

20101028 City Council Minutes

Mayor Jason Buelterman called the consent agenda meeting to order at 6:30pm on Thursday, October 28, 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, Zoning Director Jonathan Lynn and Clerk of Council Vivian Woods.

Mayor Buelterman listed the following items on the Consent Agenda:

- City Council Minutes 7/22/2010
- City Council Minutes 9/23/2010
- City Council Minutes 10/14/2010
- Appointment of Pro tem Shirley Sessions to the Pension Committee
- Tybee Beach Run: March 26, 2011; 9:00am @ North Beach. Applicant: Mercer University School of Medicine: Christian Medical Association
- Tybee Polar Plunge: January 1, 2011; 10:00am – 12:30pm @ Tybee Pier & Pavilion. Applicant: Society of 40 Men or 8 Horses
- New Year's Eve Fireworks: December 31, 2010; 12:00am @ Tybee Pier & Pavilion. Applicant: Tybee Island Tourism Council. **Tourism Council to make sure their contract with the fireworks company requires the end of the pier to be cleaned after the fireworks.**
- Jonathan Lynn-Out of state travel request, requesting permission/approval to attend Annual American Planning Association Conference in Boston, MA
- Corrpro, Water Storage Tank/Clarifier, Cathodic Protection Systems-Annual Service Agreement-Contract renewal \$1,670 from Item # 505-4410-52-2205
- Friends of Tybee Theater Community Service Agreement.
- Off days for holiday week of December 28, 29 & 30th.
- Charter School Letter of Intent from the City of Tybee
- Resolution to allow City Manager to distribute up to 100 parking passes for approved special city permitted events, gatherings and governmental or educational opportunities between Labor Day and Memorial Day.

Council held a discussion on the following Action Items:

#22 to insure that trash can ordinance is enforced. Ms. Doyle asked Ms. Schleicher about people having issues with their garbage not being picked up on a certain day and their trash

cans are left out by the road until the next pick up day because they are still full. She said she has been contacted by people because this has happened in the last few weeks. She said there must be a reason but she doesn't know if the truck is broken down. She asked if Waste Pro had changed their pick up days. She said it seems to be happening more on the North End. She asked what happens when the ordinance stickers are applied and the garbage does not get picked up. Ms. Schleicher said if the City Marshal saw a full trash can he would know that the trash hadn't been picked up and the can wouldn't have had to be pulled back. She said the trash can ordinance is designed so that if you have an empty trash can, it should have been pulled back because the garbage has been picked up. Ms. Schleicher said the City Marshal has been improving communications with Waste pro and on occasion has called and talked to them about their problems with their route. She said we wouldn't be citing people because their trash hadn't been picked up. The ordinance is designed for people to move their trash cans back within 24 hours of pickup. Since the can has not been picked up it would not be in violation.

Mr. Wolff asked about progress on the easement between the Buckley property and Battery Row. He said the easement is going to be an integral part of getting the grant. Mr. Hughes said they want a fence and they are in discussions about the terminology on the easement and it has not been concluded. He said the last communication was with the Mayor. He said he recalls the owner of the property title wise has changed. Mayor Buelterman said the issue is we are going to have to pay for the fence. Mr. Wolff asked if that could be written into the grant. Ms. Schleicher said they have written it into the grant each time so it is not a problem. Mayor Buelterman asked if this problem will be solved when we get the grant. Ms. Schleicher said she thinks it will be a problem if they wait. Mayor Buelterman said so there is a better chance of getting the grant if we have the easement. He asked if they could work it out to agree on if we get this... we will do this... Ms. Schleicher said she thinks they agree to the fence. Mr. Hughes said it has been a challenge to get these because of the terms and the fence. He said if you want to make the grant application contingent on getting the easement, we can do that. He said he doesn't anticipate a problem based on the last communication he had but he doesn't think he had the last communication. Mayor Buelterman said it would be good to get this issue addressed. Mr. Wolff agreed but said he doesn't want to hold the grant up if we can write the fence into the grant. He understands the principal owner's concern is liability which is why he wants the fence in order to keep people from straying onto his property. Mayor Buelterman said Ms. Schleicher thinks there is a better chance of getting the grant if they know we have secured the property. Mr. Wolff said he is not necessarily saying wait but lets not hold the grant up waiting for the easement. He said continue to pursue the easement while moving forward with the grant.

