

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; Bubba Hughes, City Attorney; Tracy O'Connell, City Attorney; Dana Braun, City Attorney; George Shaw, Director, Community Development; and Janet LeViner, Clerk of Council. .

Mayor Sessions listed the following items on the consent agenda:

- Minutes, March 24, 2022
- Engagement for Legal Services: Kilpatrick Townsend and Stockton, LLP, Dredged Material Management and Coastal Matters
- Agreement: A.D. Williams Construction Co, Asphaltic Road Paving, ITB No: 2022-764
Motion to authorize the Mayor sign once appropriate documentation is received and approved.

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

Jenna Thornton approached Mayor and Council to receive the Proclamation: Low Country Lemonade Day, May 7, 2022. Ms. Thornton explained Lemonade Day is an opportunity for children to learn how to start and own their own business. Mayor Sessions thanked Ms. Thornton and Ms. Rutherford for everything they do.

Reports of Staff, Boards, Standing Committees and/or Invited Guest. Limit reports to 10 minutes.

Cassidi Kendrick, Main Street Director, approached Mayor and Council to give an update on the Main Street Program. Their long term goals include: (1) More local advertising opportunities to Tybee businesses; (2) Working with experts on planning initiatives for the Main Street District; and (3) Hosting networking and promotional events for business owners and citizens. Mayor Sessions thanked Ms. Kendrick for all her hard work with the local businesses.

Citizens to be Heard

Chris Klein, Attorney, representing Chris Koncul, approached Mayor and Council to speak to 708 Butler Avenue. Mr. Kline discussed the importance of the O'Neal Cottage and it is the intent of Mr. Koncul to protect the property going forward. He continued, there is a tree easement which is ready to be signed, it is perpetual and intended to protect the trees on the property. There are also restrictions, single family homes will only be allowed. In addition, there is a Cottage Easement which has been negotiated with the Historic Savannah Foundation which is awaiting signature. The additional restrictions have been confirmed. Mayor Sessions thanked Mr. Klein for his update.

Cindy Clements approached Mayor and Council to address the STVR Moratorium. Ms. Clements read from a prepared statement, attached, where she expressed her concerns regarding the

Moratorium and asked Mayor and Council to remove the Moratorium. Mayor Sessions thanked Ms. Clements.

Mr. Levy approached Mayor and Council to speak to 708 Butler Avenue. Mr. Levy publically thanked Mr. Koncul for coming to an agreement regarding the easements. Mayor Sessions thanked Mr. Levy.

Mary McLemore approached Mayor and Council to speak to the two (2) STVR ordinance proposals before them tonight. Ms. McLemore focused on the proposed ordinance, 2022-04, which she feels penalizes full time residents and rewards investors, absentee homeowners, other STVR owners and those who exploit the Island for their personal economic gain (attached). Mayor Sessions thanked Ms. McLemore.

Haley Black approached Mayor and Council to speak to the Moratorium as she is in favor of removing the Moratorium. Mayor Sessions thanked Ms. Black for her comments.

Nick Sears approached Mayor and Council to speak to STVR's. Mr. Sears then thanked Mayor and Council in recognizing the seriousness of the problem caused by operation of STVR's. He then read from a prepared statement (attached). Mayor Sessions thanked Mr. Sears.

Mack Campbell, Georgia Association of Realtors and Savannah Relators. Approached Mayor and Council to read the results of a survey done on STVR's (attached). Mayor Sessions thanked Mr. Campbell.

Sarah Jones, Tybee Island Historical Society, approached Mayor and Council to speak to 708 Butler Avenue. Ms. Jones thanked Mr. Koncul and Mr. Klein for their seeing the communities need and desire to protect this important piece of property. She requested Mayor and Council table until the next meeting so everyone will have the opportunity to sign the documents. Mayor Sessions thanked Mr. Jones.

Ken Williams approached Mayor and Council to speak to the proposed STVR Ordinance. Mr. Williams asked Mayor and Council not to grant a hardship exemption to those residents who own homes and do not have an exemption for an STVR license (attached). Mayor Sessions thanked Mr. Williams.

