

### **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; George Shaw, Director, Community Development; and Janet LeViner, Clerk of Council.

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

- Minutes, City Council Meeting, January 9, 2020
- Appointment of Matt Harrell as Interim Fire Chief. **Mayor Sessions** congratulated Chief Harrell for his appointment.
- Historic Preservation Committee
  - Fidelia Fowler
  - Holly Grell-Lawe
- Bubba Hughes: Ante Litem, Olivia Simons. **Mr. Hughes** recommended this item be included with it being denied. **TO DENY**
- Minutes, Planning Commission, January 13, 2020
- Minutes, TIMSF Board of Trustees Meeting Minutes
- Minutes, Ethics Commission, March 11, 2019 and December 4, 2019

**Mayor Sessions** called the regular meeting to order at 7:00PM. All those present for the consent agenda were present.

### **Opening Ceremonies**

- Call to Order
- Invocation: Rev. Sue Jackson, Trinity Chapel United Methodist Church
- Pledge of Allegiance

### **Recognitions**

**Chief Robert Bryson** approached Mayor and Council. Chief Bryson introduced Chief Bill Kirkendoff, Hinesville Police Department. **Chief Kirkendoff** explained the State's Certification Program is a volunteer program with 129 Standards with ten addition, totaling 139. It takes a department and community to achieve this Certification. Chief Kirkendoff stated he made a recommendation to the Georgia Association of Chiefs of Police and the recommendation was accepted to grant certification to the Tybee Island Police Department. Chief Kirkendoff then presentation the **State Certification to Chief Bryson and the entire Tybee Island Police Department**. Chief Bryson thanked everyone for their support to include Captain Tiffany Hayes for all her work with this Certification. Mayor Sessions stated Tybee Island is very proud of our officers and cannot thank them enough for their service.

**Mayor Sessions** stated in the future the meetings will begin at 6:30PM and continue to have the Consent Agenda and move right into the regular meeting. An ordinance will be before Mayor and Council approving this change.

**Gerald Schantz**, approached Mayor and Council. Mr. Schantz thanked Mayor, Council, and Staff for their cooperation with the remodeling of his restaurant. He also thanked Dr. Gillen for his Friday Morning Coffee Meetings as this provides the citizens an opportunity to discuss their concerns. Mr. Schantz invited everyone to the grand opening of his restaurant which will benefit the **200 Club of the Coastal Empire**, Friday, February 14, 2020 at 5:00PM, Gerald's Pig and Shrimp.

**Mary McLemore**, approached Mayor and Council to speak to the **Marine Science Center lease**. Ms. McLemore read from a prepared statement (attached) where she expressed her concerns regarding the proposed Marine Science Center Lease. She stated the Marine Science Center is a great asset to the Island and nothing she is saying should be taken to denigrate the Marine Science Center. Mayor Sessions thanked Ms. McLemore for her comments and concerns and her statement will be included in the official record.

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

### **Public Hearings**

**Variance: Encroach Rear Setback with Steps to Maximize Porch Area - 11 Bright Street - 40002 15006-Zone R-1-B. Mike and Deb Goldberg. George Shaw** approached Mayor and Council. Mr. Shaw stated the petitioner is building a container home on Bright Street and is requesting a variance for a setback for proposed steps. He further stated that variances are based on hardships. Planning Commission and Staff are recommending denial, unanimously. Mr. Parks asked Mr. Shaw if any conditions have changed since this was heard by the Planning Commission. Mr. Shaw responded, none that he is aware of. **Mike Goldberg** approached Mayor and Council to speak in favor of this variance request. He is asking to allow his stairs to be within the 10' setback. Mr. Goldberg stated this is a grandfathered lot and he distributed documents (attached) containing drawings and affidavits stating they do not object to this request. He is not asking to build in that area only for a landing for the staircase. Mayor Sessions thanked Mr. Goldberg and made mention that in the packet as presented by Mr. Goldberg, there are two letters in favor of this variance request. **Monty Parks** made a motion to deny. **John Branigin** seconded. Vote was unanimous to deny, 6-0.

**Text Amendment: Definitions for Home Based Business. Jay Burke and Spec Hosti** recused. **Mr. Shaw** approached Mayor and Council. He stated the previous council asked the Planning Commission to review Home Based Definitions and bring recommendations back to Mayor and Council. After recommendations from the Planning Commission it was brought before Mayor and Council for first reading. At that time, it was noted there was a conflict with the definition of Home Occupation. Ms. DeVetter asked for clarification of the procedure. She confirmed with Mr. Shaw, Mayor and Council are approving only the adding of one section to the definitions. Mr. Shaw confirmed. **Monty Parks** made a motion to approve first reading. **John Branigin** seconded. Voting to approve were Monty Parks, John Branigin and Nancy DeVetter. Voting against was Barry Brown. Vote to approve, 3-1.