Ms. Doyle said the juvenile ordinance had gone through the public safety committee at the last meeting and they decided not to move forward with that ordinance at this time. She said the gentleman that had been sending letters has been communicating with Mr. Hughes and the

police department thinks everything is under control. She asked for this item to be updated on the list.

Mayor Buelterman said regarding the letter of intent from the city for the charter school he believes the letter will lend the petition more credibility. He asked that the city send a letter of intent to the State Department of Education saying that we would like to begin the process for a charter school. He said he does not anticipate any issues with liability or cost to the city but if there are any they would come back to council later. Mr. Hughes said his understanding at this point is that the city would not be the petitioner creating the charter school.

Ms. Williams asked Mayor Buelterman to explain the additional 3 days off during the holiday season. Mayor Buelterman said we look at this as a way to give most of the staff that week off. He said there are other opportunities that the city has provided for employees in the past during the holiday season from a financial standpoint which will not be available this year and council felt this would be a good compromise for everyone involved. He said not running city hall utilities, etc. for those days will help the city from a cost perspective. Mr. Garbett stated there are cost savings to the city involved in this.

Mr. Garbett said the parking committee unanimously approved the resolution allowing the City Manager to issue up to 100 parking passes for permitted special events and governmental or educational opportunities. Ms. Williams explained this resolution was needed in order to allow Beach Sweep participants to park for free when they come to clean up other people's trash on the beach. Mr. Garbett said this will not give authority to issue 50 parking passes for a family reunion.

Ms. Williams said Mr. Garbett has mentioned the need several times for additional members for the Historic Preservation Committee. She said for most of the city committees you have to be a Tybee resident to serve. She proposed for the Historic Preservation Committee only to be opened up to qualified individuals in the community given the immense resources we have with Historic Savannah Foundation and SCAD and their preservation department. It seems we could utilize their expertise on this committee. Mr. Garbett said he and Cullen Chambers have concerns about the proposal. He said the committee is now filled with local residents but he thinks the proposal should be limited to two (2) qualified individuals in the community. Ms. Doyle asked if the two qualified individuals in the community could act in ex officio capacities on the committee. Mayor Buelterman said that is what the Beach Task Force does for a lot of people. It works and they just don't vote. Mr. Garbett said the problem is this committee requires members to have expertise in historic preservation, construction, etc. and supposedly they are not just people like all of us. He thinks they should allow a few from off island but not all of them. Ms. Williams said she agrees with Bill's suggestion to limit the off island members to two and requiring some expertise in Historic Preservation. She suggested her proposal be sent to the Historic Preservation Committee. Mr. Garbett requested this proposal be continued due to

present committee members submitting applications for the next meeting. Ms. Williams said even if no action is taken there would be nothing to preclude someone from off island serving in an ex officio capacity.

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. Danny Hill gave the invocation and everyone recited the Pledge of Allegiance to the Flag.

Mayor Buelterman asked that everyone keep Marianne Seiden in their prayers due to the bad fall she recently experienced. He said she is celebrating her 99th birthday today.

Mayor Buelterman asked that everyone keep Ms. Sylvia in their prayers because she is still recovering.

Proclamations and Recognitions

Janice Elliott, Human Resources Administrator recognized the following city employees for their years of service:

- Warren Millikan-5 years with Police Department
- Dianne Otto-5 years in Community Development
- Joshua Jenefka-5 years with Ocean Rescue
- Hunter Robinson-5 years with Ocean Rescue
- Mike Taylor-5 years with Ocean Rescue
- William West-5 years with Ocean Rescue
- Jonathan Williams-5 years with Ocean Rescue
- Angie Anderson-10 years with Police Department
- Bob Bryson-10 years with Police Department
- Johnny Hosti-15 years with Police Department
- Melanie Smith-15 years with Police Department
- April Moore-15 years Fire Department
- Jimmy Bostwick-20 years Department of Public Works
- Skip Sasser-30 years Fire Department

Ms. Elliott thanked the MRS for cooking the Low Country Boil at the employee picnic last week.

