle said there is nothing in the ordinance about running them at night and so it needs to go back to the public safety committee. Mayor Buelterman

confirmed that Mr. Schuman was requesting to have the ordinance changed to allow them to run at night. Mr. Schuman said he had talked with Jimmy Price about this and Price said if you can get the Golf Carts allowed you should just go for running them at night. Schuman said no one seems to have a problem.

Ms. Williams said regarding public safety and the issue she had e-mailed about, Jones Avenue and the bikes and signage and asked if it had been discussed at public safety. Ms. Doyle said the committee had talked about Jones and the bicycles and truck traffic. She said Interim Chief Bryson was going to have his guys take a look at it over the next four weeks and bring it back and put it on the agenda to discuss again. Ms. Doyle said signs as far as bicycles go were tried years ago and there were a lot of complaints about the signage being on there regarding no bicycles. Ms. Williams said a good bit of the problem before was that it was illegal to ride a bike on Jones. She said most of the people she notices are visitors to the island and they may not be aware that 2nd Ave. is dedicated and much safer for bikes. She said she is not asking for an ordinance but is suggesting they use signs to educate people. She said little kids will be a whole lot safer a block over. Mr. Wolff suggested a sign saying bike trail one block over or east or something like that. He said it would be helpful to let the people know there is a lot safer route than Jones. Ms. Doyle said they will put that item back on the public safety agenda and discuss the signs directing them over to 2nd.

Mayor Buelterman asked Ms. Schleicher what the procedure was for getting projects going that are on the Capital Improvement Plan. Ms. Schleicher said a priority is the McKensie Project and she would like to contact the engineer to start talking to DOT about getting a permit for that. Ms. Schleicher said she would like to use the same engineering firm that did the study because they have already made contact with DOT.

Mayor Buelterman closed the Consent Agenda.

Mayor Buelterman called the regular City Council meeting to order at 7:00pm on Thursday, August 12, 2010. Those present at the consent agenda were also in attendance for the regular meeting. Denise Woodard gave the Invocation and everyone recited the Pledge of Allegiance to the Flag.

Recognitions and Proclamations

Mayor Buelterman presented a Plaque and Letter of Commendation to Les “Sarge” White for apprehending a burglary suspect @ Beachside Colony and detaining him until officers arrived.

Citizens to be Heard

Bill Cannon representing Tybee Beautification announced adopt a highway for Saturday, August 21st at 8:00am at the Tybee Sign. He also announced that the committee was soliciting sponsors for their always popular Beach Sweep T-Shirts. He said contact any

TBA member for information. He thanked Mayor, Council and Staff for their continued support.

Betty Ann Brooks was not present to make her request for speed bumps at various locations on the Island.

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

- New Water and Sewer Rates-Recommended by Infrastructure Committee.

Mr. Wolff said this item came from staff because there is a \$200,000 plus hole in the water/sewer budget that we should have plugged by going to the 2nd or 3rd tier of the water rates that were implemented a couple of years ago by the last council. Mr. Wolff said 20% of the people on the island are using half of the water. He said 80% of the people on the island will be minimally affected if these rates are implemented. He explained to be truly a conservation tiered rate, the top tier should be double the bottom tier. He said the rates adopted in January 2009 do not encourage water conservation. He said the last council said instead of going right to the top tier, why don't we phase it in over time? The idea was to start at the January 1, 2009 rate, review it again before July and go to the next tier and then again on January 1st of this year and if we hadn't become revenue neutral we would go to the next tier. Ms. Schleicher said \$245,000 is the un-audited loss at this point. Mr. Wolff said anyone using 3,000 gallons a month or less will be totally unaffected by this increase and that's a good percentage of the island. Ms. Doyle asked if the consumption was more or less or about the same as it was when we started the tiered rate system. Mr. Wolff said it was about the same. Ms. Doyle asked if he thought that increase would stop the 20% of people who are going to use their water regardless. Mr. Wolff said if we go to the January 1, 2010 rates that are proposed here, that will go a long way towards plugging up the \$245,000 hole in their budget. Ms. Schleicher said there are two issues here, one is conservation and the other is money. She said staff recommended the infrastructure committee approve the proposed rates to shore up the financial gap and then in the meantime the committee could recommend to council, to look at what measures could be taken to encourage conservation and they could spend 6 months to a year to do that. She said they need to take care of the financial part first because the city is getting close to crisis mode. Ms. Williams asked that Mr. Hughes or Ms. Schleicher explain how the city is not supposed to subsidize the enterprise fund. Ms. Schleicher said enterprise funds are supposed to be self supporting and council should be setting rates so that they are. She said some of the bonds that we have taken out in the past are self supporting and our auditors look at that to make sure we comply. Mayor Buelterman said they held discussions before in order to help people understand. He said he doesn't think it would hurt anything if they had a chart on the screen for people to view, explaining this a little bit better, maybe visually. Ms. Doyle said a hotel has to pay the base rate on unoccupied rooms and she feels that is unfair even though they chose to have a hotel. She asked if there was an adjustment that could be made in the base rate for hotels. Mr. Wolff explained that it was important to have the base rates as they are in order to be able to provide the same level of service to the businesses in the off season rather or not they are occupied. Mr. Garbett asked for a little bit more public

