

Consideration of Items for Consent Agenda

Mayor Buelterman called the consent agenda to order at 6:30PM on February 28, 2019. Those present were Julie Livingston, Monty Parks, John Branigin, Wanda Doyle, Barry Brown, and Jackson Butler. Also attending were Dr. Shawn Gillen, City Manager; Bubba Hughes, City Attorney; George Shaw, Director, Community Development; Angela Hudson, Finance Director; and Janet LeViner, Clerk of Council.

Mayor pro tem Brown listed the following items on the consent agenda:

- City Council Meeting Minutes, February 14, 2019
- Special City Council Meeting Minutes, February 20, 2019
- Tybee Wine Festival, April 25, Special Event-Liquor, Beer and Wine
- Tybee Wine Festival, April 26, Special Event-Liquor, Beer and Wine
- Tybee Wine Festival, April 27, Special Event-Liquor, Beer and Wine
- Tybee Island Social Club-Alcohol and Entertainment License-Liquor Beer Wine Sunday Sales Wine-Package. **Contingent upon approval from all department heads**
- Memorandum of Agreement, Information Hut Partnership
- Lease - Tybee Island YMCA
- The purpose of this agenda item is to acquire the City Council's approval to amend the SPLOST 2003 Capital Project Fund's fiscal year 2018-2019 budget by an increase of \$3,933,524, changing the budget from \$421,098.63 to \$4,354,622.63
- The purpose of this agenda item is to present the City Council with cell tower lease proposal from T-Mobile to operate wireless cell phone\internet equipment from the 111 Butler Avenue water tower
- GCIC NCJ User Agreement
- Resolution - SPLOST
- Resolution - Charter Changes
- GCIC Agreement on Background Checks
- Pruet Anti Litem – To reject
- Horsepen Creek Road Settlement
- Builder's Risk Insurance for Marine Science Center. **Discussion. Ms. Doyle** requested with every meeting pertaining to the Marine Science Center, Mr. Hughes is a part of those meetings. Also, when West Construction sends updates to the Ad hoc Committee, Mr. Hughes be included on the distribution list.
- Plat Review, 15 Meddin
- Delegation of Marine Science Center Project change order approval to city manager. **Discussion: Ms. Doyle** recommended regularly scheduled Ad hoc meetings be scheduled so everyone is up to date on the progress of the construction. Dr. Gillen confirmed. Mayor pro tem Brown request of Dr. Gillen that Mayor and Council be made aware of every change order regarding the Marine Science Center. Dr. Gillen confirmed.

Mayor Buelterman called the regular meeting to order at 7:00PM. All those present for the consent agenda were present.

Opening Ceremonies

- Call to Order
- Presentation of Colors and Pledge: American Legion Post
- Invocation: Ken Douberly, St Michael's Parrish

Recognition and Proclamations

Mayor Buelterman recognized the following **Employees** for their years of service:

Kim Fickes	5 years	Campground
Kaitlyn Marlow	5 years	Municipal Court
Anthony Atkins	5 years	Police (CNT)
Eddie Dicus	5 years	Police
Antar Khaalis	5 years	Public Works
Bill Curry	10 years	Water Sewer
Ricky Goodman	10 years	Water Sewer
Stephanie Hogan	15 years	Finance
Pete Ryerson	15 years	Parking Services
Danny Carpenter	35 years	Public Works

Employee of the Year: Anthony Errato – Police Department

Employee of the Quarter: Chris Epley – Fire Department

Maria Procopio - Marine Science Center approached Mayor and Council to **recognize** her team. She thanked them all for the outstanding job they do and for their help with the recent ground breaking ceremony. Mayor and Council thanked Ms. Procopio.

