

Consideration of Items for Consent Agenda

Mayor Buelterman called the consent agenda to order at 6:30PM on April 25, 2019. Those present were Julie Livingston, Monty Parks, John Branigin, Wanda Doyle, Barry Brown, and Shirley Sessions. Also attending were Dr. Shawn Gillen, City Manager; Bubba Hughes, City Attorney; George Shaw, Director, Community Development; and Janet LeViner, Clerk of Council.

Mayor pro tem Brown listed the following items on the consent agenda:

- Minutes, April 11, 2019
- Minutes, Special Meeting, April 17, 2019
- Agenda Request: Alcohol License: Liquor/Beer/Wine/Sunday Sales-Tybee RE Operating Company LLC dba Hotel Tybee
- Cintas Uniform Contract **Discussion:** Approval subject to modifications so as to be consistent with Georgia Law
- Agreement, 4-H Facility, Tybee Island Youth Council
- Georgia Power Company Distributed Generation Agreement
- Falcon Contract, Fireworks
- The Agreement (2019 Accredited Member Sublicense Form_GA_from NMSC) is attached for the Mayor to sign. The signed agreement should be returned to Jessica Reynolds at DCA-ODD. Once all parties have signed, an executed copy will be sent to all.
- Approval to hire a seasonal employee - Finance Department for May through August 2019. Line Item 100-1512-51.1100
- Approve moving forward with contract with Momentum Telecom, new telephone system, Line Item 100-1535-52-1300 **Discussion:** Approval subject to modifications so as to be consistent with Georgia Law. It is the consensus of Council there be a receptionist or someone to answer the incoming calls rather than an auto-attendant.
- Second Amendment to Non-Exclusive Intergovernmental Mineral License - Re-nourishment Project
- 3-Way Stops for Approval. Seeking council approval for a 3-Way Stop at North Campbell and Van Horn and a 3-Way Stop at Meddin and Cedarwood. **Discussion: Dr. Gillen** stated this was discussed at the recent Public Safety Committee meeting where it was recommended these two intersections have 3-way stops signs. This will assist in the traffic flow on the north-end of the Island. He stated there was a public meeting recently on traffic flow on the north-end of the Island and the consensus of the public confirmed the placement of the two stop signs. Two speed bumps have also been installed at the intersection of Meddin and Taylor for traffic calming.

Jan LeViner, Clerk, stated the Tybee Island Youth Council would be conducting a portion of the City Council meeting tonight. They would be conducting the Opening Ceremonies and introduce the newly formed Tybee Island Youth Ambassadors. They in turn will collectively vote on three projects going forward. Updates will be given by numerous members of the Council.

President Trey Travaille, Tybee Island Youth Council, called the meeting to order at 7:00PM.

Opening Ceremonies

- Presentation of Colors and Pledge of Allegiance – Tybee Island Youth Council
- Invocation – Tybee Island Youth Council
- Announcements – Tybee Island Youth Council

Haley Hill, Assistant Director, Tybee Island Youth Council approached the podium. Ms. Hill, on behalf of the Tybee Island Youth Council, expressed their appreciation for letting them take part in the meeting this evening. She stated we have all watched the Council as they have grown from 4th graders to some now in 9th grade. As part of Georgia Cities Week, the City is now recognizing the youth of our Island. As a community we should take great pride with all the energy and effort that each one of the Youth Council put into the tasks they do every day. Ms. Hill said, she is. She thanked the Council and Community for their continued support.

Chloe Flynn, Liaison, approached to podium to give an update on the Youth Council's pass projects as well as future.

Sam LeCates, Ava Thomas and Hudson Martin-Bazemore presented the members of the newly formed Youth Ambassadors. They in turn presented their individual ideas for Tybee Island. These included visiting the nursing home, planting trees, Fresh Air Home, Second Harvest and Sally Pearce Nature Trail. After the vote was tabulated it was agreed they would focus on the Fresh Air Home, Nature Trail and planting trees. **President Travaille** thanked the Ambassadors.

