

Consideration of Items for Consent Agenda

Mayor Sessions called the Consent Agenda to order at 6:30PM. Those present were Jay Burke, Monty Parks, John Branigin, Nancy DeVetter and Spec Hosti. Also attending were Dr. Shawn Gillen, City Manager; Bubba Hughes, City Attorney; Tracy O'Connell, Assistant City Attorney; George Shaw, Director, Community Development; and Janet LeViner, Clerk of Council. Mayor pro tem Brown was excused.

Mayor Sessions listed the following items on the consent agenda:

- Minutes: July 8, 2021, City Council Meeting
- AR Universal LLC dba Frozen Daiquiri-Alcohol and Entertainment License Request-Liquor/Beer/Wine/Sunday Sales
- Lease for Vac-Truck, \$51,862 yearly
- River's End Campground: Architectural/Agreement with Greenline Architecture to complete Construction Drawings and Construction Administration for New Workshop/Storage Building. \$28,200, line item 555-6180-54-1315.
- Final 2021 Budget Amendment. **Discussion: Dr. Gillen** stated this Amendment is the final clean-up of the FY2021 budget as it is required to balance. Mr. Parks confirmed the increase in salaries were covered for TIPD and TIFD with the additional revenue. Dr. Gillen confirmed. He continued the excess revenues might be used for infrastructure.

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

Invited Guests

Chairman Chester Ellis, Chair, Chatham County Commission approached Mayor and Council to speak on **One Chatham Initiative**. Mayor Sessions thanked Chairman Ellis for his financial support for the south-end bathrooms as well as SPLOST funding. Chairman Ellis thanked Mayor Sessions for inviting him to speak. He continued, after he was elected he did research on the spending habits of previous Chairman's as well as each municipality in Chatham County. He found there was a lot of cross spending and decided there needs to be a "new way to do things". Chairman Ellis stated the citizens all need to come together with collaboration and cooperation to work together. He came up with the title, "One Chatham" as if we work as one, we can get more done. Chairman Ellis thanked our local legislators as they passed the Infrastructure Bill to give Chatham County \$30.7M for public transportation. We all need together to get everything done. His concerns also include the ship wake and the effect on Chatham County. Chairman Ellis stated, it is his goal not have a street in Chatham County flood. He will meet with all elected officials as well as staff to set a goal and work together, all municipalities. Chairman Ellis asked if anyone has questions to please call his office so a meeting can be set-up. Mayor Sessions thanked Chairman Ellis for his Initiative and prospective on unity.

Mack Kitchens approached Mayor and Council to speak to Short Term Vacation Rentals (STVR's). Mr. Kitchens stated he is opposed to STRV's operating without regulations. He cited State Statutes and the Tybee Island Land Development Code in regards to STVR's in residential neighborhoods. He also presented a comparison of registration fees: flat vs. occupancy. Mayor

Sessions asked Mr. Kitchens to submit his presentation to the Clerk for inclusion in the minutes and thanked him for his presentation.

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

- Ernest Hutson approached Mayor and Council to speak to Alley 3. Mr. Hutson stated he has not seen many issues with motorized vehicles using Alley 3. Mayor Sessions thanked Mr. Hutson for his comments.
- Matt Campbell expressed his concerns with the possible registration on Short Term Vacation Rentals (STVR's)
- Code Jones expressed his concerns with inspections and registration fees with STVR's
- Keith Gay expressed his concerns with registration fee changes regarding STVR's