Reports of Boards/Invited Guests

Courtney Reich, Goodwyn, Mills, Cawood approached Mayor and Council to present the Carry Capacity Study Implementation Coastal Incentive Grant update. Ms. Reich stated she would like to report on the Water and Sewer Rate Study that was done as part of the Coastal Incentive Grant that is currently in place. She continued, the Study was done to get a better understanding of population dynamics on the Island. Permitting and withdrawal levels were discussed and as a result it is recommended an alternative water supply be considered in the future. Ms. Reich also stated, in the future, the waste water plant will have to be updated to accommodate higher flow levels and treat to a higher quality. She stated the first task that the Carrying Capacity Study recommended was to look at the City's water and sewer rates to determine if the current financial model was considering some of the major capital projects that planned for the future. Information was gathered from the billing department and constructed a model of the City's rates. Ms. Reich is recommending, based on the City's capital needs, the City consider creating a dedicated capital reserve fund so funds will be available in the future that would help reduce the amount of borrowing in the future. They also recommended the City have a goal of saving approximately \$6M in the capital fund over the next ten years. In order to do this, the water/sewer rates would have to be increased over the CPI. There was a brief discussion regarding the RO Build-out. Mr. Shaw stated Ms. Reich will attend an upcoming Planning Commission meeting to discuss the zoning and build-out possibilities and look at possible alterations to the current allowable uses or allowable sq. ft. in the R-2. Mayor Buelterman expressed his concerns with the current withdrawal rates and discussed possible alternatives. Mr. Shaw stated the Planning Commission would like direction from Mayor and Council regarding the R-2 zoning issue and possible recommendations on the water rate study. Mr. Branigin expressed his concerns and recommended stockpiling funds for future capital projects. Mayor Buelterman recommended the Infrastructure Committee look at the sewage side of the issue so Mayor and Council can address long-term. Mayor pro tem Brown

confirmed. Mayor Buelterman stated at the upcoming Finance Committee meeting there will be a discussion and recommendations will be forwarded to Mayor and Council.

Amy Gaster approached Mayor and Council to speak on the proposed ordinance, **Disorderly Household**. Ms. Gaster expressed her concerns with the proposed ordinance to include penalties of repeat offenders; tracking violations; notification of violations to the landlord or management company; and fine structure. Ms. Gaster thanked the Tybee Island Police Department their work with the STVR's as well as Mayor and Council. She further asked the City treat all rentals, short or long term, in the same manner. Mayor Buelterman thanked Ms. Gaster.

Keith Gay approached Mayor and Council to speak on the proposed ordinance, **Disorderly Household**. Mr. Gay stated he agreed with the issues Ms. Gaster discussed and it is critical to have a management tool for the City to deal with these issues. Mr. Gay asked Mayor and Council to consider having a level playing field for short and long term rentals. Mayor Buelterman thanked Mr. Gay for his concerns and comments.

Harry Morgan approached Mayor and Council to speak on the proposed ordinance, **Disorderly Household**. Mr. Morgan he is not in agreement with the proposed ordinance in regards to fines. Mayor Buelterman thanked Mr. Morgan for his comments and concerns.

Anna Butler approached Mayor and Council to speak on **proposed water study**. Ms. Butler stated she read the Carrying Capacity Study as well as the Water Rate Study and was concerned there was not a graph showing the peaks and valleys were monthly usage. She would also like to see the ratio of water usage for winter versus summer. Ms. Session asked Dr. Gillen if there is a report showing the comparison. Dr. Gillen stated there is a comparison in the current software and may not be in the format that is needed but sure a report can be done. Mayor Buelterman recommended Ms. Reich come back to speak with Mayor and Council with the comparison of usage on March 28, 2019. Mayor Buelterman thanked Ms. Butler for her comments and concerns.

Wanda Doyle made a motion to approve the consent agenda. **John Branigin** seconded. Vote was unanimous, 6-0.

