

City Council Minutes, April 27, 2023

Mayor Sessions called the meeting to order at 6:30PM, April 27, 2023. Those in attendance were Brian West, Monty Parks, 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, George Shaw, Planning and Zoning and Jan LeViner, Clerk of Council.

Opening Ceremonies

Call to Order

Posting of Colors and Pledge of Allegiance, American Legion Post 154

Invocation: Jan LeViner, Clerk

Mayor Sessions publically thanked the Tybee Island Police Department, Fire Department, and First Responders as well as the Department of Public Work, Code Enforcement and all other departments for their hard work for the past weekend. She ensured everyone that steps will be taken to address issues at the upcoming Public Forum next week.

Mayor Sessions added the following to the Consent Agenda:

- Minutes, Special Meeting, April 13, 2023
- Minutes, City Council Meeting, April 13, 2023
- Attachments to Minutes
- Crowder Gulf Standby Debris Removal Contract, Timely removal and lawful disposal of all eligible storm-generated debris
- Fireworks MOU with Savannah Chamber
- Purchase Backhoe Loader, FY 2023, DPW Capital Outlay Project, \$99,500.00, 350-4210-2500
- Resolution, 2023-06, Georgia Cities Week

Recognitions and Proclamations

Peter Ulrich, Principal, Tybee Island Maritime Academy approached Mayor and Council. Mr. Ulrich introduced the TIMA Baseball and Softball SCCPS District Champions as well as their coaches. Mayor Sessions presented a plaque to each team to recognize their achievements.

Mayor Sessions asked the following individuals to come forward to be recognized for their services to the community as Planning Commissioners. Mayor Sessions presented a Certificate of Appreciation in recognition of their service.

- David McNaughton
- Susan Hill
- Marie Gooding
- Marti Williams

Tiffany Hayes, Chief, Tybee Island Police Department, approached Mayor and Council to recognize Officer Shannon and Cpl. Page of C Watch for their quick thinking and life saving actions during an incident at the Pier. Chief Hayes presented Officer Shannon and Cpl. Page with the Life Saving Pins and Sgt Price, Officer Shannon, Cpl Page, PSR Neddles, and Communications Officer Warren with Certificates of Appreciation. Chief Hayes also thanked Sgt Hattrich for all his assistance during the non-permitted event as well as Code Enforcement.

Consideration of Boards, Commissions and Committee Appointments

Jan LeViner, Clerk, distributed ballots (attached) to the Mayor and Council. Once everyone had voted and signed their ballot, she read the results. Anthony Turpin was unanimously, 6-0, appointed to the vacant seat on the Planning Commission.

- Mariah Hay, Planning Commission Application
- Anthony Turpin Planning Commission Application

By unanimous vote, Anthony Turpin was appointed to the Planning Commission.

Reports

Makenzie Mullins, Associate Executive Branch Director, Tybee Island YMCA approached Mayor and Council. Ms. Mullins gave a brief update on the current events and upcoming events at the Tybee Island YMCA. Mayor Sessions thanked Ms. Mullins for their partnership with the City of Tybee Island.

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

Gerald Schantz approached Mayor and Council to speak to **Affordable Housing and Taxes**. Mr. Schantz expressed his concerns with the lack of affordable housing on the Island. Mayor Sessions thanked Mr. Schantz for his comments and all that he has done for the City of Tybee Island.

Mariah Hay approached Mayor and Council to speak to **Disruptive Amplified Outdoor Music and Zoning of Homes on Laurel Avenue**. Ms. Hay shared her recommendations (attached) to better support the small businesses that would like to use outdoor amplified sound in the neighborhoods, of which they are part. Mayor Sessions thanked Ms. Hay for her comments.

Nick Sears approached Mayor and Council to speak to **Invalid STR Permits for certain properties in the residential districts** (attached). Mr. Sears asked the City to investigate invalid STR permits. Mayor Sessions thanked Mr. Sears for his comments.

Dee Matkowski approached Mayor and Council. Ms. Matkowski asked Mayor and Council to vote in the affirmative on items 24 and 25 (attached). Mayor Sessions thanked Ms. Matkowski for her comments.

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

Consideration of Ordinances and Resolutions

First Reading, 2023-09, Section 3-090, Elevator Requirements. **George Shaw** approached Mayor and Council. Mr. Shaw stated during research for private/home elevators, they run in many size but generally, they are a 4' or 5' square box. Staff is recommending a 6'x6' maximum size encroachment into the setback. **Monty Parks** made a motion to approve as presented. **Brian West** seconded. Vote was unanimous to approve, 6-0.

