

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; 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, September 9, 2021
- Purchase new Garbage Truck and Budget Amendment
- Award of Construction of a new roof at the Tybee Arts Association Building. Mike Kenny Roofing Company, \$28,900
- Out of State Travel: Shawn Gillen, ASBPA National Coastal Conference, September 28 - October 1, 2021, New Orleans, LA

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

Opening Ceremonies

- Call to Order
- Invocation: Ken Williams
- Pledge of Allegiance

Consideration of Boards, Commissions and Committee Appointments

- June Johnson, Ethics Commission Application
- Harry Trout, Ethics Commission Application
- Ken Williams, Ethics Commission Application

Jan LeViner read the results of the vote by Mayor and Council (attached). Harry Trout received the majority of votes. **Monty Parks** made a motion to approve Harry Trout to the Ethics Commission. **Spec Hosti** seconded. Voting in favor were Nancy DeVetter, Monty Parks, John Branigin, Jay Burke and Spec Hosti. Voting against was Barry Brown. Motion to approve 5-1.

Tybee Island Ethics Commission

Charlie Barrow: Jay Burke Complaint/Council Action. **Mr. Barrow** approached Mayor and Council and stated the Ethics Commission did find there was a violation of the Ethics Code. The Code requires the violation go before Mayor and Council for action, if any. Mr. Hosti stated he is not in agreement with the findings of the Ethics Commission as he does not feel it was the intention of Mr. Burke to have financial gain. Mayor Session explained there are several options: (1) Mayor and Council adjourn to Executive Session for discussion and/or (2) discuss in public. Mayor pro tem Brown stated Mr. Burke did not profit as a result of his comments. **John Branigin** made a motion to adjourn to Executive Session. **Barry Brown** seconded. Voting in favor were John Branigin and Barry Brown. Those voting against were Nancy DeVetter, Monty Parks and Spec Hosti. Motion failed, 2-3. Monty Parks stated he is in favor of a public apology from Mr. Burke as to the findings of the Ethics Commission and also to Ms. Will. Ms. DeVetter expressed her support in the Ethics Commission as she feels there was a clear ethics violation. She stated she also feels it was not intentional. **Nancy DeVetter** made a motion to have Jay Burke publicly apologize in response to the findings of the Ethics Commission. **Monty Parks** seconded. **Discussion:** **John Branigin** stated from the standpoint that he believes Mr. Burke did not intend anything by his statement and unfortunate that he said what he did but did create the

perception. Mr. Branigin feels a simple apology is appropriate. Voting in favor were Nancy DeVetter, Monty Parks, John Branigin, and Barry Brown. Voting against was Spec Hosti. **Jay Burke** did not participate in the vote. Motion to have Mr. Burke apologize approved 4-1.

Jay Burke approached Mayor and Council. Mr. Burke apologized as he misspoke and is truly sorry that he misspoke. His concern was that the movie company needed to notify all the Tybee residents of the movie and family business. He continued, he did recuse himself from the vote and did not vote.

Charles Barrow thanked Mayor and Council.

Invited Guests

Cheryl Branch, Executive Director, Safe Shelter for Domestic Violence Services approached Mayor and Council. Ms. Branch gave a brief presentation regarding domestic violence instances in Chatham County. She stated they provided 57,407 meals and the Outreach Program assisted with 318 Protective Orders. Ms. Branch explained the two year after care program where they provide transitional apartments. They are visiting all municipalities to engage with law enforcement as they are first responders. She then announced the upcoming fund raiser, The Gala, which is scheduled in November 2021. Mayor Sessions thanked Ms. Branch for her presentation.

Citizens to be Heard:

David Baker approached Mayor and Council to speak to **Noise Ordinance and Documented Lack of Cooperation and Transparency by select City Staff**. Mr. Baker stated due to a documented lack of cooperation and transparency by select Staff over four (4) weeks regarding three (3) original questions he asked to be clarified and were not. This is unacceptable. This most recent time is certainly not the first documented time. He believes there is a wall of resistance that he has experienced and I hope no other full time resident faces in the future what could be reasonably perceive as a clearly unprofessional stonewalling and/or lack of transparency to repeatedly avoid providing specific accurate answers as respectively requested and not. He asked his handout be included in the record. Mayor Sessions thanked Mr. Baker.

Summey Orr approached Mayor and Council to address his **Tree Appeal**. Mr. Orr stated he is before Mayor and Council to ask their permission to take down a magnolia tree that is on his property. Documents are included in the packet this evening. Mr. Orr gave a brief update on the situation where the magnolia tree hovers over his neighbor's driveway and drops leaves and creates a mess. He agreed to take the tree down, applied for a permit and the permit was denied as the magnolia is a protected tree. He is willing to replace the tree with what Mayor and Council recommend.

Ryan Witterson and Steve Yetman approached Mayor and Council to speak to the **Movie, Girl from Plainfield**. Mr. Witterson stated it is their desire to film on October 6 – 7, 2021. They are in the process of notifying businesses on Tybrisa, Strand, and in the direct area of the proposed filming. With filming the parking lot and Tybrisa would be closed and turn the one way into a two way on 18th Street. Mr. Yetman approached Mayor and Council. He stated this is his fourth movie to film successfully on the Island.

