

Consideration of Items for Consent Agenda

Mayor Buelterman called the consent agenda to order at 6:30PM on October 25, 2018. Those present were Julie Livingston, Monty Parks, John Branigin, Wanda Doyle, Barry Brown, and Shirley Sessions. Also attending were Dr. Shawn Gillen, City Manager; Bubba Hughes, City Attorney; George Shaw, Director, Community Development; and Janet LeViner, Clerk of Council.

Mayor Buelterman listed the following items on the consent agenda:

- Minutes, October 11, 2018
- Assignment of EPG Contracts
- Continuance of Administration on Class Action Suit

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
- Posting of the Colors and Pledge of Allegiance – American Legion Post 154
- Invocation, Rev June Johnson

Recognitions

Mayor Buelterman recognized **Jaime McBroom, Finance Department** as **Employee of the Quarter**.

Reports of Staff, Boards, Standing Committees and/or Invited Guest

Lisa Lepofsky, Concerned Citizens Group approached Mayor and Council to give an update. Ms. Lepofsky summarized the information brought forth at the Forum that was held October 22, 2018 (attached). She asked Mayor and Council to adopt measures such as mitigate parking problems. Mayor Buelterman thanked Ms. Lepofsky.

Clay Gardner, Southern Company approached Mayor and Council to speak on the **Tybee Solar Project**. Mr. Gardner discussed ways Tybee could utilize solar panels at the Water/Sewer Department. Mayor Buelterman thanked Mr. Gardner for his presentation.

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

Mayor Buelterman asked Mr. Shaw to ask the Planning Commission to review an ordinance amendment to allow existing homes to be removed and new homes built in its place.

Consideration of Bids, Contracts, Agreements and Expenditures
Agreement, William Thomas Boundary Line. NO ACTION TAKEN

Agreement, Harold S. White. NO ACTION TAKEN

Thomas & Hutton, Addendum 12, Solomon Avenue Right-of-Way Survey. Mayor Buelterman asked Dr. Gillen to explain the agenda item. **Mr. Shaw** stated the survey is due to a property on Moore and Solomon that has a corner marker that has been verified extending beyond Solomon driving surface. Ms. Doyle stated she does not have concerns regarding the survey as she is questioning the line items in the budget for Thomas and Hutton. She asked

where in the budget does it show Thomas and Hutton line items. Dr. Gillen stated it depends on the project as to where the line item is located in the general budget. Ms. Doyle asked again for line items be noted on the agenda request. In this way, Mayor and Council will be aware of costs as compared to line item balances. Dr. Gillen explained the process of moving funds within the budget. Mayor pro tem Brown expressed his concerns with the current spending practices. Mr. Branigin stated the concern is there is no budget line item for Thomas and Hutton expenses. He continued, it is hard for Mayor and Council to know if spending is within bounds of what the expected Thomas and Hutton expenses were and the unexpected items that occur. He would ask the addendums specifically state where the funding is coming from; starting balance at the beginning of the budget cycle for that particular budget account; and what remains. This will give Mayor and Council a picture and can be more diligent with the spending process. Ms. Doyle confirmed. Mr. Branigin asked Mayor Buelterman to schedule more regular Finance Committee Meetings where reviews can take place. Mayor Buelterman confirmed. Mr. Parks agreed with Mr. Branigin. Mayor Buelterman asked that Dr. Gillen include the line item for the expense to be included on the agenda request. He also recommended one line item for Thomas and Hutton to exclude the dune project. Dr. Gillen stated meetings are taking place with Thomas and Hutton and Ms. Hudson to review outstanding purchase orders. In this way, there will be a coordinated centralized effort to match purchase orders with jobs. Ms. Sessions asked if there is an Action Item List where this could be added. Ms. Doyle confirmed. **Monty Parks** made a motion to approve. **Julie Livingston** seconded. Voting in the affirmative was Julie Livingston, Monty Parks, John Branigin and Barry Brown. Shirley Sessions voting against. Wanda Doyle abstained. An abstention is in the affirmative Motion passed 5-1.

