

Council Minutes

Meeting of 2006-01-12 City Council Minutes

The Consent Agenda Meeting was called to order by Mayor Jason Buelterman at 6:30 PM on January 12, 2006. Those present, in addition to Mayor Buelterman, were Eddie Crone, Wanda Doyle, Mallory Pearce, Shirley Sessions, Kathryn Williams, and Paul Wolff. City Attorney Edward Hughes and Asst. City Manager Dee Anderson were also present.

Mayor Buelterman said Dee Anderson had requested that item for Entech be removed from the agenda. Anderson said it was solved in house.

Anderson said Jan Fox had requested waiting on the 2005 Budget Adjustments until the next meeting.

Buelterman asked if anyone had a problem with the Alcohol renewals. Fox said they were up to date with their taxes. Crone said if not, don't issue the license. Hughes said we could list and combine them under the consent agenda. Buelterman asked about the one-day alcohol license for St. Michael's Men's Club. No one had a problem.

Mayor Buelterman asked about the minutes to the meetings of November 29, 2005 Special Meeting, the December 8, 2005 Regular Meeting, and the January 3, 2006 Organizational Meeting. Wolff said on the December 8th minutes, on page 25 in the packet, Environmental Assets should be Enviro Assets.

Buelterman suggested the nomination for John Major for the Audit Committee. It was determined that there was an opening on that Committee since Kathryn Williams resigned. All agreed on Major. Crone said he thought the committee was overstepping their duties. Williams said she didn't think that the Audit Committee had done anything that Council had not asked them to do or had received approval from Council. Mayor Buelterman suggested discussing that at the retreat.

There was a discussion regarding the cost of the copies of the DVD's of the Council Meetings. Due to the cost of burning the disc, it was decided to leave the cost at \$10.00 each and provide copies to the library for citizens to check out.

The next item was the speed limit on Chatham Avenue. It was agreed to change the speed limit to 20 mph. Buelterman asked about South Campbell. Crone said 15 mph was fine and we should also put up signs saying "Residential - Slow" and also on Chatham. Anderson asked about changing the speed limit on the North side of Campbell. All agreed that should be changed also. Sessions asked about the area where Chatham turns into Venetian Drive. Buelterman said in case any residents have a concern, put those two on the next meeting's agenda. Hughes said this would require two readings.

Hughes said the ratification of the resignation of the City Manager could be placed on the Consent Agenda. He said that is to accept the resignation and the terms.

Hughes suggested the conservation easements. Buelterman and Doyle said they would like to discuss those, so they were not included.

Anderson said we have identified several employees who were once part-time and have since been made full-time. He said GMA has said there is a way for the employees to buy back their part-time hours but there has to be a feasibility study. Anderson said the cost of the study is \$1500.00 and wanted Council to decide if they wanted to spend that money. He said the money would be drawn from the City Manager's line item for consultants and studies. All agreed.

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The next item was to transfer the Sinking Fund to a new bank. Anderson said the new bank would be BB&T and they would pay the best interest rate, 4%.

Hughes said the Ethics Oath could be included. Hughes said it is each of the Council Members swearing to abide by the terms of the ethics ordinance and principles established in the ordinance. Hughes said when the City became a certified city of ethics, the Council at that time was required to sign an oath, agreeing to abide by the principles. Hughes read the oath. Hughes said since the ordinance applies to the new Councils, it would be appropriate for new Councils to sign the oath. Sessions said she would like to leave this on the agenda so that people will be aware.

There being no further items that could be included in the Consent Agenda, Mayor Buelterman adjourned the meeting for ten minutes until the Regular Session would be called to order.

Mayor Jason Buelterman called the January 12, 2006 Tybee Island City Council meeting to order at 7:00 PM. Those attending, in addition to Buelterman, were Council Members Eddie Crone, Wanda Doyle, Mallory Pearce, Shirley Sessions, Kathryn Williams, and Paul Wolff. Also in attendance were City Attorney Edward Hughes and Asst. City Manager Dee Anderson.

Former Mayor Walter Parker gave the invocation. The Tybee Color Guard posted the Colors and everyone recited the Pledge of Allegiance to the Flag.

Mayor Buelterman said the first order of business was to present appreciation awards to several people. He called Shirley Sessions and Jack Youmans to the podium. Sessions presented Youmans with a plaque recognizing his 18 years of service on the City Council. She said she would miss him sitting next to her. Buelterman presented a plaque to Former Mayor Walter Parker. He said he considered Parker a friend and said the City is grateful all he did as the Mayor. Buelterman next presented plaques to the five members of the Planning Commission whose terms had expired. There are Dick Smith, Chairman, Barry Brown, Sandy Chandler, Brian Renner, and Tom Borkowski. He said the members of the Planning Commission do a very important job and spend a lot of time on this work. He said they are volunteers and don't get paid for their service. He thanked them for their service.