input. He said he knows they are not generating the funds to cover the water and sewer system and they are obligated to do so. He thinks they could use a little more explanation. He suggested calling a public hearing soon. Mayor Buelterman said he doesn't know if they need a special meeting. He thinks they could put it on the agenda two weeks from now. Ms. Sessions said she agreed with everything having come from the days when we were subsidizing funds and getting findings at every audit. She asked when the last time this was written up in the audit was. Ms. Schleicher said the last time. Ms. Sessions said this is another example of the citizens not knowing why council is having to take steps like these. How it impacts them personally and the island as a whole and not just showing a visual. She said keep in mind that not everyone watches these meetings. She said maybe having a brochure or something and constantly trying to find ways to reach out to people in a succinct manner while council is trying to make these types of decisions. She asked who was on the infrastructure committee. Mayor Buelterman said Williams, Wolff, Garbett and Brown with staff acting in a support role. Sessions asked who on staff. Ms. Schleicher said the Water Sewer Director, DPW Director, Finance Director, Community Development Director and the City Manager. Mayor Buelterman asked where the \$245,000 will come from. Ms. Schleicher said the undesignated fund balance. Buelterman asked if that was what happened last year and how much it was. Schleicher said yes but she didn't know the amount off of the top of her head. Sessions said maybe looking at a different approach on how we do the education process. Williams said the council realizes what steps are taken to conserve financial resources for water and sewer such as doing repairs in house instead of hiring contractors. She said she gets compliments from the public all the time on how courteous and efficient our water sewer department personnel are. Mr. Schuman asked if vacant houses and condos are charged a monthly fee. Schleicher said a base fee. Mayor Buelterman asked if this item was going to be heard at the next meeting. Schleicher said yes.

Consideration of Approval of Consent Agenda

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

Public Hearing-Zoning Packet Separate

Mayor Buelterman opened the public hearing

- Side Yard Setback Variance, 1514 Second Avenue (4-0008-08-002, LDC Section 3-090, Applicant: Lori Golterman.

Mr. Lynn explained the request and said this is a residential unit in the R-2 Zoning District. He said the request is to reduce the side yard setback to seven feet to install a protective cover over a recently installed heating and air system.

Mr. Wolff said he would consider it if they would build a peaked roof with no reflective shingles, that didn't extend any farther than the stand on which the unit sits. Ms. Williams said there is plenty of room on the other side of the house to have set this ac unit without

infringing on the setback. Mr. Lynn asked the homeowners about that and their response was they wanted to save that portion of the lot in case they wanted to expand their house. Mr. Garbett said he understood that the ac unit was not a part of the structure and that it was allowed within the setback. Mr. Hughes said he thinks the ac unit itself is required to be outside of the setback. He said the definition for setback doesn't exempt it and there is no provision as there is for the height issue about serving the interior for Chimneys and Elevator Shafts. He said he believes it would meet the definition of structure. He said the issue here is moot because the ac unit was replacing one that was already there and would have been grandfathered and the petitioner could have fixed it as a non conforming use. He said he would like for City Council to address this issue before another request like this comes. Mayor Buelterman asked if anyone had talked with the petitioner about why they wanted this. Mr. Lynn said the petitioner said they wanted to provide protection from the elements for their ac unit.

