

## 12/14/06 – City Council Minutes

Mayor Buelterman called the consent agenda to order at 6:30 PM on December 14, 2006. Those present in addition to Buelterman were Sessions, Crone, Wolff, Williams, Doyle and Pearce. Also attending were City Manager Schleicher and City Attorney Hughes. Mayor Buelterman closed the consent agenda meeting at 6:45 PM.

Mayor Buelterman called the regular meeting of the City Council to order at 7:00PM on December 14, 2006. Everyone present at the Consent Agenda was still in attendance except Mr. Pearce who went home sick.

St. Michael's Catholic Church provided the invocation and the Tybee Island Color Guard posted the colors. Everyone recited the Pledge of Allegiance.

Mayor Buelterman announced he had received a letter from the Insurance Service Organization stating Tybee has a Class IV classification which is the highest level you can have for a volunteer fire department. He thanked the Fire Department for keeping up with the communities needs.

Ms. Debbie Brady Robinson and Ms. Sandy Major of the Economic Development Committee presented Certificates to winners of the Lights on for Tybee Art Contest.

Ms. Fox gave a budget presentation for council.

Ms. Rutherford gave an update on Tybee Neighbors and requested that Council appoint a Recreation Committee to conduct a feasibility study for alternate uses for the Gym.

Mr. Scarbrough thanked the Fire Department for preventing a total loss fire at Café Loco which is next door to his business. He donated \$500 to the Fire Department.

Ms. Bacon suggested three possible locations for the Skate Park. First location was close to the Ocean Inlet subdivision on Hwy 80-Second location was the Corner of Van Horn and Fort Ave. behind the Police Department-Third was North Beach Parking Lot.

Ms. Nesbitt spoke against the skate park and presented a petition with 577 signatures. She said \$60,000 is too much for the City to put into a project with such opposition and requested it be removed from the 2007 budget.

Mr. Alstad spoke in rebuttal to the TIRPOA petition.

Ms. Major commended the Mayor and Council for courage to stay with their commitment to the project and asked them to focus on what's best for Tybee.

Mr. Crone suggested that they put it in a referendum and let Tybee decide.

Mayor Buelterman opened the Public Hearings.

Mr. Brown presented a **Special Review request to add 2 town homes to existing three town homes at 10 Naylor Ave. PIN 4-0019-01-010B, petitioner David Kindred.**

**Mr. Hughes said the petitioner requested the hearing be postponed in order to present additional information and it will need to be readvertised.** Mr. Brown said the Planning Commission recommended approval.

Mr. Joe Palmer spoke in opposition to the petition because of the density.

Mr. Brown presented the petition for a **Variance requesting a reduction in lot area to build a duplex at 204 Miller Avenue Pin 4-0004-11-018, petitioners Turner & Weeks Group. Ms. Woods said the petitioners Attorney called today and requested a continuance.**

Mr. Case representing himself and Ms. Whittier of Miller Ave spoke in opposition to the petition. He said he talked with Mr. Tony Petrie the previous owner of the property and Mr. Petrie told him when he sold the property he told the owners the property was too small for a duplex.

Mr. Brown presented a **shore protection variance request to relocate 1,400 cubic yards of sand at 1805, 1807 & 1809 Chatham Ave. Pin's 4-0009-13-001, 4-0009-13-003 and 4-0009-13-004, petitioner Courtney Flexon. Et al.**

Mr. Wolff said this conforms to the Sand Management Plan and asked if the Sand Disposal area was between the Groins to the East of 1807. He asked if they will re-vegetate the Dunes. Ms. Flexon agreed.

Mr. Klein representing the property owners presented photos of the late 1990's and said sand had been artificially added to this area and had shifted onto these properties. He said with EPD and DNR approval they want to push the sand back to the original area. He said an Environmental Consultant was hired by the family, Mr. Sly of Sly Environmental Consulting that came up with the plan.