Wanda Doyle approached the Youth Council. Ms. Doyle thanked the entire Youth Council for their ideas and accomplishments. She also commended Ms. Flynn for her presentation of the Fresh Air Home as well as the other Ambassadors presentations. Ms. Doyle offered assistance if they needed it.

President Travaille asked Mayor Buelterman to come forward. He then presented Mayor Buelterman the gavel. **Mayor Buelterman and Council members returned to the dais.**

Mayor Buelterman called the regular meeting to order at 7:30PM. All those present for the consent agenda were present.

Dr. Gillen spoke to the recent drowning and what additional safety precautions will be put in place. He commended Ocean Rescue, MRS, Chatham County, DNR, and the Tybee Island Coast Guard in their recovery efforts. Additional resources will be placed on the beach to include personnel and equipment during the critical tide changes.

Wanda Doyle gave a brief update on the activities during Georgia Cities Week. Monday, a reception for the Volunteers on City appointed committees; Tuesday, a beach sweep; Wednesday, Employee Appreciation Luncheon; and tonight the Tybee Island Youth Council. Mayor Buelterman thanked Ms. Doyle, Ms. Sessions, Ms. Elliott and Ms. LeViner for all there help during the Volunteer reception and Employee Picnic.

Reports of Staff, Boards

Sam LeCates, Mentor, Tybee Island Youth Council Ambassadors, approached to present three ideas for the Ambassadors. Mayor Buelterman thanked Mr. LeCates for his work with the Youth Council.

Martha Harrell approached Mayor and Council to give an update on **Historic Preservation Commission**. Ms. Harrell thanked Mayor and Council for her appointment to the Commission and also for their continued support with preserving Tybee's history. She stated this year the Commission will be focusing on strengthening the Demolition Ordinance for all of Tybee's historic buildings. They will also be developing a brochure on all the historic buildings and

districts on Tybee. Ms. Harrell again thanked Mayor and Council for their continued support in preserving Tybee's past. Mayor Buelterman thanked Ms. Harrell for all her work.

Citizens to be Heard.

Carolyn Jurick approached Mayor and Council to introduce Mr. Peter Ulrich, incoming Principal, **Tybee Island Maritime Academy**. Mr. Ulrich will assume the position of Principal as Mr. Rossiter is retiring. Mr. Ulrich thanked Mayor and Council for the warm welcome and is looking forward to working with them. Mayor Buelterman congratulated Mr. Ulrich.

Jack Boylston, thanked Mayor and Council for the opportunity to continue to have the **Beach Bum Parades**. This will be the 33rd anniversary of the parade and he hopes it will continue for years to come. Mr. Boylston stated the parade is May 17, 2019 and will stage at North Beach Parking Lot. He invited everyone to the Coronation on May 8, 2019 at the Deck. Mr. Boylston stated the parade has grown to the point where they can give back to the community and in the last three years they have been able to give even more. In appreciation to the staff of the Department of Public Works and the Tybee Island Police Department, Mr. Boylston presented a plaque to a representative from each department. He then presented a check to Mayor Buelterman in the amount of \$1,500 to go toward the purchase of a handicap beach wheel chair. In addition to this donation they will be making another donation to a citizen of the Island as they are going through a very rough time. Mayor Buelterman thanked Mr. Boylston and his committee for all their hard work.