Dawn Shay approached Mayor and Council to speak to the proposed STVR ordinances as well as to ask the Moratorium be extended. Ms. Shay also asked Mayor and Council to protect the beach, the ocean, and sea life by enacting a smoking ban on the beaches. Mayor Sessions thanked Ms. Shay.

Roger Huff approached Mayor and Council to speak to the proposed STVR ordinances before then tonight. He asked the proposed be clarified with the language, "being sent to the Planning Commission". Mr. Huff expressed his concerns with language throughout the proposed ordinances. Mayor Sessions thanked Mr. Huff for his comments.

Walt Freeman approached Mayor and Council to express his concerns with STVR's in residential zones. Mr. Freeman suggested the fulltime residents stand up and make more noise regarding their rights. He made reference to other municipalities and their ordinances and presented data regarding STVR's (attached). Mayor Sessions thanked Mr. Freeman.

Keith Gay approached Mayor and Council to speak to the proposed STVR ordinances. Mr. Gay stated there was a stakeholders meeting and none of the information was not disseminated to Mayor and Council which is disappointing. It was presented as an opportunity to get feedback from those of us that are in the business. Mr. Gay expressed his concerns that Mayor and Council have the right to determine whether he can rent his house or not. He asked that stakeholders be included in future discussions. Mayor Sessions thanked Mr. Gay for his comments.

Ginny Vanoostrom approached Mayor and Council to speak to the proposed STVR ordinance(s). Ms. Vanoostrom stated she is currently purchasing properties on Tybee Island for investment purposes. She stated she is before Mayor and Council to preserve her constitutional right to due process and equal protection regarding her STVR properties. Mayor Sessions thanked Mr. Vanoostrom for her comments.

Frank Kelly approached Mayor and Council to speak to STVR's. He recommended having STVR's in one section and rent for not less than three (3) days. Mayor Sessions thanked Mr. Kelly.

Michael Sulci approached Mayor and Council to speak to 708 Butler Avenue. Mr. Sulci thanked Mr. Koncul and Mr. Klein for all their work. He encouraged everyone to find a way to have all documents signed for Mr. Koncul can move forward with the purchase of the property.

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

Public Hearings

Appeal: Tree Ordinance-2 Gabby Lane-40003 01036-Zone R-1-B-Jay Schmetz. George Shaw approached Mayor and Council. Mr. Shaw stated the petitioner owns the residence at 2 Gabby Lane and removed ten (10) trees. When Staff was made aware, they went to the property, noted the trees and sizes. The petitioner and individual who were cutting the trees were cited. Mr. Schmetz is now appealing and to mitigate the citation. Mr. Shaw continued, there were ten (10) of which some were in the marsh buffer, some were significant trees and at least four (4) would have permitted if the petitioner had requested a permit. Red cedars were in the marsh buffer which would not have been permitted. Mayor pro tem Brown asked if the tree surgeon has a business license for the City. Mr. Shaw responded in the negative. Jay Schmetz approached Mayor and Council. Mr. Schmetz stated he removed five (5) trees and he hired someone to remove three (3) and of those they mistakenly removed two (2) additional trees. He stated the trees he removed, four (4) of them were dead, three (3) which were pines and the seven (7) trees under Tybee Code are not mitigatable. He made reference to the pictures in the packet before them. Mayor Sessions asked if Mr. Schmetz had contacted an arborist for verification the trees were dead. Mr. Schmetz stated he had not. Mr. Schmetz stated he has thirty four trees on his property and it would be difficult to mitigate the trees by replanting. Mr. Parks asked if the red cedars that were in the marsh buffer were dead. Mr. Schmetz stated they were alive. Mayor pro tem Brown asked Mr. Shaw if this would go before the Judge and if there are a lot of trees on the property. Mr. Shaw confirmed. **Monty Parks** made a motion to deny. **Nancy DeVetter** seconded. Voting in favor were Nancy DeVetter, Monty Parks, Brian West, Barry Brown and Jay Burke. Voting against was Spec Hosti. Motion to deny, 5-1.

