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MINUTES

**Planning Commission Meeting
February 18, 2014 – 7:00 p.m.**

Mayor Jason Buelterman called the February 18, 2014, Tybee Island Planning Commission meeting to order. Commissioners present were Marianne Bramble, David McNaughton, John Major, Tyler Marion, Demery Bishop, Julie Livingston, and Tom Borkowski.

The Planning Commission Oath was administered by Mayor Jason Buelterman to Demery Bishop, Tom Borkowski, Julie Livingston, and John Major for their two-year term.

Tyler Marion was elected as Chair and Demery Bishop as Vice Chair. Vote was unanimous.

Mr. Marion – The first order of business is the minutes of the January 21, 2014, meeting. Do I have any discussion? [There was none.] Do I have a motion? [Demery Bishop made a motion to approve as written; Tom Borkowski seconded.] All those in favor please signify. [The vote was unanimous.]

Mr. Marion – Do we have any recusals or disclosures? [There were none.]

Text Amendment – Sections 14-030 & 14-050 – Historic Preservation

Ms. Otto – This is a Text Amendment to Article 14, Historic Preservation. Proposed are two additions, one to Section 14-030 and the other to 14-050. This item was on your agenda at the last meeting and was continued to this evening when someone from the Historic Preservation Commission could be here to answer your questions. There is someone here tonight to assist you.

Chantel Morton came forward and introduced herself. I am the Main Street Coordinator for the City of Tybee Island. I am also appointed staff person to the Historic Preservation Commission. With the Certified Local Government application that was submitted by the City, I was appointed and approved by City Council to serve as the staff person once the City does become a Certified Local Government. With me I have Sarah Jones who is the new Executive Director of the Historical Society to address your questions. With the changes you have before you, Section 14-030(D) is being added because it is a requirement under federal law with the Certified Local Government program and the same on the additions for Section 5-050(P).

Mr. Major – It says to employ persons, does that mean employees that are hired or to employ their services? Would they be employees of Tybee Island?

Ms. Morton – Yes, the language does say to employ a person and it is mainly to ensure that the Certified Local Government requirements and Historic Preservation needs are met. That is one thing that the City Attorney, when he spoke with Leigh Burns who works for DNR in the Historic Preservation division as the Certified Local Government Coordinator, that is one of their requirements at the federal level. It is also something that when he talked with her he

did make sure it was included that it would be authorized by Council first. That has been run through the DNR legal department.

Mr. Major – This person would be a Tybee employee with all the benefits and everything?

Ms. Morton – That would be determined if the Historic Preservation Commission were to need an employee. As of now, being the Main Street Coordinator, I would serve as that staff person mainly for the ordinance itself. The proposed wording protects that long-term relationship between the Council and the Historic Preservation Commission for historic preservation on the island.

Mr. Marion – Do we have anyone from the public that would like to speak to this? [There were none.] At this time I will close the public hearing.

Mr. Borkowski – If we could clarify, *“The Commission shall be authorized to employ persons if necessary to carry out the responsibility of the Commission.”* I’m having a little difficulty understanding the sentence itself. It is confusing to me.

Mr. Marion – Dianne, do you have any recommendations as far as any other word choices that may be acceptable?

Ms. Otto – I do not. Chantel would be the person that may be able to address that. I was not involved in the development of this proposed change.

Mr. Marion – I will reopen the public hearing. Ms. Morton, if you could step forward and answer a question.

Mr. Borkowski – I’m having difficulty understanding exactly what this means. It is a subparagraph, *“The powers shall be authorized to employ persons to carry out the responsibilities of the Commission but only after receiving approval from the Tybee Island City Council.”*

Ms. Morton – The feedback that the Historic Preservation division sent back based on the application that was submitted was from the ordinance that the City currently has with Historic Preservation. The changes that they require on the federal level reflect those changes as I mentioned earlier. Ms. Burns, who is the Certified Local Government Coordinator, spoke directly with the City Attorney and this wording was submitted by the City Attorney’s office. It has been run through the DNR legal department.

Ms. Marion – At this time I will close the public hearing. Tom, did that help out?

Mr. Borkowski – If it was legally checked out I guess it is okay with me.

Mr. Marion – Do we have any other comments or questions? [There were none.] Do I have a motion?

Mr. Major – I move to approve.

Mr. Bishop – Second.

Mr. Marion – I have a motion and a second to approve. All those in favor please signify. [Vote was unanimous.]

Variance – Reshma Shah Johnson – 5 Tenth Place

Ms. Otto – The applicant is here this evening to answer your questions. This proposal is to build a single-family dwelling at this location. Article 9 of the Land Development Code requires two means of egress from structures including single-family homes. This is an additional higher standard for Tybee. The International Residential Building code does not require a single-family to have two means of egress. The building plans, as originally submitted, showed one step of stairs. The plan review caught that and referenced back to the architect that this was a Tybee requirement that two means of egress be provided. We did subsequently receive a revised plan that

showed a second means of egress being a spiral stair. That is what the permit will be based on and we have not yet released it from the office. We could issue a permit based on those plans that are currently provided. The applicant chose not to have the spiral staircase and instead have a Variance granted from that code section. In your packet are a number of items related to the site including floor plans. The one on the screen [referring to PowerPoint] now shows in red the one staircase provided and it shows in pink the location of the proposed spiral staircase to meet the two means of egress that is required. This is a plan to build two living spaces above ground floor parking. What would be the second living space above the second floor, there is one means of egress down to the first floor and that is not a violation of the code. We only require two means out of the house to the ground which is accomplished by the addition of the spiral on the first floor. In your packet is a proposal by the applicant rather than provide the second means of egress to install a sprinkler system in the home. There are a couple of diagrams provided by the applicant to show what would be accomplished by using a sprinkler.

Mr. Marion – The spiral staircase is on a screened porch on the outside of the house, correct?

Ms. Otto – This area here [referring to PowerPoint] is a porch. There are a couple of accesses out of the dwelling space to the porch with the stairs going down but I don't recall if it was screened.

Mr. Marion – If this is granted, for what they want to achieve, that would go away and the sprinkler system would be installed in place of that, correct?

Ms. Otto – That is their intent.

Mr. Major – The lot is about 4,600 square feet, is that right?

Ms. Otto – It is. There is a large section in the rear yard that is encumbered by a drainage basin that services a number of lots. I have not consulted my dimensions.

Mr. Major – Forty-five hundred is the required lot size?

Ms. Otto – It is 4,685 square feet; it meets the minimum lot size for that zone.

Mr. Major – If I recall, this came up before for a Variance on the same property. After a lot of discussion about whether or not the pond made this a hardship based on topographical as to whether or not that was a unique circumstance. I think the Planning Commission decided 4-2 that it did not and the Council approved the Variance for the cantilevered second and third floors. Do you remember what they said the hardship was?

Ms. Otto – I do not recall.

Mr. Major – In the application letter where it asks for the hardship it refers to a narrative attached and I didn't see it in there.

Ms. Otto – For this request tonight?

Mr. Major – I didn't see where they talked about hardship.

