

Consideration of Items for Consent Agenda

Mayor Buelterman called the consent agenda to order at 6:30PM on December 13, 2018. Those present were Julie Livingston, Monty Parks, John Branigin, Wanda Doyle, 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 - November 8, 2018
- Special Meeting Minutes - November 15, 2018
- Ethics Commission - Frances Kay Strickland
- Ethics Commission - Michael Pappas
- Ethics Commission - Zelda Tenenbaum
- Ethics Commission - Patrick Lovato
- Alcohol Licenses and Entertainment Licenses – 2019. **Discussion: Ms. Doyle** recommended approval with the caveat the American Legion Post 154 fees be waived as that was part of the grant process.
- Resolution - Update the Charter of the City of Tybee Island
- Resolution: 2019 Budget Amendment
- Request City Council approve a budget amendment to decrease SPLOST 2003
- City Council's approval to amend the General Fund fiscal year operating and capital budget by \$808,083
- Request Council approve a proposal with Thompson Engineering to perform an assessment of 19 of the City owned buildings. **Discussion: Ms. Doyle** asked the Arts Center, North Beach Bar and Grill, MRS Building, Salty Pelican, and Shrine Club be added to the list as they are City owned buildings.
- City Council approve a budget amendment for the FY19 River's End Campground to transfer \$50,000 from Contingency to Buildings
- FY 19 SPLOST 2014 Budget Amendment
- Out of State Travel to Los Angeles, CA for GFOA Conference for Finance Director and Purchasing/Accounting Clerk
- Ante Litem - Anna Butler – **To Reject**
- Ante Litem - Horsepen HOA - **To Reject**
- Boundary Line: White and Thomas
- Consideration of Waste Water Solar Panel Loan/loan Forgiveness Application. **Discussion:** There was a brief discussion on the location(s) of placement of the solar panels. Mayor Buelterman to bring back at the January 10 2019 meeting.

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
- Presentation of Colors and Pledge of Allegiance – American Legion Post 154
- Invocation: Jan LeViner, Clerk

Ms. Doyle commended the Tybee Island Police Department as they are the recipient of a grant in the amount of \$3,406.96 which provides them with funds to purchase vests.

Citizens to be Heard

Julia Pearce approached Mayor and Council to give an update on the **Martin Luther King Parade and Human Rights Celebration** on January 12, 2019. Mayor Buelterman thanked Ms. Pearce for all her hard work.

Jeremy Altman, approached Mayor and Council to speak in favor of the extension of the Moratorium on the **South-end Overlay District** as well as the City's historic assets on the Island. He stated it is important for the City to protect these assets and showed slides depicting these buildings. Mr. Altman stated the protection he is asking for is needed for the smaller main street Jones as well as the Carbo House. He asked for the support of Mayor and Council in preserving the quaintness of the Island.

Jan Will approached Mayor and Council to speak in favor of the preservation of the **South-end Overlay District**. Ms. Will stated preservation is the means to a greater end by resolving the well planned and a well-managed city. Preservation puts the emphasis on residents but welcomes visitors and preservation will ensure Tybee's future will be strong. Mayor Buelterman thanked Ms. Will for her comments.

Dotty Kluttz, approached Mayor and Council to speak on the **Hotel/Motel Tax**. Ms. Kluttz asked that Mayor and Council, in regards to the proposed Hotel/Motel Tax increase, that additional monies be distributed equally among the recipients. Mayor Buelterman thanked Ms. Kluttz for her comments.

Wanda Doyle made a motion to approve the consent agenda. **Julie Livingston** seconded. Vote was unanimous, 6-0.

Public Hearings

Minor Subdivision: Move lot line to make two lots – 303 Third Street – Zone R-2 – 4-0004-17-005 – Kitty B. Williams. George Shaw approached Mayor and Council. Mr. Shaw stated this request is for a minor subdivision for a large lot and meets all the requirements. The Planning Commission voted unanimously in favor and Staff recommends approval. **Barry Brown** made a motion to approve. **Monty Parks** seconded. Vote was unanimous to approve, 6-0.

