

Mayor Sessions called the meeting to order at 6:30PM. Those present were Brian West (via remote), Monty Parks, Nancy DeVetter, Barry Brown, Jay Burke and Spec Hosti. Also attending were Shawn Gillen, City Manager; Michelle Owens, Assistant City Manager; Bubba Hughes, City Attorney; Tracy O'Connell, City Attorney; George Shaw, Director, Community Development; and Jan LeViner, Clerk of Council.

Opening Ceremonies

- Call to Order
- Posting of the Colors and Pledge of Allegiance, American Legion Post 154
- Invocation: Jan LeViner, Clerk of Council

Consideration of Items for Consent Agenda

- Minutes: July 14, 2022
- Alcohol and Entertainment License request: Tybee Arts Association: Beer, Wine and Sunday Sales for consumption on Premises Only
- Suez/Utility Service Co., Inc., Water Tank Maintenance Contract. The professional services agreement will come out of multiple budget lines: 505- 4350-52-1300 Contract Services and 505-00-11-7300 Water/Sewer Debt Issue and all work is in the Five Year Capital Improvement Program.
- GMC - Updating Storm Water Management Plan Agreement Storm water Management Plan Contract. GMC will perform the work outlined in the proposal for the Lump Sum amount of \$12,230. The professional services agreement will come out of budget line item 100-4210-52-1300 Contract Services and in the 5-year Capital Improvement Program.
- GMC - NPDES Permit Storm Water Monitoring and Compliance Contract. The professional services agreement will come out of budget line item 100- 421052-1300: Contract Services for each year and is the 5-year Capital Improvement Program.
- Small Claims - DPW
 - Damage to Private Sewer Line by City boring, \$5,500, Line Item: 505-4350-52-2201
 - Damage to Private Vehicle windshield by City mowing, \$733.36, Budget Line Item: 100-4210-52-2201
- DPW Dump Truck Purchase. The budget for the new dump truck was \$100,000 and was a Capital Purchase under Account Number 350-4210-54-2500, Itemized List of Capital Requests.
- Purchase of Lifepak 15 Cardiac Monitors for TIFR. Approve the expenditure of \$72,951.97 for the purchase of cardiac monitors as stipulated in the FY2022-2023 Budget. 3510-54-2100 Capital Fund
- Purchase of Motorola radios for TIFR. Approve the expenditure of \$71,411.70 for the purchase of Motorola Radios as stipulated in the FY2022-2023 budget. Line item 350-54-3510-2500, Capital Budget
- Selection of FCMC as a Hazard Mitigation Grant Program (HMGP) Manager - Community Development

Recognitions and Proclamations

Mayor Sessions asked **Carolyn Jurick** and former **Mayor Jason Buelterman** to come forward. Mayor Buelterman thanked Ms. Jurick for all her hard work her dedication, long hours and selflessness in establishing the Tybee Island Maritime Academy. He then presented her with a plaque dedicating the crossover at 8th Street as "Carolyn's Crossover". Ms. Jurick thanked not

only Mayor Buelterman but the City Council for their hard work and continued hard work to ensure the children of Tybee Island and Savannah have the best learning experience. Ms. Jurick received a standing ovation.

Mayor Buelterman asked **Kay and Perb Fortner** to come forward. Mayor Buelterman thanked Kay and Perb for all their hard work and dedication to the school from its conception. He then presented them with an American Flag that flew over the US Capital. Mr. Fortner thanked Mayor and Council for their support and dedication to the school. Ms. Fortner thanked everyone as well.

Pat Rossiter and Peter Ulrich, former and current principals of Tybee Island Maritime Academy, thanked Ms. Jurick and Mr. and Mrs. Fortner for the dedication to the Academy for without their long hours the Academy would not have reached the levels it is at currently. They also thanked Mayor and Council for their support over the years. Mayor Sessions thanked everyone for their hard work.

Mayor Sessions asked **David Lock** and **City Attorney, Bubba Hughes**, to approach the podium. Mr. Hughes administered the Oath of Office, **Judge pro tem**, to David Lock. Mr. Lock will assist the courts with their backlog. Mayor Sessions thanked Mr. Lock for his willingness to serve.

Pat Leiby approached Mayor and Council to speak to the **GA Historical Society Wade-in Marker**. Ms. Leiby stated on Wednesday, August 17th, 10:00AM, at the Walter Park Pier, there will be a dedication of a Georgia historical marker commemorating the 1960's wade in. She invited everyone to attend.

Stephen Plunk, Tourism Leadership Council approached Mayor and Council to speak to **Water billing Relief for Hotels**. Mr. Plunk made reference to the recent changes in the billing as it was to reflect actual usage and created a tier system. Unfortunately it affected the hotel properties which increased their billing by 168% and in some cases 300%. This is due to a metered system and it was unintended. Mr. Plunk continued, they have a proposal they would like to present to the Finance Committee at their next meeting. Mayor Sessions thanked Mr. Plunk for his comments. Dr. Gillen stated the Finance Committee will meet on Thursday, August 25th at 10:00AM to further discuss.