Ms. Otto – When the applicant comes forward we can ask her that question.

Ms. Bramble – I remember they wanted to increase the living space area. There was a lot of discussion about the ability of firefighters being able to get down the lane and traffic in and out of the road.

Mr. Marion – Aesthetics played a big portion of the desire to want the second and third story development. Is there anyone from the public that would like to speak to this?

Reshma Shah Johnson came forward and introduced herself. I am the architect for Mr. and Mrs. Howard Levy who are the homeowners and lot owners of the property. We are requesting the Variance as a consideration for an alternative to the required means of egress. We are suggesting the use of a residential fire sprinkler system which would essentially protect a greater portion of the home and its residents in the case of evacuation more

than just the second means of egress. Considering that the residential sprinkler would also help protect the second floor means of egress in addition to the first floor means of egress.

Mr. Major – As I understand the reason you would rather have the sprinkler system than the spiral staircase is not so much the cost or a financial issue but it is just for the convenience or comfort of not having a spiral staircase going down from the porch.

Ms. Johnson – That is true. In addition, we also find that there is also some value to a residential sprinkler system in terms of protecting the inhabitants on the second floor as a means of egress as well. We think it is a better solution.

Mr. Major – I'm just trying to make it work with our ordinance that says very specific things.

Mr. McNaughton – The red is the planned egress from the second floor [referring to PowerPoint]. The portion over here that sticks out, what is that on the first floor, is that a porch?

Ms. Johnson – This area right here is a screened porch on the first floor.

Mr. Marion – The screened porch is what has the spiral staircase that we're looking at.

Ms. Johnson – That is correct.

Mr. Bishop – I noticed in your letter to explain somewhat of a request for a substitution, you indicated that the primary purpose for this was by having the spiral staircase on the screen porch making much of the space unusable for dining. This is not distinctly within our hardship requirements by Land Development Code judging from the size of the porch. Secondly, I take exception to your wording that while a second means of egress allows escape for the building occupants. I find that to be extremely discerning to me because I think the escape and the preservation of life is important. I understand sprinklers can be used for that. The whole reason this section of our Land Development Code came up is because we had some issues previously with our Land Development Code, Variances, and side setbacks. When houses were rebuilt, people were actually injured after jumping out of second stories in houses without a second means of egress. I think to only allow escape for the building occupants is a very important part and certainly supersedes the fact of the screen porch making much of the space unusable for dining. I think that the safety of the occupants trumps the use of the screen porch. The actual sprinkling of the home, would that be on both levels?

Ms. Johnson – That would be on all three levels.

Mr. Bishop – Dianne, you said a second means of egress is not part of the International Building Code?

Ms. Otto – It is International Residential Code that oversees one- and two-family dwellings. The International Code does not require two means of egress from a single-family home. Tybee adopted that second means requirement which is a higher standard than the International Building Code requires.

Mr. Bishop – There are local municipal codes that have incorporated similar wording. California which specifically says, *"All buildings including private homes must have more than one form of exit."* The City of Chicago under their building code says, *"A minimum number of exits from the second floor of a single-family residence, two exits are required in order to preserve life and property."* The third entity, Northeast Document Conservation Center, specifically with regards to Introduction to Fire Protection Safety Alarm and Automatic Fire Sprinklers, *"Fire sprinklers are secondary to a second means of ingress/egress to effectively preserve life and limb."* Even though the International Residential Codes may not require it, other municipalities have and Tybee has followed in that respect. I think that enjoyment of a screened porch versus a second means of ingress/egress, based on our history with Variances previously given for the public safety and with the passage of our Land Development Code provision, certainly trumps this Variance.

Mr. Major – I think that recognizing the detention pond and the large portion of the lot it cuts off makes a sound argument for setback Variance. I don't think that applies to this at all. Even if you bought the topographical uniqueness argument I just don't think it is impacting; it is not a setback issue.

Mr. Marion – Are there other questions for the applicant? [There were none.] Is there anyone else that would like to address this?

Charles Williams came forward and introduced himself. I am a partner in the house at 4 Eleventh Street. My concern is not a house going on this lot but to ask you to table this because of concerns over stormwater retention. I'm glad to hear you are really concerned about 50% of the driveways. The stormwater retention pond that is on this lot was put there to drain the two lots in front of it and it doesn't work, it is not big enough. My house sits right behind this and floods because those two lots were built up. The water is supposed to go to the pond first but goes under my house until the water level rises enough for it to go to the pond. The pond is too small to hold most large rainfalls. For that reason I would like to ask you to postpone this until you can have an engineer or a designer make this retention pond work. If you put a house on this lot, it is going to make the problem even worse than it is now.

Mr. Major – Has this stormwater issue been brought to the City Council or staff before?

Mr. Williams – Not to my knowledge. I spoke with the developer of the property behind us when this was being done. The setback of the house directly behind us has a Variance and is set 5 feet from the property line. The roof overhang puts water in my back yard and we asked him to put gutters on. He said this causes long range problems and asked if he could try another solution and put a drain in my back yard which he did. He drained it to the pipe which runs from the parking lot between the two houses to the stormwater retention pond.

Mr. Marion – The item we are discussing tonight is specifically for the means of ingress/egress and their Variance. I appreciate what you are offering and if you could sum up so we can move back to the Variance issue.

Mr. Williams – We are not trying to stop them from building the house. We would like for them to fix the stormwater drainage retention so that it works for the lots around it the way it is supposed to drain. If you put the house there and allow this to go forward as it is, the pond is not big enough for what is there now. You cover up more dirt and it is not going to drain as well.

Mr. Marion – We can appreciate that.

Mary Ann Miller came forward and introduced herself. I live at 2 Eleventh Street. This has been a problem since the houses were first built. There were promises made but promises not kept. As a consequence we have suffered because they said this was supposed to work and it didn't. We realize that you are here tonight to discuss stairs; we are here tonight to bring it to your attention that this is an existing problem. You are our Planning Commission and we come to you to try and make our neighborhood what it should have been before these houses encroached on our property. We have to put boots on to walk in the back yard sometimes when we have a rain. I know we are going out from why you are here tonight but we would like for it to be on record that this is a problem and it is not a new problem. It is only going to be exacerbated by the fact that this horrible retention thing has 2 pipes, it is probably clogged, it has trash and it has growth. Is the new owner going to take the responsibility for cleaning it out which the old owner did not do? The City was supposed to look at it for the first 12 to 24 months but nothing has happened. As long as you are aware that we have a problem - that is why we are here tonight. We are not here not to be good neighbors.

Mr. Major – My original question a few minutes ago, has the problem that you are telling us about tonight, has staff or anybody in the City or City Council been made aware of this as a formal complaint or initiative?

Ms. Miller – The original issue was when these houses were being built, it was addressed then. I don't know that anybody has been there to inspect if from the City.

Mr. Major – This isn't a new proposal, the Variance was granted quite a while ago.

Ms. Miller – We have drainage now. We don't have just water in that retention area. While it has been a minor problem now, it is going to be a major problem once the house is built.

