

City Council Minutes, March 12, 2020

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; 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, February 27, 2020
- Out-of-State Travel: Captain Hayes, Lt Randolph and Major Fobes, Orlando, Florida, March 3 - 6, 2020. Approval needed in retrospect
- Out-of-State Travel, Joel Fobes, July 4 - 24, 2020, Boston University, Boston Mass.
- Out-of-State Travel, Captain Hayes, FBI Academy, Quantico, VA. March 30 - June 5, 2020. She will be driving a marked patrol car for the training.
- Approval Contract, Secure Records Solutions, LLC.
- Lease, Tybee Island Marine Science Center. **Mr. Hughes** confirmed changes per Mayor and Council have been included to include (1) the name remaining Tybee Island Marine Science Center and (2) one five (5) year renewal term. He would like it in the record the contract has been approved.
- Standby Contract for Disaster Debris Recovery Services with Crowder Gulf to be signed by Mayor and City Attorney
- Budget Amendment to cover cost of Classification and Compensation Study
- Shawn Gillen: Confirmation, Jen Amerell, Finance Director

Monty Parks made a motion to adjourn to Executive Session to discuss Litigation and Real Estate Acquisition. **Barry Brown** seconded. Vote was unanimous to approve, 6-0.

Monty Parks made a motion to adjourn and return to regular session. **Spec Hosti** seconded. Vote was unanimous to approve, 6-0.

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
- Invocation: Ken Douberly, St. Michaels Parrish
- Pledge of Allegiance

Citizens to be Heard. Mayor Sessions invited the public to voice their thoughts regarding the upcoming Irish Heritage Parade.

Jay Burke recused from discussions

Fran Galloway approached Mayor and Council to speak against moving forward with the Irish Heritage Parade

Ted Ward approached Mayor and Council to speak against moving forward with the Irish Heritage Parade

Donna Wilson approached Mayor and Council to speak in favor of moving forward with the Irish Heritage Parade

Diane Scarwood approached Mayor and Council to speak against moving forward with the Irish Heritage Parade

Diane Hollis approached Mayor and Council to speak in favor of moving forward with the Irish Heritage Parade

Dotty Kluttz approached Mayor and Council to speak in favor of moving forward with the Irish Heritage Parade

Steve Marlay approached Mayor and Council to speak in favor of moving forward with the Irish Heritage Parade.

Monty Parks made a motion to postpone the Irish Heritage Parade and work with other communities on another date. **Nancy DeVetter** seconded. **Mr. Parks** read from a prepared statement recommending the City of Tybee coordinate with our partners in Savannah and support a decision to hold the parade at a later date. He further recommended the coordinators of the parades not rely on the council vote but rather join in with other cities and acknowledge a possible public safety issue. Mr. Parks also stated the parade poses an unnecessary risk to our residents and businesses and will be putting our servers, cooks, bartenders and any other workers in our service industry at risk. Mayor pro tem Brown gave statistics regarding the virus as to those who have been infected and deaths. He is not in favor of cancelling the parade. Ms. DeVetter stated she agrees with Mr. Parks in postponing the parade. She stated Tybee is not immune to the virus. Ms. DeVetter recommended the City follow the recommendations of the CDC and follow good medical advice in protecting their citizens. She feels we are taking an unnecessary risk by having the parade and the City has a responsibility to our citizens to put their health and safety first. She is in favor of postponing the parade. Mr. Branigin made reference to the weather for the upcoming weekend where every restaurant and bar will be full and how is the parade different. The City cannot close the beach, close the bridge, and stay in our homes. It will not make a difference. Mayor Sessions stated this is a very difficult decision for the Mayor and Council and it is important to remember Mayor and Council are trying to balance the health issues, safety issues and traffic. Our first priority, no matter how you define it is public safety. Voting in favor were Monty Parks and Nancy DeVetter. Voting against were John Branigin, Barry Brown and Spec Hosti. Vote was 3-2 to deny. Motion failed.

John Branigin made a motion to move forward with the Irish Heritage Parade as scheduled. **Spec Hosti** seconded. Voting in favor were John Branigin, Barry Brown and Spec Hosti. Voting against were Monty Parks and Nancy DeVetter. Motion to move forward with the Irish Heritage Parade approved 3-2.

Jay Burke returned to his seat.