Ms. Williams asked if the petitioners would be willing to engage an Environmental Specialist to measure landward and seaward toe of the Dune as well as Sand going into the scarf area. Ms. Flexon said they have already asked the Coastal Engineer to do monitoring for them and are willing to do that for the life of the permit if it is a relatively small expense. Ms. Rutherford said the Beach Task Force has been working on a Beach Maintenance Plan and its going slowly. She said the task force is very supportive of their efforts. Mr. Gay said he is concerned with how much time this process takes. He recommended City Council approve this petition.

**Mr. Wolff moved to approve, Ms. Sessions seconded and the vote was unanimous.**

Ms. Schleicher presented the Tybee Fest 2007 Special Events. She said they are;

Harlem Ambassadors versus the Tybee Turtles on February 9, 2007

Tybee Luau on September 3, 2007

Tybee Pirates Fest no date

Tybee Island Christmas Parade December 8, 2007

She said they are asking that the charges for parking staff and facilities and police and public service not be charged to them for these four events.

Mr. Wolff said Tybee Fest is still paying administrative fees and these events bring a lot of people to the Island in the off season and it's something the council should support.

Ms. Schleicher presented the nepotism ordinance. She said there was only one change after the input from the Department Heads. She said if two employees marry and become related only change it to reflect that one employee would be allowed to remain employed in that department while the other employee would need to be transferred to another department when an opening becomes available.

Ms. Williams said they should strike City Manager from the first paragraph and it should state that no relative of the City Manager can be employed with the city.

Ms. Schleicher presented the text amendment to the Holiday Leave Policy for 1<sup>st</sup> reading. She said it would close City Offices on Martin Luther King Day and employees would not get a birthday holiday option.

Ms. Schleicher presented the class and comp plan to council and gave a brief overview. She said in the past there have been studies done but not adopted and therefore merit raises have been applied in a patchwork fashion. She said if everyone is performing their job duties this is what they should be paid. She said there is a 3.3% cost of living that is supposed to go into effect

also. She said evaluations are to be done in January and new raises implemented. She said the major factor in this comp plan is to see if certain employees can get to that point. She said some employees may take time because their goals are far off. Mayor Buelterman said the plan provides for Water and Sewer and Police Department employees to be adequately compensated. Ms. Sessions said this plan is performance based and doesn't become personal.

Ms. Williams thanked Ms. Schleicher and Ms. Fox for their patience in responding to Council's questions regarding the budget.

Ms. Sessions asked if the \$60,000 for the Skate Park was coming from the SPLOST fund from 2004. Mayor Buelterman said he understood that the \$60,000 is coming from the general fund. Ms. Williams said \$60,000 has been included in the budget for the last two years for a Skate Park but was used in 2006 for the Guard House project that ran short.

Mayor Buelterman listed the items on the consent agenda as;

**Special Event for the Sand Arts**  
**Letter to the Corps of Engineers**  
**Funding request for the Tybee Fest Events**  
**Buckley Property Purchase** contingent on the Grant

Also the following beverage licenses are on the consent agenda;

