

Consideration of Items for Consent Agenda 6:30PM

Mayor Buelterman called the consent agenda to order at 6:30PM on November 10, 2011. Those present were Mayor pro tem Shirley Sessions, Paul Wolff, Kathryn Williams, Frank Schuman, Wanda Doyle and Bill Garbett. Also attending were Diane Schleicher, City Manager; Bubba Hughes, City Attorney; Steele Knudson, Zoning Manager; and Janet LeViner, Clerk of Council.

Mayor Buelterman listed the following items on the consent agenda:

- City Council Minutes, October 27, 2011 as amended
- Susann Bentley, Historic Preservation Commission Application
- Bruce Westerman, Ethics Commission Application
- New Year's Eve Fireworks: December 31, 2011 Walter W. Parker Pier & Pavilion.
- Paint Tybee Pink: May 5, 2012 (4PM-10PM); Memorial Park & Walk Route. **Discussion:** Susan Oats, Executive Director, Paint Georgia Pink, approached mayor and council to discuss Paint Tybee Pink on May 5, 2012. This will be a 10k walk around the Island raising money for a local hospital benefiting the underinsured and the uninsured. The event will be an evening walk, stopping on Chatham Avenue, picking up a pink glow stick and then proceeding to Memorial Park to have a closing ceremony.
- Budget Amendments – Mary Hogan
 - Approval of Final Budget Amendment for 2010-2011
 - Approval of CIP Budget Amendment for 2011-2012
 - Approval of Budget Amendment for 2011-2012
- City of Tybee Participation in a NOAA Sea Grant \$100,000 written and administered by the Carl Vinson Institute due November 22, 2011. **Discussion:** Mayor Buelterman asked Ms. Schleicher what was the City's responsibility with this grant. She explained that it would be staff time only as they will be writing and administering the grant. Ms. Doyle asked Ms. Schleicher how much staff time would be involved. Ms. Schleicher stated that it would be approximately 2,000 hours of staff time and volunteer time to include the Beach Task Force for the next two (2) years. Mr. Wolff stated that the goal is to use Tybee Island as a model for a fifty (50) year climate adaption plan. Ms. Doyle asked Ms. Schleicher to ensure we utilize staff at a minimum so not as to take them away their normal duties.
- Fire Bay Expansion, Harbor Construction and Contracting, LLC.
- Proposal to replace and add ADA Sidewalks on Butler Avenue (South of Silver Avenue) and to add sidewalk to North side of 18th Street – AD Williams Construction - \$30,765.50, Budget Line Item Number 320-6190-54-1414.
- Adoption of the STWP, Resolution
- Sunday Sales Ordinance. Introduction purposes only. Mr. Hughes stated that the ordinance before council tonight is for introduction purposes only. He will bring before council on December 8, 2011 for first and second reading and decide at that point when the effective date would be. Mayor Buelterman confirmed that it could be effective as soon as December 9, 2011. Mr. Hughes confirmed. Mr. Wolff suggested that Sunday sales could be effective on December 15, 2011 due to the holiday season. Ms. Doyle stated that mayor and council need to ensure that local restaurants understand that food sales are to be kept at 50%. Mr. Hughes stated that this has nothing to do with consumption on the premises, only retail package sales.

Discussion: Ms. Doyle asked the Clerk of Council to ensure that all committees on the Island submit their approved minutes in a timely manner so they can be added to the council packet.

Mayor Buelterman called the regular meeting to order at 7:00PM.

Opening Ceremonies

- Call to Order
- Invocation: Sister Barbara Shimkus, Sister of Mercy St Michaels
- Pledge Allegiance

Reports of Staff, Boards, Standing Committees and/or Guests

Brad Gane, Karl Burgess and Lisia Kowalczyk, GaDNR, gave a presentation on the Shore Protection Ordinance. Mr. Gane and Mr. Burgess answered questions from Mayor and Council. Mr. Gane also recommended that the Tybee Island Shore Protection Ordinance, if we craft an ordinance, should be constructed in multiple segments as it needs to include not only the beach but the Back River as well.

Perb Fortner, Leadership Tybee 2012. Mr. Fortner, Steering Committee, Leadership 2012, approached mayor and council to present his plans for Leadership Tybee 2012 which will begin in the spring of 2012. This program will teach leadership skills and a better knowledge of the community. It is a twelve (12) month program, 13 sessions, and those that are interested in participating must be a resident of Tybee Island or work on the Island. The participants will also be required to do a project that will benefit Tybee Island. The web site will be updated shortly and interested participants will be able to apply on line. The cost of the program is \$125.00 and scholarships are available if needed.

