

## City Council Minutes, Emergency Meeting, March 30, 2020

Mayor Sessions called the Emergency Meeting to order at 3:30PM. Those attending by telephone were Jay Burke, Monty Parks, John Branigin, Barry Brown, Nancy DeVetter and Spec Hosti. Also attending via telephone were Shawn Gillen, City Manager; Bubba Hughes, City Attorney; and Jan LeViner, City Clerk.

### **COVID-19 Proposed Ordinance**

**Mayor Sessions** opened the meeting with a statement explaining Mayor and Council, City Attorney, City Manager and Clerk of Council are on the conference call and thanked everyone for calling in. The purpose of the meeting is to define and create one clear ordinance that addresses everything Mayor and Council have done. This is a Declaration of a State of Emergency arising due to the COVID-19 and an ordinance taking immediate emergency measures and ratifying previous orders, directives and declarations. The proposed ordinance will also address new actions Mayor and Council are taking. Mayor Sessions stated she has received confirmation from the Health Department there is an official positive case of the COVID-19 on Tybee. It is a resident and they are in isolation with their family. She then thanked all the businesses and residents on Tybee for working with Mayor and Council. She then asked Mr. Hughes to go through each section of the proposed ordinance.

**Mr. Hughes** stated Sec 1 is basically the “Whereas” clauses and stated what Mayor and Council are working from is the version that was posted in the agenda which is not the latest revised version. Mayor Sessions stated once Mayor and Council have finish and all input is received, Mr. Hugh will prepare a revised ordinance and it will be posted to the website and Facebook.

### **Sec 2**

**Mr. Hughes** stated this section which was previously done as a Declaration by the order of the Mayor pursuant to State Law and the City Statute on emergency actions, which formalizes and ratifies actions previously done and/or is previously entered. It also states this will remain in place through midnight, April 30, 2020 to be consistence with what the President has done and will be able to be extended or cancelled by further action of the Mayor and Council.

### **Sec 3, City Council and Rules**

**Mr. Hughes** stated he did a comment regarding sub-paragraph “b” which dealt with limiting actions Mayor and Council are taking during this time as to emergency matters and he believes Mayor and Council will comply, as fully as possible, with the Open Meetings/Records Act to be as transparent as possible (sub-section “a”).

- Sub (b): Mr. Hughes stated it might not be appropriate to defer all policy making functions but to put on hold while the ordinance is in effect. He believes Mayor and Council will need to address issues as they arise. This does defer zoning actions, plats, and various land use decisions for the time being and non-essential items for Mayor and Council to address. Contract and budgeting in fiscal operations continue in the normal course.
- Sub (f): Mr. Hughes stated this adds to the ordinance the suspension of the rule and tradition of requiring two readings for an ordinance to be effective.

### **Discussions of Council:**

- **Nancy DeVetter** stated she is in favor of Mayor and Council conducting business and policy making. She would also like to add in sub-section (a) the public access to meetings by using technology that is available.
- **Spec Hosti** stated he is favor of conducting meeting via audio and where possible, video.

### **Sec 4, Public Gatherings on City Property**

**Mayor Sessions** stated they have more details with changes/additions and this section as well as others are cross referenced with Section 14. Mr. Hughes stated as long as the beach and limitations are included, Mayor and Council have already addressed “public gatherings”.

### **Sec 5, Utility Services**

**Mayor Sessions** stated this section is also cross referenced in Section 14 and to reiterate the City will not disconnect any utilities due to non-payment. At the conclusion of the Emergency Declaration, residents will have 30 days to make payment(s) before services are disconnected.

### **Sec 6, City Services**

**Mayor Sessions** stated this section applies to permitting for the City Manager to do things that need to be done in an emergency situation. Mr. Hughes stated until April 30, 2020 the City Manager will be given discretionary authority to act when he deems necessary or in the best interest of the City to do so. He will make Mayor and Council aware of instances when this happens. Mr. Hughes made reference to sub-section (d) as this is the most critical section. He continued, this sub-section allows the City Manager to spend and contract for non-budgeted sums and services as he needs in order to meet the needs of the government and services of the City until the end of the ordinance. He added the Procurement Policy will end per the proposed ordinance and this is for emergency purchases only. Mr. Hughes recommended Mayor and Council provide the City Manager this authority.

