

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. Barry Brown attended via Zoom

Mayor Sessions listed the following items on the consent agenda:

- Minutes, February 11, 2021, City Council Meeting
- Crowder Gulf Contract Renewal, Disaster Recovery and Debris Management
- FEMA Pre-Disaster Mitigation Assistance Award
- Award of ITB 2021-758, Lighthouse Area Sewer, \$413,345, Southern Champion Construction, Inc. Discussion: Mr. Hughes clarified the document is that of Thomas and Hutton and should be included in the motion: to approve the Thomas and Hutton contract and for the Mayor and City Attorney to sign the contract.
- Resolution 2021-04, To accept a FEMA Pre-Disaster Mitigation Award

Mayor Sessions called the regular meeting to order. All those present for the consent agenda were present.

Opening Ceremonies

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

Recognitions and Proclamations

Mayor Sessions asked **Jan Will** to come forward to be recognized for her work with the **Historic Preservation Commission**. Dr. Gillen read a Certificate of Appreciation and presented it to Ms. Will. Ms. Will thanked everyone for the recognition.

Mayor Sessions asked Mike Hosti and the staff of the Tybee Market to come forward. Dr. Gillen read a **Proclamation, Supermarket Employee Day, February 22, 2021** and presented Staff and employees a **Certificate of Appreciation**.

Mayor Sessions invited **Tim Echols, Vice Chairman, Georgia Public Service Commissioner**, to come forward and be recognized for his work in regulating clean energy and solar power. Dr. Gillen presented Mr. Echols with a Certificate of Appreciation for his dedication and advocacy to the City. Mr. Echols thanked Mayor Sessions and Council for the recognition.

Reports of Staff, Boards

Virginia Ward, Board President and Alan Robertson, Tybee Island Post Theater, approached Mayor and Council to give an update on the Tybee Island Post Theater activities. As one of the activities they offer to the residents of Tybee Island, are cash prizes for decorating their homes for "Paint Tybee Green" for St. Patrick's Day. The first prize is \$1,000, second is \$500 and third place is \$250. She continued, the businesses do not participate with the cash prize but are eligible for the Leprechaun Trophy. Ms. Ward stated they will continue to work with the community non-profits in partnership as they are a lot of activities that go on outside the Theater they need to be involved in. The Theater is more than a place to come for entertainment as they are part of the community. Ms. Ward then presented a brief movie presentation. Mayor Sessions thanked Ms. Ward and Mr. Robertson for their presentation.

Citizens to be Heard

Mary Lou Vandenberg approached Mayor and Council to speak against **South-end Bathrooms** as it will change the historic character of the Strand from one of pristine dunes and ocean views to one of an overbuilt beach resort in her opinion. Mayor Sessions thanked Ms. Vandenberg for her comments.

Marie Rodriguez approached Mayor and Council to speak against the proposed **Noise Ordinance**. Ms. Rodriguez expressed her concerns with a Tybee Island Police Officer or Code Enforcement Officer issuing a ticket without a complaint. Mayor Sessions thanked Ms. Rodriguez for her comments.

Jennifer Knox approached Mayor and Council to speak against proposed **Noise Ordinance**. Ms. Knox stated her business, The Sand Bar, voluntarily change the time of the music from midnight to 10:00PM and recently at 9:30PM they received a citation. They are trying to do the right thing and would like to know how they are protected against unfounded complaints. Mayor Sessions asked Ms. Knox to contact the City Manager and schedule a meeting so he can address her concerns. Dr. Gillen confirmed.

Christain Sahr, 503 Miller, approached Mayor and Council and supports the 10:00PM as stated in the proposed **Noise Ordinance**. Mayor Sessions thanked Ms. Sahr.

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

Consideration of Bids, Contracts, Agreements and Expenditures

Purchase of Property: Davis Cohen, Unopened Portion of 5th Street. Item postponed. **Will be heard on March 11, 2021.**