Text Amendment to Land Development Code: Sec. 4-050 Zoning Districts (O) South-end Business Overlay District. George Shaw approached Mayor and Council. Mr. Shaw stated this item started in March of 2018 with a moratorium on demolitions in the South-end Overlay District. The Historic Preservation Commission and the consultants have been working on design guidelines as well as restrictions regarding demolition and relocation of buildings. After much work it has now been paired down to demolition only. Planning Commission recommended approval unanimously as well as Staff approval. Ms. Doyle confirmed this is first reading and would come back to Mayor and Council for second reading. She then asked for confirmation when a historic structure is relocated from the South-end Overlay District and moved to another location which is appropriate, would still remain historical. It is her understanding the structure cannot be relocated outside the District. Mr. Shaw responded it is his understanding that is the case as they want the character of the District to stay. If you remove too many structures outside the District, the District character would change. **Rebecca Fenway and Sarah Ward** approached Mayor and Council. Ms. Fenway made reference to the relocation of buildings. She stated they would like to have the building in question as close to the original context as possible and there are other considerations as well. Mayor Buelterman asked how this text amendment is different from what is in place currently.

Ms. Fenway stated there is no protection for the demolition of historic buildings and this will specifically help buildings that are over 50 years of age and also listed eligible or potentially eligible in the Historic Resource Survey, a demolition permit would have to go before the Historic Preservation Commission for review and make a recommendation to Staff. A discussion ensued regarding the cost to the potential buyer in moving a building from one district to another as well as the process. Mr. Shaw confirmed he would take the recommendation of the Commission as long as they were following the ordinance. Mr. Parks questioned the definition of demolition as it applies to 50% of the building. Mr. Branigin confirmed this is protecting the front of the building so it keeps the historic character. Ms. Fenway confirmed. Ms. Ward clarified the demolition standards as they only apply to full demolition of an entire building. Mr. Branigin stated it is his understanding the intent is to draw a line to create a distinction between a renovation and demolition. Mr. Parks would like to see this text amendment go Island wide. Mayor Buelterman stated that would have to come back before Mayor and Council for consideration and thanked Ms. Fenway and Ms. Ward for their work. **Monty Parks** made a motion to approve as written. **John Branigin** seconded. Voting in favor were Julie Livingston, Monty Parks, John Branigin, Wanda Doyle and Shirley Sessions. Voting against was Barry Brown. Motion approved 5-1.

Zoning Variance: Sec.5-090 (B) Height for a light monitor above the required 35 foot height – 1809 Chatham Avenue – 4-0009-13-009 –Zone R-2 – Josh W. Bull, AIA representative for Kelly Parker. George Shaw approached Mayor and Council. Mr. Shaw stated 1809 Chatham Avenue is currently a vacant lot and the petitioner wishes to put a large home there with a light monitor which would extend past the 35' height limit on the Island. There is no hardship associated with this request and Staff recommended denial as well as Planning Commission. **Josh Bull, Hopeline Architecture,** approached Mayor and Council. Mr. Bull gave a brief presentation in regards to the height variance. He stated this is not a variance that the petitioner is requesting for the entire building as the building is below the 35' height limit. What they are requesting is a variance to the 35' height limit for a light monitor. He continued, this request is no different than an elevator, mechanical equipment, etc. request. Mr. Bull stated his firm is committed to the sensitivity of the community and to keeping the character of the Island. He then explained what a light monitor is and how it would provide natural light to the proposed residence. He requested approval of an architectural permit for a light monitor. Ms. Sessions asked what happened to the house that was on the property. Mr. Bull stated it was torn down by the owners of the property. Ms. Doyle asked what the purpose of having a light monitor. Mr. Bull stated there are three functions: (1) to bring natural light into the core of the building; (2) provide ventilation; and (3) adding architecture character to the building. Mayor pro tem Brown asked if the light monitor goes to the ground floor. Mr. Bull responded it goes through the roof and through the second floor so it will provide light to the second and the main floor. **Jan Will** approached Mayor and Council to speak against this request. She asked Mayor and Council to deny. Mayor Buelterman thanked Ms. Will. **Mary Lamar** approached Mayor and Council and spoke in opposition of this request. She asked Mayor and Council to deny. **Dottie Klutz** approached Mayor and Council to speak in opposition of this request. She stated when a community loses its history, it loses its soul and if Mayor and Council are not careful, this is going to happen to Tybee Island. Ms. Klutz continued, the residents of Tybee are asking Mayor and Council to vote no to a variance that is frivolous to the 35' height; to uphold the 35' and not allow this variance. Mr. Parks brought up the demolition of the cottage that was on the property and how it could have been included in this text amendment. Mr. Shaw stated it would not as it is not in the South-end Overlay District. **Monty Parks** made a motion to deny. **Julie Livingston** seconded. Vote was unanimous to deny, 6-0.