**Charly's** 106 S. Campbell Ave.

**Norased Grill** 402 First St.

**JayDeep LLC Shell Food Mart** 1315 Butler Ave.

**Tybee Market** 1111 Butler Ave.

**Tybee Island Bait and Tackle Inc.** 1-A Old Tybee Road

**ABC Beverage** 1515 Butler Ave.

**XYZ Liquors** 302 First St.

**AJ's Dockside Restaurant** 1315 Chatham Ave.

**Bahama Bob's** 1311 Butler Ave.

**Bernie's** 13 Tybrisa St.

**Fannie's at the Beach** 1613 Strand

**Gayna's Pub & Outback Café** 725 First St.

**MacElwee's Seafood Restaurant** 101 Lovell Ave.

**North Beach Grill** 41-A Meddin Drive

**Sweet Dreams Pavilion Tybee Pier** 16th & Ocean

**Wind Rose Café** 19 Tybrisa St.

**Sting Rays** 1403 Butler Ave.

**Sea Dawg's Oyster Bar** 404 Butler Ave.

**Dewey's Fish House** 1 Old Tybee Road

**Café Loco** 1 Old Hwy 80

**Dolphin Reef** 1401 Strand Ave.

**Tybee Tropics Pool Bar** 1401 Strand Ave.

**Spanky's Beachside** 1605 Strand

**Skipper's At the Beach** 1512 Butler Ave.

The Quarter Sports Bar 604 First Street

**Hunter House** 1701 Butler Ave.

**Georges' of Tybee** 1105 Hwy 80 E.

**P.K. Enterprises Savannah LLC/DBA "Cousin Vinnies Pizza"** 1516  
Butler

**Sundae Café** 304 First St.

**Tybee Tavern & Restaurant dba Benny's** 1517 Butler Ave

**Doc's Bar** 10 Tybrisa St.

**E.C. Burnsed, Inc. dba Scandal's** 1518 Butler Ave

**Tybee Time** 1603 Strand

**Mr. Wolff moved to approve the items on the consent agenda, Ms. Williams seconded and the vote was unanimous.**

**Mr. Wolff moved to approve the Supper Club alcohol license with no Sunday Sales. Mr. Hughes said this involves property that the city owns and has a memorandum of understanding with. They are required to have an appropriate license under an appropriate name. Ms. Sessions moved to approve, Mr. Wolff seconded and the vote was unanimous. Mr. Hughes said this would not be considered a sub lease.**

**Mr. Wolff moved to approve Chu's Convenience Mart at 725 First Street, Ms. Williams seconded, the vote was 4 with Wolff, Williams, Sessions and Doyle voting in favor and Mr. Crone abstaining.**

**Mr. Wolff moved to approve the Chu's Convenience Mart at 306 First Street, Ms. Williams seconded, the vote was 4 with Wolff, Williams, Sessions and Doyle voting in favor  
And Mr. Crone abstaining.**

**Mr. Wolff moved to approved the Chu's Convenience Mart at 1603 Inlet Avenue, Ms. Williams seconded, the vote was 4 with Wolff, Williams, Sessions and Doyle voting in favor and Mr. Crone abstaining.**

**Mr. Crone requested that Council waive the liquor license fee for the American Legion Post 154 because of their active roll in giving back to the community. Mr. Crone moved to approve the license and waive the liquor license fee, Ms. Williams seconded.**

Ms. Williams asked if the supper club was entitled to the same discount because of being a non profit. Mr. Hughes said this organization has just been created so there is no history of what they do with the money. Ms. Williams said maybe they could look at giving them the same consideration next year once they have been established. **The vote was unanimous.**

**Mr. Crone moved to waive the liquor license fee for the supper club, Ms. Doyle seconded.**

Mr. Wolff said he thinks they need to look at how this group gets established before waiving the fees. He asked if their non profit status had been established. Mr. Hughes said he has not

identified their non profit status because they are in the organizational phase. Mr. Scarborough explained they file their taxes under the Alee Shrine Club non profit. He said even though each club is separate they still file under the Shrine Club organization. He said at the end of December they will send

A check for eight or ten thousand dollars to the organization. He said usually it is a lot more money but they have been out of business for a while and all of their money goes to the Alee Temple. **The vote was unanimous**

**Mr. Crone moved to approve the recommendations from the department heads for the special events, Mr. Wolff seconded, and the vote was unanimous.**

**Mr. Wolff moved to approve for First Reading the Nepotism Policy with the changes that were discussed regarding if two employees marry only one will be permitted to be employed in the same department. Ms. Sessions seconded and the vote was unanimous.**

**Mr. Wolff moved to approve the Text Amendment to the Holiday Policy. Ms. Sessions seconded and suggested that it would be good if that day was set aside for community involvement. The vote was unanimous.**