Susan Blakey and Joe Sheffield could not be present and will make their presentations at a future council meeting.

Hunter Robinson gave his end of year report for Ocean Rescue. **Discussion:** Ms. Session thanked Mr. Robinson and agreed that Tybee Island needs to approach the county and state for future funding. She further asked Ms. Schleicher the cost of a beach equipped wheel chair. She replied that it would be approximately \$2,000.00. Mayor Buelterman and Ms. Sessions both agreed that we needed to look for funding for additional wheel chairs.

Chantel Morton approached council to report on Tybee for the Holiday events. The celebration begins on Thanksgiving Day and runs through New Year's Day. The Saturday after Thanksgiving is decorating day which will compliment all the decorations that are hung by the City, businesses and residents. Lights on for Tybee will be December 2, 2011, the annual lighting of the tree which is a true community event and will be at the Park of Seven Flags. Tybee Beautification will also present their "Best Decorated Commercial Awards". That evening the Park of Seven Flags will transform into the Park of Giving where donated items can be dropped off for the Mayors' Motorcade, Toys for Tots, Rising Tyde Food Pantry and the Milton Project. Saturday, December 3, 2011 is the annual Christmas Parade and Shop and Stroll. **Discussion:** Ms. Sessions reminded everyone that there will be no complementary parking this year and everyone will need to pay to park.

Consideration Local Requests and Applications – Funding, Special Events, Alcohol License

Hope for Savannah, Photo Shoot, Sunday, November 13, 2011, 4:00PM, between Inlet and Chatham Avenue. Mr. Knudson stated Hope for Savannah approached the City with a request to have permission for two young ladies to have their pictures taken with a horse on the south end of the beach. **Frank Schuman** made a motion to approve. **Paul Wolff** seconded. Vote was unanimous. **Discussion:** There was much discussion concerning the approval process and in the future staff was asked to ensure policy is followed. Ms. Williams stated that the City needs to be prepared for future requests and how these requests should be addressed.

Consideration of Bids, Contracts, Agreements and Expenditures

Request for surplus GEFA Funds to complete geothermal system at city hall. Mr. Wolff explained these are unspent funds associated with the original \$13,000,000 Stimulus Package that is associated with GEFA. The grant ranges from \$35,000 to \$95,000 and what he is asking for is \$89,675

with an in-kind match of \$525.00 for administrative support. This will cover the transition from air source to ground source heating and cooling for city hall. **Paul Wolff** made a motion to apply for \$89,675.00 of GEFA funding to complete the geothermal system for city hall. **Frank Schuman** seconded. **Discussion:** Ms. Doyle asked Mr. Wolff if the fees associated with the engineer is part of the \$89,675.00. Mr. Wolff stated the total needed which would include the monitoring system would be \$90,200.00. Mayor Buelterman asked Mr. Wolff if he would amend his motion to state the costs would not exceed the budgeted amount of \$90,200.00. **Mr. Wolff** then amended his motion to include "this project will not exceed the existing budget of \$90,200.00 which will include the in-kind match". **Mr. Schuman** seconded the amended motion. Those voting in favor were Paul Wolff, Kathryn Williams, Frank Schuman, Shirley Sessions, and Bill Garbett. Voting against was Wanda Doyle. Motion carried 5-1.

Paul Wolff made a motion to approve the consent agenda. **Kathryn Williams** seconded. Vote was unanimous.

Public Hearings

Variance, Georgia Power Company/fence Jones Avenue at Fifth St, Zone R-2, PIN 4-0005-01-001. Mr. Knudson explained that this is a request to install a fiberglass fence at Jones Avenue and Fifth Street. Mayor Buelterman asked if vegetation would be planted in front of the fence. Mike Grisham, Georgia Power, stated they will comply with the City's request for vegetation and will give DPW funds to purchase the vegetation needed. **Discussion:** Frank Kelly, 1706 Inlet Avenue, approached mayor and council suggesting that parking meters be installed rather than vegetation. **Frank Schuman** made a motion to approve. **Paul Wolff** seconded. Vote was unanimous.

