

PLANNING COMMISSION

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PLANNING & ZONING MANAGER

Dianne Otto, CFM

CITY ATTORNEY

Edward M. Hughes

**MINUTES
Planning Commission Meeting
May 20, 2014 – 7:00 p.m.**

Chair Tyler Marion called the May 20, 2014, Tybee Island Planning Commission meeting to order. Commissioners present were Marianne Bramble, John Major, Tyler Marion, Demery Bishop, and Julie Livingston.

Mr. Marion expressed condolences to the family of Tom Borkowski and spoke of Tom’s contributions to the Planning Commission.

Mr. Marion – The first order of business is the minutes of the April 15, 2014, meeting. Do I have any discussion? [There was none.] Do I have a motion? [Ms. Bramble made a motion to approve as written; Mr. Bishop seconded.] All those in favor please signify. [The vote was unanimous.]

Mr. Marion read a notice about the opening for a Planning Commission member.

Mr. Marion – Do we have any recusals or disclosures? Mr. McNaughton disclosed that on the Text Amendment for definitions that he operates a local business.

Minor Subdivision of Land – Lorena Mitchell – 110 S. Campbell Avenue

Ms. Otto – This is a request for a Minor Subdivision of 110 South Campbell Avenue. The property owner is Lorena Mitchell. She is being represented this evening by Bert Barrett, Jr. The request is to divide one lot into two lots. The zone is R-2 and it is in the Marshfront Neighborhood Character Area. The proposed division of this property into two lots would result in one lot having 2,263 square feet and the other 3,945 square feet. Neither of those lot sizes meet the minimum lot size requirement in an R-2 zone which is 4,500 square feet. The purpose of this request is related to refinancing only. In your packet is a brief narrative written by the property owner discussing the purpose of this request.

Mr. Major – Why would this not require a Variance if we have nonconforming characteristics now and what we are creating would be more? I don’t have a problem with what they are doing; it is not going to change physically on the lots. Why would this not come with a Variance request?

Ms. Otto – If the outcome was to grant the subdivision, it would be a Variance from that minimum lot size requirement. If you grant the subdivision you are also granting that it is below the minimum lot size requirement.

Mr. Major – There is not a Variance request.

Ms. Otto – No. It is inherent within the application because it will create two nonconforming lot sizes.

Mr. Marion – By creating an inadvertent Variance, would it be a hardship Variance?

Ms. Otto – Our current definition of a hardship would not lend itself to the circumstance which is financial. Financial circumstances are generating this request. It does not fall under our definition of a hardship.

Mr. Marion – Did we have a scenario like this at one time? Keith Gay had a property that was two units and he wanted to separate them.

Ms. Otto – That was a subdivision of a duplex which is a different circumstance.

Mr. Bishop – Based on the request for subdivision and using refinancing as the issue, in her letter she indicated that she had been told by the financial institution that they would not provide financial services. Do we have any independent source information other than her letter confirming this?

Ms. Otto – Mr. Barrett is here and he has dealt with these circumstances in the past. He could perhaps better answer your question.

Mr. Marion – Would the petitioner please step to the podium.

Bert Barrett, Jr. came forward and introduced himself. I'm a registered land surveyor. This lady bought the property from Mr. Sicay and it had two houses on it. Everybody is having a hard time these days and she is trying to get an equity loan on one of the houses. There are two houses on this property and she can't do that. There are several reasons why I do minor subdivisions. One has to do with taxes, the other has to do with somebody wants to give one of the houses or property to their children, and the other has to do with situations like this. A bank will not give them financing or home equities on property like this. When she bought it, at that time it was not a problem. As you know, everything is complicated these days. It is not as easy as it used to be. This property was subdivided in 1990 and I don't know what happened. I don't know if Mr. Sicay didn't go through with it, if it got denied, or in some cases, and it has happened on Tybee, subdivision got approved and it never got recorded. I know of two instances that it happened and one of them ended up in a lawsuit between the two neighbors. The main crux of this is she is wants to do this so she can get a home equity; she's having financial problems like everybody else.

