

### **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; Tracy O'Connell, 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, March 11, 2021
- Historic Preservation Commission: Mary Anne Butler
- Sunrise Parking Lot: Add seven (7) additional parking spaces
- Skidaway Institute Dune Monitoring Project: Amendment to extend Agreement a second year

**Mayor Sessions** called the regular meeting to order. All those present for the consent agenda were present.

### **Opening Ceremonies**

- Call to Order
- Invocation: Jan LeViner, Clerk of Council
- Pledge of Allegiance

**Dr. Shawn Gillen, City Manager**, approached Mayor and Council. Dr. Gillen stated Mayor Sessions, Alan Robertson and himself attended the American Shore and Beach Preservation Association Annual Conference to accept an award, The Best Restored Beach in America. This is due to the project from 2020 with the beach re-nourishment, dune building and the ongoing crossover re-do's. This is the culmination of five (5) years of work beginning with Hurricane Matthew and all the storms recently which have eroded the beach. Dr. Gillen thanked the Beach Task Force and residents for their continued assistance and support with keeping the beach healthy.

### **Citizens to be Heard**

**Shirley Wright: A Resident's Observations. Asked to be removed from the agenda**

**Anna Butler** approached Mayor and Council to share her concerns regarding the proposed Noise Ordinance. Mayor Sessions thanked Ms. Butler for her comments.

**Roger Huff** approached Mayor and Council to speak against the proposed Noise Ordinance. Mayor Sessions thanked Mr. Huff for his comments.

**Des Ruman** approached Mayor and Council to speak against the proposed Noise Ordinance. Mayor Sessions thanked Mr. Ruman for his comments.

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

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

**Request for City Council Approval of an alternative location for the 14th Street crossover. The City Engineer worked with the DNR to identify two viable options for the crossover. These options are indicated on the attachment. The council can select one of the two options for an application for a permit from the DNR. Alternatively, the council can choose to not submit a permit application. Dr. Gillen** approached Mayor and Council. He stated the two alternatives the City have were determined by the City Engineer

by measuring the dunes as one of the rules the City must follow is the seaward landing point of the crossover must be the seaward toe of the dune and the other restriction is the minimization of impact. He presented two alternatives, as included in the packet before them tonight, where the dunes are the lowest. One alternative is in front of Mr. Davis' residence to a more northerly point where the dunes are lower and straight across the dunes. The second alternative is moving the crossover southward to where the dunes are low enough to land the crossover at the toe of the dune, which would put the crossover very close to the 14 1/2 Street crossover. These are the only viable options. Mayor pro tem Brown stated the old crossover extends straight to the beach. Dr. Gillen confirmed the existing crossover is in the same footprint as the old crossover and there are no changes with the exception of height. Mr. Gulbranson approached Mayor and Council. He stated the new 14<sup>th</sup> Street crossover is in the same footprint as the old 14<sup>th</sup> Street crossover. As the dunes have grown, the crossover was raised approximately two (2) feet. With this change, Mr. Davis is concerned as beachgoers can see into his residence. Mr. Gulbranson confirmed the dunes are natural grown and Department of Natural Resources (DNR) require new crossovers to be three (3) feet above the dunes. A discussion ensued regarding the options as proposed in the packet before them. Mr. Burke asked if the DNR has met with Mr. Davis regarding the options. Dr. Gillen responded in the negative as they have been working directly with the City Staff. Mr. Branigin confirmed with Dr. Gillen that the existing crossover was just built, brand new, and at some point if the City were to build an option as previously discussed, and the dunes continue to grow, at some point that new crossover would need to be raised. Dr. Gillen confirmed. Mr. Branigin asked if there is a point at which the dunes grow so much that it is not feasible to build a crossover and have beachgoers use it due to the height. Dr. Gillen confirmed as there will be a time when the dunes are too high to build a crossover. Ms. DeVetter confirmed the only reason this is before Mayor and Council is due to Mr. Davis' concerns. Dr. Gillen confirmed as if a new crossover is approved, the existing one would come down and a new one constructed. The cost would be approximately \$15,000 - \$20,000. Mayor Sessions stated the discussion is regarding a crossover that was completed last year, now discussing tearing down, rebuilding another option which would need approval from DNR. Dr. Gillen confirmed. Mayor pro tem Brown stated it not practical to ask tax payers to pay for a crossover to be moved. He recommended putting lattice on the handrail which would obstruct the view into his residence. Mr. Gulbranson stated he met with Mr. Davis and Mr. Davis stated he does not want that as it might increase the dune growth. Mr. Parks asked Mr. Gulbranson the expected life of the crossover. Mr. Gulbranson responded approximately 10-15 years. **Mayor pro tem Brown** made a motion to leave the crossover in place and install lattice/blind three (3) foot above the handrail. **John Branigin** seconded. **Discussion:** **Dr. Gillen** confirmed with Mayor and Council that even with Mr. Davis not wanting the lattice/blind added to a portion of the handrail which will obstruct the view into his residence, it will be installed. Mayor pro tem Brown confirmed. Vote was unanimous, 6-0.