Jimmy Carter, Commander of the Tybee Color Guard, introduce the members of the group to Council. They are James Carr, Bruce Nixon, and Candy Carter. Carter requested approval to use the Seal of the City of Tybee Island on their flag. He said this would allow them to participate in competitions and obtain other credits. Carter thanked Paul DeVivo for his financial support and said they would not be able to contribute to our community without this support. Buelterman told Carter that Council would take his request up at the proper time.

Mayor Buelterman said he would like to welcome the two new members to Council. They are Wanda Doyle and Kathryn Williams.

Jackie Brown, former City Clerk, spoke to Council regarding the contract approval for the crossover construction at Gulick Street. She said it should be put out for bid again and start over with the process because it was not handled properly and according to our Charter. She said she hoped to receive a letter from the City. Brown said her son, Jon Brown, had received a verbal agreement from former City Manager, Bob Thomson, that he would construct the crossovers at North Beach. Brown asked why nothing had been done regarding the Police Department campaigning against a candidate during the recent election. Brown also said that the Fire Department had taken volunteers who live on Wilmington

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Island. She said the policy had been that volunteers had to live on Tybee. She said the City is open to a lot of liability because those volunteers are covered by the City from the minute they get into their vehicles to answer a call until the minute they return home. Brown said she would like some answers and had given Mayor Buelterman all of the information. She added that a member of staff had sent a letter to Entech, informing them they had been awarded the contract on November 16th and a letter to Jon Brown had been sent on November 18th, informing him that he did not get the contract. She said something is wrong because it had never come before Council before then. Brown said she would like some answers.

Joel Solomon requested Council to approve the construction of a water fall on Old Highway 80 near his business. He said it would be about 25 feet from the road and would hide the trash containers. Sessions said she would like to see a presentation with visuals and maybe an example of some past similar projects. She would also like to know what the positives and also the negatives would be. Williams asked how the neighbors felt about this. Solomon said the other neighbors were supportive. Donald Cowart said according to the 1981 Deed, that property belonged to the MRS.

Dodie Gay, owner of Enviro Assets, asked Council to rescind their vote on terminate their contract. Gay said the services that the City received were completed within 30 to 90 days upon receipt of all of the information she needed in 2003 when the contract was signed. She said the City was allowed to pay for those services over the 60 months of the contract. Gay said the services were completed almost at the onset, and the savings that the City receives from these services continues. She said what Tybee used to pay for waste removal services would have continued to grow as the population grew. Gay said she had implemented some changes, corrected billing errors, and made suggestions for changes that staff and Council implemented. She said the City has seen a gross savings of about \$300,000 over 60 months. Gay said she is asking for Council to reconsider their vote. Gay said, unfortunately if Tybee does not choose to rescind their vote, she has legal counsel and this contract has been upheld in the past. She said she would rather not take that option, but is forced to let Council know that. She said her company does not deal in a product that can be taken back, but services that the City has already received. She asked if there would be an answer tonight or handled at a later date. Hughes said this should be discussed in executive sessions and he would communicate with Mr. Center, Gay's legal counsel. Hughes said we should be able to address this issue before the next meeting.

Freda Rutherford spoke in place of Sandy Major for the Tybee Neighborhood Assn. She said they meet on the first Thursday of every month at the cafeteria in the school building. She said they meet to champion low density development. Rutherford said members appointed to the Planning Commission are usually developers. One solution to this is to hire a professional planner. She said the committee urges Council to appoint members so that the membership is balanced and represents the constituency. Rutherford said training should be provided. She said the City has an engineer that reviews drainage plans and suggested that the City hire a planner to review plans as well. Rutherford said that in light of the ethics ordinance, the committee wanted Council to keep in mind in making governmental decisions, that it should be prevented for anyone who has a financial, business or family interest from entering into these decisions.

Henry Levy said there is a mountain about 60 miles west of Tucson, Arizona called Kitzpeak. Levy said at the top of this mountain is the United States National Astrological Observatory. He said there eighteen different telescopes here, and several years ago, they found that the lights from the City reflecting off of particles in the atmosphere were interfering with seeing ability of these eighteen telescope. Levy said the City of Tucson started researching and now has ordinances in place that prohibit light sources that shine their light on any thing other than what is being illuminated. Levy said this entire movement has been named the Dark Sky Initiative. Levy said there is no city on the East Coast that has done this. He said the entire field of astronomy has become enormous and if Tybee would do this and approve some ordinances, we could advertise this attraction. He said there are many advantages of this to the City.

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Buelterman asked Levy if he would be willing to do some homework and copy the ordinances and rules that Tucson has. Levy agreed.

