

MAYOR
Jason Buelterman



CITY MANAGER
Dr. Shawn Gillen

CITY COUNCIL
Barry Brown, Mayor Pro Tem
John Branigan
Wanda Doyle
Julie Livingston
Monty Parks
Shirley Sessions

CLERK OF COUNCIL
Jan LeViner

CITY ATTORNEY
Edward M. Hughes

CITY OF TYBEE ISLAND

AGENDA **REGULAR MEETING OF TYBEE ISLAND CITY COUNCIL** **October 25, 2018 at 6:30 PM**

Please silence all cell phones during Council Meetings

Consideration of Items for Consent Agenda 6:30PM

Executive Session

Opening Ceremonies

Call to Order
Invocation
Pledge of Allegiance

1. Invocation - Rev. June Johnson

Recognitions and Proclamations

2. Employee of the Quarter, Jaime McBroom, Finance Department

Consideration of the approval of the minutes of the meetings of the Tybee island City Council

3. Minutes, October 11, 2018

Consideration of Boards, Commissions and Committee Appointments

Reports of Staff, Boards, Standing Committees and/or Invited Guest. Limit reports to 10 minutes.

4. Lisa Lepofsky, Concerned Citizens Group
5. Clay Gardner, Southern Company, Tybee Solar Project

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

Consideration of Approval of Consent Agenda

Public Hearings

P.O. Box 2749 – 403 Butler Avenue, Tybee Island, Georgia 31328-2749
(866) 786-4573 – FAX (866) 786-5737
www.cityoftybee.org



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

Consideration of Bids, Contracts, Agreements and Expenditures

- [6.](#) Agreement, William Thomas Boundary Line
- [7.](#) Agreement, Harold S. White
- [8.](#) Thomas & Hutton, Addendum 12, Solomon Avenue Right-of-Way Survey
- [9.](#) Thomas & Hutton: Addendum 14, Dune Reconstruction-Survey & Construction Documents
- [10.](#) Thomas & Hutton, Addendum 13, Estill/Storer/Telephone Avenue Right-of-Way Survey
- [11.](#) Assignment of EPG Contracts
- [12.](#) Crista Rader - Right-of-Way - Naylor Avenue

Consideration of Ordinances, Resolutions

- [13.](#) First Reading, 18-2018, Sec 14-3 Election Officials
- [14.](#) First Reading, Ordinance 19-2018, Sec 14-4, Superintendent to Incur Expenses
- [15.](#) First Reading, Ordinance 20-2018, Sec 14-5, Polling Places
- [16.](#) First Reading, Ordinance 21-2018, Sec 14-9, Notice of Candidacy; Time periods
- [17.](#) First Reading, Ordinance 22-2018, Section 14-10 Designation of Office Sought; Election of Councilmembers
- [18.](#) First Reading, Ordinance 23-2018, Sec 14-18, Time of Regular Election; Succession by Incumbent
- [19.](#) Resolution Requesting Local Legislation to Update the Charter of the City of Tybee Island

Council, Officials and City Attorney Considerations and Comments

- [20.](#) Bubba Hughes - Continuance of Administration on Class Action
21. George Shaw - Update on Hazard Mitigation Grant
22. Wanda Doyle - Public Safety Update
23. Wanda Doyle - Public Safety Committee Update
- [24.](#) Wanda Doyle - Adopt-A Program Announcement
25. Barry Brown - Infrastructure Committee



- Widen Jones Avenue for bike path
- Stormwater modeling at Bright Street
- Sewer line under house on 17th Street Terrace
- Guardrail on Highway 80 for bicyclists

26. Barry Brown - Financial Issues

27. Monty Parks - Unopened Right-of-Way Miller Avenue

Minutes of Boards and Committees

Executive Session

Discuss litigation, personnel and real estate

Possible vote on litigation, personnel and real estate discussed in executive session

Adjournment

Individuals with disabilities who require certain accommodations in order to allow them to observe and/or participate in this meeting, or who have questions regarding the accessibility of the meeting or the facilities are required to contact Jan LeViner at 912.472.5080 promptly to allow the City to make reasonable accommodations for those persons.

***PLEASE NOTE:** Citizens wishing to speak on items listed on the agenda, other than public hearings, should do so during the citizens to be heard section. Citizens wishing to place items on the council meeting agenda must submit an agenda request form to the City Clerk’s office by Thursday at 5:00PM prior to the next scheduled meeting. Agenda request forms are available outside the Clerk’s office at City Hall and at www.cityoftybee.org.



THE VISION OF THE CITY OF TYBEE ISLAND

“is to make Tybee Island the premier beach community in which to live, work, and play.”



THE MISSION OF THE CITY OF TYBEE ISLAND

“is to provide a safe, secure and sustainable environment by delivering superior services through responsible planning, preservation of our natural and historic resources, and partnership with our community to ensure economic opportunity, a vibrant quality of life, and a thriving future.”



Backup material for agenda item:

3. Minutes, October 11, 2018



Consideration of Items for Consent Agenda

Mayor Buelterman called the consent agenda to order at 6:30PM on October 11, 2018. Those present were Julie Livingston, Monty Parks, John Branigin, Wanda Doyle, and Barry Brown. Also attending were Dr. Shawn Gillen, City Manager; Bubba Hughes, City Attorney; George Shaw, Director, Community Development; Angela Hudson, Director, Finance; and Janet LeViner, Clerk of Council.

Mayor Buelterman listed the following items on the consent agenda:

- City Council Minutes, September 27, 2018
- Request City Council amend fiscal year 2019 budget for the Grant Capital Project Fund 340 by transferring \$90,000 from the contingency line item to the contract labor to cover the cost for a contract labor agreement approved by the City Council on September 27, 2018
- Request City Council approve a budget amendment to increase the General Fund fiscal year 2019 budget by an increase of \$167,501 increasing the budget from \$12,698,899 to \$12,866,400
- Request the City Council approve a budget amendment to increase the SPLOST 2014 Capital Project Fund 322's fiscal year 2019 budget by \$50,075.29 changing the budget from \$1,290,500 to \$1,340,575.29
- Request the City Council approve a budget amendment to decrease the SPLOST 2003 Capital Project Fund 321's fiscal year 2019 budget by \$14,175.37 decreasing the budget from \$435,274 to \$421,098.63
- Leaf Capital Funding, LLC, copier, Planning and Zoning. **DISCUSSION: Mr. Hughes** recommended council approval contingent upon approval of City Manager, Finance Director, and City Attorney
- Acceptance of RFP for South-end Showers and Shallow Wells
- Acceptance of RFP for Sewer Inspection Cameras. USA Blue Book is recommended vendor
- Resolution, Budget Amendments
- Marsh Hen Trail Agreements

Mayor Buelterman called the regular meeting to order at 7:00PM. All those present for the consent agenda were present.

Opening Ceremonies

- Call to Order
- Invocation: Jan LeViner, Clerk
- Pledge of Allegiance

Dr. Gillen approached Mayor and Council to introduce Ricky Stewart, City Engineer. This position was created by combining two positions into one, Director of Public Works and Director of Water/Sewer. Both of those individuals who had filled those positions, retired, and the City needed someone who could manage all the continuing infrastructure projects. Mr. Stewart thanked Mayor and Council.

Appointment of Successor for Vacant City Council Seat. **Mayor Buelterman** stated the following individuals submitted their names for consideration:

- Greg Fowler
- Michael Hosti

- Shirley Sessions

Mr. Hughes recommended a motion for acceptance of the nominations as submitted; close the nominations; and proceed to vote by ballot. **Wanda Doyle** made a motion to accept the three nominations, Greg Fowler, Michael Hosti and Shirley Sessions to fill the council seat for Jackson Butler. **John Branigin** seconded. Vote was unanimous, 5-0. Mayor Buelterman asked if anyone would like to speak please come forward. There being none, he explained the voting process as the Clerk has distributed ballots for Council's voting. The Mayor will not vote unless there is a tie. The Clerk collected the ballots and read the results (attached):

Julie Livingston voting in the affirmative of Shirley Sessions

Monty Parks voting in the affirmative of Shirley Sessions

John Branigin voting in the affirmative of Michael "Spec" Hosti

Wanda Doyle voting in the affirmative of Shirley Sessions

Barry Brown voting in the affirmative of Shirley Sessions

Jan LeViner, Clerk, announced Shirley Sessions receiving four votes in the affirmative and Michael "Spec" Hosti receiving one vote in the affirmative, Shirley Sessions would fill the vacant seat on City Council. Mayor Buelterman thanked everyone for submitting his or her name for consideration. The Clerk will swear in Ms. Sessions on Friday, October 12, 2018.

Anna Butler approached Mayor and Council to speak on **Cruises to Nowhere, LLC, 3 Old Highway 80**. Mr. Shaw stated an application was submitted to the Planning Commission, which was not a complete application. The Chairman of the Planning Commission recommended the item not to come back to the Planning Commission until a very complete application to include a full package of all requirements is presented to Staff. The owners did submit another application and is working the Georgia Department of Resources (DNR) as they need a marsh buffer delineation. This item should be on the agenda for the November Planning Commission meeting and will be on the agenda for Mayor and Council consideration on December 13, 2018. Mayor Buelterman clarified Mayor and Council are not voting on the approval or disapproval of the cruise ship as it needs to be heard by the Planning Commission. Ms. Butler read from a prepared statement point out the following issues:

- The size and scale of the casino ship in relationship to both the existing character of the Maritime District as well as the structural capacity of the existing dock and the capacity of Lazaretto Creek
- Public Safety to include increased traffic at existing dangerous intersections, boaters, dock safety and bridge safety
- Hurricane safety

Ms. Butler stated there are additional concerns such as environmental concerns from the impact of the ship on the marshland along the sides of the Creek and the sea life within the Creek waters. Mayor Buelterman thanked Ms. Butler for her presentation and concerns.

Wanda Doyle made a motion to approve the consent agenda. **Monty Parks** seconded. Vote was unanimous, 5-0.

Public Hearings

Zoning Variance, Consideration of Setback Encroachments for New Single-family Dwelling. 9 Naylor Avenue. PIN 4-0002-03-012. Carmela Aliffi and Jane Fishman. **George Shaw** approached Mayor and Council. Mr. Shaw stated the petitioners have requested a variance for a small lot on the corner of Naylor and Wilson. It is an undersized lot in the R-1B District and have previously been before Mayor and Council to ask for a variance. He continued, they want a slightly larger home and during the design phase, they found they needed an additional variance. At the Planning Commission meeting, they revised their request

for a 5' setback on Wilson and 11' setback on Naylor to leave the already approved 6' setback from Wilson and now asking solely for an 11' setback from Naylor, which is a 9' difference from what is required. Mr. Shaw stated the Planning Commission voted 3-2 in favor of this request and Staff has recommended approval. **Carmela Aliffi** approached Mayor and Council stating the biggest difference is they have decided to keep the two trees, pine and oak. **Daniel Snyder**, Architect, stated the house is being engineered so footings of the residence will protect the trees and the drainage will be such as to water the roots of the trees. **Monty Parks** made a motion to approve. **Wanda Doyle** seconded. Vote was unanimous to approve, 5-0.