Consideration of Bids, Contracts, Agreements and Expenditures

Unopened Right-of-Way Motar Subdivision, Mark Boswell. George Shaw approached Mayor and Council. Mr. Shaw stated Motar Avenue is an unopened right-of-way between Solomon and Alger and abuts the marsh. There are a number of lots in that area and they need proper access to the property. Generally when the subdivision is approved they must bring the road up to standards. He would recommend the City require the same for treatment for Alger or at the very least have some sort of hammer head turnaround on Alger. This is currently accessible but not opened as Alger is grass. Staff recommends Motar to be open with the stipulation it is brought up to City standards and with a hammer head on Alger or have Alger opened. Mayor Buelterman asked Mr. Shaw at whose expense would it be to have the road brought up to city standards. Mr. Shaw responded the developer and maintained by the City. Mayor Buelterman asked Mr. Shaw what items are being approved this evening. Mr. Shaw responded the petitioner is asking for approval of Motar and he would recommend at the very least a proper turn around on Alger be included. In this way service vehicles can make a proper turn around. Mr. Hughes stated he does not believe there is an issue with including the requirement for improvements on Alger. **Wanda Doyle** made a motion to approve the

unopened right-of-way for Motar subdivision and the turn around on Alger. **Barry Brown** seconded. Vote was unanimous 6-0 to approve.

Unopened Right-of-Way, Solomon Avenue and Polk Streets, Boswell/Rosseh. **George Shaw** approached Mayor and Council. Mr. Shaw stated there has been a platted subdivision there for a number of years and are a number of unopened right-of-way, Estill, Telephone and Storer. The owners of those properties would like Estill, Telephone and Storer opened to provide access to the properties. He would recommend the same conditions as with the previous request. There was a discussion regarding the size of the lots where Mr. Shaw confirmed they are legal platted lots. Ms. Sessions asked if this property is being designated as the storage area for sand. Dr. Gillen confirmed. Mr. Hughes stated this property was never designated as a dump. Mayor Buelterman then asked Mr. Hughes if the City is obligated to open the right-of-way. Mr. Hughes responded the City either has to allow the right-of-way to be opened or offer to let the petitioner to purchase. Mr. Parks confirmed approval does not require the petitioner to build roads only permission. **John Branigin** made a motion to approve. **Wanda Doyle** seconded. Voting in favor were Julie Livingston, Monty Parks, John Branigin, Wanda Doyle and Barry Brown. Voting against was Shirley Sessions. Vote to approve, 5-1.

Abandoned and unused Right-of-Way, Solomon Avenue, Yellin. **George Shaw** approached Mayor and Council. Mr. Shaw stated this request came up as a subdivision of a parcel at the corner of Moore Avenue and Solomon. The owners brought in a plat and it met all of the requirements for a subdivision and then was added to the agenda for Planning Commission. Mr. Hughes had not had an opportunity to review the request prior to it being heard by the Planning Commission and he discovered there might be an issue with the portion of the former railroad right-of-way actually being owned by the petitioner who wanted to do the subdivision. The applicant is present and would request the City give the property to them. He further stated if this were to be approved, Solomon would have to be re-routed somewhat significantly. Staff is not in favor of the request although some portion might work. The City could alter the right-of-way to give the petitioner sufficient land to make a subdivision. Mr. Shaw stated this has been in front of Mayor and Council previously as Mr. Hughes discovered a question with the title. Mr. Hughes stated due to the chain of title of the parcel that includes the railroad right-of-way it has unique characteristics which makes it an unusual situation. The petitioner has filed a petition to request they be sold a certain portion of the right-of-way that would enable them to attach to their adjoining lot and subdivide into two lots. He continued, as originally proposed, it was a significant portion of Solomon Avenue. Josh Yellin approached Mayor and Council. Mr. Yellin stated the petitioners have been paying taxes on the entire parcel of property since they purchased the property. He is in possession of a chain of title on the property beginning in 1971. The previous owners indicated there was a fence on the property dating back to 1949. Mr. Yellin stated from 1949 until current, there is a continually proof of ownership at the property. Mr. Yellin did a short presentation of the property history which depicted a small portion of property the petitioner is asking the City of Tybee to convey to them. In this way, the right-of-way of Solomon is not impacted. Mr. Yellin stated they are seeking the Quit Claim as a mechanism by which they can have clear title the property. Mr. Parks asked if a title search was done when the Browns purchased the property. Mr. Yellin confirmed. Mayor Buelterman asked Mr. Shaw to expand on the possible solution for this matter. Mr. Shaw responded, the ideal situation for the City if we were to convey a portion of the property would be all the current driving surface and some sort of shoulder for maintenance purposes. The City would need to retain approximately 2700 sq ft for maintenance area. Mr. Hughes there would need to be a survey and deed to convey and compensation to the City for the portion of property the City is selling to the petitioner. Mayor Buelterman recommended

