

Consideration of items for Consent Agenda 6:30PM

Mayor pro tem Sessions called the consent agenda to order at 6:30pm on October 27, 2011. Those present were Bill Garbett, Wanda Doyle, Frank Schuman, Kathryn Williams, Paul Wolff, Diane Schleicher, City Manager, Dana Braun, Callaway, Braun, Riddle & Hughes, P.C. and Janet LeViner, Clerk of Council. Mayor Buelterman was absent due to the birth of his daughter.

Mayor Pro Tem Sessions listed the following items on the consent agenda:

- City Council Minutes, October 13, 2011
- Special Event at north beach near museum and at 16th Street Parking Lot – Critz Tybee Run – February 3rd and 4th, 2012, beer and wine only.
- Special Event at Memorial Park – North Beach Bar & Grill, November 4, 2011, beer and wine only. **Kathryn Williams** recused herself from this consent agenda item only.
- Seagrass, Ownership change – beer/wine/liquor. Discussion: Kathryn Williams asked Diane Schleicher, since this is an ownership change and the license has been paid for, does the new owner have to pay for the license fees again and be renewed in January 2012. Ms. Schleicher confirmed as this is a regulatory fee and those fees are not prorated.
- Tybee Island Polar Bear Plunge, January 1, 2012, 8AM – 3PM, Parker Pier and Pavilion. Plunge at noon.
- Special Event at Tybee Post Theater – Friends of the Tybee Theater – November 12, 2011, beer and wine only. Discussion: Diane Schleicher explained that the agreement between the City and Tybee Arts Association would be completed by mid-November and no later than December 10, 2011. With councils approval they will be permitted the use of the building with the following stipulations:
 - Proof of insurance
 - Key to western part for meetings, shows and classes
 - Black box area – no key but can use for storage
- Request to purchase police motorcycle using LNG donation. Ms. Doyle explained that a discussion was held at the Public Safety Committee regarding the possible purchase of a motorcycle for the police department. The police department has three officers on the force that are trained to operate a motorcycle and Chief Bryson has been looking for one to purchase. There is \$10,000 in the budget, which is a donation from LNG. Chief Bryson located a motorcycle for \$9,500.00 and will use the remaining \$500.00 for lights and other equipment needed to retrofit the motorcycle.
- Memorial Park Site Plan.

Reports of Staff:

- Finance, Mary Hogan
- Water/Sewer, George Reese
- Department of Public Works, Joe Wilson

Mayor pro tem Sessions called the regular meeting to order at 7:05PM.

Opening Ceremonies

Call to Order
Invocation: Mandy Sedgwick, All Saints Episcopal Church
Pledge of Allegiance

Carey Anderson presented a check to Carolyn Jurick, spokesperson, Tybee Island Charter School for \$3,974.60 from her recent fundraiser for the Tybee Island Charter School. Ms. Jurick thanked Ms. Anderson, Natalie Gordon, Nancy Petrie,

and Andrea Love for all their hard work. She also thanked council and the residents of Tybee Island for all their support. Their next meeting is November 3, 2011 at City Hall.

Mayor pro tem Sessions announced the birth of Mayor Buelterman' new daughter, Norah Grace.

Report of Staff, Boards, Standing Committees and/or Invited Guests

Leigh Herald and Captain Larry Branson, United Way Campaign Loaned Associates gave a brief presentation on the benefits of the United Way and asked everyone to donate to this wonderful organization.

Vicky Buck and Lindsay Fruchtl, Quarterly Report, Tybee Island Tourism Council Marketing Update

Jackie Carey, Green Team Chairman introduced members of the Green Team. Ms. Carey also gave a short update on how the Green Team continues to assist the City of Tybee Island with a partnership for Sustainable Georgia. The program is free and open to any business or organization that is willing to reduce their environmental footprint, report their results annually and share their expertise with others. The Partnership provides free assistance, networking, and recognition for sustainability efforts. This year the focus is on energy conservation. The Green Team has become an Energy Star Partner and currently working with Georgia Power to complete energy audits at the Water/Sewer Plant, River's End Campground, Tybee Island Police Department and Department of Public Works. Results will be available in a few weeks showing changes we can make in our individual departments to save energy. Ms. Carey stated that the new Green Team Poster is in their packets and will be posted at each department and city hall. Mr. Wolff thanked Ms. Carey and the Green Team members for everything they are doing to make everyone aware of energy conservation.

Staff Reports: continued:

- Tybee Island Fire Department, Chief Skip Sasser
- Tybee Island Police Department, Chief Robert Bryson
- River's End Campground, Woody Hemphill
- Community Development, Steele Knudson
- Better Hometown, Chantel Morton
- YMCA, Gina Casagrande
- Ocean Rescue. Due to time constraints, the presentation will be at the November 10, 2011 City Council meeting.