Special Review, Consideration of Building into the "Toe of the Dune" Line; 2 8th Place. PIN 4-0006-02-001. Stephen and Annette Friedman. Monty Parks recused. George Shaw approached Mayor and Council. Mr. Shaw stated the Friedman's have a home at the end of 8th Place, facing the beach, and the dunes are now coming to the base of the home. They are requesting to push the dunes back approximately 30' away from their home. He stated Staff recommends only 10' to protect the structure. Planning Commission recommended denial for the submittal with a 4-1 vote. Ms. Doyle asked Mr. Shaw to confirm the property line is approximately 60' or more behind the residence. Mr. Shaw confirmed. Ms. Livingston stated Mr. Friedman would like to push the dune that is against his house out where the next dune field is located. Mr. Shaw confirmed. Mayor pro tem Brown stated the sand dune that is encroaching their home, if pushed back will fill in the gap that is currently in place and does not see a problem in what the Friedman's would like to do. Mr. Branigin stated the issue of 30' is largely irrelevant as the Friedman's are asking for permission to work with DNR to have a solution. He does not see why the City needs to get involved in prescribing the solution as DNR might recommend another solution. Mr. Shaw confirmed and stated this is just a step in the process the Friedman's are going through with DNR. Mayor pro tem Brown spoke of an example with a resident on Chatham Avenue where they worked with DNR for a solution. The sand was moved back on the beach and a dune was built. Mr. Hughes reminded Mayor and Council this request is for Special Review, and there are different standards applicable to one as opposed to the other requests on the agenda for public hearing. Ms. Doyle clarified with Special Review, Mayor and Council can impose conditions if needed. **Stephen Friedman** approached Mayor and Council. Mr. Friedman commented Mr. Branigin stated the issue correctly as there are two issues. One being the dune has gradually over time moved against the side of their home. The toe of the dune line is in fact the wall of their home. The second issue is the property immediately to the west has a severe flooding problem with any significant rainfall. Mr. Friedman submitted a plan to DNR which recommends moving the dune and installing a pump and catch basin system to pump the water to underneath the moved dune. Mr. Friedman stated the high water mark is 564' away from his home and there are three dune structures they do not have any intent to move, only the one against their home. He continued DNR marked their property as 100% jurisdictional delineation. Mr. Friedman stated as a result, he has filed a lawsuit with the DNR. He reminded Mayor and Council DNR has a hard and fast rule they will not formally consider his application until they, Mayor and Council, approve his request to move forward with negotiations with DNR. **Demery Bishop, Chair, Planning Commission**, approached Mayor and Council. Mr. Bishop stated at the recent Planning Commission meeting there was tremendous discussion concerning Mr. Friedman's request. As presented to the Planning Commission, it was as Special Review. As Special Review, by Code, requires there be federal, state and local requirements present in order to alter or move or change the dune structure in any way. He continued, the Planning Commission considered that and as a result, the Commission did not feel all the items have been met. Mr. Bishop agrees with Mr. Branigin in that Special Review is what the Planning Commission is about and that is to make a decision as to whether or not there should be a

change that would be not to a detriment but to a benefit to the landowner. Clearly having been at that property prior to the Friedman's ownership, the dune has been encroaching for some time and is a problem. Mr. Bishop stated the relocation of the dune was not acceptable by the Planning Commission and in this instance, from a planning perspective, would be to the benefit of the property owner and to the City of Tybee to allow this. It was the undertone of the Planning Commission even though the motion of the Planning Commission was to deny. Ms. Doyle confirmed a letter from DNR stating what Mr. Friedman needs has not been received and will not be received until such time as Mayor and Council approve moving forward. Mr. Hughes stated Mayor and Council can approve the Special Review Application but the work cannot occur until DNR issues a permit and then be entitled to a permit from the City. **Barry Brown** made a motion to approve. **John Branigin** seconded. Vote was unanimous to approve, 4-0.

Monty Parks returned to the City Council Meeting.

Zoning Variance, Consideration of Building in Front Setback, 1307 5th Avenue. PIN 4-0011-05-015. Ronald and Carlette Calloway. George Shaw approached Mayor and Council. Mr. Shaw stated the Calloway's currently have adjoining lots and one home is a small cottage on the ground and has severely flooded on several occasions. The request is to remove that building and rebuild using the setback the other building has, which is approximately 9.5'. The required setback is 20'. Staff feels this request does not meet the City's variance ordinance requirements, as it is still a buildable lot without a variance. The Planning Commission voted 3-2 to deny. Mr. Shaw confirmed with Ms. Doyle there is no hardship and the petitioner could build a home on the lot. Mayor pro tem Brown stated the petitioner is trying to build a front line in the existing footprint, which has been done on several occasion in the past. Ms. Livingston confirmed the variance is just for the front setback. Mr. Shaw confirmed. Mr. Parks stated if a residence is destroyed, the owner can rebuild in the existing footprint but if the residence is voluntarily torn down you must meet Code. For clarification, there was a lengthy discussion regarding the rebuilding of the house in the existing footprint. Mr. Parks stated he is not in favor of this, as the petitioner needs to follow Code. **Mr. Calloway** approached Mayor and Council. Mr. Calloway stated they have two lots and have a three bedroom raised house and a cottage. They originally lived in the cottage and built a raised house. In 2005 when the house was finished, it was pinned together with the cottage and was used as a fourth and fifth bedroom. This was also used for a ground level bathroom and kitchen for the outdoor area. Reason for building the new house, Mr. Calloway stated, is he needs a 33' x 50' area to build a house with an elevator. Mr. Calloway stated he does not want to cut down the tree on his property and presented two letters from neighbors stating they are in favor of keeping the tree. **Barry Brown** made a motion to approve. **Wanda Doyle** seconded. Voting in favor were John Branigin, Wanda Doyle and Barry Brown. Voting against were Julie Livingston and Monty Parks. Vote to approve, 3-2.

Consideration of Ordinances

First and Second Reading, 17-2018, Sec 66-11, Dockless Scooters. Wanda Doyle made a motion to approve. **Monty Parks** seconded. Vote was unanimous to approve, 5-0.

Julie Livingston made a motion to adjourn to executive session to discuss litigation and personnel. **Wanda Doyle** seconded. Vote was unanimous, 5-0.

Julie Livingston made a motion to return to regular session. **Wanda Doyle** seconded. Vote was unanimous, 5-0.

Monty Parks made a motion to adjourn. **John Branigin** seconded. Vote was unanimous, 5-0.

Meeting adjourned at 8:50PM.

Janet R. LeViner, CMC
Clerk

Jason Buelterman, Mayor

PLEASE VOTE FOR ONLY ONE CANDIDATE
CONSIDERATION FOR CITY COUNCIL SEAT

	YES	NO
GREG FOWLER		X
MICHAEL "SPEC" HOSTI		X
SHIRLEY SESSIONS	X	

JULIE LIVINGSTON

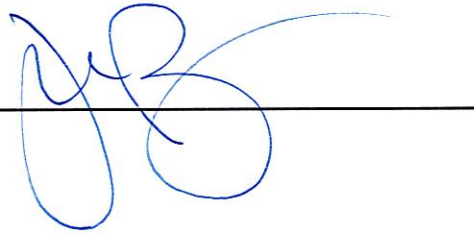
SIGNATURE: Julie A. Livingston

PLEASE VOTE FOR ONLY ONE CANDIDATE
CONSIDERATION FOR CITY COUNCIL SEAT

	YES	NO
GREG FOWLER		<input checked="" type="checkbox"/>
MICHAEL "SPEC" HOSTI	<input checked="" type="checkbox"/>	
SHIRLEY SESSIONS		<input checked="" type="checkbox"/>

JOHN BRANIGAN

SIGNATURE: _____



PLEASE VOTE FOR ONLY ONE CANDIDATE
CONSIDERATION FOR CITY COUNCIL SEAT

	YES	NO
GREG FOWLER		X
MICHAEL "SPEC" HOSTI		X
SHIRLEY SESSIONS	X	

MONTY PARKS

SIGNATURE:  _____

PLEASE VOTE FOR ONLY ONE CANDIDATE
CONSIDERATION FOR CITY COUNCIL SEAT

	YES	NO
GREG FOWLER		✓
MICHAEL "SPEC" HOSTI		✓
SHIRLEY SESSIONS	✓	

WANDA DOYLE

SIGNATURE: Wanda D. Doyle

PLEASE VOTE FOR ONLY ONE CANDIDATE
CONSIDERATION FOR CITY COUNCIL SEAT

	YES	NO
GREG FOWLER		<input checked="" type="checkbox"/>
MICHAEL "SPEC" HOSTI		<input type="checkbox"/>
SHIRLEY SESSIONS	<input checked="" type="checkbox"/>	<input type="checkbox"/>

BARRY BROWN

SIGNATURE: Barry A B

	LIVINGTON	PARKS	BRANIGIN	DOYLE	BROWN	TOTAL
GREG FOWLER						
MICHAEL "SPEC" HOSTI			✓			1
SHIRLEY SESSIONS	✓	✓		✓	✓	4

Janet LeViner JANET LeVINER, CMC

Backup material for agenda item:

6. Agreement, William Thomas Boundary Line



ABOVE SPACE FOR RECORDING INFORMATION ONLY

Prepared by:

Weiner, Shearouse, Weitz, Greenberg & Shawe
ATTN: William W. Shearouse, Jr.
14 E. State Street
Savannah, GA 31401
(912) 233-2251

BOUNDARY LINE AGREEMENT

THIS BOUNDARY LINE AGREEMENT is made and entered into as of the 26TH day of July, 2018, by and between **WILLIAM D. THOMAS and DEIDRE MOSELY THOMAS** (hereinafter referred to as "Party of the First Part") and **THE CITY OF TYBEE ISLAND**, a municipal corporation of the State of Georgia (hereinafter referred to as the "Party of the Second Part").

W I T N E S S E T H

WHEREAS, the Party of the First Part is the owner of that certain real property known as Lot 1-A-1 on a plat identified as "A Minor Subdivision of Lot 1-A of a Subdivision of Lot 1, Block 1, Bay Ward, and a Portion of the Abandoned Railroad Right-of-Way, Tybee Island, 5th GM District, Chatham County, State of Georgia" prepared by John S. Kern for Beachside Development, Inc. recorded in Subdivision Map Book 20-S, Page 50, in the Office of the Clerk of Superior Court of Chatham County, Georgia. Said property with improvements thereon known as 1429-A Estill Avenue, Tybee Island, Georgia 31328, based upon the current system of numbering in Chatham County, Georgia, and bears property identification number 4-0022-01-349.

WHEREAS, Party of the Second Part is the owner of certain real property being known as a portion of an abandoned railroad right-of-way, Tybee Island, Georgia which is located to the south of the property of the Party of the First Part; and

WHEREAS, said properties are more particularly described on the plat attached hereto as Exhibit "A"; and

WHEREAS, the parties desire to clarify and confirm the boundary line between their respective properties;

NOW THEREFORE, for and in consideration of the foregoing and of the mutual covenants and agreements herein made, the parties do agree as follows:

1. The Party of the First Part hereby demises, conveys and quitclaims to the Party of the Second Part all of its right, title and interest, if any, in and to the property of the Party of the Second Part as shown on Exhibit "A" and as described herein and agrees that neither it nor any other person or persons claiming under it shall at any time, by any means or way, have, claim or demand any right or title to the said described Property of the Party of the Second Part or any appurtenances thereto and rights thereto.
2. The Party of the Second Part hereby demises, conveys and quitclaims to the Party of the First Part all of its right, title and interest, if any, in and to the Property of the Party of the First Part as shown on Exhibit "A" and as described herein and agrees that neither it nor any other person or persons claiming under it shall at any time, by any means or way, have, claim or demand any right or title to the said described Property of the Party of the Second Part or any appurtenances thereto and rights thereto.
3. The sole purpose and intent of these conveyances is to confirm the common boundary line between the Party of the First Part and the Party of the Second Part, all of which is more particularly shown on that certain plat attached hereto and by reference made a part hereof.
4. Contemporaneously herewith, Second Party has constructed a permanent fence along the aforementioned boundary line. Second Party covenants and agrees to maintain in perpetuity said fence, including but not limited to replacement and repair of said fence. First Party hereby grants, conveys and assigns to Second Party a limited easement of ingress and egress for pedestrian access over and across the property of the Party of First Part to maintain, replace, and repair said fence.
5. **MISCELLANEOUS.**
 - (a) This agreement shall be construed and interpreted under and governed by the laws of the State of Georgia.
 - (b) This is the sole and entire agreement of the parties hereto with respect to the subject matter hereof, and there are no other agreements, promises, or undertakings, oral or otherwise, between the parties hereto with respect to the subject matter hereof which are not set forth herein.
 - (c) This agreement shall not be modified or amended except by an instrument in writing signed by or on behalf of the parties hereto and recorded in the county records where this agreement is also recorded.
 - (d) This agreement shall be binding upon and enforceable against and shall inure to the benefit of the parties hereto and their respective heirs, legal representatives, successors and assigns.

