

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

Mayor Buelterman called the consent agenda to order at 6:30PM on January 10, 2019. Those present were Monty Parks, John Branigin, Wanda Doyle, and Shirley Sessions. Also in attendance were Edward Hughes, City Attorney; George Shaw, Director, Community Development; and Janet LeViner, Clerk of Council. Barry Brown and Julie Livingston were excused due to traveling and illness.

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

- Proclamation - Arbor Day
- Proclamation - Official Flower of Tybee Island, Zinnia. **Mayor Buelterman** read the Proclamation and thanked all those who were instrumental in this endeavor.
- Proclamation - School Choice Week, January 20 - 26, 2019
- Minutes, December 13, 2018
- Minutes, Special Meeting, December 18, 2018
- Alcohol License Request - Critz Tybee Run Fest, February 1 and 2, 2019
- Out-of-state travel being requested for the Development Authority/Main Street Executive Director to attend the annual National Main Street Conference being held in Seattle, Washington March 25 – 27, 2019.
- 2019-01 Resolution – Registrar for the City
- Superintendent of Elections
- Request City Council approve a change order to the contract with Thompson Engineering to perform a building assessment for additional buildings.
- The Highway 80 Median Project bid process has been completed. There was only one bidder, The Greenery that submitted a bid. The council action requested is approval of only the base bid of \$213,244.82, and the irrigation system with a bid of \$52,582.40. The total allocated for this project in the budget is \$260,000. The landscape architect is current working with the bidder to lower the cost of the plantings to bring the total cost within budget. The budget line item number is 100-6230-54-1400.
- Solar Panel Project Loan Application
- COLA Pay Increase of 3% for Staff

**Monty Parks** made a motion to adjourn to executive session to discuss litigation and real estate. **Wanda Doyle** seconded. Vote was unanimous, 4-0.

**Wanda Doyle** made a motion to adjourn to regular session. **Shirley Sessions** seconded. Vote was unanimous, 4-0.

**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
- Posting of Colors and Pledge of Allegiance – American Legion Post 154

- Invocation – Pastor David Laughner, Chapel by the Sea
- In Memorial – Those residents who passed away during the year 2018 were recognized.

**Chief Robert Bryson** asked the following staff members to approach and be recognized as they have recently been promoted.

- **To Sergeant:**
  - Richie Dascall
  - TJ LeGuin
  - Skylar Strickland
  - Chris White
- **To Major:**
  - Joel Fobes

Mayor and Council thanked everyone for their dedication to the citizens and visitors of Tybee Island.

**Mayor Buelterman** stated the Clerk distributed ballots for consideration for the **Planning Commission** vacancies.

- Gary L. Dennis, PhD
- David McNaughton (re-appointment)
- Charles Matlock (re-appointment)
- Alan Robertson (re-appointment)

**Open vote was taken** (attached). **David McNaughton, Charles Matlock and Alan Robertson** were re-appointed and will be sworn in at the February 2019 Planning Commission Meeting.

**Tybee Island Youth Council Swearing in Ceremony.** **Mayor Buelterman** administered the Oath the Tybee Island Youth Council Class of 2019. Ms. Chloe Flynn, Liaison to Mayor and Council approached and gave an update on the activities of the Tybee Island Youth Council.

**Carolyn Jurick** and **Pat Roister** approached Mayor and Council to give an update on the **Tybee Island Maritime Academy**. Ms. Jurick thanked Mayor, Council and the City of Tybee Island for everything they do for the Maritime Academy. She stated the Maritime Academy is a model for many people on how communities should work with the School. Ms. Jurick stated on February 19, 2019 Michael Patrick O’Neil will be visiting the Academy displaying his photographs to the students and then moving to the Tybee Island Library to meet with the public. She then recognized Pat Roister as he is retiring at the end of the school year. He stated there are 298 students enrolled in the Academy which is almost capacity. Mr. Roister announced the Maritime Academy was recently awarded the Silver Award in the Greatest Gains category by the Governor of the State of Georgia. TIMA is also being considered for Charter School of the Year. He thanked everyone for their continued support.

**Ben Goggins** approached Mayor and Council to speak to the designation of the Zinnia as the flower of Tybee Island. He read from a prepared statement (attached) expressing his appreciation for Jan Will’s work regarding obtaining this designation.

**Susan Estroff, 716 Jones Avenue**, approached Mayor and Council. Ms. Estroff stated she is speaking on behalf of the Historic Preservation Commission and asked Mayor and Council's support the second reading of 2019-01, South-end Business Overlay District. She thanked Mayor and Council for upholding the height ordinance recently and asked they vote in the affirmative this evening (attached). Mayor Buelterman thanked Ms. Estroff.

