

City Council Minutes, June 13, 2024

Mayor West called the meeting to order at 6:30PM, June 13, 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; Tracy O'Connell, City Attorney; and Jan LeViner, Clerk of Council. Bubba Hughes was not present.

Opening Ceremonies

Call to Order

Invocation: Sheron Burgess

Pledge of Allegiance

Recognitions and Proclamations

Chief Tiffany Hayes, Tybee Island Police Department approached Mayor and Council to recognize Officer Shannon as **Rookie of the Year (Statewide)** and **SGT Sims - Officer of the Year and the Golden Achievement Award Department - Golden Shield Honors for 174 DUI Arrests**. Mayor West then presented both officers a Certificate of Appreciation as well as a Certificate of Appreciation to the entire TIPD.

Jaime Spears approached Mayor and Council to recognize **David Pawloski, TIFD Employee of the First Quarter**.

Shawnessy Cargile, Front Porch, Savannah, GA, approached Mayor and Council to give a brief presentation on the Front Porch. Mayor West thanked Mr. Cargile for all his organization does for the youth of our community.

Consideration of Items for Consent Agenda

- Minutes: City Council Meeting: May 23, 2024
- Minutes: City Council Meeting: May 30, 2024
- Ante Litem Notice, Robin Williams, North Beach Grill: TO DENY

Citizens to be Heard

Jim Harrah approached Mayor and Council. Mr. Harrah asked Mayor and Council to vote against the proposed STR ordinance. (attached). Mayor West thanked Mr. Harrah.

Steve Buckner approached Mayor and Council. Mr. Buckner shared his concerns with the proposed ordinance and asked Mayor and Council to vote against the proposed STR ordinance. (attached). Mayor West thanked Mr. Buckner.

Dee Matkowski approached Mayor and Council. Ms. Matkowski is in favor of the proposed ordinance (attached). She then read a statement from Ms. Nathan who could not be present and asked Mayor and Council to approve the proposed ordinance (attached). Mayor West thanked Ms. Matkowski.

Dawn Shay approached Mayor and Council. Ms. Shay is in favor of the proposed ordinance and asked Mayor and Council to vote in the affirmative (attached). Mayor West thanked Ms. Shay.

Melanie Clearman approached Mayor and Council. Ms. Clearman is in favor of the proposed ordinance (attached) and asked Mayor and Council to vote in the affirmative. Mayor West thanked Ms. Clearman.

Alisa Salaki approached Mayor and Council. She shared her concerns with long term rentals. Mayor West thanked Ms. Salaki.

Tom Powers approached Mayor and Council. Mr. Powers asked Mayor and Council to rethink the ordinance. Mayor West thanked Mr. Powers.

Beth Hodges approached Mayor and Council. Ms. Hodges is in favor of the proposed ordinance and asked Mayor and Council to vote in the affirmative. Mayor West thanked Ms. Hodges.

Frances Lamon approached Mayor and Council. Ms. Lamon stated she is in favor of the proposed ordinance. She asked Mayor and Council to vote in favor of the ordinance. Mayor West thanked Ms. Lamon for her comments.

Laurie Gulbranson approached Mayor and Council. Ms. Gulbranson spoke against the proposed ordinance (attached) and asked Mayor and Council to do the same. Mayor West thanked Ms. Gulbranson.

Andy Hughes approached Mayor and Council. Mr. Hughes asked Mayor and Council to consider grandfathering all current STR homeowners and certificate holders (attached). Mayor West thanked Mr. Hughes for his comments.

Linda Hellstrom approached Mayor and Council. Ms. Hellstrom asked Mayor and Council to vote against the proposed ordinance. Mayor West thanked Ms. Hellstrom.

Tommy Thompson approached Mayor and Council. Mr. Thompson asked Mayor and Council to vote against the proposed ordinance (attached). Mayor West thanked Mr. Thompson for his comments.

Dillon Patel approached Mayor and Council. Mr. Patel stated passing the ordinance could have negative effects on the residents. He asked Mayor and Council to consider families when voting on the proposed ordinance. Mayor West thanked Mr. Patel for his comments.

Francis Hunter approached Mayor and Council. She read a statement from **Peggy Martin** who could not be present (attached). Mayor West thanked Ms. Hunter.

Brian Shields approached Mayor and Council. Mr. Shields asked Mayor and Council to vote against the proposed ordinance. Mayor West thanked Mr. Shields for his comments.

Lori Smith approached Mayor and Council. She asked Mayor and Council to vote against the proposed ordinance. Mayor West thanked Ms. Smith for her comments.

Shirley Wright approached Mayor and Council. Ms. Wright thanked Mayor and Council for their work on the proposed ordinance. She asked Mayor and Council to vote in the affirmative (attached). Mayor West thanked Ms. Wright.

Frank Kelly approached Mayor and Council. Mr. Kelly stated he is in support of the proposed ordinance and asked Mayor and Council to approve. Mayor West thanked Mr. Kelly.