IN WITNESS WHEREOF, the parties hereto have executed and sealed this agreement as of the day and year first above written.

Signed, sealed and delivered in the presence of:

Cat. Sh

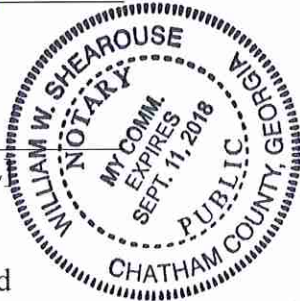
Unofficial Witness

W. Shearouse

Notary Public

My Commission Expires:

[NOTARIAL SEAL]



PARTY OF THE FIRST PART:

William D. Thomas

WILLIAM D. THOMAS

Signed, sealed and delivered in the presence of:

Cat. Sh

Unofficial Witness

W. Shearouse

Notary Public

My Commission Expires:

[NOTARIAL SEAL]



Deidre Mosely Thomas

DEIDRE MOSELY THOMAS

[SIGNATURES CONTINUED ON THE FOLLOWING PAGE]

[SIGNATURES CONTINUED FROM PREVIOUS PAGE]

Signed, sealed and delivered
in the presence of:

Unofficial Witness

Notary Public

My Commission Expires:

[NOTARIAL SEAL]

PARTY OF THE SECOND PART:

THE CITY OF TYBEE ISLAND

By: _____

Its: _____

Attest: _____

Its: _____

OWNER'S NOTE

THE UNDERSIGNED AGREE TO THE LOCATION OF THE NEW PROPERTY LINE AS SHOWN ON THIS PLAT.

William D. Thomas Deche M Thomas 2/26/2018
 WILLIAM D. THOMAS DATE
 OWNER OF LOT 1-A-1

SHAWN GILLEN, CITY MANAGER
 CITY OF TYBEE ISLAND

DATE

N/F
 CITY OF TYBEE ISLAND
 PIN: 4-0022-01-001
 DB 3290 P 446

N/F
 HAROLD S JR &
 ANGELIQUE WHITE
 PIN: 4-0022-01-350
 DB 216H P 675
 LOT 1-A-2

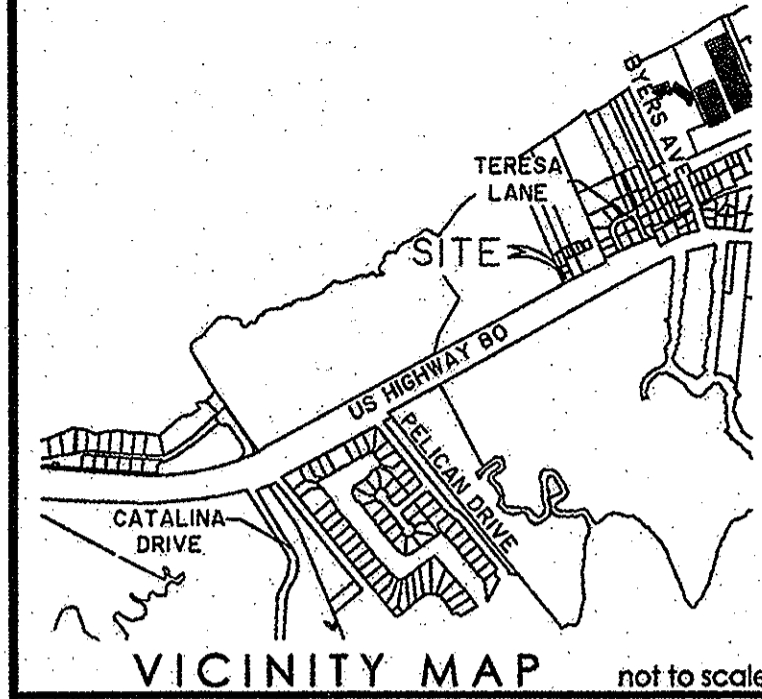
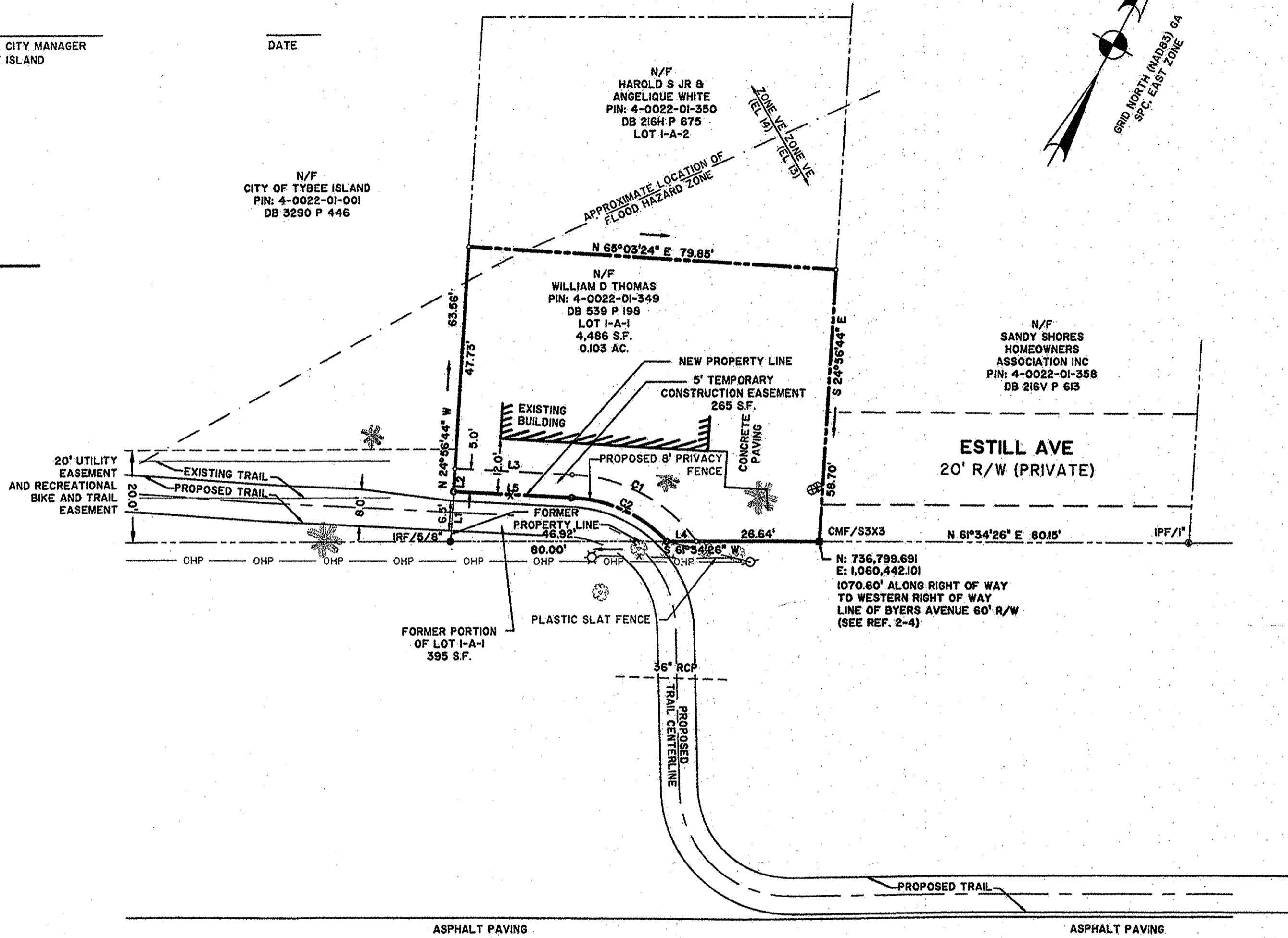
N/F
 WILLIAM D THOMAS
 PIN: 4-0022-01-349
 DB 539 P 198
 LOT 1-A-1
 4,486 S.F.
 0.103 AC.

N/F
 SANDY SHORES
 HOMEOWNERS
 ASSOCIATION INC
 PIN: 4-0022-01-358
 DB 216V P 613

ESTILL AVE
 20' R/W (PRIVATE)

N: 736,799.691
 E: 1,060,442.101
 1070.60' ALONG RIGHT OF WAY
 TO WESTERN RIGHT OF WAY
 LINE OF BYERS AVENUE 60' R/W
 (SEE REF. 2-4)

FORMER PORTION
 OF LOT 1-A-1
 395 S.F.



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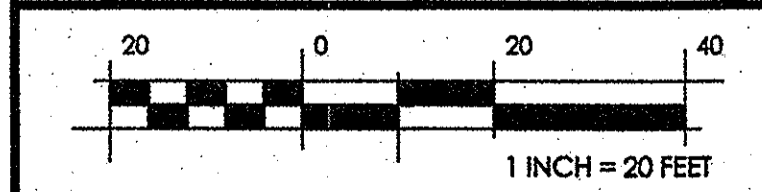
SURVEYOR'S CERTIFICATION
 AS REQUIRED BY SUBSECTION (d) OF O.C.G.A. SECTION 15-6-67, THIS PLAT HAS BEEN PREPARED BY A LAND SURVEYOR AND APPROVED BY ALL APPLICABLE LOCAL JURISDICTIONS FOR RECORDING AS EVIDENCED BY APPROVAL CERTIFICATES, SIGNATURES, STAMPS, OR STATEMENTS HEREON. SUCH APPROVALS OR AFFIRMATIONS SHOULD BE CONFIRMED WITH THE APPROPRIATE GOVERNMENTAL BODIES BY ANY PURCHASER OR USER OF THIS PLAT AS TO INTENDED USE OF ANY PARCEL. FURTHERMORE, THE UNDERSIGNED LAND SURVEYOR CERTIFIES THAT THIS PLAT COMPLIES WITH THE MINIMUM TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN THE RULES AND REGULATIONS OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN O.C.G.A. SECTION 15-6-67.