Mr. Marion – The bank financing, is she down to two people that she has talked to or are there other banks out there?

Mr. Barrett – I don't know that. I surveyed this property before for her. She called me and said she was trying to get a home equity line and the bank would not give it to her with both houses being on this one piece of property. Municipalities like City of Tybee, City of Savannah, or Chatham County don't like two buildings or residences on one piece of property and banks don't like that either.

Mr. Major – Does she own both homes?

Mr. Barrett – Yes. She owns both of them.

Mr. Major – I know you are familiar with our Variance ordinance. How would you approach this from our ordinance? It says it has to be a hardship to the property in terms of topography or narrowness.

Mr. Barrett – I understand that finance is not part of a hardship but it should be in there. I don't understand why it never got put in there. Finance is a hardship on people. Throwing that out, one of the criteria for a Variance is topography or lot configuration or lot size. Unfortunately, back in the old days you could put two houses on a lot and now she is caught up in that situation. She would be better off if she just had one house on one lot and she could get refinancing with no problem.

Mr. Major – I don't understand why that wasn't requested.

Mr. Barrett – It's like Dianne was saying, by asking for this subdivision that is basically asking for a Variance. If you grant the subdivision then you are granting her a Variance with the lots being smaller than the minimum requirements. If you don't grant her the subdivision then you are basically denying the Variance which is tied to the subdivision.

Mr. Major – Which lot is going to get the shed that straddles the property?

Mr. Barrett – When I did the survey, the shed was where it was at that time. I put on there that the shed is to be removed and it has already been moved.

Mr. Major – Did it go north or south?

Mr. Barrett – It went north. I haven't done anymore field work on this because I don't want to charge this lady for something if it doesn't go through. I'm charging her on a time basis. The drawing is done and if it gets approved then I will put those two corners in where the location of that building is now and the final plat will be submitted.

Mr. Marion – I believe I read the language to the extent that she will be the holder of the deed in its entirety. My inclination is that she intends to do nothing more with the property outside of what she is attempting to do now. Are there any future plans for the property? Will she sell a piece?

Mr. Barrett – She hasn't said that to me. The only thing she said to me is that she was trying to get a home equity line. I don't know which one she was going to use to get that. That is what she said to me and she said the bank told her to subdivide this property in order to get a home equity on one of the buildings. Which one, I don't know. To my knowledge she intends to hang onto this property.

Mr. Bishop – You are not personally aware of any of the conversations or documentation from the financial institutions that are mandating that she do this in order to get the equity loan on a refinance?

Mr. Barrett – No. That is basically what she has told me.

Mr. Bishop – Does she have an original mortgage on the entire piece?

Mr. Barrett – Yes.

Mr. Bishop – In the letter to Dianne, she said, *"In the event I consider selling them in the future, it is important to note that I still have an original mortgage and the two properties would have to sell together."* That is not what she said to you?

Mr. Barrett – That is the first time I have heard that. She sent me an email today because I told her Dianne had mentioned that she wasn't exactly clear on banks requiring this. She sent me an email to read to you but I didn't know that she had sent that. In here, she says, *"My banker, Randy Buchanan, United Community Bank, Burnsville North Carolina, has told me that Freddie Mac and/or Fanny Mae will not provide financing for this configuration."* That doesn't surprise me at all. She also says, *"I need to be able to access these financial options in order to keep the property maintained and to provide for improvements."* Dianne informed me that you had that statement so I didn't think I had to read anything.

Mr. Major – Both homes are occupied currently?

Mr. Barrett – Yes.

Mr. Major – The south one is rented?

Mr. Barrett – I think both of them are rented.

Mr. Major – She is not occupying either?

Mr. Barrett – No. I didn't realize she wasn't still here. She is up in North Carolina. I'm not sure what she does but I found out she went from here to somewhere in north Georgia and now she is in North Carolina. I'm assuming that has to do with her work.

