

City Council Minutes, June 8, 2023

Mayor Sessions called the meeting to order at 6:30PM, June 8, 2023. Those in attendance were Brian West, Monty Parks, Nancy DeVetter, Barry Brown, Jay Burke and Spec Hosti. Also attending were Michelle Owens, Assistant City Manager; Bubba Hughes, City Attorney; Tracy O'Connell, City Attorney, George Shaw, Planning and Zoning and Jan LeViner, Clerk of Council. Dr. Gillen was excused.

### **Opening Ceremonies**

Call to Order

Invocation: Jan LeViner, Clerk

Pledge of Allegiance

### **Consideration of Items for Consent Agenda**

- Minutes, April 27, 2023 and Attachments
- Minutes, May 11, 2023 and Attachments
- Out of State Travel: Chief Hayes to attend Police Executive Research Forum, Senior Management Institute for Police, Boston University, July 8 - 17, 2023. \$376.00.
- Out of State Travel: Tybee Island Police Department, four (4) officers to travel to Francis Marion University to attend Drug Interdiction Techniques for Patrol, July 7, 2023. There is no cost other than fuel.
- License Agreement: Justice One, Software Program for Designated Processing System
- Budget Amendment: To increase contract services for agreement with GHD for a Coastal Assessment and to cover budget deficit, \$70,000
- Approval of Low Country Machinery, purchase JCB backhoe loader, \$99,500.
- Approval of Water Solutions to do structural repairs on the Ft Screven Water Tower, \$396,492.00 to include Budget Amendment.
- Approval, purchase 2017 John Deere from Dobbs Equipment, \$34,000
- Resolution: Municipal Court Clerks Week, June 5-9, 2023
- Resolution: 2023-10 Emergency Events
- First Reading: 2023-23: Historic Preservation Commission
- Ante Litem, Boughan Falligant: To reject
- Name Michelle Owens as Acting City Manager during City Manager's absence with full authority of the position with appropriate HR adjustments

### **Consideration of Boards, Commissions and Committee Appointments**

**Historic Preservation Commission vacancy (one seat available): Cara Cole. Barry Brown recused. Jay Burke** made a motion to approve. **Nancy DeVetter** seconded. Vote was unanimous to approve, 5-0.

**Barry Brown returned to the meeting.**

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

- Nick Sears: Improper renewal of STR permits for properties not permitted to operate as STR's in Tybee's neighborhoods (attached)
- Pat Leiby: Juneteenth Celebration
- Roger Huff: Legislation Request, spoke in opposition
- Ruth Wilson: STR Ordinance Amendment, spoke in opposition
- Carol and Jimmy Brown: First Reading 2023-15A, spoke in opposition
- Jim Simpson: Orange Crush, shared his concerns
- Nick Sear: First Reading, 2013-15A, spoke in opposition (attached)

- Dawn Shay: First Reading, 2013-15A, spoke in opposition and Legislation Request, supports
- Shirley Wright: First Reading 2023-15A, spoke in opposition (attached) and Anti Litem, supports
- Thomas Harman: First Reading 2023-15A, supports
- Roger Huff: Citizens to be Heard concerns

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

### **Public Hearings**

**First Reading: FY2024 Budget.** **Brian West** stated he is overall in favor of the proposed budget with the exception of the pay increases. Dr. West stated he is not opposed to the City employees getting what they deserve as they work hard especially those in the line of fire on the streets. He continued, he requested instead of the increase at this time, Mayor and Council look at phasing in that increase over several years. He was given a report that compares the City's pay to a comp study done by a professional firm, which does studies of what our employees should be making. He felt like it did not apply to our area. Dr. West stated he is also concerned with the basis of giving an employee an increase which should be based on merit, function, longevity, and performance and there is no system in place currently. He did ask Staff to address which has not been done as of yet. He is in favor of the proposed COLI but not salaries at this point. Mayor Sessions stated there have been three (3) workshops on the budget and there were meetings with individual council members with Finance and Human Resources so their concerns could be discussed. She confirmed with Dr. West that his concerns have not been addressed by Staff. Mr. Burke stated when the City Manager was hired; salaries for the TIPD were \$5.5M and now \$7.4M. He also feels the salary increased needs to be trimmed back as the economy indicates we are moving to a recession, Council needs to look at the budget a little closer. Ms. DeVetter stated there have been three (3) workshops and the plan has been reviewed. Mayor and Council did approve the Class and Comp Study and it shows the City needs to set the salaries at 70% of the average around us in order for people to come to Tybee to work. Currently, it is hard to hire someone as you have to pay above market and she feels Council is remiss in not talking to the two (2) large formalizations that are happening: (1) to formalize the pay structure and (2) to put in a merit base system. Ms. DeVetter stated there are more and more visitors coming to the Island and therefore staff has increased. She does not feel we need to discuss further as it would be a waste of time. Mr. Parks stated there are classifications that are getting significant increases and he is in favor of the increases for DPW, TIPD, TIFD, Parking Services as the surrounding areas have entry levels higher than Tybee. He is recommending approval and moving forward. Mayor Sessions stated Mayor and Council appreciate all the employees and they desire a sincere thank you. This would include giving them the tools they need and compensation. She reminded Council they should rely on Staff to bring recommendations and a balanced budget to them as this is a managerial responsibility. Mayor Sessions asked for recommendations moving forward procedurally. Mr. Hughes responded Mayor and Council can approve the budget as proposed and hold for further consideration particular parts of the budget. The budget also needs to be balanced and approved by June 30, 2023. Ms. Owens stated the department heads did have the opportunity to vet the budget and are in favor of the proposed budget. It is a balanced budget and the City is in a position to where there will be a healthy amount to reserves. Mayor Sessions thanked Ms. Owens. Mayor pro tem Brown asked that surplus monies be used for paving City streets. Ms. Owens stated Staff is working on rebates for the residents using ARPA Federal Funds as well as possible assistance with utilities. Mayor pro tem Brown expressed his concerns with the increase in salaries. Ms. Owens stated there are personnel policies in place to address performance or economic slow-down as well as other issues. Ms. Amerell approached to explain the fund balance. She stated the \$5M that Mayor pro tem Brown made reference to is unassigned

