

Consideration of Items for Consent Agenda

Mayor Sessions called the consent agenda to order at 6:30PM on February 10, 2022. Those present were Brian West, Monty Parks, Nancy DeVetter, Barry Brown, Jay Burke and Spec Hosti. Also attending were Dr. Shawn Gillen, City Manager; Bubba Hughes, City Attorney; Tracy O'Connell, City Attorney; George Shaw, Director, Community Development; and Janet LeViner, Clerk of Council.

Mayor Sessions listed the following items on the consent agenda:

- Minutes, January 27, 2022
- Subdivision Of Land: recombination of lots on Mortar Avenue-zone R-1 – CFK Properties- Chris Koncul. **Discussion:** Recommended be sent back to the Planning Commission for their consideration. It will come back to Mayor and Council on March 10, 2022.
- Agenda Request: AR Universal, LLC dba Frozen Daiquiri, 1504 Butler Ave: Alcohol & Entertainment License Request: Liquor, Beer & Wine-Sale by Drink for Consumption on Premises Only-Sunday Sales
- Budget Amendment: south-side of Highway 80, Salt Meadows
- Approve recommended changes to Film Production Fees and request that the City Attorney review and finalize changes to the Ordinance based on staff recommendation. Ordinance to bring back for first and second reading once City Attorney Review is completed.

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

Mayor Sessions stated it is important to her to speak on behalf of the City of Tybee regarding a list, Voters Roll List, which is a document that has been distributed on different platforms. She wanted everyone to know the City of Tybee had nothing to do with the list as it is an unofficial document. She would like to assure citizens, Ms. DeVetter, Ms. LeViner, Mr. Hughes and herself along with the Chatham County Board of Registrars and Secretary of State are all working together to take a deeper look at the City's voter roll process on purging and challenging voters that may not live in Tybee. Mayor Sessions explained the City's website will be updated to include information on residency and bullet items for clarity. She again stated no one's right to vote has been taken away or challenged as a result of the list.

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

Palmer Prescott approached Mayor and Council to speak to his family's **Private Parking Lot**. Mr. Prescott asked Mayor and Council to consider the refiling of the application for their private parking lot. Mayor Sessions reminded Mr. Prescott Mayor and Council would not make a decision tonight and thanked Mr. Prescott for his comments.

Ann Carroll approached Mayor and Council to discuss the recent list of voter concerns that has been circulated on the Island and the **Voter Rolls**. Ms. Carroll stated she has lived on the Island

for thirty-two years and is eligible to vote in municipal elections. Ms. Carroll expressed her concerns with targeting by the list and negativity that has come from it. Mayor Sessions stated the list was not created by Staff and it is not a product of the City.

Andy Davis approached Mayor and Council to speak to the **Voter Rolls**. He is concerned as his name is on the list that has been circulated as well. Mr. Davis would like to see correction methods posted on the website. Mayor Sessions thanked Mr. Davis for his concerns.

Keith Gay approached Mayor and Council to speak to the **Voter Rolls**. Mr. Gay stated he has lived on the Island for more than twenty-three years and challenging the community and the individuals on both sides of the discussions, to take a step back and look at the impact this is having on the residents. He continued, the necessity to become as combative as it has become to not be in the best interest of our community.

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

Public Hearings

Special Review: extension of existing boardwalk -900 Butler Ave.-40006 0500 –zone R-2 –Kathy Ross, Fresh Air Home. George Shaw approached Mayor and Council. Mr. Shaw stated the Fresh Home has a crossover that is in need of major repairs and currently does not go all the way to the beach. They are requesting to extend the crossover to the beach and have already received permission from DNR, Letter of Permission. Planning Commission recommended approval unanimously. **Spec Hosti** made a motion to approve. **Barry Brown** seconded. Vote was unanimous to approve, 6-0.

Subdivision Of Land: recombination of lots on Mortar Avenue-zone R-1 – CFK Properties-Chris Koncul. Mayor Sessions explained, as this was advertised to be a public hearing, anyone wishing to speak to this, please come forward. There were none. **Discussion: Recommended to send back to the Planning Commission for their consideration. It will come back to Mayor and Council on March 10, 2022.**

Consideration of Bids, Contracts, Agreements and Expenditures

Self-Contained Breathing Apparatus. Funding for this purchase is in the FY 2022 budget Capital Improvement Program. Account No: 350-3510-54-2500. The account has a budget of \$237,770.00. Dr. Gillen stated the current equipment is no longer manufactured as it does not meet the standards and replacement parts are not available. Ms. DeVetter asked for clarification of the purchase amount. Dr. Gillen stated the actual cost is under the budgeted amount. **Monty Parks** made a motion to approve. **Barry Brown** seconded. Vote was unanimous to approve, 6-0.

Ladder Fire Truck, \$1,100,000.00. Dr. Gillen stated this is not in the current budget. He continued, in the past two budget cycles, SPLOST dollars have been set aside for this particular item. The current ladder truck is “aged out” and to purchase a new truck is a two (2) year lead time. The City is looking at the demo’s that are becoming available which is more affordable than a new truck. Mayor pro tem Brown asked for confirmation from Dr. Gillen that funding is not being taken from the “rainy day fund”. Dr. Gillen confirmed this will be a SPLOST funded project. Chief Kendrick approached Mayor and Council. Mr. Hosti asked Chief Kendrick the year of the truck we currently have. Chief Kendrick responded, a 1999 model. Mayor Sessions asked Chief Kendrick to explain the City’s ISO rating. Chief Kendrick responded the ISO rating is currently at

4. The ISO, Insurance Service Rating, assists the residents in lowering insurance rates. When the rating is reduced, the residents can save approximately \$1M in insurance. The current trucks do not meet the pump capacity for structures on the Island and he is evaluating the City's process with the fire service to reduce the ISO rating. Mayor Sessions thanked the Chief for his work. **Monty Parks** made a motion to approve. **Nancy DeVetter seconded**. Vote was unanimous to approve, 6-0.

