

### **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; Dana Braun, Assistant 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, December 12, 2019
- Minutes, Special City Council Meeting, December 26, 2019
- Alcohol License Request-Special Event-Beer, Wine Tybee Festival Association/Mardi Gras Tybee-Tybrisa Turnabout February 22, 2020
- RFP 2019-746 - Sludge Dewatering Press. Approval to award contract to Pinco.
- Recommendation for award of new Software Contract – RFP 2019-744 to Caselle. Line Item 100-1535-52-1310. Budget amendment attached.
- Guardian Dune Project
- Class and Comp Study with Evergreen Contract
- USACE Ship-Induced Wake Investigation Study - Line Item 340-6125-54-1403

**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
- In Memorial 2019
- Invocation: Jan LeViner, City Clerk
- Pledge of Allegiance

**Major Joel Fobes, Tybee Island Police Department** approached Mayor and Council to introduce the new and prospective members of the Tybee Island Police Department. Those recognized were:

- Officer Vega
- Officer Lackey
- Officer Woodworth
- Officer Netties
- Jailer Hefflefinger

Mayor Sessions thanked Major Fobes. The new and prospective members received a standing ovation.

**Janice Elliott, HR Director** approached Mayor and Council to present the Employee of the Quarter, Scott Meredith. Ms. Elliott stated Mr. Meredith is a behind the scenes type person and does not like to be in front of people. Mayor Sessions read from the nomination forms from his supervisors. Ms. Elliott added Mr. Meredith has been with the City for ten years. She stated she will present the Certificate and Gift Certificate next week.

**Mayor Sessions** asked former Councilmember **Julie Livingston** to approach the podium to be recognized for her service not only to the City but as a former Councilmember. **John Branigin** presented a plaque, City watch, and thanked her for her service. **Barry Brown** presented Ms.

Livingston with a Key to the City. Ms. Livingston thanked everyone for their support over her years while on the Planning Commission and as a City Councilmember.

**Mayor Sessions** asked former Councilmember **Wanda Doyle** to approach the podium to be recognized for her service to the City as a former Councilmember. **Monty Parks** presented a plaque and City watch to Ms. Doyle. **Barry Brown** presented a Key to the City to Ms. Doyle. Ms. Doyle thanked everyone for their support over the years.

**John Branigin** made a motion to nominate **Barry Brown** for **Mayor pro tem**. **Spec Hosti** seconded. Vote was unanimous, 5-0.

### **Consideration of Boards, Commissions**

#### **Planning Commission:**

Demery Bishop (incumbent)  
Ron Bossick (incumbent)  
Marianne Bramble (incumbent)  
Tina Gann (incumbent)  
Elaine McGruder  
Mary McLemore  
J. Whitley Reynolds  
Brian West

**Mayor Sessions** stated **Jan LeViner, Clerk**, distributed ballots during the Consent Agenda for Council to vote on those individuals applying for the **Planning Commission**. She thanked everyone for submitting their names. Mayor Sessions asked Ms. LeViner to read to results. Ms. LeViner read the results (ballots attached):

Demery Bishop	5 votes
Ron Bossick	5 votes
Tina Gann	3 votes
Elaine McGruder	3 votes
J. Whitley Reynolds	5 votes

As there was a tie, Mayor Sessions voted and cast her vote for Elaine McGruder. Ms. LeViner stated the new Commissioners for the ensuing term:

Demery Bishop  
Ron Bossick  
Elaine McGruder  
J. Whitley Reynolds

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

**Keith Nichols, Partnership Specialist** for the 2020 Census. Mr. Nichols explained this is a very important year as there are elections and the Census. There is \$675B of Federal money that will be distributed throughout this country and that money is distributed by population not by need. Mr. Nichols stated the kickoff date is in early March when you will get the first mailing to make you aware the Census will be coming. Census Day is April 1, 2020. You will be able to respond via telephone or computer. At this point, positions are available, approximately an additional 1,000 with a starting pay of \$17.00 per hour. Recruiters will be on the Island during upcoming events to take your name and application are on-line. Mr. Nichols stressed the importance of doing the Census and asked if there were questions. He also confirmed the Census will be sent to not only the street addresses but to their post office boxes. Mayor Sessions thanked Mr. Nichols for speaking.