Citizens to be heard:

Randy Westor, Superintendent of Fort Pulaski Mr. Westor said he has been at the park for nearly two years. He thanked Mayor and Council for being wonderful supporters of the park and

park partners. He said an annual pass at Ft. Pulaski is only \$10 a year. He said after seventy two years the bridge to the fort is showing some wear and will be reconstructed in phases which will take six years to complete. Mr. Westor said the Cockspur Lighthouse is supposed to start moving forward on the revetment after which they will hopefully get the lighthouse fixed up. He said the goal is to protect the lighthouse foundation from further erosion. He announced Mike (Spec) Hosti's retirement from the National Park Service after nearly thirty years of service.

Reports of staff, Boards, Standing Committees and/or invited guests

Steve Braden gave an overview on locating battery sites on Tybee and how they can feed in to Tybee's Master Plan and with the T-grant for bicycle/pedestrian paths. Mr. Garbett thanked Mr. Braden for this information on the remaining batteries and where their located. Mayor Buelterman asked Mr. Braden to give the city a copy of his presentation in order to preserve the information contained in it for our records. Mr. Braden said linking the grant for the bike path along with demonstrating that this is not only recreational but includes cultural and natural resources will make your grant request stronger. Mr. Wolff said when he wrote the grant for the Buckley property, which has one of these sites on it, he included that it either contained or was very near one of the cannon placements. He said the grant included opportunities for using interpretive signage along the bike trail in front of the property by having boardwalks containing interpretive signs talking about the historic value and the eco systems along that marsh front area. He said when you incorporate a lot of these types of interests the grant proposal carries a lot more weight because of the multiple benefits. Mayor Buelterman thanked Mr. Braden. For this research and information.

Chantel Morton gave an update on the Better Hometown Board. She said the Board of Directors of Better Hometown is pleased to announce a new program called the sign of the times. She said this program was established to highlight creative, unique and attractive signs within the Tybee business corridor. She said the board has already received two nominations which were presented from the design committee and they voted to present recognition awards to Gayle Bolton of Gallery by the Sea and Keith Gay of Tybee Island Property Rentals and Sales. Cullen Chambers, Board Chairman of the BHT said the businesses that designed and installed these signs should be acknowledged and applauded for their contributions to Tybee's streetscape. Ms. Morton announced the following Better Hometown Programs coming up. The Locals appreciation card will be available to everyone with a 31328 zip code and will have a list of participating businesses listed on the BHT website. Third Thursday's on Tybee will continue with November 18th being the end of the fall series with the Savannah Kalee Band at the Round About. Tybee for the Holidays is on the website and includes a list of all of the fun activities going on throughout the community from Thanksgiving Day through New Years Day. She announced the Christmas Holiday Parade will be on December 4th ending at the Round About where there will be photo opts with Santa and the YMCA will have a bouncy house.

Mayor Buelterman thanked Ms. Morton.

Woody Hemphill, Manager of the Rivers End Campground presented monthly financials for September and October. He said the campground had a very good September and exceeded projections. He said his October projections are included in council packets and they are within \$1,000 of their projections as of today.

Ms. Sessions asked if there was a plan for the improvements discussed during the council workshop on October 16th. Mr. Hemphill said DPW is supposed to assist them with shoring up the foundations and reframing and rebuilding the buildings that are there. Mr. Wolff asked for explanation on why the services exceeded the budget in August and September and in August the Personnel services and supplies were significantly higher than anticipated. Mr. Hemphill said in August they had their Good Sam evaluation and that's usually when they meet with all of their marketing reps and those expenses are paid semi annually showing six months of marketing coming out of one month's operational budget. He said the personnel cost was due to an increase in health insurance and the expense of having two employees on unemployment and having to pay it quarterly. Mayor Buelterman asked what miscellaneous revenue consisted of. Mr. Hemphill said if they have an onsite vendor that does a revenue share such as the gameroom where they do not own or operate the games but someone else supplies them and the revenue is shared between the supplier and the campground. He said it doesn't make a lot of money but leads to greater customer satisfaction.