Mayor Buelterman closed the public hearing.

A Motion by Kathryn Williams to deny was seconded by Bill Garbett. The vote was Williams, Garbett, Schuman and Wolff in favor of denial and Doyle and Sessions opposed.

- Side Yard Setback Variance, 1310 Bay St. (4-0022-02-006), LDC Section 3-090 Applicant Barry Brown for Owners: Gary and Elizabeth Wisener.

Mayor Buelterman opened the public hearing.

Mr. Lynn said this property is zoned R-1 and is currently a single family residential unit and the Master Plan shows the character as part of the Historical Battery Neighborhood. He said they are requesting a reduction in the side yard setback. He said currently there is a house at 1310 Bay Street that sits in the middle of two lots of record. He said the homeowner is proposing to take the house and move it to one of the single lots of record in order to clear up space on the other lot to allow for a Tybee Cottage if one becomes available to move there. He said there is a porch on the structure that will require a setback reduction of eleven feet in the rear yard and six feet on the side yard if the house is moved. He said R-1 required the setbacks to be twenty on the rear, ten on each side and twenty on the front. Mr. Brown said the biggest problem they have is a set of steps on the left hand side of the house. He said those steps will be removed and replaced with wood to reconstruct the original cottage look. He said the hardship is they have a 32'.6" house and are trying to push it into a 30' hole. He said in order to save this cottage they need variances on the side yard and the front yard. He said they are trying to move the house back to allow for a twenty foot setback in the front and its creating a need for a variance in the back. He said the owner wants to be able to save this cottage and open up lot #7 to allow for a cottage to be placed there if one should come available. He said this would be instead of placing a two story structure on the open lot and being out of character with the surrounding one story structures. Mayor Buelterman asked if the existing cottage was an historical structure. Mr. Chambers speaking as a private citizen said he didn't want his comments in support of this project to be inferred as being disrespectful or in

disagreement with the Planning Commission. He said he does not support variances in general but the ones he has supported have been related to saving Tybee Cottages. He said this particular request has the potential not to save just one sixty year old Tybee Cottage, which is the baseline for historical but this has the potential to save two Tybee Cottages because the property owner has committed to moving a second Tybee Cottage there. He said he has been involved with moving Tybee Cottages all over this island and one of the challenges now is finding available lots to move these historic cottages to and very often it's a move or lose situation. He said it is an historic structure and merits that extra consideration. Mr. Wolff said he is concerned about the neighbors; there have already been complaints about this being a rental house. He said he would be more likely to grant a variance if Mr. Wisener would be willing to push the house towards his other lot instead of towards the neighbor. He said that way only the two properties that he owns would be impacted. He would like to see this moved towards the front which would not affect anyone. Mr. Brown said there was discussion at the Planning Commission meeting about moving the stairs under the front porch. He said he is willing to remove the steps on the side and put them at the front door if that will work with the FEMA Code. Mayor Buelterman said council could put that as a contingency on an approval. Ms. Williams asked Mr. Brown to restate exactly what he would be asking for in terms of variances if the steps were removed. Mr. Brown said the setbacks would be about eight feet on the sides and nine feet in the back. Ms. Williams said she received a letter from an elderly neighbor concerned about the impact on her property and she hopes the owner will be mindful of that if this project is approved. Mr. Brown said the owner is mindful of all of the neighbors concerns. Mr. Herman Peavy said he lives right behind the lot. He said he has no objections to the side setbacks that wouldn't affect him but when you start moving that house back and you get within eleven feet of the line, it would be sitting right on me. He asked if this property was on city sewerage or septic. Mr. Brown said city sewerage. Mr. Peavy said if they move the steps to the front they will need a boat to get in the house when it rains. Mr. Lynn said the owners are required to submit a drainage plan to be approved before the project is permitted. Mr. Peavy said there is a large old tree on the back property line and he asked if it was going to be removed. Mr. Brown said it's a protected oak tree and you couldn't touch it if you were Obama. Ms. Doyle asked Mr. Brown about shifting the house towards the front. Mr. Brown said it would be fine with him. Mr. Lynn suggested reducing the front yard setback to sixteen and the back yard setback to fifteen, creating a middle ground. Ms. Sessions asked Mr. Peavy to call the city if he notices suds in the yard again. Ms. Williams referred to the code stating a sub standard lot of record can only be built upon if its single family and meets the front, side and rear setbacks. She asked Mr. Hughes for his opinion. Mr. Hughes said they have been dealing with that for a long time and its one of the sections in the proposed article that would be changed or clarified. He said a substandard lot of record can only be used for single family home but the right to request a variance still exists. He said at least one superior court judge believes that the substandard lot of record may be the hardship for a variance to be granted. A next door neighbor said his only concern is that this is a rental cottage and there are noise concerns. Mr. Brown said he doesn't know about this issue but he asked if the neighbor knew how many police reports had been written to verify the fact that he has had complaints against the people living in the house. Mr. Garbett asked Mr. Brown to show where the property line would be. Mr. Brown said he thinks the