Mr. Major – Will the owner be required to submit a drainage plan?

Ms. Otto – We have received the drainage plan that was required. We have not issued the permit yet and don't know that we have fully approved the drainage plan but we are in the final stages of it. This resident did visit me this afternoon and brought to my attention her concerns about drainage. As I expressed, I don't feel they are related to this Variance but we would be happy to pull the records from the original drainage plan for this subdivided property and determine who is responsible for maintenance knowing it is not the City. It is within the owners to coordinate that but we will try to direct them on who is responsible. I doubt that it is this particular lot owner since it is common drainage. What would be typical is that all of those that are serviced by the drainage basin are responsible for maintenance of it. We can pull all the records outside of this egress question and attempt to address her concerns.

Mr. Major – Other than getting noted in the Planning Commission minutes for Variance request on something else, is there anything these people should be doing with you?

Ms. Otto – Their best approach, in my opinion, would be to schedule a meeting with staff so that we can have at this meeting these prior as-builts and they can see what the intent was for drainage. Also, with their permission, do a site visit and see what is causing that drainage plan not to function.

Mr. Marion – Ms. Miller, if you could facilitate that with staff, Dianne would be more than happy to help with that.

Ms. Miller - I'm sure we will. This was a problem to drain the two newer buildings that were built on Tenth Place. As a consequence, since it doesn't work, it now affects the houses on Eleventh Street. We didn't have any input. This was built for those two houses to drain there. We were doing fine on Eleventh Street until then.

Mr. McNaughton – Dianne, knowing how things can get lost in government, would it be proper procedure if instead of making a decision on this Variance, we continue this hearing pending some report back from the City on the drainage issue in that area?

Ms. Otto – In my opinion they are not related topics. I've provided in your packet and what you have on the screen is a 2007 drainage plan. This is not, evidently, a new concern if she is saying that it has been not functioning for that length of time. I would prefer that we work outside of this Variance request to determine why that has happened and again who is responsible for the maintenance which may not be occurring as required for the system. I don't feel that the applicant before you tonight has any reason to be held up based on a drainage issue for an entire subdivision.

Mr. Marion – I agree.

Bart Turner came forward and introduced himself. I represent some of the neighbors on Eleventh Street. Mr. McNaughton, I think you are right as far as what I hear on a drainage plan that is getting ready to be approved. At least see if we can table that plan until we look into it a little further. We would like to do this informal as Ms. Otto talked about. I will give you a little history. When 6 Eleventh Street was built, as part of building on that property, it was required to put this retention pond here. All the water from Tenth Place and Eleventh goes all the way towards the beach. The retention pond is used for these newer buildings. You can see lots C, B, and A has been built in the last five to ten years. You now have pavers and all that water comes straight down and into a very small space and there is not enough ground to soak it up. It is my understanding that 6 Eleventh Street had to purchase that lot and put that retention pond in. Now we have these new purchasers that are asking for the Variance that own the property where the retention pond is. The question is whose responsibility is it? There is a photograph of the retention pond, you can see that it is pretty much covered up and has very, very little value. I agree that we need to look into this before we go any further.

Mr. Marion – Thank you for coming up. Do we have anyone else that would like to come forward and speak on the Variance itself?

Chris Dailey came forward and introduced himself. The problem is not only with egress but also the lack of ingress. If there is a problem you will need firefighters and police to get in. If one of the areas is burned you can't get anyone in to help you; the water won't do you any good. We have had this same problem and we have a historical cottage and these newer places, because of the roofs and no gutters, just throw water into that area.

This is less area for it to disperse. Does this committee have the power to hold off on granting this until someone can go out there, look at it, and have a discussion?

Mr. Marion – Are you speaking specifics to ingress/egress or are you speaking to retention pond?

Mr. Dailey – For ingress/egress I talked about that first but I switched.

Mr. Marion – Can we switch back to ingress/egress. We don't want to hold up the applicant to any great degree. We are pleased you are here but specifically ingress/egress, we would like to keep it on task.

Ms. Otto – Depending on your decision this evening, this would, at the earliest, go to City Council on March 13th. I am very willing to meet with any and all concerned residents with the City's consulting engineer's input, the designer of the drainage plan for this location. We can all get together and see what isn't functioning.

Mr. Marion – I would very much appreciate that.

Ms. Otto – I think all of that could happen before this goes to Council on March 13th so they would feel more comfortable before Council considers this request.

Mr. Marion – At the risk of breaking from standard procedure, I would ask those in the audience that are here to talk specifically about the retention pond to take an opportunity to dialogue with Ms. Otto so we can do what she has recommended. We would greatly appreciate it. She will be able to facilitate answers and get things done. Do we have anybody else from the public that would like to comment on the particular issue of the ingress/egress? [There were none.] At this time I will close the public hearing and open this for discussion or a motion.

Ms. Bramble – Did Ms. Miller say the property has changed owners? Is this from the original plan that was submitted for the first Variance of the canopy; is it the same owners?

Ms. Otto – The Variance before you this evening is the same owners that had the property when the front setback Variance was requested. They are relatively new owners and were not owners back when the property's drainage plan had been approved.

Ms. Bramble – Was that a year ago?

Ms. Otto – The drainage plan is from 2007.

Mr. Marion – What we have seen in the past has occurred in the last 24 months, correct?

Ms. Otto – Yes.

Ms. Bramble – They have already come before us and asked for a Variance in the last year. We voted against that Variance but they were given a pass by Council. The way I look at this is the first time when it was strongly leaning towards the retention pond, drainage issues, and the canopy, they were still given a Variance. I don't think every time they change their mind of how it is going to be designed that they should be permitted a Variance for aesthetics. With that being said I would like to make a motion to deny this Variance.

Ms. Livingston – I'm reading the standards for a Variance and we go into this unique physical circumstances or conditions beyond that of surrounding properties. I honestly believe it fits that. I believe the topography does fit that. This retention pond would make that a unique circumstance. When we jump down to physical circumstances, the property cannot be developed in strict conformity with the provisions of the Land Development Code without undue hardship to family. I have to agree with Demery when he says reducing the size of the dining space doesn't fall as an undue hardship.

Mr. Borkowski – I agree also and to me the safety factor is the most important. I think you came up with good research for California, Chicago, and a number of other places. I think we should err on the side of occupant safety.

Mr. Marion – We have a motion on the table.

Mr. Bishop – Second.

Mr. Marion – We have a motion to deny with a second. All those in favor, please signify. [Vote was unanimous.]

Map & Text Amendments – Sections 4-020 & 13-016 – District Boundaries and Zoning Map

Ms. Otto – This item was considered by the Planning Commission last November and was approved. It moved to City Council but because of the timing for it to go to Council in December for First Reading and have a Second Reading in January, it was determined by the City Attorney that it be held so there wasn't one sitting Council voting at First Reading and a different Council voting on the Second Reading. In the meantime, the Text Amendment portion has been tweaked by the City Attorney so that proper adoption of the proposed map won't be under question on how it reads. In your packets are proposed Text Amendments to Section 4-020 to add the language necessary to make this adoption of the map. It also requires a Text Amendment to Section 13-016 for the Map Amendment. In the room are the current Zoning Map and the proposed Zoning Map. These have been made available to the public over the last several weeks for any input. I have not had much conversation with anyone about it. This is an open process if there is anybody that has questions. This proposed change is clearly to go to a new, hopefully more clear and detailed Zoning Map. No parcel rezonings are proposed by this change. It is strictly adoption of a revised look to our Zoning Map.