Ms. Otto – I questioned Ms. Mitchell when I received the subdivision application and it said units A, B, C on the first page. She says that one is a single-family and the other is a duplex. When you are going down South Campbell, the first one you come to is the one-story single-family and the next one past that is the duplex.

Mr. Major – Is that upstairs and downstairs?

Ms. Otto – Yes.

Mr. Barrett – The little one is the one she lived in when she was here.

Ms. Otto – When she initially contacted me about this request for a home equity loan, she requested the City do a demarcation line. I was unfamiliar with that. I reached out to the City Attorney to ask if he had ever encountered such a thing. He understood enough about the financing to direct me that the only way to accomplish what she was requesting was for her to go through the subdivision process. To us it is a subdivision; we don't recognize or provide demarcation lines.

Mr. Marion – Bert, does Dianne have a copy of that email?

Mr. Barrett – No. I can give her this one and I'll print another when I get back.

Mr. Marion – Any other questions for the petitioner? [There were none.] 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 I have discussion or a motion?

Mr. McNaughton – I wish the applicant was here to provide some documentation from the bank. I don't feel comfortable granting a Variance when finances are not a standard and to create two substandard lots doesn't make sense to me.

Ms. Livingston – I was looking at Lot 42A, which is the duplex. That would take that lot down to 2,263 square feet and for a duplex it requires, according to the code, 6,750 square feet. That is a huge amount to be reduced and that concerns me.

Mr. Bishop – Other than to concur with the comments from David, my main concern is moving towards what will ultimately be the Variance. Basing all of this on taking one lot and creating two irregulars based on a financial hardship gives me concerns specifically without some documentation from the financial institution substantiating that.

Mr. Marion – I concur as well. The representation for the applicant did well but without the applicant here it makes it more of a challenge to ask the questions that we needed answers to.

Mr. Major – What we are being asked to do is approve a subdivision with an implied Variance that would, if granted, meet our request of narrowness of lots, shallowness of lots, and also a continuance of existing nonconformances because we already are not meeting the requirements. Is that what we are being asked to approve?

Ms. Otto – I would say you are being asked to subdivide what is now a conforming lot size to two lots neither of which would conform to our minimum lot sizes.

Mr. Major – Are some of the setbacks not being met currently?

Ms. Otto – That is correct. It is not creating new but is existing as nonconforming for the lot. You are being asked to consider a subdivision as proposed and it does not meet our requirements in that it would create two nonconforming lots and nonconforming structures.

Ms. Bramble – Do you know when these houses were built?

Ms. Otto – The owner’s statement is the wood frame was built in 1952 and the block was built approximately 1972.

Ms. Bramble – I understand the financial hardship. In planning, this is something I don’t think we could move forward with because it goes against the grain. We can’t keep continually granting Variances for financial hardships that the owners may incur. We did that recently going above our 35-foot height limit because of a financial hardship. I’m not comfortable with this application.

Mr. Major – If this were allowed nothing would change except her financial ability to refinance one of the houses. The appearance wouldn’t change. If you looked at it today and you looked at it after this was done, it would be absolutely nothing different.

Ms. Otto – If approved and recorded with Chatham County as a subdivision, I would expect that her taxes would increase based on it being two separate properties. Each would be assigned a separate PIN.

Mr. Major – On the physical property, nothing would change.

Ms. Otto – No.

Mr. Bishop – If this was to be approved, in essence it takes the lot and creates two nonconforming lots which will then have substantial setback nonconformities. I think from a planning perspective and the overall aspects of our Land Development Code it is problematic.

Mr. Major – How many lots on Tybee have two homes on them?

Ms. Otto – How many have two structures?

Mr. Major – Yes. We have faced this more than once where we have a lot that you want to divide so you can build on a nonconforming lot. I think that is different than where you have two homes in existence.

Ms. Otto – There are several that come to mind and there are probably many others that I am not aware of. To have two dwellings on one lot requires Special Review approval by City Council but there are certainly older ones that exist prior to our current regulations.

Ms. Bramble – We may say nothing changes but now she is saying it is financial issues. In another 90 days there may be new owners for part of that property. Everything would change in the way I’m looking at it. If new owners come in they will want to change everything.

