

City Council **Amended** Minutes, August 24, 2023

Mayor Sessions called the meeting to order at 6:30PM, August 24, 2023. Those in attendance were, Monty Parks, Nancy DeVetter, Barry Brown, Jay Burke and Spec Hosti. Also attending were Michelle Owens, Acting City Manager; Bubba Hughes, City Attorney; Tracy O'Connell, City Attorney, and Jan LeViner, Clerk of Council. Dr. Gillen was not present.

Opening Ceremonies

Call to Order

Invocation: Jan LeViner, Clerk

Pledge of Allegiance

Mayor Sessions introduced the qualified candidates that will be running in the Municipal Election, November 7, 2023. She thanked everyone for their interest in running for office.

Michelle Owens gave a brief update on City Hall. Move date in scheduled for late October to mid-November.

Consideration of Items for Consent Agenda

- City Council Meeting Minutes, July 13, 2023
- Alcohol License: Special Event, Beer/Wine-Peace Officers Assoc. of GA dba Peace Officers Training Conf. Hotel Tybee-1401 Strand Ave
- Alcohol License: Beer/Wine Special Event-Friends of the Tybee Post Theater dba Tybee Post Music Festival, One Day Special Event: November 4, 2023 Hotel Tybee, 1401 Strand Ave
- Agenda Request: Alcohol License-Beer/Wine: Special Event: Tybee Festival Association dba Tybee Pirate Fest Two Day Special Event: October 7-8, 2023, 16th Street Parking Lot
- Reimbursement Resolution

Reports of Staff

Tiffany Hayes, Chief, Tybee Island Police Department, approached Mayor and Council to speak to the New **K-9 Program** (Information Only). Chief Hayes introduced Officer Kendrick and the new puppy. Officer Kendrick explained his qualifications as a K-9 Handler and his goals for the City with the program. He further explained the cost to the City which is far less than normal as the City has received numerous donations to include the dog. Mr. Hosti stated he is in support of the program. Mayor pro tem Brown asked Officer Kendrick if there is anyone else in the Department that can train or is he the only one. Officer Kendrick stated no, he would be the sole trainer and handler and on call at all times. Chief Hayes stated there is money in the budget for additional staff and the puppy would be considered staff. Mr. Parks thanked Chief Hayes for reaching out to other municipalities and researching grant opportunities. Mayor pro tem Brown recommended moving forward with the program. Ms. Owens explained there is money in the budget for staff and the K-9 would be considered staff. Ms. O'Connell recommended Mayor and Council give Staff direction moving forward. Mayor pro tem Brown made a motion for Chief Hayes to bring back at next council meeting. Monty Parks seconded. Vote was unanimous to approve, 5-0.

Chief Hayes then recognized the two receiptants of the Better Together Scholarship Award. This is a scholarship program for the citizens of Tybee Island and will be an annual event. This is a reimbursement scholarship and the student had to write or draw something. The winners are

Noah Williams and Andrew Williams. Chief Hayes asked them to come forward. Mayor Sessions thanked both Chief Hayes for this scholarship program.

Ms. LeViner introduced Master Chief Reisner, Coast Guard Tybee and the other leaders of the Coast Guard units in Chatham County. Mayor Sessions read a **Proclamation for Coast Guard Month** and each received a Certificate of Appreciation. Mayor Sessions thanked them all for their dedication not only to the Coast Guard but also to the City.

Citizens to be Heard: Please limit comments to 3 minutes. Maximum allowable times of 5 minutes.

Nick Sears approached Mayor and Council to speak to **Unauthorized STR Permits in the residential neighborhoods**. Mayor Sessions thanked Mr. Sears for his comments (attached).

Sarah Jones approached Mayor and Council to speak to the **Lighthouse Preservation Project**. Ms. Jones explained the project and associated costs as the Historical Society solely owns and controls the Tybee Island Light Station including the Tybee Island Lighthouse except for the light and the lens. They do not have federal funding and get revenue through admissions and donations. She is asking for community (\$500,000) as well as City support. Mayor Sessions thanked Ms. Jones and encouraged citizens to help.

Pat Leiby approached Mayor and Council to speak to the **MLK Non-Profit Allocation**. Ms. Leiby is asking for a line item that would be separate from other non-profits as they present the cultural diversity that the City does not have a staff person. Mayor Sessions thanked Ms. Leiby for her comments.

Kathryn Williams approached Mayor and Council to speak in favor of the **Lighthouse Preservation Project**. Ms. Williams encouraged Mayor and Council approve funding in the amount of \$25,000 to the project. Mayor Sessions thanked Ms. Williams for her comments.

William Mosely approached Mayor and Council to speak to the **Special Election**. Mr. Moseley would like to run for the council seat vacated by Brian West. He asked Mayor and Council to change the existing ordinance regarding pausing his retirement if he should be elected to the Council. Mayor Sessions stated a council member will need to add to a future agenda for review and action.

Nancy DeVetter made a motion to approve the consent agenda. **Jay Burke** seconded. Vote was unanimous to approve, 5-0.

