

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

Mayor Sessions called the Consent Agenda to order at 6:30PM. Those present were Monty Parks, Brian West, Nancy DeVetter, Barry Brown, Jay Burke and Spec Hosti. Also attending were Dr. Shawn Gillen, City Manager; Michelle Owens, Assistant City Manager; Tracy O'Connell, City Attorney; George Shaw, Director, Community Development; and Janet LeViner, Clerk of Council. Bubba Hughes was excused.

### **Mayor Sessions listed the following items on the consent agenda:**

- Minutes, May 26, 2022, City Council Meeting
- BSA Financial Software Contract, Finance Department, Purchase Cost \$172,835, Line Item 350-1100-54-2500
- Out of State Travel: Lt. Emory Randolph, Seminole County Sheriff's Department, Sanford, FL. November 13 - 18, 2022. Cost \$1,650.00, Line Item 100-3210-52-3500.
- Approval of HMGP 4338-0004 - Batch One

**Mayor Sessions** called the regular meeting to order. All those present for the consent agenda were present.

### **Opening Ceremonies**

- Call to Order
- Invocation: Jan LeViner, Clerk of Council
- Pledge of Allegiance

### **Recognitions and Proclamations**

**Mayor Sessions** recognized **Chief Robert Bryson** for 12 years as Chief of Tybee Island Police Department. Chief Bryson thanked Mayor and Council for the opportunity to serve as Chief.

**Nancy DeVetter** made a motion to approve the consent agenda. **Brian West seconded.** Vote was unanimous to approve, 6-0.

### **Public Hearings**

**First Reading: Proposed FY2023 Budget. Jen Amerell** approached Mayor and Council to answer and questions. **Mayor pro tem Brown** referred to the funds set aside for Jaycee Park. He would like additional funds added to that line item to ensure the park and fields have real grass and not artificial. Mr. Hosti revisited the non-profits allocations to ensure documentation is received prior to distribution funds. Ms. Amerell confirmed. Mr. Hosti asked a reimbursement policy be put in place. Mr. Parks referred to Jaycee Park and asked an irrigation system be included, which would be a shallow well. He also would like to reallocate the money for the fire marshal to fire fighter, trained on EMS so the City can better respond to EMS calls. Mayor Sessions recommended with Chatham County Fire Marshal as to what services we are receiving and not receiving. Mr. Parks confirmed. There was a short discussion regarding the current equipment to include transport vehicles. Mayor Sessions asked Dr. Gillen to explain the agreement between Chatham County and Tybee for services. Dr. Gillen stated the County is responsible for ambulance service who contract with Chatham EMS, which is a private organization. The issue are ambulances are divided into districts, which dictate services. Dr. West recommended the City contract directly with Chatham EMS or another service provider. This will provide the City with their own ambulance. Chief Kendrick stated Chatham EMS is the 911 contract provider. If we had our own equipment, we would make contact with Chatham and formulate a MOU for them to use our equipment. Mayor Sessions asked Dr. Gillen regarding the vesting of employees. Dr.

Gillen stated Staff is working on a plan and will present to Mayor and Council shortly to include comparisons to other cities and of options different types of planned contributions. He continued, this is not included in the FY 23 budget and no vote is needed tonight. It is the censuses of Mayor and Council for Dr. Gillen to bring more information back to Mayor and Council. **Jim Kluttz** asked for clarification of the salaries as listed in the budget. Ms. Amerell asked him to come to City Hall and she will be glad to explain the format as shown in the proposed FY 23 budget. Mr. Kluttz asked if there are any grants that have been awarded to the City as there is nothing in that line item. Ms. Amerell approached. She stated the City has numerous ongoing grants but does not have a new grant for this FY23. **David McNaughton** approached Mayor and Council. He stated the budget made reference to strategic goals which include modifying or updating the Land Development Code (LDC). He asked if Mayor and Council have any specific topics related to the LDC that the Planning Commission should start addressing as to discussion only agenda items. Mr. Parks stated he will send an email to Mr. McNaughton with topics. **Barry Brown** made a motion to amend the FY23 Budget to add \$70,000 to the capital budget for additional improvements to Jaycee Park to include irrigation. **Monty Parks** seconded. Vote was unanimous, 6-0. **Monty Parks** made a motion to approve the FY 23 Budget as amended to include changing the footnote in the fire department budget to substitute fire fighter rather than fire marshal. **Nancy DeVetter** seconded. Vote was unanimous to approve, 6-0.