property line is between the pine trees and the house to the right and approximately fifty feet from the property line. Mr. Garbett asked how close those homes would be. Mr. Brown said he would guess the neighbor has a ten foot setback but he doesn't know. He said you would still be looking at eighteen feet between them if a two foot variance was granted. Mr. Schuman asked if Mr. Brown could move the houses closer together and away from the rear and side yard setbacks. Mr. Brown said his intention is that the other house to go into the lot would meet the current setbacks and the houses would be side by side.

Mayor Buelterman closed the public hearing.

A Motion by Wanda Doyle to approve a five foot variance on the front, five in the back and two on each side with the contingency that the stairs be placed in the front left portion of the home was seconded by Paul Wolff.

Mr. Wolff asked for an amendment to give the petitioner a five foot variance on the front and a four and one half foot variance on the back in order to get him farther away from Mr. Peavy and eight foot setbacks on the sides exclusive of the chimney and make it contingent on moving the stairs to the front of the house. Mr. Lynn clarified the exact variances as a ten foot side yard setback with no variance on the west side and a four foot variance on the east side, a four foot variance on the back and a five foot variance in the front. Mayor Buelterman said, also there would be a contingency requiring the stairs to be moved to the front of the house.

Ms. Doyle withdrew her motion and Mr. Wolff withdrew his second in order to allow Mr. Brown to speak.

Mayor Buelterman reopened the public hearing.

Mr. Brown said as long as the math adds up he is fine with it. Mr. Lynn said if you subtract all the setbacks you would still have thirty six feet for the thirty two foot house. Mr. Brown agreed.

Mayor Buelterman closed the public hearing.

Mayor Buelterman clarified a four foot variance on the east side, four feet in the back and five feet in the front and a contingency for the stairs to be moved to the front

A Motion by Wanda Doyle to approve the variances as just stated by Mayor Buelterman was seconded by Paul Wolff. The vote was Doyle, Wolff, Garbett and Sessions in favor and Schuman and Williams opposed.

- Updating Land Development Code Article 5, Section 5-090(F), Compliance with ordinances dealing with applications for “after the fact” variances.

Mayor Buelterman opened the public hearing.

Mr. Lynn explained that this amendment would allow applicants to apply for a variance however the applicant would still have to show how the variance was created, when it was created and who created it. He said the planning Commission recommended the last

sentence be changed from “ no variance may be granted which retroactively excuses a prior violation” to “A variance that’s granted under this ordinance does not excuse prior violations including those that resulted in enforcement action by the City of Tybee Island”. Mayor Buelterman asked Mr. Hughes if he was comfortable with the wording recommended by the Planning Commission. Mr. Hughes said yes and added another suggestion for the last sentence “or may result in enforcement action” rather than it has resulted in. He said the point was to allow a variance but not to excuse the existing violation that occurred and depending on the violation that occurred, the city could still take action to seek a penalty for the violation of the zoning code. He read the ordinance as it should be worded “A Variance that is granted under this ordinance does not excuse prior violations including those that have resulted or may result in enforcement action by the City of Tybee Island”. He said the point is to keep the penalty option open even if the variance is granted.