Citizens to be heard continued:

Shane Parris of North Island Surf and Kayak at Lazaretto Creek said he was approached by the Savannah Morning News asking him how he felt about the possible closing of Alley 3 to commercial kayak businesses. He said he did not even know that was being considered or discussed. He said his understanding is there has been a proposal to shut down Alley 3 to commercial kayak outfits. He said Alley 3 is an integral part of their businesses due to it being the most convenient way to reach Little Tybee and that is where they run most of their eco tours. He said it would be an incredible inconvenience if they had to do a launch from somewhere else. He said they bring an incredible amount of tourism to the island and if there have been some problems and misunderstandings about the way parking was dealt with, he understands that. He said parking has always been an issue and this is not his first time standing in front of council and talking about parking. He said it's a problem for the Whole Island and not just Alley 3. He said if they were approached earlier or maybe even now it's not too late to talk about it and work this matter out. He said Alley 3 is a very important access point for not only commercial Kayakers but also in this part of Georgia. He said Tybee should be very proud that we are listed in kayaking magazines in the top 10 and once in the top 5 for kayaking destinations. He asked that Tybee not be to rash in discouraging people coming here and kayaking folks. Mr. Wolff said they had a very lively infrastructure Committee meeting a couple of weeks ago. He said he was sorry Mr. Parris had not heard about it. He said they had a

lot of people attend that launch small boats there as well as a lot of kayaking folks. He said the committee is going to continue this discussion but the general consensus at that meeting was not to try to improve the boat landing and just leave it alone and not close it to anyone. He said they are still working out the details but obviously parking is one of the biggest issues and we want to keep people coming down with large groups in the morning mindful of the neighborhood situation. He said one complaint was that a neighbor had people chanting under his window at 6:00am before launching their kayaks. He asked Mr. Parris if he thought it would be a good idea to have commercial kayakers bring all of their people down in one vehicle and trailer instead of having them meet at the location and parking all their individual vehicles on site. He asked if Mr. Parris new of a reasonable place where trailers could be parked in order to not clog up parking spaces at Alley 3. Mr. Parris said most of the businesses do shuttle such as his business that pays \$100 extra a year for a shuttle license. He said parking has become such an issue they do try to be polite and do drop offs. He said most of the businesses are trying to work with the parking situation because of the amount of people coming there on their own as day trippers and not through the businesses. He said they are willing to work in any way possible. Ms. Williams said when this subject came up initially it was at the meeting prior to the one Paul was talking about. She said they were discussing the safety concerns about the poor condition of the ramp. She said rumor has it that there are about 5 cars or trucks that have met their demise because of the poor condition of that boat ramp. She said the discussion included DPW and they were trying to determine how to keep people from getting stuck and clogging the ramp for hours. She said it was suggested that maybe they could put posts in to keep people from backing up. She said the discussion was not about keeping people from using it. Ms. Williams said if they can meet with all of the people in that area that use the boat ramp as well as the businesses that utilize it, they could work some things out. She said she hopes they will have a separate meeting and advertise it because she can imagine it will take some time. Mr. Garbett commented that there is a significant improvement on the drainage in Alley 3 and we need to let Joe finish that work and his parking plan and then see what we have got because there will be some big improvements in the short term.

Dan Lockamy said before they jump into what they are going to do with Alley 3 he thinks they should give some serious thought to a design criteria to establish the fundamental basis for it and would make it lasts for many years. He said there are three carry down boat places on Tybee that he regularly uses. He said the two other places are Inlet Avenue and Polk Street. He said all of these places should be considered as part of the design criteria. He said the first criteria should be to encourage quiet, low impact boating such as kayaking, canoeing and sailing. He said these sites should facilitate safe boating by supporting people who take tours and the people who give instruction there. The sites should look for an alternative to automobile use with small boat trailers that can be towed with bicycles and hand pulled boat dollies. He suggested using Mobi Mats to access the beach in order to allow the trailers to roll to the edge of the water. He said these sites should require very little funding from the city and no supervision. He said any kind of masonry or stone in the water should be discouraged. He

said boats with trailers need to be told to go to Lazaretto Creek due to the large turn around space and having ample parking.