**Proposed Millage Rate. Mayor Sessions** reminded everyone the millage rate before them tonight is Tybee Island and not Chatham County. **Ms. Amerell** approached Mayor and Council to speak to the millage rate. She stated Staff is recommending the rate to be 3.931 which is the same as the previous year. The roll-back is 3.198. With the recommended rate, \$2.5M would be generated and with the roll-back, \$2M. Mr. Hosti expressed his concerns with the owners of STVR's having a lower rate on taxes with the roll-back. Mr. Parks stated he would like to find a way to help the full time residents with the tax bill without going with the roll-back. He recommended the roll-back rate. **Nancy DeVetter** made a motion to approve as presented, 3.931 recommended rate. **Spec Hosti** seconded. Voting in favor were Brian West, Nancy DeVetter, Jay Burke and Spec Hosti. Voting against were Barry Brown and Monty Parks. Motion to approve 4-2.

**Site Plan approval with Variance: 2 8th PI – 40006 02001 – Zone R-2 – Stephen Friedman. Monty Parks recused. George Shaw** approached Mayor and Council. He stated the sand dune is against the petitioner's house and he is requesting a variance to actually remove 10' of the dune, pushing back, building a retaining wall and will install pavers. He is also requesting a drainage system that will extend beyond the wall out into the dune system and pump water into the dune system. Staff recommended approval of the variance for the wall but not for the drainage system as it is controlled by DNR. Planning Commission recommended unanimous approval for both. Mayor Sessions asked who role DNR plays in this situation. Mr. Shaw responded they would have to weigh in on both items. Mr. Friedman has scheduled a meeting with DNR. Ms. DeVetter asked Mr. Shaw to explain the Planning Commissions position on this request. Mr. Shaw stated the Planning Commission, in his opinion, stated this is a problem that not only Mr. Friedman has but others that live along the beach and needs to be addressed. Mayor pro tem Brown made reference to another situation on Chatham Avenue where DNR did allow the resident to move sand back and build a retaining wall. **Patrick Lyon** approached Mayor and Council. Mr. Lyon stated Mr. Friedman's site plan should not be allowed to interfere with the easement. **Jason Ball, Engineer, approached** Mayor and Council stating he is representing Mr. Friedman. He read from a statement indicating the dune is against the structure and compromising the integrity of the foundation and perimeter walls on the lower floor. There will be an 8' separation from the existing wall to the new retaining wall. He has been in contact with DNR and the application and narrative is ready to submit but this cannot be done until approval

by Mayor and Council. Dr. West asked if there were other options regarding the drainage. Mr. Ball responded no. Mr. Shaw confirmed there will be effect on the easement and the drainage system would not only be an advantage to Mr. Friedman but other homeowners as well. **Barry Brown** made a motion to approve. **Spec Hosti** seconded. Vote was unanimous to approve, 5-0. **Monty Parks returned.**

**Site Plan approval: 101 Lovell Ave. – 40004 01015 – Zone C-2 – Emily Liebttag. George Shaw** approached Mayor and Council. Mr. Shaw stated this request is for the Salt Island Food and Beer restaurant at the corner of Lovell and Highway 80. The petitioner is requesting to close the curb cut on Highway 80 as it is a safety issue and put a small deck on that side of the building as a waiting area, add parking in the rear and bike racks. This will be an advantage to parking on the Island. Staff recommended approval as did the Planning Commission. **Nancy DeVetter** made a motion to approve. **Spec Hosti** seconded. Vote was unanimous to approve, 6-0.