Thomas & Hutton, Addendum 14, Dune Reconstruction – Survey and Construction Documents. Ms. Sessions asked to review the contracts with Alan Robertson and Thomas and Hutton regarding the dune reconstruction. She also asked for an agreeable understanding of what is being asked for; what has happened; and what is being paid for that particular project. Dr. Gillen stated the contract is in the Clerk's Office and he will review with Ms. Sessions at her convenience. Mayor Buelterman confirmed this agenda item is to move forward with the project from the Pier to 19th Street. Dr. Gillen confirmed. Mayor Buelterman explained the City has \$13M from the federal government and the plan is to spend \$1M on the design of the dunes and beach. This would include placement of sand on the beach and the filling in the gaps in the dunes. The City will move forward with 16th Street to 19th Street. The other engineering fees will be covered by the \$13M with \$1M to be used by the Corps of Engineers for the design. The goal is to take \$5M and give to the Corps of Engineers so they have additional funding to put more sand on the beach and fill in the template they are designing. There was a discussion regarding crossovers at 18th and installation of mobi-mats. Mayor pro tem Brown asked if the City has a permit from DNR for the repairs to 18th Street crossover. Dr. Gillen confirmed. **Monty Parks** made a motion to approve. **John Branigin** seconded. Voting in the affirmative were Monty Parks, John Branigin. Voting against were Julie Livingston, Barry Brown and Shirley Sessions. Wanda Doyle abstaining. An abstention is in the affirmative. Vote tied. Jason Buelterman voting in the affirmative. Motion passed 4-3.

Thomas & Hutton, Addendum 13, Estill/Storer/Telephone Avenue Right-of-Way Survey. Dr. Gillen explained the City would open the right-of-way so it can be utilized for storm debris storage and is currently being used to store sand for emergency sand placement on the beach prior to hurricanes. The back portion where Storer crosses and heads north will be used for a proposed TIFD training facility. Dr. Gillen confirmed there are funds for this Addendum in his budget. **Monty Parks** made a motion to approve. **John Branigin**

seconded. Wanda Doyle abstaining. An abstention is in the affirmative. Vote was unanimous to approve, 6-0.

Crista Rader – Right-of-Way – Naylor Avenue. Mack Kitchens and Crista Rader approached Mayor and Council. There was a brief discussion regarding the property and location of the services on the property. Mr. Kitchens proposed locating all the services and marking the services that are running through the property. He would then get a survey and present to Mayor and Council. There could also be a Conservation Easement where the City could have access. Ms. Rader would maintain the easement and the line would be used for a setback. Ms. Doyle stated she would need a bigger drawing showing all the service lines and then visit the property. A discussion ensued regarding the setbacks, service locations, and easements. Mr. Parks referred to SAGIS. Mr. Shaw stated SAGIS is not a legal document and a licensed surveyor did what is before them tonight. Mayor Buelterman stated what is before them tonight is a request to reconsider the previous request. Mr. Kitchens confirmed. Ms. Livingston recommended locating the services and then applying for a variance. Once this is done, staff may recommend approval. Mr. Branigin stated it is his understanding Mr. Kitchens to locate and mark the services on the existing survey and bring back to staff for their recommendation. **NO ACTIVE TAKEN.**

Consideration of Ordinances, Resolutions. Mayor Buelterman confirmed with Mr. Hughes all the following ordinances deal with the potential Charter changes relative to filling of Council and/or Mayor seats if there is a vacancy. Mr. Hughes responded not necessarily. Ordinance changes as reflected in the ordinances are housekeeping. Mayor Buelterman confirmed.

First Reading, 18-2018, Sec 14-3, Election Officials. Wanda Doyle made a motion to approve. Julie Livingston seconded. Vote was unanimous to approve, 6-0.

Frist Reading, 19-2018, Sec 14-4, Superintendent to Incur Expenses. Mr. Hughes stated this authorizes the City to conduct elections through Chatham County Board of Elections, as has been the case in the past to include paying associated expenses. Wanda Doyle made a motion to approve. Monty Parks seconded. Vote was unanimous to approve, 6-0.

First Reading, 20-2018, Sec 14-5, Polling Places. Wanda Doyle made a motion to approve. Monty Parks seconded. Vote was unanimous to approve, 6-0.