Mr. Schuman said he has been on Tybee for forty two years and he has been going to Alley 3 for at least that long and it will be a cold day in hell before he takes his boat to Lazaretto Creek in order to go over to Little Tybee. He said he will continue to use Alley 3 for his boats and jet skis because he pays taxes on them as well as insurance and registration fees to the DNR. He said he sometimes uses a rope attached to his trailer hitch to lower and pull out his boat. He said a lot of Tybee people use Alley 3 to launch their motor boats and jet skis and they are entitled to their opinion also.

Mayor Buelterman said the Infrastructure Committee will take the lead going forward on the Alley 3 issue. Ms. Williams said she agrees with Bill that we should let Joe and his crew finish the work on Alley 3 so that we can see what we actually have to work with and reclaim some of the right of way. She said he estimates we may have lost forty feet of right of way due to encroachment. She asked Mr. Hughes to research the emergency revetment back in the 70's; at that point she knows the neighbors did sign away some rights as part of that emergency repair work. She said she doesn't know if the city can deny anyone access to the beach which is publicly owned. She said they can make recommendations and set guidelines but they need to know the law behind it. Mr. Garbett said basically the only access the city controls is to the mean high water and beyond that it is state waters.

Danny Hill Chairman of the Ethics Commission commented about item #5 under Mr. Hughes name. He said it reads revision of ordinance on removal of members of Ethics Commission. Mr. Hill said this goes back several years and the commission has been talking about it. He said the revision is a culmination of efforts by the Ethics Commission and the City Attorney.

Consideration of Boards, Commissions and Committee Appointments

1. Pension Committee Appointments:
 - a. Employees- William Moseley
Dianne Otto

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 Bids, Contracts, Agreements and Expenditures

1. Change order request #3 GEFA ECBG for \$4,108 from Line item 100-6210-54-1450, inclusion of required Intumescent paint over the open cell spray foam

Mr. Lynn explained that this is the 3rd change order and is needed to provide the required intumescent paint over the open cell spray foam as required by the newly updated and enforced building codes. He said this requirement and amount was not covered in the bid submitted by Catamount. Ms. Doyle asked when this spray foam procedure is done is it not standard for this step to be included since it is required. She asked how a bid could be done without this as a part of it. Mr. Lynn explained that we have a very good building inspector that noticed this and apparently the insulation contractor that was hired by Catamount has never done this before because no one has ever enforced this type of building code; however it has been enforced across the board in Chatham County for the last year. Ms. Doyle said she is no expert on bids or construction but her husband has been in construction for many years and she feels this should have been covered and included as part of their bid. She asked if Mr. Lynn knew what the stuff the paint was covering was made of. Mr. Lynn answered no. Ms. Doyle said she would not tell him right now but it is not good. She said she feels the contractor should pay for this himself. Ms. Sessions asked why we did not have the building inspector involved in the bid process as far as writing the specs. She asked if it wasn't common practice to have staff with expertise on these types of contractual obligations when we are going out to bid. Mr. Lynn said it was presumed that the contractors knew the building code and it was included and they found out after the fact that it wasn't. He said Ray has been involved with every submittal looking at the materials and such. Ms. Sessions asked how many change orders do we expect to continue to come before us. Mr. Lynn said hopefully the current rate of change orders will reduce dramatically after tonight. He said of all four change orders this is actually the one outside of anyone's control because of being a building code requirement.

A Motion by Bill Garbett to approve was seconded by Paul Wolff. The vote was Garbett, Wolff, Williams, Shuman and Sessions in favor and Doyle opposed.

2. Change order request #4 GEFA ECBG for \$3,803 from Line item 100-6210-54-1450, inclusion of solar tubing in the City Hall auditorium.