Tim Arnold approached Mayor and Council representing Tybee Clean Beach Volunteers. Mr. Arnold spoke on the litter ordinance, enforcement and the civil fines which allows Code Enforcement Officers to walk the beach. He applauds that the Mayor and Council have moved forward with a smoke free beach initiative when the beach was re-nourished, \$15M of clean sand. We also need to have renewed education and an ordinance to be effective. Mr. Arnold expressed his concerns with the proposed ordinance as to the enforcement. He stated we do not need additional rules and he encourages Mayor and Council to try the approach of a smoke free beach for a year. The Clean Beach Volunteers will continue to clean the beach and work with Code Enforcement. Mayor Sessions thanked Mr. Arnold and the Volunteers for everything they do to keep the beach clean.

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

Public Hearings

Site Plan and Variance: consideration of two foot setback and reduction of required square footage for a duplex on lot: Lot 325 on Naylor Avenue, Zone R-T, Pin: 40020 05005, Christa Rader. **George Shaw** approached Mayor and Council. Mr. Shaw stated Mack Kitchens presented for Ms. Rader at the recent Planning Commission Meeting explaining their request for setbacks. The Planning Commission recommended denial of the petition, 5-0. Staff recommends denial as well. Mr. Shaw stated the lot is large but not large enough for a duplex per the City's ordinance. Mr. Hosti asked Mr. Shaw if the petitioner has sufficient land for a duplex. Mr. Shaw responded no. The petitioner is asking for a variance to reduce the required sq. ft. to build a duplex and a setback variance. **Margaret Lewin** approached Mayor and Council. Ms. Lewin stated her property abuts the property in question and she would as Mayor and Council vote to deny. She further expressed her concerns with a duplex being in her neighbor and the increased traffic. **Monty Parks** made a motion to deny. **John Branigin** seconded. Vote was unanimous to deny, 6-0.

Special Review: adding a temporary modular building on south side of City Hall, 403 Butler Avenue, Pin: 40004 21001, Zone PC: City of Tybee Island. **George Shaw** approached Mayor and Council. Mr. Shaw stated the modular building would be used for offices and will be on the south side of City Hall between City Hall and the library. This would be temporary until such time as a more permanent solution could be agreed upon. The Planning Commission voted to approve, 5-1. Staff has also recommended approval. Mr. Parks asked Mr. Shaw if this would allow for a second story on the modular building. Mr. Shawn responded no. Mr. Hosti stated the City needs a municipal building. **Spec Hosti** made a motion to approve. **Monty Parks** seconded. Vote was unanimous to approve, 6-0.

Variance: Consideration of request for setback variances of 4'9" on west side, 10'3" on north side, 2' on south side for primary structure and a variance of 12' for stairs on south side: 10 Robinson Ave, Zone R-1: Pin 40002 08005: Joseph Mikielian. **George Shaw** approached Mayor and Council. Mr. Shaw stated the lot has been before Mayor and Council at least three times and the reason the petitioner is asking for such specific variances as there is an existing foundation and they would like to use that same foundation. Staff is recommending

approval as it is a historic foundation and the Planning Commission recommended approval, 4-2. **LeAnn Marsh** approached Mayor and Council representing the petitioner. They are requesting the same variance that was approved twice previously. **Monty Parks** made a motion to approve. **Jay Burke** seconded. Vote was unanimous to approve, 6-0.

Private Parking Lots: Mayor Sessions confirmed with Mr. Hughes there will be a vote on each parking lot. Mr. Hughes stated it is his preference. Mr. Parks asked Dr. Gillen, during the discussion of each parking lot, if there are violations/complaints/fines to let Mayor and Council know. Dr. Gillen confirmed.