First Reading: 2023-10, Sec 2-010, Change of Setback Definition to Allow for Elevators. **George Shaw** approached Mayor and Council. Mr. Shaw stated the proposed ordinance is the definition for a setback which will include the one elevator allowed and add the language 6'x6' maximum encroachment. **Monty Parks** made a motion to approve. **Nancy DeVetter** seconded. Vote was unanimous to approve, 6-0.

First Reading, 2023-21, Sec 58-179, Fees. **Ms. O'Connell** stated the regulatory fee describing the person, although technology describing this person as a masseuse is antiquated and needs to be changed to massage therapist. **Monty Parks** made a motion to approve. **Brian West** seconded. Vote was unanimous to approve, 6-0.

First Reading 2023-22, GMEBS-R: City of Tybee Island Defined Benefit Retirement Plan Amendment Ordinance with Adoption. Dr. Gillen explained the changes before Mayor and Council. One being is moving the City Council benefit from \$20 to \$25 per month and the second is shifting from the ten (10) year graduated vesting system to the five (5) year. Those are the only changes to the Plan that is before Mayor and Council. **Monty Parks** made a motion to approve. **Nancy DeVetter** seconded. Vote was unanimous to approve, 6-0.

Second Reading, 2023-05: Sec 5-050(C) Expanded Notification of Owners or Occupants. Mr. Hughes stated this was heard last meeting as a Public Hearing and now before Mayor and Council for second reading. The 100' radius notification requirement will now be 200' radius notification requirement. **Monty Parks** made a motion to approve. **Spec Hosti** seconded. Vote was unanimous to approve, 6-0.

Second Reading: 2023-06: Sec 5-050, Single Family to Multifamily Rezoning. Mr. Hughes stated this was heard by Mayor and Council at a Public Hearing last meeting and is now before them as Second Reading. The proposed ordinance is incorporating a requirement under State Law that has triggered additional public hearings should anyone other than the owner initiate rezoning in a singular or two family district to allow multi-family housing. **Monty Parks** made a motion to approve. **Jay Burke** seconded. Voting in favor were Brian West, Monty Parks, Nancy DeVetter, Jay Burke and Spec Hosti. Voting against was Barry Brown. Motion to approve, 5-1.

Second Reading: 2023-07, Sec 5-060 Appeal of Zoning Decision. Mr. Hughes stated this is another State Law change that requires the City designate who is to receive an appeal and be served with it, if done by another more complicated appeal procedure. **Monty Parks** made a motion to approve. **Nancy DeVetter** seconded. Vote was unanimous to approve, 6-0.

Second Reading: 2023-08, Sec 5-060, Required Number of Public Hearings. Mr. Hughes stated the City ordinance needed to be changed as to the number of Public Hearings by adding the language "unless otherwise required by law", Nancy DeVetter made a motion to approve. **Jay Burke** seconded. Vote was unanimous to approve, 6-0.

Jay Burke recused.

Second Reading: 2023-11, Sec 3-TBD, to Restrict STR Permits in the R-1, R-1B and R-2. Mr. Hughes stated this was also heard as a Public Hearing last meeting and was approved on First Reading. The ordinance was adopted in October 2022 and is now being readopted to eliminate procedural issues that has arisen in one of the law suits. The ordinance is now numbered 2023-11 and the material change is Sec 7 that clarifies that the provisions in Sec 3 and Sec 4 are not to become effective until May 1, 2023. **Monty Parks** made a motion to approve. **Nancy DeVetter** seconded. Those voting in favor were Monty Parks, Nancy DeVetter and Barry Brown. Voting against were Brian West and Spec Hosti. Motion to approve, 3-2.

Second Reading: 2023-12; Sec 3-TBD, to allow for an Exception to the STR Abandonment Clause in Cases of Certain Calamities. Mr. Hughes stated the ordinance provides for basically "act of God" but are listed. This would provide relief regarding the 90 day requirement. This would become effective May 1, 2023 if adopted. He continued there is an amended version, which has been submitted to the Planning Commission for their recommendation which clarified the procedure a resident would have to follow to accomplish. The change would be from 90 days to 60 days. **Spec Hosti** made a motion to approve with effective date of May 1, 2023. **Nancy DeVetter** seconded. Those voting in favor were Monty Parks, Nancy DeVetter, Barry Brown and Spec Hosti. Voting against was Brian West. Motion to approve 4-1.

Jay Burke returned to the meeting.

Monty Parks made a motion to adjourn to executive session to discuss litigation, personnel, and real estate. **Brian West** seconded. Vote was unanimous to approve, 6-0.

Monty Parks made a motion to return to regular session. **Spec Hosti** seconded. Vote was unanimous to approve, 6-0.

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

Meeting adjourned at 9:28PM

Janet LeViner, MMC
Clerk of Council