**Mr. Wolff moved to approve the Class and Comp Plan, Ms. Doyle seconded and the vote was unanimous.**

**Mr. Wolff moved to approve the budget, Ms. Williams seconded for discussion.** Mayor Buelterman said the most controversial item is the \$60,000 for the skate park. He said later on the agenda it has an item to set up a committee to determine a location for the skate park at some point in the future. Mr. Crone said he would like to see the \$60,000 taken back out and a referendum made up to put it to the Citizens of Tybee. **Mr. Crone moved to amend the motion and take the \$60,000 out of the budget, Ms. Doyle seconded for discussion.**

Mr. Crone asked if he could add having a referendum to his motion. Mr. Hughes said they would have to borrow the money to have a referendum. Ms. Sessions said the referendum for the Gym was voted against and it was built anyway. Mr. Hughes said the Gym referendum was specific to whether or not the City should incur debt of a certain dollar amount with a proposed millage increase and it was a proper

Referendum. Ms. Doyle said while she is not opposed to having something for the young people on Tybee she has a problem with having \$60,000 put into the budget without an organized plan to

move forward. She said her concerns are location, maintenance and operational fees and does the Skate Park fit into our master plan. She said her biggest concern is the Tybee Shore Protection line and council has denied people the right to build past or into that line and this skate park would be in violation of that line. Ms. Williams explained that the HDR plan for the South End called for removal of the Marine Science Center building. She said that was built with a Federal Recreation Grant for Land and Water conservation. She said in order to move that building the city has to provide something similar. She said the agency that oversees the grant has determined that the Marine Science Center is no longer recreational but educational. They are looking for something with a compatible fit to go alongside the Science Center so they can move forward with tearing down the old building in the south beach parking lot and rebuilding at north beach according to the HDR Plan. **Mayor called for a vote on Mr. Crone's motion to amend Mr. Wolff's motion and approve without \$60,000 and the vote was 1 with Crone voting in favor and Wolff, Sessions, Doyle and Williams voting against.**

**Mayor Buelterman called for a vote on the original motion by Mr. Wolff to approve the budget, and the vote was unanimous.**

Mayor Buelterman said he would like to appoint a committee to look at all our recreational needs on the island. He thinks people should submit resumes to serve on this committee by the 2<sup>nd</sup> Thursday in January. Ms. Schleicher suggested creating a committee to address the location separately and then appoint an ad hoc committee to study the recreational needs of the city for the future Ms. Williams said the Skate Park should be separate with a set number and people. She

suggested Council submit names to the office by the end of next week. She said the committee should last a month with council receiving a report in January.

Mr. Crone said there is a place on the Buckley property for a skate park.

Mr. Wolff said the grant is a conservation grant and they can't use the property for a skate park. **Mr. Crone moved to select a skate park committee, Mr. Wolff**

**seconded.** Mayor Buelterman explained they want to appoint a committee to look at skate park locations. He said the Council will pick 7 people to report back on a location by the 2<sup>nd</sup> Thursday in January. He said the deadline for appointments is next

Wednesday. Mayor Buelterman said to **stipulate no parks, no Buckley property and no residential property. The vote was 4 in favor with Crone, Wolff, Sessions and Williams and 1 Doyle Opposed.**

**Mr. Crone moved to approve appointing an ad hoc committee to work close With Ms. Schleicher to address recreational needs and have no more than 5 People. Ms. Williams seconded. Ms. Doyle asked if Mr. Hemphill could be on this committee. Mr. Wolff said the committee needs 7 people and have Mr. Hemphill and Hillary as ex Officious. He suggested allowing Ms. Schleicher to work out the details on the committee. Mr. Crone and Ms. Williams agreed to 7 people and the vote was unanimous.**

After a short discussion council decided to make Medstar response time an action item and request a presentation from them on January 11<sup>th</sup> Meeting.