Consideration of Bids, Contracts, Agreements and Expenditures

Preliminary FY23 Budget Amendment. Monty Parks asked Ms. Amerell to explain the amendment. Ms. Amerell stated the biggest surplus is in Community Development as they had budgeted for contract services and they did not use the funds. Other software programs were moved from that department to the Finance Department. Mr. Parks thanked Ms. Amerell for her explanation. **Monty Parks** made a motion to approve. **Jay Burke** seconded. Vote was unanimous to approve, 5-0.

Tybee Island Fire and Rescue: Purchase 2005 F550 super Duty Crew Cab Squad Truck. Capital Fund Acct. 350-3510-54-1300 currently available balance is \$200,000.00 Cost for Apparatus is \$50,000.00. Mr. Parks asked for an explanation. Chief Kendrick stated the funds are coming from the line item for the building that was to be renovated and was downsized. He confirmed that truck would be Squad 1. Mr. Parks asked the purpose of the F150. Chief Kendrick stated it will remain in the fleet and will be used to maneuver equipment.

Mr. Parks asked if the building was not more important than the vehicle as this would give everyone separate showers, which is important. Chief Kendrick stated this is still being done but now on a smaller scale. Ms. Owens stated Chief Kendrick was able to find a vehicle at a very reasonable price, which probably will not be available next year. Chief Kendrick stated a new vehicle would cost approximately \$250,000. **Monty Park** made a motion to approve. **Barry Brown** seconded. Vote was unanimous to approve, 5-0.

Tybee Island Fire and Rescue: Purchase 2019 22.2 Zodiac Pro 7 Rigid Inflatable Boat, Capital Fund Acct. 350-3510-54-2500 currently available balance is \$90,000.00 Cost for Boat is \$78,200 including trailer and delivery. This is a budgeted expense in the FY24 budget. Mr. Parks stated during the budget process, he approved the budget so as not to delay but he is not in favor of purchasing a boat and not in favor of moving forward with this purchase. The City is paying the County for this service as well as the support of other agencies such as the Coast Guard. He continued, he has a deep concern by putting the City's officers in danger and at risk during a stormy night. Chief Kendrick stated he has a SOP that they are still developing which outlines when you go on a rescue and when it is too dangerous. Mr. Parks asked where the boat would be docked. Chief Kendrick stated it would not be docked in the water but secured at the fire station. In this way, it can be launched where needed. Mr. Hosti offered an alternative to the proposed purchase as there are other options such as a 21' Carolina Skiff which is priced around \$53,000. Ms. O'Connell clarified the cost of the boat, trailer, and delivery is \$78,290. Mr. Parks stated he still does that agree with this purchase and will not vote to approve. Mr. Hosti stated he is in favor of purchasing a boat but feels there are other options that are more sensible. Mayor pro tem Brown stated he is in favor of this purchase, Ms. DeVetter also is in favor of this purchase. **Nancy DeVetter** made a motion to approve. **Barry Brown** seconded. Voting in favor were Nancy DeVetter, Barry Brown, Jay Burke and Spec Hosti. Voting against was Monty Parks. Motion to approve, 4-1.

Council, Officials and City Attorney Considerations and Comments

Bubba Hughes: Patel vs Tybee Authorization/Agreement. Ms. O'Connell stated a claim was made and filed against the City by Mr. Patel regarding the City's utility lines which they believed were improperly placed. The Patel's are now wishing to sell the property and as part of that, the City is trying to resolve the law suite at the same time. In order for the work to be done, the estimated cost is \$35,000. The City would fund part of the work, \$8,750 and GIRMA would contribute \$8,000. The City would also add the remaining \$750. Ms. O'Connell is requesting Mayor and Council allow the legal team to move forward with the settlement subject to the attorney finalizing the agreements. **Spec Hosti** made a motion to approve. **Barry Brown** seconded. Vote was unanimous to approve, 5-0.

Bubba Hughes: Tom Gehl, Government Relations Services. Mayor Sessions explained the duties of Mr. Gehl as the Lobbyist for the City. This would also assist with the recent Resolutions sent to the State regarding unpermitted events and closing the beach and Highway 80 due to extreme circumstances. Mr. Gehl gave the City three options for his services. One option being \$25,000 to start working with the State appointed attorney to work with our legal team. Mr. Hughes stated Mr. Gehl was the Lobbyist for GMA for over 20 years prior to his starting his current company and comes highly recommended. Mr. Hughes stated he would like the legislation to include enhanced penalties for the promoters who benefit monetarily from these projects without considering the public safety of the citizens. He continued, what is proposed is if Mr. Gehl would work on behalf of the City in helping us secure appropriate support to get a Bill passed. Mr. Hosti stated the biggest issue are the pop-up events and it is his recommendation the City employ Mr. Gehl for Option #3, and if it is effective, then proceed with a year contract. Mr. Parks thanked Mayor Sessions for her passion but he is not in favor of moving forward with employing Mr. Gehl due to his inexperience with this type of issue(s). He would also like to know

how he would report progress to Mayor and Council. Mr. Hughes stated there is a Scope of Work, which includes communicating with Mayor and Council as well as with himself. He confirmed Mr. Gehl was a Lobbyist for GMA so he is experienced. **Spec Hosti** made a motion to approve Option #3 (\$25,000). **Barry Brown** seconded. Voting in favor were Spec Hosti, Jay Burke and Barry Brown. Voting against were Nancy DeVetter and Monty Parks. Motion to approve, 3-2.

