

City Council Synopsis, February 22, 2024

Mayor West called the meeting to order at 6:30PM, February 22, 2024. Those in attendance were, Nick Sears, Monty Parks, Spec Hosti, Kathryn Williams, Tony Ploughe and Bill Garbett. Also attending were Michelle Owens, Interim City Manager; Bubba Hughes, City Attorney; Tracy O'Connell, City Attorney; and Jan LeViner, Clerk of Council.

Opening Ceremonies

Call to Order

Invocation: Mac McLane, Code Enforcement

Pledge of Allegiance

Consideration of Items for Consent Agenda

- Amended Minutes: February 8, 2024
- YMCA Contract Extension
- Baker Tilly Contract
- Chatham Emergency MAA - Tybee Island 01/29/2024

Chief Hayes approached the podium. She introduced K9 Nauti who was certified and is officially Tybee Island's first Drug Canine. Officer Kendrick stated K9 Nauti is only 8 months old and is the youngest certified dog in the State of Georgia. He is looking forward to protecting the residents and visitors. Mayor West thanked Chief Hayes and Officer Kendrick.

Consideration of Boards, Commissions and Committee Appointments.

Mayor West stated all the members on the Planning Commission have two (2) year terms and one member should have a one (1) year term. Ms. O'Connell stated five (5) individuals were elected and if Mayor and Council give them two (2) year terms and in 2025, have two seats available and in 2026 have five (5) seats and designate one (1) as a one (1) year term. In 2027 it will be as it should with staggered terms, 4 year each. **Bill Garbett** made a motion to accept Ms. O'Connell's solution. **Nick Sears** seconded. Vote was 6-0 to approve.

Gerald Schantz approached Mayor and Council to speak to the noise on Highway 80 from motorcycles, cars and radios effect no only residents on Highway 80 but in surrounding areas. He recommended stationing an official on Highway 80 to help control the noise. Mr. Schantz spoke in favor of the Interim City Manager, Michelle Owens. He does not feel the City should spend the money on a professional firm to find a candidate. Mr. Schantz spoke against the proposed STR ordinance.

Invited Guests

Carol Tanrath, Branch Director, Tybee Island YMCA, approached Mayor and Council to give an update on future growth. Mayor West thanked Ms. Tanrath.

Holly Grell-Lawe approached Mayor and Council to give an update on the Historic Preservation Commission. Mayor West thanked Ms. Grell-Lawe.

Citizens to Be Heard

Roger Huff approached Mayor and Council to speak to the proposed STR Ordinance and asked Mayor and Council to do an Economic Impact Study. Mayor West thanked Mr. Huff.

Cody Gay approached Mayor and Council. Mr. Gay stated he does not agree with the proposed STR Ordinance. He expressed his concerns with the reduction in STR's, as it will cut revenue coming to the Island. Mayor West thanked Mr. Gay.

Dawn Shay approached Mayor and Council. Ms. Shay stated she opposes the transfer of property and is in favor of the proposed STR Ordinance. Mayor West thanked Ms. Shay.

Cheryl Oxendine approached Mayor and Council. Ms. Oxendine asked Mayor, Council to do an Economic Impact Study prior to moving forward with the proposed ordinance.

Dale Williams approached Mayor and Council. Mr. Williams stated STR's were never intended to be in residential areas and he is not against STR's. Mayor West thanked Mr. Williams.

Cory Jones approached Mayor and Council. Mr. Jones stated when elected you have a duty to not only those who elected but to the entire Island. He continued, for Mayor and Council to go ahead and do what they are planning to do and do it expediently so we can move forward. Mayor West thanked Mr. Jones.

Betsy Michaud approached Mayor and Council. Ms. Michaud is opposed to the proposed STR Ordinance (attached).

Brian Shields approached Mayor and Council. Mr. Shields shared his concerns with the attrition of not only jobs but of businesses on the Island. Mayor West thanked Mr. Shields for his comments.

Alissa Barrow approached Mayor and Council. Ms. Barrow expressed her concerns regarding the loss of property rights. Mayor West thanked Ms. Barrow for her comments.

Debbie Kern approached Mayor and Council. Ms. Kern stated she supports the non-transfer of STR permits and the proposed STR ordinance does create equality. Mayor West thanked Ms. Kern for the comments.

Kathy Trocheck (Mary Kay Andrews) approached Mayor and Council. Ms. Trocheck stated she owns several STR's and these properties create tax revenue to Tybee Island as well as direct benefit to Tybee restaurants, shops, and businesses. She is strongly opposed to the ill-advised attempt to take their property rights away from them in the form of the proposed ordinance. She asked Mayor and Council to vote against the proposed ordinance.

Robert McCorkle approached Mayor and Council. Mr. McCorkle expressed his concerns over property rights. He is in favor of enforcement and permits but he feels the City has gone too far. Mayor West thanked Mr. McCorkle.

David Anson approached Mayor and Council. Dr. Anson encouraged Mayor and Council to pass the proposed STR ordinance. Mayor West thanked Dr. Anson.