Jan Myer approached Mayor and Council. Ms. Myer read a statement from Mr. and Ms. Puljung who are against the proposed ordinance and asked Mayor and Council not to vote in favor (attached). Mayor West thanked Ms. Myer.

Anna Butler approached Mayor and Council. Ms. Butler spoke in support of the proposed ordinance and asked Mayor and Council to vote in the affirmative. Mayor West thanked Ms. Butler.

Julia Pearce approached Mayor and Council. Ms. Pearce spoke in favor of the proposed ordinance. She asked Mayor and Council to vote in the affirmative. Mayor West thanked Ms. Pearce.

Graciela Robert approached Mayor and Council. Ms. Robert spoke against the proposed ordinance (attached) and asked Mayor and Council to do the same. Mayor West thanked Ms. Robert.

Brooke Mackey approached Mayor and Council. Ms. Mackey stated she is against the proposed ordinance. Ms. Mackie asked Mayor and Council to also vote against. Mayor West thanked Ms. Mackey.

Brendan Everton approached Mayor and Council. Mr. Everton shared his concerns with the empty homes surrounding his home. He asked Mayor and Council to do an impact study prior to voting on the proposed ordinance. Mayor West thanked Mr. Everton.

Marianne Bramble approached Mayor and Council. She stated she does not agree on the proposed ordinance and asked Mayor and Council to rethink as this is all about zoning. Mayor West thanked Ms. Bramble.

Pat Valle approached Mayor and Council. Ms. Valle is not in favor of the proposed ordinance and asked Mayor and Council to not approved. Mayor West thanked Ms. Valle for her comments.

Keith Gay approached Mayor and Council. Mr. Gay asked Mayor and Council to do an economic impact study prior to voting on the proposed ordinance. He challenged Mayor and Council to issue the appropriate process to evaluate the zoning aspects of the Island. Mayor West thanked Mr. Gay.

Jenny Rutherford approached Mayor and Council. Ms. Rutherford had a presentation regarding the possible economic impacts of the approval of the proposed ordinance. Mayor West thanked Ms. Rutherford.

Jeanne Hutton approached Mayor and Council. Ms. Hutton spoke in favor of the proposed ordinance and asked Mayor and Council to do the same. Mayor West thanked Ms. Hutton.

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

Public Hearings

First Reading: Proposed Millage Rate. **Ms. Owens** stated the millage rate before them is 3.542 which is consistent with prior years. **Jenny Rutherford** approached Mayor and Council. Ms. Rutherford stated she feels Mayor and Council need to think about what is going to happen with the proposed budget moving forward with hotel/motel taxes being lower and property values decreasing on the Island. Mayor West thanked Ms. Rutherford. **Monty Parks** asked Ms. Amerell if the rate of 3.542 is the proposed millage rate and was the same last year and the prior year it was 3.931. Last year there was a slight decrease and we are sustaining that this year if approved. Ms. Amerell confirmed. **Monty Parks** made a motion to support this and pass the proposed millage on first reading. **Spec Hosti** seconded. Vote was unanimous to approve, 6-0.

First Reading: Proposed FY2025 Budget. **Ms. Owens** stated before Mayor and Council is the FY 25 proposed budget which is a little over \$17M. Staff has worked diligently to reduce the proposed budget several times and it is balanced. **Jim Klutz** approached. Mr. Klutz asked if the proposed purchase of property on Polk and Solomon is going to impact the budget this year or next. Ms. Owens stated the funds will come from fund balance. **Bryan Shields** approached the Mayor and Council. He shared his concerns that with the passing of the proposed budget as it will affect property taxes and the economy. Mayor West thanked Mr. Shields. **Kathryn Williams** thanked Ms. Owens, Ms. Amerell and Staff for their hard work that has gone into the budget process. She shared her concerns with unbudgeted items. Ms. Williams recommended funds need to be freed up within the current budget to fund unbudgeted expenses. She asked Ms. Owens and Ms. Amerell to revisit this request with the department heads to generate any additional cuts. **Monty Parks** stated this is budget number eleven (11) for him and this council has spent a fantastic amount of time and he has not sat with a council that has

been more concerned and had more workshops and investigations than ever before. He thanked everyone involved. **Bill Garbett** thanked everyone as well and stated this is not a final document as there will be several budget amendments that will be forwarded in the next couple of weeks. **Bill Garbett** made a motion to approve. **Tony Ploughe** seconded. The vote was unanimous to approve, 6-0.

First Reading 2024-09, Sec 3-110(c) Temporary use of recreational vehicles on private property for dwelling purposes. **Ms. Owens** stated before them is a text amendment that relates to the ordinance that was before the Planning Commission, **Spec Hosti** made a motion to approve. **Kathryn Williams** seconded. Vote was unanimous to approve, 6-0.

Mayor West stated for the record the zoning map is in the room.