and the total fund balance is closer to \$12M. Mr. Hosti confirmed there are funds set aside for debris and tree removal. Ms. Amerell confirmed. Mr. Burke asked what the actual savings is. Ms. Amerell responded \$12M that is unassigned. **Jim Kluttz** approached Mayor and Council. He expressed his concerns with the procedure as he feels there are too many line items included. Mayor Sessions thanked Mr. Kluttz for his comments and concerns. **Dawn Shay** approached Mayor and Council. She expressed her concerns with the increase in salaries as she recommended phasing them in. Ms. Shay would also like to see things done for the residents. Mayor Sessions thanked Ms. Shay. **Tony Ploughe** approached Mayor and Council. He asked if there were documents or a place on-line where you can see estimated expenders on capital projects over the next 5-10 years. Ms. Amerell stated it is outlined in the budget. **Mark Fickes** approached Mayor and Council. Mr. Fickes referred to the company he works for as they had to give raises between 10 and 30% due to the economy. The world has changed and Tybee needs to change with it. Mayor Sessions thanked Mr. Fickes. Mr. Hosti stated Mayor and Council appreciate a detailed budget, as it is transparent. **Nancy DeVetter** made a motion to approve the budget as presented. **Spec Hosti** seconded. Voting in favor were Nancy DeVetter, Spec Hosti and Monty Parks. Voting against were Barry Brown, Brian West and Jay Burke. **Shirley Sessions** voting in favor. Motion to approve, 4-3.

**First Reading: Millage.** **Mayor Sessions** stated Staff is recommending the Millage rate remain the same. Monty Parks stated he disagrees with keeping the Millage rate the same as he continues to recommend moving the Millage rate back as this is a way to give back to the community. **Spec Hosti** made a motion to approve as presented. Being no second, the motion failed. **Jay Burke** made a motion to roll back to 3.542. **Discussion:** Ms. Amerell approached Mayor and Council. She stated the City value increased about 15%, which is significant, \$9.7M and Staff, is recommending keeping the Millage rate at 3.931, which is the same for the past five (5) years. The rollback rate is 3.542, which would generate property tax about \$2.6M with the recommended rate is at \$2.8M. **Monty Parks** seconded. **Discussion:** There was a discussion regarding how to give back to the residents. Ms. Owens suggested it could be done through the water bill as in other ways. Mr. Hughes recommended increasing the homestead exemption. This would take time but could be done. Dr. West stated the goal of the Water Department is to be self-sustained and does not understand giving a rebate. Ms. Owens stated it would come from the ARPA Federal Fund. Mr. Hosti reminded everyone that the STR's and hotels pay a higher rate. Voting in favor were Monty Parks, Jay Burke, Brian West and Barry Brown. Voting against were Nancy DeVetter and Spec Hosti. Motion to approve, 4-2.

**Jay Burke left the meeting.**

**First Reading: 2023-18: Text Amendment: An amendment to the calamity clause of the STR Ordinance (2022-04) for time period and procedure.** **George Shaw** approached Mayor and Council. Mr. Shaw stated this is an amendment to an ordinance Mayor and Council approved previously. This included a ninety (90) day rental requirement in the calendar year. It is proposed to reduce that to sixty (60) days for STR's and a procedure for petitioning an exemption for the requirement. Staff recommended approval and Planning Commission voted 4-3 to approve. Ms. DeVetter confirmed this only applies to STR's. Mr. Shaw confirmed. Dr. West stated this would actually reduce the number of people coming to the Island. Ms. DeVetter responded, this would actually make it easier for permit holders to keep their permit. **Shirley Wright** approached Mayor and Council to speak against the proposed text amendment. She read from a prepared statement (attached) where she asked Mayor and Council to "save our neighborhoods". **Robert Matkowski** approached Mayor and Council. Mr. Matkowski asked Mayor and Council to not support the proposed text amendment. Mayor Sessions thanked Mr. Matkowski for his comments. **Dawn Shay** approached Mayor and Council. Ms. Shay asked Mayor and Council to vote against the proposed text amendment. Mayor Sessions thanked Ms.