215 Lovell Avenue: Pin 4-0004-09-008A: Zone R-2: Marianne Bramble, petitioner. **Marianne Bramble** approached Mayor and Council. Ms. Bramble stated she is the owner of the parking license. She would request Mayor and Council extend the 32 days previously approved and would like to begin selling parking the first weekend of May which would add six more days to the license. Ms. Bramble explained the Wine Festival has been moved to Memorial Park from the Lighthouse and is the first weekend in May. With this being said she is requesting six more days, beginning the first weekend in May and ending on Labor Day. Mayor pro tem Brown stated he is not in favor of commercial use in residential areas and asked what benefit does her parking lot provide to the City other than to operate a business. Ms. Bramble responded, in front of her parking lot is the parking lot from a commercial business, Funky Fish. She feels her parking lot does not generate enough revenue to hurt the City. Mayor pro tem Brown expressed his concern with her right to have a parking lot in a residential area when other citizens cannot. Mr. Hughes stated there is a long history with the private parking lots in residential areas. When it started it was set to relieve some parking pressures on the City by allowing parking in residential. The current ordinance states there may not be any further private parking lots in residential as the four before Mayor and Council tonight were grandfathered. Ms. Bramble stated her property allows for parking as it is a large as is Ms. Prescott's lot. She again asked for six additional days. Mr. Branigin asked Mr. Hughes if the ordinance would need to be changed if Ms. Bramble was given the additional six days. Mr. Hughes stated no as there is flexibility in the ordinance. Mr. Parks asked if it has been advertised to add days to the permit. Mr. Hughes stated the ordinance allows Mayor and Council by imposing conditions to set what the days and hours will be. Mr. Parks confirmed and his concern is the surrounding residents have not been given the opportunity to speak either for or against the additional days. Mr. Hughes confirmed. Mr. Parks recommended advertising for a public hearing to give residents an opportunity to speak regarding the additional days. **Monty Parks** made a motion to approve as submitted. **John Branigin** seconded. **Discussion: Ms. DeVetter** stated she is not in favor of allowing commercial use in residential zones. She stated she is open to everyone who is similarly situated who might have a better option of providing property that can be used for parking lots rather than only four people who have had the license for ten or plus years. Mr. Hughes responded, the ordinance only permits those who were grandfather as they were already in operation at the time. Voting in favor were Jay Burke, Monty Parks, John Branigin and Spec Hosti. Voting against were Barry Brown and Nancy DeVetter. Vote was 4-2 to approve.

1001 Butler Avenue: Pin 4-0006-14-013: Zone R-2: Renee Bridges, petitioner. **Spec Hosti** made to motion to approve. **Monty Parks** seconded.

Discussion: **Mayor pro tem Brown** stated there have been numerous complaints regarding this parking lot from the neighbors. They are most concerned with overloading “their” family beach access. Mayor pro tem Brown stated the parking lot has 30 spaces and on an average three people to a car which cause a great amount of pedestrian traffic on 10th Street. Voting in favor were Monty Parks, John Branigin and Spec Hosti. Voting against were Jay Burke, Barry Brown and Nancy DeVetter. Shirley Sessions voting in opposition. Motion to approve failed 4-2.

214 Second Avenue: Pin 4-0004-09-007: Zone R-2: Joyce Prescott, petitioner. Marianne Bramble approached Mayor and Council representing Ms. Prescott. Ms. Bramble asked for an additional six days added to their license beginning the first weekend in May and through Labor Day. Mayor pro tem Brown stated to his knowledge there have never been any citations or issues with their parking lots. **Monty Parks** made a motion to approve. **Jay Burke** seconded. Voting in favor were Jay Burke, Monty Parks, John Branigin and Spec Hosti. Voting against were Barry Brown and Nancy DeVetter. Vote was 4-2 to approve.

Dotty Kluttz approached Mayor and Council. Ms. Kluttz asked if the City oversees the parking lots for violations during the year or is this the only time. Dr. Gillen responded the City Marshall monitor these lots and if there are violations, citations are written. Only one petitioner before them tonight has a citation in the record for the past year.

Marianne Bramble approached Mayor and Council. Ms. Bramble stated previously Mayor and Council has specified how many cars can be parked in a private parking lot. She stated they have had to submit on a yearly basis a stamp/certified survey of their parking area. This is submitted in December and then wait for it to be added to an agenda for approval. She and Ms. Prescott will comply with the wishes of Mayor and Council.