Mr. Lynn said this is a request when we were meeting with the contractors; we had actually gotten an impromptu energy audit from the University of Georgia for being a part of the Partnership for Sustainable Georgia. He said within that presentation Jason Perry from UGA recommended that if we put some solar tubes here in the auditorium. It will actually decrease the energy costs as they would provide enough light to operate the city auditorium during the day for meetings without turning on the lights. Mr. Wolff explained that he asked Jason about the payback and how we could determine that; he basically calculated not having to run these lights for an average of 40 hours a week and just using the solar tubes for natural day lighting

the payback would be in approximately 13 ½ years. He said we will save \$282 a year for this \$3,803 investment. Ms. Sessions asked if this was a requirement or just a perk. Mr. Lynn said just a perk. Mr. Garbett asked for an exact explanation of what they were talking about. Mr. Lynn explained that the solar tubes are 13 inches each and there will be two of them with two dimmers in each one. Mayor Buelterman asked if Mr. Lynn was sure there wouldn't be a change order for the change order due to the age of the building and the roof. Mr. Lynn said he was not sure of anything at this point and he could not guarantee it; they would like to anticipate it not happening and have had many conversations with the contractor. Mayor Buelterman asked if the 4% took into account the lights put in now and are using less energy. Mr. Wolff said the calculation was 43% on the lighting alone if we replace all of it. He said the overall proposal is approx. 25% total energy reduction in all the buildings. He said we are reducing the lighting requirement 43% with these lights and have already had some people complain that they are too bright. We will finish and test everything and then perhaps allow people to remove some of the bulbs in their offices. Ms. Williams asked if they could decide to do this at a later date. Mr. Lynn said he highly recommends that if council is considering approval that the tubes be installed before the insulation is put in due to the need to cut through the insulation and create gaps if installed later. Ms. Williams asked how often the auditorium is used for power points and meetings during the day. Mr. Lynn said several times a day.

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

Ms. Williams said her understanding is this is a demonstration project. Mr. Lynn said you could call it that or maybe lead by example. Ms. Williams said she has been researching demonstration projects and their purpose is to set an example for people to follow at home in order to save energy costs. She asked if the Community Resource Committee had been involved with the change orders. Mr. Lynn said they have not. She said it would probably be a good idea to get that committee involved. Mr. Garbett asked would the payback be greater if they spend this money somewhere else and have we looked into the alternatives. Mayor Buelterman said it seems a lot of these things would not cause long term problems but the solar tubes could affect the roof. He said he would not be surprised if they didn't come back with a change order to the change order. Mr. Lynn said the manufacturer actually warrants each solar tube for 25 years and the contractor warranties the labor and installation for a year. Mayor Buelterman asked what about if the roof leaks because of them. Mr. Lynn said we would be up the proverbial creek. Ms. Williams asked if the contractor would be responsible for any leaks associated with the installation for one year. Mr. Lynn said yes. Mr. Garbett asked Barry Brown to give council his opinion on Skylights. Mr. Brown said it's gotten to the point where

skylights are not a perfect maintenance type thing. He said they really don't install them anymore. He said the life on the flashing might be only around 5 years. He said the only reason a contractor is willing to warranty the installation for about a year is because we could go about nine months without a good rain. He said anytime you penetrate a roof you're asking for trouble.

The motion failed with Wolff voting in favor and Williams, Sessions, Schuman, Garbett and Doyle opposed.

3. TE Grant Application-Proposed Bike/Pedestrian Path Hwy 80 on North side from Estill Avenue to Lazaretto Creek- Estimated Cost \$250,000 with 80% Grant Funding (\$200,000 Grant and \$50,000 Local)-Infrastructure Committee Recommended

Ms. Schleicher said what she is presenting tonight is what they have applied for in the past for the TEE Grant. She said what we have for the future is a multiuse sidewalk that would be 8 feet wide and would go around the neighborhood and meet up with Byers Street. She said this grant isn't due until December so she would like to come back in November with two proposals with one just for the project area and the other including the multi use sidewalk. She said hopefully the easement will be completed by then.

A Motion by Paul Wolff to approve this grant in concept and bring it back to the November 18th meeting with optional engineering scenarios was seconded by Kathryn Williams. The vote was unanimous.