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

Consideration of Local Requests & Applications – Funding, Special Events, Alcohol License

Commercial Film Production Application: Girl from Plainville, October 4 - 8, 2021. Dr. Gillen stated the application has been reviewed with Staff and is outside the scope of administrative approval. His concern is the closure of the parking lot and Strand Avenue all the way to 18th Street. Mayor Sessions asked Dr. Gillen if all the businesses have been contacted that are in that area? Dr. Gillen stated the movie company has either spoken with them or are in the process of reaching out. Mayor Sessions then asked Dr. Gillen is there is an additional fee for the use of the beach. Dr. Gillen responded no he has not received confirmation. Mr. Branigin expressed his concerns with “reaching out” and having an agreement to compensate those businesses for lost revenue is another topic. Mayor pro tem Brown agreed with Mr. Branigin and does not feel comfortable approving the permit at this point. Mr. Yetman approached Mayor and Council to respond to their concerns. He stated due to the DNR process as well as Chatham County he was not able to bring this request to Mayor and Council in a timely manner. Mr. Yetman asked for another week to gather the information from the business owners and residents in the area. Ms. DeVetter asked Mr. Yetman how many businesses they have contacted. Mr. Yetman stated they have identified the twenty three businesses and are in negotiations. After a short discussion regarding notification of businesses and residents, **Barry Brown** made a motion to table the approval process. **Spec Hosti** seconded. Vote was unanimous to approve, 6-0. **Discussion:** Mayor Sessions requested there be a change to the ordinance to ensure there is a fee for use of the beach during filming. This money would be earmarked for beach re-nourishment. Dr. Gillen confirmed. Mayor pro tem Brown stated when they have received all the agreements from the affected businesses and residents, there can be a Special City Council meeting to consider approval of the permit.

Consideration of Ordinances, Resolution

Second Reading 2021-27, Section 11-100, Article 11, Change to Planning Commission time and place. **George Shaw** approached Mayor and Council. He stated the proposed ordinance will change the time and location of the Planning Commission meetings to mirror City Council meetings. **Monty Parks** made a motion to approve. **Spec Hosti** seconded. Vote was unanimous to approve, 6-0.

Council, Officials and City Attorney Considerations and Comments

Barry Brown recommended Dr. Gillen instruct Code Enforcement Officers to stop giving **Warnings for Noise Ordinance Violations** and issue citations. In this way the three strike rule can be in effect. Mr. Branigin recommended Code Enforcement Officers be able to use their discretion in issuing warnings and citations. Mayor pro tem Brown agreed with Code Enforcement Officers giving warnings by using their discretion. Mr. Hosti recommended after three warnings are received, the property owner would receive a citation and in that way there would be accountability. Dr. Gillen explained the process of issuing a warning/citation in as much as the guest is given a warning, this is logged and complied at the end of the shift and reported to Mayor and Council the next day. Ms. DeVetter asked Dr. Gillen if the three (3) Strike Disorderly House Rule, does that require a citation and conviction or is a warning sufficient to be a strike. Dr. Gillen responded, unless it is an Administrative Citation, then it is an immediate strike.

Barry Brown asked Mr. Gulbranson if there have been updates on **Jaycee Park, Soccer Field**. Mr. Hosti stated he met with individuals that build soccer fields and they took a soil sample to do a compaction test to ensure the Park would be suitable for a soccer field. Mr. Gulbranson approached Mayor and Council. He stated he has not seen an estimate for the sports turf as of yet. Mayor pro tem Brown stated there are several options for the field and sports turf is just

one of them. Mr. Hosti stated the field could be rented out which would pay for the sports turf and maintenance of the field. Mr. Parks concurred.

George Shaw: Tree Permit Appeal. Mr. Shaw approached Mayor and Council and stated the petitioner applied for a tree removal application and after an inspection by the Arborist, the tree was found healthy and on the significant tree list as in the Ordinance. As removal of the tree does not come under the guidelines of the Ordinance, the permit was not issued. Mayor pro tem Brown asked Mr. Shaw what kind of replacement tree would have to be planted in the magnolias place. Mr. Shaw responded "one or more trees of like species of equal or greater size". **Spec Hosti** made a motion to approve the appeal. **Monty Parks** seconded. **Discussion: Mr. Parks** recommended replacing the tree with a pine tree. Ms. DeVetter recommended a revised ordinance be sent to the Planning Commission for their recommendations regarding like trees and mitigation. Mr. Shaw asked for clarification for Staff and asked the motion include the petitioner can replace the magnolia with a tree from the significant tree list. Mr. Hosti confirmed. Mr. Hosti restated his motion: Approve the appeal and with the understanding the replacement tree will be taken from the list of significant tree list. **Monty Parks** accepted his motion. Voting in favor were Nancy DeVetter, Monty Parks, Barry Brown, Jay Burke and Spec Hosti. Voting against was John Branigin. Vote to approve, 5-1.

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

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

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

Meeting adjourned at 9:10PM.

Janet R. LeViner, MMC
Clerk