**Jay Burke and Spec Hosti** returned to their seats.

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

**Atlantic Waste Contract. Dr. Gillen** addressed Mayor and Council. Dr. Gillen stated he is trying to resolve four distinct issues: (1) Atlantic Waste charges the City one fee and that fee is not passed to the residents which creates a shortage in the Solid Waste Fund of about \$150,000; (2) Curbside single stream recycling is not working as it is mostly going to the landfill; (3) how does the City address the increase in garbage if curbside recycling stops; and (4) issue of Short Term Vacation Rental (STVR's) and the increase in garbage they bring. The contract is curbside or side door recycling of single stream and we have a recycling drop off center with several drop off units around the City to where residents/visitors can bring their recycling. Therefore, Atlantic Waste will no longer do recycling as the City will do it. This now creates twice a week garbage collection. There will no longer be Saturday collection for STVR's but will be another day of the

week. He feels this will take care of the problems with garbage sitting in the cans for days and days. The price to the City will remain the same as will the cost to the residents. Mayor Sessions stated, to make it simple, currently residents are getting side door recycling pickup, yard trash once a week and garbage. With the change, the City is eliminating recycling, adding twice a week garbage pickup (side door pickup) and still have once a week yard pickup. **Ben Wall, Atlantic Waste**, approached Mayor and Council. Mr. Wall stated the residents that have pickup on Monday will go to Monday/Thursday; residents on Tuesday, will go Tuesday/Friday; and the Wednesday residents will probably go to Tuesday/Friday pickup. Wednesday will now become yard waste pickup Island wide. Dr. Gillen is proposing a mailing to notify residents of the change in service as well as on Channel 7. In regards to yard waste, the old recycle cans can now be used for yard waste. Mayor Sessions stated there is no change in the cost of the new services. Mayor pro tem Brown asked if these changes are seasonal or year round. Dr. Gillen responded, year round. Ms. DeVetter asked why the City is not charging the residents what it costs the City. Dr. Gillen responded it is probably a reluctance to add an additional charge to the residents' bill and has always been subsidized by the City. Ms. DeVetter asked is there is a solution. Mr. Branigin stated it is not applicable to the contract as how the City bills the residents it is a totally separate issue. Mr. Parks spoke to recycling as what the City is doing currently is a better answer than curbside recycling and a better system. He stated he will do everything he can to have additional drop-off centers available to residents. Mr. Parks asked everyone to go the Facebook, TybeeRecycles, look at the page and "like" for updates. Mayor Sessions thanked Mr. Parks for all he is doing to create a recycling program and to Mr. Wall for his hard work. Mr. Hughes asked Mr. Wall for an effective date of the contract. Mr. Wall responded April 1, 2020 which gives the City time to notify the residents. Atlantic Waste will be stenciling the recycling cans to include "yard waste" language. These receptacles will now be used for yard waste rather than recycling. **Spec Hosti** made a motion to approve. **Nancy DeVetter** seconded. Vote was unanimous to approve, 6-0.

### **Diesel Bypass Pumps RFP contract recommendations (Pumps and Installation).**

**The staff is recommending the Pumps be purchased from Goforth Williamson. They are recommending the contract for installation of pumps be awarded to Southern Civil. Mr. Hughes** stated there are two contracts included within the agenda item: (1) concerns the purchase of bypass pumps for the lift stations necessary in the event power is lost and (2) for the installation of the pumps. There are no concerns regarding the award of the contract with regard to the installation of the pumps and he requests Mayor and Council move forward with the approval of the agreement with Southern Civil as recommended by Staff. Mr. Parks asked if it benefits the City to approve the contract for installation prior to approval of the purchase of the pumps. Mr. Hughes responded, this is time sensitive and he would like to have as much in place as possible. Mayor pro tem Brown stated the City is going to purchase the pumps to be installed in the lift stations for the possibility of a hurricane. Mr. Hughes responded in the affirmative. Mayor pro tem Brown asked why was the City not renting the pumps as in the past. Dr. Gillen stated the pumps are being purchased with a grant from FEMA. Mr. Hosti asked if the pumps would be used at any other time with the exception of a hurricane. Dr. Gillen responded, no, as they are installed permanently, above flood level. Ms. DeVetter asked the amount of the FEMA grant. Dr. Gillen responded the match is 85/15 and from the Water/Sewer Fund. The total grant is \$583,014. A discussion ensued regarding the importance of purchasing the pumps as once a hurricane is approaching other municipalities rent and there is a possibility there are none available when we need them. Mayor pro tem Brown stated he is not in favor of this purchase as it is unknown if these pumps will withstand the harsh environment with the salt water environment. Mayor Sessions stated with speaking with the Water/Sewer Department, this purchase is of great importance. She asked Dr. Gillen to address. Dr. Gillen responded this is essential as residents may not come back on the Island until the water/sewer is properly