Mayor Buelterman closed the public hearing.

A Motion by Paul Wolff to approve the suggested changes was seconded by Wanda Doyle.

Mr. Garbett asked Mr. Hughes if this change is truly needed. Mr. Hughes said he thinks the text as it now exists does not permit someone to file or even request a variance to structures that are non compliant. He said that has always caused him concern because there should always be the opportunity to at least ask with an explanation of how it got there. The reason it was put in was because a lot of people were asking for forgiveness instead of permission many years ago when building was going strong and that may happen again in the future. He said another thing that has not really come up in this context is how that section applies to a non conforming structure now. He said our ordinance does not permit you to ask for a variance and we have non conforming properties that frequently request variances and those two ordinances in his opinion are inconsistent with each other. He said this would eliminate that problem. Ms. Williams asked if they pass this will there be any kind of criteria or will it be totally subjective every time someone comes before council. Mr. Hughes said nothing changes as far as what the criteria is for granting a variance whether it is before the fact or after the fact. He said this only permits the application to be filed and in the event where there is an existing non conformity, how it was created. Ms. Sessions said Chuck Barger brought the existing ordinance to them in 2004 and she asked Mr. Hughes if he helped write it then and if he thought it was a good thing then, why that opinion changed. What happened to change it? Mr. Hughes said as he recalls he did not like it then and had prepared two options with one being the way it is currently on the books and one that this one was created from. He said he thought then as he thinks now that someone should have the right to apply. He said the council at the time was pretty well fed up with people asking for forgiveness after the fact instead of permission in advance and preferred what they considered to be a stronger measure. Mayor Buelterman said several years ago the city had a brochure that explained what you could and could not do as far as zoning was concerned. It was easy to understand. Mr. Lynn said we do have a guide to permitting which is available at city hall and on the website.

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

- Front Yard Setback Variance, 1403 Solomon Ave. PIN 4-0022-01-325, Zone R-2, Steve Day, petitioner.

Mayor Buelterman opened the public hearing.

Mr. Lynn explained that Mayor and Council tabled this petition when it came up at the first meeting in July. He said this property is foreclosed and the bank came to council requesting a variance which prompted the change in the text of the ordinance. He said it was determined that the builder had built the stairs eighteen inches into the front yard setback. He said because of the cost involved to remove the stairs and piers the bank wanted to request a variance to address a problem they didn't create and allow them to sell the property. Mr. Ron Weller from BB&T said he handled the foreclosure on this property. He said the bank financed this property but was not the builder, developer or general contractor. He said the borrower defaulted on the loan and the bank inherited the property by foreclosure. He said at the time they foreclosed they lost approximately \$200,000. At the time of foreclosure the property was 100% completed on the exterior and was not complete on the inside. They spent another \$100,000 completing the inside in order to get it ready to sell. They requested a Certificate of Occupancy which requires an as built survey and at that time they discovered that the property was somewhere between twelve and eighteen inches inside the front setback. He said they want a C/O so that they can sell the property and get a homeowner down here that will pay property taxes to Tybee.

Mayor Buelterman closed the public hearing.

A Motion by Wanda Doyle to approve was seconded by Kathryn Williams.

Mr. Wolff said he was contacted by a builder who resented that council was using this petition as a spark for considering requiring survey's for foundations which would save a lot of money in the long run. He said it's been pointed out to him that the bank was a willing partner to this building. He said they have a shared responsibility to make sure the house was built to legal standards.

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

Ms. Williams asked if it was the City's responsibility to go out and measure and determine if the house is built and the pillars are within the building footprint or is it on the owner, the contractor or is it a situation where if they don't get that survey then they assume that responsibility. Mr. Lynn said that responsibility falls to the developer or property owner. He said that in the past the city has had someone go out and pull a string

but the city does not have anyone on staff that is a licensed surveyor. He said the city depends on the asbuilt to tell them where the piers are.