Chuck Eaton, representing the MRS, told Council that the membership had voted on an action and said they plan to honor commitments made during construction. Eaton said they will remove the construction fence and erect a proper fence. This fence will enclose the southern half of the property that was conveyed to the City of Tybee in 1981 from Chatham County for the sole use of the Marine Rescue Squadron. Eaton said they will also fence down the center of the property to protect the well. He added that the MRS is not surrendering or relinquishing any rights to the remainder of the property. Eaton said the new fence will be installed very close to the property boundary on the southern side. He said it will go approximately down the center line of the old highway. Hughes said we couldn't take any action or vote on this tonight, as it was not on the agenda. He asked if the abutting land owners were aware of this, and Eaton answered no. Hughes said he would like to review this with the neighbor's counsel, who has been dealing with the City in good faith. Buelterman asked if the MRS had the right to do this. Hughes said he was not sure but didn't think the lease addressed fencing the property, and it does not address fencing in the road.

Ruth Verbunt, a resident of Izlar Avenue, told Council that the imposed moratorium has impacted the sale of her property which was listed on September 12, 2005. She said she had been given conflicting information on the moratorium and the 90-day length has put a due diligent provision for potential buyers of her property. She said she opposed all three of the proposed changes on tonight's agenda. She said any of the proposals would have disproportionately negative impact on her and significantly devalue her property. She asked that Council provide a remedy to her by grandfathering her property from these three amendments or any future proposals or moratoriums through the length of Council's terms. Ms. Verbunt asked if any answer would be forthcoming tonight. Hughes said we would be holding public hearings tonight on these proposals. He said he was not familiar with her property so he could not answer whether she would be grandfathered or not. Ms. Verbunt asked if she should obtain the services of an attorney. Hughes said he really couldn't give legal advice but if she felt uncomfortable in her position, he would say by all means, obtain an attorney to advise her.

Buelterman opened the meeting for business legally presented. He said we would take action on the items brought up by visitors.

Pearce motioned to approve the request by the Tybee Color Guard, Williams seconded. Crone asked if the City would have to pay for anything and could we use the Seal. Buelterman said they just wanted us to sanction the Guard. Hughes said he didn't think there would be a problem with using the City Seal. It was decided to bring this up at the next meeting. The motion and second were withdrawn.

Buelterman said he would recommend that we respond in writing to the issues brought up by Jackie Brown. He asked Anderson if he would take care of that. Anderson said he would and Council agreed.

Crone said he thought Council needed more information on the request from Solomon on the waterfall. He said we needed to know where exactly it would be placed and how big it would be. He said he wanted other Council members to visit the area. Doyle agreed and said she would like to know more about this project.

Buelterman asked Levy to research and get more information on the Dark Sky Initiative and put the information in his mailbox.

Buelterman said he would like to take action on the item on the agenda addition of renaming a portion of Highway 80 in honor of former Mayor Walter Parker. Buelterman said he had talked with Rep. Burke

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Day and he said he would help but we had to have it stated in our minutes for him to take action. Sessions motioned to proceed with the renaming of a portion of Highway 80 for Walter W. Parker, Crone seconded for discussion. Crone asked if all of the residents would have to change their addresses. Hughes said he understood that the Legislative Council would designate it as that name and put up signs. He said you wouldn't have to amend maps, addresses, and all. Sessions said she would amend her motion to Hughes' suggestion. The amendment was accepted. Vote was unanimous.

Buelterman said next he would like to go through the Consent Agenda. He explained the purpose of the Consent Agenda. Those items were:

1. Alcohol Beverage License Renewal for Las Palmas, 402 First St.
2. Alcohol Beverage License Renewal & Entertainment License for Resort Inns dba Ocean Plaza, 1401 Strand
3. Alcohol Beverage License Renewal & Entertainment License for Wild Side Tybee, 1513 Butler Avenue
4. Special Event One-Day Alcohol Beverage License for St. Michael's Men's Club for an Oyster Roast on February 5th
5. Minutes for November 29, 2005, December 8, 2005, and January 3, 2006
6. Nomination of John Major for the Audit Committee
7. Ratification of the letter of resignation from the City Manager
8. Discussed the Cost of DVD's of the Council Meetings
9. Speed Limit change on Chatham Avenue to 20 mph
10. Speed Limit change on South Campbell Avenue to 15 mph
11. GMA Study of former permanent part-time employees who were changed to full-time for a cost of \$1500.00
12. Resolution to Move Sinking Fund to new Bank .

Pearce motioned to approve the Consent Agenda, Crone seconded. Sessions asked to included a contingency that no one would be approved for alcohol license who is in arrears on their excise tax. Pearce accepted. Vote was unanimous.