GEORGIA REGISTERED LAND SURVEYOR
 No. 2612
 WRIGHT C. POWERS, JR.
 GEORGIA REGISTERED LAND SURVEYOR
 RLS #2612 / LSF #145
 powers.w@thomasandhutton.com

A PLAT OF A PROPERTY LINE AGREEMENT OF LOT 1-A-1 OF A MINOR SUBDIVISION OF LOT 1, BLOCK 1, BAY WARD, AND THE CITY OF TYBEE ISLAND
 1429A ESTILL AVE.
 TYBEE ISLAND, GEORGIA
 prepared for
 CITY OF TYBEE ISLAND &
 WILLIAM D. THOMAS

No.	Revision	By	Date

THOMAS & HUTTON
 Engineering | Surveying | Planning | GIS | Consulting
 50 Park of Commerce Way
 Savannah, GA 31405 • 912.234.5300
 www.thomasandhutton.com



plat 04/26/18
 drawn JBL
 reviewed WCP
 field 04/12/18
 crew BL

job 23987 SHEET 1 OF 1

LEGEND

- CABLE BOX
- CONC. MONUMENT FOUND (CMF)
- ☀ EVERGREEN TREE
- IRON PIPE FOUND (IPF)
- IRON PIPE SET (IPS)
- IRON REBAR FOUND (IRF)
- ⊖ UNDERGROUND UTILITY LINE MARKER
- ☆ LIGHT POLE
- MEANDER POINT (NO MONUMENT)
- ☪ ORNAMENTAL TREE
- PALM TREE
- POST
- ⊕ POWER POLE
- ☑ TELEPHONE BOX
- ⊗ WATER VALVE

NOTES

- FIELD EQUIPMENT USED FOR THIS SURVEY: 5" TOTAL STATION
- THE FIELD DATA UPON WHICH THIS MAP OR PLAT IS BASED HAS A CLOSURE RATIO OF 1 FOOT IN 33,000 FEET, AN ANGULAR ERROR OF 5" PER ANGLE POINT, AND WAS ADJUSTED USING THE COMPASS RULE METHOD.
- THIS PLAT HAS A PRECISION OF ONE FOOT IN 115,634.
- COORDINATES AND DIRECTIONS ARE BASED ON GEORGIA STATE PLANE COORDINATE SYSTEM (NAD83), EAST ZONE.
- ACCORDING TO F.I.R.M. MAP NO. 13051C, PANEL 0213F, REVISED SEPTEMBER 26, 2008, THE PROPERTY SHOWN ON THIS PLAT LIES IN FLOOD HAZARD ZONES VE(EL13) AND VE(EL14).
- WETLANDS THAT MAY EXIST ARE UNDER THE JURISDICTION OF THE CORPS OF ENGINEERS AND/OR THE DEPARTMENT OF NATURAL RESOURCES. LOT OWNERS AND THE DEVELOPER ARE SUBJECT TO PENALTY BY LAW FOR DISTURBANCE TO THESE PROTECTED AREAS WITHOUT PROPER PERMIT AND APPROVAL.
- THE POSITION OF UNDERGROUND UTILITIES SHOWN ON THIS DRAWING IS BASED UPON THE LOCATION OF SURFACE APPURTENANCES AND/OR SURFACE MARKINGS AND SHOULD BE CONSIDERED APPROXIMATE. THE EXACT LOCATION, SIZE, TYPE AND DEPTH OF UNDERGROUND UTILITIES SHOWN HEREON OR ANY OTHER UTILITIES THAT MAY EXIST, CAN ONLY BE DETERMINED VIA AN EXCAVATION OF THE UTILITY.
- TAX MAP NUMBER: 4-0022-01-349
 PROPERTY OWNER: WILLIAM D. THOMAS
 TITLE REFERENCE: DEED BOOK 539, PAGE 198
- THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE SEARCH AND IS SUBJECT TO ANY EASEMENTS AND RESTRICTIONS OF RECORD.
- THE TERM "CERTIFICATION" AS USED IN RULE 180-6-.09(2) AND (3) AND RELATING TO PROFESSIONAL ENGINEERING OR LAND SURVEYING SERVICES, AS DEFINED IN O.C.G.A. 43-15-2(6) AND (11), SHALL MEAN A SIGNED STATEMENT BASED UPON FACTS AND KNOWLEDGE KNOWN TO THE REGISTRANT AND IS NOT A GUARANTEE OR WARRANTY, EITHER EXPRESSED OR IMPLIED.

LINE	BEARING	LENGTH
L1	N 24°56'44" W	10.83'
L2	N 24°56'44" W	5.00'
L3	N 64°36'11" E	25.49'
L4	S 61°34'26" W	6.44'
L5	S 64°36'02" W	25.65'

CURVE	RADIUS	LENGTH	CH BEARING	CH LENGTH	DELTA
C1	34.62'	31.67'	N 89°47'11" W	30.58'	52°25'01"
C2	29.62'	23.30'	S 86°11'13" W	22.71'	45°04'47"

REFERENCES

- A MINOR SUBDIVISION OF LOT 1-A OF A SUBDIVISION OF LOT 1, BLOCK 1, BAY WARD AND A PORTION OF AN ABANDONED RAILROAD RIGHT-OF-WAY, TYBEE ISLAND, 5TH G.M. DISTRICT, CHATHAM COUNTY, STATE OF GEORGIA. PREPARED FOR BEACHSIDE DEVELOPMENT, INC. PREPARED BY JOHN S. KERN DATED JULY 26, 2000. RECORDED IN PLAT BOOK 20S PAGE 50A.
- A SUBDIVISION OF LOTS 3, & A RECOMBINATION OF LOTS 2, 4, & A PORTION OF LOT 5, BLOCK ONE, BAY WARD, A PORTION OF AN UNOPEN STREET, AND A PORTION OF AN ABANDONED RAILROAD RIGHT OF WAY, TYBEE ISLAND, 5TH G.M. DISTRICT, CHATHAM COUNTY, STATE OF GEORGIA. PREPARED BY KERN-COLEMAN & CO. DATED FEBRUARY 11, 2002. RECORDED IN PLAT BOOK 25S PAGE 23.
- A RECOMBINATION AND SUBDIVISION OF LOTS 1,2,3,4, BLOCK 2, THE EASTERN 40' OF LOT 5, BLOCK 1, BAY WARD, AN UNOPEN RIGHT-OF-WAY (UNNAMED), AN UNOPENED PORTION OF BAY STREET AND THE LANDS OF NORTH BAY STREET TO THE LOW WATER MARK OF THE SAVANNAH RIVER, TYBEE ISLAND 5TH G.M. DISTRICT, CHATHAM COUNTY, STATE OF GEORGIA. PREPARED BY JOHN S. KERN DATED NOVEMBER 11, 1996, RECORDED IN PLAT BOOK 20S PAGE 61.
- A RECOMBINATION PLAT OF LOT C-1 OF A SUBDIVISION OF LOTS A, B, C, AND LOT E, AND A PORTION OF THE CENTRAL OF GEORGIA RAILROAD R/W, GARDEN WARD, TYBEE ISLAND, CHATHAM COUNTY, GEORGIA. PREPARED BY J. WHITLEY REYNOLDS, DATED JULY 13, 2005, RECORDED IN PLAT BOOK 33S PAGE 52.

REFERENCES ALONG HIGHWAY 80 R/W TO BYERS AVE

Backup material for agenda item:

7. Agreement, Harold S. White



ABOVE SPACE FOR RECORDING INFORMATION ONLY

Prepared by:

Weiner, Shearouse, Weitz, Greenberg & Shawe
ATTN: William W. Shearouse, Jr.
14 E. State Street
Savannah, GA 31401
(912) 233-2251

AGREEMENT

THIS AGREEMENT is made and entered into as of the ____ day of October, 2018, by and between **HAROLD S. WHITE, JR. and ANGELIQUE WHITE** (hereinafter referred to as "Party of the First Part") and **THE CITY OF TYBEE ISLAND**, a municipal corporation of the State of Georgia (hereinafter referred to as the "Party of the Second Part").

W I T N E S S E T H

WHEREAS, the Party of the First Part is the owner of that certain real property known as Lot 1-A-2 on a plat identified as "A Minor Subdivision of Lot 1-A of a Subdivision of Lot 1, Block 1, Bay Ward, and a Portion of the Abandoned Railroad Right-of-Way, Tybee Island, 5th GM District, Chatham County, State of Georgia" prepared by John S. Kern for Beachside Development, Inc. recorded in Subdivision Map Book 20-S, Page 50, in the Office of the Clerk of Superior Court of Chatham County, Georgia. Said property with improvements thereon known as 1429-B Estill Avenue, Tybee Island, Georgia 31328, based upon the current numbering system in Chatham County, Georgia, and bears property identification number 4-0022-01-350; and

WHEREAS, Party of the Second Part is in the process of constructing a paved bicycle and pedestrian trail along Highway 80 which will utilize in part an abandoned gravel drive which is claimed to have previously provided access from Highway 80 to the property of the Party of the First Part and ~~two~~ other properties in what is now known as Sandy Shores Subdivision, Tybee Island, Georgia; and

WHEREAS, Party of the First Part has requested the assistance of the City of Tybee Island in posting appropriate signage in the area of Marsh Hen Trail to clarify the entrance to the trail so that the public will likely not mistakenly believe access to the trail can be acquired or maintained through Estill Avenue and the common areas of Sandy Shores Subdivision.

NOW THEREFORE, for and in consideration of the foregoing and of the mutual covenants and agreements herein made, the parties do agree as follows:

1. The Party of the First Part hereby conveys, quitclaims and releases unto the Party of the Second Part any of its rights, title and interest in and to the existing or previously existing gravel drive which connects U.S. Highway 80 to Sandy Shores Subdivision, reserving, however, unto Party of the First Part an easement of access, ingress and egress from and to the private drive known as Estill Avenue which serves as access from and to Sandy Shores Subdivision.
2. Party of Second Part covenants and agrees to construct and maintain appropriate signage near or about the entrance to Marsh Hen Trail to direct the public to the entrance access and ~~to~~ in an effort to reduce or eliminate any confusion which might occur as to whether or not access to the trail is possible through the common area of Sandy Shores Subdivision.
3. **MISCELLANEOUS.**
 - (a) This agreement shall be construed and interpreted under and governed by the laws of the State of Georgia.
 - (b) This is the sole and entire agreement of the parties hereto with respect to the subject matter hereof, and there are no other agreements, promises, or undertakings, oral or otherwise, between the parties hereto with respect to the subject matter hereof which are not set forth herein.
 - (c) This agreement shall not be modified or amended except by an instrument in writing signed by or on behalf of the parties hereto and recorded in the county records where this agreement is also recorded.
 - (d) This agreement shall be binding upon and enforceable against and shall inure to the benefit of the parties hereto and their respective heirs, legal representatives, successors and assigns.

[SIGNATURES ON FOLLOWING PAGE]

IN WITNESS WHEREOF, the parties hereto have executed and sealed this agreement as of the day and year first above written.

Signed, sealed and delivered
in the presence of:

PARTY OF THE FIRST PART:

Unofficial Witness

HAROLD S. WHITE, JR.

Notary Public

My Commission Expires:

[NOTARIAL SEAL]

Signed, sealed and delivered
in the presence of:

Unofficial Witness

ANGELIQUE WHITE

Notary Public

My Commission Expires:

[NOTARIAL SEAL]

[SIGNATURES CONTINUED ON THE FOLLOWING PAGE]

[SIGNATURES CONTINUED FROM PREVIOUS PAGE]

Signed, sealed and delivered
in the presence of:

Unofficial Witness

Notary Public

My Commission Expires:

[NOTARIAL SEAL]

PARTY OF THE SECOND PART:

THE CITY OF TYBEE ISLAND

By: _____

Its: _____

Attest: _____

Its: _____

ABOVE SPACE FOR RECORDING INFORMATION ONLY

Prepared by:

Weiner, Shearouse, Weitz, Greenberg & Shawe
ATTN: William W. Shearouse, Jr.
14 E. State Street
Savannah, GA 31401
(912) 233-2251

AGREEMENT

THIS AGREEMENT is made and entered into as of the ____ day of October, 2018, by and between **HAROLD S. WHITE, JR. and ANGELIQUE WHITE** (hereinafter referred to as "Party of the First Part") and **THE CITY OF TYBEE ISLAND**, a municipal corporation of the State of Georgia (hereinafter referred to as the "Party of the Second Part").