Site Plan Review: Fourth Street Location-City Hall Temporary Buildings-City of Tybee. George Shaw approached Mayor and Council. Mr. Shaw stated City Hall is in desperate need of renovation and Staff will move into temporary structures that will be located in the middle of 4th Street between Lovell and 2nd Avenue. Staff and Planning Commission unanimously recommended approval. **Barry Brown** made a motion to approve. **Monty Parks** seconded. Vote was unanimous to approve, 6-0.

Planning and Zoning Consideration

Subdivision of Land: Requesting New Subdivision - 708 Butler Avenue, Chris Koncul. Mayor Sessions stated her only concern is with the timeline of the signing of the documents. Mr. Braun stated the Conservation Tree Easement can be signed now and would not be recorded until closing. The issue regarding Historic Savannah Conservation Easement must be signed by the Executive Director who is currently out of the country. He was not aware Sarah Jones had not seen the document as she is one of the signers. Mr. Braun stated the final document was received today and is ready for signatures. The issue being the Façade Easement must be signed in person as an electronic document will not be accepted. Mr. Parks stated everyone was aware the documents needed to be executed prior to council approval. This is an opportunity for the first time to put a historic building into some sort of safety zone forever. He recommended scheduling a special meeting. Mr. Braun stated there has been numerous discussions regarding

the documents and the execution. Mr. Hosti agreed with Mr. Parks regarding a special meeting. Mr. Klein approached. He stated he could probably get an "e-signature" by early next week but will not be able to record at the court house. He would also ask that Mayor and Council approve contingent upon the receipt of the "e-document". The Tree Easement can be executed tonight as the City is the other side of the document. Mr. Klein asked Mayor and Council for as much certainty as we can, as soon as the "e-signature" is received, then they can get the necessary documents in place so closing can take place. Mr. Braun stated a photo copy will not be accepted at time of recording. Mr. Braun confirmed all documents have been circulated to Mayor and Council for their review. Mr. Parks asked if the executed documents would be ready by Wednesday, April 20th. Mr. Klein confirmed. **Monty Parks** made a motion to table the request until April 20, 2022, workshop, at 3:00PM. **Barry Brown** seconded. **Discussion: Mr. Hughes** explained the process for having a special meeting. Vote was unanimous to approve, 6-0.

Variance: Requesting Hammer head in lieu of cul-de-sac- 708 Butler Avenue, Chris Koncul. **Monty Parks** made a motion to table the request until April 20, 2022 Special City Council Meeting, 3:00PM. **Brian West** seconded. Vote was unanimous to approve, 6-0.

2022-04, Draft of STVR Ordinance for possible referral to Planning Commission. Jay Burke recused. **Mr. Hughes** stated the document is a result of a number of earlier versions that include optional clauses and was narrowed down to definitions and Notice of Abandonment. The goal is, as it is a zoning ordinance, will need to have public hearings, go to the Planning Commission and in order to get the process moving the proposed ordinance was prepared and there is a redline currently based on communications requesting that the provisions relating to grandfathering be removed including the definition of grandfathered property. Mr. Hughes stated this does contain the compassion clause which is problematic. It has been suggestion there be a mediation clause as well and it a work in progress. Not a first reading but just sending it to the Planning Commission to begin the process with the advertising of the public hearings. He continued, he is trying to make this as transparent as possible. Dr. West asked if there is a possibility of having a workshop to further discuss. Mr. Hughes responded, yes that can happen. Mr. Parks concurred with Dr. West. Mr. Hosti would like to include the public and stakeholders in a workshop. **Monty Parks** made a motion that the redlined Zoning Amendment 2022-04 be referred to the Tybee Planning Commission for review as to correct Land Development Code citations and other zoning references. Additionally that the zoning amendment 2022-04 continue to be developed as per the terms of the Moratorium Resolution 2022-02, using public input and contributions from Staff and Council with complete transparency of all versions or changes for the fullest extent possible, including the City's website. **Barry Brown** seconded. **Discussion:** Mr. Hosti recommended Staff be included to ensure enforcement. Votes was unanimous to approve, 5-0. **Jay Burke recused.**