Buelterman opened the public hearing and asked for comments on the public hearing for a site plan approval for 21 unit development at 1504 Butler Avenue, PIN 4-0008-03-001D and 4-0008-03-001A, Brass Rail Villas, LLC, petitioner. Dick Smith, Chairman of the Planning Commission, said that before he presented this request, he would like to say a few words. Smith said he had enjoyed his four years on the Planning Commission and also some prior time spent on that Commission. Smith said this is the final site plan for this project. He said the sketch plan and the preliminary plan has been approved previously. He said PC requested that the water meters be moved to a different location to accommodate the commercial area, and Mr. Chu agreed. Smith said the PC voted to approve. Sessions asked about the twenty feet that has been dedicated as green space instead of being used for commercial. Chu said at the preliminary hearing, it was approved for that to be used as green space and was so recorded on the plat. Chu said when the time comes, he would develop that property as commercial. Sessions asked what type of commercial use could be placed on such a small area. Chu said he would like to keep it as green space but there could be a lot of ways to develop it. Chu presented a brief video of his project. There was a long discussion on this issue. Wolff said he would like to see 50 feet dedicated to commercial development. He said he would work out a compromise with Chu. Hughes said that because of the subdivision of this property, the commercial requirement on the ground level did not apply to this project. Council stated that they felt commercial use was needed in the C-1 area more than green space. Chu suggested changing the plat and recording this space for retail use. Jody Sadowsky spoke in favor of retail use on this property. Chu said he would reserve 40 feet for commercial space, provided they could meet the setbacks for their current project. Angel Schroeder spoke in favor of this project. Buelterman

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closed the public hearing and called for a motion. Pearce motioned for approval, contingent on 40 feet being reserved for commercial, Wolff seconded. Crone said the motion should be for 20 feet, as presented, either for green space or commercial space. Vote was unanimous.

Buelterman opened the meeting for the public hearing for a site plan approval for office and retail space at 601 First Street, PIN 4-0003-07-003, for GACO Investments, LLC, petitioner. Smith said Keith Gay is requesting to remove the existing restaurant move an historic building to this site. Smith said they are not requesting any variances and the PC voted to approve. Wolff asked about the large oak trees on the property and Gay said they would be protected and saved. Buelterman closed this public hearing and called for a motion. Wolff motioned for approval, Pearce seconded. Vote was unanimous.

Buelterman opened the meeting for the public hearing for a preliminary plan for a major subdivision of 6 lots at 1407 and 1409 Estill Avenue and Bay Street, PIN 4-0022-01-010, 4-0022-01-005, and 4-0022-01-342, Coastal Landmark Const. Co., LLC, petitioner. Smith said this meets all of the requirements and no variances are being requested. He said the PC voted to approve. Wolff wanted to know if all of the access roads would be pervious, and the answer was yes. Buelterman closed the public hearing and asked for a motion. Wolff motioned to approve, Pearce seconded. Vote was unanimous.

Buelterman opened the public hearing for a request for a variance, demolition of existing structure, and new construction with a zero front setback at 6 Eleventh Street, PIN 4-0006-18-011, 611 Properties, LLC, petitioner. Smith said the PC voted to deny this request. Gay showed Council some pictures on the street and the way the houses were lined up. He said most of the houses are up on the property line and this is the reason for his request. He said when he came before Council previously, the concern was the cement in yard and he now plans to remove all of that. Gay said one owner was granted the same setback about a year ago to build a house. He said his property is the only house on that street that sits back from the property line. Williams asked what the hardship was. Gay said he didn't think there was a hardship other than wanting to line up with the other houses and to be given the same consideration as others received. Williams and Sessions said the house at the beach on this street is setback and Gay said he was unaware of that. There was a lot of discussion regarding the lack of hardship and consideration for neighbors. Wolff said if this was not approved, Gay could still have a ten ft. setback, according to the 200 ft. rule. Paul Ewaldsen said he was a partner in this project and all they were asking was to be given the same consideration. Jeff Schroeder spoke in favor of the request. Sessions asked Anderson to explain the term "hardship" Anderson read the code and said the hardship is something unique to the property. Gay added that there is to be a porch on the front that would be in the setback and not heated space. Buelterman closed the public hearing and called for a motion. Williams motioned to deny, Pearce seconded. Vote was 4, Wolff, Williams, Sessions, and Pearce, in favor of denial, and 2, Doyle and Crone, opposed.