First Reading, 21-2018, Sec 14-9, Notice of Candidacy; Time Periods. Mr. Hughes explained this refers to time periods for Notice of Candidacy as to conform to current State Law and has been changed and the proposed ordinance would change to reflect times periods as reflected by State Law. Mayor pro tem Brown asked the current State Law. Ms. LeViner stated it begins the 3rd Monday in August for one week, no less than three days and no greater than five days from 8:30AM – 4:30PM. Wanda Doyle made a motion to approve as amended by striking the word "otherwise" for clarification purposes. Monty Parks seconded. Vote was unanimous to approve, 6-0.

First Reading, 22-2018, Sec 14-10. Mr. Hughes stated this is removing the number "6" as it refers to candidate's seats Julie Livingston made a motion to approve. Wanda Doyle seconded. Vote was unanimous to approve, 6-0.

First Reading, 23-2018, Sec 14-18, Time of Regular Election; Succession by Incumbent. Mr. Hughes stated this is much as in Sec 14-10 above, by removing the number "6" as it

refers to the number of council members. **Julie Livingston** made a motion to approve. **Wanda Doyle** seconded. Vote was unanimous to approve, 6-0.

Resolution Requesting Local Legislation to Update the Charter of the City of Tybee Island. **Mr. Hughes** stated this is one document, one Resolution, for Mayor and Council to review for possible changes to the Charter that the Legislature will have to act upon. Mayor Buelterman stated there are two possibilities for the filling of a vacancy of a council seat: (1) appoint whoever ended in fourth place in the municipal election; or (2) have a special election. This would pertain if the term were greater than 26 months. Mayor pro tem Brown asked the expense for a special election. Ms. LeViner responded, approximately \$4,500. Mr. Parks stated it is his understanding a person would serve, when filling a vacant seat, until the next municipal election. Ms. Sessions responded another option to have the individual receiving the fourth highest votes fill the vacant seat. Mr. Hughes stated what is before Mayor and Council is Council appoints until the next regular election and at that time it would ordinarily be three individuals seeking election and the fourth highest vote getter would be eligible for the vacated term. Mayor pro tem Brown asked, hypothetically, what if the fourth highest vote getter decided they did not want to accept the position. Mr. Hughes responded that could happen. Mayor Buelterman stated it is his preference having a special election. In that, way the residents would have a vote. Mr. Parks confirmed there needs to be an election. Mr. Branigin stated as it pertains to the Mayor position; it needs to be more specific. The Mayor pro tem would fill the vacated Mayor seat and the filling of the Mayor pro tem seat falls to council for filling a vacant candidate seat, i.e., council would fill the seat for the portion of the unfilled term up to the two year window which would then be the fourth place finisher in that general election. He would also like clarification as to if there are not four candidates, the Council would appoint an individual to fill the term. Mr. Hughes stated the replacement of Council vacancies pertains to those seats that have more than 26 months left in the term. Mayor Buelterman confirmed. Mr. Hughes then moved to the topic of the selection of the Mayor pro tem. He stated it has been argued the way it is currently stated is not clear and there should be a Mayor pro tem voted on every two years otherwise, there are council members that will not have the opportunity to hold the position. Mr. Hughes stated it is his understanding the Mayor pro tem position is voted on every four years during the mayoral elections. He continued there are two alternatives: (1) clarifying the language to make it clear the Mayor pro tem is a four-year appointment; or (2) a new provision, call for the Mayor pro tem to be voted on after every election. Ms. Doyle stated it is very important for consistency for the Mayor pro tem to follow the cycle of the Mayor. In this way, pending projects will have consistency. She stated she does understand the objection but recommends the appointment following the Mayor election. Mayor pro tem Brown agreed with Ms. Doyle recommendations. Mr. Parks expressed his concerns with the selection of the Mayor pro tem, as it relates to the three "seasoned" council members not having the opportunity to be considered for Mayor pro tem. Mr. Hughes explained, in the past, the highest vote getting during the mayoral election, has been named as Mayor pro tem. Mayor Buelterman asked Mr. Hughes to draft the current discussion. Mr. Hughes responded it is his understanding: (1) two year options on Sec 2.33; (2) four year Mayor pro tem; and (3) if a councilmember resigns with more than 26 months remaining, Mayor and Council would appoint an individual to serve until the next election and the fourth highest vote getting would become the two year term remaining when the Organizational Meeting is held in January. Mr. Branigin stated the issue of Mayor pro tem being elevated to Mayor and the former Mayor pro tem's seat becomes vacant and is filled through the vacant Council process. As he feels it is not clear. Mayor Buelterman confirmed Mr. Hughes to include recommendations and bring back in November. Mr. Hughes confirmed. **TO COME BACK FOR CONSIDERATION ON NOVEMBER 8, 2018.**