Consideration of Ordinances, Resolutions

Resolution - Change the Hotel/Motel Tax. **Mr. Hughes** stated City can raise additional funds for the City to use for tourism product development. While maintaining our same distribution scheme with the Chamber of Commerce, the Resolution is designed to that. The City is currently at 6% under a sub-section of the Hotel/Motel Tax State Law. He continued, at the time that sub-section was created, every change in any community hotel/motel tax took an act of the General Assembly changing that Code section. Mr. Hughes further explained the process of the distribution scheme for the first 5, the difference between 5 and 7 has to be divided between the City and the Chamber to promote tourism. Under the first 5%, the City received 3% for the general fund as it always has, the next 2% would be divided under the proposed Resolution, 1% to the Chamber of Commerce and 1% to the Trade Center. This leaves everyone equal but creating one extra cent for Tybee Island to use for tourism product development. Mayor Buelterman stated tourism promotion would receive 2%, 3% to the City, 1% to the Trade Center and 1% toward product development. Mr. Hughes confirmed. Mayor Buelterman asked Mr. Hughes to clarify the procedure by which the City would determine how the money would be used. Mr. Hughes responded Mayor and Council would have to determine what the funds would be used for that would fit within what is defined as tourism product development. This could include re-nourishment of the beach, museums, and Marine Science Center and as things change, Mayor and Council can change the distribution as long as it is considered tourism product development. Mayor Buelterman stated for clarification, tourism product development which is the extra penny, means expenditure of funds for the creation and expansion of physical attractions which are available and open to the public and which improve destination appeal for the visitors and support visitors. Expenditures may include capital and operating expenses. Mr. Hughes confirmed. He recommended the funds are used for the Marine Science Center, beach re-nourishment, restrooms and for the Theater. **Wanda Doyle** made a motion to approve. **Barry Brown** seconded. Vote was unanimous to approve, 6-0.

First and Second Reading: 24-2018, Sec 6-11, Hours allowed for Sunday Sales. **John Branigin** made a motion to approve. **Julie Livingston** seconded. Vote was unanimous to approve, 6-0.

Resolution - Third Moratorium - South End Business District. **Julie Livingston** made a motion to approve. **Barry Brown** seconded. Vote was unanimous to approve, 6-0.

