

### **Consideration of Items for Consent Agenda**

Mayor Buelterman called the consent agenda to order at 6:30PM on February 14, 2019. Those present were Julie Livingston, Monty Parks, John Branigin, Barry Brown, and Shirley Sessions. Also attending were Dr. Shawn Gillen, City Manager; Bubba Hughes, City Attorney; George Shaw, Director, Community Development; Angela Hudson, Finance Director; and Janet LeViner, Clerk of Council.

### **Mayor pro tem Brown listed the following items on the consent agenda:**

- City Council Minutes, January 10, 2019
- Special City Council Meeting Minutes, January 16, 2019
- Special City Council Meeting Minutes, January 23, 2019
- The purpose of this agenda item is seek the City Council's approval to amend the General Fund fiscal year 2018-2019 operating and capital budget by increasing the budget by \$207,273 from \$13,761,695 to \$13,968,968
- To request that the City Council approve a budget amendment to the FY2019 Hotel Motel Excise Tax Special Revenue Fund by increasing the revenue and expenditures by \$62,000 from \$3,107,000 to \$3,169,000.
- Agreement with the City of Tybee Island for the Highway Median Improvements and Landscaping Project. **Discussion:** Dr. Gillen confirmed funding and the anticipated completion would be prior to Memorial Day.
- Intergovernmental Contract - Chatham County Recreation Authority
- Approve bid and award YMCA gym roof repairs to Metalcrafts. **Discussion: Mayor Buelterman** confirmed this is for replacement of the roof over the office and repairs for the remaining roof area. Ms. Hudson confirmed there is money in the budget for this work.
- Approve bids and authorize purchase of metal barricades and water filled barricades.
- Approve quotes and award Sewer Lift Station Repairs to Southern Civil, LLC
- Resolution - Chatham County Recreation Authority
- Amendment to Resolution Requesting Local Legislation to Update the Charter. **Discussion: Council** recommended Mr. Hughes amend the Resolution to reflect if there is more than one year left in the term of the outgoing council member, there will be a special election. If less than a year, it will be done by appointment. This will be consistent with State. Mr. Hughes confirmed.

**Julie Livingston** made a motion to adjourn to Executive Session to discuss litigation and personnel. **Monty Parks** seconded. Vote was unanimous, 5-0.

**Monty Parks** made a motion to adjourn to regular session. **Shirley Sessions** seconded. Vote was unanimous, 5-0.

**Mayor Buelterman** called the regular meeting to order at 7:00PM. All those present for the consent agenda were present.

### **Opening Ceremonies**

- Call to Order
- Invocation: Jan LeViner, Clerk
- Pledge of Allegiance

**Mayor Buelterman** recognized Mr. Hughes as it is his 26 anniversary with the City.

**Mayor Buelterman** thanked all the citizens for their generosity in the recent fund drive for the Coast Guard. We were able to collect approximately \$35,000 which was distributed among the six Coast Guard units in Chatham County. Gift cards were also sent to the Coast Guard unit in Brunswick as they were also in need. **Barry Brown** also thanked the MRS, Rising Tyde Food Panty, citizens and visitors for everything they did.

**Kathryn Williams** and **George Spriggs** approached Mayor and Council. Mr. Spriggs stated the reason for their presentation is to explain their request for mitigation due to the business losses that were incurred after Hurricane Matthew and as a result of the City's effort to clean up and the utilization of the North Beach Parking Lot for debris deposit. He asked Mayor and Council to direct their attention to the monitor for his presentation. Pictures included mounds of debris collected from the Island. Mr. Spriggs stated they understand and understood at the time the necessity for using the area but feel the North Beach Grill was effected and their business was greatly impaired. This scenario went on from October 2016 to February 2017 and changes that went on during that time were air quality, noise from the trucks and smell. Mr. Spriggs discussed the loss of future bookings of the North Beach Grill as there was not a timetable in place as to when the debris would be gone. Hence, further monetary loss. They are hoping the City understands the situation and find merit in their petition. Ms. Livingston asked Ms. Williams if they have provided the City with their financial records from the year prior to Hurricane Matthew for a comparison. Ms. Williams responded they have never been requested. Ms. Livingston then asked Ms. Williams what were the working hours for the debris removal company. Ms. Williams responded they were trying to be respectful and were only working in the daylight hours. Ms. Sessions asked if she has compared her losses to other businesses on the Island. Ms. Williams stated no other restaurant was dealing with the situation but she was sure there was a decline in business but not impacted to the degree they were. Ms. Session asked for a timeline of their correspondence with the City. Ms. Williams stated almost immediately. Mr. Hughes stated he was not aware of any laws that justify a damage type claim against the City or a law site claim under circumstances like this. He has done extensive research and confirmed he cannot find anything. This is a unique situation. Mr. Hughes requested they supply him with a legal theory that would justify their claim. Ms. Session asked when the first lease was executed. Mr. Spriggs stated 2001 and expired after 15 years at which time a new lease was negotiated. Mayor Buelterman asked Mr. Hughes for his recommendation. Mr. Hughes responded he would like for their attorney to provide him with their version of the legal theory that would justify compensation. He continued, the amount of loss does not enter until there is a theory under which there could be potential exposure on the City's part. There was a discussion regarding the placement and removal of the debris and the repaving of the North Beach Parking Lot. All this continued to hamper their ability to operate their business. Ms. Williams and Mr. Spriggs thanked Mayor and Council for their consideration.