functioning. The City has learned from the past that we need to have pumps reserved and set aside. **John Branigin** made a motion to approve the contract for installation of the pumps. **Monty Parks** seconded. Voting in favor were Jay Burke, Monty Parks, John Branigin, Nancy DeVetter and Spec Hosti. Voting against was Barry Brown. Vote to approve, 5-1.

**Mr. Hughes** stated the purchase of the pumps was also part of a Request for Proposal and Staff reviewed and evaluated the responses, made a recommendation, however, since the recommendation was made, two protests has been received by the City. Under the Procurement Policy, the City must go through a procedure which is quick. The purchasing agent will make the initial decision, the complaining party may appeal to the City Manager and if needed can be appealed to Mayor and Council. A representative from Allight Primax was present this evening but he recommended it is not appropriate for him to address Mayor and Council at this stage if there is an appeal as none of the other participants in the process were notified to be present. The two protests need to be dealt with under the process prior to the agreement being awarded. Mr. Hughes stated it is his recommendation that after the first layer of the process is met, the City proceed to award the contract if the protest is rejected. However, if it is accepted, Mayor and Council will have to meet to decide how to move forward. Revocation of the award of the installation contract could happen at that point. He would recommend in the event there is a workshop or meeting scheduled prior to the next City Council Meeting, as soon as the protest is resolved, the award of this contract based on the recommendation if the protest is rejected, both the contracts be dealt with at that time. There would be no vote on the contract tonight. **Purchase of Pumps from Goforth Williamson deferred until February 19, 2020, 9:30AM, City Council Workshop.**

**The bids for the Jaycee Park Restroom project were opened at 2:00pm on January 23rd, 2020. There were 6 bids received. This agenda item to request that City Council approve the award to the lowest responsive bidder, CNB Construction, LLC, in the amount of \$330,500.00. Attachments: Original ITB, Greenline Plans and Specs, Addendum #1, Bid Sheet, Response from CNB Construction. Mayor pro tem Brown** asked Dr. Gillen what the highest bid was. Dr. Gillen stated he does not have that figure but will provide and confirmed there a Penalty Clause in the proposed contract. Dr. Gillen confirmed. Mr. Branigin stated the high bid was \$499,047 by R. W. Allen and Company. Mayor pro tem Brown asked Dr. Gillen if the tile used in Memorial Park will be used for the bathrooms in Jaycee Park. Dr. Gillen responded no due to availability. Mayor Sessions asked Dr. Gillen if the proposed contractor has been vetted by the City. Dr. Gillen stated there is certain criteria they must follow and this contractor has met the requirements. **Jay Burke** made a motion to accept the bid from CNB Construction. **John Branigin** seconded. Voting in favor were Jay Burke, John Branigin, Nancy DeVetter and Spec Hosti. Voting against were Barry Brown and Monty Parks. Vote to approve, 4-2.

**Agreement between City of Tybee Island and Tybee Island Marine Science Center.** **Mr. Hughes** stated there are overlapping elements associated with this agenda item. They involved agenda items 10, 11, 12 and 17 respectively. The Agreement with the Marine Science Center is an exhibit to the Agreement with Limewood, which is the LLC of the Makels who are donating by lease a parcel of the property to be used for recreational displays. Mr. Hughes continued, there is no rent paid but they will be covered under the Marine Science Center's liability coverage as will the City. Providing that liability coverage by the Marine Science Center is required in the Marine Science Center's lease from the City. Hence it all overlaps. The plat needs to be approved and all can be discussed simultaneously. The proposed lease has been changed so it closer to the existing lease for the south-end building. Maintenance obligation in respect to the building which is the City's will be the City's responsibility as they maintain the interior and routine