Jenny Rutherford, approached Mayor and Council to address **Beach Equipment Rental Policies**. Ms. Rutherford stated her concerns which include not receiving an update on the licenses that she applied for on March 29, 2019 for beach equipment rental for the following locations: (1) North Beach; (2) 3rd Street; (3) Center Street; (4) 14th Street; (5) 15th Street; (6) Tybrisa; (7) 17th Street; (8) 18 Street; and (9) 19th Street. She continued to explain her experience at City Hall, stated she was there to apply for new licenses not to renew and then made reference to the current ordinance. Ms. Rutherford stated it is April 25, 2019 and she has still not received an approval for her applications that were submitted on March 29, 2019. Mr. Hughes responded the current policies have been in place and when applicants have applied for those locations they have been told there are not locations available. He stated is clear that those locations are the only locations available and he disagrees with Ms. Rutherford with the understanding of the current ordinance. Currently, if the current applicant has renewed the license they have that location which is exclusive, a half block in each direction as provided in subsection (b) of the current ordinance. Mayor Buelterman stated to change the current ordinance would take Council action. Mr. Hughes confirmed. Ms. Rutherford stated she does not agree with the interpretation as stated by Mr. Hughes. Ms. Session stated she has concerns with Ms. Rutherford not receiving a written response from the City. Dr. Gillen stated he does recall the date in question and Ms. Rutherford was verbally told there was no license to issue verbally. Ms. Doyle and Ms. Sessions both agree a formal letter should have been sent from the City Manager's Office regarding the status of her applications. Upon Ms. Rutherford's request, the application process was explained by Dr. Gillen. A discussion ensued regarding the current ordinance and its interpretation. Mr. Branigin agreed with Council that a formal denial should have been sent or approval if applicable. He stated he did read the ordinance and his understanding are the locations are exclusive, one business per each location. Ms. Livingston stated she feels Mayor and Council need to revisit the process as there should be consistency with all City owned property for use for profit. Mr. Parks confirmed that a formal letter should be sent to Ms. Rutherford stating status of her application(s). Mayor Buelterman suggested if Council would like to discuss this further it be put on an agenda for a future meeting. He thanked Ms. Rutherford for bringing her concerns to Mayor and Council.

Mack Kitchens, approached Mayor and Council to speak on **Beach Equipment Rental**. Mr. Kitchens stated he also applied a beach concession previously and was turned down as well. He again applied with the current City Manager and was turned down with no formal reason or correspondence. Mr. Kitchens would like to speak to the financial aspect of the current beach equipment rentals as they are only paying for licenses and not monthly fees. He would asked Mayor and Council to revisit the process. Mayor Buelterman thanked Mr. Kitchens for his comments.

Bob Clusterman, 2 Cedarwood Avenue, approached Mayor and Council to speak on the proposed **3-way Stop Signs**. Mr. Clusterman stated he is in favor of the proposed 3-way stop signs at Campbell and Van Horn but particularly in favor of the proposed signs at Meddin and Cedarwood. The neighbors are in favor of this sign as well. Mayor Buelterman thanked Mr. Clusterman for his comments.

Abby Burke, Meddin Drive, approached Mayor and Council to speak on the proposed **3-way Stop Signs**. Ms. Burke spoke in favor of the proposed 3-way stop signs. She also spoke in favor of Mr. Watts and the proposed pool at 15 Meddin. Ms. Burke stated he is a good and is conscientious neighbor. Mayor Buelterman thanked Ms. Burke.

Keith Gay, approached Mayor and Council to speak to the **Proposed Ordinance, Disorderly Household**. Mr. Gay thanked the Public Safety Committee for including those associated with the property management business in the discussions regarding the proposed ordinance. He stated the goal should be to discipline the behavior and not discipline homeowners and management companies. The problem is centered in people's bad behavior and that is where the focus should be. If this is done with proposed ordinance will be effective and in the best interest of the community. Mayor Buelterman thanked Mr. Gay for his comments.

Wanda Doyle made a motion to approve the consent agenda. **Julie Livingston** seconded. Vote was unanimous, 6-0.

Consideration of Bids, Contracts, Agreements and Expenditures

Brent Watts, Additional structure at 15 Meddin. George Shaw approached Mayor and Council. Mr. Shaw stated when the petitioner received permission to rezone the Barracks Building and adjoining lot, a stipulation was added if any additional structures are to be added, it will come before Mayor and Council for approval. Mayor Buelterman expressed his concerns as he would like to ensure the addition of a pool will not create nuisance problems for the neighbors. Mr. Watts approached Mayor and Council. Mr. Watts explained the proposed location of the pool and ensured Mayor and Council there will be an 8' fence in place which will buffer any noise. Mr. Parks congratulated Mr. Watts for being a good neighbor and abiding by stipulations of the approval of the original request. Mr. Watts thanked Ms. Burke and the surrounding neighbors for their confidence in this project. **Monty Parks** made a motion to approve. **Julie Livingston** second. Vote was unanimous to approve, 6-0.