**Sarah Jones, Historical Society**, approached Mayor and Council to speak in favor of the South-end Business Overlay District text amendment. Ms. Jones stated the Historical Society is in favor of this Amendment and hope it is the first step of many towards protecting Tybee's historical structures. Mayor Buelterman thanked Ms. Jones for her comments.

**Jane Koslick** approached Mayor and Council to thank them for their vision to pass the South-end Business Overlay District ordinance on first reading and encouraged them to pass on second reading. Mayor Buelterman thanked Ms. Koslick for everything she does for the Island.

**Monty Parks** made a motion to approve the consent agenda. **Wanda Doyle** seconded. Vote was unanimous, 4-0.

### **Public Hearings**

**Intergovernmental Agreement - Chatham County Recreational Authority. Mr. Hughes** stated this is a requirement in connection with the process of having the Recreational Authority issue a bond. There will be additional advertisements regarding the Recreational Authority intention to issue the Bond for the Marine Science Center. The law requires this public hearing be conducted stating the local government will be entering an Intergovernmental Agreement with the Recreational Authority. A vote is not required but as this is a public hearing, those who wish to speak will be given the opportunity. Ms. Session spoke in favor of the Marine Science Center as it will be a positive addition to the City. Ms. Doyle stated the Marine Science Center is a recreational and educational facility and a very important part of our community. Mayor Buelterman stated this will be before the Chatham Country Recreational Authority on February 14, 2019 for a vote. **NO VOTE NECESSARY.**

**Zoning Variance: consideration of setback encroachment - 701 Butler Avenue – Zone R-2 - 4-0005-19-009 – Lynn Moody. Mr. Shaw** stated the petition will be withdrawn as the petitioner was not able to attend the Public Hearing. **Withdrawn will be heard Feb 14, 2019 meeting.**

**Minor Subdivision: separating one lot to make two single-family lots - 1809 Chatham Avenue – Zone R-2 - 4-0009-13-009 – Kelley B. Parker. Mr. Shaw** approached Mayor and Council. Mr. Shaw stated Ms. Parker purchased the property and would like to subdivide the property. Staff and the Planning Commission

recommend approval unanimously. **Wanda Doyle** made a motion to approve. **Monty Parks** seconded. Vote was unanimous to approve, 4-0.

**Site plan approval consideration of a new Restaurant-1601 Inlet Ave. Zone CI/SE 4-0008-17-003 Joshua Navon.** **Mr. Shaw** approached Mayor and Council. He stated this is a site plan application for a restaurant at 1601 Inlet which was the old post office. Mr. Shaw continued, by the letter of the law, this request meets the minimum site plan requirements and Staff does not think this is a good site plan as they have removed all the potential parking in the rear of the building and there is no buffering. He also stated there are concerns with the elevated deck adjacent to a neighborhood. Staff did not recommend approval and Planning Commission recommended denial, 5-1. Mayor Buelterman read a letter from John and Gail Pomeroy, 1601 Lovell, requesting Mayor and Council deny the site plan request. Ms. Doyle stated she has concerns as was there communication between Staff and the petitioner regarding requirements and concerns. This is a by right use in the C-1 District and there are ordinances regarding noise, buffering and parking. She asked if Staff met with the petitioner to discuss the site plans as it was their determination it was not a good submission. Mr. Shaw responded he did meet with the architect twice prior to the submittal of the site plan. He continued, at the first meeting they had construction plans completed prior to discussing a site plan. Mr. Shaw discussed his concerns with the architect and they did not make any real changes. He stated there are no plantings on the property which causes all the run-off to go to the back of the Island. There is also serious parking issues as the rear of the building now has decking where parking was. He would have liked for them to make some accommodations for the neighborhood. **Tom Mahoney**, Attorney, for the petitioner approached Mayor and Council. Mr. Mahoney stated Mr. Navon is currently a business owner and is wishing to build an upscale seafood restaurant. Mr. Mahoney then introduced Robert Poticny, Greenline Architecture. Mr. Mahoney did a presentation showing the property is zoned C-1 on The Strand, functions as the traditional Main Street of Tybee Island and contains mixed uses. The proposed restaurant is a permitted use, appropriate use and the most appropriate use for the site. Mr. Mahoney continued, they are not asking for any variances and are in compliance with all Tybee Island Code requirements. He explained the space is vacant commercial space and with the restaurant it will be an aesthetic improvement to the community. Mr. Mahoney made reference to the size of the building which is less than 2,000 sq ft which allows the petitioner to fit the proposed business into the City of Tybee Code exemption from off-street parking. The upstairs will be an additional 2,000 sq ft of restaurant seating. Mr. Parks asked if a site analysis has been completed. Mr. Poticny stated he is charged with determining the square footage of the building which is what the Code requires, not the roof. Mr. Parks stated that any time a commercial property backs up to a residential he has concerns. He would like a vegetative buffer on the rear side which would lend to some sort of beauty to the area and that would give the residents some protection from noise. Mr. Mahoney responded there is a vegetative buffer provision that the petitioner could comply with in the Code and a fence could be placed along the neighboring road on the rear of the property, 8' tall with a vegetative buffer associated with that and they will be happy to work with the City. Mr. Parks stated he is also concerned about lighting. It