WITNESSETH

WHEREAS, the Party of the First Part is the owner of that certain real property known as Lot 1-A-2 on a plat identified as "A Minor Subdivision of Lot 1-A of a Subdivision of Lot 1, Block 1, Bay Ward, and a Portion of the Abandoned Railroad Right-of-Way, Tybee Island, 5th GM District, Chatham County, State of Georgia" prepared by John S. Kern for Beachside Development, Inc. recorded in Subdivision Map Book 20-S, Page 50, in the Office of the Clerk of Superior Court of Chatham County, Georgia. Said property with improvements thereon known as 1429-B Estill Avenue, Tybee Island, Georgia 31328, based upon the current numbering system in Chatham County, Georgia, and bears property identification number 4-0022-01-350; and

WHEREAS, Party of the Second Part is in the process of constructing a paved bicycle and pedestrian trail along Highway 80 which will utilize in part an abandoned gravel drive which is claimed to have previously provided access from Highway 80 to the property of the Party of the First Part and other properties in what is now known as Sandy Shores Subdivision, Tybee Island, Georgia; and

WHEREAS, Party of the First Part has requested the assistance of the City of Tybee Island in posting appropriate signage in the area of Marsh Hen Trail to clarify the entrance to the trail so that the public will likely not mistakenly believe access to the trail can be acquired or maintained through Estill Avenue and the common areas of Sandy Shores Subdivision.

NOW THEREFORE, for and in consideration of the foregoing and of the mutual covenants and agreements herein made, the parties do agree as follows:

1. The Party of the First Part hereby conveys, quitclaims and releases unto the Party of the Second Part any of its rights, title and interest in and to the existing or previously existing gravel drive which connects U.S. Highway 80 to Sandy Shores Subdivision, reserving, however, unto Party of the First Part an easement of access, ingress and egress from and to the private drive known as Estill Avenue which serves as access from and to Sandy Shores Subdivision.
2. Party of Second Part covenants and agrees to construct and maintain appropriate signage near or about the entrance to Marsh Hen Trail to direct the public to the entrance access and in an effort to reduce or eliminate any confusion which might occur as to whether or not access to the trail is possible through the common area of Sandy Shores Subdivision.
3. **MISCELLANEOUS.**
 - (a) This agreement shall be construed and interpreted under and governed by the laws of the State of Georgia.
 - (b) This is the sole and entire agreement of the parties hereto with respect to the subject matter hereof, and there are no other agreements, promises, or undertakings, oral or otherwise, between the parties hereto with respect to the subject matter hereof which are not set forth herein.
 - (c) This agreement shall not be modified or amended except by an instrument in writing signed by or on behalf of the parties hereto and recorded in the county records where this agreement is also recorded.
 - (d) This agreement shall be binding upon and enforceable against and shall inure to the benefit of the parties hereto and their respective heirs, legal representatives, successors and assigns.

[SIGNATURES ON FOLLOWING PAGE]

IN WITNESS WHEREOF, the parties hereto have executed and sealed this agreement as of the day and year first above written.

Signed, sealed and delivered
in the presence of:

PARTY OF THE FIRST PART:

Unofficial Witness

HAROLD S. WHITE, JR.

Notary Public

My Commission Expires:

[NOTARIAL SEAL]

Signed, sealed and delivered
in the presence of:

Unofficial Witness

ANGELIQUE WHITE

Notary Public

My Commission Expires:

[NOTARIAL SEAL]

[SIGNATURES CONTINUED ON THE FOLLOWING PAGE]

[SIGNATURES CONTINUED FROM PREVIOUS PAGE]

Signed, sealed and delivered
in the presence of:

Unofficial Witness

Notary Public

My Commission Expires:

[NOTARIAL SEAL]

PARTY OF THE SECOND PART:

THE CITY OF TYBEE ISLAND

By: _____

Its: _____

Attest: _____

Its: _____

Backup material for agenda item:

8. Thomas & Hutton, Addendum 12, Solomon Avenue Right-of-Way Survey



MAYOR
Jason Buelterman

CITY COUNCIL
Barry Brown, Mayor Pro Tem
John Branigin
Wanda Doyle
Julie Livingston
Monty Parks
Shirley Sessions



CITY MANAGER
Shawn Gillen

CLERK OF COUNCIL
Janet LeViner

CITY ATTORNEY
Edward M. Hughes

CITY OF TYBEE ISLAND

City Council Agenda Item Request

Agenda Item Requests and supporting documentation must be submitted to the Clerk of Council by 4:00PM on the Thursday prior to the next scheduled Council meeting. If this form is received after the deadline, the item will be listed on the next scheduled agenda.

Council Meeting Date for Request: October 25, 2018

Item: Thomas & Hutton: Addendum #12

Explanation: Solomon Ave Right-Of-Way Survey

Budget Line Item Number (if applicable): _____

Paper Work: Attached*
 Audio/Video Presentation**

* **Electronic submissions are requested by not required. Please email to jleviner@cityoftybee.org.**

** **Audio/video presentations *must* be submitted to the IT department at City Hall by 4:00PM on the Thursday prior to the scheduled meeting.**

NOTE: Request will be postponed if necessary information is not provided.

Submitted by: Shawn Gillen

Phone / Email: 912 472-5070 / sgillen@cityoftybee.org

Comments: _____

Date given to Clerk of Council 10/18/2018

P.O. Box 2749 – 403 Butler Avenue, Tybee Island, Georgia 31328-2749
(866) 786-4573 – FAX (866) 786-5737
www.cityoftybee.org



- Approvals or permits other than those related to the scope of work covered by this contract
- Act as an expert witness for legal activities
- Georgia Department of Transportation permits or approvals.
- Telephones, cable television, gas, and power distribution systems

These items can be coordinated or provided, if requested by the Owner in writing.

2. PERIODS OF SERVICE

After receipt of a written notice to proceed from the Owner, Consultant will commence and complete work upon a mutually agreed upon schedule between Owner and Consultant.

The above fee arrangements are on the basis of prompt payment of our invoices and the orderly and continuous progress of the Project.

Project related costs for all printing, travel, reproductions, and materials will be billed as reimbursable expenses.

When approved by both parties this Addendum becomes a legal document and a part of and subject to Terms and Conditions of said Contract.

APPROVED:

THOMAS & HUTTON ENGINEERING CO.

By: 
John V. Giordano, P.E.

Title: Project Manager

Date: August 7, 2018

APPROVED:

CITY OF TYBEE ISLAND

By: _____
Shawn Gillen

Title: City Manager

Date: _____

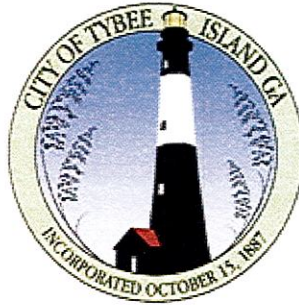
Backup material for agenda item:

9. Thomas & Hutton: Addendum 14, Dune Reconstruction-Survey & Construction Documents



MAYOR
Jason Buelterman

CITY COUNCIL
Barry Brown, Mayor Pro Tem
John Branigin
Wanda Doyle
Julie Livingston
Monty Parks
Shirley Sessions



CITY MANAGER
Shawn Gillen

CLERK OF
COUNCIL
Janet LeViner

CITY ATTORNEY
Edward M. Hughes

CITY OF TYBEE ISLAND

City Council Agenda Item Request

Agenda Item Requests and supporting documentation must be submitted to the Clerk of Council by 4:00PM on the Thursday prior to the next scheduled Council meeting. If this form is received after the deadline, the item will be listed on the next scheduled agenda.

Council Meeting Date for Request: October 25, 2018

Item: Thomas & Hutton: Addendum #14

Explanation: Dune Reconstruction-Survey & Construction Documents

Budget Line Item Number (if applicable): _____

Paper Work: Attached*
 Audio/Video Presentation**

* **Electronic submissions are requested by not required. Please email to jleviner@cityoftybee.org.**

** **Audio/video presentations *must* be submitted to the IT department at City Hall by 4:00PM on the Thursday prior to the scheduled meeting.**

NOTE: Request will be postponed if necessary information is not provided.

Submitted by: Shawn Gillen

Phone / Email: 912 472-5070 / sgillen@cityoftybee.org

Comments: _____

Date given to Clerk of Council 10/18/2018

P.O. Box 2749 – 403 Butler Avenue, Tybee Island, Georgia 31328-2749
(866) 786-4573 – FAX (866) 786-5737
www.cityoftybee.org



ADDENDUM #14

ADDENDUM # #14 DATE September 19, 2018

ADDENDUM TO CONTRACT City of Tybee Island – City Engineer

DATE OF CONTRACT February 28, 2018

**PROJECT: CITY OF TYBEE ISLAND
 DUNE RECONSTRUCTION – SURVEY & CONSTRUCTION DOCUMENTS**

THE CITY OF TYBEE ISLAND (Owner) and **THOMAS & HUTTON ENGINEERING CO.** (Consultant/Engineer) this 19TH day of September 2018, amend their contract dated February 28, 2018 for work, materials, or services described below.

I. SCOPE OF WORK:

Thomas & Hutton met with the City of Tybee and Alan Robertson to discuss the City's plans for reconstruction of the dune system from the Tybee Island Pier located at the east end of Tybrisa St. south to 19th St. The City has indicated that they have already secured the necessary permits and a grant for the construction of the dunes and are requesting Thomas & Hutton to survey the dunes and prepare construction documents in accordance with the Shore Protection Act Permit #460 which provided for Dune Restoration and Improvements to an Existing Pedestrian Promenade for South Beach Area. The City has indicated that they are working with another consultant on the promenade improvements on the western side of the dunes as well as landscaping of the dunes themselves. Thomas & Hutton is not responsible for any work associated with the promenade or the landscaping of the dunes.

A. Dune Survey

The City has requested Thomas & Hutton to survey the dunes from 14th St to 19th St, approximately 10 acres. The survey limits exceed that of the existing construction permit, but the City has requested the additional survey in anticipation of a future dune reconstruction project in this area. The western limits of the survey will be the eastern edge of asphalt in the Strand Ave parking lot. The eastern limits of the survey will be 30' beyond the tow (towards the Atlantic Ocean) of the existing dunes.

The topographic survey will be completed with GPS and the horizontal datum and vertical datum for the survey will Georgia State Plane Grid, East Zone NAD83 and NAVD88, respectively. Deliverable will consist of an AutoCAD Civil3D file.

Survey Phase Time & Expense \$7,500.00

B. Construction Documents

Upon completion of the survey, Thomas & Hutton will prepare construction plans, specifications and contract documents for the redevelopment of the dune system from the Tybee Island Pier south to 19th St. Construction plans will consist of plan views of the proposed improvements as well as cross sections every 200 ft within the limits of the project. The construction plans will be developed in accordance with the approved design as described in Shore Protection Act (SPA) Permit #460, Dune Restoration and Improvements to an Existing Pedestrian Promenade for South Beach Area. As previously stated, the construction plans will not include any improvements to the promenade area and/or landscaping of the proposed dunes. This will be completed by a separate consultant working directly for the City of Tybee.