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

Public Hearings

Tybee Island Comprehensive Plan. George Shaw stated every ten (10) years the City is required to do a full Comprehensive Plan to remain a qualified government and every five (5) years a brief update is done. The City contracted with the Coastal Regional Commission (CRC) to produce the update and the process was started in January. Stakeholder Committees were formed and meetings were held to include public meetings. Mr. Shaw introduced Cole Mullis, CRC who was in charge of the update. Mr. Mullis thanked Mayor Sessions for the opportunity to speak. He stated he has been working with the City on the Plan and there was a public engagement process that included three (3) stakeholder meetings and two (2) draft review meetings. The next step is to transmit the draft to the Department of Community Affairs for review as they are the organization that regulates planning for Georgia. Mr. Mullis stated there is still time for public comment even after the document is transmitted, 40 day public comment period. Mayor Sessions stated the City will post the agenda for the public comments on the website for accessibility. Mr. Mullis stated the document is basically a document that provides guidance and direction for the City, a visionary document, so it does not create policy in its own right directly, but something that should be considered for planning and land use decisions. Having this documents is a requirement for receiving state funding in Georgia. He further explained the role of the CRC is to run the meetings and write the document but this is not their document but Tybee Island's document. Mr. Mullis went over the goals which provide guidance and values: (1) Vision and Goals; (2) Needs and Opportunities; (3) Character Areas; and (4) Work Program all which are included in the packet before them this evening. Ms. DeVetter asked the population trends and key indicators, as to the scale. Mr. Mullis stated he does not know as he did not do the writing of the Plan. Mr. Parks confirmed he moderated several of the meetings and has done this type of work with other cities. **Dotty Kluttz** approached Mayor and Council. Ms. Kluttz apologized to the City and the citizens of Tybee Island as she was a stakeholder member of the committee and became so frustrated with the process that she did not continue. She then expressed her concerns with the Plan and some of the language. She is against this Plan as presented. It was clarified that correct language was included in the Plan as posted on the CRC website. **Shirley Wright** approached Mayor and Council. Ms. Wright stated the membership of Forever Tybee has addressed the Master Plan and how to ensure its success. She read from a prepared statement (attached). Mayor Sessions thanked Ms. Wright for her presentation. **Ken Williams** approached Mayor and Council to speak to the Master Plan. He outlined five (5) specific core values to guide the policy: respect, unity and community, civility and kindness, and equity and balance, accountability, transparency and respectful visitors (attached). Mayor Sessions thanked Mr. Williams for his comments and presentation. **Cody**

Jones approached Mayor and Council. Mr. Jones explained the difference between a housing unit and a household as if you had a house to include a garage or out building, that would be considered one household and two household units. Mayor Sessions thanked Mr. Jones for his explanation. **Tanya Huff** approached Mayor and Council. She thanked Mayor and Council for the opportunity to attend the public meetings as they were very informative. Ms. Huff stated one of the main concerns is transportation of day trippers and is not included on the Plan. Mayor Sessions thanked Ms. Huff for her comments and concerns. Mr. Shaw stated there have been efforts to get transportation to the Island in the past which had to be significantly subsidized as there was not sufficient demand. **Roger Huff** approached Mayor and Council. Mr. Huff stated there was great discussions at the stakeholder meetings and he agrees there needs to be free bus service. In this way it would reduce the amount of vehicles circling the Island. Mayor Sessions thanked Mr. Huff for his comments. **Monty Parks** made a motion to transmit the most current version and move forward with the 4 day comment period. **John Branigin** seconded. Vote was unanimous to approve, 5-0.

SPECIAL REVIEW: Build Boardwalk Crossover – 708 Butler Ave. – 40005 20006 – Zone R-2 – Heath Shelton Habersham Development, LLC. **George Shaw** approached Mayor and Council. Mr. Shaw stated Habersham Development submitted an application for a crossover for the parcel, Butler Avenue to the beach. Planning Commission approved this application 3-1 and Staff approved unanimously. Mr. Shaw confirmed Mayor and Council need to approve this application prior to submission to DNR. Ms. DeVetter asked Mr. Shaw who is the owner of the property. Mr. Shaw responded it is his understanding the KM Meadow Farms is the current property owner. **Ben McKay** approached Mayor and Council. He stated he is the engineer on the project and stated the potential owner does not have intentions for future development. The potential owner would like to update the current structure and build the crossover. Mr. Parks made reference to the Planning Commission Meeting where a great deal of information was presented. He expressed his concerns with the possibility of Mayor and Council approving a 500 foot boardwalk intruding into the dunes. Mr. McKay responded the crosswalk is to protect the dunes which will keep beach goers out of the dune(s) and re-establishes beach access to the lot. Mr. Parks again expressed his concerns as there is only one residence using the crossover. Ms. DeVetter expressed her concerns with future development of the piece of property. **Heath Sheldon** approached Mayor and Council stating he is purchasing the property. He stated initially his intentions were to develop the property under the current zoning but is not moving forward. The plan currently is to purchase the home, restore the old cottage and build a home on the oceanfront. He is asking for access to the beach by way of a crossover as this will be a safer way for his family to get to the beach. Mr. Shaw confirmed DNR will not approve an application for a crossover without Mayor and Council's approval. **Dotty Kluttz** approached Mayor and Council. Ms. Kluttz expressed her concerns with building a crossover over the dunes as it does not allow the dunes to move. **Spec Hosti** made a motion to approve. **John Branigin** seconded. Voting in favor were Spec Hosti and John Branigin. Voting against were Jay Burke, Monty Parks and Nancy DeVetter. Motion to approve failed 2-3. **Monty Parks** made a motion to deny. **Nancy DeVetter** seconded. Voting to deny were Monty Parks, Nancy DeVetter and Jay Burke. Voting against were John Branigin and Spec Hosti. Motion to deny passed 3-2.