203 14th Street: Pin 4-0007-18-001: Zone R-2: Jack Rosenberg, petitioner. Michael Rosenberg approached Mayor and Council. Mr. Rosenberg asked for a favorable vote with their parking lot. Ms. DeVetter asked Mr. Rosenberg if they have received citations regarding the parking lot or are they on probation. Mr. Rosenberg stated there was an issue but has since been resolved. He assured Mayor and Council that there will not be any issues in the future. Mayor pro tem Brown asked Mr. Rosenberg how many citations have been issued. Mr. Rosenberg responded only two. Mr. Parks recommended if the Rosenberg’s receive another citation, their license be revoked. **Monty Parks** made a motion to approve with the caveat if Mr. Rosenberg receives another violation in the next season, their license would be revoked. **John Branigin** seconded. Voting in favor were Monty Parks, John Branigin and Spec Hosti. Voting in opposition were Nancy DeVetter, Jay Burke and Barry Brown. Mayor Sessions voting against. Motion to approve failed, 3-4. **Barry Brown** made a motion to deny. **Nancy DeVetter** seconded. Voting in favor were Jay Burke, Nancy DeVetter and Barry Brown. Voting to deny were Monty Parks, John Branigin and Spec Hosti. Mayor Session voting in opposition. Motion to deny failed 3-4. **Monty Parks** made a motion to approve with a caveat if within the next two seasons a citation is received, their license will be revoked. **John Branigin** seconded. Voting in favor were Jay Burke, Monty Parks, John Branigin and Spec Hosti. Voting against were Barry Brown and Nancy DeVetter. Vote was 4-2 to approve.

Bubba Hughes recommended a hearing be scheduled for the private parking lot, **1001 Butler Avenue: Pin 4-0006-14-013: Zone R-2: Renee Bridges, petitioner**, to protect from possible litigation. This will give the petitioner an opportunity to speak in their behalf.

1511 Butler Avenue: Pin 4-0008-07-005: Zone C-1/SE: Agnes Yao, petitioner. Barry Brown made a motion to approve. **Monty Parks** seconded. Vote was unanimous to approve, 6-0.

1401 Strand Avenue: Pin 4-0008-02-016: Zone C-1/SE: Brett Loehr, petitioner. Monty Parks asked Mr. Hughes as this parking lot is in a commercial zone, why does it need Mayor and Council to approve. Mr. Hughes stated in the past Mayor and Council choose to include the two commercial lots with the approval process of the private parking lots. Mr. Parks recommended in the future, the two parking lots in the commercial zone are legal and not brought before Mayor and Council for approval. Mr. Hughes confirmed. **Spec Hosti** made a motion to approve. **Barry Brown** seconded. Vote was unanimous to approve.

Consideration of Ordinances

Second Reading, 2020-05, Sec 70-76, Use of Public Sewer. Spec Hosti made a motion to approve. **Monty Parks** seconded. Vote was unanimous to approve, 6-0.

Second Reading, 2020-06, Chapter 70, Art. III A, Backflow Ordinance/Prevent Program. Monty Parks made a motion to approve. **Spec Hosti** seconded. Vote was unanimous to approve, 6-0.

Second Reading, 2020-07, Adopt Grease Management Program and the Grease Enforcement Plan. Spec Hosti made a motion to approve. **Monty Parks** seconded. Vote was unanimous to approve, 6-0.

Second Reading, 2020-09, Parking Fines, Sec 66-147, Sec 66-147(c). Monty Parks made a motion to approve. **Nancy DeVetter** seconded. Vote was unanimous to approve, 6-0.

Second Reading, 2020-10, Regular Meetings. John Branigin made a motion to approve. **Barry Brown** seconded. Vote was unanimous to approve, 6-0.

Second Reading, 2020-11, Sec 12-1(a), Restriction on Beach Smoking in Designated Areas. Monty Parks made a motion to approve with the caveat enforcement would begin May 1st. **Nancy DeVetter** seconded. **Discussion: Mayor pro tem Brown** asked Dr. Gillen if the City is working toward providing the residents with an app for their telephones for reporting violations on the beach. Dr. Gillen confirmed as he is working with Todd Smith, IT Department. Voting in favor were Jay Burke, Monty Parks, John Branigin and Nancy DeVetter. Voting against were Barry Brown and Spec Hosti. Vote to approve as amended, 4-2.

Council, Officials and City Attorney Considerations and Comments

Jan LeViner, Voter Rolls. Ms. LeViner stated she has received an update copy of the Voter Rolls and will be forming a committee to review for possible challenges to the

Chatham Council Board of Elections. **Spec Hosti** made a motion to approve moving forward and asked that a plan be brought before Mayor and Council for final approval. **Nancy DeVetter** 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 8:35PM.

Janet R. LeViner, CMC
Clerk