Mayor Buelterman asked if there was a plan to add things to the acceptable variances in order to address Historical Structures. He said the Planning Commission did an excellent job on staying within the codes concerning the historical property that was discussed earlier. He thinks it would be easier for Planning Commission to grant exceptions if there was some language in the ordinance to address the preservation of historic properties. Mr. Lynn said that would be a part of Article 5 and they haven't looked at Article 5 yet.

Mayor Buelterman called for a short break.

Mayor Buelterman called the meeting back to order.

Consideration of Ordinances, Resolutions

- 1st Reading to Create Section 66-185 regarding use of Parking Decals and limitations thereon for the City of Tybee Island.

Mayor Buelterman allowed Steve Smith to speak because of a misunderstanding of the rules as explained earlier in the meeting.

Mr. Steve Smith said he and his wife live on 14th Street and they own Smith Tile Installation Service. He said after the council meeting last month he agreed to move one of his trailers off of the city streets and he did. He said his other trailer is used for his business and is not a recreational vehicle or a storage unit. He said all of their vehicles are registered on Tybee and taxed accordingly and they have had no restrictions for the last fifteen years. He said he will purchase a sticker for the trailer but he doesn't understand the purpose of having to move his trailer from one spot to another spot every twenty four hours. he said these are not storage trailers but he uses them to make his living. Mayor Buelterman asked where this proposal had originated. Mr. Garbett said part of it came from the parking committee and part of it came from staff. He said it was obvious that people were using trailers to store items, take the t-shirt shop for example. He said Mr. Smith is taking up two valuable parking spaces in the prime season and it seemed we wanted to use these spots for visitors at all the right parking locations. Mayor Buelterman asked if it was recommended by the parking committee. Mr. Garbett said yes. Mr. Lynn said they also tweaked it to have the twenty four hours in place from St. Patrick's Day through Labor Day in order to make this consistent with our private parking lot ordinance. Ms. Doyle asked if this could be amended to apply to weekends and holidays instead of the blanket St. Patrick's Day through Labor Day. She said there are two parts to this ordinance and the second part of it is that no automobile or vehicle may be parked by use of a decal, in a parking spot continuously in excess of seven consecutive days. Ms. Williams asked to further amend the ordinance to read "Decals applied to trailers, recreational vehicles and boat trailers may not be used to authorize parking for more than twenty four hours in one parking space from St. Patrick's Day to Labor Day" and then add a second sentence saying "commercial trucks and commercial vans with parking

decals may not occupy a parking space for more than twenty four hours on weekends and holidays”. Mr. Schuman said he can’t see robbing the residents to cater to the tourists. He said if you live on Tybee and pay taxes on Tybee and spend money on Tybee, you should have a place to park your truck and trailer in a designated parking area. Mr. Wolff said at the beginning of the second paragraph where it says “Notwithstanding any other provision of the code, decals applied to trailers, recreational vehicles, commercial trucks and vans of any type, and boat trailers may not be used to authorize parking for more than 24 hours. This way it excludes any kind of van including SUV’s. Mayor Buelterman and council agreed to send this back to the parking committee with the understanding that the committee is going to look carefully at not impacting Tybee owned businesses.

- 1st Reading on the ordinance to amend the code of ordinances Section 70-43, Bill adjustment for water leakage and special circumstances.

Mr. Hughes said this removes the break given for swimming pools. Ms. Schleicher said the EPD mandates that when you empty your swimming pool it has to go into the sewer system to be treated so why wouldn’t we charge a sewer charge for that service.

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

Ms. Schleicher said it is illegal to drain a pool into a storm sewer. Ms. Williams asked for the meaning of the terminology in the last paragraph saying situations where water accidentally floods the premises. Mr. Hughes said that is in the current ordinance and he didn’t change that part at all. Ms. Williams asked for an amendment to the motion to strike situations where water accidentally floods the premises.

An amendment to the motion by Paul Wolff to say “the city shall have the right to adjust water and sewer bills in case of water leakage and special circumstances such as breaks in the water line”. And strike situations where water accidentally floods the premises, etc. Kathryn Williams seconded the amended motion. The vote was unanimous.

Executive Session

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

A Motion by Paul Wolff to end Executive 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.