**Rachel Perkins** approached Mayor and Council to speak on the upcoming **7<sup>th</sup> Annual MLK Parade**. Ms. Perkins thanked everyone for the opportunity to speak. The parade will take place on Saturday, January 11, 2020 at 2:00PM at the south-end of the Island. She invited everyone to attend the Celebration of Human Rights, 3:00PM at the Old School Cafeteria. Ms. Pearce distributed tee-shirts to Mayor and Council and thanked them for the opportunity to speak.

**Trey Scott, Mauldin and Jenkins**, approached Mayor and Council to give a report on the final audit. Mr. Scott reported Mauldin and Jenkins issued a Clean Opinion for the City's financial statement which is the highest level of assurance that they can provide. There were also no audit findings or management points. Mr. Scott commended the City on having a nine month fund balance which is very healthy. Mayor Sessions asked Dr. Gillen if this would be on the website so residents can read. Dr. Gillen confirmed and will have it done as soon as possible. Mayor Sessions thanked Mr. Scott.

**Susan Kimbrell** approached Mayor and Council to speak on **Polk and Solomon**. Ms. Kimbrell represents citizens concerned with the development at Polk and Solomon. She expressed her concerns with the development of the property and asked Mayor and Council to keep a watchful eye over the development of the property (attached). Their Mission Statement is to ensure the environmental, legal, and ethical concerns are addressed in the proposed development of the property located at the corner of Polk and Solomon. Mayor Sessions thanked Ms. Kimbrell for her concerns and comments.

**Carolyn Jurick, Governing Board, Tybee Island Maritime Academy (TIMA)**, approached Mayor and Council to speak on TIMA to include the history of the school and the current **Enrollment Process**. Ms. Jurick introduced the Governing Board. She then invited everyone to attend an informational meeting for parents on January 14, 2020 at 6:30PM and Wednesday, January 15, 2020 at 10:00AM. There will be a special question and answer period and a guided tour of the school. She then gave a short presentation (attached) regarding TIMA. Mayor Sessions thanked Ms. Jurick for her presentation. Mayor Sessions asked Dr. Gillen to have their presentation added to Channel 7. Dr. Gillen confirmed.

**Deb Baber** approached Mayor and Council to speak on the agenda "**Waiver of Fees for TIMA**" (attached). Ms. Baber stated she is not opposed to education but is opposed to the waiving of the fees for the placement of new modular school rooms. She stated school taxes are paid which support TIMA and understand waiving the fees is not giving TIMA an additional \$10,000. She continued to read from a prepared statement where she expressed her concerns with the fees. Mayor Sessions thanked Ms. Baber.

**Mallory Pearce** approached Mayor and Council to speak on the development of **Polk and Solomon**. Mr. Pearce stated he would also like to speak regarding the development of the Island and how to best protect the concerns of the residents. He is requesting Mayor and Council enforce the ordinances regarding trees and other pertinent ordinances. Mr. Pearce recommended the City purchase the property and put it aside as green space which will save the property as there needs to be a balance. Mayor Sessions thanked Mr. Pearce for his past service to the City.

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

## **Public Hearings**

**Site Plan Approval, 909 Butler Avenue, 40006 07004 Zone R-2, Corey Jones. George Shaw** approached Mayor and Council. Mr. Shaw stated Mr. Jones recently purchased the Royal Palm Motel and would like to make upgrades to the facility which includes the exterior of the existing footprint. This will add a stairway and open a small portion near the office for a breakfast bar area for the guests. This upgrade does not increase the capacity of the motel or additional rooms, does not increase the drainage, and is on impervious surface. The Planning Commission and Staff recommended unanimous approval. **Spec Hosti** made a motion to approve. **Nancy DeVetter** seconded. Vote was unanimous to approve, 6-0.