Strand Promenade and South End Bathrooms. **Dr. Gillen** stated he has been in contact with Georgia Department of Natural Resources (DNR) and they are asking we come back to them with a modified permit of the Dune Project Permit to allow for the bathrooms to be constructed on the seaward side of the sidewalks. Concerns have been raised by residents and with that he did conduct public meetings. He stated they took their recommendations and revised the plans and met with DNR. A layout was done which modified from the original plan. He continued, the plan is much smaller now and fits the nature of the Strand. Dr. Gillen stated the height of the restrooms was also a concern which he tried to mitigate. One idea was to turn the restroom perpendicular to the sidewalk to make it less wide and the view obstruction would only be 9' versus 21'. DNR was opposed to this plan. The decking was removed from the project which lessened the height and the restrooms would remain parallel to the sidewalks. Dr. Gillen then showed artistic renderings depicting the proposed location of the bathrooms. With the mitigation, this brings in the facilities the City is looking for and increases the bathrooms on the south-end and makes it a much nicer facility. He reminded Mayor and Council, Chatham County is funding this project through SPLOST. The new concept is much like that at North Beach but not as clustered, it is more spread out. Dr. Gillen stated he is asking Mayor and Council for approval of the layout and structure of the buildings and locations. This would then go to DNR for a modification to the current permit that the City holds for the Dune Project. This would not approve the project as it still needs to go out for bid. Ms. DeVetter asked Dr. Gillen if he has spoken to DNR regarding the changes. Dr. Gillen concurred. Ms. DeVetter asked if they were in agreement with the concrete pads rather than the decking. Dr. Gillen again concurred. Mr. Gulbranson stated the restrooms will be placed on permeable pavers not concrete pads. By removing the decking and using the permeable pavers, the sq ft of the bathroom is less than that of the decking. Mr. Parks asked Mr. Gulbranson to speak to the impact on the dunes. Mr.

Gulbranson stated in the area of 17th south where the proposed restrooms are located there is approximately 17 feet from the sidewalk to the toe of the dunes and the proposed restrooms will fit in that area. When the dunes were designed, they left the area bigger so it could accommodate the restrooms. Mr. Parks expressed his concerns with disturbing the existing dunes and vegetation. Mr. Gulbranson stated the proposed restrooms will stay landward of the sand fencing. Mr. Parks asked if they anticipate the new dunes growing in height and eventually grow higher than the restrooms. Mr. Burke expressed his concerns with the growth of the dunes as they might migrate over the sidewalks and into the parking lot. Mr. Gulbranson stated they are building a 2' retaining wall which would keep the dunes from migrating west. Mr. Gulbranson confirmed. Mayor Sessions confirmed with Dr. Gillen he is seeking approval from Mayor and Council for conceptual design layout only. Dr. Gillen confirmed. **Spec Hosti** made a motion to approve moving forward with drawings, location and the permitting process. **Monty Parks** seconded. **Discussion:** Mr. Burke expressed his concerns with spending dollars on new bathrooms when existing bathrooms are failing. Dr. Gillen stated the County is providing SPLOST funding for the new bathrooms. The City is rehabbing the existing bathrooms at the Old Marine Science Center. Vote was unanimous to approve, 6-0. **Discussion:** Dr. Gillen stated, for a timeline, the City will make an application for the DNR May 2021 meeting. If approved, then the project would go to bid and thirty days after that, bids would be opened with construction planned for mid-October 2021. Mr. Gulbranson reminded Mayor and Council within that time frame there would be public meetings and public comment period. Mayor Sessions asked Dr. Gillen to include information on the website regarding the next steps in the permitting process.

Consideration of Ordinances, Resolution

First Reading, 2021-04, Parking Ordinance. Mr. Hughes approached Mayor and Council. He stated the purpose of the draft ordinance before them tonight is to update the existing parking ordinance and to catch up with technology as the existing ordinance deals with meters more than with the pay and display and apps. This will also modernize and make it consistent with the practices the Parking Department has developed over the years with collection methods. Mr. Hughes stated the most significant change is it now prohibits the parking of recreational vehicles in the City parking lots. The ordinance as written only deals with basically updating technology either opting on the alternatives, Sec 66-184, dealing with the Misuse of Decals and the penalty that is imposed by the Department. He has added an alternative. Under the proposed ordinance, recreational vehicles would be prohibited from parking in City lots. Mr. Parks asked Mr. Hughes if this isn't the policy that has been in place for some time. Mr. Hughes replied this is the ordinance but there is an alternative for Parking Department to refer for collection rather than sending to the Courts. Mr. Hosti asked about the off-season. Mr. Hughes stated in the off-season they can use the meters to pay for parking north of 14th Street. Mayor Sessions asked if "off-season" was defined in the ordinance. Mr. Hughes stated no but he would be glad to include. Mr. Hosti recommended defining the seasons for parking. **Spec Hosti** made a motion to approve with changes to include the definition of "seasons". **John Branigin** seconded. Vote was unanimous to approve, 6-0.