Consideration of Ordinances

First Reading, 2019-09, Section 34-261 - Application, STVR. **Mr. Hughes** stated the changes in the proposed ordinance are two-fold. There will be a change in terminology with respect to the identification of locations where business will be conducted. The proposed change will correct the language throughout Section 1. Section 2 of the proposed ordinance deals with waste pick-up for short term vacation rental locations during the summer season. This has previously been discussed where short term vacation rental locations to arrange and

provide for trash pick-up twice a week during the season which runs from just before Memorial Day to right after Labor Day. Dr. Gillen confirmed he has spoken with Mr. Wall from Atlantic Waste. Ms. Doyle asked Dr. Gillen if all short term rental properties are registered in the system. Dr. Gillen confirmed. Mr. Hughes stated he worked with Ms. Shaver and the Occupational Tax Certificate will read consistently with the proposed ordinance to reflect it is no longer a Certificate. **Monty Parks** made a motion to approve as written. **Wanda Doyle** seconded. Vote was unanimous to approve 6-0.

Second Reading, 2019-03, Graffiti. **Wanda Doyle** made a motion to approve as amended. **Monty Parks** seconded. **Discussion:** Mr. Branigin stated he is favor of this ordinance but would recommend in Section 4 the word "*appearance*" be changed to "*notification*". **Ms. Doyle** accepted the change of wording. **Mr. Parks** seconded. Vote was unanimous to approve as amended, 6-0.

First Reading, 2019-04, Sec 22-33, Disorderly Household. Mayor Buelterman asked what changes have been made to the proposed ordinance. Ms. Doyle explained and stated they have worked closely with the City Marshal for his recommendations. Examples of "strikes" were discussed regarding violations and citations. Clarification was given in that the owner of the property will be cited. After three "strikes" they could lose their license. Mr. Hughes stated the goal of the proposed ordinance is not to shut down any rentals but try to control behavior. Mr. Branigin confirmed this also pertains to long term rentals as well as short term rentals. He stated it is the intention of the Public Safety Committee to make the proposed ordinance reasonable and fair. Mr. Branigin then outlined proposed wording changes in the proposed ordinance. Ms. Doyle confirmed the recommended changes. Ms. Sessions asked Dr. Gillen if the proposed ordinance is enforceable. Dr. Gillen confirmed. Chief Bryson approached Mayor and Council. Chief Bryson stated the City Marshal tracks all citations and bring to Mr. Shaw and Dr. Gillen. Ms. Livingston commended the City Marshal as he was extremely active in the discussions in crafting the proposed ordinance. She stated the individuals making the noise will get a citation but the proposed ordinance is another layer to try and control the continued violations. Ms. Doyle also commended the City Marshal for his input with crafting the proposed ordinance. There was a discussion regarding the zoning locations of short term vacation rentals. Ms. Sessions expressed her concerns with the short term vacation rentals not being managed properly. Mayor pro tem Brown recommended the management companies have one telephone number that will be answered after hours for complaints. Mr. Gay who was still in attendance stated he did. Ms. Doyle stated the owner needs to be held accountable not only with short term vacation rentals but all properties on the Island. Every home. Mayor Buelterman asked Dr. Gillen what is the teeth in the proposed ordinance as it applies to homeowners as opposed to rentals. Dr. Gillen stated it would be an increase in fees/fines. **Monty Parks** made a motion to approve as written. **Wanda Doyle** seconded. **Discussion:** Council to send recommended changes to Mr. Hughes for second reading. Vote was unanimous to approve as written, 6-0

Second Reading, 2019-06, Sec 6-5 and 6-6, Fingerprints. **Wanda Doyle** made a motion to approve. **Monty Parks** seconded. Vote was unanimous to approve, 6-0.