Tim Sessions, 7 Gullick Street. Deferred to a later date.

Don Ernst asked mayor and council to vote favorably for the Polar Plunge, January 1, 2012. He also announced that the Tybee Post Theater is the host of this year's event and all proceeds will be used to restore the Tybee Post Theater. Mr. Knudson approached mayor and council and explained that in the interest of community development, he will create a plaque in commemoration of the world's record listing every participant. Mr. Ernst stated there is a \$25.00 entry fee and asked everyone to come out and support this event.

Bill Blakely, 17th Street, approached mayor and council to speak on the Butler Avenue Median Project. Mr. Blakely asked council to vote against this project, as it is not in the best interest of Tybee Island. This will affect parking and the flow of traffic. He also asked what would happen if in the future, the City of Tybee Island decided to tear down the trees and median. Would we have to go through all the regulatory steps required to build the median? Mr. Blakely stated there is a portion of this proposal that does have merit and that is repairing sidewalks on both blocks, which would make this area accommodating for tourists. Ms. Schleicher responded that the parking lanes will not be narrowed but the travel lanes will.

Consideration of Bids, Contracts, Agreements and Expenditures

SESAC Performance License, \$296.00, Line Item 100-6110-53-1150. Ms. Schleicher explained this is a license request due to the playing of music at events such as Third Thursdays and Polar Plunge. Mr. Wolff confirmed the cost of the license is \$296.00, which allows us to play music at any public place on Tybee Island. Ms. Doyle asked Ms. Schleicher why this is before council tonight. Ms. Schleicher stated that the City was contacted by SESAC, as they are aware we play music in public areas. Therefore, they are asking for compensation for their writers and performers. Three (3) major companies represent writers and performers, SESAC being one of them. Mr. Braun confirmed what Ms. Schleicher stated and further explained artists and writers join organizations such as SESAC and assign them their rights to their compositions and music. These fees are generally reasonable and will protect the City from future litigation. Ms. Williams stated she is familiar with this type of license request and these companies are very aggressive. Her concern being SESAC is not aware what music we are playing therefore how they know whom to compensate. **Wanda Doyle** made a motion to approve. **Paul Wolff** seconded. Vote was unanimous.

Tybee Arts Association Agreement. Deferred until November 10, 2011.

Historic Butler Pedestrian Safety Project (P.I. No 0008997) – Construction Bid Proposal, Budget Line Item Number: 340-00-33-1001 and 320-4970-54-2500. Mr. Lovett stated four (4) bids were received and opened on Tuesday, October 25, 2011. Samdhill ALS submitted the low bid at \$172,070.00. They are a certified Georgia Department of Transportation (GA DOT) and certified MBC contractor but not prequalified or registered as a GA DOT contractor therefore they cannot bid the job. A.D. Williams submitted the second lowest bid in the amount of \$173,309.50. They are a GA DOT registered contractor but they omitted the required GA DOT forms. E&D Contracting Services, Inc. submitted the third low bid, \$182,144.02. All forms were submitted and there was a subsequent meeting to discuss the budget. They were asked if they could get the job more in line with our budget. After the meeting, research was done and it was discovered that their GA DOT registration had lapsed which disqualifies them as well. The fourth contractor, L-J Inc., bid being \$269,054.00, they are certified by GA DOT and qualified to do the project. L-J Inc. is way over the budget and they are not being considered due to budget constraints. There is language in the advertisement to waive technicalities and informalities. Mr. Lovett approached GA DOT to waive the informalities that AD Williams omitted their documentation, which is now part of the package. They are agreeable if the city attorney would allow the waiver. Mr. Braun stated he feels the specifications are too restrictive and the City cannot waive the informalities. Ms. Schleicher stated that there are only two options: (1) to rebid, which she feels is not a good option due to the timetable and (2) delay the project until next winter. Mr. Wolff asked Ms. Schleicher how this would affect the grant. She replied that the City has a big window to do the project and next year would be more in line with GA DOT timetable. Ms. Doyle thanked Mr. Blakey for his presentation and confirmed that the residents and businesses would like the sidewalks repaired and new sidewalks put in much like Tybrisa. We need to take a step back and confirm that the businesses really want a median. Mr. Schuman agreed. Ms. Schleicher recommends that we wait until next fall to do the project. She will also contact the businesses again to ensure their wishes are documented. Ms. Doyle confirmed that the SPLOST funding

could be shifted to the Tybee Island Fire Department for the construction of the new fire bay. **Kathryn Williams** made a motion to reject all bids for Historic Butler Pedestrian Safety Project and postpone the project until next season for review at that time. **Shirley Sessions** seconded. Vote was unanimous.