### **Consideration of Ordinances, Resolution**

**Second Reading: 2021-05, Noise Ordinance.** **Spec Hosti** made a motion to approve. **John Branigin** seconded. **Discussion:** **Mr. Hughes** stated prior to any discussions, each council member has a printed copy of the Ordinance that was in the packet on March 11, 2021 for first reading as the one before them tonight in the packet is not for consideration as it is not the correct version. He continued there are changes as the definitions have been deleted as they are no longer applicable. It does clarify the days of the week and holidays and does not change anything in respect to the provisions applicable to the commercial zones as they are still subject to the decibel reading. Mayor Sessions confirmed this is just for residential. Mr. Hughes confirmed and as he understands, it is the desire of Mayor and Council to address the problems in residential areas. He continued, there have been discussion as to whether 100' is adequate or not as well as discussions as to 200' adequate or not. The times for R zones: 200' from 7AM to 10PM Sunday through Thursday and 7AM to midnight, Friday, Saturday and holidays. 100' is

basically the night time non-holiday times. Mayor pro tem Brown stated he would like to discuss the distance and the time would be 10PM. Mr. Hughes explained if a motion is to be made to change the time you would offer an amendment to the motion that has been made. If the amendment is seconded, it is voted upon prior to the main motion. Mayor pro tem Brown made a motion to amend the pending motion to establish, rather than the 100' or 200', the property line of the residence or location creating the noise. **Jay Burke** seconded. **Discussion: Dr. Gillen** asked for clarification of the motion. Mr. Hughes responded, it is at the end of the front yard of the location creating the noise, after 10PM, seven days a week. Mr. Branigin stated the measurement point needs to be more specific as there needs to be a standard. Mayor Sessions asked Dr. Gillen if the Code Enforcement Officers have had input on the proposed ordinance. Dr. Gillen stated he and Sgt. Hattrich have been and continue to communicate on this issue. Sgt. Hattrich approached Mayor and Council stating Code Enforcement Officers will adhere to the standard as directed by Mayor and Council. Mr. Parks stated there have been good discussions with this complicated issue. He does not feel right at second reading of the proposed ordinance, making major changes to either the times or measurement systems that are in place. It has not been made public and it is not transparent. Mr. Branigin explained the history of the review of the Noise Ordinance and continued, what Mayor and Council are trying to do is to put laws around behavior. Mayor Sessions thanked Mr. Branigin for his comments. Mayor Sessions confirmed with Mr. Hughes, Mayor and Council need to vote on the amendment to the motion first. Mr. Hughes confirmed and restated the motion: **to amend the pending motion to eliminate the distance requirement after 10PM, all days of the week, to prohibit noise that is audible from the front boundary line of the property from which the noise is emanated at the approximate center point of the front of the property and at all other times the distance of 200' would be the standard.** Voting in favor of the amendment to the motion were Barry Brown, Nancy DeVetter and Jay Burke. Those voting against the amendment to the motion were Monty Parks, John Branigin and Spec Hosti. Mayor Sessions voting in favor of the amendment to the motion. Motion to approve the amendment to the motion, 4-3. Mr. Hughes restated the original motion which is **to adopt the original draft as amended, i.e., the distance restrictions after 10PM are no longer a part of the ordinance and the measurement will be at the property boundary of the source of the noise and for all other times, all sounds that are permissible up to a distance of 200' and if plainly audible past that distance, could be a violation.** Mr. Parks expressed his concerns with the changes at second reading. Mr. Branigin stated he will vote for the motion as it goes back to the original intent as this is easier for our officers, simpler, does address residential issues and the amendment is too restrictive. He supports the officers and will move forward. Ms. DeVetter thanked everyone who worked on the ordinance but does not think the amendment changes much. Mayor pro tem Brown confirmed the motion. Vote was unanimous to approve the motion, 6-0.