Julie Livingston approached Mayor and Council to speak to the proposed ordinance, Personal Transportation Vehicle Uses before them tonight. Ms. Livingston spoke to the issues that exist with the proposed ordinance. Mayor Sessions thanked Ms. Livingston and asked her to send her comments to Mayor, Council and Mr. Hughes as they were very good.

Greg Stoffler approached Mayor and Council to speak to the **Water Rates** for hotels. Mr. Stoffler asked Mayor and Council. He stated if you divide the number of rooms by the consumption rate, his rate for the DeSoto would be 3,572 gallons per thousand and is asking for consideration to be put at the lower tier. Mayor Sessions thanked Mr. Stoffler.

Mr. Patel approached Mayor and Council to speak to the water billing for hotels. He stated his bill for the previous month was over \$15,000 for his five properties which is a significant increase from the previous billing structure. Mr. Patel asked Mayor and Council to please reconsider the rate structure. Mayor Sessions thanked Mr. Patel.

Britt Bacon, Tybee Post Arts Association, approached Mayor and Council. Ms. Bacon thanked Mayor and Council for their continued support with the theater. Mayor Sessions thanked Ms. Bacon.

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

Public Hearings

Variance: 168 S. Campbell Ave. - 40016 02016 – Steve Kellam. George Shaw approached Mayor and Council. Mr. Shaw stated the petitioner bought a property on South Campbell Avenue. The property is a shallow lot and large and the house sits on 2/3 in the front yard set-back and 1/2 in the marsh buffer. Which makes it non-conforming in all manner. The house was to be elevated with the grant but due to them wanting to add a second floor, it took the petitioner out of the grant as they do not allow for improvements to the home. Staff recommended denial of the variance request and the Planning Commission recommended continuance. Mayor Sessions asked why the Planning Commission recommended a continuance. Mr. Shaw responded, the language in the Code where all items need to be considered. Ms. DeVetter asked as Planning Commission did not make a decision, will one have to be made prior to Mayor and Council review. Mr. Hughes stated it would be up to Mayor and Council. The reason the Planning Commission continued is if the applicant addressed those items on the application, would have required a text amendment. Meanwhile the roof is off the house and there is damage due to the inclement weather. He continued, in order to provide some opportunity of relief for the homeowner, it would be helpful for a decision to be made on an expedited basis. Mr. Parks asked Mr. Shaw the age of the home. Mr. Shaw did not have a specific date but indicated it was probably built prior to the Land Development Code (LDC) being in place. Mr. Parks expressed his concerns with set-back requirements as he feels when he hears set-back it means approval of a non-conforming use, expansion. Mr. Shaw stated the house is not getting wider only taller. Mayor Sessions asked Dr. West if he had questions as he is attending via Zoom. Dr. West responded no as he read what was in the packet. **Anthony Sapone** approached Mayor and Council. Mr. Sapone stated he is half owner of the house. Originally they were going to lift the house and close it in but in doing this, the back portion of the roof was infested with termites. The back walls were torn out and decided to build a second floor for a bedroom and second bathroom. This residence will not be rented but remain as a family home. The height of the residence will not exceed the height limit nor will it go out of the footprint of the existing house. Mr. Sapone asked Mayor and Council to move forward as the inclement weather is ruining the flooring and the studs. Mayor pro tem Brown confirmed a variance is needed and recommended approval of the variance. Ms. DeVetter asked the hardship. Mr. Sapone responded the roof has been removed due to termites which is now vulnerable to the inclement weather. Mayor Sessions asked Mr. Shaw to read the definition of a hardship from the LDC. Mr. Shaw read the definition. Mr. Hosti stated it is his understanding the variance is to build a second story into the set-back. Ms. DeVetter stated she does not understand the hardship associated with this request. Mr. Parks stated the petitioner applied for the grant, they received the grant and there were no provisions for the additional story. Mr. Sapone confirmed. **Spec Hosti** made a motion to approve. **Barry Brown** seconded. Voting in favor were Brian West, Jay Burke, Spec Hosti and Barry Brown. Voting against was Nancy DeVetter and Monty Parks. Motion to approve, 4-2.

Variance: 6 Dogwood Ave. - 40001 10013 – Barbara Miller. George Shaw approached Mayor and Council. Mr. Shaw stated the petitioner is asking for a variance as the front wall of the house is actually at the front set-back and the side walls are at the side set-back which fills the entire buildable space of the lot. Ms. Miller would now like to have a lift attached to the front landing, steps, of the house which would be in the front yard set-back. This will enable her to

get from the front door to the lift and from the lift to her vehicle. Staff is recommending approval as did Planning Commission. Ms. DeVetter asked if this is considered a hardship. Mr. Hughes stated this is a good example of a hard situation as the hardship is supposed to be to the property as the property theoretically is there forever as the inhabitants are not. Mr. Parks stated Mayor and Council did rewrite the variance standards, which currently are the three (3) being use now. Mr. Hughes suggested Mayor and Council refer to this variance request as an exception where cases of personal illnesses of owners or occupants necessitate modifications or applications for devices to assist in assessability. **Monty Parks** made a motion to approve. **Nancy DeVetter** seconded. Vote was unanimous to approve, 6-0.