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

**EOM Change Order - \$13,610 from 505.4310.54.1401 (sewer Line Repairs) to 505.4310.54.1499 (Sewer Line Replacement Inlet and 17<sup>th</sup>). Mayor pro tem Brown** asked Dr. Gillen to explain this agenda item. Dr. Gillen responded there was a \$30,000 increase in the cost to remove additional asphalt as a pipe needed to be re-routed to a different part of the street. There was also a reduction of \$17,000 as they did not have to do a part which would hook into Chatham. Mayor pro tem Brown asked if Dr. Gillen has a detail to explain these changes. He clarified this does not apply to the work that was done on 17<sup>th</sup> Street but to the work of removing additional asphalt. Mr. Hosti asked if the City has paid for the bad line. Dr. Gillen stated the line is functional but is unsure if the final check has been sent. **Monty Parks** made a motion to approve. **John Branigin** seconded. Voting in favor were Jay Burke, Monty Parks, John Branigin, Barry Brown and Nancy DeVetter. Voting against was Spec Hosti. Motion to approve, 5-1.

**Dr. Gillen** made reference to the **Atlantic Waste Contract**. He stated Mr. Hughes has drafted the language and in essence the contract does eliminate the curbside recycling as recycling would be provided by the City at drop-off locations rather than curbside. The fee the City is being charged by Atlantic Waste per household would be reduced but the contract does not address what gets charged to the citizens as this is done in the City's fee structure. Currently, residents are paying approximately \$21.00 per month for current service: side door pick-up for garbage, side door pickup for recycling, and curbside pick-up once a week for yard waste. The City is not passing along the cost of the yard waste to the residents. Atlantic Waste is charging the City for this service, i.e., the City is subsidizing those fees. Changes have now taken place regarding recycling. Most of the recycling taken off Island is contaminated for many reason and the City is being charged. Staff has not addressed what the fees will be for the citizens. To summarize: residents will not get the recycling picked up at their house but will pay the same rate. Once a week pick-up for garbage and once a week pick-up for yard waste. Mr. Parks stated he would like to do a presentation in February regarding recycling. Mayor Sessions confirmed. He would encourage everyone to drop their recyclables off at three locations: Polk Street, Memorial Park and Jaycee Park. Residents can also takes any recycles directly to Department of Public Works. Ben Wall, Atlantic Waste, approached Mayor and Council. He thanked everyone for the business. Recycling is a struggle and an issue. Mr. Wall asked Mayor and Council for the preference of a start date for the contract. Mayor Sessions asked Mr. Hughes if the contract has a commencement date. Mr. Hughes responded, January 1, 2020. Mayor Sessions asked Council their thoughts. Mr. Parks stated he recommended April 1, 2020. In this way residents will be fully aware of any changes. Mayor Sessions asked Dr. Gillen to ensure changes are made available in every possible way to the residents. Mayor pro tem Brown clarified, residents will be getting less services at the same cost as their previous service. Dr. Gillen confirmed as there is more waste going in to the garbage can. He clarified the contact deals with what the City pays Atlantic Waste not what the City charges the residents. Mayor pro tem Brown asked Mr. Parks how residents that do not have transportation will get their recyclables to a drop off point. Mr.