**First Reading, 2021-08, Chapter 26 - Fire Prevention and Protection. Monty Parks** made a motion to approve. **Nancy DeVetter** seconded. Vote was unanimous to approve, 6-0.

**First Reading, 2021-09, Chapter 30, Law Enforcement Monty Parks** made a motion to approve with the correction changing "peach officers " to "peace officers". **Nancy DeVetter** seconded. Vote was unanimous to approve, 6-0.

**First Reading, 2021-10, Sec II, Sec 6-14, Insurance Requirements and Safe Serve for all Alcohol Serving Licensees. John Branigin, Spec Hosti and Jay Burke recused.** Ms. DeVetter confirmed this is part of the Alcohol Section which has provisions which Mayor and Council can revoke a license if there is a violation(s). Mayor pro tem Brown asked the consequences if there is no insurance or Safe Serve Certifications. Mr. Hughes recommended

Mayor and Council have an effective date of January 1, 2022 so the requirement is handled during the renewal process. If they do not have the required insurance and Safe Serve Certifications they would not be issued a license. **Monty Parks** motion to approve with the effective date of January 1, 2022. **Barry Brown** seconded. Vote was unanimous to approve, 3-0.

**John Branigin, Spec Hosti, and Jay Burke returned to the meeting.**

**First Reading, 2021-11, Disaster Recovery, Emergency Management. Ms. DeVetter** made reference to the notes in the proposed ordinance. Mr. Hughes stated he communicated with Mayor and Council regarding the ordinance. Currently there are several Memorandums of Understanding, Intergovernmental Agreements and Mutual Aid Agreements that are built around the City having this particular ordinance. He continued, it is his recommendation the only change is the name which should be Emergency Management/Disaster Recovery. This is built around reimbursement from FEMA for expenses incurred due to an emergency. **Monty Parks** made a motion to approve with only changing the title. **Nancy DeVetter** seconded. Vote was unanimous to approve, 6-0.

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

**Bubba Hughes: Ante Litem Notice - Jacqueline Cason. Mr. Hughes** recommended Mayor and Council reject the Ante Litem Notice. **Monty Parks** made a motion to reject the Ante Litem Notice. **Barry Brown** seconded. Vote was unanimous to reject the Ante Litem Notice, 6-0.

**Dr. Gillen** made reference to the **Strategic Plan** that is in the packet before them. He would asked for a motion to approve the Strategic Plan and building the pending 2022 budget around the Plan. **John Branigin** made a motion to approve. **Monty Parks** seconded. Vote was unanimous to move approve and move forward, 6-0.

**Dr. Gillen** made reference to the **Action Item list** which is in the packet before them. He stated all updates have been made to the list and if there are questions to please let him know. **No action needed or taken.**

**Monty Parks** made a motion to adjourn to Executive Session to discuss litigation, real estate and personnel. **John Branigin** seconded. The vote was unanimous to approve, 6-0.

**Monty Parks** made a motion to return to regular session. **Barry Brown** seconded. Vote was unanimous to approve, 6-0.

**Monty Parks** made a motion to adjourn. **John Branigin** seconded. Vote was unanimous to approve, 6-0.

Meeting adjourned at 8:35PM.

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Janet R. LeViner, MMC  
Clerk