### **Discussions of Council:**

- **Mayor pro tem Brown** stated if the City Manager is given the authority for emergency spending, he should advise Mayor and Council prior to the expenditure.
- **Nancy DeVetter** asked Dr. Gillen if the City is continuing to do construction, inspections and issue permits for construction during this time. Dr. Gillen responded in the affirmative. Ms. DeVetter asked Dr. Gillen is the maintenance of City buildings such as bathrooms and if they will remain open. Dr. Gillen stated the public restrooms have been closed and DPW will be do maintenance work on City buildings as time is permitted.
- **Spec Hosti** recommended Mayor and Council put a spending limit on the City Manager. Mayor Sessions asked Dr. Gillen what types of purchases he has made at this point. Dr. Gillen stated he has not purchased anything that has not been budgeted to date. He will make Mayor and Council aware of entering into any contracts prior to finalizing. Mayor Sessions recommended a spending limit of \$30,000 and asked Council their thoughts. Mayor pro tem Brown stated he would

like Dr. Gillen to make Mayor and Council aware of any purchases prior to them being made so everyone is aware. Dr. Gillen confirmed. Mr. Hughes confirmed and will add to the proposed ordinance.

- **Nancy DeVetter** recommended keeping the public restrooms open at this time. Mayor Sessions stated the parks and playgrounds are closed so therefore the bathrooms have been closed. Dr. Gillen confirmed that public bathrooms at north beach will be closed. Mayor pro tem Brown recommended the public bathrooms be kept open. Mr. Branigin stated Mayor and Council are encouraging residents to stay home but yet keeping the public restrooms open is sending a mixed message. He also feels the bathrooms cannot be disinfected enough to ensure the public is safe. Monty Parks stated he is in agreement with Mr. Branigin as the City is sending a mixed message if they are kept open. Mr. Burke stated he is in support of the group in closing the bathrooms. Mayor Sessions stated it is the consensus of Council to close the public bathrooms which will encourage people to stay home. The City does not currently have the resources to keep them cleaned as often as they should be.
- **Spec Hosti** expressed his concerns with Alley Three as it is open to kayakers. Dr. Gillen stated with the new Resolution, Mr. Hughes has included language stating businesses off Island who are coming to the Island renting kayaks cannot continue. Chief Bryson confirmed all the County boat ramps are currently open.

### **Sec 7, Tolling of Deadlines**

**Mr. Hughes** stated this is a stand still provision regarding occupational taxes. This is also cross referenced in Sec 14. He is recommending Sec 7 be deleted.

### **Sec 8, Eating Establishments**

**Mr. Hughes** explained Mayor and Council have already put restrictions in place as it take-out and to-go orders only. Mayor Sessions confirmed the reference to selling unopened bottles or cans of beer or wine be stricken. Mr. Hughes recommended Sec 8 be deleted as well. Mr. Branigin recommended language be changed to include “not allowing on premises consumption”. Mr. Hughes concurred as there is no consumption on premises no matter what time of day.

### **Discussion from Council:**

- **Nancy DeVetter** recommended keeping Sec 8 intact as the section can be clarified as to on premises eating to include the selling of unopened beer and wine. This will aid the restaurants with revenue. Mr. Hughes expressed his concerns with the selling of alcohol as to the type of license the establishment might have. Mr. Hughes reminded Mayor and Council they invoked the consumption of alcohol in public with the previous Declaration.
- **Monty Parks** stated it is his understanding Mayor and Council are authorizing beer and wine stores but he feels as long as Mayor and Council have an end date of April 30, 2020 it becomes more of a waiver than an authorization for a license.
- **Council is in agreement with Sec 8. Mr. Hughes** confirmed Sec 8 remain with the recommendation from Ms. DeVetter patrons can purchase unopened beer and wine. He will also clarify references made to decks etc.

## **Sec 9, Closure of Certain Businesses**

**Mr. Hughes** stated Mayor and Council have already outlined essential businesses and identified non-essential businesses and feels this section is duplicate to Sec 14.