Shay for her comments. Dr. West stated the proposed text amendment is intended to help our residents. A large population of people who like to travel in the summer and not be a part of the crowds and they rent their homes. This is a disadvantage to those people who do not want to rent for ninety (90) days, only a short period of time. That is why he requested the change. **Spec Hosti** made a motion to approve. **Brian West** seconded. Voting in favor were Spec Hosti, Brian West and Monty Parks. Voting against were Nancy DeVetter and Barry Brown. Motion to approve, 3-2.

**Variance: Requesting to build pool in front yard, 21 Teresa Lane: PIN 40022 01372, Zone R-2: Clayton D. Johnson. George Shaw** approached Mayor and Council. Mr. Shaw stated Mr. Johnson purchased two (2) properties at the end of Teresa Lane and since combined them and would like to have a pool. The ordinance does not allow for a pool beyond the front face of the home and this is clearly beyond that. Staff recommended denial and Planning Commission recommended denial unanimously. Ms. DeVetter confirmed this is not an STR. Mr. Shaw confirmed. The petitioner, **Clayton Johnson**, approached Mayor and Council. Mr. Johnson stated he purchased the piece of property as he felt it would be perfect for a pool on the side of the house. He did not realize there would be an issue. Mr. Johnson asked Mayor and Council to grant the variance. Ms. DeVetter asked the hardship. Mr. Shaw read from the ordinance and stated there is no hardship. **Mike Small** approached Mayor and Council. Mr. Small stated the hardships are the constraints of the property. The option would be to divide the property and open it, develop or sell. **Spec Hosti** made a motion to approve. **Brian West** seconded. Voting in favor were Spec Hosti and Brian West. Voting against were Monty Parks, Nancy DeVetter, and Barry Brown. Motion failed 2-3. **Nancy DeVetter** made a motion to deny. **Monty Parks** seconded. Those voting in favor to deny were Nancy DeVetter, Monty Parks, and Barry Brown. Voting against were Brian West and Spec Hosti. Motion to deny, 3-2.

**Special Review: Requesting school use for TIMA, 711 Butler Avenue: PIN 40005 19002, Zone R-2: Friends of TIMA. George Shaw** approached Mayor and Council. Mr. Shaw stated the Friends of TIMA purchased the small home on Butler so they can create a space for teachers to have planning areas. Educational use is allowed by Special Review in R-2. Mr. Shaw continued, Staff recommended approval as did the Planning Commission did unanimously. **Nancy DeVetter** made a motion to approve. **Barry Brown** seconded. Vote was unanimous to approve, 5-0.

### **Consideration of Ordinances, Resolutions**

**Resolution: 2023-09 Legislation Request. Mayor Sessions** stated a Resolution was approved at the May 11, 2023, which was sent to the State and local dignitaries as well as the Governor. This is to request members of the local delegation including Senator Watson and Representative Petrea to sponsor and support local legislation to be introduced which will expand the powers of the City of Tybee Island in order for its representatives to declare a local emergency in connection with certain events. Mr. Hughes stated this provides for the ability to take precautionary actions for potential emergencies in order to prepare and coordinate with partners. He continued this is an enabling act as opposed to doing anything itself. Ms. DeVetter expressed her concerns with enabling statewide legislation for something the City may be able and should handle locally. Mr. Hughes stated this is an effort to get started on a process. Mr. Hughes stated there needs to be a unanimous vote and as Mr. Burke is not present, it should come back on June 22, 2023. Mayor Sessions asked Council to send any comments to Mr. Hughes and Ms. O'Connell. **To be heard at future meeting as Jay Burke is not present. NO ACTION TAKEN.**

**First Reading, 2023-15A Ability to obtain an STR permit for applicants holding a building permit for new construction or extensive renovations at the time of adoption of the moratorium without public hearings. Spec Hosti** made a motion to approve. **Brian**

**West** seconded. Voting in favor were Brian West, Spec Hosti and Monty Parks. Voting against were Nancy DeVetter and Barry Brown. Motion to approve, 3-2.

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

**Brian West: Development/Implementation of a DDA Land Bank.** **Brian West** made a motion to move forward with the Resolution. **Spec Hosti** seconded. Vote was unanimous to move forward with Resolution.

**Jay Burke: Access to Solomon from Campbell. No action taken as Mr. Burke was not present.**

**Nancy DeVetter** made a motion to adjourn to executive session to discuss real estate, personnel and litigation. **Spec Hosti** seconded. Vote was unanimous to approve, 5-0.

**Spec Hosti** made a motion to adjourn executive session and return to regular session. **Monty Parks** seconded. Vote was unanimous to approve 5-0.

**Spec Hosti** made a motion to adjourn. **Monty Parks** seconded. Vote was unanimous to approve, 5-0.

Meeting adjourned at 9:50PM

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Janet LeViner, MMC  
Clerk of Council