Barry Brown: Functional Fire Hydrants. Mayor pro tem Brown stated it has come to his attention there are inoperative fire hydrants in the City that have "out of order" signs on them. After further research, there are ten (10) fire hydrants that are not in service. Ms. Owens stated nine (9) have been repaired and the last one is due to be repaired the next day. Mayor pro tem Brown asked why these hydrants were not repaired in a timely manner. Mr. Gulbranson stated the fire department tests the hydrants regularly and it is his understanding he hydrant was not out of order for two years. He explained that there was no flushing of the hydrants due to the tower being down. Also during that time, there were staff issues which caused major delays. Since, Mr. Gulbranson stated, a new program has been initiated, a work order system, which will be a joint effort for flushing. Shari Hayes approached Mayor and Council. Ms. Hayes explained she only received notification of the said hydrant in December 2022. She continued they are working with the fire department and the new system to ensure all hydrants are working properly. Chief Kendrick stated he is working with Ms. Owens to ensure citizens are aware of when hydrants are not working properly and the repair process. Mr. Parks stated in researching other municipalities, there are ordinances in place requiring annual testing of hydrants. He asked Mr. Hughes and Ms. O'Connell to move forward with such ordinance for Tybee. He would also like the results of testing annually to be tested on the website. Ms. Owens confirmed the process with the new work order system. Mayor Sessions thanked Ms. Owens for working with the Staff to resolve the problem and working toward a solution. **No motion needed.**

Mayor Sessions asked Mr. Hughes and Mr. Gulbranson for an update on the deep water well. Mr. Hughes stated GEFA had litigation, which went on for years regarding attempting to install a deep well near DPW. The case has since been settled and a portion of that money belongs to Tybee. The City needs to make a decision in going forward is realistic for what a treatment facility would cost. When the well failed, water was never tested. Mr. Hughes confirmed any monies received would be earmarked for a deep well and cost may inhibit moving forward with a new well. Mayor Sessions thanked Mr. Hughes.

Michelle Owens gave an update for the **Procedures for Dump Fees.** Ms. Owens stated she was tasked to develop a plan to allow free dumping for residents. Mr. Gulbranson stated the program would become effective October 1, 2023 for city residents only. Residents would need proof of residency, driver license or utility bill, to use the program. It would also be limited to personal owned vehicles and a single axle trailer. Vehicles with a business logo would not be allowed to have dump charges waived. **Spec Hosti** made a motion to approve with the use of driver's license and/or utility bill for identification. **Monty Parks** seconded. Vote was unanimous 5-0 to approve.

Michelle Owens gave an update on the procedures by **Main Street** for **Non-profit Grants.** Ms. Owens stated in the past the request for non-profit grants increased and she was tasked with developing a program. At that point, it was moved out of the Finance Department into the Main Street Program as one of their principals is organization. The requirements put in place were they have a 5013-C or 5013-C6 designation, explain how the money will be used, and the total amount for the non-profit grants was capped at \$10,000. This includes cash and city services. Mr. Hosti thanked Main Street for taking on this task, as there is now structure to the grants. Ms. Owens explained the \$10,000 includes not only cash but also city services. Mr. Parks thanked Main Street as well for their efforts but he does not agree with "in-kind" as a cash donation. He

would like to motion that Mayor and Council decide prior to approval of the budget, the non-profit level and what donation they receive. He would like it to be council decision and "in-kind" not be treated as cash, but as "in-kind". Ms. DeVetter was under the impression a process would be brought before Mayor and Council for discussion and then a decision would be made going forward. She also asked if there was a written policy. Ms. Owens confirmed and stated she will be happy to bring a presentation back for Mayor and Council to review. Ms. DeVetter responded she would like to be clear on the process. **Monty Parks** made a motion to approve as presented. **Jay Burke** seconded. **Discussion:** Ms. DeVetter would like applications included in the packet before them tonight for consideration for the public record. Voting in favor were Monty Parks, Barry Brown, Jay Burke and Spec Hosti. Voting against was Nancy DeVetter. Motion to approve 4-1.

Spec Hosti made a motion to adjourn to executive session to discuss real estate, personnel and litigation. **Nancy DeVetter** seconded. Vote was unanimous to approve, 5-0.

Spec Hosti made a motion to return to regular session. **Monty Parks** seconded. Vote was unanimous to approve 5-0.

Spec Hosti made a motion to adjourn. **Monty Parks** seconded. Vote was unanimous to approve, 5-0.

Meeting adjourned at 10:30PM

Janet LeViner, MMC
Clerk of Council