Consideration of Ordinances, Resolutions

- a) 2nd Reading Land Development Code, Article 9 in its entirety.

A Motion by Bill Garbett to approve was seconded by Paul Wolff.

Ms. Doyle asked why you have to have a permit to remove a dead tree. Mr. Lynn said the amount covers staff time to verify the tree is dead before removal.

Ms. Williams said she thinks the reason it's important to have the fee is because in the ordinance you can imagine how many trees would conveniently die if there was no charge. The permit fee helps protect the integrity of our tree ordinance.

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

b) 2nd Reading Land Development Code, Article 3,

Section 3-190-2nd Reading

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

Section 3-200-2nd Reading

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

Section 3-030-2nd Reading

A Motion to approve by Paul Wolff was seconded by Shirley Sessions. The vote was unanimous.

c) 1st Reading Land Development Code Article 3 in its entirety without 3-190, 3-200, 3-030, and 3-250

Section 3-050-1st Reading

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

Section 3-060 Bed & Breakfast-1st Reading

Ms. Sessions asked what the difference is for a B&B and a B&B Inn. Mr. Lynn said they have to adhere to the specific definitions in the code. Mr. Wolff explained the biggest distinction is like the Hunter House that offers food outside the limitations of a residential B&B and can be open to the public as a restaurant and are located in commercial districts. Mr. Lynn added a residential B&B cannot have a liquor or alcohol license where a commercial B&B or an Inn can. Ms. Williams asked if the buffer requirements in number 6 would apply to residential and commercial. Mr. Lynn said that actually deals with just the residential B&B's; however a commercial B&B would come before council as a site plan and a buffer if needed could be worked out at that time but a residential B&B is required to have a buffer.

Mr. Garbett said in paragraph 8 it says limited site plan approval; he asked for an explanation of what a limited site plan approval is. Mr. Lynn said he interprets that to mean you wouldn't need a drainage plan or soil erosion plan but you would need a site plan showing a survey, the property, parking spaces, how many rooms you are going to have and the design of the buffer. He doesn't think we have a definition to tell you that. Ms. Williams asked Mr. Lynn if he was saying currently a vegetative buffer is not required. Mr. Lynn quoted the code as saying a buffer is required with a minimum height of six feet but it doesn't tell you where it has to be located. He said this section says there has to be a buffer and specifies it has to be a vegetative buffer and it has to be located in the side and rear yards. Ms. Williams asked what would be appropriate and attractive for that type of buffer. She said if you had someone that had a B&B and they wanted to have a privacy fence for example and have a flower bed planted on their side of the property; it wouldn't necessarily be a solid six foot screen of vegetation. She asked if that is a little restrictive. Mr. Lynn said the height deals with an outside function and if they are having their snacks outside or if there is going to be cars coming in and out it would shield the car lights. He said it would protect the actual neighbors instead of the B&B and it is as unobtrusive as possible. She asked if it couldn't be a combination of a fence and vegetation. Mr. Lynn said yes we would work with that if they wanted to do some sort of privacy fence with vegetation along with it; he thinks that would work too. Mr. Wolff said they might want to change the wording because this says if you want to open a B&B, you need a vegetative buffer six feet tall, which would be really expensive. He thinks it needs to state specifically that a six foot buffer consisting of either vegetation or a wooden fence or both is required. Mr. Lynn said he can work on the wording and bring it back for the 2nd reading. Mr. Garbett suggested just removing the word vegetative. Ms. Sessions said she thinks it is ironic that there is so many regulations for B&B's in a residential area and yet people are renting their houses out left and right, which is fine, however they have no rules and regulations. Ms. Williams explained that initially when they were working on the regulations for residential B&B's she thought the rules were to be applied to a separate article for short term rentals; but they just haven't gotten to that article yet. Mr. Lynn said that will be a brand new article, a rental property ordinance.

A Motion by Paul Wolff to approve the ordinance with the word vegetative struck from 3-060 (A)(6) was seconded by Kathryn Williams.

Mr. Garbett said he agrees with Shirley's comment 100% and that we really need consistent policies for all residential uses. He thinks they should approve this tonight but come back and revisit it.