Consideration of Bids, Contracts, Agreements and Expenditures

Marine Science Center: Pricing, Schedule, and Status. **Ms. Doyle** stated Matt West with West Construction was present and asked he approach Mayor and Council. **Matt West** approached Mayor and Council and made reference to the current packet before them this evening. Mr. West explained the process to date. He stated they are currently working on the Guaranteed Maximum Price 1 (GMP) which is specific to the foundation work. The overall project budget is also included in the packet, which includes the cost of the building, reflective of the foundation cost and the budgets for the balance of the building. This includes the civil construction, allowance for the recreational elements that are part of the exterior work, and contingency which will be adjusted as the project moves forward. The GMP 1 needs to be executed in order for West to move forward for the foundation work. Mr. Parks stated with the approval of Mayor and Council tonight, they are approving the \$4.7M and the GMP 1 for the foundation. Ms. Doyle confirmed. Mr. West stated he will come back before Mayor and Council once the actual costs are entered for the GMP 2. Mr. Parks stated he is trying to understand

the entire package as presented to Mayor and Council. Mayor Buelterman asked Mr. West the height of the bottom level as to the base flood elevation. The Civil Engineer on the project approached. He stated the base flood elevation is 11' and the ground floor is at 9'. The flood elevation is at 20'. Mr. West confirmed everything structurally, will be to Code as there are very strict standards. Mr. Parks expressed his concerns with keeping the name as the Tybee Island Marine Science Center and it not that of a contributor. **Cathy Sakas, Chair, Tybee Island Marine Science Foundation**, approached Mayor and Council. Ms. Sakas explained in the process of raising funds for exhibits and there is a possibility that they would have the name of a contributor but not the Center itself. It is their intent it remain the Tybee Island Marine Science Center. Mr. Parks confirmed there are no other funds for the construction other than the general fund. Ms. Doyle confirmed and is working toward an agreement with Chatham County for a Recreational Bond. A discussion ensued regarding moving forward with the funding process. Mayor Buelterman asked Dr. Gillen for status of the North Beach Traffic Study. Dr. Gillen responded stated the traffic counts have been completed and he is meeting with Mr. Stewart, City Engineer, to review data. Mayor Buelterman then asked for status of the replacement of the lost parking spaces. Dr. Gillen responded with the redesign of the plan, there is a 20 – 30 spot increase overall as it is the intent to open spaces in the green space area along Gullick. Mayor Buelterman asked Mr. Hughes to speak to the Recreational Authority and possible need to add more of a recreational element to the structure. Mr. Hughes responded there have been conversations that have resulted in an addition of playground elements to the project. This would help in obtaining a Recreational Bond, hence a presentation has been scheduled with the Recreational Authority. He also stated the more recreational components there are, the easier for the Authority Board to authorize the Bond. Mayor Buelterman asked Mr. West how long he can hold the GMP 1. Mr. West responded as the foundation package has steel, the longer the City waits, the higher risk you have of it costing more money. **Wanda Doyle** made a motion to accept the GMP for \$4.875M and give Mr. Hughes permission to do the Notice to Proceed. **Monty Parks** seconded. **Discussion:** **Mayor Buelterman** stated for the record, he has expressed his concerns and Dr. Gillen has assured him, if the Hotel/Motel increase is defeated, there is sufficient funds to pay for the construction. Dr. Gillen stated he is confident there will be funding available if the Bond is not approved. Mayor Buelterman stated he would like assurance that if the Hotel/Motel does not go through, Mayor and Council will support the Theater. Ms. Session and Ms. Doyle confirmed. Vote was unanimous to approve, 6-0.

Enterprise Lease Agreement. NO ACTION TAKEN

Council, Officials and City Attorney Considerations and Comments

Dr. Gillen approached Mayor and Council to give an **Update - Goals and Action Item List**. Mayor Buelterman asked for an update on the Highway 80 Median. Dr. Gillen stated the RFP is out and bids are due soon. Construction should begin immediately thereafter.