Proposal for Additional Fire Bay, Line Item 320-3510-54-1150. Ms. Schleicher stated four proposals were received for this project (matrix being in the packet) and the lowest bid received was \$104,700 from Harbour Construction. Only \$65,000 was budgeted for the project based on proposals received three (3) years ago. Once again, we are over budget by \$39,700. \$31,250 in SPLOST monies could be moved from the Butler Pedestrian Safety Project and the remaining monies could be transferred from another SPLOST line item, which would increase the budget. Ms. Williams asked Chief Sasser why the Tybee Island Fire Department (TYFD) was requesting an additional bay. Chief Sasser stated that he has equipment that needs to be secure as well as Ocean Rescue equipment as they are currently housed at the TYFD. Ms. Doyle asked Ms. Schleicher to discuss the findings of the Public Safety Meeting earlier this evening. Ms. Schleicher stated that the Public Safety Committee recommends staff work with the high-level bidders to ensure a comfort level, Harbour Construction and Keith Ray. She further stated that meetings are scheduled with these two companies to discuss this project. Mr. Schuman confirmed with Ms. Schleicher that SPLOST monies will be used for this project and recommended approval. Ms. Doyle stated council needs to give their recommendation to the city manager on which line item in SPLOST could be used for the new bay. She does not feel monies could be moved from street paving or the public safety facility, as they are important. She also asked Ms. Schleicher to elaborate on the TE Grant for Trails local match. She did not remember the cost being so high. Ms. Schleicher explained that \$200,000 was received and the match for the City is \$153,320. Ms. Sessions suggested that staff decide which companies they need to meet with to negotiate and get a breakdown of fees and cost of materials. **Paul Wolff** made a motion to continue the approval of this project until staff has reviewed where the additional SPLOST monies can be taken from to meet the approved bid and review all bids to ensure they are equal in scope. **Wanda Doyle** seconded. Vote was unanimous. Discussion: Ms. Williams suggested that after staff reviews the funds, some projects might be deferred and those funds can be applied to this project. Ms. Doyle asked if plans would be provided or a scope of work. Ms. Schleicher stated that staff provided the scope of work but the contractor that is awarded the bid would have to submit plans to the zoning department for their review and approval.

Joint City and Adjacent Property Owners Application to USACE and GaDNR for Maintenance on Salt Meadows Road for Public Safety Access during Spring High Tides, Budget Line Item Number 320-7520-54-1406. Ms. Schleicher explained this is a budgeted item to raise the elevation of Salt Meadows Road as it floods during spring high tide. Mr. Wilson further explained that all road improvements are to be done in house. He presented drawings by the city engineer, Downer Davis. His projections for this road are based on the height and width needed to bring it above the high tide mark. He will grade the road and put a mat down much like North Campbell building it up a foot. In that way the property owners will be able to cross during high tide. He has budgeted \$20,000.00 for this project. Mr. Wilson also stated that he is not going to reconfigure this road but will use the existing footprint. **Paul Wolff** made a motion to approve. **Wanda Doyle** seconded. Vote was unanimous.

Frank Schuman made a motion to approve the Consent Agenda. **Paul Wolff** seconded. Vote was unanimous.

Second Reading, Article 9, Section 70-28, 45-2011, Service Pipe, Curb Stop and Tap Specifications. Wanda Doyle made a motion to approve. **Paul Wolff** seconded. Vote was unanimous.

Second Reading, Map and Text Amendment, Brewer's Landing. Paul Wolff made a motion to approve. **Wanda Doyle** seconded. Discussion: After much discussion, Pam O'Brien, 5A Lighthouse came before mayor and council to discuss this ordinance and provided them with supporting documentation (attached) of her concerns. She asked how this ordinance came about. Ms. Schleicher explained that this ordinance is before council for second reading due to the dual zoning of lots 8, 10, and 12 Brewer's Landing. This will change the zoning of these three (3) lots to R-1-B. Ms. O'Brien asked what plans are in place to incorporate changes she suggested on February 7, 2001. Ms. Sessions stated that staff is looking at all districts to have them zoned correctly. Ms. Doyle confirmed. Vote was unanimous.

Paul Wolff made a motion to adjourn to Executive Session. **Frank Schuman** seconded. Vote was unanimous.

Paul Wolff made a motion to return to regular session. **Wanda Doyle** seconded. Vote was unanimous.

Paul Wolff made a motion to adjourn. **Bill Garbett** seconded. Vote was unanimous.

Meeting adjourned.

Action Items for next meeting:

- *Status of DPW painting the Guard House*
- *Status of lighting ordinance*
- *Diane to work with Zoning Manager regarding the Master Plan.*