The vote was unanimous.

Section 3-130- 1st Reading

Mr. Lynn said this is simply removing the word buildings from the title and putting in the word structures. He said the international building code now refers to structures as opposed to buildings and they are just changing that wording in the title. Mr. Garbett said he would like to insert “as determined by the Historic Preservation Commission” after the words “where structures that are determined to be historic and contributing to the historic character of the neighborhood” is located. He asked who designates it “Historic”. Mr. Lynn said that would be the state historic preservation office. Mr. Garbett asked if they could include that. Mr. Lynn said they can insert it after current building codes to say “as determined by the Georgia State Historic Preservation office”.

A Motion by Bill Garbett to approve with an amendment to 3-130(1)(A) “Structures that are determined to be historic and are contributing to the historic character of the neighborhood as approved by the State Historic Preservation Office” was seconded by Paul Wolff. The vote was unanimous.

Mr. Wolff said at the workshop council discussed having Vivian restate the motions, as she has done in the past, in order to allow everyone to understand exactly what motion was made. He asked for this to please be implemented tonight. He asked Vivian to restate the motion just before the final vote is taken from now on.

Section 3-140-1st Reading

Mr. Lynn said this is the same and just removes the word building.

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

Section 3-160- 1st Reading

Protective screening of adjacent residential property.

Mr. Lynn said they debated what kind of screening they would want between a commercial property and a residential property irregardless of zoning. Just to be amenable and since it has to be there anyway, we put in there that the greenbelt not less in width than the required setback for the property and a well maintained masonry wall or privacy fence not less than six feet in height above grade. He said that setback already has to be there so its not taking anyone

else's property and is just saying it has to be some sort of greenbelt and it has to have a fence on the other side of that setback. He said in his opinion that is the best they have come up with so far. He said it also removes letter (d) where it says in all zoning districts 65% of the designated setback area of the lot shall remain in a vegetative state. Mr. Wolff said wasn't it discussed that this could be tailored to say it is site specific with special review but that might be more burdensome on the property owner just applying for a variance to the way it is written. Mr. Lynn said that would be very burdensome. Mr. Wolff said the property owner would still have a right to apply for a variance based on his property situation. Mr. Lynn said yes.

Ms. Williams said when this first came up several property owners were told that the green space could be grass. She asked if that would be prohibited. Mr. Lynn said in his interpretation it could be grass because it talks about vegetative landscape greenbelt and the first thing that comes to mind is grass. Ms. Williams asked about a residential property that a commercial use backs up to that may be separated by a street. Mr. Hughes said the street sidewalk or other improvement is not permissible as a buffer. Mr. Lynn said they would still need the ten feet. He said it states under letter (a) that such greenbelt should not be planted with evergreen, deciduous or ornamental trees of any combination on the same lot. The greenbelt shall be measured from the property line of the commercial property and in no instance will a street, sidewalk or other like improvement be permissible as a buffer. He said even if there is a street separating a commercial property that buffer still has to be there.

d) 1st Reading Amendment to Section 66-183, same—Tax payment required

A Motion by Shirley Sessions to approve was seconded by Paul Wolff. The vote was unanimous.

Council, Officials and City Attorney Considerations & Comments

Kathryn Williams

- Membership criteria for the Historic Preservation Committee

No Action.

Paul Wolff

- Appointment of elected official to represent Tybee on the steering committee of the Georgia Wind Working Group.

A Motion by Shirley Sessions to appoint Paul Wolff to the Steering Committee was seconded by Frank Schuman. The vote was unanimous.

Bubba Hughes

- Non Profit and Community Service Agreements.

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

- Employee Drug Testing Program

A Motion by Paul Wolff to approve with type o correction was seconded by Shirley Sessions. The vote was unanimous.

- Council conflicts

Wanda Doyle recused herself.

A Motion by Paul Wolff to ask Bubba Hughes to get an independent Attorney's opinion a sap and at no cost to the city was seconded by Bill Garbett. The vote was Wolff, Garbett, Sessions, Schuman and Williams in favor.

- Revision to ordinance on removal of members of Ethics Commission

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

Executive Session

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

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