Buelterman opened the meeting for a public hearing on a request for a variance of five feet in the side setback to preserve a live oak tree at 1414 Seventh Avenue, PIN 4-0011-07-004, Jane Coslick Designs, petitioner. Smith said this is to preserve a 32 inch oak tree and Coslick plans to move a house from Chatham Avenue to this lot. Williams said a 22 inch oak tree has been removed. Smith said the PC voted to approve. Pearce asked why remove the smaller of the two trees before coming to Council. Coslick said the house movers said they could not get the house onto the lot with the 22 inch tree there unless they removed part of the neighbor's house. Williams said that the house was marginally significant according to Cullen Chambers, and asked if Coslick was going to restore the house to its original condition. Coslick said the house is a significant structure but when you move a house from its foundation, it would no longer qualify as historic. There was some discussion regarding the large house and the size of the lot. Most felt that the lot was small for this house. Coslick said there would be five feet between the house and the adjoining property line. Two neighbors spoke on this request, and one was not satisfied with the

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plan and the other one was in favor. Buelterman closed this public hearing and called for a motion. Wolff motioned for approval, Pearce seconded. Vote was unanimous.

Buelterman opened the meeting for the public hearing for the zoning map amendment to change the zone from R-T to C-1 at 13 Fourteenth Street, PIN 4-0007-06-001, Dennis and Kathleen Hutton, petitioners. Smith said there was a long discussion on this request at the PC meeting. He said the PC voted to deny this request. Dennis Hutton said they would like to withdraw this request. Hughes said this has been advertised for the public hearing, so if anyone is here and wishes to speak, they should be heard. No one wished to speak. Buelterman closed the public hearing.

Buelterman opened the meeting for the public hearing for the request for a variance for continuing use of non-conforming setbacks at 913 Second Avenue, PIN 4-0006-09-004, for Darren Michaels, petitioner. Smith said this request is to enclose a small area which is a porch and would not extend the footprint of the house. He said the PC voted to approve. Buelterman closed the public hearing and called for a motion. Wolff motioned for approval, Doyle seconded. Vote was unanimous.

Buelterman opened the meeting for the public hearing for the site plan approval of 18 units at 1506 Butler Avenue, PIN 4-0008-03-005A, Carson Company, petitioner. Smith said this request did not go back before the PC but is back with information that Council had requested at the last meeting. Patrick Phelps, with Hansen Architects, spoke to Council regarding this request. He gave Council a brief review of what their request is and what has transpired before now. He said they are not asking for any variances and believed they have following all guidelines. He said they will relocate some of the trees, safeguard some of the trees at the current location, and plant some new trees. Phelps said due to another unrelated project, a question came up regarding the locating of driveways within 150 feet of the highway. Phelps said he did receive a letter from DOT giving clarification. Phelps said that the DOT does have guidelines pertaining to driveways on Butler Avenue but not driveways that are off of Butler Avenue. He said that DOT would have to approve any curb cuts on Butler because it is a State highway. He said the guidelines are that if the speed limit is 35 mph, you would have to have 150 feet between curb cuts or driveways on Butler Avenue, not the side streets. Sessions asked about the issue of driveways within 150 feet of Butler Avenue. Dee Anderson said he had talked with Jeff Young at the DOT to get an answer to that question right after the last Council meeting. He said that Young could not tell him where, in their guidelines, that issue was addressed. Hughes said we have never had this issue come up before on any other project. Angel Schroeder asked what the depth of the commercial building was. Phelps said it was about 22 feet. Buelterman closed the public hearing and called for a motion. Crone motioned to approve, Doyle seconded. Vote was 3, Crone, Doyle, and Pearce, in favor, and 3, Wolff, Sessions, and Williams, opposed. Mayor Buelterman voted in favor and broke the tie vote.

Buelterman opened the meeting for the public hearing on the request for a variance for continuing use of non-conforming setbacks at 16 Eleventh Street, PPIN 4-0006-18-007, Diane Herrin, petitioner. Smith said this was a tied vote at the previous meeting, and no action was taken. Billy Herrin said he needs to put a door in the kitchen and in order to have enough room, he needs to go to the back of the house. Buelterman closed the public hearing and called for a motion. Crone motioned to approve, Doyle seconded. Buelterman asked how the PC voted originally. Smith said he didn't remember the vote exactly, but they voted to approve. Vote was 4, Crone, Wolff, Doyle, and Pearce, in favor, and 2, Williams and Sessions, opposed.

Buelterman called for a five minute break.

Mayor Buelterman called the meeting back to order.