The existing SPA permit provides for approx. 20,000 CY of sand to be placed in three (3) specific Project Areas as defined in the permit. As Thomas & Hutton develops the proposed surface model, we will perform a volumetric comparison of the proposed surface versus the existing ground surface to verify that the volume requirements of the permit are being met. If the volumetric requirements of the permit are exceeded, Thomas & Hutton will notify the City and Mr. Robertson of the issue. Thomas & Hutton will revise the plans one (1) time under this proposal, adjusting the design to meet the permit requirements.

Thomas & Hutton will prepare Contract Documents for the bidding of the project. The Contract Documents will be consistent with the documents which Thomas & Hutton has prepared for the City on previous construction projects.

Thomas & Hutton will prepare technical specifications and a bid form to be used during the bidding and construction of the project.

Construction Documents	Fixed Fee	\$12,500.00
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A. Exclusions

Items **not** included in the scope of services are as follows:

- **Permitting of Any Type** – *The City has indicated that no additional permitting is required for the construction of this project. Should permitting be necessary, it may be completed as additional services.*
- Cost Estimating
- Bid Phase Services
- Construction Services
- Sand Certification
- Determination of Improvements and Associated Costs
- Accessibility construction compliance verification
- Archaeological survey and report
- Wetland, Coastal Marshland delineation, surveys, or permits

- Geotechnical investigation or report
- Phase One or Phase Two Environmental Assessments
- Endangered species survey and report
- Off-site work unless specifically covered in the scope of services
- Act as an expert witness for legal activities
- Georgia Department of Transportation, USACE, GA DNR, GA EPD permits or approvals.
- Telephones, cable television, gas, and power distribution systems

These items can be coordinated or provided, if requested by the Owner in writing.

2. PERIODS OF SERVICE

After receipt of a written notice to proceed from the Owner, Consultant will commence and complete work upon a mutually agreed upon schedule between Owner and Consultant.

The above fee arrangements are on the basis of prompt payment of our invoices and the orderly and continuous progress of the Project.

Project related costs for all printing, travel, reproductions, and materials will be billed as reimbursable expenses.

When approved by both parties this Addendum becomes a legal document and a part of and subject to Terms and Conditions of said Contract.

APPROVED:

THOMAS & HUTTON ENGINEERING CO.

By: 

John V. Giordano, P.E.

Title: Project Manager

Date: 9/20/18

APPROVED:

CITY OF TYBEE ISLAND

By: _____
Shawn Gillen

Title: City Manager

Date: _____

Backup material for agenda item:

10. Thomas & Hutton, Addendum 13, Estill/Storer/Telephone Avenue Right-of-Way Survey



MAYOR
Jason Buelterman

CITY COUNCIL
Barry Brown, Mayor Pro Tem
John Branigin
Wanda Doyle
Julie Livingston
Monty Parks
Shirley Sessions



CITY MANAGER
Shawn Gillen

CLERK OF COUNCIL
Janet LeViner

CITY ATTORNEY
Edward M. Hughes

CITY OF TYBEE ISLAND

City Council Agenda Item Request

Agenda Item Requests and supporting documentation must be submitted to the Clerk of Council by 4:00PM on the Thursday prior to the next scheduled Council meeting. If this form is received after the deadline, the item will be listed on the next scheduled agenda.

Council Meeting Date for Request: October 25, 2018

Item: Thomas & Hutton: Addendum #13

Explanation: Estill/Storer/Telephone Avenue Right-of-Way Survey

Budget Line Item Number (if applicable): _____

Paper Work: Attached*
 Audio/Video Presentation**

* **Electronic submissions are requested by not required. Please email to jleviner@cityoftybee.org.**

** **Audio/video presentations *must* be submitted to the IT department at City Hall by 4:00PM on the Thursday prior to the scheduled meeting.**

NOTE: Request will be postponed if necessary information is not provided.

Submitted by: Shawn Gillen

Phone / Email: 912 472-5070 / sgillen@cityoftybee.org

Comments: _____

Date given to Clerk of Council 10/18/2018

P.O. Box 2749 – 403 Butler Avenue, Tybee Island, Georgia 31328-2749
(866) 786-4573 – FAX (866) 786-5737
www.cityoftybee.org



ADDENDUM #13

ADDENDUM # #13 DATE September 12, 2018

ADDENDUM TO CONTRACT City of Tybee Island – City Engineer

DATE OF CONTRACT February 28, 2018

**PROJECT: CITY OF TYBEE ISLAND
 ESTILL/STORER/TELEPHONE AVENUE RIGHT-OF-WAY SURVEY**

THE CITY OF TYBEE ISLAND (Owner) and **THOMAS & HUTTON ENGINEERING CO.** (Consultant/Engineer) this 12TH day of September 2018, amend their contract dated February 28, 2018 for work, materials, or services described below.

I. SCOPE OF WORK:

A. Right-of-Way Survey

At the request of the City of Tybee Island, Thomas & Hutton will flag a portion of the unopened rights-of-way associated with Estill Ave, Storer Ave and Telephone Ave. Based on available existing recorded plats and monuments found in the field Thomas & Hutton will flag limits of the existing right-of-way for the City's future use. Thomas & Hutton will flag both sides of the unopened rights-of-way. We will not locate visible improvements (i.e. roads, ditches, signs, fences), trees and/or surface appurtenances of underground utilities.

Deliverable for this task will consist of stakes placed in the field at the limits of the existing unopened rights-of-way for Estill Ave, Storer Ave. and Telephone Ave.

Survey Phase	Time & Expense	\$3,500.00
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A. Exclusions

Items not included in the scope of services are as follows:

- Engineering Design
- Permitting of any type
- Cost Estimating
- Construction Services
- Determination of Improvements and Associated Costs
- Accessibility construction compliance verification
- Archaeological survey and report
- Wetland, Coastal Marshland delineation, surveys, or permits
- Geotechnical investigation or report
- Phase One or Phase Two Environmental Assessments
- Endangered species survey and report
- Off-site work unless specifically covered in the scope of services

- Approvals or permits other than those related to the scope of work covered by this contract
- Act as an expert witness for legal activities
- Georgia Department of Transportation permits or approvals.
- Telephones, cable television, gas, and power distribution systems

These items can be coordinated or provided, if requested by the Owner in writing.

2. PERIODS OF SERVICE

After receipt of a written notice to proceed from the Owner, Consultant will commence and complete work upon a mutually agreed upon schedule between Owner and Consultant.

The above fee arrangements are on the basis of prompt payment of our invoices and the orderly and continuous progress of the Project.

Project related costs for all printing, travel, reproductions, and materials will be billed as reimbursable expenses.

When approved by both parties this Addendum becomes a legal document and a part of and subject to Terms and Conditions of said Contract.

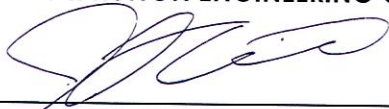
APPROVED:

APPROVED:

THOMAS & HUTTON ENGINEERING CO.

CITY OF TYBEE ISLAND

By: _____


John V. Giordano, P.E.

By: _____

Shawn Gillen

Title: Project Manager

Title: City Manager

Date: 9/12/18

Date: _____

Backup material for agenda item:

11. Assignment of EPG Contracts



CONSENT TO ASSIGNMENT OF CONTRACT

City of Tybee Island (“Client”) and Ecological Planning Group, LLC, a Georgia limited liability company (“EPG”), have entered into an agreement for NPDES Phase I MS4 Permit compliance, dated 09/05/18 and approved on 09/27/18, (as amended, the “Contract”). Client has been informed that EPG and Goodwyn, Mills & Cawood, Inc., an Alabama corporation (“GMC”) have entered into an Asset Purchase Agreement (the “Purchase Agreement”), pursuant to which EPG has agreed to sell and assign certain of its assets, including the Contract, to GMC. The closing of the sale of assets by EPG to GMC (the “Closing”), including the assignment of the Contract to GMC, was effective as of September 30, 2018. Client hereby consents to EPG’s assignment, in accordance with the terms of the Purchase Agreement, of EPG’s rights and obligations under the Contract to GMC, all effective as of and subject to the Closing; provided that GMC shall as of the Closing assume all of EPG’s obligations under the Contract other than any liabilities or obligations of EPG arising out of or relating to a breach by EPG that occurred prior to the Closing (the “Assumed Obligations”), in accordance with the terms of the Purchase Agreement. Effective as of the Closing and subject to GMC’s assumption of the Assumed Obligations, EPG is released from the Assumed Obligations.

DATED: _____, 2018

CLIENT NAME:

City of Tybee Island_____

By: _____

Name: _____

Title: _____

CONSENT TO ASSIGNMENT OF CONTRACT

City of Tybee Island (“Client”) and Ecological Planning Group, LLC, a Georgia limited liability company (“EPG”), have entered into that certain CIG Grant: Carrying Capacity Study Implementation dated 1/18/2018, (as amended, the “Contract”). Client has been informed that EPG and Goodwyn, Mills & Cawood, Inc., an Alabama corporation (“GMC”) have entered into an Asset Purchase Agreement (the “Purchase Agreement”), pursuant to which EPG has agreed to sell and assign certain of its assets, including the Contract, to GMC. The closing of the sale of assets by EPG to GMC (the “Closing”), including the assignment of the Contract to GMC, was effective as of September 30, 2018. Client hereby consents to EPG’s assignment, in accordance with the terms of the Purchase Agreement, of EPG’s rights and obligations under the Contract to GMC, all effective as of and subject to the Closing; provided that GMC shall as of the Closing assume all of EPG’s obligations under the Contract other than any liabilities or obligations of EPG arising out of or relating to a breach by EPG that occurred prior to the Closing (the “Assumed Obligations”), in accordance with the terms of the Purchase Agreement. Effective as of the Closing and subject to GMC’s assumption of the Assumed Obligations, EPG is released from the Assumed Obligations.

DATED: _____, 2018

CLIENT NAME:

City of Tybee Island_____

By: _____

Name: _____

Title: _____

CONSENT TO ASSIGNMENT OF CONTRACT

City of Tybee Island (“Client”) and Ecological Planning Group, LLC, a Georgia limited liability company (“EPG”), have entered into that certain NPDES Phase I MS4 Stormwater Management Plan (SWMP) Revision 2017 dated 05/10/17, (as amended, the “Contract”). Client has been informed that EPG and Goodwyn, Mills & Cawood, Inc., an Alabama corporation (“GMC”) have entered into an Asset Purchase Agreement (the “Purchase Agreement”), pursuant to which EPG has agreed to sell and assign certain of its assets, including the Contract, to GMC. The closing of the sale of assets by EPG to GMC (the “Closing”), including the assignment of the Contract to GMC, was effective as of September 30, 2018. Client hereby consents to EPG’s assignment, in accordance with the terms of the Purchase Agreement, of EPG’s rights and obligations under the Contract to GMC, all effective as of and subject to the Closing; provided that GMC shall as of the Closing assume all of EPG’s obligations under the Contract other than any liabilities or obligations of EPG arising out of or relating to a breach by EPG that occurred prior to the Closing (the “Assumed Obligations”), in accordance with the terms of the Purchase Agreement. Effective as of the Closing and subject to GMC’s assumption of the Assumed Obligations, EPG is released from the Assumed Obligations.