**Jan Wills** approached Mayor and Council to thank them for making the Zinnia the City flower.

**Monty Parks** made a motion to approve the consent agenda. **Julie Livingston** seconded. Vote was unanimous, 5-0.

### **Public Hearings**

**Text Amendment: Sec. 2-010 Terms & Definitions - Text Changes.** **George Shaw** approached Mayor and Council. Mr. Shaw stated at a recent variance application it came to the attention of Staff and Planning Commission there are several elevators on the Island that open on to roof tops above 35' and this is not the intent of the ordinance. The only thing that can be above the 35' is the mechanics of the elevator. Minor changes have been made to the wording

and Planning Commission approved unanimously. Mr. Parks stated the concern was people were building decks around the entrance to the elevator and asked if the proposed text amendment would stop that. Mr. Shaw responded the City does not control if someone has a flat roof and uses the elevator at that level. **Monty Parks** made a motion to approve. **Julie Livingston** seconded. Vote was unanimous to approve, 5-0.

**Mayor Buelterman** asked Mr. Shaw at what point can Mayor and Council direct Planning Commission to look at solutions to prevent another large boat, such as the recent gambling boat, moor at Tybee Island. Mr. Shaw stated he will put that on an upcoming agenda to discuss uses for that District. He asked Mayor and Council to forward any recommendations to be presented to the Planning Commission.

**Zoning Variance: Consideration Of Setback Encroachment- 701 Butler Avenue- Zone R-2- 4-0005-19-009- Lynn Moody. George Shaw** approached Mayor and Council. Mr. Shaw stated Mr. Moody is asking for a variance for approximately a 5' front yard set-back variance and 5-6' side yard set-back variance to expand a porch on his home at 701 Butler Avenue. He stated the existing stairs extend somewhat into the front set-back and the house sits well within the set-backs. Mr. Shaw stated there is no hardship and Staff and Planning Commission unanimously recommend denial. Mr. Parks asked if the front steps are the only exit from the second floor. Mr. Shaw stated he believes there are interior stairs. Mayor pro tem Brown gave a brief history of the property as it is considered a Tybee Cottage. He feels the neighbors are not going to be effected by the variance and recommends approval. Ms. Livingston asked Mr. Shaw if the 200' Rule applies. Mr. Shaw responded that it applies to new development. There was a discussion regarding the interpretation of the Rule regarding new and old construction. Mayor Buelterman asked if there are issues with the line of sight. Mr. Shaw responded he visited the property and there is sufficient line of sight to traffic, both vehicular and foot. Mr. Parks recommended changing the ordinance so this would not be an issue in the future. Mayor pro tem Brown disagreed as each request needs to be looked at individually and treated on an individual basis. **Lynn Moody** approached Mayor and Council. He asked the Clerk to distribute a handout showing Sec 3-090. His interpretation of the 200' Rule pertains to both new and old construction. Mr. Moody stated their intention is to maintain the Tybee Cottage look with the addition. His family spends 80 – 90% of their time on the porch and this addition would expand their outdoor living experience. Ms. Livingston asked Mr. Moody if calculations have been done. Mr. Moody confirmed and as a result of his calculations, he would qualify for the 200' Rule. Ms. Livingston asked if he has those calculations with him. Mr. Moody responded no. Ms. Sessions asked if this is a short term rental. Mr. Moody stated no they are considered full time residents although he does have a Savannah address as his mail goes to his business address in Thunderbolt. Mayor Buelterman recommended Staff have clarification on exactly what the 200' Rule is as it pertains to new and old construction. Ms. Sessions would like quarterly joint meetings with the Planning Commission for continuity. Mr. Parks expressed his concerns that the Planning Commission was not provided the same information as Mayor and Council. Mr. Moody asked Mayor and Council to vote in the affirmative. **Barry Brown** made a motion to approve. **John Branigin** seconded. Voting in favor were John Branigin, Barry Brown and Shirley Sessions. Voting against was Monty Parks and Julie Livingston. Vote to approve, 3-2.

#### **Consideration of Ordinances, Resolutions**

**Resolution - Hotel - Motel Resolution. John Branigin** made a motion to approve. **Barry Brown** seconded. Vote was unanimous to approve, 5-0.

**Julie Livingston** made a motion to adjourn to executive session to discuss litigation and personnel. **Monty Parks** seconded. Vote was unanimous, 5-0.

**Julie Livingston** made a motion to return to regular session. **Shirley Sessions** seconded. Vote was unanimous, 5-0.

**Mayor Buelterman** called the meeting to order. Mr. Hughes stated in the absence of a threat of litigation he would like direction from Mayor and Council on how to proceed. Mr. Parks requested Mr. Hughes meet with Ms. Williams and Mr. Spriggs to discuss and bring back to Mayor and Council. Ms. Session recommended it would come back before Mayor and Council the second meeting in March. Mr. Hughes confirmed.

**Julie Livingston** made a motion to adjourn. **Barry Brown** seconded. Vote was unanimous, 5-0.

Meeting adjourned at 8:25.

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Janet R. LeViner, CMC  
Clerk

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Jason Buelterman  
Mayor