Parks is working on a solution. Mayor Sessions asked if Atlantic Waste is going to take the recycling bins off Island. Mr. Walls stated no, as the bins belong to the City. The plan is to relabel the recycling bins for yard waste bins. Ms. DeVetter confirmed curbside recycling will stop in April. Mr. Wall confirmed. She stated the City can use that time to educate the residents regarding the change. Ms. DeVetter also made reference to Short Term Vacation Rentals (STVRs) with twice a week pickup. Mr. Wall responded STVRs have become an issue for neighbors as often they run out of space with their current bin. Internally discussions have taken place to have mandatory twice a week pickup for STVRs on Saturday as that is the move in/move out day and billing is still an issue. Mr. Branigin asked if the City has twice a week pickup for STVRs, is there a way that non-vacation rentals can also receive twice a week pickup. Dr. Gillen stated the contract before Mayor and Council does not address twice a week pickup for non-vacations rentals. He also made reference to volume as if there is not sufficient volume, it is not cost effective. Mr. Branigin stated residents have concerns as items they were recycling will now go in their landfill bin and there may not be room for the normal trash. Mayor Sessions asked what the cost of an additional landfill bin is. Mr. Wall responded, \$17.50. Mr. Branigin asked if there is a limit to yard waste. Mr. Wall stated the pile has to be no more than 5'x5' and if larger, there will be a fee of \$25.00 per pile. Mr. Burke stated his concerns as the savings will not be passed on to the residents. Mr. Parks clarified the City will not be subsidizing yard waste pick-up in regards to the general fund. Ms. DeVetter does not believe the City to subsidize the service as it is bad fiscal policy. As there were no more questions, Mr. Parks thanked Mr. Wall for the services provided to the City as there are very little complaints and as a Council, need to decide how the handle STVR's which should be done prior to April. Mr. Wall confirmed. Mr. Hosti recommended Dr. Gillen provide a list of options for the services which will make it clarify what services are available to include cost. Mr. Wall responded he will have options in a week which will assist in make decisive decisions now and not wait until the last minute. Ms. DeVetter asked Mr. Wall if he has the cost for STVR's to have twice a week pickup. Mr. Wall responded it is approximately \$25.00 per cart for the summer season. Mayor Sessions thanked Mr. Wall for his service. Mr. Hughes made reference to the contract in the packet before Mayor and Council as the pricing have been updated since the agenda packet was created. He will send a revised version which reflects the changes. Mr. Wall recommended a contract to come back before Mayor and Council for approval in February 2020 which would commence in April 2020. STVR's will be before Mayor and Council in February 2020 as well and will have idea on how to proceed and vote taken in March 2020. A short discussion ensued regarding a change of the current ordinance. Mr. Hughes to draft and will also be on the agenda for February 13, 2020. **AS A RESULT OF CONVERSATIONS, NO VOTE IS TO BE TAKEN. TO BE BEFORE MAYOR AND COUNCIL FEBRUARY 13, 2020.**

**Sarah Kelsey, Administrator of the Hazard Mitigation Grant**, approached Mayor and Council to give an update. Ms. Kelsey stated this is part of FEMA's Hazard Mitigation Grant Program and is specific for the elevation of twelve homes on the Island. Through FEMA funding to mitigate their risk of flooding through the physical elevation of their homes. Ms. Kelsey gave a brief history of the Grant for new council members. Currently they are working with City staff to formalize the process and to have agreements between the City and homeowners drafted. They have met with the homeowners to discuss the process and answer questions. There were no questions of Mayor and Council and Mayor Sessions thanked Ms., Kelsey.

### **Ordinances**

**Second Reading, 01-2020, Article 4, Section 4-050(L), Maritime District. Mr. Shaw** approached Mayor and Council. He stated this is the second reading of ordinance 01-2020 to change the section regarding what is allowed in the Maritime District. This will eliminate the use

by cruise/casino boats in that District. **Spec Hosti** made a motion to approve. **Barry Brown** seconded. Motion was unanimous to approve, 6-0.