Second Reading, 2019-07, Sec 6-88, Application Required and Sec 6-89, Issuance. **Monty Parks** made a motion to approve. **John Branigin** seconded. Vote was unanimous to approve, 6-0.

Second Reading, 2019-08, Sec 2-010, Terms and Definitions, Height of Building. **Wanda Doyle** made a motion to approve. **Monty Parks** seconded. Vote was unanimous to approve, 6-0.

Second Reading, 2019-10, Sec 5-090, Variances. **Wanda Doyle** made a motion to approve. **Monty Parks** seconded. Vote was unanimous to approve, 6-0.

Council, Officials and City Attorney Considerations and Comments

Jason Buelterman would like **Clarification of the definition of home-based business.** Mayor Buelterman asked Mr. Shaw for his recommendations. Mr. Shaw stated there are a number of issues with homebased definitions and what falls under this category. Homebased offices are allowed by right where you have just an office, no one comes to your home, no signage, etc. The definition states you are producing a product or service which requires Special Review and a public hearing. Mr. Shaw is in agreement somethings should be added for Special Review which are if the customer comes to your home, signage at the home, outdoor storage of merchandise and if you are making noise, i.e., making furniture. None of this is very clear for definitions. Mr. Shaw will craft amended definitions and take to the Planning Commission for their recommendations and then bring to Mayor and Council. Mr. Shaw will forward some questions for Mayor and Council's recommendations.

Jason Buelterman stated he asked for the Finance Committee Notes and Recommendations to be added to the agenda. Due to rescheduling of their meeting **to be discussed at a later date.**

Jason Buelterman stated he has major concerns **Golf cart safety** as he feels there are issues with safety. Ms. Doyle confirmed and feels that are numerous concerns around the Island. She made reference to mechanical issues such as tail lights not working properly. Ms. Doyle cited under age driving and lack of use of seat belts. Ms. Livingston stated she provides all individuals renting her carts with the rules of Tybee. She also stated her carts are inspected for proper working equipment prior to them being rented. Mayor Buelterman again stated his concerns with the operators of golf carts not exercising safety. There is also no inspection requirements after the original inspection by the police department. Ms. Doyle stated she will take these concerns to the Public Safety Committee for their recommendations. Mayor and Council confirmed.

Wanda Doyle gave a brief update on the **Public Safety Committee.** **Ms. Doyle** stated the Public Safety Committee discussed further safety precautions with individuals on the sand bar. The main issue is the best time to position an officer or Ocean Rescue at the south-end. It was determined it would be regulated by the tides. Recommendations were for the Ocean Rescue and Tybee Island Police Department to have tide charts to determine when personnel would be positioned on the south-end. Dr. Gillen will also be researching the ORCA which is a speaker system that will alert people regarding the incoming tides as well as additional signage warning people of the tides and hazards of the sandbar. Ms. Doyle stated their biggest concerns are staffing which includes funding and training. Mayor pro tem Brown expressed his concerns with the existing camera on the south-end not working. Dr. Gillen confirmed it has not functioned for several weeks, does not record and the speaker system does not project past the shore line. Mayor pro tem Brown stated the most important problem is not having staff on the beach. Mayor Buelterman recommended staff be in place at tide changes immediately as the life guards are not in place for a few weeks. Once the life guards are in place, there be one or two that remain after 6:00PM to insure no one is stranded on the sand bar at tide change. He would also like to see additional signage. Ms. Doyle stated the issue is not only monitoring the

swimmers but getting them rescued if the situation occurs. Dr. Gillen confirmed additional signage is needed and will work with the DNR for approval.

Julie Livingston made a motion to adjourn to executive session to discuss real estate. **Monty Parks** seconded. Vote was unanimous, 6-0.

Julie Livingston made a motion to return to regular session. **Wanda Doyle** seconded. Vote was unanimous, 6-0.

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

Meeting adjourned at 9:45PM.

Janet R. LeViner, CMC
Clerk