Mr. Bishop – In going through this, I don't have a 13-015 in the Land Development Code.

Ms. Otto – It is pending. Section 13-015 was the 7 lots in the North Wave area that had been considered and the outcome was that one of those lots was rezoned from C-2 to R-2; that is 13-015. It has not yet been posted to the Municode site or may not be in your updated Land Development Code.

Mr. Bishop – With regards to 4-020, the new language as I understand it will be "*and as amended and readopted on _____ 2014.*"

Ms. Otto – Yes, and the date that will be filled in will be the Second Reading before Council.

Mr. Bishop – The previous code doesn't have that. Is there a reason we are specifically putting that date as opposed to leaving it as is?

Ms. Otto – I relied heavily on our City Attorney's verbiage for this and there may have been a need to assure that we are adopting this very procedurally so it cannot be challenged that we have not handled this appropriately, advertised it appropriately, and adopted it correctly.

Mr. Bishop – That gives specificity to the date change and anytime it subsequently changes that date would change as well.

Ms. Otto – On the Zoning Map, yes.

Mr. Marion – Is there anyone from the public that would like to speak to this? [There were none.] At this time I will close the public hearing. Do we have further discussion or a motion?

Mr. Bishop – I make a motion to approve.

Mr. Borkowski – Second.

Mr. Marion – I have a motion to approve and a second. All those in favor please signify. [Vote was unanimous.]

Text Amendment – Wind Ordinance for Wind Energy Facilities

Ms. Otto – This was before you at the meeting last month. It was discussed because we were looking at a model from the Georgia Wind Working Group. It was requested that staff Tybeeize that version. What has been removed are some of the references where it talked about industrial and agricultural zones. Clarity has been

given to the permit procedures which would require, as stated in 7A, *"In all zoning districts site plan approval and the granting of special review shall be required."* This is for any wind powered energy apparatus to go through before it could be issued a building permit and be constructed.

Mr. McNaughton – This would apply to all zoning districts that Site Plan Approval and Special Review would be required. We don't mention specifically, and I can't envision these popping up at homes, but I think it would be prudent if we had a paragraph restricting where they can be placed. I don't think we want wind turbines in people's front yards.

Mr. Marion – David, can you tell us what section it is?

Mr. McNaughton – We don't specifically refer to restrictions where you put it in a residential area. Given the setbacks, there are very few places on the island you could put a commercial one. Frankly, I think solar is a much better option than wind turbines but if we are going to do this I think we ought to have a restriction saying Section 4 and then add paragraph (D) *"No residential wind turbine shall be located in the front or the sides of a property."*

Mr. Bishop – Dianne, for my own clarification, we are tasked tonight with recommending the Wind Energy Facility ordinance. Approving that and referring that to Council for consideration, is that correct?

Ms. Otto – What is before you is this proposed ordinance. Your possible actions on it would be to approve, deny, or continue.

Mr. Bishop – If we approve it, what would be the next step?

Ms. Otto – It would move to City Council on March 13th for their consideration.

Mr. Bishop – I have a number of questions prior to my personal recommendation to Council. I have so many questions I don't want to have a repeat of the similar situation with the Affordable Care Act where we passed something and we don't understand it. Under the definitions section where it says, *"Applicant is the person or entity."* Anyone could make this application for a wind energy facility ordinance, we don't define who, it could be government or private entity, correct?

Ms. Otto – Yes.

Mr. Bishop – Under B, "Environmental Asset," is a detailed examination of the applicant's proposal and it goes on to the emphasis on avoiding, minimizing, and mitigating - who decides this impact? How is that determined?

Ms. Otto – In my opinion, because all of these would be considered under Site Plan Approval and Special Review, it would ultimately be the Planning Commission and City Council.

Mr. Bishop – To me, the type of activity with the research I've done, does entail some degree of professionalism and some degree of expertise. There are so many things when you look at the requirements. If a wind energy facility exceeds a specific height, it must be lit to comply with FAA requirements. Those types of things have to be known and that has been brought out in several discussions. I know there are a lot of wind power myths and facts and there have been numerous studies on wind farms in the United States and I read some in the United Kingdom and Denmark. There were studies done by people who are much more learned and scholarly than I am. The Department of Economics and Natural Resources and Public Economies, they found a lot of negativity to wind renewable resource type structures. I guess with that type of background to recommend something that I'm unsure of so Council can move forward on, gives me somewhat of a pause to do so. I like renewable energy whether it is wind, or as David said, solar, and how it is going to be used. One of the things pointed out in our own Department of Energy standards for Georgia is that it is recommended that at a minimum, utility scaled land based wind turbines that are onshore are typically installed between 80 and 100 meters high, one foot is .034 meters. The tower that we are looking at now is 120 feet. If you expound on that, that gives you basically a 36.4 meter tower that does not even meet current Department of Energy standards of 80 to 100 meters high for effectiveness and efficiency. These are the types of things that, I think, we as the Planning Commission need to

consider, and Council needs to consider, with the appropriate expertise before we go forward with recommending an ordinance.

Mr. Marion – In the ordinance we talk about installation, permits, sanctions, decommissioning, however we don't specifically identify a requirement of any kind of measureable maintenance to reassure safety throughout the life of any wind turbine. Is there anything you came across in your research that highlights any commentary from those subject matter experts specific to cost factors in maintenance whether they are small or large wind turbines?

Mr. Bishop – There was. In the study that was done for the Renewable Energy Foundation in 2012, this was a reference to the small wind farms in the United Kingdom and Denmark. One of the factors they found was after the first year, what they called "Age 1" of an onshore wind farm of small numbers, there was a substantial decline in production; it was producing about 24% of the power they had anticipated. At Age 10 it reduced it to 15% and at Age 15 it reduced it to 11%. One of the things I thought was interesting is that they could not fully assess the reduction in the overall power generated because, *"The study cannot be fully assessed using the data available because there were significant outages due to mechanical breakdowns that appeared to be a contributory factor and the out costs of maintenance of those small wind farms."* I think that answers your question to some degree.

Mr. Major – I have a couple of things as I was reading through this. The first are concerns about ongoing maintenance and who is responsible for it. In the case that somebody who would be responsible for it, should they go bankrupt or not be able to do what they agreed to do contractually and suddenly we are stuck with this thing. I would think we would address some kind of performance bonding or some type of guarantee by that person. The other is a practical question. If I want to put up a 120-foot wind turbine, do I need a height Variance?

Ms. Otto – Yes.

Mr. Major – I think if they are going through the Site Plan and Special Review, that specifically has to happen.