Text Amendment: Amendment to Tree Ordinance. **George Shaw** approached Mayor and Council. Mr. Shaw stated the proposed ordinance provides monitoring of tree removal to include additional penalties. It requires staff to be on site when three (3) or more are to be cut at any one time. This was approved by the Planning Commission, 3-2. Mr. Parks confirmed that this applies to three (3) or more trees being cut. Mr. Shaw confirmed. He agrees with the Planning Commission discussions and has concerns with enforcement. Mr. Branigin agrees with the penalties but not with the requirement to have staff watch at the property during cutting. **Monty**

Parks made a motion to approve. **Nancy DeVetter** seconded. Voting in favor were Monty Parks and Nancy DeVetter. Voting against were Jay Burke, Spec Hosti, and John Branigin. Motion to approve failed 2-3. **Monty Parks** amended his motion to approve Section 3 only of the proposed ordinance for first reading. **John Branigin** seconded. Vote was unanimous to approve, 5-0.

Variance: Rear Addition to residence – 3 Kingry St. – 40019 03006 – Zone R-2 – Anne K. Smith, Architect for Owner (Robin Crain). **George Shaw** approached Mayor and Council. He stated the applicant wishes to add a screen room to the rear of the house. By doing this, it would encroach 18” into the rear set-back. Staff recommended denial and the Planning Commission recommended approval, 3-1. **Ann Smith** approached Mayor and Council. She requested Mayor and Council approve this request. **Spec Hosti** made a motion to approve. Motion failed as there was no second. **Monty Parks** made a motion to deny. **Nancy DeVetter** seconded. Voting in favor of denial were Jay Burke, Monty Parks, John Branigin and Nancy DeVetter. Voting against was Spec Hosti. Motion to deny passed 4-1.

Consideration of Ordinances, Resolution

Second Reading, 2021-22, Chapter 12, Beaches and Waterways. Mayor Sessions stated her concerns with the situation of open fishing on any part of the beach and with no designated areas for fishing vs. surfers. She asked why we are moving forward with the proposed ordinance. Ms. O’Connell responded there is a specific State Statute that designates who can control areas for fishing and hunting. Local government can do this but only for land it owns or leases. The ordinance is being changed to be consistent with State Law. Ms. O’Connell recommended having a Code of Conduct on the beach which would address fishing on the beach. Dr. Gillen stated there was a fisherman who contacted DNR and confronted the TIPD regarding violation of State Law. As a result, DNR reached out to the City. If a fisherman is purposely casting into swimmers it could be considered Disorderly Conduct which would cause a violation. Ms. DeVetter asked Dr. Gillen where people can fish. Dr. Gillen responded he would hope people will use common sense. He also recommended reaching out to our local delegation to have local legislation allowing Tybee Island to regulate fishing areas on the beach. Mr. Hughes stated this cannot happen as the City does not own the beach. Mr. Parks stated he would ask DNR to do something to assist Tybee Island with this issue. Dr. Gillen confirmed he will reach out to DNR for assistance. **Monty Parks** made a motion to approve. **Spec Hosti** seconded. Voting in favor were Jay Burke, Monty Parks, John Branigin and Spec Hosti. Nancy DeVetter stepped out of the room. Motion to approve was unanimous, 4-0.