Council, Officials and City Attorney Considerations

Nancy DeVetter thanked Mayor Sessions for her opening comments regarding the **Voter Rolls**. Ms. DeVetter stated she realizes there are errors on the Voter Rolls and is working for a more accurate document. She has been working within the City to resolve the issues in 2019 and due to the mixed guidance as to how to successfully challenge a voter and to correct the City's Rolls, she would like to be clear to the residents there is a procedure for addressing people that are incorrectly on the Rolls. This is to challenge through the Board of Registrars. Ms. DeVetter stated Mayor and Council are here to insure the elections have integrity and that the City's voter registration list is correct. She thanked the group for doing the research and continued the City is working with the Secretary of State currently. Ms. DeVetter stated there is a specific procedure for successfully challenging a voter which includes multiple pieces of documentation. Going forward there will be clarity posted on the website and ensure residents are educated on the issue and the rules are clear. The goal is to protect everyone's right to vote and to ensure integrity in our elections. If anyone has suggestions or personal information, please feel free to contact her or council members. Mayor Sessions thanked Ms. DeVetter. Mayor pro tem Brown asked how the individuals on the "list" get off the list. Ms. DeVetter responded there is no official list therefore there is no action needed as it is not a legal document nor a challenge.

Mr. Hughes explained he received a letter from Colin McRae, Chair, Chatham County Board of Registrars, just prior to the Council meeting this evening. In this letter (attached) Mr. McRae explained the process and the interaction he has had with the Clerk of Council, Jan LeViner, over the years in her pursuit of challenges and the Board's position on what it takes to successfully challenge a resident and why they make it such a high bar to approve given the seriousness of removing someone from the Voter List. Mr. McRae asked his letter be made part of the record. Mr. Hughes recommended putting the letter on the website as well as making it part of the record. Mayor Sessions read Mr. McRae's letter in which he outlined the number of challenges submitted to their office over the last few years and after a preliminary review, the majority of the challenges were denied as presented by Tybee Island in 2017 and 2019. The challenges that were successful were those supported by the firsthand account of someone with personal knowledge who swore under oath, the individual registered at an address did not in fact reside at that address. Mayor Sessions explained a successful challenge is a very tedious process involving numerous documents/evidence and the City has a plan moving forward. Mr. Hughes stated there is one Code section that addresses how you determine the residency of a voter which has sixteen sub-sections of the factors to be considered by those making the determination. One of which is homestead. This sounds strong in the State Statute however courts interrupt that and it is not as definitive as you would think. He is in agreement with adding the Code section to the website as well as Mr. McRae's letter. Residence mean domicile, domicile is a matter of intent, where you intend to live. Mayor Sessions thanked Mr. Hughes for his clarification.

Brian West stated when he was campaigning, the topic of **Service Industry Parking Permits** was brought to his attention. Dr. West stated there were concerns the business owners could not attract employees due to the parking fees. There were also concerns regarding affordable/available housing for those working in the service industry. He would like to make it easier for employers to find employees that will come to Tybee. He would like to offer some type

of a parking pass for those employees, the City can make that happen. After speaking with other council members, he would like to offer a parking pass that is transferrable within the business. In this way the employer would monitor the parking pass. Dr. West stated he did speak with the City Manager and he feels this capability might become available in the Park Tybee App which would make it easy for employers to have the capability of discounted parking. Dr. Gillen stated there are several different ways this can be accomplished. Currently there is a transferrable pass, \$300, that is laminated and anyone can purchase. He explained other options and at the recommendation of Mayor and Council, **Staff to bring recommendations to March 10, 2022 City Council Meeting.**

Shawn Gillen stated at the previous City Council meeting it was requested of him to look at a 4th Street option for the **Location for Modular Office Space for the City Hall Remodel Project.** Dr. Gillen stated he met with Mayor pro tem Brown and Councilman Hosti at the 4th Street location and before you tonight are options on the layout need the tennis courts on 4th Street. Another site for consideration is near the fire station. Customers would enter near the fire station from Jones and exit to the north. If it is the desire of Mayor and Council to use the 4th Street location, the street would be closed for two years and there would be lost revenue from the parking meters. Mayor Sessions asked if the fire department had input. Dr. Gillen confirmed. Mayor Sessions expressed her concerns with the location just off Jones Avenue as this is a very congested area. Dr. Gillen stated Staff prefers the location just off Jones Avenue. Mayor pro tem Brown stated he prefers the 4th Street location as it would be less confusing for the residents. Mr. Hosti prefers the Jones Avenue location as there will be parking on both sides of the driveway. Mayor Sessions is not concerned with the loss of revenue as much as public safety for residents and staff. Ms. DeVetter agreed with Mr. Hosti as that is the preference of staff. There was a brief discussion regarding a laydown area in the case of a hurricane. **Spec Hosti** made a motion to approve the Memorial Park Location, Site A. **Nancy DeVetter** seconded. Voting in favor were Brian West, Nancy DeVetter and Spec Hosti. Voting against were Jay Burke, Barry Brown and Monty Parks. Mayor Sessions voting against. Motion failed 3-4. **Monty Parks** made a motion to approve the 4th Street location. **Barry Brown** seconded. Voting in favor were Monty Parks, Barry Brown and Jay Burke. Voting against were Nancy DeVetter, Spec Hosti and Brain West. Mayor Session voting in favor. Motion to approve 4th Street location approved, 4-3.

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

Meeting adjourned at 8:20PM.

Janet R. LeViner, MMC
Clerk of Council