

City Council Amended Minutes, April 11, 2024

Mayor West called the meeting to order at 6:30PM, April 11, 2024. Those in attendance were, Nick Sears, Monty Parks, Kathryn Williams, Tony Ploughe and Bill Garbett. Also attending were Michelle Owens, Interim City Manager; Bubba Hughes, City Attorney; Tracy O'Connell, City Attorney; and Jan LeViner, Clerk of Council. Spec Hosti was excused.

Opening Ceremonies

Call to Order

Invocation: Jan LeViner, Clerk

Pledge of Allegiance

Mayor West gave an update on the upcoming unpermitted event, April 19 – 21, 2024. He continued that the City of Tybee has been planning for additional measures necessary for Spring Break travel and unpermitted events on the Island, which will keep our visitors and residents safe. Mayor West stated the City is a small island and it is necessary to bring in extra resources related to public safety and sanitation to deal with large crowds during busy peak weekends. The City of Tybee has been in coordinated meetings for several months with neighboring jurisdictions, administrations, including Chatham County and the City of Savannah to prepare for this event. In response to the events of last year, the City is committed to the safety of locals and visitors and has cautiously prepared for anticipated unpermitted events this year. Mayor West continued, the City of Tybee would continue to do what is necessary to handle these unfortunate events. We have received great support from the community and hope to continue to receive the same support from our neighboring municipalities.

Consideration of Items for Consent Agenda

- Minutes: City Council Meeting, March 28, 2024, as amended
- Ante Litem: Mariah Hay and Joseph Schmidt, Nuisance/Zunzibar, **TO DENY**

City Manager Discussion and Action Items

- Ms. Owens stated Georgia Southern is interested in working with the City on a **Resident Sentiment Survey**. She stated she spoke with Ben McKay and he will send a proposal.
- Ms. Owens stated at a previous workshop that a group named **Live Oak Fiber** is interested in providing internet to the City. They are working in the region and would like to extend their services to Tybee Island. She continued that they have been in talks with them and are looking for a suitable location to install a cabinet.

Citizens to be Heard: Please limit comments to 4 minutes.

Pat Leiby approached Mayor and Council to give an update on the **Dedication Ceremony, Tybee Island Black History Trail**. Ms. Leiby stated the dedication ceremony will be on May 7, 2024 at 10:00AM and invited everyone to attend. Mayor West thanked Ms. Leiby for her work with the Tybee Black History Trail Committee.

Julia Pearce approached Mayor and Council to discuss the impending visit of the **Cape Coast Mayor and Delegation Visit**. Ms. Pearce stated the Mayor of Cape Coast would

visit Tybee Island this month. She thanked the community and businesses for supporting the Mayor and those traveling with him as they have limited funds. Mayor West thanked Ms. Pearce for everything she is doing.

If there is anyone wishing to speak to anything on the agenda other than the Public Hearings, please approach the podium.

Chris Smith, Zunizbar, approached Mayor and Council. Mr. Smith stated he will continue to be a good neighbor and work with Ms. Hay and Mr. Schmidt. Mayor West thanked Mr. Smith.

Deborah Young approached Mayor and Council. Ms. Young spoke positively regarding Zunizbar and said they are a good neighbor. Mayor West thanked Ms. Young.

Cindy Stevens approached Mayor and Council. Ms. Stevens stated she and her husband want to keep the business, Zunizbar, open and do not understand the problem. Mayor West thanked Ms. Stevens.

Kelly Jones approached Mayor and Council. Ms. Jones stated she lives directly behind Zunizbar and does not want to take away the live music. Mayor West thanked Ms. Jones.

Joe Schmidt approached Mayor and Council. Mr. Schmidt stated there are still issues with Zunizbar regarding noise (attached). Mayor West thanked Mr. Schmidt.

Julia Pearce approached Mayor and Council. Ms. Pearce stated she is in favor of the mural on Tybrisa as Tybee is the playground of Georgia and history is important. Mayor West thanked Ms. Pearce.

Jenny Rutherford approached Mayor and Council. Ms. Rutherford spoke in favor of Zunizbar. Mayor West thanked Ms. Rutherford.

Monty Parks made a motion to approve the minutes as presented with the corrections and to deny the Ante Litem. **Nick Sears** seconded. Vote was unanimous to approve, 5-0.

Public Hearings

Final Major Subdivision Plat Approval: Christopher Koncul, 708 Butler Avenue. **Ms. Owens** stated this is the final approval of the subdivision plat. This is zoned residential, single-family homes. The Planning Commission approved 5-1 and Staff recommends approval. The City Engineer inspected the property and recommends approval. Mr. Parks asked if the Tree Plan was followed. Ms. Owens confirmed it has been and everything is in place. **Monty Parks** made a motion to approve. **Nick Sears** seconded. Vote was unanimous to approve, 5-0.