Council, Officials and City Attorney Considerations and Comments

Bubba Hughes approached Mayor and Council to speak to the **Status of Department Management – Leadership.** Mr. Hughes stated this involves department heads and the personnel policy that is currently being reviewed. Per the Charter, the City Manager is in charge of city employees and departments although the departments are established by ordinance. He continued prior to any prioritization of a department, it would need to come before Mayor and Council for approval. Mayor Sessions confirmed that she has no recollection of any conversations regarding outsourcing any department within the City. As to the current personnel manual, there is a grievance procedure that addresses everyone with the exception of department heads. He is recommending there be a process to discuss a grievance outside the structure of the City. Mayor Session concurred. Mr. Hughes stated this process will be included in the personnel policy.
To come back to future City Council Meeting

Bubba Hughes: Golf Carts. Mr. Hughes stated what is before them tonight is a draft of an amendment to the Golf Cart Ordinance that he was asked to prepare. This has been through the

Public Safety Committee. Currently the ordinance requires someone to within ten (10) days of acquiring or bringing a golf cart on to the Island, to have registered and inspected by the City. This is to reduce this time from ten (10) days to 24 hours. This provides in Sec 2, "any unregistered carts are subject to citation for the failure to pay and/or register timely for parking in authorized places and no unauthorized cart shall have a decal until it is registered". Mr. Hughes continued, this is an effort to bring individuals into compliance. Mr. Branigin stated his concerns with individuals bringing their golf carts on the Island and park wherever they want and are gone by the ten (10) days are up. We need to effectively have a means to write them a citation and collect a fine. Mr. Hughes responded there are identification markings on golf cart and parking enforcement can take photographs and place the citation on the cart. Mr. Hosti stated identification markings are hard to locate on a cart and agrees with Mr. Branigin that something needs to be done. He would recommend 48 hours rather than the 24. Ms. DeVetter asked why a sticker couldn't be placed on the cart. Mr. Hughes responded that such a sticker represents an abandoned vehicle. Mr. Branigin stated there are two violations: (1) violation of registration and (2) not paying to park. He feels if a golf cart is not registered they do not have the right to drive on City streets. Mr. Hughes responded he will revise the proposed ordinance to provide that it is an offense to operate an unregistered cart and require the hours in which to accomplish registration and cannot be operated in the City until registration is complete. Dr. Gillen stated Code Enforcement and Tybee Island Police Department will be enforcing the proposed ordinance. Mr. Parks recommended an annual inspection and well at proof of insurance. **To come back to future City Council Meeting**

Bubba Hughes approached Mayor and Council to address **STVR: Ordinance Amendments**. Mr. Hughes stated he was directed by Mayor and Council to craft an ordinance that would do two things: (1) require a parking plan for an STVR location and (2) to craft an occupancy measurement for potentially tiered fees. What is before Mayor and Council is a draft for discussion only. He asked council if it is their desire to do a flat fee or tiered rate. Mayor Sessions asked if Mr. Hughes had reached out to the City of Savannah regarding their ordinance with STVR as she was curious. Mr. Hughes stated no but will, if it is the desire of Mayor and Council. Mr. Parks stated as he would not like to address the parking issues as Mayor pro tem Brown is not present. In regards to the registration rate, he is requesting it is set so that the cost of enforcement is covered. Mr. Parks stated it is his understanding, the stated occupancy on the application form would be used to calculate the registration rate, not based off SAGIS or based on property records. As to enforcement, we would compare their advertising for occupancy vs. what their stated occupancy is on the application form. Ms. DeVetter would like the Ordinance Amendments brought back in final form. Mr. Hosti does not feel additional fees need to be placed on STVR's to cover enforcement. Ms. DeVetter requested Mr. Hughes bring back a document with the fees included for the first meeting in September. Mr. Hughes confirmed. Mr. Parks made reference to a chart: 1-5 people, one level; 6-10 people, next level; and 10 or more a different level which met the budget. He recommended the City take the occupancy stated on the application, derive a fee, based on three (3) tiers and move forward. Mr. Hosti recommended basing the registration fee on the bedrooms and not people. Mayor Sessions expressed her concerns moving forward and stated by using Host Compliance there is a measurable way to set fees. Mr. Hughes stated his understanding as there is a consensus that the application require the applicant to state the planned occupancy of the structure and the fee is going to be structured or changed based on that statement. If the structured fee is 1-5 is \$200, 6-10 is \$400, and above 10 is \$500, all STVR's are going to state they have 1-5 people. Is it the desire of Mayor and Council to have the numbers be in the ordinance as to what the fees are going to be? Dr. Gillen stated there is a base rate of \$200 plus a per occupant fee of tier one (1) of \$10 per occupant; tier two (2) of \$15 per occupant; and tier three (3) of \$20 per occupant. Mr. Parks stated he concurs with Dr. Gillen's explanation. Mr. Hughes confirmed. **To come back to September 9, 2021 City Council Meeting**