### **Discussion by Council:**

- **Mayor Sessions** asked if repair shops for bicycles would be considered essential. Mr. Hughes stated there are provisions that include bicycle repairs as essential businesses. The City does not want to prohibit anything the State law says we cannot prohibit. Per the proposed ordinance you may not rent bicycles or golf carts but they can be maintained as they are considered modes of transportation.
- **Nancy DeVetter** would like the section left in as it further clarifies the previous version of the Declaration of Emergency. She also recommended including car repair as an essential business.
- **Monty Parks** recommended including HVAC repairs as essential. Ms. DeVetter also asked that essential repair language be included in the proposed ordinance.
- **Mayor pro tem Brown** asked for clarification for “to-go orders”. Mr. Hughes stated you must leave the premises once you get your food. If you choose to have an open container on City property you are subject to potential fines.
- **Jay Burke** asked for clarification if the Praline Candy Shop would be considered a “to-go” only establishment. Mr. Hughes confirmed as long as it is food items.
- **Bubba Hughes** stated he will modify the section and circulate for Mayor and Council’s approval.
- **Nancy DeVetter** made reference to Huc-a-poo’s as they have moved their picnic tables into the parking lot and allowing people to congregate. She asked if that is considered eating off premises. Mr. Hughes asked Dr. Gillen to forward the revised letter going to the business regarding on premises eating. He continued he did not feel Huc-a-poo’s could use the parking lot as a location for patrons to sit and eat. Mr. Hosti stated the parking lot is part of the entire property at Tybee Oaks. Mr. Branigin stated he contacted the owner of the property and explained to him what was happening and asked him to intervene. He feels the owner of Huc-a-poo’s is trying to intentionally circumvent the on-premises prohibition. Mr. Hughes confirmed.

## **Sec 10, Personal Distance and Sec 11, Gatherings**

**Mr. Hughes** stated due to Sections 14 and 11, this section may not be necessary as the distance did not originate with the City but with the President and the Governor. He feels Mayor and Council cannot authorize individuals to be closer than six (6) feet. Mayor Sessions stated Section 14 addresses existing prior Declarations and Directives and Amendments. This will eliminate Sections 10 and 11. Mayor Sessions confirmed they would be deleted as the requirements are addressed in Section 14.

### **Discussion by Council:**

- **Nancy DeVetter** stated she has been contacted by residents concerning house parties and large gatherings in private homes. She asked Mr. Hughes if there are any State or other ordinances address those concerns. Mr. Hughes stated, gatherings of ten are prohibited on public property with the City’s existing ordinances but not prohibited at private residences. He can add language to the

stay-at-home provision as this will prevent the transmission of a communicative disease. Enforcement could be a problem.

### **Sec 12, Emergency Interim Successor to Manager/Administrator**

**Mr. Hughes** asked Dr. Gillen if he were to fall ill, who the successor would be. Dr. Gillen confirmed it would be George Shaw, Assistant City Manager. Mr. Hughes confirmed if Mr. Shaw were to become ill, the Mayor would be the next in line. Dr. Gillen confirmed.

### **Sec 13, Procurement**

**Mr. Hughes** stated this is in place for only 30 days and feels it is adequate as written. Mayor and Council confirmed.

### **Sec 14, Existing and Prior Declarations and Directives and Amendments thereto**

**Mr. Hughes** stated Section 14 is the section that is going to basically incorporate everything that Mayor and Council have done with the exception of the next to last bullet point which has items that are considered non-essential businesses that provide “kayaks, canoes and other watercrafts” are now included. It does not include hardware, plumbing and building materials or other businesses that are described as non-essential. He continued is now addresses businesses that are not located on Tybee Island which are delivery products or services that are non-essential.

### **Discussions from Council:**

- **Spec Hosti** asked for clarification of a non-essential items such as a kayak. Mr. Hughes confirmed.
- **Nancy DeVetter** asked if the grace period for fees and charges for occupational taxes and business taxes, that includes liquor tax. Mr. Hughes stated no. She then asked Dr. Gillen if the City is processing those payments. Dr. Gillen confirmed but the late will not be collected.

### **Sec 15, Stay at Home/Shelter at Home**

**Mr. Hughes** stated the Stay at Home and Shelter at Home are two different concepts. He confirmed with Mayor and Council it is their desire to have a “stay at home” than a “shelter at home” but this encourages residents to stay at home. They can go outside but need to exercise social distancing and can only leave their homes for essential activities, essential government functions or assist in the operation of an essential business. This includes work off Island. Mr. Hughes made reference to sub-section (c) outlining what can be done outside the residence. He stated this will be an essential activity, as long as they comply with social distancing requirement, to include walking, running and other forms of exercise. Mr. Hughes made reference to individuals riding in their personally owned golf carts and asked Mayor and Council their recommendations if they are just riding around and not going to get essential items. It was the consensus of Mayor and Council to allow residents to ride in their personal golf carts as there is no way to know if they are going to purchase essential items or just riding around for fresh air. Mr. Hughes discussed the inclusion of non-essential businesses such as charter boat tours, boat tours and dolphin tours as they must stop and he would recommend they be added to the non-essential businesses.