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

**Shirley Sessions** addressed **Committees**. Mayor Sessions stated the City has three standing committees: Public Safety Committee, Infrastructure Committee and Finance Committee. In the past the chairperson was a council member and the committee was composed of Staff and two other council members. The proposed change will be to have one liaison from the City Council as the official liaison, the City Manager will be the chairperson which will allow the City Manager to bring recommendations from those committees to Mayor and Council based on discussions within their meetings. Liaisons committees will be as follows:

- Infrastructure Committee - Barry Brown
- Safety Committee - John Branigin
- Historic Preservation – Spec Hosti
- Finance Committee – John Branigin
- Tourism Council – Monty Parks
- Main Street Authority – Jay Burke
- Beach Task Force – Nancy DeVetter
- Master Plan Implementation Committee – future to be discussed
- Non-profit Boards
  - Marine Science Center – Barry Brown
  - Tybee Post Theater – Monty Parks
  - YMCA – John Branigin

**John Branigin** gave a brief update on the **Public Safety Committee**. Mr. Branigin stated the Public Safety Committee spent a great deal of time discussing Meddin Drive. Out of that discussion there were seven options and the one the Committee felt unanimously about moving forward is to encourage signage and foot traffic through Jaycee Park. The Committee decided to continue to review and debate the options. Dr. Gillen stated the Committee unanimously decided to wait until next fall, to evaluate the process as the Marine Center will be open. This allows the Committee time to evaluate traffic flow and make recommendations. Another option is to make Meddin and Taylor Streets one-way and buses and trucks will be required to use Pulaski to Van Horn, in that way they are kept off Fort Avenue. **John Branigin** made a motion to have Dr. Gillen give Mayor and Council options for that area on additional signage to direct foot traffic through Jaycee Park. **Barry Brown** seconded. Vote was unanimous to approve, 6-0.

**John Branigin** stated the Public Safety Committee also unanimously recommended installing two or three temporary speed humps on Meddin and one or two on Miller. This will calm traffic. These are only temporary only. Mayor pro tem Brown asked Mr. Branigin if Staff has talked to the residents in the area. Dr. Gillen confirmed that residents will be contacted on Meddin and Miller for their thoughts of placement of the speed humps. He would ask for a motion to move forward. **John Branigin** made a motion to approve the City Engineer's ability to place two to three temporary speed humps on Meddin and one to two on Miller with the caveat the residents on Miller are canvased, report back after some period of time as to their effectiveness and to determine at that time if they will become permanent. **Nancy DeVetter** seconded. Vote was unanimous to approve, 6-0.

**John Branigin** stated there was a discussion as to whether or not the City Staff should look at the process for putting in permanent speed humps and determine a change that gives flexibility for trying temporary ones. The recommendation would be to remove the temporary and put in permanent or remove. Pete Gulbranson approached Mayor and Council. Mr. Gulbranson asked

Mayor and Council to not limit to one or two speed humps on Miller as they may put down three depending on the meeting with the residents. Dr. Gillen stated if three are needed, it can come back before Mayor and Council in February. **John Branigin** made a motion to have City staff look to see if modifications need to be made to the speed humps approval process to take into account temporary speed humps with the approval process that is less ownerless. **Monty Parks** seconded. Vote was unanimous to approve, 6-0.

**Barry Brown** reported on the **Ham Operators Meeting, January 25 – 26, 2020, in Memorial Park**. Mayor pro tem Brown is asked Mayor and Council's permission to allow the Ham Operators to hold use Memorial Park overnight to conduct their training. Dr. Gillen stated he had no objections. Jack Litchfield approached Mayor and Council to explain the event. He asked for approval of the overnight stay in Memorial Park. Mr. Parks asked if the City's mobile until will be participating. He responded no. **Spec Hosti** made a motion to approve. **Barry Brown** seconded. Vote was unanimous to approve, 6-0.

**Monty Parks** asked Mr. Hughes to give an update on **Administrative Fines**. Mr. Hughes stated he has prepared a draft of a proposed ordinance and will add to the agenda for February 13, 2020. Mr. Parks gave a brief overview of those incidents which would be included: (1) glass on the beach; (2) dogs on the beach; and (3) litter and other court cases. Tickets will have to be issued by a police officer and the proposal is to craft an ordinance which would have the Parking Department write the tickets which would free up the TIPD.

