



City of Tybee Island
P.O. Box 2749 – 403 Butler Avenue, Tybee Island, GA 31328
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www.cityoftybee.org

CITY UPDATE

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Town Hall Meeting Follow Up Q&A

The City of Tybee Island recently held two town hall meetings to discuss short-term vacation rentals. This document contains questions that could not be answered during the meetings.

- 1. Q: Morgan County vs May is a grandfathering case. It did not address the applicability of that STVR ordinance to houses that were not operated as STVRs before the ordinance was adopted. Can you cite any other state laws that would prevent Tybee from capping new STVRs.**

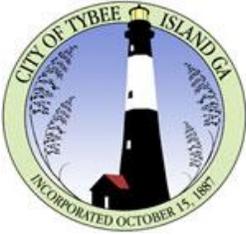
A: Not at this time. We are still researching the issue of any cap on new STVRs.

- 2. Q: At what point in time and under whose authority was the decision made to overrule our own ordinances allowing STVR's in R1 & R2. Was it before or after the litigation you referenced?" (Morgan County vs. May)**

A: This question cannot be answered as is because it is not entirely correct legally or factually. These issues have been subject to debate for some time with differing opinions.

- 3. Cite support for statements that STVRs are a "residential use." Folks at the city say that, but what is the support for that?**

A: We have been looking at decisions and ordinances from across the country. There are numerous decisions around the country that interpret "residential use". Many have noted that "residential use" has been interpreted as meaning that the use of the property is for living purposes, or a dwelling or place of abode. Courts have found that simply because the living purpose is transitory does not make it to cease being residential. Many of these courts found significant that the renters are using the property for ordinary living purposes – eating, sleeping, bathing. Many of these courts also note the importance of a property owner's rights when doing their analysis.



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4. What would prevent Tybee from limiting the number of occupants and the number of vehicles at STVRs.

A: We have not seen anything that would prevent Tybee from limiting the number of occupants. Currently, Chatham County's ordinance has a limitation on occupants of number of bedrooms +2.

5. Q: Does the campground pay 7 percent sales tax to Tybee? Why or why not?(referring to the hotel-motel tax and whether the law requires campgrounds to pay).

A: Campgrounds are not taxed now as they are owned by the city and they are not required to be licensed. However, a recent bill (HB317) has passed the legislature that addresses payment of motel/hotel tax. One of the features of this bill is to place some responsibility for the collection and payment of taxes on companies that operate STVR (like Air BnB). We, like other municipalities across the state, are currently researching the impacts of, and implementation of, this new law, which will cause fairly significant changes on how things operate.

6. Q: Why are non-citizens allowed equal or greater time to make input at council meetings and working groups? Shouldn't citizens be heard first and outside interests invited to speak only when we request their input?

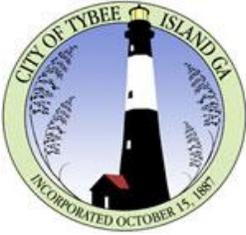
A: The city cannot deny a person the right to speak at public meetings. Public meetings are open to everyone.

7. Q: If so many people are opposed to STVRs, why don't more neighborhoods form Homeowners Associations or other covenant agreements to prevent it?

A: Whether an area forms an HOA is entirely up to those owners if they want to do so. However, we have seen decisions by courts that also address restrictive covenants in HOAs regarding STVRs on the issue of residential uses and whether those covenants can legally restrict STVRs.

8. Would it not be better for the city to conduct workshops to assist HOA formation than get the city in the business of over-regulating private property?

A: How the city addresses STVRs constitute policy decisions based on the law and a myriad of factors. There is nothing preventing groups who wish to hold workshops on formations of HOAs.



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9. Q: Are STVRs a business? If not, why do they get tax exempt on expenditures?

A: We cannot comment on an individual's business strategy. It is up to the owner (or manager) as to how they handle tax issues for their properties.

10. Q: Why are non-citizens allowed equal or greater time to make input at council meetings and working groups? Shouldn't citizens be heard first and outside interests invited to speak only when we request their input?

A: The city cannot deny a person the right to speak at public meetings. Public meetings are open to everyone.

11. Q: Can you talk about the net financial benefit that STVRs bring to the city when all extra, required expenses for large numbers are deducted?

A: Financial benefits are:

- Hotel-Motel Tax collected: \$1,600,000 Hotel-Motel taxes collected for all lodging, with \$122,850 from STVRs.
- Local Option Sales Tax (LOST) Alcohol Tax funds cannot be determined specifically for STVRs.

12. Q: Why do you think the enforcement of STVRs is so hard, as compared to the enforcement of other issues?

A: The city has not determined if this is harder to do compared to other issues.

13. Q: Do you see more or fewer public safety problems in neighborhoods where there are more residents and fewer tourists?

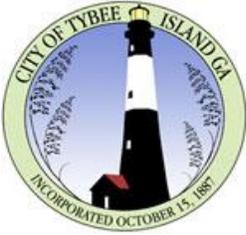
A: Because Tybee does not have defined neighborhoods island-wide, this is difficult to determine.

14. Q: Do you have any way of knowing whether bad behavior of tourists is from STVR visitors or day traffic visitors?

A: We do not have a method to track or calculate this.

15. Q: Has the new noise ordinance made a difference in excessive noise and/or excessive noise complaints in residential neighborhoods? How do you know?