### **Discussions of Council**

- **Mayor pro tem Brown** confirmed as he does not think the tours will run due to the lack of business. He stated he has not seen a tour boat leave the dock recently.
- **Monty Parks** agreed that those businesses should be listed as non-essential. He also recommended Jet Ski rentals should be included as non-essential businesses.

**Mr. Hughes** addressed Short Term Vacation Rentals (STVRs). He stated some of the STVRs on the Island have already ceased taking new reservations until April 30, 2020. There are current visitors presently on the Island and those who have made reservations for after today, March 30, 2020.

### **Discussions from Council**

- **Mayor pro tem Brown** expressed his concerns with those who own STVRs and live out of state as they might have family or friends come to stay in them. These owners might be coming from “hot-spots” and could infect residents.
- **Mayor Sessions** stated Mayor and Council need to keep in mind there are residents on the Island who leave the Island to go on vacation who now are returning and may be housing their families who might be coming from those areas. This will become a matter of enforcement and that is what is before Mayor and Council currently. Mayor Sessions explained that six of the management companies on the Island had a conference call and as a result of that call, sent Mayor and Council information regarding their new procedures as related to reservations. The management companies are cancelling reservations and not taking new reservations beginning Monday, March 30<sup>th</sup> through April 30<sup>th</sup> and will actively encourage out of town guest to abide by any mandates put forth by government officials.
- **Monty Parks** stated he is in favor of this. Mr. Parks expressed his concerns that Tybee Island does not have the support of Chatham County or the State of Georgia in what Mayor and Council are doing. He stated, through his research, he has not found other examples of where similar cities are doing what Tybee Island is doing. He is also concerned about enforcement. Mayor Sessions clarified that Mr. Parks is in favor of prohibiting all new STVRs, hotel/motel reservations except for first responders or other public safety personnel in need of shelter. Mr. Parks confirmed and added he is in agreement of exceptions listed. As an example, if a person owns a STVR and they allow friends or family from out of state to shelter on the property, not as a rental, but as a family or friends.
- **Bubba Hughes** asked if it is the intention of Mayor and Council for those that are currently in STVRs or hotels/motels be evicted. He does not feel this is a good idea. He recommends that those who currently have reservations and have not yet arrived should not be stopped from coming. Per the management companies, many of their guests have cancelled their upcoming visits. Mr. Hughes also recommended the City not get in the middle of existing contracts between management companies and their guests.

- **Nancy DeVetter** thanked Mr. Hughes for his comments but disagreed with him. It is her recommendation that there are no new reservations and all existing reservations be cancelled with refunds if not rescheduled within a year. Ms. DeVetter stated she does not believe the STVRs and hotel/motels are essential businesses and need to be treated as such.
- **Monty Parks** expressed his concerns with enforcement in shutting down the STVR's.
- **Nancy DeVetter** stated enforcement would need to be discussed. She feels Mayor and Council need to set an example of what the best thing for our community is.
- **Bubba Hughes** stated not all the management companies are in agreement with each other. It is his understanding, Mayor and Council agree STVRs may not take any new reservations from this date until April 30, 2020. The second category is those who are currently on the Island, under rental agreements, STVR, and in his opinion, long term rentals are excluded if their lease is longer than thirty days. He continued, the next group are those who are on the Island under the terms of a STVR as the City has no method of identifying those individuals requiring them to leave the Island. Mr. Hughes polled Mayor and Council as to their intent to evicting STVR's if so he will have someone research the laws. He stated the other category are those who have contracts and still want to come and stay for Easter example. This would be easier to address than those who are already on the Island in STVRs.
- **Jay Burke** stated it is his thought to shut the STVRs down as far as people that are not already in place. He recommended stopping people from coming to the Island as they may be coming from "hot spots" and having the management companies offer refunds.
- **Mayor pro tem Brown** stated he agrees with Mr. Burke regarding not allowing new check-ins. He share his concerns with those who are already on Island and what can be done with those individuals.
- **Monty Parks** stated he is concerned with the lack of support from the county and state unlike that of a hurricane situation. He wants to respect the rights of people under the Constitution and would like legal back-up as to enforcement of having STVRs vacate the Island.
- **Nancy DeVetter** recommended putting the responsibility of enforcement on the owners of the STVRs. Mr. Parks stated he is favor of what is in front of Mayor and Council but have concerns with enforcement. Mr. Hughes stated he concerns with enforcement as there is not sufficient staff to handle not only the telephone calls but actually going to the locations. Dr. Gillen confirmed that TIPD is not equipped for enforcement of having those in STVRs having to vacate.
- **Mayor Sessions** made reference to the policy Edisto Beach has in place, as they have established a check point coming into their community. She stated they have followed the same pattern as Foley Beach by not shutting down STVRs.
- **Bubba Hughes** stated Mayor and Council could make recommendations to the management companies, STVRs, suggesting cancellation to their incoming guests. Mr. Hosti concurred with Mr. Hughes. Mr. Parks as well confirmed with no new rentals. Ms. DeVetter concurred as well with no new reservations for STVRs. She would also recommend no new check-ins for existing reservations for not only STVRs but hotels and motels as well. Mayor Sessions confirmed the consensus is