Mayor Buelterman said we have been trying to get a study done that will prove when the Corp dredges the harbor for the ships it causes Tybee to lose sand from the beach. He said the Army Corp has promised this study will be done by this summer. He said He will send a letter asking them to Keep their promise for this study despite their budget issues.

Mayor Buelterman said he would like the Council to appoint a committee to study the Public Safety Facility. He asked Ms. Schleicher to write a Resolution creating an ad hoc committee. **Mr. Crone moved to approve, Mr. Wolff seconded and suggested having the Police and Fire Chief's as ex officio's of the committee. The vote was unanimous.**

Ms. Sessions said Chatham County and Savannah have been very supportive of Tybee And we need to consider the 10 year agreement with the Maritime Trade in the Spirit Of working together. **Mr. Crone moved to approve the 10 year agreement, Ms. Sessions seconded and the vote was unanimous.**

Mayor Buelterman announced the Beach Bum Event has been moved back a week. Ms. Williams said they should utilize the new mobile sign to alert Tybee visitors about keeping their windows up If they don't want to get wet.

Ms. Williams said she wants to have an Animal Control Ordinance Workshop around the end of January or 1<sup>st</sup> of February to work towards bringing our ordinance more in

line with Chatham County's. She said there will be stiffer enforcement for animal cruelty.

She said Ms. Jones has submitted her resignation from the Audit Committee.

She suggested modifications to the Sand Management Plan stating on Page 2 and the last paragraph in the last sentence and it should read bring to the Attention of Tybee City Manager and City Council. On page 3 first paragraph should not read absence of a response from DNR. Their failure to respond should not be taken as an approval and we do need a response from them. She said her concerns about moving sand during Turtle Nesting season can be addressed by keeping the DNR and Marine Science Center in the loop. Mr. Wolff agreed with Council being involved and address the 30 day lack of action on Corps with City Council Approval being required. Mayor Buelterman said this plan has been voted on, approved and sent to DNR. Ms. Williams said Ms. Schleicher should provide notification to Council of anything that doesn't have to come before council. She said she doesn't want to receive phone calls about permit applications they are not notified of. Mr. Wolff said nothing other than routine maintenance will be done Without DNR approval. He said Tybee will receive a five year permit that is for routine maintenance only. Ms. Schleicher said she thinks the city has received the plan back from DNR with updated language. Ms. Doyle asked that all e-mailed documents are included in council's packets.

Mr. Hughes requested permission to resolve the water bill issue with the Lighthouse Point Condominiums consulting with Ms. Fox and Ms. Schleicher. Mr. Wolff requested shallow wells are used for irrigation.

Mr. Hughes asked for clarification of what license fees were to be waived for the Tybee Supper Club and the American Legion. Council's response was alcohol fees only. All remaining fees are to be paid.

Ms. Schleicher said the Department Heads had concerns over how much roadbed would Be left for Public Safety if the quit claim deed for Mr. Sullivan was granted. Mr. Wolff said Maybe we could work out some trade for a portion of the Willow Swamp. He asked Ms. Schleicher to find out how much of the roadbed is needed for safety and come back With request.

Mr. Hughes said he would come back in January with specifics regarding opening The Cemetery for Cremated remains.

Mr. Hughes suggested having a meeting with Mr. Groover and Ms. Schleicher to work out A resolution concerning the Groover property by the Nature Trail and the setback violation Of the house. He said Mr. Groover Indicated the two Marsh Lots would be donated to the City.

Ms. Williams requested the action items be included for January because of the 2<sup>nd</sup> meeting not being scheduled.

Ms. Williams moved to go into Executive Session to discuss Litigation and Real Estate, Sessions seconded and the vote was unanimous.

Mr. Crone moved to end Executive Session, Ms. Sessions seconded and the vote was Unanimous.

Mr. Crone moved to adjourn, Mr. Wolff seconded, and the vote was unanimous.