2022-05, Draft of STVR Ordinance for possible referral to Planning Commission. Jay Burke recused. Mr. Hughes stated this is an ordinance that basically provides that in any zoning district, if the property is in compliance with the requirements of the STVR ordinance and has paid taxes, the Good Neighbor Policy, enforcing the occupancy limits, noise and other regulations and has avoided citations it would be allowed to operate. Mr. Hosti recommended this be sent to the Planning Commission for their review and recommendations. **Brian West** made a motion to send to 2022-05 to the Planning Commission for review as to correct Land Development Code citations and other zoning references. Additionally that the zoning amendment 2022-05 continue to be developed as per the terms of the Moratorium Resolution 2022-02, using public input and contributions from Staff and Council with complete transparency of all versions or changes for the fullest extent possible including the City's website. **Spec Hosti** seconded. Voting in favor

were Brian West and Spec Hosti. Voting against were Nancy DeVetter, Monty Parks, and Barry Brown. Motion failed, 2-3. **Jay Burke recused.**

Consideration of Local Requests & Applications – Funding, Special Events, Alcohol License

Agenda Request: Tybee Tiki Inc-Alcohol License Request: Beer/Wine-Package Sales Only, Sunday Sales. **Pat Matthews** approached Mayor and Council. He stated the request does not include Sunday sales it will be for consumption on premises. Dr. Gillen clarified the application in the packet before them is for package sales only application. Mayor Sessions requested Mr. Matthews speak to Sharon Shaver for a corrected application. **To be heard at April 28, 2022 meeting.**

Jay Burke returned to the meeting.

Consideration of Ordinances, Resolutions

Second Reading, 2022-04, Sec 58-82, Excise tax on malt beverages produced by brewpubs. **Spec Hosti** made a motion to approve. **Monty Parks** seconded. Vote was unanimous to approve, 6-0.

Resolution 2022-02: Resolution on Moratorium Status. **Jay Burke recused.** **Ms. O'Connell stated** previously the Moratorium that has been in effect and is set to expire during the time of the Planning Commission process and has been brought forward to extend until August 31, 2022 which will provide time for the process to work itself out. **Nancy DeVetter** made a motion to approve. **Monty Parks** seconded. **Discussion: Mr. Hosti** stated this started in August of 2021 and he feels the process should have ended previously. Voting in favor were Monty Parks, Nancy DeVetter and Barry Brown. Voting against were Spec Hosti and Brian West. Motion to approve, 3-2. **Jay Burke recused.**

Jay Burke returned to the meeting.

Council, Officials and City Attorney Considerations and Comments

Smoke Free Beach. **Michelle Owens** approached the podium. Ms. Owens stated the end of February 2022 she had come to Mayor and Council with information regarding a proposal for traffic speed cameras on Butler Avenue as well as a proposal to designate the beach as a smoke free beach. There was a thirty day comment period to gather information regarding public input. The public input for the smoke free beach were positive and they would like to: (1) clarify where the ban starts on Crossovers; (2) Work with lodging companies to educate guests; and (3) Erect signage that says "No Smoking and No Vaping". Mayor pro tem Brown expressed his concerns with litter from 14th Street south to 16th Street. **Monty Parks** made a motion to have Mr. Hughes bring back to Council as revised Sec 12-1(a)(21) which deals with current location, 14th – 16th Streets, and have it include the entire beach. Also, to allow the City Manager to designate some areas as smoking areas and allow that freedom. **Nancy DeVetter** seconded. Voting in favor were Monty Parks, Nancy DeVetter and Jay Burke. Voting against were Brian West, Barry Brown and Spec Hosti. Mayor Sessions voting in the affirmative. Motion to approve, 4-3.

Brian West made a motion to adjourn to Executive Session to discuss real estate, litigation and personnel. **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, 5-0. **Nancy DeVetter** was not in attendance.

Barry Brown made a motion to adjourn. **Monty Parks** seconded. Vote was unanimous to approve, 5-0. **Nancy DeVetter** was not in attendance.

Meeting adjourned at 9:30PM.

Janet R. LeViner, MMC
Clerk