Mr. Shaw, Mr. Hughes and Mr. Yellin meet and come back to the City with a reasonable proposal to resolve the issue. Mayor pro tem Brown stated he would like to see a geographic topographical survey done. This expense would be borne by the petitioner. Mr. Yellin confirmed. He also stated there is a contract to purchase the property and would request there be a solution done as quickly as possible. **To come back before Mayor and Council.**

Georgia Power Company Distributed Generation Agreement. Mayor Buelterman stated he will follow-up with Georgia Power and will **come back before Mayor and Council at the March 28, 2019 meeting.**

Consideration of Ordinances, Resolutions

First Reading, 2019-03, Graffiti. Mr. Hughes stated this is an ordinance that has been with the Public Safety Committee for recommendations and is now before Mayor and Council for first reading. He stated Georgia does have a state law regarding graffiti and a definition of what is graffiti incorporates the Georgia State Law. Mr. Hughes stated the City has a right to require the removal of graffiti and the owner is directed to remove graffiti within 72 hours of notification. Ms. Doyle confirmed the enforcement would change from Code Enforcement to the Municipal Courts. Ms. Doyle made reference to a building on the Island that does have graffiti and the owner will not take action to remove. With this ordinance, the Tybee Island Police Department does have the authority to require the person to remove or give the City permission to remove it at the owner's expense. Mr. Hughes confirmed. Mr. Branigin stated he is in favor of the proposed ordinance but needs a definition to specify what constitutes graffiti and the removal of graffiti. Ms. Session recommended Mayor and Council move forward and send comments to Mr. Hughes for incorporation in the proposed ordinance. Mayor Buelterman confirmed. **To come back before Mayor and Council.**

First Reading, 2019-04, Sec 22-36, Disorderly Household. Ms. Doyle stated the Public Safety Committee has discussed the proposed ordinance numerous times. It was understanding that changes would be made, red-line, which is not in the packet. Ms. Doyle recommended she and the City Manager meet with Ms. Gastor to discuss their (STVR) concerns to ensure their concerns are addressed. She also recommended this come back before Mayor and Council after concerns have been addressed and heard by the Public Safety Committee. Ms. Doyle recommended no action until a meeting is held to get a better understanding of their concerns. Mr. Branigin expressed his concerns as to who is liable, the owner or the tenant. He stated if the portion of the proposed ordinance that pertains to short term vacation rentals and re-read the ordinance, you will not find anywhere else in the proposed ordinance that singles out short term vacation rentals. Mayor Buelterman confirmed Mayor and Council to send comments and recommendations to Mr. Hughes for inclusion in the proposed ordinance. Dr. Gillen stated he will work with Ms. Doyle and Ms. Gastor to set a meeting and take recommendations to the next Public Safety Committee meeting to be included in a future City Council meeting agenda.