would not need to spill over and create a problem for the residents behind the restaurant. Mr. Poticny responded they are sensitive to his concerns and can provide cut-off fixtures. Mr. Parks then asked how loud the music will be on the upper deck. Mr. Mahoney responded it will be dinner music, soft music, amplified, for people eating dinner. They will also comply with the noise ordinance. Mr. Hughes stated this is Site Plan Review and Mayor and Council have a Code section which deals with site plan and buffer, Sec 3-160, that converts Site Plan Review to Special Review under sub-section (C), where an existing use is being expanded, you can either elect to decree a street as part of a buffer or as a buffer or Mayor and Council can impose additional buffering requirements. In his opinion, Mayor and Council can impose restrictions. Ms. Doyle asked if the hours of operation have been set. Mr. Mahoney responded he does not believe the hours of operation have been determined. They will comply with the Noise Ordinance and he does not feel music will be a problem. Mr. Parks stated he hopes the restaurant not to be complaint driven business and is asking the petitioner to consider the noise. Mr. Mahoney confirmed. Mr. Branigin asked Mr. Hughes if Mayor and Council can stipulate that there shall not be live entertainment and the music for the diners will be of a commercial service. In this way there is control over the volume. Ms. Sessions stated her main concern is the noise. She would ask, if this is approved, they be sensitive to the neighbors. Mr. Mahoney confirmed. Mr. Mahoney thanked Mayor and Council for their time and consideration of the request. **Mark Reed**, 1515 Lovell Avenue, approached Mayor and Council to speak on this request and would ask Mayor and Council deny as they do not support this request. There are three reasons: (1) noise; (2) trash; and (3) and water contamination. He presented a packet pointing out his concerns (attached). Mayor Buelterman thanked Mr. Reed for his comments and packet. Ms. Doyle stated the Public Safety Committee is currently reviewing the noise ordinance which hopefully should be before Mayor and Council for their consideration in March 2019. The City is also aware of storm water run-off as they are working with the Environmental Protection Department to ensure the City is in compliance. She also appreciates all the research Mr. Reed did and stated the City does everything they can to protect the residents and visitors. Mayor Buelterman thanked Mr. Reed for his comments and presentation. **Jeffery Gosner**, 1603 Lovell, approached Mayor and Council. He shared his concerns with building a "two story bar" which will be abutting a residential zone without any type of buffer. Mr. Gosner stated he believes he has the right to quiet enjoyment of his home and by erecting this "two story bar" they are infringing on his right. Mr. Parks responded to Mr. Gosner's concerns regarding buffers: with regards to the second floor buffer, Mayor and Council can impose restrictions. Mr. Parks asked Mr. Poticny to come forward to address the buffer. Mr. Mahoney stated there is a wall on the second floor directly behind the dining area which will act as a buffer. Mr. Gosner asked Mayor and Council to specify what types of wall/buffer that will be a part of the approval. The question of seating then was asked. Mr. Poticny stated there are approximately 30 seats inside the building on the ground floor and approximately 40 on the second floor to include the bar area. Mr. Gosner thanked Mayor and Council for addressing his concerns. Mayor Buelterman thanked Mr. Gosner. Mayor Buelterman closed the public hearing. **Monty Parks** made a motion for acceptance with a buffer requirement on two sides, one being the north side and one the west side as well as the buffer on the second deck on the west side. **Wanda**

