



Click Here for
Savannah Daily News **SavDailyNews.com**

Monday, February 04, 2008

Tybee's New Council Wrangles With Ethics Code

Monday, February 04, 2008

With less than a month in office under its belt, Tybee Island's newly seated city council wound up in a quandary over ethics at the second regular meeting of the year.

A proposal to repeal or suspend the island's ethics ordinance - which, among other things, would prevent council members from voting on matters in which their heaviest campaign contributors are involved - was on the agenda. But no one acknowledged putting it there, and, after long discussion, the matter died without a second - but with vows to "tweak" the ordinance in the future.

There's trouble ahead, as a developer who contributed to the campaigns of five newly elected or re-elected council members seeks a variance allowing him to fill in wetlands for development. The variance was denied last September by Tybee's previous council and pertains to the filling of an area of wetlands within what was initially approved by the City of Tybee Island in 1925 as the site for a 25-lot subdivision at Solomon and Polk Streets.

Attorney Harold Yellin represents petitioner Lou Kietzman as the agent for Tybee developer Tom Sullivan in the issue.

The petitioner is citing hardships concerning Section 5-010(K) of the Tybee land code, which states that "no materials may be placed in the wetlands," including fresh water wetlands. The area is classified as an "isolated fresh water wetland" under the jurisdiction of the Army Corps of Engineers. The Corps has informed the petitioner he may purchase (mitigate) 2.4 credits to fill in the area; however, that permit expires in March.

Opponents' objections to the request range from environmental effects to flooding concerns for adjacent properties. One option, a trade with the City of Tybee carried over from the last council, has again surfaced. Such a trade might allow the city to convert the area in question into a nature preserve, as only a portion of the petitioner's buildable property is affected by the wetland.

According to current planning commission member Dave Postle, Kietzman appeared before the commission again in December 2007 asking for the variance, but when the commission delayed a vote to get more information, Kietzman proceeded to take the matter directly to the city council. The hearing is scheduled to take place on Feb. 14.

The problem is, as Tybee's ethic's ordinance now reads, five members of the presently elected council (Barry Brown, Charlie Brewer, Eddie Crone, Wanda Doyle and Dick Smith) would need to recuse themselves from any decision, due to the fact that they were the recipients of "disclosed campaign gifts over the allowed amount of \$500" from Kietzman and Sullivan.

Standing to support the ethics code, Tybee activist Freda Rutherford referred to "Tybee's checkered past" and mentioned the dedication of the city's former financial officer, Jan Fox, who contributed greatly to the process of getting ethical standards into writing. Rutherford suggested that, if anything, the code might be amended, not discarded. "Research on the ordinance actually began in the audit committee, of which I'm a member," she said. "We came to the conclusion that it was such a complex issue, it needed to be researched by a committee who might draft a ethics code."

In a statement after the meeting, Rutherford warned that the very reason for writing the ordinance was based upon the issue of allowing members of council who have conflicting interests to participate. "This past year," she said, "we had a situation when five members of the planning commission decided to run for office and had to step back during the campaign. We have the right counsel to fix problems like this. But we all know this is not Atlanta, where it may take thousands, instead of hundreds, to buy an election! When five members of the present council have conflicting interests because of a pending request, I say we address the quorum issue within the system and leave the rest alone!"

Former Ethics Advisory Committee member Linda Gladin, who was watching Thursday night's council meeting on cable television at home, made a special trip to the meeting with a late request to address the council. As one of the ordinance's authors, Gladin said she had received "hundreds" of e-mails and phone calls from citizens who were shocked and angry to discover an item to "suspend or repeal" on the agenda.

Gladin disputed the opinion of an advisory committee colleague, Ann Miller, who had stated earlier in the program that "only two people had really had any input" in crafting of the ordinance. "That's simply untrue, and I'm shocked anyone would make such a statement," Gladin told the council, saying that, for over a year, a diverse group of civic-minded individuals had worked long and hard to put the code together.