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Mayor Buelterman opened the meeting for the public hearing on a text amendment on the LDC Section 8-4-050, requiring the depth of lots in the C-1 District to be a minimum of 60 feet. Smith said this requires a 60 ft. minimum depth in C-1 and according to the map, there are no lots less than 60 feet other than Jody Sadowsky's. He said Sadowsky purchased the lot behind him and if these lots are combined he will have a depth of 90 feet. Smith said the PC approved this amendment. Wolff added that this would not affect lots of record and would only apply to newly created lots. Wolff said this would only apply to the streets in C-1 that require commercial use on the ground level. Smith said the amendment does not state that it applies only to the lots abutting the streets; it only states lots in the C-1 District. Smith said it should state that it only applies to those lots on streets that require commercial use on the ground level. Shell Solomon asked about a lot that was only 57 feet deep and if it was combined with another lot, would it still be grandfathered. Hughes said he wasn't sure, because you have created a new lot. Buelterman asked what the intent of the PC was. There was some discussion as to the intention of this amendment. Hughes said a phrase could be added to cover Sadowsky's property. Buelterman said this is a serious issue and he thought it should go back to the PC with the affected area clearly stated. Doyle agreed, and said she didn't think the PC understood this issue. Crone said he thought we should table this and send back to PC. Wolff said he thought we should add the phrase covering Sadowsky's property and go forward because the moratorium would expire before we could hear this again and satisfy the advertising requirement. Buelterman closed the public hearing and called for a vote. Crone motioned to send back to PC for additional discussion and more accurate information in the amendment, Doyle seconded. Vote was 5, Doyle, Williams, Sessions, Crone, and Pearce, in favor, and 1, Wolff, opposed.

Mayor Buelterman opened the public hearing for the text amendment to the LDC Section 8-5-156. Smith presented the text amendment to the LDC Section 8-5-156, to give the City the right to require the height of a structure to be certified at the time of the as built survey. Smith said the PC voted to approve. Doyle asked if this would only be done when requested and not on every structure and was answered that was correct. Buelterman closed this public hearing and called for a vote. Williams motioned for approval, Crone seconded. Vote was unanimous.

Mayor Buelterman opened the public hearing for the text amendment to the LDC Section 8-3-080. Smith presented this text amendment requiring the increase in parking requirements for buildings of two or more units to three spaces per unit. He said it also states that setbacks may not be used for parking. He said this was originally considered for the C-1 District but this amendment does not specify and would apply to the entire Island. Smith said the PC voted to deny this amendment. Henry Levy spoke in favor of this amendment, saying we should require one parking space for each bedroom or space that could be used for a bedroom. Jeff Schroeder spoke in opposition. He said it was unreasonable. Cheryl Sadowsky also spoke in opposition saying that day-trippers were the problem in regards to parking problems. Sessions said that occupancy has been a problem and we needed some rules for renters as to parking and occupancy. Shell Solomon spoke in opposition and said traffic was the problem not condos. Solomon also said the property owners would lose value in their property because if more restrictions are approved, they wouldn't be able to get their price. He said the developers would be the ones who profited. Solomon said he didn't think density was a problem but traffic and the day-trippers were. Williams said she disagreed, and thought people who rented property tried to get as many people into a unit as possible. She said it had been a problem in her Mother's neighborhood. Solomon said he thought we were talking about the C-1 District. Keith Gay spoke in opposition and asked who would enforce the no parking in setbacks. Freda Rutherford said there is a way to have cars towed from private property by the owner. Angel Schroeder spoke in opposition and said people's rights were being taken away. Mary Ann Bramble spoke in favor and said the day-trippers and development were the problem. John Wylly spoke in opposition and said some people only have that one piece of property and count on that for their retirement. There was a long discussion regarding this proposal. Mayor Buelterman closed this public hearing and called for a vote. Doyle motioned to deny, Crone seconded and added to send it back to the PC for further study. Doyle agreed. Vote was unanimous.

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Mayor Buelterman opened the public hearing for a text amendment to LDC Section 8-3-090 to increase minimum lot size in C-1 for multi development structures. Smith said this amendment would require a minimum of 1,125 square feet of lot size for each unit in C-1 for anything of two units or more. Sessions said at the PC meeting, there had been a lot of discussion on this and she thought everyone thought this was a reasonable requirement. Smith said the PC voted to approve. A representative from the Tybee Neighborhood Assn. spoke in favor of this proposal. Jeff Schroeder spoke in opposition. Shell Solomon also spoke in opposition and said the issues with this proposal are the same as stated before. He said the developers are the ones who will benefit and not the property owners. He reiterated that the problems are traffic and parking. John Major spoke in favor and said that density is the problem. He said according to the Master Plan, we support low density development and this would be a step for following that. Solomon said that we are talking about the C-1 District and 95% of the Island is low density, allowing only single family or duplex development. He said C-1 is only about 5% of the Island and is the only area where multi-family development is allowed. Mayor Buelterman closed this public hearing and called for a motion. Wolff motioned to approve, Pearce seconded. Vote was unanimous.

Mayor Buelterman said he wanted to recognize the top vote getter in the election. He said it is not written but tradition is that person is usually named as the Mayor Pro Tem. Buelterman said this person is Shirley Sessions. Pearce motioned to name Sessions as Mayor Pro Tem, Crone seconded. Vote was unanimous.