**Doyle** seconded the motion. She asked if Mr. Parks would add to his motion reference to the lighting. Mr. Parks stated the lighting should not escape the boundary of the property and should not go out beyond the property. This would be part of the motion. Ms. Doyle stated she would accept that with her second. Mr. Shaw asked if this request passes, would Mr. Parks define buffer. Mr. Parks responded fencing and vegetative. Mayor Buelterman asked Mr. Shaw if the buffers were presented to the Planning Commission. Mr. Shaw stated they were not. Ms. Doyle made reference to Mayor and Council being able to place restrictions on approval where the Planning Commission does not have that ability. In that way the Planning Commission may deny a request where Mayor and Council will approve but with restrictions. Mr. Parks stated he is not placing anything in the motion regarding storm water run-off as he is aware of other businesses that are using the storm water drains as a place to wash things down. He complimented the Planning Commission for their hard work with this request. Mayor Buelterman reminded Mayor and Council they need to quantify exactly what is required with the buffer and lights and all the other issues, it creates problems going forward. Ms. Sessions recommended, if this request is approved, the Navon's be considerate of the adjoining residents. Ms. Doyle asked Mr. Hughes if Mayor and Council put any kind of restrictions on hours of operation. Mr. Hughes responded, Mayor and Council have placed restrictions on at least one business which related to hours of entertainment. Mr. Parks then added the restriction of no amplified music. Ms. Doyle accepted that with her second. Mr. Parks recommended the buffer be a combination of fence and vegetative. Mayor Buelterman reopened the Public Hearing. Mr. Poticny approached Mayor and Council to address the fence to the rear of the property. This will assist in sound deflection. He stated the fence on the second floor will be 6'. Mr. Parks responded the Code requires 8'. Mr. Poticny confirmed. **Keith Gay** approached Mayor and Council to speak on buffers as it is critical. Mayor Buelterman thanked Mr. Gay. **Mark Reed** approached Mayor and Council. He asked for a detail buffer to be included in the motion. He also asked that it be sent back to the Planning Commission for their recommendation. Mayor Buelterman closed the public hearing. He then asked Mr. Parks to restate his motion. **Monty Parks** made a motion to approve the site plan as presented with the addition of (1) a non-specified buffer to be worked with the City Attorney and Mr. Shaw, on the north and west side on the first floor; (2) on the west side on the 2<sup>nd</sup> floor; (3) provision for no amplified music on the second floor; and (4) lighting not escape the boundary of the property. **Wanda Doyle** seconded. Voting in favor were Monty Parks, John Branigin and Wanda Doyle. Voting against was Shirley Sessions. Motion to approved, 3-1.

**Zoning Variance: Consideration to cover existing deck that is in setback – 23 Atlantic Avenue – Zone C-1(C) – 4-0008-03-012 – Robert Glisson.** **George Shaw** approached Mayor and Council. Mr. Shaw stated Mr. Glisson has a building on Atlantic Avenue and the rear of the building does not meet the set-back requirements as it was approved several years ago. Mr. Glisson added to a non-conforming structure which went into the set-back. Staff recommended denial as well as Planning Commission voting 4-3 to deny. Ms. Doyle asked when the deck was constructed and was a permit pulled. Mr. Shaw stated Mr. Glisson would have to address that but a permit was not pulled for the addition of the roof. Ms. Doyle asked Mr. Hughes if there

is an ordinance addressing after-the-fact variances. Mr. Hughes confirmed there is an ordinance referring to Sec 5-090(f). He continued, granting a variance does not excuse the violation which in this case, building without a permit. Mr. Branigin asked if the roof is not extending any further than the existing deck in any direction. Mr. Shaw stated no. **Robert Glisson** approached Mayor and Council requesting a cover on 23 Atlantic Avenue. He gave a history of the building of the steps, picket fence and roof. He confirmed he did not get a permit for the roof and asked Mayor and Council to approve his request. Ms. Sessions complimented Mr. Glisson for his presentation. **John Branigin** made a motion to approve. **Wanda Doyle** seconded. Voting in favor were John Branigin and Wanda Doyle. Voting against were Monty Parks and Shirley Sessions. There being a tie, **Jason Buelterman** voting in the affirmative. Motion to approve, 3-2.

**Site Plan Approval: consideration of new building for pool restrooms -19 Silver Ave. -Zone C-1 -4-0008-06-015 -Walt Freeman. George Shaw** approached Mayor and Council. Mr. Shaw stated Mr. Freeman purchased the pool on Silver Avenue and was last owned and used for guests of the Carbo House. When the pool was purchased it was in horrible condition and has since been updated. He is now asking for consideration to add a bathroom building. The site plan is a vast improvement from what was there and Staff and Planning Commission are recommending approval unanimously. **Shirley Sessions** made a motion to approve. **Wanda Doyle** seconded. Vote was unanimous to approve, 4-0.

