

### **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, Barry Brown, 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; Jen Amerell, Finance Director, and Janet LeViner, Clerk of Council.

### **Mayor Sessions listed the following items on the consent agenda:**

- Minutes: City Council Meeting, January 28, 2021

**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
- Presentation of Colors and Pledge of Allegiance

**Mayor Sessions** recognized **Bubba Hughes** for 28 years with the City with a Certificate of Appreciation and gift cards. Mr. Hughes thanked everyone.

### **Citizens to be Heard.**

**Judith Fabian, Dogs on Beach. Was not in attendance**

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

### **Public Hearings**

**Site Plan: approval for a gazebo/water craft rental on the north side of the Hwy 80 Bridge – 2101 Hwy 80 – 40024 02001 – Zone M-D – Patrick Mathews. George Shaw** approached Mayor and Council and stated Mr. Matthews owns the property on both sides of Highway 80, Lazaretto Creek Bridge, and the shrimp docking facility is on the south side. On the north side is a boat dock and small beach area on the river. He would like to add a gazebo/kayak building on the north side. Mr. Shaw continued, parking will be on the south side and patrons will walk under the bridge to get to the gazebo. Staff and Planning Commission recommended approval unanimously. Mayor pro tem Brown asked if they will continue to use the septic system for their bathrooms. Mr. Shaw responded no, they will have a portlet. **Bill Walsh** approached Mayor and Council to speak in favor of this request and the petitioner. **Barry Brown** made a motion to approve. **Monty Parks** seconded. Vote was unanimous to approve, 6-0.

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

**Agenda Request: Coco's Tybee Island LLC dba Coco's Sunset Grille: Alcohol and Entertainment License; Liquor/Beer/Wine/Sunday Sales. George Shaw** approached Mayor and Council and stated this is not a renewal but a change in ownership. The new owner is requesting the same type license as previous owner. Mayor pro tem Brown asked if the new owners have bought the property on both sides of Coco's. Mr. Shaw responded he is not aware of real estate transactions. Don McGraw, petitioner, approached the podium. Mr. McGraw

explained entertainment would be inside the establishment and not outside. **Monty Parks** made a motion to approve. **Jay Burke** seconded. Vote was unanimous to approve, 6-0.

### **Consideration of Bids, Contracts, Agreements and Expenditures**

**Water/Sewer Utility Rate.** **Dr. Gillen** approached Mayor and Council to give a short background of this agenda item. He stated this item came out of the Master Planning process and Carrying Capacity Study that was done via a grant. The grant money also paid for a rate study to be completed. This study was completed and recommendations submitted. Among those recommendations were a new well and treatment plant. Mr. Gulbranson has put together a 5-year CIP which was before the Infrastructure Committee for their recommendations. **Jen Amerell, Director of Finance**, approached Mayor and Council. Ms. Amerell submitted a memorandum in the packet before them tonight and asked if there were questions. She continued, the City is at a point where we need to implement a utility rate increase. Currently, the City is using the Water/Sewer Fund balance to balance their budget and there are major projects that need to be done. After reviewing the budget, rate changes possibilities, financial statements and CIP and has crafted a plan. In this way they can address the needs of the infrastructure and meet operating costs. Ms. Amerell stated she is proposing changing the overall structure of the utility billing as well as the rates. She is proposing to add a premium to the heavy users during the summer months. Mr. Parks made reference to discussions that were held in the fall of 2020. Ms. DeVetter asked if the fixed rate is the base and the variable is based on the consumption. Ms. Amerell confirmed. Ms. DeVetter asked if is her recommendation to keep the commercial rate and residential rate the same. Ms. Amerell responded in the affirmative. Mayor pro tem Brown expressed his concerns with STVR's who accommodate 10 or more guests as he feels that rate should be higher and can it be separated. Ms. Amerell stated this was considered but it is extremely hard to separate from residential. They are looking at not only peak season as well as over 5,000 gallons, i.e., if you are using over 5,000 gallons during the peak season they will pay a premium. Ms. DeVetter thanked Ms. Amerell for bringing to Mayor and Council as this topic has been on the table for discussion for a very long time. Ms. Amerell explained there is \$50,000 annually to replenish fund balance as well as \$2.5M work that needs to be done each year. She continued, each year the City will need to look at smaller increases but continuous increases over the next few years. Mr. Parks asked Mr. Gulbranson if the \$2.5M will be annually for the future. Mr. Gulbranson confirmed. He then asked if we could apply for a GEFA loan and thanked Ms. Amerell for taking on this project. Dr. Gillen confirmed the City will look to finance options for future projects associated with water/sewer. Mayor pro tem Brown made reference to a past rate study by Hussey, Gay and Bell recommending the rate increases each year. Ms. Amerell stated she has read the most recent Study and confirmed with Mayor pro tem Brown if their recommendations had been implemented the City would not be in a difficult place. Dr. Gillen stated as projects were not being done to upgrade the infrastructure, there are now major repairs that need to be done which is why the fund balance is short. Mayor Sessions confirmed the recommended actions as proposed by Ms. Amerell's memo:

- Approve proposed fixed rate structure effective fiscal year 2022
- Approve proposed variable rate structure effective fiscal year 2022
- Approve proposed fixed rates effective fiscal year 2022
- Approve proposed variable rates effective fiscal year 2022

And the next steps:

- Communicate to public proposed
- Problem solve potential conflicts
- Clean-up and set-up new utility structure in conjunction with new software
- Complete fund balance policy

Dr. Gillen asked Mayor and Council when they would like Staff to meet with the public and schedule a comment period. Mr. Burke recommended Dr. Gillen have a plan moving forward. Dr. Gillen recommended he would have Ms. Amerell send information/recommendations to Mayor and Council by the end of March 2021. This will give the public ample time for comments. Mr. Branigin supports making the public aware of expenses but the key issue is the City is not covering expenses now. He stated this is unacceptable. Dr. Gillen responded the City is covering their operations expenses but there is no extra funds for capital projects. Mr. Parks suggested doing a comparison with other municipalities when doing public meetings. Dr. Gillen confirmed. He asked Mayor and Council when they would like it on the agenda to review recommendations. Mayor Sessions confirmed this is **To come back to Mayor and Council, April 8, 2021.**

### **Consideration of Ordinances, Resolutions**

**Second Reading: 2021-02, Septic to Sewer. Monty Parks** made a motion to approve. **Spec Hosti** second. Vote was unanimous to approve, 6-0.

### **Council, Officials and City Attorney Considerations and Comments**

**Barry Brown** would like to discuss the **Extension to the YMCA Building and possible location for modular classroom for Tybee Island Maritime Academy (TIMA)** as he would like it on the agenda for the next meeting. Mayor pro tem Brown recommended putting an extension on the YMCA building toward the Tybee Island Fire Station near the bike path. He then addressed the modular classroom location which would be a temporary situation, he would like to recommend to the right of the cemetery in Memorial Park until an additional to the Old School can be built. Dr. Gillen stated a discussion was held previously but has not moved further with the City's standpoint. Mayor pro tem Brown would like to move forward. Mr. Parks agreed with adding a two story addition to the back of the Exercise Room which gives the City an opportunity to move the activities that are in the Old School Building out and provides them better space and the YMCA new offices. This would be funded by E-SPLOST. Mr. Parks would like to consolidate the activities for the YMCA and a building at the end of the existing building would do this. Mayor pro tem Brown confirmed. Mr. Burke asked if there are funding opportunities other than the residents paying for the construction. Mayor pro tem Brown stated TIMA is paying for everything associated with the modular classroom and not the taxpayers. Mr. Parks stated discussions were held previously with former Mayor Buelterman. Dr. Gillen stated his next step is to get some sort of design of an addition to the YMCA and a cost estimate. This will give Mayor and Council an opportunity to move forward or not. Mayor pro tem Brown clarified the modular classroom space will be used for the upper grades, 6<sup>th</sup>, 7<sup>th</sup> and 8<sup>th</sup>. Ms. DeVetter would like TIMA to submit a plan: when, where and how much is expected of the City. Mr. Hosti reminded Mayor and Council there are historic buildings that need attention as they should be thinking of that. Mr. Parks agreed with Ms. DeVetter regarding a plan moving forward. He recommended Dr. Gillen meet with Greenline for a preliminary cost. Dr. Gillen will meet with the YMCA for sq. footage needed and then meet with Greenline. Mr. Parks asked Mr. Hughes if we have all the agreements between TIMA and the City. Mr. Hughes confirmed as there was an update Agreement in 2019. The YMCA has control of the pods that were going on and there is an agreement for TIMA to use the old Tybee Island Emergency Management Room and the Archive Room in the Old School Building. Mayor Sessions stated Dr. Gillen is to meet with TIMA regarding the modular classroom; there would be a Special Review to allow TIMA to put a modular classroom in Memorial Park; and meet with the Director of the YMCA to discuss needed space; and meet with Greenline for simplistic plans and costs. She ensured the residents the use of the YMCA will not change, classes will continue as well as use of the exercise equipment. Dr. Gillen will come back to Mayor and Council with recommendations.

