

City Council Minutes, January 11, 2024

Mayor West called the meeting to order at 6:30PM, January 11, 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; and Jan LeViner, Clerk of Council. Tracy O'Connell was excused.

Opening Ceremonies

Call to Order

Invocation: Jan LeViner, Clerk of Council

Pledge of Allegiance

Consideration of Items for Consent Agenda

- Minutes: City Council Meeting, December 14, 2023
- Minutes: Organization Meeting, January 2, 2024
- Out of State Travel Request: Jamey Rabun, February 4 - 7, 2024, Carolinas Association of RV Parks and Campgrounds State Conference
- Out of State Travel: Cassidi Kendrick, Main Street/DDA Manager, National Main Street Conference, May 5-9, 2024. Partially funded by a Grant. Line Item 100-1320-52-1360

Recognitions and Proclamations

Mayor West asked Shirley Sessions, Nancy DeVetter, Barry Brown and Jay Burke to come forward. Mr. Brown and Mr. Burke were not present. Mayor West then presented Mayor Sessions and Council member DeVetter a plaque in recognition for their years of service. Mayor West also presented Ms. Sessions with the gavel she used while in office. Ms. DeVetter thanked everyone for their support over her term in office and then introduced her family. Ms. Sessions thanked everyone as well for their support

Jaime Spear introduced **Gail Perry**, Finance Department, and recognized her an Employee of the Quarter: Mayor West congratulated Ms. Perry.

Mayor West asked for a motion to collect nominations for Mayor pro tem. **Monty Parks** made a motion to collect nominations. **Spec Hosti** seconded the motion. Vote was unanimous to approve, 6-0. **Bill Garbett** made a motion to nominate Kathryn Williams. **Spec Hosti** made a motion to nominate Monty Parks. Mayor West asked for a vote for Monty Parks. Those voting in favor were Spec Hosti, Tony Ploughe, and Monty Parks. Those voting against were Bill Garbett, Nick Sears, and Kathryn Williams. Mayor West voting in the affirmative. Monty Parks was appointed as Mayor pro tem by a vote of 4-3.

Planning Commission Consideration (five (5) seats available)

Marie Rodriguez Beebe

Anna Butler

Mack Kitchens

Beau Livingston

Elaine McGruder

David Roberts

Jan LeViner, Clerk of Council distributed ballots, collected and tallied the ballots (attached).

Monty Parks made a motion to accept the vote by City Council members with Marie Beebe, Anna Butler, Beau Livingston, Elaine McGruder and David Roberts receiving the most votes. **Spec Hosti** seconded. Vote was unanimous to approve, 6-0.

Land Development Code Committee Appointment

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| John Branigin | Beau Livingston |
| Demery Bishop | Lauren Mescon |
| Ron Bossick | David McNaughton |
| Cody Gay | Charles Powell |
| Keith Gay | David Roberts |
| Holly Grell-Lawe | Alan Robertson |
| Daniel Iyer | |

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

Holly Grell-Lawe approached Mayor and Council to give an update on HPC (attached). Ms. Grell-Lawe stated the City's application for a Designated National Register Historic District for the central Island area would be submitted to the State Historic Preservation Office this week. The district would be designated as the Strand Summer Cottage Central Tybee Island Residential District and is bound by 6th Street to 12th Street and Jone Avenue to the Atlanta Ocean. She continued to explain potential grants for the City. Ms. Grell-Lawe stated she would like to extend an invitation to the elected officials and the entire Tybee community to participate in HPC's second annual planning meeting on Saturday, February 3, 2024 at the Guard House, 10:00AM – 2:15PM. Mayor West thanked Ms. Grell-Lawe.

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

Dawn Shay: Ms. Shay approached Mayor and Council. Ms. Shay stated she supports the STR Resolution as presented in the packet. Mayor West thanked Ms. Shay for her comments.

Keith Gay: 2023-15A: Mr. Gay approached Mayor and Council. He spoke to the issue to allow for building permits during the Moratorium. Mr. Gay also spoke to STR Resolution that is before Mayor and Council for their consideration. Mayor West thanked Mr. Gay for his comments.

David Roberts: Mr. Roberts approached Mayor and Council. He spoke to the STR Resolution that is before Mayor and Council for their consideration. He also spoke to property rights (attached). Mayor West thanked Mr. Roberts for his comments.