**Map & Text Amendment: consideration of zoning use change from RT To C-2 -Lot 68B Lewis Ave. -Zone RT -4-0003-06-002B -Julie A. Livingston. Mr. Hughes** stated it is his understanding this request has been withdrawn due to Ms. Livingston not feeling well. **WILL BE HEARD AT A FUTURE DATE.**

#### **Consideration of Bids, Contracts, Agreements and Expenditures**

**Agreement between COTI and LKS for a design guidelines manual per the approved and awarded Historic Preservation Fund Grant FY 2018. John Branigin** stated this is truly a pamphlet of guidelines. Mr. Shaw stated this is at no cost to the City as a grant was received. **Monty Parks** made a motion to approve. **Shirley Sessions** seconded. Vote was unanimous to approve, 4-0.

**Alan Robertson** approached Mayor and Council to give an update on the **Dune Remediation Project**. Mr. Robertson stated this is Phase I of the Dune Remediation Program which is building dunes between Tybrisa and 19<sup>th</sup> Street for which the City has a DNR permit. The dune was built at 19<sup>th</sup> Street as a part of this project. The low bid for the project is \$942,000 which was submitted by TIC. This is lower than the estimated budget. It is his recommendation to award the bid and move into a contract. Construction could start around January 22, 2019 and it is estimated to last between 30 and 45 days. He then explained the timeline where crossovers will be taken down and rebuilt as the dunes are constructed. The project encompasses a 20,000 cubic yard project which is the largest project anyone has done on the coast of Georgia short of a beach re-nourishment. Mr. Robertson stated the City has applied to the DNR for

permits to start on Phase II which are the four at grade crossovers: Center Street, 3<sup>rd</sup> Street, 2<sup>nd</sup> Street and Gullick. These are the access points that have no dunes. 3<sup>rd</sup> has been chosen as the vehicular crossover and will look like 19<sup>th</sup> Street. Mr. Robertson will be at the March 14<sup>th</sup> City Council meeting with a bid and looking for recommendations moving forward. Work is expected to begin on the week of March 25<sup>th</sup> and completed within two weeks. He continued, Phase III, the weakest part of the Island from Center Street to East Gate, we are working closely with the Corps of Engineers. In this area dunes are not growing and fencing is not working. There will be a series of public information meetings the first being Monday, January 14, 2019. Mr. Robertson explained the estimated budget for dunes. It is estimated \$1.2M for Phase I and the bids came in at \$940,000; \$870,000 for landscaping and that is on target; \$800,000 for the center and it is estimated it will come in at \$200,000 which means there will be funds available to build additional dunes. He believes the Corps of Engineers will re-nourish between November 2019 and April 2020. Ms. Sessions asked Mr. Robertson if the Tybee Critz Run will be affected by the work on the south-end. He responded he does not feel it will be. Ms. Sessions then asked Dr. Gillen if he has reached out to the organizers of the Critz Run if they have been notified of the construction. Dr. Gillen responded in the affirmative. **Chantel Morton** approached Mayor and Council. Ms. Morton stated the organizers were told the work on the beach was to take place after their event. She further explained there will be a meeting to update the organizers of the work on the south beach area. **Monty Parks** made a motion to approve the Contract to be awarded to the lowest responsive and responsible bidder. **John Branigin** seconded. Vote was unanimous to approve, 4-0.

**Enterprise Leasing Agreement.** **Dr. Gillen** approached Mayor and Council. He distributed the proposal from Enterprise Leasing which include the full equipment pricing, \$126,000 per year for the life of the lease. Other leasing companies were contacted and none were found which could provide the equipment as needed. He is requesting one of two options: (1) Lease all vehicles and bring back a budget amendment or (2) move forward with just the squad cars, 11 vehicles, and come back with a budget amendment and lease the remaining in February. Mayor Buelterman asked Dr. Gillen what he recommended. Ms. Doyle stated it is the recommendation of the Public Safety Committee to move forward with the squad cars. **Wanda Doyle** made a motion to approve moving forward on the 11 vehicles and come back with budget amendment to purchase remaining. **Monty Parks** seconded. Vote was unanimous to approve, 4-0.

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

**2019-01, Second Reading, Section 4-050 Zoning Districts (O), South-end Business Overlay District.** **Shirley Sessions** made a motion to approve. **Wanda Doyle** seconded. **Discussion:** Mr. Parks stated he is not happy with the ordinance as written due to the 50% demolition as it is too lenient. Vote was unanimous to approve, 4-0.

**Monty Parks** made a motion to adjourn. **John Branigin** seconded. Vote was unanimous, 4-0.



Meeting adjourned at 9:45PM.

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Janet R. LeViner, CMC  
City Clerk

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Jason Buelterman, Mayor