Mr. McNaughton – I move to deny the application for Minor Subdivision.

Ms. Bramble – Second.

Mr. Marion – All those in favor please signify. [4-1 - Bramble, McNaughton, Bishop, Livingston were in favor / Major was opposed].

Text Amendment – Article 7 – Tree Removal Regulations

Ms. Otto – As a cover for this packet item you received a letter that the Mayor received last July where the Georgia Forestry Commission in partnership with the Georgia Urban Forest Council and the US Department of Agriculture Forest Service were offering services to communities under something called the Circuit Rider Arborist Project. There was a list of different possible efforts they could assist with. I contacted them about evaluating our tree ordinance. If you recall late last year, a survey went out. As a result of the responses, there were priorities cited as to those who responded to the survey what they were finding most important to be included in the tree regulations. In your packets are documents prepared by Mr. Jerry Holcomb, he is the arborist that is working with the City on this project. There is a lot of information before you. I don't know that my time with it has thoroughly educated me and I don't know how you've done with the week you have had it to work on but I will try to answer your questions. It is probably best amongst yourselves if you have consensus to reach or how you want to move forward with this.

Mr. Marion – How time sensitive is this?

Ms. Otto – It is not time sensitive. When he provided this rough draft to me, he and I had a couple of conversations. There are only a couple more weeks in his program to continue to assist us. I don't know that we can't move forward even after his time has ended with us. He has given us a lot to digest. I did invite him to this meeting but he was unable to attend. Some of you may be familiar with Jerry Holcomb. A year or two prior to this he was the arborist that performed the tree inventory on the south end, the City trees that have the blue tags; he was the arborist that tagged those trees. He is quite familiar with Tybee. He received my input for permitting under our current ordinance but has not had the opportunity other than the surveys which came from members of the community, your board, and the City Council members. He has basically had my input and the survey's input.

Mr. Marion – I would like to have more time and one of the reasons is two years ago I started doing some of the research that Steele Knudson had presented as far as similar findings. I would like to have a little more time with it and would like to see how we could get holly pines put on the significant species consideration list; it didn't make the cut the last time. Do you want to tackle it now or take more time?

Mr. Major – There is a lot here. A summary would be helpful. If I'm a property owner on Tybee today and I'm a property owner on Tybee after this is approved, what is different? There are a lot of requirements in here. Do we have a Tree Board on Tybee?

Ms. Otto – We do not.

Mr. Major – I think that is in our current ordinance.

Ms. Otto – I don't believe it is in our current ordinance. We have been making use of the Infrastructure Committee because trees are considered a resource of the community hence the inventory that was made of those trees. My response to Mr. Holcomb was that we don't have a Tree Board and that the Infrastructure Committee was our, City-appointed committee. He didn't find that appropriate. He is looking for us to have a standalone Tree Board.

Mr. Marion – Where is Mr. Holcomb going to be after he is finished in three weeks?

Ms. Otto – I don't know where he will be but he will no longer be providing services to communities under the Circuit Rider Arborist Project.

Mr. Marion – Would he be willing, on his own accord, to come and say this is what we have or would that be cost prohibitive because I'm sure he would have a fee with it?

Ms. Otto – I couldn't speak for him.

Mr. Major – Before he leaves, maybe he could give us that summary.

Ms. Otto – I can provide this feedback to him tomorrow and see what his response is.

Mr. Major – That would be helpful.

Mr. McNaughton – I was overwhelmed by this. I read it twice and I don't have the foggiest idea. I will note for the record that last month there were permits that removed 13 trees; this month there are 10 more gone. I think we need to move at the next meeting.

Mr. Bishop – I went through it. There are many of the yellow items and things like the minimum tree canopy of 50% and how that is applicable. All of you know that I have a very strong feeling about types of trees that are preserved. Some trees are very near and dear to me but others are an abomination and should be completely destroyed. I think we need more time because I was overwhelmed in reading through this and trying to go back from one section to the other section to connect the dots. I agree, I don't want to carry it on and we need to sunset it somewhere but I need more time.