maintenance of the building. The rent to the City has been changed so it includes the cost of the City having the structure insured. This has been estimated at \$12,100 from GIRMA which will be paid by the Marine Science Center to the City. He stated representatives from the Marine Science Center are in attendance if there are questions. Mayor Sessions asked if #12, Agreement for First Chatham as to Landlord Release for Marine Science Center and #11, Agreement with Makel's, can those be voted on independently from the other items or would Mr. Hughes want them discussed with the other items. Mr. Hughes stated his preference, all at the same time including #17, Resolution 2020-02 for Plat Approval. **Mayor pro tem Brown** made a motion to approve item #10, Agreement between City of Tybee Island the Tybee Island Marine Science; #11, Agreement with Makel, City of Tybee Island and Marine Science Center; #12, Agreement for First Chatham as to Landlord Release for Marine Science Center; and #17, Resolution 2020-02 for Plat Approval: Makel and Marine Science Center. Motion died for lack of second. **Nancy DeVetter** made a motion to table until the upcoming City Council Workshop, February 19, 2020. **Jay Burke** seconded. Voting in favor were Jay Burke, Monty Parks, John Branigin, Nancy DeVetter and Spec Hosti. Voting against was Barry Brown. Motion to defer approved, 5-1. Mayor pro tem Brown stated there is another City owned building on the Island that was paid for with SPLOST funding, the Marine Rescue Squadron. Ms., DeVetter would like to see all the non-profit leases for City buildings prior to the workshop. Mayor Sessions asked Council to direct any questions to Mr. Hughes and/or Dr. Gillen so they can all be included in discussions at the upcoming workshop. **Deferred until City Council Workshop, February 19, 2020.**

**Agreement with Makel, City of Tybee Island and Marine Science Center. Deferred until City Council Workshop, February 19, 2020.**

**Agreement for First Chatham as to Landlord Release for Marine Science Center. Deferred until City Council Workshop, February 19, 2020.**

#### **Consideration of Ordinances**

**First Reading, 02-2020, Sec 34-264, Signage - Short Term Vacation Rentals.** **Monty Parks** stated he asked for the proposed ordinance as the City Marshalls asked Mayor and Council to consider shortening the period between when a STVR is sited and when they respond. Currently they have 21 days if cited for not having a sign in front of their STVR. Mr. Parks is recommending changing to seven (7) days. **Monty Parks** made a motion to approve. **John Branigin** seconded. Vote was unanimous to approve, 6-0.

**First Reading, 2020-03, Civil Penalties.** **Monty Parks** stated he supports the proposed ordinance as this will give offenders the opportunity to pay for the violation at the police department and not have to go through the court system unless it is appealed. These tickets can be issued by Non-Post Certified Officer of the law. Dr. Gillen stated he will follow-up later during the meeting. **Monty Parks** made a motion to approve first reading. **John Branigin** seconded. Vote was unanimous to approve, 6-0.

**First Reading, 2020-08, Retirement Plan Ordinance.** **Dr. Gillen** stated this is a housekeeping measure as the IRS requires the Retirement Plan adopt certain provisions. There is a summary of the provisions included in the packet before Mayor and Council. **Monty Parks** made a motion to approve. **Nancy DeVetter** seconded. Vote was unanimous to approve, 6-0.

**Resolution, 2020-01, Supporting Legislation for the Georgia Local Government Infrastructure Finance Authority Act.** **Mayor Sessions** stated she believes Council agrees to remove from the agenda. Council confirmed. **NO ACTION TAKEN**

**Resolution 2020-02 for Plat Approval: Makel and Marine Science Center. Deferred until City Council Workshop, February 19, 2020.**

**Resolution 2020-03, to Apply for a Coastal Incentive Grant and Commit upon Award of the Grant to enter into a Project Agreement with the GDNR Coastal Resources Division.** Dr. Gillen stated the funds are for the monitoring of the dune system. After the dunes are built the Grant will be used to monitor erosion, growth, and vegetation as this will show the dunes are either growing in size or not. Alan Robertson approached Mayor and Council. Mr. Robertson stated this is the same type grant that was used for the water rate study in the past. The City has applied for a two year grant, \$37,000 the first year and \$25,000 the second year. He went on to explain the process of plantings in the dunes. Mr. Robertson stated the Resolution is required as part of the application package. Mr. Parks asked if this is a match grant. Mr. Robertson responded in the affirmative. There is no money involved as it is "in-kind" services. Monty Parks made a motion to approve. Jay Burke seconded. Vote was unanimous to approve, 6-0.