Mr. McNaughton – On the Variance issue, is there any way for a wind turbine to even meet the standard to qualify for a height Variance?

Mr. Marion – We are trailblazing with this particular item and essentially setting a standard once it is done.

Ms. Otto – If you recall at last months' meeting when Paul Wolff was here, he talked about smaller, residentially purposed turbines which would not require a height Variance. They do come in smaller versions. I appreciate your point and would want language inserted that would contemplate a wind turbine that exceeded our 35-foot height limit.

Mr. Marion – On page 3 of the ordinance, under Setback requirements at the bottom, it states, *"Turbine height restrictions are not included because they are determined during the public hearing approval process."*

Ms. Bramble – Is this proposed ordinance, does this have everything to do with the wind turbine that was proposed to the City?

Ms. Otto – Not everything to do with it. It would be applicable to that particular request but it would also apply to any other wind turbines be it the smaller residential uses that are out there or to have larger ones as well.

Ms. Bramble – The City couldn't go forward with a donation of a wind turbine without this ordinance, correct?

Ms. Otto – Without a version of it, I would agree with you. I think an up and down vote is going to be made at their next meeting on whether to pursue the donation. Before they could get permitting they would need to go through the Site Plan and Special Review process that this ordinance would require which would need to be in place before they could move forward with the project.

Mr. Borkowski – From my point of view, I don't think we have enough information to be writing an ordinance at this point. I think a lot more research needs to go into the issue. I would do a Google search on what the worst case scenario is of wind turbines and get information from countries or places that have gone through the process. You look at getting a \$275,000 wind turbine for free from this company but after getting this email from Bill Garbett, I'm always looking at the economic standpoint of it. If what he says is true, it doesn't look like a very good deal as far as economics are concerned. They are saving \$28,000 a year in power. I don't think we have enough knowledge at this point to do something like this. It looks like the issue was brought up about the reduction in power production as the years went by because of the outages and repairs. It could be catastrophic and end up costing the City a lot of more money than it was saving.

Mr. Marion – Dianne, what we have in front of us, essentially they want to have something to consider at the March 13th Council meeting. I don't feel comfortable sending it up. Could we delay this for another month but in doing so perhaps have a workshop to see if there is anything else that we need to cover so we can conclude this and get it off our plate?

Ms. Otto – That would be an option.

Mr. Bishop – I just want to comment on your suggestion. I'll go back to my questions for Council's purpose. I hope they will in fact review the minutes and some of the issues that we have raised here as a Planning Commission. This is the height of what we should be about as a body. We are planning for future aspects and I think Tom brought it up. We don't want to be sitting here years out with the public looking back and saying we told you so because it didn't work and you had capital outlay. The other side of the coin might be that it did work, it's great, and we saved a lot of money. I still have so many questions as a novice on wind energy facilities and other energy saving aspects such as solar and others that I don't feel comfortable until a number of the questions I raised tonight are answered. I'm not sure we possess, perhaps Mr. Wolff does, but I don't possess the necessary expertise to make a recommendation that we move an ordinance forward without being satisfied that we have some minimal degree of understanding. I think that is what you said. You mentioned a workshop, but I'm not sure we have the expertise even within Planning Commission and Council to answer all of our questions. That is my concern is to make an educated decision in passing an ordinance that is going to impact the citizens of Tybee.

Mr. Marion – I concur.

Ms. Bramble – I just want to put on record that I agree with you gentlemen, there is nothing now that can be said to convince me to move forward with this or, at this point, sending it to Council to move forward.

Ms. Otto – You can direct staff to seek a time and place for a workshop. I would like to reach out to someone that might have the expertise to come in and help us. I don't have any particular person in mind but my first inclination would be to approach the Wind Working Group that drafted the model as a possible source to answer questions about this topic.

Mr. Borkowski – You have all of these big wind farms in Palm Springs and places like that. They have a lot of experience with this stuff. The Wind Turbine Group from Georgia, do we have a lot of wind farms here that we know about?

Ms. Otto – I don't know.

Mr. Major – Tom mentioned the email that Bill Garbett has sent out to a number of different places. I thought it was well thought out and researched but it was a point counterpoint. Here is what they said and here is what my research says. If we have this workshop, I think it would really be useful if we could deal with the point counterpoint and see what is true. There are these issues about wind velocity, height, savings, cost, and maintenance, and I think a really good place to start is to determine who is right on all those very specific points.

Mr. Marion – I agree and if we can get a subject matter expert or somebody from a wind farm that would be more than willing to even do a conference call or if they have time to come and talk with us to let us pick their brain based on where we are and what we have been asked to do. Is there a date in mind now or do you want to email us at a later point in time?

Ms. Otto – I don't have a date in mind and I don't yet have who that possible person that could come and help us but I will follow up on this and get back with you.

Mr. Major – Could you make it before the March 13th meeting?

Mr. Marion – That would be my preference if we could do that.

Mr. Borkowski – I recommend that no action be taken on this donation until we have had the opportunity to research it and come up with further knowledge.

Ms. Otto – Do you want that recommendation in a format other than within the minutes received from this meeting?

Mr. Borkowski – I would like to make a motion.

Mr. Marion – My preference is we do the workshop but protocol procedure is if we have a motion on the table we need to recognize that motion.

Mr. Borkowski – I make a motion that no decision be made on the project for the wind turbine donation until such time as the Planning Commission has had an opportunity to have a workshop to investigate the ramifications or all of the factors involved in wind turbine operation and to draw up an ordinance for the City of Tybee Island.

Mr. Major – Second.

Mr. Marion – I have a motion and a second. All those in favor please signify. [Bramble, McNaughton, Major, Bishop, and Borkowski were in favor / Livingston was opposed.]

Text Amendment – Section 3-080 – Off-street Parking Requirements

Ms. Otto – This deals with the residential driveway requirements. At your chair this evening was an updated version from what you had been given in your packets last week. It is fundamentally the same with some clarity on language and inspection requirements. The item was discussed briefly at last Thursday's Council meeting. They are looking for this to come forward to them so they had asked for a little additional clarity and the City's consulting engineer, Downer Davis, also had some additional input. We are looking at the version with the date at the bottom of 2/18/2014. There are issues related to this that I think the engineer could better explain to you.