**Nancy DeVetter** stated the Tree Ordinance was amended to prohibit people from clear cutting. Developers are not following the permits given and it recommended the City monitor tree removal and to add prohibitions to those who do not follow the Ordinance: **Sec 7-050 - Tree Removal Requirements and Sec 7-090 - Penalties for unlawful tree removal.** She is recommending those that violate the ordinance be prohibited from obtaining further permits for a certain amount of time. Dr. Gillen responded he would recommend a threshold as to the amount of trees to be taken down for Staff to monitor. Mr. Shaw recommended over three (3) trees. Mayor Sessions stated the intent is to see what has happened recently where developers come in, get a permit for ten (10) trees, and then they take down over that amount. The problem is how to stop that from continuing. She also recommended Code Enforcement be on site when the trees are taken down. Mr. Hughes stated that within a three (3) year period there have been two (2) or more violations by the applicant, future permits can be denied. There is not a window on how long you can do this. He is working on amending the current ordinance and will bring back to Mayor and Council. Mr. Branigin asked Mr. Hughes, rather than prohibiting someone from obtaining a building permit after a violation, could the City revoke their existing building permit? Mr. Hughes responded that would be difficult and would have to be a situation where the court in addition to imposing the fine, as part of the courts punishment, restricting any building on the property for a given period of time. Mayor Sessions stated the intent of the proposed ordinance is not to prohibit someone building their retirement home but to protect the canopy. Mr. Parks confirmed with Mr. Shaw the threshold would be up to five trees before Staff would monitor the tree removal. Dr. Gillen confirmed. Mr. Hughes stated one of the issues is for those who do not apply or have a permit and trees are taken down. This would not trigger Staff to be on site.

**Nancy DeVetter** stated she would like to discuss the **Marijuana Possession as City Ordinance Violation.** Dr. Gillen stated Chief Bryson is in agreement with a proposed ordinance. In the past a violation was an ounce or less. He continued, if you have an ounce or less of marijuana, there is no punishment or consequences for that action. Mr. DeVetter is making the possession a non-criminal violation and issue a ticket. Ms. DeVetter stated this is what other municipalities in Georgia are doing. Mr. Branigin asked if someone gets caught with no other significant offense how do you test. Dr. Gillen responded, there is no test. Mr. Branigin asked how the officer can issue a violation if there is no test. Dr. Gillen stated if officers can smell the marijuana, write an administrative citation, and are fined. SGT Hatrich, TIPD, approached Mayor and Council to give a brief outline of current procedures when a person is arrested for possession. Mr. Parks recommended Mr. Hughes research and bring recommendations to Mayor and Council. Ms. DeVetter stated she has been in discussions with the District Attorney, Savannah, as they are working on a policy to address this situation. Mr. Hughes stated it will be helpful to have the policy from the District Attorney's Office once that is complete. He will reach out to them.

**Spec Hosti** made a motion to adjourn to Executive Session to discussion Litigation and Real Estate. **Monty Parks** seconded. Vote was unanimous to approve, 6-0.

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

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

Meeting adjourned at 9:15PM.

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Janet R. LeViner, MMC  
Clerk