

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, August 26, 2021 City Council Meeting to include Resolution, 2021-06
- Resolution: Assistant/Acting City Attorney Tracy O'Connell
- Goodwyn, Mills and Cawood (GMC), Inc. Assignment of Existing Contracts

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

Mayor Session read a Proclamation in honor of the anniversary of **9/11**.

Invited Guests

Sarah Jones and Jesse Petrea approached Mayor and Council to **Announce the Winning Tybee Lighthouse License Plate Design**. Representative Petrea stated this is a result of HB 203 for a license plate with the Tybee Lighthouse. In order to create a Bill to pass a license plate, there needs to be sufficient interest with a minimum standard of 1,000 at \$25.00 each. He asked everyone, state wide, to please purchase the license plate in support of the Tybee Island Lighthouse as this will be a continuous revenue source for the Lighthouse.

Alan Robertson approached Mayor and Council to give an update on the **SPA Permit to authorize crosswalk benches**. Mr. Robertson stated his report is included in the packet before them this evening. He is recommending the City apply for a SPA Permit to cover all of the crossovers and the pavilions including benches that are on the beach at this point. Mr. Robertson feels the Department of Natural Resources (DNR) will look kindly on the permit as it cleans up old history. He feels the City would be able to rebuild the benches that were removed and they will not be at the seaward end as the goal for the City and DNR is to protect the integrity of the most seaward dune. The benches would be placed 100' landward of the most seaward dune and the City has some flexibility. His recommendation is the City move forward and to have public meetings for input from the residents. The DNR has requested we use their assistance to develop our ordinances regarding private crossovers as they have best practices and model ordinances. If there are no delays in the permitting process, the seven (7) crossovers benches would be replaced and in place by next season. Mayor Sessions gave a brief history of the crossover benches. Mr. Robertson stated the DNR is opposed to replacing the swings as they are considered harmful to the turtle habitat. Ms. DeVetter stated this is a good compromise and thanked Mr. Robertson for all his hard work. **Monty Parks** made a motion to proceed with the SPA Permit process. **Nancy DeVetter** seconded. Vote was unanimous to approve, 6-0.

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

Keith Gay approached Mayor and Council to speak to the **STVR Registration Fees**. Mr. Gay stated his concerns with the proposed ordinance are it is unenforceable as it opens the door for misuse and abuse and could short change the City regarding revenue. His preference would be a flat rate or per bedroom which could be quantified by Chatham County records. Mr. Gay then expressed his concerns with the parking issues as related to STVR's. He supports quality control parking but for City wide parking. Mayor Sessions thanked Mr. Gay for his comments.

Mack Kitchens approached Mayor and Council stating Mr. Gay is not a resident of Tybee Island. Mayor Sessions responded Mr. Gay does live in Spanish Hammock but his business is within the City limits of Tybee Island.

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

Public Hearings

Text Amendment: Amendment to Sec. 3-250 Private Parking lots – Charles R. Cole.

George Shaw approached Mayor and Council. Mr. Shaw stated the current ordinance does not allow for any additional private parking lots in residential districts. Mr. Cole would like to have one and brought the text amendment forward. The change would allow residents who own an empty lot adjacent to an existing City parking lot to apply for a parking lot permit. Mr. Shaw continued, if approved this would not allow for the parking lot, only allow Mr. Cole to apply for a private parking lot. Planning Commission recommended approval unanimously. **Charles Cole** approached Mayor and Council stating he has a property that is unique and would help with the overflow from the North Beach Parking Lot. Mayor Sessions thanked Mr. Cole for his comments.

Marianne Bramble approached Mayor and Council. Ms. Bramble stated she currently is the owner of a private parking lot in a residential area and is in favor of the proposed Text Amendment. She would also like Mayor and Council to consider extending the days the private parking lots can operate. **Barry Brown** made a motion to deny. **Nancy DeVetter** seconded. Those voting in favor to deny were Barry Brown, Nancy DeVetter, and Monty Parks. Those voting against were John Branigin, Jay Burke and Spec Hosti. Mayor Sessions voting to deny. Motion to deny, 4-3.

Variance: Requesting to build in front setback – 12 Tenth Place – 40003 17003 – R-2 – Jeffrey Kole.

George Shaw approached Mayor and Council. Mr. Shaw stated Mr. Kole has a residence on 10th Place and would like to enlarge their existing porch. Staff recommends denial and the Planning Commission recommended approval, 3-2. **Josh Yellen**, representing the property owners, approached Mayor and Council. He quoted from the Land Development Code to support their request. He feels the variance is not required as they already encroach into to the setback. LeAnne Kole approached Mayor and Council to request Mayor and Council approve their request. Ms. Kole confirmed with Ms. DeVetter their intention is just to add on to the porch and nothing more. Jeff Kole approached Mayor and Council. Mr. Kole confirmed his management company does not manage properties on Tybee but did at one time manage properties in Savannah and other cities. Mr. Branigin stated he is favor of this request. **Barry Brown** made a motion to approve. **Spec Hosti** seconded. Voting in favor to approve were Monty Parks, John Branigin, Barry Brown, Jay Burke and Spec Hosti. Voting against was Nancy DeVetter. Motion to approve, 5-1.

Text Amendment: Sec. 11-100.-Meetings (A) change time and location for Planning Commission meetings.

George Shaw approached Mayor and Council. He explained the Planning Commission expressed an interest to mirror City Council meetings beginning at 6:30PM. Mr. Shaw stated the proposed Text Amendment is to change the time from 7:00PM to 6:30PM

and to state the meetings will be held at the Public Safety Building. **Spec Hosti** made a motion to approve. **Monty Parks** seconded. Vote was unanimous to approve, 6-0.

Consideration of Bids, Contracts, Agreements and Expenditures

Budget Amendment: Fire Department Salaries to HR to cover travel costs for Chief candidates. **Dr. Gillen** explained the funds the City are using for recruitment of candidates, Fire Chief, need to be put in the HR line items. **John Branigin** made a motion to approve. **Monty Parks** seconded. Voting in favor were Nancy DeVetter, Monty Parks, John Branigin, Barry Brown and Jay Burke. Voting against was Spec Hosti. Motion to approve, 5-1.

Consideration of Ordinances, Resolution

Second Reading, 2021-23, STVR Occupancy Rate. **Jay Burke** recused. **Dr. Gillen** stated enforcement will be done through cross referencing the application and advertising of the property. **Monty Parks** made a motion to approve. **John Branigin** seconded. Voting in favor were Nancy DeVetter, John Branigin, Monty Parks, and Barry Brown. Voting against was Spec Hosti. Vote to approve, 4-1.

Second Reading, 2021-24, Motorized Carts. **Jay Burke** recused. **Dr. Gillen** explained the proposed ordinance as this is now an annual inspection of the golf carts. **Spec Hosti** made a motion to approve. **Monty Parks** seconded. Voting was unanimous to approve, 5-0.

Second Reading, 2021-26, Regulatory Fees for Alcohol Licenses. **Jay Burke, John Branigin and Spec Hosti** recused. **Monty Parks** made a motion to approve. **Nancy DeVetter** seconded. Vote was unanimous to approve, 3-0.

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

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 9:45PM

Janet R. LeViner, MMC
Clerk