Mr. Marion – Possibly 30 days out.

Ms. Otto – I would anticipate the request thus far could be responded to at our next meeting in June. I've not been able to digest it all myself. It is a very thorough, in-depth, and somewhat cumbersome format to work through.

Mr. Marion – I'm supportive of that.

Ms. Otto – This will stand as no action with direction to staff and I'll be glad to work through those things and get back to you.

Text Amendment – Section 9-030 – Building Permits

Ms. Otto – This is coming from the City Manager. It is a proposed addition to Article 9 which is Building Regulations. Section 9-030 is the Building Permits section and this would incorporate a new item (F) which reads, *"A placard issued with a permit shall be posted on the premises and not more than 5-feet from the front property line. It is unlawful to post a placard for a private project on public property. It is unlawful to attach a placard to a tree or utility pole. A placard shall be removed as soon as practicable after a project has passed final inspection."* There are a number of different aspects to it. The key and the reason it is before you is the very first section. Staff has been directed by the City Manager to bring this before you regarding the posting of a permit at the front property line such that it is legible for somebody standing on public property looking to read the placard. That is the main purpose but the little things about not on a tree or utility pole are current practices and the request that they remove them afterwards.

Ms. Bramble – Did you say that the public would stand on public property to view the placard on private property?

Ms. Otto – Yes.

Ms. Bramble – Is it unlawful to put the placard on any tree, even if the tree is on their property?

Ms. Otto – Yes. Based on the current size of the permit placards and how we fill those out in the office when we issue a permit, 5-foot is an adequate distance from which it is legible from the front property line to still be standing on City

property to read what is occurring on the private property. In lieu of using a tree or a utility pole, if there is not a fence or some other structure that near to the front property line, it would require a post or stick that it is stapled to and pushed into the ground. We are a community that shares common interest in what goes on in our neighborhoods. It has been expressed to the City Manager that they are not able to read the signs when they are on the front door, window, or porch because they are too far away to be able to read what work is going on.

Mr. Major – We are talking about 5 feet from the property line?

Ms. Otto – Yes.

Mr. Major – How does the setback enter into that? We have a front setback.

Ms. Otto – Twenty feet.

Mr. Major – Do I start at that 20 feet and go back 5?

Ms. Otto – You start at the front property line and within the first 5 feet from that line.

Mr. Major – Five feet from the street.

Ms. Otto – No, 5 feet from the property line.

Mr. Major – So it is after the City right-of-way.

Ms. Otto – Yes. The boundary line between City property and private property, it would be within 5 feet of the property side.

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

Mr. Bishop – I make a motion to approve.

Mr. McNaughton – Second.

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

Text Amendment – Article 2 – Definitions

Ms. Otto – This is another entire article within the Land Development Code. It is Article 2, our Definitions section. Similar to what I just described with the tree arborist, the City was approached, as we are every year, by the Georgia Municipal Association. The graduate students at UGA are tasked with a final project through their course of study. A project was submitted to work on our Article 2 and it was selected by one of the students. His name is Scott Boardman and he provided his presentation in Athens which I was fortunate to be able to attend. I provided in your packet a photograph of Scott making that presentation before his peers and the other City representatives that were there to hear each student's presentation. From his lengthy report, I have pulled only the redlined section. Scott and I worked closely on how this project was done. I had provided a list of different terms and phrases that I had accumulated over the many years that were not included in our definitions and asked him to do some research to develop language to address each of those. I also tasked him with searching the Land Development Code for terminology which may have ambiguous meaning and get a definition for those. The redlines before you are his efforts. His sources were the American Planning Association's Planners Dictionary, the City of Savannah, Chatham County, and the Sanibel Island, Florida, ordinances. It's not provided to you because it was very lengthy. He did comparison tables for each of these

terms and how he came to the language that he did. Keep in mind these are Tybee specific words that need to be defined. If there is more here than you feel you can deal with this evening, there is no urgency here.