First Reading, 2019-06, Sec 6-5 and 6-6, Fingerprints. Mr. Hughes stated it currently exists requiring an applicant for an alcohol license to provide fingerprints through the police department. Subsection (a) would change it to make it as provided by law procedures directed by the City Manager. Fingerprints are now available through other locations and they are trying to separate law enforcement purposes and fingerprinting for civil applications such as alcohol licenses or employment. Hence change in subsection (a). This ordinance goes on to the next ordinance, 2019-07, as to fingerprinting applicants and what happens if it shows something. Mayor Buelterman confirmed with Mr. Hughes if there was negative items on the report, the applicant would not receive their alcohol license. Mr. Hughes confirmed. If there is not an

objective statement in the ordinance it is not valid. In this way, staff would deny a license if someone has been convicted in the past ten years of an offense involving a felony. Mayor Buelterman asked Mr. Hughes if he is recommending Mayor and Council adopt on first reading Ordinances 2019-06 and 2019-07. Mr. Hughes confirmed. **Wanda Doyle** made a motion to approve both proposed ordinances, 2019-06 and 07. **Monty Parks** seconded. Vote was unanimous to approve.

Council, Officials and City Attorney Considerations and Comments

Bubba Hughes stated this is the **Introduction 2019-02, Sec 42-66, Fireworks and 2019-05, Sec 22-110 and 22-112, Noise**. Mr. Hughes stated this ordinance was revised a year ago and the fireworks ordinance is tied to the noise ordinance. The noise ordinance is also on the agenda as being introduced as State Law requires if the City is to adopt or have a Noise Ordinance applicable to consumer fireworks which are now illegal for sale, the City must publish a Notice 15 days prior to the adoption date of the Noise Ordinance. The re-adopting of the Noise Ordinance and the publication of the Notice which was done this date. The Noise Ordinance will be heard by Mayor and Council on March 14, 2019 with the adoption thereof. The only changes in the Noise Ordinance is the repeal and re-adopted, same Noise Ordinance as previously adopted. As this is being introduced, a motion is not needed.

Jason Buelterman requested a motion to **open access to northern most crossover at North Beach**. Mayor Buelterman showed a picture of the construction trailer on the North Beach Parking Lot. He would like the area opened so beach goers can have access to the beach. Ms. Doyle expressed her concerns with public safety due to the proximity of the construction trailer. After a brief discussion, **Barry Brown** made a motion to provide access between the chain and wooden fence adjacent to the construction trailer on the North Beach Parking Lot. **Shirley Sessions** seconded. Voting in favor were Julie Livingston, John Branigin, Barry Brown and Shirley Sessions. Voting against were Monty Parks and Wanda Doyle. **Discussion:** Mayor Buelterman stated if there is a cost to moving the fencing he would provide funding through his travel budget. Vote was 4-2 to approve.

Mayor Buelterman recused himself from the discussion.

Mayor pro tem Brown express his concerns with moving forward with the **Beach Ambassadors Program**. Mr. Parks gave a brief history of the Beach Ambassador Program and indicated he is supporting the program for one more year. He stated that personally he would like to continue to July 1, 2019 as the program is funded in the current budget cycle. Mayor pro tem Brown stated he is not supporting as Staff is not providing services to the residents. He recommended the cost of the Program could go to the Police Department to purchase a new vehicle. Ms. Session stated as the Beach Ambassador Program is funded by the City would there be a presentation as to their success in the past. Dr. Gillen responded it is next on the agenda. Ms. Session asked if there is a job description for the Program. Dr. Gillen responded in the affirmative. He stated they are to greet beach goers; explain the rules if asked; give directions to different areas on the Island; and in general be a good will ambassador for the City. Hours are 10:00AM – 2:00PM, Wednesday – Sunday. Mr. Parks stated the focus of the Beach Ambassadors Program was to help keep the beach clear in which they handed out buckets and grabbers.

Mayor Buelterman returned to the meeting.