no new reservations and no new check-ins and ask STVRs and hotels and motels to offer refunds if guests do not want to reschedule within a year. Mayor pro tem Brown agrees with no new check-ins until April 30, 2020. Mr. Branigin concurs with no new check-ins until after April 30, 2020 as a request only until Mr. Hughes can bring legal ground to require no new check-ins and regarding evictions he does not agree. Mr. Hosti asked Mr. Hughes to craft language on how to move forward and bring back to Mayor and Council for approval. Mr. Hughes stated it is his understanding it is the will of Mayor and Council (1) existing occupied STVRs, no action; (2) no future rentals until after April 30, 2020; (3) recommend that all STVRs owners and operators suggest guests scheduled between now and April 30, 2020 cancel and offer to provide a refund if they do not reschedule within twelve months of April 30, 2020 and (4) no new check-ins. If he can find legal language otherwise, he will bring to Mayor and Council. Mayor and Council concurred. There was a brief discussions regarding hotels and motels. It was Mr. Hughes recommendation they have the same approach as the STVRs. It was further agreed that lodging is lodging and the same approach should apply to River's End Campground as well. Mr. Hughes stated he will have a document for Mayor and Council outlining the discussion.

**Bubba Hughes** stated the other matter was **Construction**. Mayor pro tem Brown recused from the discussion. Mr. Hughes stated the Marine Science Center is approximately 99% completed and if the construction is halted there will be unnecessary costs to the project. He recommended the construction on the Marine Science Center not be interrupted. Mr. Hughes explained his concerns with stopping construction on the Island as it might affect resident's construction loans. Mr. Hosti recommended not halting construction and ask the crews limit their activity on the Island. It was the consensus that construction would be allowed to continue on the Island. Ms. DeVetter did not agree as she feels this is not considers essential business and continue to put residents at risk. She recommended not stopping such as the Marine Science Center, North Beach Bar and Grill and Royal Palms as these locations are in the midst of construction. Dr. Gillen recommended a course of action would be to not allow permitting of new construction. A discussion ensued regarding permitting for repairs of residences or business locations. It was agreed that those would be allowed. Mr. Parks confirmed. Mr. Hughes outlined the recommendations of Mayor and Council: (1) no new construction permits except for necessary maintenance, repairs, and HVAC and (2) permits previously issued can continue. **Mayor pro tem Brown returned to the meeting.**

**Mayor Sessions** stated there are approximately 400 people listening to the City Council meeting and thanked them for caring to attend. She encouraged everyone to take part in the 2020 Census.

**Spec Hosti** asked Mr. Hughes if there would be a vote today. Mr. Hughes responded it can be done two ways: (1) vote on each one individually or (2) schedule another meeting after he has incorporated Mayor and Councils recommendations. He continued, the beach is still closed; restaurants still must do to-go orders only and leave the premises; no alcohol consumption on City property; and bars are closed as this all remains in place.

**Spec Hosti** made a motion to ratify prior actions, orders, and directives previously taken and continue in force through midnight, April 30, 2020. **Nancy DeVetter** seconded. Vote was unanimous to approve, 6-0.

**Spec Hosti** made a motion to move forward with stay at home directive except for essential activities such as biking, exercising, walking, grocery shopping, and carry-out dining. **Monty Parks** seconded. Vote was unanimous to approve, 6-0.

**Monty Parks** made a motion to clarify non-essential business to include as non-essential: all charter and tour boats, dolphin tours and Jet Ski rentals. **Spec Hosti** seconded. Vote was unanimous to approve.

**Mr. Hughes** to bring language to the next Special Meeting, April 2, 2020 regarding STVR's and Hotel/Motels. Also ordinance drafts on construction and permitting matters.

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

Meeting adjourned at 6:45PM

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Jan LeViner, CMC  
City Clerk