Bubba Hughes approached Mayor and Council to address a **Resolution: EV Charging Stations and Future Contracts**. Mr. Hughes stated this is a result of communications from Georgia Power and the Public Service Commission to have a charging station available to the City. He is asking approval of a Resolution that would permit him to go forward and finalize the negotiations with Georgia Power. They have asked for two (2) locations in the North Beach Parking Lot and they have agreed, when not in use for charging electric vehicles the parking spaces could be used for regular parking places which would be "pay to park". Mayor Sessions stated there is another individual that would like to donate two (2) chargers to be placed in Memorial Park. Dr. Gillen confirmed. **Monty Parks** made a motion to move forward with the Resolution. **Spec Hosti** seconded. Vote was unanimous to approve, 5-0

John Branigin: City Gas Pump Update. **Mr. Branigin** asked Dr. Gillen to ensure that all repairs are made to the gas pumps so the City does not purchase gas at retail. Dr. Gillen stated in summary, the gas pumps have completely failed, these are the original gas pumps prior to the construction of the Public Safety Building, purchasing of fuel then went to a local gas station to test that at a concept rather than repairing existing pumps. There is currently crowding at the station which is causing safety issues. Therefore, this is on the upcoming Infrastructure Committee Meeting and Mr. Gulbranson has received quote to move forward for complete replacement of the pumps. The underground tank is fine. Mr. Parks stated his concern is if there is a storm the City has an alternative plan.

Monty Parks stated he would like a **Discussion of Protected Trees** to come back to a future City Council Meeting.

Monty Parks stated Mr. Hughes is to bring a chart to Mayor and Council with structured fees regarding **Liquor License Renewal Fees**. **To come back to the August 26, 2021 City Council Meeting**

Shawn Gillen gave a brief update on **Beach Crossover Benches**. He stated Mr. Robertson is working with DNR on an application and working with Thomas and Hutton on design work. They will meet with DNR in early spring 2022.

Shawn Gillen approached Mayor and Council to speak on **Alley 3 - Motorized Vehicle Exemption**. Dr. Gillen stated this is an item that has come up before during the Public Safety Committee Meeting. Ms. McLemore, resident of Alley 3, is requesting the Mayor and Council remove the exemption at Alley 3 for motorized vehicles. This would eliminate Alley 3 as a boat ramp. Mr. Hosti recommends the boat ramp at Alley 3 remain as it is. Ms. DeVetter asked Dr. Gillen to explain the scope of the problem. Dr. Gillen responded it gets very busy during the weekends. Sgt. Hattrich approached Mayor and Council to speak to the issues at Alley 3. Sgt. Hattrich stated occasionally there are issues during the weekends but that is due to familiarization of the area. Mr. Branigin stated if the City is going to keep Alley 3 as a boat ramp then the ramp needs to be repaired and if not then do away with the ramp. Dr. Gillen recommended limiting use of the ramp, for motorized vehicles, on weekends during certain times such as between Memorial Day and Labor Day. Mr. Parks asked Mr. Hughes to bring an ordinance back restricting use of motorized vehicles at Alley 3 during certain times. **To come back to future City Council Meeting.**

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

Meeting adjourned at 10:45PM.

Janet R. LeViner, MMC
Clerk