Dr. Gillen gave an update on the **High Volume Event Protocols**. In his presentation he outlined the work of the Concerned Citizens Group and the representatives of the City. As a result, in the interest of public safety, an objective criteria for assessing different kinds of events and when special protocols might be implemented. Dr. Gillen stated he met with Chief Bryson and Mr. Ryerson to determine the times there were high volumes of traffic on the Island. After review data, there are three (3) events that stand out: (1) St Patrick's Day Parade (Savannah); (2) Orange Crush; and (3) 4th of July. He further explained the influx of traffic as well as police calls for the referenced events. Dr. Gillen went on to explain traffic control recommendations to ensure public safety. This included Park of Seven Flags becoming a turnabout; Tybrisa will be closed; side streets along Butler and at Park of Seven Flags will be

closed; once parking lots filled – to be closed; and drivers must find parking and if not, must go off the Island or get back in line at Lazaretto Bridge. Mayor pro tem Brown asked about the placement of barricades. Dr. Gillen stated there would be barricades up and down Butler Avenue on the busiest of the day and around to Lewis. He then described the types of barricades, placement thereof, and possible parking space locations. Reader boards would also be used to assist beach goers in locating available parking. Dr. Gillen stated he is sending a clear message to everyone the City does not tolerate driving and drinking. Mayor Buelterman asked Dr. Gillen to notify the public of the impending protocol as well as a press release. Dr. Gillen confirmed. Also, there will be a Mobile Command Unit set up at the Tybrisa Round-a-Bout and license plate readers will be at Lazaretto Creek Bridge and the Tybee Island Police Department will have mobile readers. Dr. Gillen is also recommending the purchase of French Barricades, cones and Jersey Barricades. He will have a budget for Mayor and Council for their review. Ms. Doyle recommended using the French Barricades as opposed to the Jersey Barricades due to cost. Dr. Gillen stated with recommended surge pricing for parking, funds would be available for the needed barricades. Dr. Gillen then showed a slide for surge pricing for parking for specific weekends and the increased revenue. Ms. Doyle stated the Public Safety Committee voted unanimously to approve Dr. Gillen's Protocols earlier in the day at their meeting. Mayor Buelterman expressed his concerns with the surge pricing and recommended only three weekends. Mr. Parks asked Dr. Gillen to speak to the issue of surge parking prices separate from that of barricades. Dr. Gillen confirmed. Dr. Gillen responded he does not have a budget and needs revenue for the barricades. Mr. Parks recommended using fund balance until discussions can be held. He stated this is the work of the Concerned Citizen Group and the work of the representatives from the City and the biggest concern is traffic flow. Mayor Buelterman confirmed. **Wanda Doyle** made a motion to approve High Volume Event Protocols and to include two weekends, Memorial Day and 4th of July for surge pricing as it relates to parking. **John Branigin** seconded. Vote was unanimous to approve, 6-0.

Dr. Gillen gave an update on the **Memorial Park Ad Hoc Committee**. **Dr. Gillen** stated the members of the Committees objectives were to review all past plans for Memorial Park, develop a new plan for Memorial Park and develop concepts for new government facilities with the planned layout of the park. They were also asked to develop a conceptual plan for Memorial Park that takes these past plans into account and bring a cohesiveness and uniformity to the layout of Memorial Park. Lastly, they were tasked to develop a concept for govern facilities expansion and upgrade within the Memorial Park campus. Dr. Gillen continued to expound on changes to the Tybee Island Fire Station, City Hall and annex building for City employees, and expansion of YMCA facilities. Mayor Buelterman recommended building the annex rather than remodeling space at the Old School Building. Dr. Gillen confirmed. Ms. Sessions asked if Dr. Gillen had spoken to staff for their needs. Dr. Gillen stated yes. Mayor Buelterman asked Dr. Gillen to contact John Hart at the County to get clarification of the use of SPLOST funds for the building of the annex. Mr. Hughes stated he would contact Mr. Hart. Mayor Buelterman thanked Dr. Gillen for his presentation. **Julie Livingston** made a motion to approve the conceptual plan and finalize and accept the work of the Memorial Park Ad Hoc Committee. **John Branigin** seconded. Vote was unanimous to approve.

Monty Parks made a motion to adjourn. **John Branigin** seconded. Vote was unanimous, 6-0.

Meeting adjourned at 10:15PM.

Janet R. LeViner, CMC
Clerk

Jason Buelterman
Mayor