**Variance: 10 11th Terrace – 4007 01019 – Zone R-2 – Chuck Moore. George Shaw** approached Mayor and Council. Mr. Shaw stated the petition has a family member with disabilities and is requesting to add a covered porch on the right side that would encroach approximately a foot into the side setback and also a set of stairs going from the existing ADA ramp to a future covered porch on the left side of the house. This would also be an encroachment into the front set-back. Staff recommended denial and Planning Commission unanimously recommended approval. Ms. DeVetter asked what proposed changes provide as to additional ADA access. Mr. Shaw responded they do not add any ADA access, the covered area gives a carport area for a covered space to put the ADA van. Mr. Parks stated in the past Mayor and Council have approved covered areas but he does not understand the request for the stairway as it does not aid any ADA requirement. Mayor Sessions made reference to the prior owner, Burke Day. Mr. Parks again voiced his concerns over the request for a stairway. Ms. DeVetter stated she does not see a hardship for the stairway. **Nancy DeVetter** made a motion to deny as there is no hardship. Motion failed for lack of a second. **Monty Parks** made a motion to approve the carport only. **Barry Brown** seconded. Voting in favor were Monty Parks, Nancy DeVetter and Barry Brown. Those voting against were Brian West, Jay Burke and Spec Hosti. Shirley Sessions voting in the affirmative. Motion to approve carport only, 4-3.

**Variance: 3 10th Place – 40006 18019 – Zone R-2 – Lisa Van Dusen. George Shaw** approached Mayor and Council. Mr. Shaw stated the home has a flat front that is on the set-back line and there are other homes on the street that extend beyond the set-back line. The petitioner is requesting to install an extension three (3) feet into the set-back. Staff recommended denial and Planning Commission unanimously recommended approval. Ms. DeVetter asked if there is a hardship. Mr. Shaw stated the Planning Commission did not discuss a hardship. Mayor Sessions asked Mr. Shaw to read from the LDC as to the definition of a hardship. Mr. Shaw complied. **Lisa Van Dusen** approached Mayor and Council. She stated the house was moved over 15 years ago and there was a variance to create a road at that time. They have no opportunity to expand the house and would like to renovate the kitchen. **Keith Gay** approached Mayor and Council. Mr. Gay stated he is before Mayor and Council to reinforce the comments from Ms. Van Dusen. He is asking Mayor and Council to vote in favor of the request. **Nancy DeVetter** made a motion to deny. **Monty Parks** seconded. Voting in favor to deny were Nancy DeVetter, Monty Parks and Barry Brown. Voting against were Spec Hosti, Jay Burke and Brian West. Shirley Sessions voting to deny. Motion to deny, 4-3.

**Variance: 6 Taylor St. – 40001 10009 – Zone R-1 – David Terry & Cheryl Thomas. George Shaw** approached Mayor and Council. Mr. Shaw stated the house has a rear deck currently on half of the house and encroaches just slightly into the set-back as does the stairs.

The petitioner is requesting to extend the rear deck across the back of the house which will be an additional encroachment. They would like to move the stairs which will not encroach the setback which will be an improvement. Mr. Shaw explained there is a 10' lane behind the house which is believed to be left over from the Fort. The area is filled with debris. Staff recommended denial and Planning Commission recommended approval unanimously. Ms. DeVetter asked what the hardship is. Mr. Shaw stated the Planning Commission discussed the fact that the lane is not dealt with as a separate piece of property which it legally is. Mr. Parks asked Ms. O'Connell to research the ownership of the property. Ms. O'Connell confirmed. **David Terry** approached Mayor and Council. Mr. Terry stated he would like to make improvements to the home one being adding an extension to the deck. If the property is own by the City he would ask if it could be deeded over to him and his wife. Mr. Parks confirmed with Mr. Terry he is just requesting a bigger deck. **Monty Parks** made a motion to table and request Staff to research ownership of the 10' lane. **Spec Hosti** seconded. Vote was unanimous to table the request. **No action taken. To be heard at the July 14, 2022 meeting.**