A: Noise complaints have come in and a response was made. It is usually quiet after the first visit by code enforcement. We have no way to link this directly to the new noise ordinance.



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16. Q: If STVRs were eliminated in Zones R-1 and R-2, how many STVRs would that leave on the island?

A: The number of STVRs is always changing, but this would leave more than 1,000.

17. Q: If the number of STVRs was capped to the Savannah number (20%), would you feel better about managing our Public Safety needs and feel that your officers were less at risk?

A: We cannot say for certain, but it is unlikely that this would have a large impact.

18. Q: Can you compare the administrative and public safety costs of our Tybee Beach community of 1,500-3,000 residents to the same costs for the island when it surges to 10,000, 25,000, 40,000 people?

A: This question cannot be answered as asked because our costs are year round and includes costs for seasonal lifeguards and overtime.

19. Q: What should residents do if they complain about STVR trash and do not get a response to SeeClickFix?

A: If an issue persists after reporting it, citizens can follow up with a city staff member for additional help.

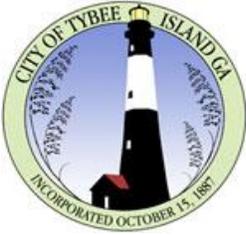
20. Q: Does a three bedroom STVR use more water, less water or a similar amount compared to a 3-bedroom home?

A: The city's old financial software was not set up to track this information. The new system will allow us to get this data.

21. Q: I would like to see projections of the financial implications of STVR restrictions on City of Tybee revenue. There have been Next Door statements that STVRs cost the city rather than provide a revenue stream. Can we see projections on that?

A: No, this information is not available, therefore this question cannot be answered from a cost perspective.

22. Q: Due to the pandemic (and recovery of businesses) this seems like an inopportune time to implement STVR changes. I think Tybee's popularity is up over the past two summers because tourists are not flying, taking cruises, etc. Once the pandemic is



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behind us, and competition for tourist destinations return to normal, do you project that Tybee will be as popular?

A: Trends and past behavior indicated that Tybee will remain popular.

23. Q: What was the increase of legitimate STVRs permitted last year and this year?

A: There were approximately 1,368 paid STVR permits in 2020. As of September 15, there were 1,575 paid STVRs. As of September 15, 208 STVR permits have been added since the moratorium discussions began on August 2.

24. Q: How is the new software package the city purchased (Host Compliance) being used? Who receives and responds to reports from Host Compliance?

A: We use HOST for new applications and pending renewals of STVR permits, as well as tax submittal. Additionally we can access a variety of data regarding STVRs on the island. Code enforcement will use this data to help identify properties believed to be unpermitted STVRs.

25. Q: What are the real numbers for total homes/properties, full time residents?

A: The 2020 census data shows Tybee has: 3,114 population, 2,994 total housing units; 1,500 occupied housing units; and 1,494 unoccupied housing units.

26. Q: How many noise ordinance violations have been cited to date, found guilty, and paid a fine?

A: Four tickets have been issued. Payment information is pending.

27. Q: What size police force would be needed on Tybee Island if we were a resident-populated beach community in addition to summer homes and their guests?

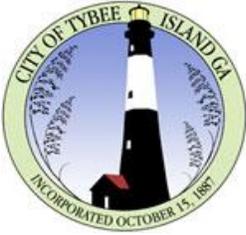
A: The answer to this question cannot be determined at this time. Any future answer would need to factor in day visitors as well.

Pending Questions to be Considered by City Council

28. Q: Given that STVRs are a supply serving the demand of tourists and visitors, what might be the likely long-term outcome of reducing or capping STVR lodging?

29. Q: Will STVR condos with a maximum allowance of two parking spots be exempt from the one vehicle per bedroom rule if it passes?

30. Q: Why can't Tybee place a cap on STVRs? Other places have done so successfully.



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- 31. Q:** Why can't Visit Tybee stop promoting Tybee for one year?
- 32. Q:** Who should be permitted to have STVRs? As a person with a limited income once I retire, I will need to have STVR income in order to stay here on Tybee. If I could rent out my house for 60 days (June-July) I could make enough to pay for taxes, insurance, etc.
- 33. Q:** Were you on council when city council made the decision to not follow the land development code and gave STVRs permission to exist in R1 and R2? How does a city which knowingly or unknowingly broke the law address the problem now?
- 34. Q:** Are parking requirements going to be for each property, or only for STVRs?
- 35. Q:** Will qualified parking spaces be counted on the lot only or will it include the front area between the pavement and the lot line? How many spaces will be required?
- 36. Q:** What has surprised you most about the STVR impact on Tybee's financial health?
- 37. Q:** What evidence is there that disallowing STVRs will create affordable housing or more long-term residents?
- 38. Q:** What other programs can the city sponsor to encourage workforce housing and parking, and support business?
- 39. Q:** What else is Tybee doing to encourage long-term residents?
- 40. Q:** If STVRs get guest capacity limits will residents also have a cap on the number of guests they are allowed in their home?
- 41. Q:** Has the council taken into account that many STVRs are in multi-family condo associations that already have limitations and rules in place that keep our STVRs at high quality, puts limits on how many guests we can house, and has strict rules and enforcements on rule breaking and citations?
- 42. Q:** What would be the effect of having regulations instead of the Good Neighbor Policy recommendations?