Matt Campbell approached Mayor and Council. Mr. Campbell stated the proposed STR ordinance is a violation of property rights. Mayor West thanked Mr. Campbell.

Sharon Miller approached Mayor and Council. Ms. Miller feels the proposed STR ordinance threatens the fabric of the community and determines our property rights. Mayor West thanked Ms. Miller.

Susan Kelleher approached Mayor and Council. Ms. Kelleher shared her concerns (attached) over the businesses on the Island if the proposed STR ordinance passes. She continued, the job of Mayor and Council is to oversee good governance to all people and all businesses on the Island not just a select few but everyone. Mayor West thanked Ms. Kelleher.

Tony Vasquez approached Mayor and Council. Mr. Vasquez asked Mayor and Council to do an Economic Impact Study prior to moving forward with the proposed STR ordinance. Mayor West thanked Mr. Vasquez.

Anna Butler approached Mayor and Council. Ms. Butler stated she is in support of the proposed STR ordinance. Mayor West thanked Ms. Butler.

James Hall, Savannah Area Relators approached Mayor and Council. Mr. Hall stated the City needs to look at calls for services and obtain police data prior to make a decision on the proposed STR ordinance. Mayor West thanked Mr. Hall.

Anna Phillips approached Mayor and Council. Ms. Phillips is against the proposed STR ordinance. She asked Mayor and Council not to move forward. Mayor West thanked Ms. Phillips.

Jenny Rutherford approached Mayor and Council. Ms. Rutherford is against the proposed STR ordinance as it is taking property rights from homeowners and asked Mayor and Council not to move forward with approval. Mayor West thanked Ms. Rutherford.

David Roberts approached Mayor and Council. Mr. Roberts had a brief presentation (attached). He stated Mayor and Council need to insist the City administration start enforcing the ordinance. Mayor West thanked Mr. Roberts.

Tom Mahoney approached Mayor and Council and stated he is representing the owners of 605A and 605B 6th Street. They are operating these properly with a valid permit issued and held for years. He asked Mayor and Council not to take away the property rights of his clients. Mayor West thanked Mr. Mahoney.

Karen Hewitt approached Mayor and Council. Ms. Hewitt expressed her concerns with property rights. She stated there have been 120 hotline complaints on STR's. She continued to break down the calls of service as some were not STR complaints.

Spec Hosti made a motion to approve the Consent Agenda. **Monty Parks** seconded. Vote was unanimous to approve, 6-0.

Consideration of Bids, Contracts, Agreements

Jaycee Park, Sports Lighting. Ms. Owens stated she spoke to the City's Georgia Power representative who confirmed the City pays for service at Jaycee Park which cannot be changed but we could negotiate terms regarding payment. They also discussed the ownership of the light poles and they have been in place for over twenty five (25) years. It was determined that Georgia Power owns the poles and they will not replace wood poles on any sports field will replace these poles with steel poles. Lights have been replaced and can be used on other poles that the City owns. Mr. Gulbranson approached Mayor and Council. He stated there is confusion as to the ownership of the poles at Jaycee Park. Ms. Williams asked if there was attempt to negotiate with Georgia Power given the confusion of the ownership of the equipment. If they in fact do own the equipment, they should be maintaining it. Mr. Gulbranson stated, the City has maintained the lights since they were installed. Whenever there was an issue with the lights, Department of Public Works addressed it and if there were additional issues, an outside vendor was contacted. Ms. Owens confirmed a contract cannot be located by either the City or Georgia Power. Mr. Garbett asked if the remaining lights in the City are maintained by Georgia Power. Mr. Gulbranson confirmed and stated there is a monthly bill for the lights and they do all the maintenance and replacement of the lights. Mr. Gulbranson confirmed Georgia Power owns and maintains the new light on the Strand and Tybrisa. Mr. Gulbranson continued, Georgia Power is working with the City to install the new lights which will create our monthly bill to increase. Ms. Williams expressed her concerns with the current situation and would have liked a Georgia Power representative to be at the meeting and/or future meeting. Mr. Gulbranson stated our representative is in Macon attending another meeting. Mr. Gulbranson explained the new lights will be more dispersed. He continued the reasoning to move this forward so quickly is to install the lights prior to sodding the field and protect the field from damage. The lights are not time sensitive but does not want to spend additional monies on regrading. Mr. Ploughe asked Mr. Gulbranson if he could restate the cost to the community. Mr. Gulbranson stated the prepayment to Georgia Power was \$230,000. He stated the contract will go to legal for their review. Mr. Gulbranson stated there is money in the budget for this project. Mr. Hosti and Ms. Williams asked Mr. Gulbranson to ensure there is a written contract moving forward. **Spec Hosti** made a motion to approve. **Bill**

Garbett seconded. **Discussion: Ms. Williams** stated the only way she can move forward with this vote is to get all contracts with Georgia Power, contact the representative and have a discussion at a future workshop. Vote was unanimous to approve, 6-0.