DATED: _____, 2018

CLIENT NAME:

City of Tybee Island_____

By: _____

Name: _____

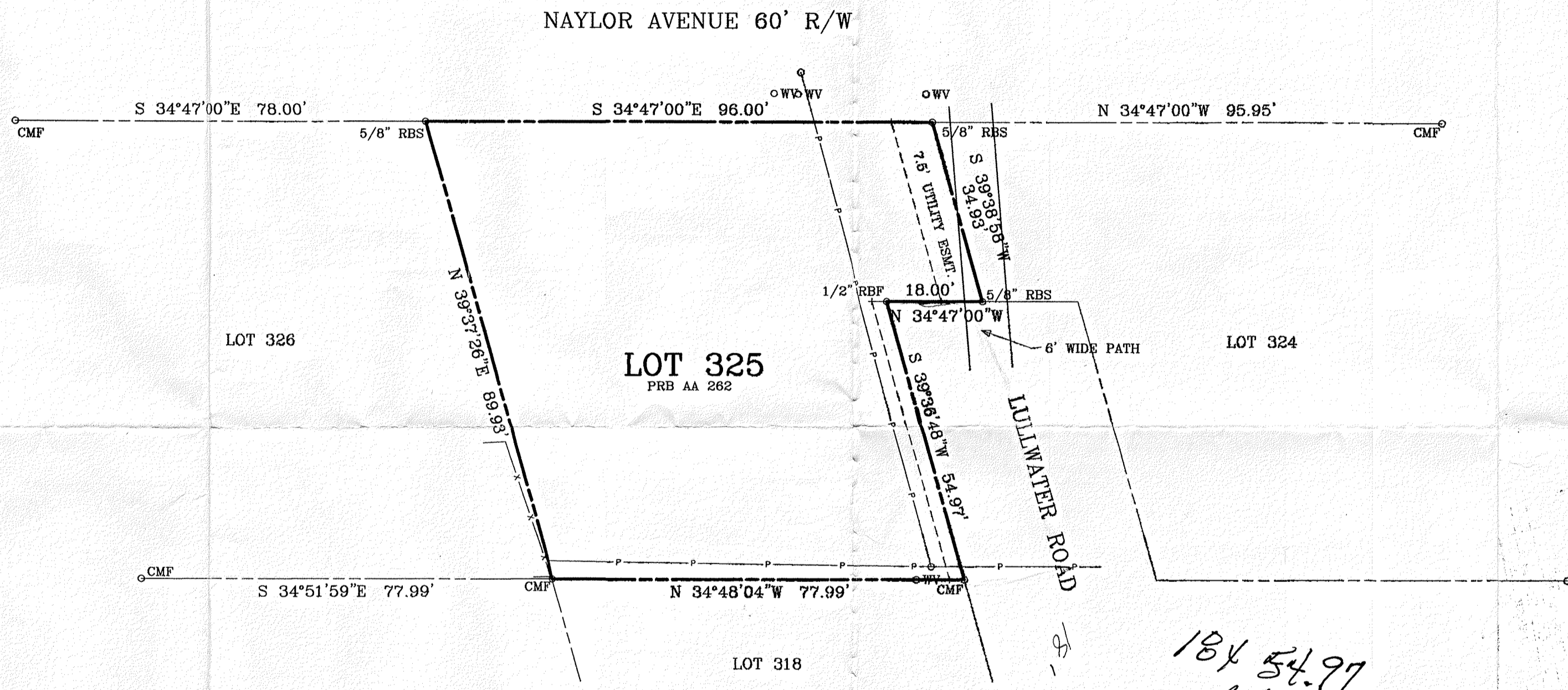
Title: _____

Backup material for agenda item:

12. Crista Rader - Right-of-Way - Naylor Avenue



PRB AA 262



184 54.97
[Handwritten signature]

RETRACEMENT SURVEY

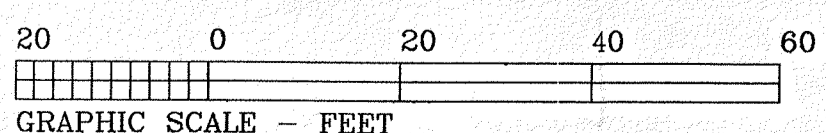
**PLAT OF LOT 325 OF A SUBDIVISION OF
 LOTS 109-132, FORT WARD, TYBEE ISLAND
 CHATHAM COUNTY, GEORGIA**

FOR: CHARLES LOWERY

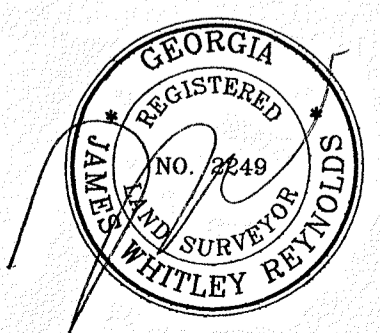
THIS SURVEY WAS PREPARED IN CONFORMITY WITH THE TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN CHAPTER 180-7 OF THE RULES OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN THE GEORGIA PLAT ACT O.C.G.A. 15-6-67.

EQUIPMENT:
 TOPCON AP-L1A
 ERROR OF CLOSURE:
 LINEAR: 1/207,800
 ANG: 1"/ANGLE
 BALANCED BY: L. S.
 PLAT: 1/80,200

SCALE: 1" = 20'
 DATE: JANUARY 27, 2017 SURVEY
 DATE: JANUARY 30, 2017 PLAT
 FILE NO. 17-8



J. WHITLEY REYNOLDS
 LAND SURVEYOR
 636 STEPHENSON AVENUE
 SUITE C
 SAVANNAH, GEORGIA 31405
 TELEPHONE: 912-352-0464
 FAX: 912-352-7787



CRISTA RADER

Backup material for agenda item:

13. First Reading, 18-2018, Sec 14-3 Election Officials



Sec 14.3. Election officials

The mayor and council shall by resolution ~~annually~~ appoint such election officials as are necessary to comply with the a municipal election superintendent, election manager, registrars, absentee ballot clerk and any other officials as are necessary, all of whom shall exercise those powers and duties set forth in O.C.G.A 21-2-1 et seq. and other applicable provisions of the Georgia Municipal Election Code.

ORDINANCE NO. 18-2018

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES
FOR THE CITY OF TYBEE ISLAND, GEORGIA,
REGARDING SECTION 14-3 REGARDING
ELECTION OFFICIALS

WHEREAS, the State Constitution and the City Home Rule powers permit the City to adopt ordinances pertaining to the affairs of the local government; and

WHEREAS, the duly elected governing authority for the City of Tybee Island, Georgia, is the Mayor and Council thereof, and

WHEREAS, the governing authority desires to amend the Code of Ordinances for the City of Tybee Island, Georgia, Section 14-3 relating to Election Officials.

NOW, THEREFORE, It is hereby ordained by the governing authority of the City of Tybee Island that The Code of Ordinances of the City of Tybee Island, Georgia, Section 14.3 dealing with Election Officials so that hereafter the Section and Code shall read as hereinafter provided.

SECTION 1

The Code of the City of Tybee Island, Georgia, is hereby amended so as to cause Section 14-3 to be added so that hereafter such section shall read as follows:

Sec 14-3

Sec 14.3 ELECTION OFFICIALS

The Mayor and Council shall by resolution appoint such election officials as are necessary to comply with the Georgia Municipal Election Code.

SECTION 2

The sections, paragraphs, sentences, clauses and phrases of this ordinance are severable and, if any phrase, clause, sentence, paragraph, or section of this ordinance shall be declared illegal or invalid by the valid judgement or decree of any court of competent jurisdiction, such illegality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance.

SECTION 3

All ordinances and parts of ordinances in conflict herewith are expressly repealed.

SECTION 4

It is the intention of the governing body, and it is hereby ordained, that the provisions of this ordinance shall become effective and be made a part of the Code of Ordinances, City of Tybee Island, Georgia, and the sections of this ordinance may be renumbered to accomplish such intention.

SECTION 5

This ordinance shall be effective upon its adoption by the Mayor and Council pursuant to The Code of the City of Tybee Island, Georgia.

ADOPTED THIS ___ DAY OF _____, 2018

MAYOR

ATTEST:

CLERK OF COUNCIL

FIRST READING: _____

SECOND READING: _____

ENACTED: _____

Backup material for agenda item:

14. First Reading, Ordinance 19-2018, Sec 14-4, Superintendent to Incur Expenses



Sect 14.4. Superintendent to incur expenses.

The City is authorized to conduct elections through the Chatham County Board of Elections and pay expenses associated therewith. In the event it is necessary to do so,
the ~~The~~ election superintendent is authorized to incur expenses in the preparation and conduct of an election including the cost of purchasing identification badges for poll officers, the printing of ballots and voter's certificates, and the purchasing of all other supplies necessary for the conduct of an election. The superintendent is further authorized to incur all necessary expenses to provide voting booths for the proper conduct of all elections.

ORDINANCE NO. 19-2018

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES
FOR THE CITY OF TYBEE ISLAND, GEORGIA,
REGARDING SECTION 14.1 REGARDING
SUPERINTENDENT TO INCUR EXPENSES

WHEREAS, the State Constitution and the City Home Rule powers permit the City to adopt ordinances pertaining to the affairs of the local government; and

WHEREAS, the duly elected governing authority for the City of Tybee Island, Georgia, is the Mayor and Council thereof, and

WHEREAS, the governing authority desires to amend the Code of Ordinances for the City of Tybee Island, Georgia, Section 14-4 relating to Superintendent to Incur Expenses.

NOW, THEREFORE, It is hereby ordained by the governing authority of the City of Tybee Island that The Code of Ordinances of the City of Tybee Island, Georgia, Section 14-4 dealing with Sec 14-4 so that hereafter the Section and Code shall read as hereinafter provided.

SECTION 1

The Code of the City of Tybee Island, Georgia, is hereby amended so as to cause Section 14-3 to be added so that hereafter such section shall read as follows:

Sec 14-4

Sec 14-4 Superintendent to Incur Expenses

The City is authorized to conduct elections through the Chatham County Board of Elections and pay expenses associated therewith. In the event it is necessary to do so, the election superintendent is authorized to incur expenses in the preparation and conduct of an election including the cost of purchasing identification badges for poll officers, the printing of ballots and voter's certificates, and the purchasing of all other supplies necessary to conduct an election. The superintendent is further authorized to incur all necessary expenses to provide voting booths for the proper conduct of all elections.

SECTION 2

The sections, paragraphs, sentences, clauses and phrases of this ordinance are severable and, if any phrase, clause, sentence, paragraph, or section of this ordinance shall be declared illegal or invalid by the valid judgement or decree of any court of competent jurisdiction, such illegality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance.

SECTION 3

All ordinances and parts of ordinances in conflict herewith are expressly repealed.

SECTION 4

It is the intention of the governing body, and it is hereby ordained, that the provisions of this ordinance shall become effective and be made a part of the Code of Ordinances, City of Tybee Island, Georgia, and the sections of this ordinance may be renumbered to accomplish such intention.

SECTION 5

This ordinance shall be effective upon its adoption by the Mayor and Council pursuant to The Code of the City of Tybee Island, Georgia.

ADOPTED THIS ___ DAY OF _____, 2018

MAYOR

ATTEST:

CLERK OF COUNCIL

FIRST READING: _____

SECOND READING: _____

ENACTED: _____

Backup material for agenda item:

15. First Reading, Ordinance 20-2018, Sec 14-5, Polling Places



Sec 14-5 District; polling places.

The area within the corporate limits of the City shall constitute an election district within the City. Persons shall vote at ~~City Hall, the community center or at~~ such ~~other~~ locations as may be established by the municipal elections superintendent or the board of elections. All polling places shall be provided with sufficient light and heat.