Map Amendment. Applicant requests to rezone the property located at 301 Butler, PIN 40004 19001A from R2 - C1. Petitioner: Robert McCorkle as agent for Alicia Barrow. **Mr. McCorkle** approached Mayor and Council. Mr. McCorkle stated he is representing Ms. Barrow in this request to rezone 301 Butler Avenue from R-2 to C-1. The petitioner is trying to sell the residence and having significant difficulty in doing so. The property is surrounded on two sides by property that is zoned C-1 Beach Business District and the property to the north on the other side of 3rd Street is zoned C-1 Beach Business and on the east is also zoned C-1. The property is not in a residential neighborhood as it faces Butler Avenue. Mr. McCorkle read from the ordinance regarding the C-1 district and believes this property is in part of the Commercial Gateway Zone. The Commercial Gateway Zone is described as a mix of neighborhood commercial uses including shopping, crafts, arts and restaurants while there are rentals and homes of various sizes and types scattered throughout the area as well. This also allows for a mix of retail, residential and tourism related uses consistent with the Master Plan which was adopted by City Council. Mr. McCorkle continued to describe the property and explained it would be hard to make it into a commercial building. The petitioner is asking to rezone the property to a zone that is in fact a mix of commercial and residential uses established for properties that are along Highway 80. Ms. Owens stated Staff recommended approval and the Planning Commission denied unanimously. **Marianne Bramble** approached Mayor and Council to discuss the zoning surrounding 301 Butler and stated the Funky Fish is the only commercial business there. Ms. Bramble believes this is spot zoning which is illegal. **Keith Gay** approached Mayor and Council. Mr. Gay asked Mayor and Council to approve. Mr. McCorkle approached and asked Mayor and Council to consider this property individually and not in connection with every other property on Tybee. Mr. Plough asked why Mr. McCorkle is doing this one property and not surrounding properties. Mr. McCorkle responded there was not a specific request from anyone else. Mr. Parks stated he feels it would be out of character to take it out of the zone. Mr. Sears shared his concerns with the requested rezoning and is not in favor. Mr. Garbett also stated has concerns and is not in favor of approving this request. **Bill Garbett** made a motion to deny. **Nick Sears** seconded. Voting in favor were Nick Sears, Monty Parks, Kathryn Williams, Tony Ploughe and Bill Garbett. Voting against was Spec Hosti. Motion to deny passes, 5-1.

Special Review: Deanne and Jeff Cooper. Requesting to reside in a camper on site during the house lifting process. Zoning R-1-B. **Ms. Owens** stated the petitioner is part of the FEMA Grant to raise houses and will not be able to live in the

residence while it is being raised. Ms. Cooper approached Mayor and Council. She stated they purchased the home not knowing they could not live in it until it was raised. She is requesting approval to live in their camper for approximately six (6) months until the home is lifted. Ms. Owens stated this was unanimously approved by the Planning Commission and Staff recommended approval. Ms. Williams made reference to the ordinance that was approved on first reading and asked if this is a timing issue that the petitioner is before them tonight? Ms. O'Connell stated the ordinance was drafted to help in situations such as this and special review does not approve for this instance. She continued that in two (2) weeks when the proposed ordinance is approved, they will be able to live in their camper. At that time, she will need to go to Planning and Zoning and get a permit. Mr. Parks shared his concerns with the approval of this request. Ms. Williams asked Ms. O'Connell if the petitioner could get a permit from the Planning and Zoning Office. Ms. O'Connell responded yes, for seven days, which can be renewed three (3) times in a year. **Monty Parks** made a motion to table indefinitely and refund the petitioners fees for Special Review. **Kathryn Williams** seconded. Vote was unanimous to approve, 6-0.

Consideration of Ordinances, Resolutions

First Reading 2024-09, Tech Fee. Ms. O'Connell explained the proposed ordinance to authorize any Municipal Court of the City of Tybee Island to charge technology fees as authorized by HB 1106. This would apply to anyone in the court system. **Kathryn Williams** made a motion to approve. **Monty Parks** seconded. Vote was unanimous to approve, 6-0.

Second Reading: 2024-08 to Amend the Code of Ordinances so as to address the Expiration of Short-Term Rental Permits in Connection with Transfers of Ownership Interests. **TONY PLOUGHE RECUSED.** Ms. O'Connell explained the proposed ordinance before them and stated this is for second reading. Mayor West expressed his concerns with the approval of this proposed ordinance. Mr. Hosti stated he is not in favor of the proposed ordinance. **Nick Sears** made a motion to approve. **Bill Garbett** seconded. Voting in favor were Nick Sears, Monty Parks, Kathryn Williams and Bill Garbett. Voting against was Spec Hosti. Motion to approve, 4-1 with Tony Plouge recusing.

Reimbursement Resolution 2024-05. **Monty Parks** made a motion to approve. **Kathryn Williams** seconded. Vote was unanimous to approve 6-0.

Monty Parks made a motion to adjourn to Executive Session to discuss litigation. **Kathryn Williams** 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.

Spec Hosti made a motion to adjourn. **Bill Garbett** seconded. Vote was unanimous to approve, 6-0.

Meeting was adjourned at 10:15PM.

Janet LeViner, MMC
Clerk of Council