Council, Officials and City Attorney Considerations and Comments

George Shaw approached Mayor and Council to give an **Update on Hazard Mitigation Grant**. Mr. Shaw stated there is no update as was sent to FEMA and no follow-up communication from FEMA has been received. There is another grant available, it is much more competitive and no designated funds but it is a better payoff. Mr. Shaw explained it is for repetitive loss and severe repetitive loss properties. An RFP was issued for the Grant Administrator and is due next week. The same people would be added to the new grant as long as they meet the qualifications.

Wanda Doyle gave an update on the **Public Safety Committee**. Ms. Doyle stated discussions were held regarding the bike path signage and obtaining pricing for the signs. She stated the Public Safety Committee have sent their recommendations for the proposed ordinance regarding the Disorderly House to Mr. Hughes. This will come before Mayor and Council in November. As pertains to the proposed Noise Ordinance, it has been put on hold as the City Marshall is collecting data with amplified noises. A discussion was also held on a traffic plan for three major events.

Ms. Doyle introduced the **Adopt-A Program** per the Beach Task Force. This program relates to adopting a crossover and has budget implications. Ms. Doyle feels this is a good program and she will work with the Beach Task Force to move forward.

Barry Brown gave an update on the **Infrastructure Committee**

- **Widen Jones Avenue for bike path:** Discussion only
- **Stormwater modeling at Bright Street:** Discussion regarding budget as it is not in the budget. Mayor Buelterman asked for the plans to be sent to him in pdf. Dr. Gillen confirmed.
- **Sewer line under house on 17th Street:** Discussion
- **Guardrail on Highway 80:** Discussion as it is a public safety issue.

Mayor pro tem Brown stated due to the change in councilmembers, Monty Parks has asked to be on the Infrastructure Committee, John Branigin is moving to the Public Safety Committee, and Shirley Sessions will attend the Infrastructure Committee.

Barry Brown stated his concerns with the **Financial Issues of the City**. Mayor pro tem Brown proposed the City impose an immediate freeze on any hiring other than the TIPD, Campground and IT. Dr. Gillen responded there are two vacancies in City Hall, one being in Finance and the other for Short Term Vacation Rental part-time employee. He also stated he does not have a clear picture of the problem as explained by Mayor pro tem Brown. Ms. Doyle stated it is her recommendation the Finance Committee should review prior to imposing a hiring freeze. Mayor pro tem Brown asked Mr. Branigin how many Committee meetings have been held. Mr. Branigin stated there has only been one meeting in the last six months. Mayor Buelterman asked the Clerk to schedule a Finance Committee meeting. Ms. LeViner confirmed.

Barry Brown made a motion to place a hiring freeze for 90 days. Those exempt would be the TIPD, Rivers End Campground and IT. **Julie Livingston** seconded for discussion. Ms. Doyle recommends the Finance Committee put procedures in place regarding spending such as pertaining to the addendums as presented on the agenda tonight. Mayor Buelterman confirmed. Voting in favor were Barry Brown Shirley Sessions and Julie Livingston. Voting against were Monty Parks, John Branigin and Wanda Doyle. Jason Buelterman voting to deny. Motion failed 4-3.

Monty Parks – Unopened Right-of-Way Miller Avenue. NO ACTION TAKEN

Julie Livingston made a motion to adjourn to executive session to discuss personnel, litigation and real estate. **Wanda Doyle** seconded. Vote was unanimous, 6-0.

Julie Livingston made a motion to return to regular session. **Wanda Doyle** seconded. Vote was unanimous, 6-0.

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

Meeting adjourned at 10:30PM.

Janet R. LeViner, CMC
Clerk