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

Public Hearings

Variance Requesting a variance from the marsh buffer ordinance, Sec 3-090.1(G). 607A Miller Avenue. Petitioner Osal Evans. Bill Garbett recused. George Shaw approached Mayor and Council. Mr. Shaw stated the petitioner is asking for a variance from the Marsh Buffer Ordinance to be able to develop the lot on Miller Avenue. The lot is at least half marsh and then the marsh buffer itself would eliminate any buildable space on the lot. The lot was created in the 1920's and intended to be accessed from 5th Avenue, which is inaccessible, and completely marsh. The Evans purchased the property in the question in 2015 and requested a variance to reduce the lot size of the lot on Miller and add a drive to the lot

behind. Mr. Shaw continued to explain the history of the property. Staff and the Planning Commission unanimously recommended denial. Mr. Ploughe referred to a Council meeting in 2015 where Staff considered the lot unbuildable. Mr. Shaw confirmed. Mr. Sears asked Mr. Shaw if the lots had been combined at some point. Mr. Shaw responded there is no evidence they had been combined. Steve Rushing who is representing the property owner approached Mayor and Council. Mr. Rushing presented additional history of the lot, access issues, and an Affidavit from a previous surveyor (attached). Mrs. Evans decided to sell the property and it was discovered the plat had not been recorded and a process began. In March of 2015, the property was pre-designated to allow/create access to a public street which is exempt from the 25' buffer requirement. Mr. Rushing feels the plat was submitted to the City in January/February 2015 and was approved. He continued, with the complete waiver of the 25' would make the lot usable for residential purposes. Mr. Shaw stated the issue of the exemption are for lots that were approved prior to 2015, as the plat was not signed until 2018, which is not the same lot that was created in 1922. David Roberts approached Mayor and Council. Mr. Roberts stated Mayor and Council as indicated in the records, which is important, approved the buffer. As there is no structure on the plan, he does not feel Mayor and Council can approve the request. He distributed a presentation showing the buildable land and omissions in the application. He is asking Mayor and Council to deny the request. Dana Holmes approached Mayor and Council. Ms. Holmes shared photographs of the water issues on Miller Avenue, as they exist currently. She shared her concerns if a new structure was built, where the water would go. Ms. Holmes as Mayor and Council deny the request. **Kathryn Williams** made a motion to deny. **Monty Parks** seconded. Vote was unanimous to deny, 5-0. Bill Garbett recused.

Bill Garbett returned to meeting.

Consideration of Bids, Contracts, Agreements and Expenditures

Consultant Proposal for Utility Rate Review and CIP Financing. **Ms. Owens** stated this firm would assist in a review of the utility rates and other funding opportunities. Mr. Hosti asked if this is to assist the City in borrowing \$2M. Jen Amerell approached Mayor and Council. Ms. Amerell stated \$3M was borrowed. The contract is specifically to work with the Council on the redoing the CIP Plan for water/sewer which will affect the rate structure. This will also give us flexibility for resources. This is an hourly/not to exceed \$27,000 contract. Mr. Ploughe asked if this firm would also assist in recommendation of funding. Mr. Garbett asked how the firm would assist in the upgrading our CIP. Ms. Amerell responded, the City currently has a five (5) year CIP but Mayor and Council were not comfortable with that amount causing her to reach out for assistance/guidance. She is meeting with Staff to review and bring to Mayor and Council at an upcoming workshop. Mr. Garbett asked how Davenport was recommended. Ms. Amerell stated she called other municipalities like Tybee and they were recommended. She then spoke with them and after a very lengthy telephone call; she feels they are the best fit. Ms. Williams recommended this be move to a workshop setting for further discussions as she does not feel comfortable with a vote at this time. Mr. Parks concurred. **Kathryn Williams** made a motion to move to a workshop for further discussion. **Monty Parks** seconded. Vote was unanimous to approve, 6-0. **DISCUSSION:** Mayor West stated he would poll the council members tomorrow for a Special City Council Meeting so as not to delay further.