Variance, Richard Mitchell/fence 1310 Lovell Avenue, Zone R-2, PIN 4-0007-16-010. Mr. Knudson stated that the applicant has requested a variance to build an existing fence higher, total height, ten (10) foot. He feels building the fence higher will not solve the applicant's noise issues with the adjoining property owner. Planning Commission and staff recommends council deny this request for a variance. **Discussion:** Ms. Williams asked Mr. Knudson to complete the Planning Commission form which shows the Planning Commission recommendations. Ms. Doyle agreed. She further asked Mr. Knudson why there has not been any follow-up regarding the noise complaints against the restaurant. He explained that due to unexpected staff travel for family emergencies meetings were pushed back. Mr. Knudson has been in contact with the restaurant owners to discuss the complaints and citations have been issued. Karen Kelly, 1701 Inlet Avenue, stated that the Social Restaurant was there prior to the residents and we need to take that into consideration. Mayor Buelterman stated that we are trying to enforce the ordinance that is currently on the books relative to noise. Ms. Doyle further stated that the adjoining residents have been there for many years. She further asked Mr. Knudson to follow through with the Social as a result of this hearing. **Paul Wolff** made a motion to deny. **Bill Garbett** seconded. Frank Schuman recused himself. Vote was unanimous.

Site Plan, Paul Weber/billboard, Lot E-1 Solomon Avenue, Zone C-2, PIN 4-0026-01-001. Mr. Knudson stated that this is a request for a billboard at Lot E-1, Solomon Avenue. He further stated that the billboard will be located in a residential area and the respective ordinance pertaining to signage has a provision stating that if you do not have a structure located on the property you are allowed to construct a billboard. The ordinance states the sign cannot exceed 25 feet in height. Ms. Doyle asked Mr. Knudson if Planning Commission recommended approval. Mr. Hughes stated the Planning Commission voted to rezone the property and unanimously denied the application. Mayor Buelterman asked Mr. Hughes if there was anything in our sign ordinance that would prevent the petitioner to have the right to construct a billboard. Mr. Hughes stated that if the petitioner meets the design standards in the sign ordinance, council has site plan approval, which is an informational tool, and there is nothing to prevent them from building. Mayor Buelterman asked if the sign ordinance could be amended to prevent this in the future. Mr. Hughes stated that in his opinion the solution lies in addressing the entire C-2 strip, area by area. Mr. Wolff visited the site and feels that erecting the billboard will impede the marsh view from the lots to the north and east which would violate the Coastal Marshlands Protection Act. He further reviewed the site plan approval process, Section 5-080(a) and quoted same. He feels council can deny the application as

it would adversely affect the nearby properties. Philip McCorkle, representing Paul Webber, property owner and applicant, approached mayor and council. He stated that the Coastal Marshlands Protection Act does not apply in this situation. This property is zoned C-2 and according to the City's sign ordinance, the applicant has complied with all the design requirements. He respectfully requests that council approve their request. Pamela Lappen, 1429 Estill, Sandy Shores neighborhood, approached mayor and council and stated her main concern is safety. The entrance to her neighborhood is Teresa where there are no street lights. She further asked that council deny this application. John Duncan, Unit E, Sandy Shores neighborhood, approached mayor and council and asked that mayor and council deny this application. Mary McCracken, 1217 Bay Street, approached mayor and council stating that adding another billboard to Tybee Island would cheapen the Island and asked that mayor and council deny application. David Birdwell, North Way, approached mayor and council stating that he is speaking on behalf of residents of Sandy Shores, North Beach Cottages and the Sanctuary. He further read a statement to mayor and council which he asked be made a part of the minutes (attached). He then requested that mayor and council deny the petition. Marianne Bramble, 215 Lovell, approached mayor and council. Ms. Bramble stated that she does not live near the subject property but she asked if there is a lighting plan purposed with this site plan. Mr. Knudson stated there was not. Ms. Bramble further stated that since there was no lighting plan attached to this request, the billboard will adversely affect the neighboring property owners, therefore, please deny this petition. Ms. Doyle asked Mr. Knudson if the petitioner is required to do a lighting plan, and if so is it part of the site plan. Mr. Knudson replied no it was not received and not considered part of this site plan. Ms. Doyle then asked Mr. Hughes to comment on Mr. Birdwell's comments regarding the Coastal Marshlands Protection Act of 1970. Mr. Hughes stated there have been issues in the past with signs being put in the marsh and the sign ordinance has a provision that does pertain to the Coastal Marshlands Protection Act because of the desire to stop signs going into the marsh. He further stated there is no permit application here under the Coastal Marshlands Protection Act which would trigger the application of that Act. Mr. Garbett stated that he would like to deny the billboard application, has reviewed the Coastal Marshlands Protection Act and would like to know if a lighting plan could be required for this site plan application. Mr. Hughes stated that with our current ordinances a lighting plan is not required in this instance. Mayor Buelterman asked Mr. Hughes a question regarding the Master Plan in that could one agree that this request does not meet the strategy of the Master Plan. Mr. Hughes stated, yes the ordinance permitting this to happen in this instance is inconsistent with the Master Plan, in his opinion. Ms. Sessions stated that the purpose of the Master Plan is to ensure quality of life issues in neighborhoods and they should be consistent with the surrounding areas especially with future development. We also need to be respectful of the residents in the surroundings areas in accordance with the Master Plan. Ms. Williams stated that in the classes she has taken, she has been taught that the Master Plan can be the defense in litigation if you have consistently upheld it and she believes mayor and council has done this. She also feels that a billboard in a residential neighborhood is not consistent and does not offer a buffer. Charles Burrell, 13 Teresa Lane, approached mayor and council stating that the light from the billboard will cause an intrusion into the neighborhoods. He feels there is a great deal of sign pollution currently and Tybee Island does not need any additional signage. Mr. McCorkle approached mayor and council stating that in regard to the light plan, it is not required to be submitted as a part of the Master Plan application. He further stated that this sign will be down-lite in accordance with the sign ordinance. He then referred to a letter which he distributed to mayor and council and asked that it be made a part of the official record (attached). Janet Rutledge, 19 Teresa Lane, approached mayor and council asking them to take a chance and deny this petition. Ms. Session further stated that according to the Master Plan, the purpose of the C-2 highway business use district is to provide for commercial land uses that support and complement the motorized consumer. The C-2 districts are intended for location along arterial streets where the negative impacts of traffic congestion, noise, intrusions into residential neighborhoods are minimized. She feels it is important that council look at the safety issues and quality of life for the neighbors. Mr. Schuman stated that he feels it will be a safety issue, devalues the property, the bright lights will be an issue and the quality of life will be affected. **Kathryn Williams** made a motion to deny. **Frank Schuman** seconded. Vote was unanimous.