Mr. Downer Davis – As you look at the ordinance, key words in the first sentence are 'for water quality purposes.' Previous ordinances prior to a year ago focused on the entire 25-year storm. The City has, in consideration of the cost that people were putting into their driveways, and addressing the use of permeable materials was started around 2004. In 2008 we had a little more guidance come to us with the Coastal Stormwater Supplement [CSS]. It is used by us as a municipal separate stormwater system administrator to try to do things to improve the water quality of the waters we discharge into. With that, the City has determined they would try to meet the State's water quality goal of capturing 80% of the pollutants that leave our system. To do that, the State has determined that you do extended detention, which is holding and releasing the first 1.2 inches. It has been determined in the northern part of the State that retention of the first one inch is equivalent to that and we could meet the goal of the water quality by capturing 80% of the pollutants. We tried to come up with a newer ordinance. When you look at the ordinance, item A, the stone, is simply the base for item C, or a version of it. Item C is the permeable interlocking concrete pavers all the way down to the end at H, porous asphalt. Those are permeable materials but they are used when you address the full 25-year storm. We are trying to address the first one inch. The difference is the peak runoff during that final hour, where you capture that first one inch, is only .21 inches of rain. That is less than a quarter of an inch. If we were addressing the whole storm, which we did in the past, your peak runoff is almost three and a quarter inches; 3.23 inches. That is quite a difference. We reduced it by more than 10% but we are addressing the water quality and we are meeting the water quality goals of the State. The most prominent material we have had proposed to us is standard brick pavers. They actually work better for trip hazards and are more ADA friendly. They will pass .21 inches per hour which means they can receive, absorb, and retain the first one inch and we are not burdening the residents with unnecessary

increased costs when we are addressing water quality. This list is going to grow. B is the first to be added. We are getting a couple of requests for some different materials and they are going to be harder to define. The standard brick pavers, using the CSS, are pretty easy to quantify. I took some engineering reports I received for a paver and that engineer is here this evening. They addressed bricks with joints wider than what I was seeing in the field. I did my own report and took the smallest bricks we might see, close to 4x8, and looked at the average width and after running the numbers saw that it was passing the first one inch. We are getting requests for crushed shell; there is a point where it crushes down to where it is impermeable and it is dust. The basic thing is we can quantify brick pavers using standard masonry sand or rock, whatever they want to use in the joints, of widths as narrow as a little over 1/16 of an inch, maybe 5/64 of an inch, and we are finding that they pass. We are no longer requiring the City to run a water test but that doesn't mean applicants can't but there are some challenges in running the water test. The water test that had been run previously actually has some disclaimers in it saying the results can vary plus or minus 20% based on operator error alone. I think we are better off going with an engineer's report with the brick pavers. We are now seeing that they meet the water quality standards and basically this ordinance, if adopted, will be modified in the future. Other things will be added progressively that qualify with additional testing. These standard brick pavers are still placed on the same base and have the same border edge restraints as Item C, permeable interlocking concrete pavers.

Mr. Major – I remember when we talked about this a couple of years ago. We were talking about driveways and there was discussion about a requirement for a maintenance plan when we would put in a new driveway of this type of material. Is that requirement still in?

Mr. Davis – It is incumbent upon every owner to maintain their facilities in accordance with their permit. With other cities that have similar ordinances, actually there are not that many, the City of Atlanta is one, they look for the full storm but of course we have got short distances for outfalls. We have had some drainage issues but overall we have ponding and puddling; we don't have major flooding on the island due to rainfall. We are more worried about hurricanes and surge. Atlanta has to worry about flooding so they have truly permeable pavers. As they address water quality and flooding, they allow a number of options. They allow rain gardens, retention basins, permeable pavers, etc. What they are seeing is people are spending money to put down a beautiful brick pavement and they are not going to put asphalt over it. Most of your maintenance is due to failure in the upper part of the joints. I always thought the sand sifted down and got into the base; that doesn't happen. It clogs on the way down and goes into the joints. That is why when you broom and sweep, you actually vacuum and suck some of the sand out of the joints so occasionally you will have to refill them. I have had projects in 10 years that haven't required that. Most of the time when there is a failure, it is not over the entire project, it is over an isolated part. Even in the northern part of the state where they clean off the snow and they stockpile the sand beside the parking lot, if it rains or snows again, it drifts down and clogs a certain part and you get isolated failures. Maintenance clogging is not quite the problem that I perceived 10 or 15 years ago. It is an issue, but it doesn't require complete removal and replacement from the base down as I once thought it did.

Mr. Major – This ordinance doesn't require that an owner submit a maintenance plan?

Mr. Davis – No, and there is a reason for that. Other cities have already grappled with this. You don't have enforcement to go onto their property and enforce it. The failure rate is so low that I think we can be comfortable. With the sand granules being smaller, we are only addressing .21, what can get in there to clog? You might get some silt but it may float off with the next rainfall. I think over time you could get some oil and grease in possibly but I think it is the best alternative and I think it is going to give us improved water quality. If we start having massive failures we will have to address that. At this point, going on people's property for required maintenance, it is required but as far as enforcing it I don't know how you are going to do that. The good thing about it is this ordinance calls for property inspection. A City representative will go out there and look at the base to make sure it is the right stone. Then they will look at the bricks going in and they will look at the type of sand that is being swept into the joints. They will take a measurement of the widths. I have reports for water joints. I did one that would meet any of the driveways that I have seen installed in the last few months that I had access to look at. If someone uses a significant larger paver you have got to make a water joint. I don't think you are going to have to use item C. The one instance I remember was a guy had a driveway sloping from the street right into his garage and he had drainage issues. He wasn't looking to just meet our ordinance he wanted to repair his driveway to stop the water from going into his garage. We list these so people can capture more water if they want to. Tybee has determined we don't have major flooding issues from rain. Water quality is what we need to be targeting.

Mr. Major – Will Ray be doing these inspections of each layer as required or who will be doing them?

Ms. Otto – At this time it will be me. There is a possibility that the City Marshal could be trained and step in to do those as well. No, the building official will not be doing them.

Mr. Major – We will not outsource that to Chatham County like we do other things?

Ms. Otto – No. Currently anything similar where there is site work is generally done by staff with Downer's assistance. Ray focuses on structures.

Mr. Major – What will be different then what we are doing today if this ordinance is put in place? If I'm putting a driveway in today or six months from now, what will I have to do different?

Ms. Otto – Currently we are reviewing materials as outlined here because we already have the 1-inch retention requirement. I don't think it will change the permit review process. What will be required is that as each layer is installed, the company or individual would need to contact the office to schedule an inspection of that layer before moving on. It may delay their weekend project if they are thinking they can accomplish each layer all in one weekend. They would have to do one layer, get an inspection, then do the next layer and get an inspection.

Mr. Major – How many inspections does that total from grading to finish?

Ms. Otto – What is typical is a 4-inch base of a larger stone and that would be the first inspection. If they choose to do another layer of smaller stone, and we are going to talk about these stones that are in the PowerPoint, that would be a second inspection. They would then lay the pavers and install the filling between the openings and that would be the final inspection. There are three if they choose to use two different layers as a base or it would be two if they choose one material as a base.

Mr. Marion – Are we imposing a fee on the homeowner, once a driveway is installed, for the City to do an inspection?

Ms. Otto – No. Currently there is a driveway permit fee on the fee schedule. There has not been any discussion about changing that. Inspections would be included with the permit fee.

Mr. Bishop – In the proposal, it does indicate that engineering fees incurred by the City for review of materials, that will be on the applicant. That is in addition to any fee that the applicant would have paid for the building permit?

Ms. Otto – Yes.

Mr. Bishop – Since the City is actually doing the inspections, that is part of that ordinary course of business, when would that fee kick in?