First Reading, 2021-05, Noise Ordinance. Mr. Hughes stated the proposed ordinance is a change to the existing ordinance as it directed only to the residential components where the standard in the residential area would be plainly audible sounds at given distances. This would be a violation at certain times of the day or night as opposed to current ordinance which applies across the board and sound limits that are not time oriented in residential areas or anywhere. The purpose of the proposed ordinance is to protect residents, occupants of Short Term Vacation Rentals (STVR's), long term rentals and basically everyone from excessive noise in residential areas. This does not impact commercial areas as the proposed ordinance is only changing the standard in the residential zones. The permissibility of outside music, amplified or otherwise is not addressed and there is a recommendation it be considered as a component of the

Entertainment Licenses. He stated those issues would continue to be as they are now, controlled by the sound limits, as the receiving land use by decibel readers and levels opposed to the plainly audible standard. Mr. Branigin recommended changes for second reading, as to the days of the week, as stated now, Saturday and Sunday, should include Friday, Saturday and holidays. He continued, he feels the proposed ordinance is better as Code Enforcement Officers will be in the community and will be able to head off potential offenders without having a complaint. Mr. Branigin recommendation the City continue with asking individuals to turn down the music as they generally comply. Mr. Parks stated he is in favor of the proposed ordinance as one of the key differences is Code Enforcement will be addressing the noise with warnings or writing a ticket which is not a criminal violation. Mr. Hosti expressed his concerns with crafting an ordinance that is enforceable by Code Enforcement Officers. Mr. Hughes stated he has never seen this written into an ordinance or state law as it is the same discretion as to issuing a warning or ticket. Ms. DeVetter recommended deleting "pure tone provision" from the proposed ordinance. She continued, residents would like the weekend hours to be earlier, 11:00PM, rather than mid-night and she supports that change. Ms. DeVetter agreed with Mr. Branigin as this is a non-complaint based ordinance that Code Enforcement can identify issues without the complaining party. She then made reference to the enforcement provisions. She asked what the penalty for violating the ordinance is and feels it is covered by the Administrative Fines, but should there be a provision in the ordinance to refer to both the Disorderly House and the Administrative Fines. Mr. Hughes confirmed to a cross reference and eliminating the pure tone. Ms. DeVetter confirmed. Mr. Branigin stated 11:00PM on Friday and Saturday evenings is too restrictive. **Monty Parks** made a motion to approve to include Ms. DeVetter's recommendations: delete pure tone; cross referencing Code Enforcement and Administrative Fines; and time remaining at midnight. **Jay Burke** seconded. Voting in favor were Jay Burke, Monty Parks, John Branigin, Barry Brown and Spec Hosti. Voting against was Nancy DeVetter. Motion to approve, 5-1.

First Reading, 2021-06, Administrative Fines. Dr. Gillen stated this is an expansion of what Code Enforcement can do and sets a new set of Administrative Fines. The program is working as it is shifting work from the police officers to the Code Enforcement Officers. Instead of having a criminal citation written, the individual would receive an Administrative Citation. He continued to discuss the existing procedures as to the fines and is recommending approval. Mr. Parks made reference to "dogs on the beach". Previously the fine was \$300 and with court costs, the final cost is over \$700. He is in favor of de-escalation of some fines and the Administration Fines structure is positive. **Monty Parks** made a motion to approve. **Nancy DeVetter** seconded. Voting in favor were Jay Burke, Monty Parks, John Branigin, Nancy DeVetter and Spec Hosti. Voting against was Barry Brown. Motion to approve, 5-1.

First Reading, 2021-07, Code Review, Chapter 2, Administration. Dr. Gillen stated the process started in 2016 and is now before Mayor and Council. Mr. Hughes asked if there are questions. Ms. DeVetter stated she would like to clarify a couple of issues that citizens have brought to her: (1) Mayor and Council are not discussing the ethics portion of the Code Review at this time; (2) Dr. Gillen not covered under the ethics as he is covered under the Code of Ethics for City Managers; and (3) to allow a more efficient administration of the procurement policy. **Monty Park** made a motion to approve. **Nancy DeVetter** seconded. **Discussion:** Mayor Sessions thanked everyone who was involved with the Code Review. Vote was unanimous to approve, 6-0.

Resolution: 2021-03, Establish a Franchise Fee Applicable to Holders of Cable and Video Franchises Issued by the State of Georgia. Mr. Hughes stated this is at the suggestion of the firm that is currently under contract with the City to assist with the management of the right-of-ways. The proposed Resolution was prepared by them so it is to be documented. **Monty Parks** made a motion to approve. **Spec Hosti** seconded. Vote was unanimous to approve, 5-0. Ms. DeVetter stepped away from the meeting.

Council, Officials and City Attorney Considerations and Comments

Bubba Hughes: Article VII of Appendix A - Land Development Code "Tree Removal Regulations", Sec 7-040. Mr. Hughes stated the discussions were held recently regarding requiring improvements in the Tree Ordinance with instances to the removal of five (5) or more trees. A City official or a designee of Planning and Zoning Office must be present to monitor the removal and on the application for a permit, it will provide notice of the fact they are aware prior to any removal. The permit holder would also have to acknowledge by signing the document. This is also to amend the separate section if there is a violation two (2) or more times during a three (3) year period you can be denied any permit with the City for up to three (3) years and could be restricted in the future. He continued, the proposed amends so that any person who removes trees without a permit including the owner and/or contractor, in addition to all other penalties, shall not be eligible for any building or other permit for a period of two (2) years from the date of conviction for the unpermitted removal. One additional change would be Mayor and Council could approve a permit under extreme hardship. Mr. Shaw clarified the current Tree Ordinance includes the definition of a tree as to what can be cut without a permit. Mayor Sessions explained why the City is moving in this direction as there are residents and/or contractors are not adhering to the permit. **Nancy DeVetter** made a motion to approve and send to the Planning Commission for the recommendations. **John Branigin** seconded. Motion was unanimous to approve, 6-0.