First Reading, Article 3, General Provisions; Section 3-165, Greenspace, 16-2011. Mr. Knudson gave a short presentation with different examples of ground cover throughout the Island. Ms. Sessions

confirmed that all pictures in the presentation were taken on Tybee Island. He confirmed. Ms. Doyle stated that the ordinance before council tonight is too restrictive. Mayor Buelterman agreed that it is too restrictive as well. Ms. Williams stated that we do not need to get so detailed in relationship to natural mulches. Ms. Sessions asked Mr. Knudson what is the intent of the ordinance that is before mayor and council tonight. Ms. Schleicher stated that the concern is to ensure there is enough greenspace in the yard and not hardscape. Mr. Garbett stated that the major objective is erosion and sediment control. Mayor Buelterman asked that the ordinance be brought back to a future meeting as too restrictive.

First Reading, Article 5, Procedures for Administration and Enforcement, Section 5-110, Standards for Land Development Code or Zoning Map Amendment Approval; 5-111, Conditional Zoning; Section 5-120, Sign Permit Approval; 5-130, Major Subdivision Plan Procedure; 5-140, Minor Subdivision Plan Approval Procedure; Section 5-150, Standards for Subdivision Proposals. Mr. Knudson handed out the International Building Code (attached) which states when permits are required and not required. Mayor Buelterman asked Mr. Hughes his opinion of the handout. He stated this is more of an operational issue than a legal issue. It is good to have requirements stating when a permit is required and when not. Ms. Williams is concerned that current requirements for permitting are not included in the International Building Code and will be extremely problematic. Deferred to December 8, 2011 meeting as mayor and council has not had adequate time to review the handout.

Article 5 – Procedures for Administration and Enforcement, Section 5-001 General Approval Procedures, 47-2011. Deferred to December 8, 2011 meeting.

Council, Officials and City Attorney Considerations and Comments.

Sunday Sales Ordinance. For introduction only. Deferred to December 8, 2011 city council meeting for first and second reading.

Bill Garbett made a motion that the city impose a moratorium for 90 days on applications for permits or plan approvals in the C-2/tbr strip except by special review in order to give council and staff a chance to review the area for possible zoning changes or improvements. **Kathryn Williams** seconded. Vote was unanimous. Mr. Hughes will prepare a resolution to come before council on December 8, 2011.

Shirley Session made a motion for Planning Commission to go back and look at the sign ordinance to address billboards and yard sale signs. **Frank Schuman** seconded. Vote was unanimous.

Paul Wolff made a motion to adjourn to Executive Session to discuss personnel, litigation and real estate acquisition. **Kathryn Williams** seconded. Vote was unanimous.

Paul Wolff made a motion to return to regular session. **Kathryn Williams** seconded.

Paul Wolff made a motion to adjourn. **Kathryn Williams** seconded. Vote was unanimous.

Meeting adjourned.

FOLLOW-UP ITEMS:

Jan LeViner, to insure all committee minutes are included in council packets in a timely manner.