Approval of Phillips Paving Company, Bid 2023-774, Resurface Various Street in Tybee Island. Various line items, \$462,962.50. Mr. Sears stated he has two questions concerning this agenda item: (1) With the two (2) bids received, one was for \$460,000 and the

other for \$900,000, why was there such a difference? Mr. Gulbranson approached Mayor and Council and stated he cannot explain. A bid package was sent with bid items and quantiles and depending on the workload of the contractor and the given cost, whether they bid or not. Mr. Sears asked if he is asking Mayor and Council to approve the bid and the contract. If so, the contract is not included in the packet. Mr. Gulbranson stated the agenda it is to award the bid and proceed with the contract. He is asking our legal team to approve the contract and have Mayor West execute so as not to come back at a future meeting. Mr. Sears questioned the approval of the proposed contract as it is not before Mayor and Council for review. Mr. Hughes explained the practice is the legal team would draft the contract and have Mr. Gulbranson review. Upon his approval, they would finalize and give to the Mayor for signature. The contract would not come back before Mayor and Council. Mr. Garbett stated he has similar concerns. Mr. Hughes stated the practice in place currently applies to time sensitive contracts and if Mayor and Council would like it come before them after Staff and legal review he will do so. The consensus was not to delay but to move forward with the current practice. Mr. Gulbranson stated he would send Mayor and Council the contract once completed for their review. **Monty Parks** made a motion to accept the bid as presented and authorize the Mayor to sign once reviewed and approved by Staff and the legal team. The contract will also be made available to Mayor and Council for review and comments. **Kathryn Williams** seconded the motion. Vote was unanimous to approve, 6-0.

Award of ITB 2023-777 North End Sanitary Sewer. Funding from Revenue Bond and 505-00-11-7300. **Monty Parks** made a motion to accept the bid as presented and authorize the Mayor to sign once reviewed and approved by Staff and the legal team. The contract will also be made available to Mayor and Council for review and comments. **Nick Sears** seconded. Vote was unanimous to approve, 6-0.

Council, Officials and City Attorney Considerations and Comments

Spec Hosti: 2023-15A, FOR DISCUSSION ONLY. Mr. Ploughe recused. Mr. Hosti explained this is the ordinance regarding permits for STR's. Reference was made to a resident who applied for their building permit on August 12th and the resident is asking for an exception for his STR which was revoked due to the property being vacant when the application was approved. Mr. Hughes stated it is up to Mayor and Council if they want to expand Ordinance 2023-15A or not. If so, it would need to go before the Planning Commission and come to Mayor and Council for approval. Mr. Hosti stated the purpose of the ordinance was to protect residents such as Mr. Forsyth. As this was FOR DISCUSSION ONLY, **NO ACTION TAKEN.**

Bill Garbett: Resolution 2024-01 STR Verification. Mr. Garbett stated the Resolution is in the packet before them this evening. Mr. Sears referred to a redline version in the packet which includes his recommended changes. They are not included in Mr. Garbett's proposed Resolution. Mayor pro tem Parks thanked Mr. Garbett for his work regarding the Resolution. **Bill Garbett** made a motion to approve as presented in the packet before them this evening. **Monty Parks** seconded. Voting in favor were Nick Sears, Monty Parks, Kathryn Williams and Bill Garbett. Voting against was Spec Hosti. Vote was 4-1 to approve. Tony Ploughe recused.

Tony Ploughe returned to the meeting.

Brian West: City Manager Search. Mayor West stated Mayor and Council would conduct a City Manager search. Ms. Owens has agreed to have him work with Jaime Spears, HR Director. **Bill Garbett** made a motion for Mayor West to take the lead and work with Ms. Spear to conduct

a proper search for City Manager to include all options and quotes from a search firm with no limitations. **Monty Parks** seconded. Voting in favor were Monty Parks, Spec Hosti, Tony Ploughe and Bill Garbett. Voting against was Nick Sears and Kathryn Williams. **DISCUSSION:** Ms. Williams is in favor of moving forward but is not in favor of the term "with no limitations". Vote to approve, 4-2.

City Manager Discussion and Actions Items

Michelle Owens gave an **Update on beach swings and benches.** Ms. Owens stated there was a public meeting where the plans were explained as to the crossovers. Public Works is schedule to begin work soon.

Monty Parks 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 8:45PM.

Janet LeViner, MMC
Clerk of Council