Mr. Marion – There is a lot. I did read through it and I liked what I read, however, to do a cross comparison and see where we are versus his supplements, I would like to ask for more time for the panel unless they feel absolutely comfortable right now and are happy with all of the redlines.

Mr. McNaughton – I would like to see the definition of a shallow lot. It comes up in our Variance applications every time.

Ms. Otto – I'm noting that and will get it incorporated.

Mr. McNaughton – On substandard lots, the definition includes, *"Any lot less than 5,000 square feet."* I'm curious how he got to that number since it doesn't match any of our requirements.

Mr. Major – I think some of the definitions, specifically industry and light industry, seem to be manufacturing oriented. If you ask somebody what is the chief industry on Tybee, it is tourism. I don't know that it matches the definitions involving manufacturing and treatment of commodity, assembling, packaging, canning, bottling, or processing of any item. I have a hard time making that fit tourism. In light industry are research, development, manufacturing, compounding, processing, packaging, storage, assembly, and treatment of finished goods. We don't do all of that; we need to service orient those a little bit.

Ms. Otto – I need to look elsewhere in the Land Development Code as those terms may have been used to make sure it matches up with the intent. I myself tweaked the parking pad definition. I would like all of you to keep tweaking this and working on it and ultimately come to a final document but it doesn't need to happen this evening.

Mr. Major – Are you the Zoning Administrator or the Planning Director? I have seen in these papers tonight either you've got a big department or lots of titles.

Ms. Otto – That had been one reason when we were doing a lot of Text Amendments for the Land Development Code, we had taken to the term of "designated city official." Currently I'm the Planning & Zoning Manger but the titles change as people come and go.

Mr. Major – You may want to put that in there.

Ms. Otto – I'll check those as well.

Mr. Bishop – In going through this and comparing the meaning online and doing a search with the new definitions. To the positive side I found very few conflicting aspects from the Municode search and the references they give online to what is proposed. I think we have a very good start with not a lot of conflict.

Ms. Otto – I was impressed with Scott Boardman's abilities. He graduated May 15th so he obviously succeeded with his project here and is off to his next endeavor. He was wonderful to work with.

Ms. Livingston – I was questioning where it is just giving the definition of 'lot'. It means, *"A piece, parcel, tract, or plot of land occupied or to be occupied by one principal building and accessory."* Maybe we need to get the definition of a vacant lot because I couldn't find that anywhere because a lot can be vacant. It doesn't have to have a building on it or one that could be built on it.

Mr. Major – I thought that was in there.

Ms. Livingston – I didn't see it.

Mr. Major – It says vacant property.

Ms. Livingston – It defined vacant properties but not vacant lot.

Ms. Otto – I will look at those as well.

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

Ms. Otto – When the agenda was prepared it was scheduled for there to have been a joint Planning Commission/City Council workshop at 5:30 this evening to discuss residential driveways. That meeting has been rescheduled for a date in June yet to be determined. I don't have anything new to provide for you to discuss this evening.

Mr. Bishop – In reference to the planned joint meeting, I would like to voice my concern and I know there are scheduling conflicts but I definitely would like to be included at the time of that meeting. The proposed date that is on the table now, June 3rd, is problematic to me as I mentioned to you earlier. I know one Council member favors moving forward with it on that date even though I can't be there.

Ms. Otto – That was the June 3rd but the June 17th meeting is acceptable?

Mr. Bishop – I believe June 17th is our Planning Commission date.

Ms. Otto – It is. After I sent out an email to you this afternoon there was a response from the Clerk. I'm still confused about what is going back and forth here. I will let you know as soon as I get a definite but I think it is leaning now towards the 17th. If either of those dates don't work, we may be looking at some date in July. We have to keep moving forward. I definitely want all of your input when we finally do have that workshop.