Ms. Otto – Generally if materials are proposed other than what is listed here as acceptable materials and there is a need to review the calculations that the very last paragraph talks about, for a material other than that listed above, then review of that would incur engineering fees.

Mr. Bishop – All engineering fees do not apply. If I'm putting in a standard brick paver then I'm not going to have additional engineering fees. If I go to a recycled glass type then you are going to need an engineer and verify that it meets the standards as proposed in this ordinance.

Ms. Otto – The applicant's engineer would need to provide these calculations which would be reviewed by the City's engineer.

Mr. Bishop – The cost of doing that would be where all engineering fees incurred. It says, "*By the City for review.*"

Ms. Otto – Downer is a consultant so he invoices the City and I pass those fees on so that the applicant pays the City, not Mr. Davis.

Mr. Bishop – The applicant would incur the fee for the engineer that they brought on to certify to the City and then the City would also bill the applicant for Mr. Davis' time.

Ms. Otto – That is correct.

Mr. Davis – Let me clarify. The only way that would happen is, say on brick pavers, if they came in with a bigger paver such as a 6 x 12 paver, the bigger paver has less joints. It has to be wider. What we did is take a base brick that we see being used all over the island. I haven't seen one yet for a significantly larger brick. If they come in with one, we will have to look at that. We'll let their engineer submit something and I would review it and there would be a fee. For anything on this list and based on what I see going in, I can't see even 10% of the materials deviating from this list. If a material is so close that it will carry only .21 inches of permeability an hour, it is not being marketed as being permeable. Most people aren't going to want to pop the bubble on research. It is not a clean cut design to take these materials that can be compacted and moved around as to take a brick which has spacers that you put together, sweep masonry sand in, and isn't necessarily compressed. The standard brick paver is the cleanest one to do a report on. That is why we will allow water testing as a method but it would be hard to get a good feeling about it due to the variability.

Mr. Bishop – That other material would be subjected to that engineering report to you for review. That is when the cost is incurred.

Ms. Otto – Yes. That would be the first time only if it is deemed that it is acceptable. That same material would not have to go through that process again.

Mr. Bishop – In essence it becomes added to the list.

Ms. Otto – Exactly.

Mr. Davis – To be clear about this, not to do with this ordinance, but with commercial projects we use much more permeable materials. The engineers use it to mitigate stormwater increases in order to have stormwater management. In doing that, there are more informal ways of water testing and I have seen water hoses, fire hoses, buckets sloshed on it, or go out in a heavy rainfall and look at it. 0.21 inches isn't much over an hour; it is like a third of a hundredth of an inch every minute. We are still going to be doing some informal water testing on commercial projects which lets us know that it meets the standard and more. That is not appropriate on these projects. These projects require very specific testing which is hard to do in the field and hopefully we will be able to get reports that support the use of other materials.

Mr. Marion – For water testing, there are inspections but do you have to wait until it rains, is there going to be a hose or a bucket of water that somebody throws on the driveway?

Mr. Davis – Not on this. I mentioned that just because I don't want there to be confusion. Since there are people listening and this conversation is being recorded, I want it to be real clear that the first thing to be added is brick pavers. It is a great product. It is less costly than permeable interlocking concrete pavers. It is put on the same type of base. It is easier to walk on and people don't complain about their heels. All these projects on this list, I wouldn't care which one they use, water quality is what we are looking at.

Mr. Major – If I am replacing 45% of my driveway, none of this applies.

Ms. Otto – That is correct.

Mr. Major – Is there any inspection process or is it just a repair?

Ms. Otto – Generally what we see on replacements is 45% because they have a concrete driveway and they want to replace concrete. We would not inspect that. If they are going to choose one of these described here, there would be inspections to be sure they are putting it in correctly.

Mr. Major – What if I want to replace 45% of my concrete with one of these materials?

Ms. Otto – You would not be bound to because that is less than 50% repair and you could replace it with concrete.

Mr. Major – Without these inspections?

Ms. Otto – Correct.

Mr. McNaughton – In paragraph (d), in the second sentence, is the word 'impervious' the one intended or should it be 'pervious' areas?

Ms. Otto – Good catch, thank you. Mr. Davis provided photographs of the different size stones that are listed especially in item (a). It shows a 57, 67, 78, and 89 stone and what these different sizes look like. These are all with no fines which means they are washed stones and they don't have that fine powder that can come on an aggregate.

Mr. Major – Back to 45%, if I had a concrete driveway and I wanted to replace 45% with concrete I could do that without a permit. What if I wanted to use one of these materials listed and replace 45% of my concrete driveway, is permitting required?

Ms. Otto – Permitting and inspections are required.

Mr. Major – I'm not sure that is clear in the ordinance.

Ms. Otto – We don't have a lot of those come up; generally it is all replacement.

Mr. Borkowski – You are saying that if you do 45% with something different than what you have then you would have to have an inspection? That's what your question was correct?

Mr. Major – That was my question and it really doesn't say that.

Mr. Borkowski – It says if you replace 50% or more, then you have to have an inspection under this ordinance. If you are less than 50% you don't.

Ms. Otto – I can work on the clarity that is needed on that.

Mr. Borkowski – What if you do 25% or 35%? It just says 50%, why don't we leave it that way?

Ms. Otto – My desire and intention would be if you are choosing to do a material listed here, specifically a paver that is to be installed in phases, that we would want to be assured that it is being installed with the proper base, proper spacing, and filling. What was intended with less than 50% was for residents who may have had a concrete driveway and maybe a tree has caused the concrete to buckle and they want to fix the concrete from the cracking or raising of the concrete. It does not come up often but when it does generally they are going back with concrete. If somebody is opting instead to choose a material that meets the one inch retention then the inspections would be needed to assure the City that those materials are being installed properly.

Mr. Major – What if I have a driveway with these materials and I want to replace 45% of it? Based on what we just said, we want to see that it is done right. Maybe this could be clarified.

Ms. Otto – Yes.

Mr. Marion – Is there an immediate need for this issue?

Mr. Davis – It is my belief there is. We have gotten rid of the water testing but the sooner this thing can be brought into ordinance the less conversation there is going to be at Dianne's front desk and the clearance can be

for installers that are trying to price these projects. I want to answer a few questions. If it is less than 50%, you are not looking at water quality. Look at the last sentence in (a) where you have less than 50% graded aggregate base, also known as crusher run or crush and run. That could be allowed because under 50% we are not looking at water quality. They could use concrete, asphalt, crush or run.

Mr. Borkowski – I have a suggestion. If you say that any repairs less than 50% of an existing driveway be done with materials other than what is already there, then it would be subject to this ordinance. Then you don't have to put 25 or 35 or 45 percent in there. If they are doing 45% but they are not replacing it with the same material that currently exists then they have to go through this process.

Mr. Davis – Some of you may have sat through some of the City Council meetings. I think Council has been pleased with the 50% cutoff. Less than 50% it doesn't matter what was there, whether it was concrete, crushed brick, brick jammed together with no joints; it didn't matter what it was. If you didn't cross that 50% threshold you weren't subject to this ordinance. If you are fine with that then all I'm clarifying is they could use crush or run, brick without any spacers, asphalt, concrete, and we wouldn't be concerned with water quality.