Monty Parks stated about a year ago he took on the project of recycling and would like to present a **Recycling Update**. Mr. Parks stated the system is broken and especially broken on

Tybee Island. He would like to (1) begin recovering materials from the beach for recycling and (2) the current recycling program on Tybee does not work as the recycling bins are emptied in with the land fill materials. Tipping costs are being incurred for recyclables where the City could be recouping dollars. Mr. Parks pointed out different areas where recycling could take place on the Island such as cardboard and plastics. He recommended getting the recycling bins out of the front yard of the residents and stop charging them for recycling. He made reference to different cities where recycling programs work. Mr. Parks then recommended the City dedicate a small recycling center where the City can control the process of recycling. He also would ask Mr. Hughes to speak with the owner of a specific piece of property so the City can move forward. He would also like to task the Beach Ambassadors to supervise recycling areas on the beach. Mr. Parks would also recommend the City purchase a baler for recycling purposes and explained how it could be used. Mayor Buelterman made reference to the recycling program at Sun City. He then asked Council if they objection to Mr. Hughes moving forward with speaking to the owner of the property. There was no objection. Mayor Buelterman thanked Mr. Parks for his presentation and hard work.

Alan Robertson approached Mayor and Council to give an **Update on USACE Beach Re-nourishment**. Mr. Robertson stated the Dune Project is going very well and they are ahead of schedule, 75% completed; 17th Street crossover is done; and Tybrisa crossover started today. The next step is to landscape the dune to get a cover on them for the season. He made reference to conversations with the Corps regarding beach re-nourishment as they are finalizing their beach re-nourishment plans. They are proposed to place 650,000 cu yds of sand on the beach which would be south of the south groin and north to East Gate which would be a full 40' berm Corps beach re-nourishment. As the City is working with the Corps, the SPA Permit request has been pulled and refashioning to be more comprehensive and coming behind the Corps dune. Mr. Robertson then explained the use of traffic barriers during the storm season to assist with a storm surge. Mr. Branigin suggested the public be made aware of the scarfing on the beach and the condition of the beach due to recent tides. The City needs to set expectations Mayor Buelterman recommend mobi-mats be placed at 17th and in the middle of the Island such as 7th and 8th. Mayor Buelterman thanked Mr. Robertson for all his hard work regarding the Dune Restoration Project.

Mayor Buelterman recused himself for the Beach Ambassador Update.

Shawn Gillen approached Mayor and Council to give an **Update on 2018 Beach Ambassador Season and Changes and Improvements to the program for 2019** (attached). Dr. Gillen gave a brief history of the Beach Ambassador Program and going into year three, determining what worked and how to move forward. He stated this year they want to refine, refocus, and narrow the goals of the Program. It is the goal to welcome and promote recycling and in this way the success can be measured. Dr. Gillen stated they are starting the (1) hiring process earlier this year, February which has already started (2) focus on education and keeping the beach clean, (3) general first aid training (4) push information on the parking app (5) offer partnership with local restaurants and (6) coupons to local business if participating in recycling. Mr. Parks thanked Dr. Gillen for his presentation.

Mayor Buelterman returned to the meeting.

Dr. Gillen gave a short **Update on JC Park** stating the project is ahead of schedule. He said the basketball court and pickle ball courts have been painted. Bids are out for the playground surface and shading and he will have on the upcoming agenda.

Dr. Gillen gave a brief update on the **Virtual Parking Permit Program**. He stated he would like Mayor and Councils approval to move forward with the program. The virtual permit could be purchased where multiple vehicles could be inputted, one car at a time, for parking. The app would cost \$200 with a \$12 application fee. This would work well for local businesses where employees could share. Mr. Parks asked Dr. Gillen if he has tried the virtual app. He stated no. Mr. Parks asked that he try it or at least offer to a local business for workability. Dr. Gillen confirmed. There was a brief discussion regarding the number of parking spaces on the Island as well as parking in the r-o-w. Mayor Buelterman thanked Dr. Gillen.

Monty Parks made a motion to adjourn. **John Branigin** seconded. Vote was unanimous, 6-0.

Meeting adjourned at 10:50PM.

Janet R. LeViner, CMC
Clerk