Consideration of Bids, Contracts, Agreements and Expenditures

Axon Enterprise, Inc. Fleet 3 Cameras and Drones Contract. **Major Fobes** approached Mayor and Council to address this request. Major Fobes stated currently there is a fleet program which is outdated and the City is in need of a new system. He continued, there are two (2) types of drones: two (2) which require an operator license and the others are much like a suitcase so you could put in a vehicle or on the ground. The drones will add public safety to the Island. Mayor pro tem Brown confirmed these drones will be used only for public safety. Major Fobes confirmed. **Monty Parks** made a motion to approve. **Nancy DeVetter** seconded. Vote was unanimous to approve, 6-0.

Brian West lost connection with the meeting.

Consideration of Ordinances, Resolutions

First Reading: 2022-09, Sec 66-8: Personal Transportation Vehicle Uses. **Ms. O'Connell** confirmed the proposed ordinance refers to golf carts. She stated this is also to address safety issues as well as environmental concerns from golf cart usage. Mayor Sessions shared her concerns with other golf cart rental companies coming to the Island and not following the rules. Mayor pro tem Brown asked if Mayor and Council are addressing noise or pollution. Mr. Parks stated the new carts have fuel injection which is quieter. Mr. Burke stated he is favor of safety. Mr. Hughes gave a brief history of golf cart usage as it began for use by the handicapped. This was before there was a State Law which has changed three (3) times since its conception. They was a brief discussion regarding the speed of all "golf type" vehicles. The definitions have changed concerning for motorized carts/personal transportation vehicles as they are all under state regulations. For vehicles such as a moped you can prohibit within the jurisdiction if Mayor and Council so choose. Mr. Hughes continued, apart from accommodating individuals who have disabilities or handicaps, you do have the ability to control where and how they are operated. Ms. DeVetter confirmed what is before them tonight is intended to control those coming from off Island. Mr. Hughes responded this is intended to distinguish between gas power and those that are electrical. Mayor pro tem Brown asked why Mayor and Council are promoting these vehicles crossing Butler Avenue. Mr. Hughes responded low speed vehicles can go anywhere on the Island to include Highway 80 where golf carts cannot. Mayor Sessions stated she does have an issue with businesses on Tybee Island that have legitimately gone through the process, doing everything right yet off Island businesses are not held accountable. She further expressed her concerns with golf carts causing public safety issues such as speeding and traveling streets illegally. Mr. Hosti asked if the low speed vehicles are state regulated. Mr. Hughes confirmed. Mr. Hughes confirmed a golf cart is tested for maximum speed by the Tybee Island Police Department prior to receiving a Tybee decal. Ms. DeVetter asked Ms. O'Connell is she had a number as to how many golf carts are on Island. Ms. O'Connell responded she would reach out to Sgt. Hattrich for an accurate number. Ms. DeVetter feels there cannot be a first reading without more information Mayor pro tem Brown recommended putting a cap on the number of golf carts and/or putting a moratorium on any new golf cart rental businesses. **Nancy DeVetter**

made a motion to table until the number of existing licenses can be determined. **Monty Parks** added the "language needs to be changed". **Nancy DeVetter** accepted his addition to her motion. **Monty Parks** seconded. **Discussion: Mr. Hughes** stated in his opinion, Mayor and Council can justify limiting the number that can operate on the Island for public safety reasons. Dr. Gillen asked Mayor and Council if they would like to schedule a special meeting for discuss the topic. Vote was unanimous to approve, 5-0. **Brian West** was not able to reconnect to the meeting via Zoom.

Council, Officials and City Attorney Considerations and Comments

Nancy DeVetter discussed the future of the **Beach Task Force**. **Ms. DeVetter** explained the mission of the Task Force and has since changed. Changes are due to Staff and outside consultant and Lobbyist. Dr. Gillen recommended the Beach Task Force take on the task of updating the Beach Management Plan and as tasks evolved, take those on as well. Mr. Hughes recommended to amend the current ordinance to add a sunset. The bylaws would have to be revised as well. **Ordinance to be brought back to Mayor and Council**

Monty Parks asked for an update on the **Marine Science Center bathrooms**. Mr. Parks believed there needs to be a bathroom near the rear of the building. He would also like to see a plan moving forward. **To be on the September agenda**

Shawn Gillen

Salt Meadows: Mr. Hughes to send email with updates

City Hall: Awaiting decking

708 Butler: No permits have been given

Monty Parks made a motion to adjourn to Executive Session to discuss litigation and real estate.

Nancy DeVetter seconded. Vote was unanimous to approve, 5-0.

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

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

Meeting adjourned at 9:45PM.

Janet R. LeViner, MMC
Clerk