Consideration of Ordinance, Resolutions

Second Reading: 2024-01, Sec 22-192, Times and Process for Collection of Trash. Mr. Parks stated he appreciates Mayor and Council willingness to remove deliveries from the proposed ordinance and appreciates it is limited to dumpsters which does not affect trash pickup at residential on a normal basis. Mr. Sears stated the words "or similar trash receptacles" in Sec 1, second paragraph. Ms. O'Connell stated it makes clear these are dumpsters and not trash cans, but commercial dumpsters that are being used. This will take out any potential confusion as to what it is intended to be. Mr. Sears stated in Sub-section C, he would like the words inserted, "pursuant to Sub-section B above" so in a unique situations they are referred to in Section B. Ms. O'Connell asked if Mayor and Council are in agreement with the proposed change. **Nick Sears** made a motion to approve as amended by adding "pursuant to Sub-section B, inserting "if in Sub-section C." Ms. Williams stated she has amendment as well. She would like to change "except in those locations" to "except in unique situations". Ms. O'Connell stated Section A is the general framework of when they can do for everyone and Section B is where the exception is. Ms. Williams stated she withdraws her amendment. Mr. Ploughe asked if this passes will the City have some sort of notification process to the businesses. Ms. Owens stated yes and she will notify the companies that pick-up the trash. Mr. Sears restated his motion. Mr. Sears made a motion, to include the language in Sub-section B.2 **Bill Garbett** seconded. Vote was unanimous to approve, 6-0. **Discussion: Mr. Ploughe** asked in the future if Mayor and Council could approve amendments separate from the main motion. Mr. Hughes stated the rules of procedure. **Bill Garbett** made a motion to approve the ordinance as amended. **Nick Sears** seconded. Vote was unanimous to approve, 6-0.

Resolution 2024-03 Support for HPC Grant Application. Monty Parks made a motion to approve. **Kathryn Williams** seconded. Vote was unanimous to approve, 6-0.

Council, Officials and City Attorney Considerations

Ante Litem:

- **Tracy O'Connell:**
 - **David Roberts, Amended Ante Litem. Monty Parks** made a motion to reject. **Spec Hosti** seconded. Vote was unanimous to reject, 6-0.
 - **Amy Spell Cribbs. Monty Parks** made a motion to reject. **Spec Hosti** seconded. Vote was unanimous to reject, 6-0.

Bubba Hughes: Devon Forsyth. Mr. Hughes stated this needs to be discussed in closed session.

Brian West: Memorial Park Plan Task Force. Mayor West stated Council members have toured Tybee Island Maritime Academy and they have interesting needs that are not being met in their current location. There is also some expanding needs at the YMCA as they have insufficient facilities and also needs for the community, young families and the aging community. He is asking Council to approve the formulation of a Task Force to craft a plan and look at the existing needs for Memorial Park and the City facilities. **Motion: Spec Hosti** made a motion to form a Task Force to research the needs of Memorial Park. **Monty Parks** seconded. Vote was unanimous to approve, 6-0. **Discussion: Ms. Williams** stated her concerns with maintaining green space in Memorial Park. This is only a study. Mr. Ploughe asked if this is a funding Task Force. Mayor West stated no, unfunded as the Task Force would come to Mayor and Council with a budget request after they have a Plan.

Mr. Parks stated he would like to see a policy for any surplus funds that the City might accrue. The key factors to that are how many months funding do we need to have set aside if case of a weather event, a monthly amount, and how much re-nourishment would be. Ms. Owens stated the Finance Director, Ms. Amerell has been working on this project.

Nick Sears: Proposed STR Ordinance. Tony Ploughe recused. Nick Sears made a motion:

- Council direct the City Attorney to draw up the proposed ordinance in accordance with the outline in the packet, in proper form and with particular attention to provisions for enforcement; and
- Council direct the City Attorney to distribute a first draft to Council for its review and comments by the 29th of this month in order for there to be sufficient time to distribute revised drafts for comment and to prepare a finished version in time to include it in the agenda for the first council meeting in March.

Discussion: Mr. Sears stated the passing of this ordinance will not shut down STR's immediately but relates only to STR's in the residential districts, R-1, R-1.b and R-2. It will have no effect on STR's in the other zoning districts. This would not result in immediate shutdown of any STR's and would reduce the number of STR's in the residential districts to 0 and will occur only over a long period of time and would not happen in less than a dozen years. During that time, all STR's in residential districts would retain their permits would be free to engage in STR's. **Kathryn Williams** seconded. Voting in favor were Nick Sears, Monty Parks, Kathryn Williams and Bill Garbett. Voting against was Spec Hosti. Motion to approve 4-1. **Tony Plough recused.**

Tony Ploughe returned to the Dias.

Spec Hosti made a motion to adjourn to executive session to discuss real estate, personnel, and litigation. **Bill Garbett** seconded. Vote was unanimous to approve, 6-0.

Monty Parks made a motion to return to regular session. **Spec Hosti** seconded. Vote was unanimous to approve 6-0.

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

Meeting adjourned at 9:45PM.

Janet LeViner, MMC
Clerk of Council