Monty Parks: Sec 22-169(b) - Building Waste - Accumulations Prohibited. **Mr. Parks** recommended Mr. Hughes bring back proposed changes in ordinance form to include language giving residents 24 hours to add a cover to the dumpster.

Dr. Gillen stated there were meetings by the **Alcohol Workgroup** and their **Recommendations** are included in the packet before them tonight. The next step is to bring to Mayor and Council for their recommendations. **Jay Burke recused himself from the discussion.** Mr. Parks recommended Dr. Gillen take each item separately for discussion. Mr. Hosti asked if this could be added to Mayor and Council's long range plan that is ongoing. Dr. Gillen confirmed. Mr. Hosti asked the next steps if Mayor and Council voted in the affirmative. Dr. Gillen responded, it would become part of the Goals and Objectives of City Council to develop a long range plan to address the ten (10) recommendations from the Alcohol Work Group. Mayor Sessions stated of the twelve (12) items only two (2) items are not budget related: (1) Better Training for Servers and (2) Liability Insurance. Mr. Branigin stated many items the City Manager has the authority to move forward on and others are policy decisions that Mayor and Council can give him direction. Two (2) items require ordinance involvement. Dr. Gillen concurred as he can move forward with (1) filling vacant police officers positions; (2) make public safety employees salary more competitive, above the 65th percentile; and (3) create a more visible presence in the south-end business district while maintaining adequate coverage for the rest of the City. He continued, if Mayor and Council vote to agree on the three (3) items above, these items would be a priority in the budget process. Mayor pro tem Brown made reference to the bar owners responsibility, how much will this cost and what is the financial burden on the residents. He recommended the bar owners hire doormen to assist with alcohol consumption. Dr. Gillen stated Mayor and Council will need to give him authority to move forward with the budgetary items above and the other items are policy driven. Mayor Sessions concurred. Mr. Hughes stated of the two remaining items: (1) better training for servers and (2) liability insurance are the only two he feels that Mr. Branigin and Mr. Hosti need to recuse on participating in a vote as it impacts their direct business. These two items would require an ordinance specifically. He recommended Staff review the application requirements and the owners would demonstrate what precautions they take as it would be their security plan for operating the business. Mr. Hughes stated Ms. O'Connell, Dr. Gillen and himself meet to revise the application forms. Mayor pro tem Brown agreed with Mr. Hughes recommendation. Ms. DeVetter stated there are two things that need

to be addressed via ordinance and can be voted on to send to Mr. Hughes for completion. The remaining items can be sent to Dr. Gillen for inclusion in the budget. Dr. Gillen confirmed. **Nancy DeVetter** made a motion to have Mr. Hughes to draft an ordinance based on the two (2) bar rules as listed in the Recommendations from the Alcohol Workgroup and the other items to be tasked to Dr. Gillen for budgetary consideration, implementation into the Strategic Plan, and to recommend an amount these recommendations and implementations cost the City. **Monty Parks** seconded. **Discussion:** Mr. Branigin expressed his concerns with the cost to the City and in regards to the cameras, they would be more wide spread over the Island for many reasons. Mr. Parks agreed with the two proposed ordinances and would like to see those proposed ordinance "for discussion only" on an upcoming agenda rather than for first reading. He would also ask Dr. Gillen to find other incentives for hiring of new officers not only with salaries. Dr. Gillen asked if the bullet point regarding long range planning. Ms. DeVetter stated she would recommend it be included in the Strategic Planning. Dr. Gillen concurred. **Ms. DeVetter restated her motion:** Refer the two ordinance provisions for the liquor licensing, Safe Serve and Liability Insurance, to Mr. Hughes for drafting of a proposed ordinance to come back to Mayor and Council for "discussion only". **Monty Parks** seconded. Vote was unanimous to approve, 3-0. Voting in favor were Monty Parks, Barry Brown and Nancy DeVetter. **John Branigin, Spec Hosti and Jay Burke recused.**

Nancy DeVetter made a motion to task Dr. Gillen with implementation of remaining non-budgetary items and through the long-term Strategic Plan. **Monty Parks** seconded. Vote was unanimous to approve, 5-0. Jay Burke recused.

Shawn Gillen discussed the **Action Item List** and the progress of each item.

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

Meeting adjourned at 9:10PM.

Janet R. LeViner, MMC
Clerk