**Monty Parks** stated the City is ready to allocate \$30,000 to complete the first third of the first half of the **Marsh Hen Trail**. This would be completed within 90 days and would open the long awaited Marsh Hen Trail. \$12,000 had previously been allocated and now the remaining \$18,000 needs to be moved from one line item to another. Dr. Gillen stated there are funds available to be moved. **Spec Hosti** made a motion to approve. **John Branigin** seconded. Vote was unanimous to approve, 6-0.

**Monty Parks** made reference to the **Waiver of Fees for TIMA**. Mr. Parks stated this was before Mayor and Council in December 2019 and he is bringing back for approval. Dr. Gillen stated he believes the dollar amount has been reduced. Mr. Shaw stated the dollar amount has been reduced significantly, \$5,000. The cost of the water meter has been removed from the fees as they are tying in to the existing meter. Mr. Parks stated Mr. Hughes has researched and TIMA is a Charter School they do fall under the Public School exemption. Mr. Hughes confirmed. It is very clear as it applies to public schools and he believes Charter Schools are treated the same with respect to local government fees. He is not sure that all the fees fit within all the exemptions. There would be no question if the school property was owned by the Board of Education but it is owned by the church. Mr. Hughes continued, overall it is his opinion they are exempt. Mr. Hosti recommended moving forward. Ms. DeVetter asked Mr. Hughes if a local board of education property is public school considered board of education property. Mr. Hughes responded yes in that context. Mayor pro tem Brown stated he has two grandchildren attending TIMA and asked if that presents a problem. Mr. Hughes responded no it does not present a conflict. Ms. DeVetter recommended there be an agenda item to discuss what kind of policy the City would like to have pertaining to the waiver of fees, a uniform policy. She would also recommend the policy include a cap of the amount of fees, fees that will be waived and those that would not and in this way the policy is clear. Mr. Braun stated he has experience with Charter Schools. The Charter Schools is treated as a public school administration system which by State Statute is specific. Chatham County exempts not-for-profits from building fees. Mayor Sessions confirmed with Mr. Braun that Chatham County does waive fees for all non-profits. Mr. Braun confirmed. Mayor Sessions stated that in the future she is asking all non-profits who receive money from the City come to a council

meeting to inform City Council and the citizens of Tybee know what their programs are doing for the community. **Monty Parks** made a motion to waive the fees. **Barry Brown** seconded. Vote was unanimous to approve, 6-0.

**Dr. Gillen** would like approval of Mayor and Council to move forward with the process to place a **Modular Office Space for City Employees** in Memorial Park. He explained last year the Master Plan for Memorial Park was done and space was reserved for expansion of the YMCA facility and getting space for City Hall employees. Time is needed to build an annex for supplemental office space and while that process moves forward he would propose on the south side of City Hall to place a 24x56 unit which is a modular office space. It is his intent to place a buffer or vegetation to enhance the location as well. Mr. Shaw has volunteered to move the Community Development Department in that way other departments would not be divided with placement of staff. Dr. Gillen is asking approval to move forward with the process to include review by the Planning Commission, approval of the Drainage Plan, Special Review by Mayor and Council, and other steps to be completed. The cost of the rental unit is approximately \$15,000 annually and gives the option to "spruce" up City Hall. **Nancy DeVetter** made a motion to move forward. **Monty Parks** seconded. Vote was unanimous to approve, 6-0. **Discussion:** Mr. Hosti asked Dr. Gillen what City Hall Auditorium will be used for. Dr. Gillen responded for meeting space.

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

**John Branigin** made a motion to adjourn to Regular Session. **Monty Parks** 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 11:30PM.

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Janet R. LeViner, CMC  
Clerk