Mr. Major – Is our Zoning Manager okay with that?

Ms. Otto – She could become so, yes.

Mr. Marion – Any other questions for staff? [There were none.] Is there anyone from the public that would like to speak to this?

Tim Baumgartner with EMC Engineering came forward and introduced himself. I'm very familiar with what Downer has been working on over the last six months or so. He did a good job explaining how these all work to benefit the water quality. You are looking at a large stone underneath where you have storage area and you get verbosity and all these materials passed. I've done a couple of reports that he has reviewed that he and I have talked about and gotten clarification. Vendors don't always have all of the information we need so we do have to make some assumptions. It's like anything else, you have places you can tweak it. My only question I had was to clarify on the 24-hour, 25-year storm. If you go to the bottom it talks about retention requirement above and he was talking about the .21 inches and I think that needs to be clarified that is the amount you are looking at if I'm correct on that.

Mr. Davis – No, 1.2 is for extended detention. When the water soaks into the brick it is not detained, it is retained. Our brother engineers in the northern part of the state actually got with the DNR and they agreed based on the curve of the pollutant removal, that 1-inch was very conservative.

Mr. Baumgartner – Okay. That comes out of the Coastal Supplement for the stormwater management so any engineer can take that and look at that curve and calculate the rainfall and verify per hourly rate that can be retained.

Mr. Marion – Is there anyone else from the public that would like to speak to this? [There were none.] At this time I will close the public hearing. Is there discussion?

Mr. Major – For my own clarification, as this reads right now and as we understand it, if I'm doing less than 50%, I can do it. Do I need any type of permitting for less than 50%? Under our general permitting, I'm required to get a permit from the City to repair 49% of my driveway but as it stands right now, as this is written, this doesn't apply to less than 50%.

Ms. Otto – I concur that no permit would be required for less than 50% and inspections would not be required.

Mr. McNaughton – I read it just the opposite. It says, "*A permit is required for installation of a new or replacement driveway.*" and referred to replacements of more than 50%. To me, "*A permit is required for new or replacement driveways*" sounds like even for replacement of part of a driveway. It read as replacement of some portion of the driveway and you would still require a permit. I think that could be clarified. Even if you just repeat "*A permit is required for installation of a new driveway or replacement of 50% of an existing driveway.*" To me that would clarify that there is no way you would be required to get a permit.

Ms. Otto – Mr. Borkowski’s suggested language was any repairs of less than 50% and that may help to get that language in there.

Mr. Major – Do not require a permit.

Ms. Otto – Repairs do not. Replacements of 50% or more and new do require a permit.

Ms. Bramble – I would like to move that we approve this ordinance with changes to the wording that Ms. Otto to the 50% and correct the clerical misprint.

Mr. Major – Second.

Mr. Marion – I have a motion and a second. All those in favor please signify. [Vote was unanimous.]

TREE ORDINANCE DISCUSSION (NOT ON THE AGENDA)

Mr. McNaughton – I would like to make a comment on a different issue that we need to address at some time. Dianne sent out the tree ordinance survey. If you look at our building permit list, we are losing a lot of trees and it is an issue that needs to be addressed.

Mr. Marion – I lost you somewhere.

Mr. McNaughton – If you look at the monthly list of permits that Dianne sends us, there is a huge number of tree permits. We are losing greenery in a hurry and that is an issue we need to look at.

Mr. Marion – Dianne, is that consistent with getting prepped for springtime and wintertime?

Ms. Otto – They vary. There are several that have been recent for swimming pool installations, preparation for new construction; they vary. I don’t know that it is seasonal as much as desires of individual owners. Are you wanting to somehow delay tree permits being issued until the new ordinance is in place?

Mr. McNaughton – I would like to discuss this issue and the sooner we get the tree ordinance survey back we might want to consider an amendment to the ordinance to determine if we want to add additional trees or make the tree removal process more restrictive than what is allowed.

Ms. Otto – Staff is working with the arborist, at no charge to the City, providing his services to review our current ordinance. The surveys that were completed and received were provided to him. He has compiled those and provided back to me the results which he presented in a format of areas that received the most votes being priority issues. He has also provided input on proposed revisions to our current ordinance. I don’t know that I can make it by March but I will certainly try to prioritize getting something to you as soon as possible. One aspect of all of this is that I have not approached City Council with the need to establish what would be called the Tree Board. That would become, rather than staff or the Planning and Zoning Department, requests for tree removals would go through the Tree Board for review. Whether that is a desirable direction for the Planning Commission or Council, that would ultimately be a decision that would have to be made.

Mr. McNaughton – That would be great to see something as soon as possible because every week we lose more trees.

Ms. Otto – Let me put a holler out to anybody that is listening that may be interested in volunteering for this Tree Board. I have one candidate already through the survey and he had expressed he was interested. Others will be needed both property owners, commercial businesses, and the different stake holders within this topic to form that Tree Board if it is Council’s desire to move forward with that request by the arborist that we do so.

Ms. Bramble – Did you say you wanted to hold off on any tree removal permits?

Ms. Otto – I was asking David if that was something he was interested in proposing.

Ms. Bramble – Can you do that?

Ms. Otto – Your motion would go to City Council as a recommendation and it would be their decision.

Mr. McNaughton – I would be willing to make that motion.

Ms. Otto – It is not something on our agenda this evening but I would certainly be willing to share with them that this was discussed.

Mr. Borkowski – Does it have to be on the agenda?

Ms. Otto – No, we can have an informal conversation about anything. I don't know that we would want to take a vote on something that is not on the agenda. Because we only meet once a month we can certainly communicate to them this topic and that there was consideration that a moratorium of some sort go in.

Mr. McNaughton – I would be willing to make a motion right now.

Ms. Otto – Let's keep it as a recommendation.

Mr. Bishop – Along those lines I think we have to be very cautious because if you move forward with a recommendation that stymies tree removal permits until the survey is completed, you are talking dollars and cents for a lot of people. If you are looking to build you have a developer, a contractor, and people lined up and you stop tree removal without the permit when it would have normally been allowed, through mitigation perhaps, that is dollars and cents out of the pockets of a lot of people and that gives me some heartburn. It is not out of my pocket it is out of theirs and that is not what we are about.

Mr. Major – I agree.

Mr. Marion – David, do you want to hold off for now or do you want to move forward with your thoughts or should we have Dianne share those with Council?

Mr. McNaughton – It would be better if Dianne shared those thoughts.

Mr. Marion – Dianne, let's do that informally and then we can all connect later on that particular issue as far as feedback goes.

Mr. Otto – I appreciate the topic coming up and there is a lot of behind the scenes work going on right now with our tree ordinance.

Ms. Bramble – I make a motion to adjourn.

Mr. Bishop – Second.

Mr. Marion – All those in favor please signify. [Vote was unanimous.]

Meeting ended at 9:07 PM

Minutes by Jerris Bryant