Buelterman asked for the tally on votes for the appointments for the Planning Commission. The Clerk said that there were 6 votes, Wolff, Doyle, Williams, Sessions, Crone, and Pearce, for Barry Brown and Sandy Chandler. Vote was 4, Wolff, Sessions, Williams, and Pearce in favor of Bill Garbett, and Wolff, Sessions, Williams, and Pearce, voted for Honor Hutton. These four would serve four-year terms. She said Charles Powell had received three votes, Wolff, Pearce, and Williams, and would serve the remaining one year for Tom Borkowski.

Mayor Buelterman read his list of committee appointments for Council. They are:

Pearce	Beautification
Wolff	Beach Task Force & Tourism Council
Williams	Marine Science Center
Doyle	YMCA
Crone	Hurricane Reevaluation Plan
Crone	Water/Sewer with Doyle and Wolff as members

Buelterman also appointed Pearce as the ex-officio member of the Eco Tourism & Environmental Committee.

Kathryn Williams said that there was some misunderstanding with an ordinance regarding paving new driveways. She said the Code called for all newly constructed driveways to be pervious and she thought staff was interpreting it to mean driveways at new construction as stated in the minutes. Williams motioned to adopt the wording in the code, Pearce seconded. Vote was unanimous.

Williams said that everyone was aware of the accident in Back River several months ago when a crane that was being used to construct a dock, fell into the river. She said this crane released fuel into the river and DNR was slow to respond. She said she had proposed an ordinance to require all accidents be reported to the City immediately. She also said this ordinance would require contractors to provide insurance coverage for such accidents as this particular contractor did not have insurance and said he couldn't afford to have the crane removed. Williams motioned that this be advertised for a public hearing, Crone seconded. Dee Anderson said he had information that someone was planning to petition the state for legislation for requirements on this issue. Sessions said the County is also very supportive

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and encouraged Tybee to take the first step. In answer to a question as to which jurisdiction would be responsible, Hughes said the contractor would have to apply for a permit to build from Tybee, and that would give us jurisdiction. Hughes said we would send this proposal to DNR and also to the County for review. Vote was unanimous.

Wolff said he is asking for Council to approve asking for a one-cent tax on the Hotel/Motel and said it would take State legislative action. He said the additional funds would be earmarked for beach nourishment. Wolff said the City would see about \$200,000 per year. Wolff motioned for approval, Pearce seconded. Vote was unanimous.

Wolff said he would like to ask for a real estate transfer tax. He said it would be 1/4 % for people buying property. He said it would be used for beach nourishment or acquisition of property for green space. He said it would also require a constitution amendment and has to be worded carefully because it would apply to the entire state. Wolff motioned for approval of the resolution. Pearce seconded. Vote was unanimous.

Wolff proposed a Capital Cost Recovery Fee for all new water taps of \$2000.00, and would go into a capital enterprise fund. He said it could only be used for developing an alternate water supply or capital improvements to increase conservation efforts. Wolff motioned for approval, Pearce seconded. Hughes said this is for fresh water taps and is addition to other fees that the City has in place. Wolff agreed and said it would be in addition to the Aid to Construction fee and the normal tap in fee. Buelterman expressed concern that this would hinder our efforts to have the State pay for salt water intrusion, should it occur. Sessions said she didn't think we could depend on the State anyway. Vote was unanimous. Hughes said this is first reading and it would not have to be advertised.

Williams motioned for approval for a resolution for the Marine Science Center's request for funding for the Sea Turtle Project and for Conservation Education for the beach, Wolff seconded. Vote was unanimous.

Wolff said that the Governor had asked for the funds to be restored for the solid waste trust fund and that we wouldn't have to approve this resolution.

Hughes said the Council has the power, under the Charter, to adopt rules regarding the conduct of meetings, as well as other things. He said the Mayor has requested that we change the way the content of the Council meetings is set. He said the only rule that is in place now is the way Council hears first and second readings, requiring the reading of captions rather than the entire ordinance. Buelterman said he has never talked to any other official who has meetings as long as ours. He proposed to hear public hearings at the first meeting of the month, and hear anyone who wishes to speak to Council. He added unless an emergency. Buelterman said at the second meeting of the month, take care of all other City business, hear Council recommendations and requests, as well as staff issues. Crone said he thought that we should begin the meetings earlier. Doyle said she thought it was a good idea to try it and she thought it was a little overwhelming. Buelterman said we would start in February.

Doyle said regarding the Ethics Oath, she wondered how many really read it. She said she hoped everyone took it as seriously as she did. Buelterman read the oath and asked everyone to sign. Hughes said it would be filed in the journal with the minutes.