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

**Flock Group Inc., Services Agreement. Flock Falcon Camera and Tag Reader. Year one (1), \$74,100 and recurring \$65,000.** **Dr. Gillen** stated these cameras are not for speed enforcement but to replace what Georgia Power had provided. The resolution on the camera was not good and they were not tag readers. These will all be tag readers which will provide better security for the Island. Ms. DeVetter asked why the police department needs the cameras as there was only one violation last year as a result of the tag readers. Dr. Gillen explained the system has not functioned properly for some time and this will be an upgrade. Ms. DeVetter feels uncomfortable with the surveillance. Dr. Gillen again stated this is a tag reader and surveillance camera which shows and records activity. Dr. West stated this purchase was presented at the Public Safety Committee. **Monty Parks** made a motion to approve. **Brian West** seconded. Voting in favor were Monty Parks and Brian West. Those voting against were Nancy DeVetter, Barry Brown, Jay Burke and Spec Hosti. Motion failed 2-4. **Discussion: Ms. DeVetter** asked Dr. Gillen to present utilization numbers in the future for possible reconsideration. Mr. Hosti asked if this comes before Mayor and Council in the future that Chief Bryson be in attendance. Dr. Gillen confirmed.

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

**First Reading, 2022-07, Sec 34-262, Eliminating mid-year Prorated STVR Regulatory Fees.** **Tracy O'Connell** explained the ordinance and the provisions regarding changing ownership of STVR's and the associated fees. **Brian West** made a motion to approve with the addition of the verbiage that allows that no fee is required upon the changing of the management company. **Monty Parks** seconded. Vote was unanimous to approve, 6-0.

### **Council, Officials and City Attorney Considerations and Comments**

**Barry Brown** recommended the **Relocating of a Portable Bathrooms on South-end to the Marine Science Center and repair the second bathroom.** This will give the Marine Science Center the opportunity to provide services until a bathroom can be completed. Dr. Gillen agrees in concept but might have to work on the details. Step two will be the repair of the second portable bathroom on the south-end. Mr. Parks expressed his concerns of no public restroom at the Marine Science Center. Dr. Gillen will get an update from the Marine Science Center regarding the status of the restroom for the public located in the facility.

**Jay Burke: Michael Leonard / City of Tybee Polk Street. Discuss the Old / New Bid Process Completion Deadline. No Action Taken**

**Monty Parks: Reconsideration of the Prescott Parking Lot.** Mr. Parks stated at the last council meeting there was a discussion and vote on a proposal for the Prescott Parking lot. He would like to make a reconsideration motion. He then explained his concerns and reasons for reconsideration. **Monty Parks** made a motion to reconsider. **Nancy DeVetter** seconded. Voting in favor of reconsideration were Barry Brown, Nancy DeVetter, and Monty Parks. Those voting against were Spec Hosti, Jay Burke, and Brian West. Shirley Sessions voting in favor. Motion to reconsider, 4-3. **Nancy DeVetter** made a motion to void the current permit and allow Ms. Prescott to reapply in December 2022 for consideration. **Barry Brown** seconded. **Discussion:** Mr. Hosti stated Ms. Prescott has had this permit for 16 years and he feels they should be allowed to operate the parking lot. Voting in favor were Nancy DeVetter and Barry Brown and Monty Parks. Voting against were Brian West, Spec Hosti and Jay Burke. Shirley Sessions voting in favor. Motion to void permit, 4-3.

**Brian West** made a motion to adjourn to Executive Session to discuss real estate and litigation. **Monty Parks** seconded. Vote was unanimous to approve, 6-0.

**Spec Hosti** made a motion to return to regular session. **Monty Parks** seconded. Vote was unanimous to approve, 6-0.

**Barry Brown** made a motion to adjourn. **Monty Parks** seconded. Vote was unanimous to approve, 6-0.

Meeting adjourned at 9:30PM.

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Janet R. LeViner, MMC  
Clerk