**Resolution 2020-04, In opposition of HB 523 (Monty Parks).** Monty Parks read HB 523 per the request of Mayor pro tem Brown. Mayor Sessions stated, for the record, she has spoken with our local legislators to make them aware the House Bill will be on the agenda and Mayor and Council will be voting and sending the Resolution to them. Barry Brown made a motion to approve. Monty Parks seconded. Vote was unanimous to approve.

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

Barry Brown stated he is still receiving concerns regarding the answering of City Hall telephones. Mayor pro tem Brown explained the telephone report showing the amount of calls being answer and those going to the auto-attendant. He expressed his concerns and asked Dr. Gillen to address. Mayor Sessions confirmed if someone were to call the main number, it should be answered by a "real" person, if not, the call is directed to the "hunt group" and if not answered at that point the call would go to the auto-attendant. Dr. Gillen confirmed. He will continue to work on better percentages of calls that are answered by his administrative assistance and the "hunt group". He continued to explain the complications with not having adequate staff due to travel and multitasking duties. Mr. Parks asked if there ever a dedicated receptionist tasked with answering the telephones. Mayor pro tem Brown stated no. Dr. Gillen stated his administrative assistant has multiple duties such as covering Parking during lunch and other projects in City Hall. Mayor Sessions responded customer service is critical to the Island as we are such a small community. It is her desire to move forward to ensure the best customer service available.

**Builder's Risk Coverage, Marine Science Center.** Dr. Gillen stated this agenda item is separate from others related to the Marine Science Center and needs to be dealt with. The Insurance needs to be extended. Mr. Hughes stated this is an extension from February to march 28<sup>th</sup> on the Builder's Risk Police and it a change order paid out of the contingency for the building. Spec Hosti made a motion to approve. Monty Parks seconded. Vote was unanimous to approve, 6-0.

Shawn Gillen and Matt Harrell approached Mayor and Council to speak to Beach Safety Update - Beach Rule Enforcement Update. Interim Chief Harrell gave an update on the changes with the Ocean Rescue which has now been rebranded to "Beach Safety" which are the lifeguards under the Tybee Fire and Rescue. Schedules will be provided to Mayor and Council outlining training, educational, and actual times they will be in the stands. Zones of coverage were explained which will provide consistency. He is also proposing new stands which will provide better coverage during the heat of the day, solar power for charging stations and stairs which

will reduce injuries as guards jumped from the old stands. Chief Harrell stated he would like to purchase three pop-up stands which can be moved to busy areas during the summer. This would be in addition to the new marine grade aluminum. Dr. Gillen moved to the enforcement of beach rules. Chief Bryson is requesting to have his officers not patrol the beach as they are needed on the Strand and Tybrisa to patrol but will still be in the vicinity of the beach. Beach enforcement would be done with technology such as cameras. Code Enforcement Officers will respond to violations such as litter, glass on the beach and damaging of dunes. These will be Non-Post Certified Officers which will be under the supervision of the City Marshall. Mr. Burke asked the cost of the cameras. Dr. Gillen responded approximately \$3,000 per camera and will need internet service. He continued, he is not asking for a vote this evening as he will need to bring a budget adjustment before Mayor and Council. Ms. DeVetter asked who will be issuing the tickets, Beach Safety or Code Enforcement. Dr. Gillen responded Code Enforcement as Beach Safety would call in violations. Mr. Branigin agreed that technology is the best approach as the beach is very busy. He also recommended signage at the crossovers to make beach goers aware that cameras are monitoring the beach for rule enforcement. Ms. DeVetter asked if anyone has other violations to add to the ordinance please let her know. Dr. Gillen recommended the sand bar ordinance that was put in place last year. Mayor pro tem Brown asked if the lifeguards would still be using their telephones and playing volleyball while on duty. Chief Harrell addressed Mayor and Council. He explained use of the telephones would not be tolerated while on duty with the exception of their breaks. Volleyball might be included as daily physical training but it will not be while they are on duty. He continued that the guards will now have radios that when there is a need to call dispatch, the police department and fire department will all be able to hear to call. This will give backup if needed. Mayor Sessions thanked both Dr. Gillen and Chief Harrell for their presentation.

**Barry Brown** made a motion to adjourn to Executive Session to discuss Personnel, Real-estate and Litigation. **Monty Parks** seconded. Vote was unanimous to approve, 6-0.

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

**Barry Brown** made a motion to adjourn. **John Branigin** seconded. Vote was unanimous, 6-0.

Meeting adjourned at 10:53.

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Janet R. LeViner, CMC  
Clerk