"The ethics ordinance is working!" Gladin argued. "Just the fact that there's a matter on Tybee that might require the recusal of a number of officials proves this. The code doesn't prohibit gifts or contributions, it simply states there's a certain cutoff level at which any official can benefit materially and still remain objective. Tybee citizens deserve impartiality. We need to restore the public's confidence, not rush to suspend or nullify something designed to promote the public trust."

Following Gladin's statements, Mayor Jason Buelterman commended the Ethics Advisory Committee members and opened the floor for a motion. After a moment of silence, Councilman Eddie Crone said that he had never considered getting rid of the code, but that perhaps some of it might need "tweaking" to make it more acceptable to laymen. Then Councilman Charlie Brewer said, "We can't give the appearance of being unethical, but we do need to identify and clarify the issues of the ordinance and train everyone properly." Brewer stated that he and the other new council members were "bound to it, but were not trained in it." Councilman Barry Brown agreed. The sixth member of Tybee's council, Wanda Doyle was not present at the meeting.

Smith made a motion that was seconded by Crone to work with attorneys Frank Jenkins and Bubba Hughes to look into possible "tweaking" and also define a "roll-out period and a special manager" to facilitate training of public officials in the particulars of the code. The motion carried unanimously.

Thursday evening was also the first public hearing of a proposal introduced at the Jan. 10 council meeting by Smith calling for a change in the way Tybee elects its public officials. Smith has proposed a system that would have candidates running for specific seats rather than electing the six candidates who receive the most votes. More hearings will follow.

Dr. Dee Tsoulos said, "Tybee is probably one of the best examples of a true democracy in the country, and citizens of this island now have the right to shake up their government every two years - in fact they voted down four-year terms during the last election, because they like to participate in how things are run!"

Holding up an election document, Tsoulos' wife, Lawanna, a former planning commission member who ran her own unsuccessful campaign for council last fall, accused council members of running on misleading information. "I feel like we got a bait-and-switch deal!" she said. "You didn't run on this and you didn't discuss it during the campaign." Tybee artist Samantha Claar stated, "The system's not broken, so why try and fix it?" Tybee's Henry Levy argued, "The island is just too small for this kind of thing. We don't need to further divide our otherwise friendly community!"

Planning commission member Dave Postle mentioned that no documents have been submitted for public dissemination on the issue and wondered what the long-term consequences would be. A letter read by Buelterman from former council member Jeannie Hutton stated further opposition to the proposal and asked what would happen in a runoff situation. Historian Elizabeth Hodges announced the Tybee Neighbor's Planning Team was in the process of conducting a survey of the island's citizenry on the new election proposal and results will be available by the Feb. 14 council meeting.

Buelterman presided over a five-member council including councilmen Barry Brown, Brewer, Crone, Smith and Wolff. (Councilwoman Doyle was out of town). The public meeting, packed with heated issues and extensive city business, began at 6:30 p.m. with a presentation by Trauma Care asking for support of state-level funding for their emergency transport. The transport serves 24 counties in Georgia and two in South Carolina. Submission of quarterly reports from city officers, boards and standing committees followed at 7 p.m., including reports from Chief Jimmy Price of Tybee's police department, Department of Public Works, Water and Sewer and Finance. Tybee YMCA director, Hillary Brodofsky's "Yellow Submarine" slideshow and the wrap-up of 2007 activities provided early comic relief for what turned out to be a very long night.

Tybee Realtor and planning commission member Libby Bacon gave an extensive reading of the Coastal Protection Ordinance Subcommittee's report being submitted to council. It included research and recommendations concerning Tybee's Shore Protection Act. Stating that Tybee's policy is more than adequate in meeting state requirements that would otherwise be mandated, Bacon also clarified how the protection line has been interpreted and drawn.

The council conducted a first reading of Smith's proposal that "time shares" of the city's River's End Campground be made available for sales to the public.

A city council budget workshop is scheduled for Saturday, Feb. 2. The next regular meeting of the Tybee Island City Council is Thursday, Feb. 14.

Among other things, the Kietzman/Sullivan variance request will be heard again that evening.

Related Links