Hughes said the land swap involves some of the Fleetwood property at the North Beach parking lot for a triangular parcel at Chatham Avenue and Lovell Avenue. Hughes said Fleetwood is asking for an additional 20 feet of the Lovell Avenue right of way so the property will be buildable. Hughes said to complete a land swap, take a good bit of time. He said the appraisals have been done and Council has to

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approve them. He said an ad has to run that this transaction is to take place sixty days in advance of that date. Hughes said Council has to entertain objections, if there are any, before you can close. Hughes said he wanted to make sure that the right of way issue is agreeable and that it is all right to proceed. Wolff said this is the first step toward relocating the Marine Science Center. This was agreeable with all. Hughes said there would be votes later.

Hughes said several months ago, Pearce proposed some City right of ways be conservation easements. He said there is a resolution and declaration of covenants that would be recorded. He said the properties are the unopened rights of way on Estill, Storer and Telephone Avenues, between Bay and McKenzie. He said there is a provision that if the property is needed for access, that the access would be made as minimally as possible. He said the other lot is on Bay Street, at what once was the Daniel Street right of way. Hughes said there is a sewer line that runs down the middle of this lot. He said he believes that a Council in the future could reverse this by going to court. He added that the parts that are not rights of way would be limited as to access, and would be used for trails and recreation. Pearce motioned for approval, Wolff seconded. Crone said if this is approved and the City decides it needs this property for some use, it would be gone and take up to six years to get it back. Doyle asked for an explanation. Pearce did so. Wolff said he would like to see this, as well as other areas on the Island, tied in together for recreation. He said eco-tourism is a big tourist business. Crone said we could still keep control as it is. Sessions said she understands the positives but would like to know the negatives. She said she has concerns about the neighbors to this property, especially along Estill Avenue. Pearce said the adjacent property owners could erect a fence. There was some discussion regarding safety and privacy. Vote was 2, Pearce and Wolff, in favor on the two locations, and 4, Doyle, Williams, Sessions, and Crone, opposed. Sessions suggested that we go back and have the Water/Sewer Department review and make sure we would not need this property in the future, and anyone else who would be affected.

Dee Anderson requested approval for the contract for the new roof on the YMCA building. He said there were two bids but Grassi Contracting was unable to acquire the necessary insurance. He said Davis Enterprises is the higher of the two bids and staff recommends this bid. He said Davis met all of the requirements and has done work for us before and everyone was pleased with their work. Anderson said this money was approved in the 2005 Budget and he is asking to encumber the funds into the 2006 Budget. Wolff motioned for approval of Davis' s bid, Crone seconded. Sessions said she wanted to be certain the contract was approved and terms and conditions were included. Hughes said we have a type of boiler plate contract for small jobs. Vote was unanimous.

Pearce said he would like bring back one of the conservation easement properties for reconsideration. He said this is the one that has the sewer line through it. He said it does not have the same issues as the property on Estill Avenue. He said it is surrounded by streets. Pearce motioned for approval for the conservation easement on this property, Sessions seconded. Crone said it was long ago that we talked about swapping that property. Wolff said the swap was not done because of the utilities that ran through it. Crone said Hussey, Gay, & Bell said they would move it. Hughes said if we agreed to move it, the cost would be about \$14,000. Hughes said we acquired this property due to litigation and paid about \$78,000 for it. Vote was 4, Wolff, Williams, Sessions, and Pearce, in favor of this easement, and 2, Doyle and Crone, opposed.

Anderson presented a request for a change order for Garney Contracting in the amount of \$8,150.00 for down time during the marathon. Crone asked if the City was paying all of that. Buelterman said yes, and when the contract was approved, there was 10% contingency built into it. He said the contractor has been so good, we have not had to go into that. Wolff motioned to approve, and Williams seconded. Vote was unanimous.

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Pearce motioned for approval on 2nd reading for the text amendment to the LDC Section 8-3-080 for the residential driveway requirements in the C-1 District, Wolff seconded. Vote was unanimous.

Pearce motioned for approval on 2nd reading for the text amendment to Section 6-1-15 to change the Due Date on the City' s water bills to the end of the month, Wolff seconded. Vote was unanimous.

Sessions motioned to go into executive session, Wolff seconded. Vote was unanimous.

Wolff motioned to return to regular session, Sessions seconded. Vote was unanimous.

Dee Anderson asked about the upcoming retreat. He said he needed a list of items to be discussed for the agenda. He said he had some finance items and the YMCA. It was agreed that all items should be sent to the Clerk by Friday, January 20th.

There being no further business, Mayor Buelterman adjourned the meeting.

Jason Buelterman
Mayor

Diane Sikes
Clerk of Council