Discussion – 25-foot buffer determinations

Ms. Otto – It's Councilman Paul Wolff's desire that the Planning Commission consider this but he needs to have Council's authorization before he directs staff to put it on your agenda. If that occurs Thursday evening, that it is the will of Council to move forward with this, then they will decide as a body that they want it brought to you. Everything that you have received thus far is only one Council Member's opinion on this and the outcome Thursday evening will determine whether this comes back to you. I don't know how much time, if any, you want to spend this evening hashing through it or if you want to wait until it is a done deal that you need to make a decision about. At your seat this evening was a supplement for this item; additional emails that had come out after the packets went out. It is marked Item 6 and it contains some maps and drawings that were talking about these different points from which measurements would be done under Chatham County's ordinance. All of this is very preliminary. If you want to discuss it tonight you can.

Mr. Major – I understand exactly what Paul is doing. The DNR has removed from State waters wetlands which included marshes. Theoretically our 25-foot buffer protection went away with the definition of State waters that includes wetlands.

Ms. Otto – I would say it is contrary to the way you expressed it. In most cases, the marshlands do have a wretched vegetation line from which there will still be a 25-foot buffer.

Mr. Major – Wretched means to pull away by force so if I have spartina grass or marsh growth right up to where I have my property line, I can build right up to that.

Ms. Otto – No. There is still a 25-foot buffer off of the wretched vegetation point.

Mr. Major – Doesn't the marsh grass count as vegetation?

Ms. Otto – It is vegetation but if below that is wretched vegetation, that's the line from which the buffer starts.

Mr. Major – I've seen a lot of properties where the marsh comes right up to it.

Ms. Otto – Yes.

Mr. Major – Then you could build right up to that.

Ms. Otto – If that is more than 25 feet from the further out point where there may be wretched vegetation.

Mr. Major – The further out point could be 25 feet.

Ms. Otto – Sometimes there is just a difference of only a couple of feet between the grasses that you are describing and that wretched vegetation.

Mr. Major – If this is passed and I have property that butts up against the marsh and I want to build a gazebo, barbeque, or a patio, can I do that under the ordinance being proposed by Paul? It says no land disturbance but then you go back to the Erosion & Sedimentation ordinance.

Ms. Otto – If it is less than 100 square feet.

Mr. Major – I wonder if he might clarify so we can look in one place and know what we can do.

Ms. Otto – I think we will get there.

Mr. Marion – At this point we will conclude our discussion on this.

Other Discussion

Ms. Bramble – I keep asking and you keep referring it to the City Attorney's office but I'm going to ask about the lighting ordinance that it is buried somewhere at the bottom of his huge stack of manila folders. He hasn't sent anything about this lighting ordinance and that was three years ago. There are some new homes that have some really bright lights on the outside of their house.

Ms. Otto – I will prompt the City Attorney to have a conversation with me. He and I probably need to schedule a workshop between the two of us. That's not the only one we need to get out of the bottom of the pile.

Mr. Bishop – Dianne, I would like to know the best means to proceed with some form of a planning and discussion group concerning our current litter and other debris ordinances that we have in place for beach debris, litter, etc. as far as what actions are being taken to ensure that those ordinances are being enforced and citations are being written. The reason I'm raising this is because each day I'm finding more and more debris on the south end that I am personally picking up and I've had several citizens who know that I'm on the Planning Commission who have asked the same question. Is that something that this group would meet with the City on or would that be something I would undertake on my own with the City Manager? What is the best course of action? We are reaching a very deplorable situation with our litter. Joe Wilson and company do an outstanding job. It's the other part where people are coming and leaving everything, not just on the beach, but all around.

Ms. Otto – Let me have a conversation with the City Manager and get some guidance from her if another committee is already taken on this task. It is not Land Development Code where these litter ordinances are found. They are in the

Municipal Code. Let me get some guidance from her if a City appointed committee may already be doing work on this and get you in contact with them.

Mr. Bishop – I appreciate that. I personally need some guidance as to where we need to go. I've got a lot of questions from concerned citizens.

Mr. Marion – Do I have a motion to adjourn?

Mr. Bishop – Motion to adjourn.

Mr. McNaughton – Second.

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

Meeting ended at 8:15 PM

Minutes by Jerris Bryant