Site Plan Approval, Sec 5-080, Marine Science Center, 37 Meddin, Addition of solar panels to the roof of the building. **Ms. Owens** stated the applicant is asking for solar panels on the Marine Science Center and the property is zoned R-1 and in the North-end Cultural District. Staff recommended not approving until they receive a letter from an engineer/architect that will confirm the installation of solar panels will not cause any damage to the structure or roof materials. There are many questions from not only Staff but from Mayor and Council. Ms. Owens stated the petitioner is present if there are questions. Ms. Williams confirm the Marine Science Center pays for all the insurance on the building. Mr. Hughes stated the Marine Science Center pays rent to the City, approximately \$900.00 per month. Mr. Parks stated he has questions, which he provided

to Mayor and Council via email. He would like, in writing, confirmation from the manufacturer of the membrane that they will continue to guarantee the roof. His second concern is if the panels are attached to the building, does this become the City's material? He does not feel this is time sensitive and would like to put on the agenda for April 25, 2024 when questions can be addressed. Mr. Ploughe stated he did see the Engineering Report speaking to the attachment of the solar panels to the roof and seems as it is more focused on that. He wants to understand they also looked at the roof regarding the extra wind exposure, not cause any problems as well. This would include the roof system. Ms. Williams asked legal staff, is it their opinion the solar panels can be removed and therefore are going to be property of the Marine Science Center or considered permanent and therefore property of the City. Mr. Hughes shared his concerns with the procurement process and costs. Mr. Sears stated the question regarding the warranty is reasonable. Mark Reed approached Mayor and Council. Mr. Reed thanked Mayor, and Council for all the questions sent to him and he tried to respond as quickly as he could. He prepared a power point presentation and shared with Mayor and Council. The first slide showed the electric bill for last year, \$19,200 and if divided by the charge for visitors, it takes 1600 visitors for them to be able to pay the bill. He continued with the presentation showing the benefits of the solar panels to include installation. Mr. Reed stated Mayor and Council were provided a letter from the engineer that worked on the building. She has confirmed the roof would be able to hold the structure and withstand the wind as stated in the local Code. Mr. Reed then explained the installation of the panels. He stated the cost estimate is \$125,000 and the Marine Science Center will fully fund this and grants may be available. Mr. Parks stated the City of Tybee receives a different rate from residential and asked if the Center is benefiting from that rate. Mr. Reed responded in the negative. Mr. Parks would like Mr. Hughes to reach out to GAF to confirm installation will not compromise the roof. **Chantal Audran** approached Mayor and Council. Ms. Audran stated she would like to speak on her support of the new solar project proposal. She continued the Staff likes to practice what they preach as educators. Ms. Audran thanked Mayor and Council for their "new home". She stated, as this is a trusted vendor, she did not get three bids for the project and will work on the proper procedure moving forward. Ms. Audran again thanked Mayor and Council and the City for their continued support. **Monty Parks** made a motion for this item to come back to the April 25, 2024 Council Meeting to revisit, to have the legal team address questions from Mayor and Council and check on lower pricing from Georgia Power. **Bill Garbett** seconded. **Discussion:** **Kathryn Williams** shared her concerns regarding funding. She stated, as the City is not a non-profit organization, they would not be qualified for a grant. The grants could be awarded to a non-profit but not to a municipality. This needs to be part of the consideration. Mr. Parks asked Mayor and Council to send all questions to the legal team. Voting in favor were Nick Sears, Monty Parks, Tony Ploughe and Bill Garbett. Voting against was Kathryn Williams. Motion to approve, 4-1.

Consideration of Bids, Contracts, Agreements and Expenditures

MOU Mural on Tybrisa Street. Ms. Williams clarified that the design of the mural will come back to Mayor and Council for final approval. Ms. Owens confirmed and stated the agenda item is just for the approval of permission to use that wall. She continued, the design has not been approved and will go to the Planning Commission and then to Mayor and Council. Mr. Ploughe asked if there might be a time when the public could engage

with Main Street so the community be more involved with their suggestions. Ms. Owens confirmed. **Bill Garbett** made a motion to approve. **Kathryn Williams** seconded. Vote was unanimous to approve, 5-0.

Consideration of Ordinances, Resolutions

First Reading, 2024-02, GMEBS-R, City of Tybee Island Defined Benefit Retirement Plan. Ms. O'Connell stated GMEBS-R had to put the Plan before the IRS for it to be vetted again to ensure it is compliance. These suggestions came back from the IRS to GMEBS-R who incorporated them into the City's Plan. This change makes the Plan consistent with the IRS guidelines and rules. The City needs to adopt as an ordinance. Mr. Sears asked Ms. O'Connell if the City would have to make changes to the forms as completed by GMA and approve what is before them tonight. Ms. O'Connell stated the forms before them tonight are consistent with what the City now uses. Ms. O'Connell further explained Congress passed a Secure Act, which waives the age which participants would start drawing retirement benefits. This is designed in her opinion, to give people more opportunity to work and to increase their potential retirement benefit. Ms. O'Connell stated the proposed ordinance is to be compliant with the Secure Act. **Monty Parks** made a motion to approve. **Bill Garbett** seconded. Vote was unanimous to approve, 5-0.

Council, Officials and City Attorney Considerations and Comments

Monty Parks stated the company that was assisting the City with **Glass Recycling** is no longer doing this. He is looking for other options, as this is very important to not only Tybee Island but to Savannah and Thunderbolt.

Kathryn Williams stated she would like to officially request Mayor and Council receive **Monthly Financial Reports**. She spoke with the Finance Director and she stated this is something she has done in the past. Ms. Williams continued, as she has shared, she has concerns that Mayor and Council are not hearing from the Department Heads. She would like a discussion regarding receiving the Financial Reports and hear from the department heads. Ms. Williams asked Ms. Owens to provide Staff Reports and Financial Reports on a regular basis.

Monty Parks made a motion to approve the consent agenda. **Nick Sears** seconded. Vote was unanimous to approve, 5-0.

Monty Parks made a motion to adjourn to executive session to discuss Real Estate, Litigation and Personnel. **Bill Garbett** seconded. Vote was unanimous to approve, 5-0.

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

Spec Hosti made a motion to adjourn. **Bill Garbett** seconded. Vote was unanimous to approve, 6-0.

Meeting was adjourned at 9:45PM.

Janet LeViner, MMC
Clerk of Council