ORDINANCE NO. 20-2018

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES
FOR THE CITY OF TYBEE ISLAND, GEORGIA,
REGARDING SECTION 14-5 REGARDING
DISTRICT; POLLING PLACES

WHEREAS, the State Constitution and the City Home Rule powers permit the City to adopt ordinances pertaining to the affairs of the local government; and

WHEREAS, the duly elected governing authority for the City of Tybee Island, Georgia, is the Mayor and Council thereof, and

WHEREAS, the governing authority desires to amend the Code of Ordinances for the City of Tybee Island, Georgia, Section 14-5 relating to Polling Places.

NOW, THEREFORE, It is hereby ordained by the governing authority of the City of Tybee Island that The Code of Ordinances of the City of Tybee Island, Georgia, Section 14-5 dealing with Polling Places so that hereafter the Section and Code shall read as hereinafter provided.

SECTION 1

The Code of the City of Tybee Island, Georgia, is hereby amended so as to cause Section 14-3 to be added so that hereafter such section shall read as follows:

Sec 14-5

Sec 14-5 Polling Places. The area within the corporate limits of the City shall constitute an election district within the City. Persons shall vote at such locations as may be established by the municipal elections superintendent or the board of elections. All polling places shall be provided with sufficient light and heat.

SECTION 2

The sections, paragraphs, sentences, clauses and phrases of this ordinance are severable and, if any phrase, clause, sentence, paragraph, or section of this ordinance shall be declared illegal or invalid by the valid judgement or decree of any court of competent jurisdiction, such illegality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance.

SECTION 3

All ordinances and parts of ordinances in conflict herewith are expressly repealed.

SECTION 4

It is the intention of the governing body, and it is hereby ordained, that the provisions of this ordinance shall become effective and be made a part of the Code of Ordinances, City of Tybee Island, Georgia, and the sections of this ordinance may be renumbered to accomplish such intention.

SECTION 5

This ordinance shall be effective upon its adoption by the Mayor and Council pursuant to The Code of the City of Tybee Island, Georgia.

ADOPTED THIS ___ DAY OF _____, 2018

MAYOR

ATTEST:

CLERK OF COUNCIL

FIRST READING: _____

SECOND READING: _____

ENACTED: _____

Backup material for agenda item:

16. First Reading, Ordinance 21-2018, Sec 14-9, Notice of Candidacy; Time periods



Sec 14 – 9. Notice of Candidacy; time periods

Each candidate or a designee shall file a Notice of Candidacy in the office of the Municipal Clerk of such candidate's candidacy.

~~(1)~~ In the case of a general election held in an odd-numbered year, ~~no earlier than 8:30 a.m. on the second Monday in September immediately preceding the general election and no later than 4:30 p.m. on the following Friday. as otherwise provided by State Law as currently existing or as hereinafter removed.~~

~~(2)~~(1) In the case of a special election, not earlier than the date of the call and at least 25 days prior to the election or as otherwise provided by State Law as currently existing or as hereinafter removed.

ORDINANCE NO. 21-2018

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES
FOR THE CITY OF TYBEE ISLAND, GEORGIA,
REGARDING SECTION 14-9 REGARDING
NOTICE OF CANDIDACY; TIME PERIODS

WHEREAS, the State Constitution and the City Home Rule powers permit the City to adopt ordinances pertaining to the affairs of the local government; and

WHEREAS, the duly elected governing authority for the City of Tybee Island, Georgia, is the Mayor and Council thereof, and

WHEREAS, the governing authority desires to amend the Code of Ordinances for the City of Tybee Island, Georgia, Section 14-9 relating to Notice of Candidacy; time periods.

NOW, THEREFORE, It is hereby ordained by the governing authority of the City of Tybee Island that The Code of Ordinances of the City of Tybee Island, Georgia, Section 14-9 dealing with Notice of Candidacy; time periods so that hereafter the Section and Code shall read as hereinafter provided.

SECTION 1

The Code of the City of Tybee Island, Georgia, is hereby amended so as to cause Section 14-3 to be added so that hereafter such section shall read as follows:

Sec 14-9

Sec 14-9 Notice of Candidacy; time periods

Each candidate or a designee shall file a Notice of Candidacy in the office of the Municipal Clerk of such candidate's candidacy.

- (1) In the case of a general election held in an odd-numbered year as provided by State Law as currently existing or as hereinafter amended and is directed by the Municipal Superintendent.
- (2) In the case of a special election, not earlier than the date of the call and at least 25 days prior to the election or as otherwise provided by State Law as currently existing or as hereinafter removed.

SECTION 2

The sections, paragraphs, sentences, clauses and phrases of this ordinance are severable and, if any phrase, clause, sentence, paragraph, or section of this ordinance shall be declared illegal or invalid by the valid judgement or decree of any court of competent jurisdiction, such illegality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance.

SECTION 3

All ordinances and parts of ordinances in conflict herewith are expressly repealed.

SECTION 4

It is the intention of the governing body, and it is hereby ordained, that the provisions of this ordinance shall become effective and be made a part of the Code of Ordinances, City of Tybee Island, Georgia, and the sections of this ordinance may be renumbered to accomplish such intention.

SECTION 5

This ordinance shall be effective upon its adoption by the Mayor and Council pursuant to The Code of the City of Tybee Island, Georgia.

ADOPTED THIS ___ DAY OF _____, 2018

MAYOR

ATTEST:

CLERK OF COUNCIL

FIRST READING: _____

SECOND READING: _____

ENACTED: _____

Backup material for agenda item:

17. First Reading, Ordinance 22-2018, Section 14-10 Designation of Office Sought; Election of Councilmembers



Sec 14-10. Designation of office sought; election of councilmembers

A candidate seeking one of two or more public offices each having the same title and to be filled at the same election by the vote of the same electors shall not designate the specific office he is seeking. The ~~six~~ candidates for city council receiving the highest number of lawful votes cast shall be elected as ~~the six~~ councilmembers of the City.

ORDINANCE NO. 22-2018

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES
FOR THE CITY OF TYBEE ISLAND, GEORGIA,
REGARDING SECTION 14-10 REGARDING
DESIGNATION OF OFFICE SOUGHT; ELECTION OF COUNCILMEMBERS

WHEREAS, the State Constitution and the City Home Rule powers permit the City to adopt ordinances pertaining to the affairs of the local government; and

WHEREAS, the duly elected governing authority for the City of Tybee Island, Georgia, is the Mayor and Council thereof, and

WHEREAS, the governing authority desires to amend the Code of Ordinances for the City of Tybee Island, Georgia, Section 14-10 relating to Designation of office sought; election of councilmembers.

NOW, THEREFORE, It is hereby ordained by the governing authority of the City of Tybee Island that The Code of Ordinances of the City of Tybee Island, Georgia, Section 14-10 dealing with Designation of office sought; election of councilmembers so that hereafter the Section and Code shall read as hereinafter provided.

SECTION 1

The Code of the City of Tybee Island, Georgia, is hereby amended so as to cause Section 14-3 to be added so that hereafter such section shall read as follows:

Sec 14-10

Sec 14-10 Designation of office sought; election of councilmembers

A candidate seeking one of two or more public offices each having the same title and to be filled at the same election by the vote of the same electors shall not designate the specific office he is seeking. The candidates for city council receiving the highest number of lawful votes cast shall be elected as councilmembers of the City.

SECTION 2

The sections, paragraphs, sentences, clauses and phrases of this ordinance are severable and, if any phrase, clause, sentence, paragraph, or section of this ordinance shall be declared illegal or invalid by the valid judgement or decree of any court of competent jurisdiction, such illegality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance.

SECTION 3

All ordinances and parts of ordinances in conflict herewith are expressly repealed.

SECTION 4

It is the intention of the governing body, and it is hereby ordained, that the provisions of this ordinance shall become effective and be made a part of the Code of Ordinances, City of Tybee Island, Georgia, and the sections of this ordinance may be renumbered to accomplish such intention.

SECTION 5

This ordinance shall be effective upon its adoption by the Mayor and Council pursuant to The Code of the City of Tybee Island, Georgia.

ADOPTED THIS ___ DAY OF _____, 2018

MAYOR

ATTEST:

CLERK OF COUNCIL

FIRST READING: _____

SECOND READING: _____

ENACTED: _____

Backup material for agenda item:

18. First Reading, Ordinance 23-2018, Sec 14-18, Time of Regular Election; Succession by Incumbent



Sec. 14-18. Time of regular election; succession by incumbent.

On the first Tuesday in November of each odd-numbered year, beginning in 1983, a regular election shall be held in the City ~~at the City Hall~~ or at such ~~other~~ place or places as may be designated ~~the city council may designate~~ for the election of a mayor when appropriate and /or council members as appropriate ~~six councilmembers who shall have the qualifications specified in this chapter to hold such office.~~ Any incumbent mayor or incumbent councilmember who shall qualify as a candidate and meet the qualifications to hold such office may be a candidate to succeed himself for office or for office as a member of the city council.

ORDINANCE NO 23-2018

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES
FOR THE CITY OF TYBEE ISLAND, GEORGIA,
REGARDING SECTION 14-18 REGARDING
TIME OF REGULAR ELECTION; SUCCESSION BY INCUMBENT

WHEREAS, the State Constitution and the City Home Rule powers permit the City to adopt ordinances pertaining to the affairs of the local government; and

WHEREAS, the duly elected governing authority for the City of Tybee Island, Georgia, is the Mayor and Council thereof, and

WHEREAS, the governing authority desires to amend the Code of Ordinances for the City of Tybee Island, Georgia, Section 14-18 relating to Time of regular election; succession by incumbent.

NOW, THEREFORE, It is hereby ordained by the governing authority of the City of Tybee Island that The Code of Ordinances of the City of Tybee Island, Georgia, Section 14-18 dealing with Time of regular election; succession by incumbent so that hereafter the Section and Code shall read as hereinafter provided.

SECTION 1

The Code of the City of Tybee Island, Georgia, is hereby amended so as to cause Section 14-3 to be added so that hereafter such section shall read as follows:

Sec 14-18

Sec 14-18. Time of regular election; succession by incumbent.

On the first Tuesday in November of each odd-numbered year, beginning in 1983, a regular election shall be held in the City or at such place or places as may be designated for the election of a Mayor when appropriate and/or council members as appropriate. Any incumbent Mayor or incumbent councilmember who shall qualify as a candidate and meet the qualifications to hold such office may be a candidate to succeed himself for office or for office as a member of the City Council.

SECTION 2

The sections, paragraphs, sentences, clauses and phrases of this ordinance are severable and, if any phrase, clause, sentence, paragraph, or section of this ordinance shall be declared illegal or invalid by the valid judgement or decree of any court of competent jurisdiction, such illegality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance.

SECTION 3

All ordinances and parts of ordinances in conflict herewith are expressly repealed.

SECTION 4

It is the intention of the governing body, and it is hereby ordained, that the provisions of this ordinance shall become effective and be made a part of the Code of Ordinances, City of Tybee Island, Georgia, and the sections of this ordinance may be renumbered to accomplish such intention.

SECTION 5

This ordinance shall be effective upon its adoption by the Mayor and Council pursuant to The Code of the City of Tybee Island, Georgia.

ADOPTED THIS ____ DAY OF _____, 2018

MAYOR

ATTEST:

CLERK OF COUNCIL

FIRST READING: _____

SECOND READING: _____

ENACTED: _____

Backup material for agenda item:

19. Resolution Requesting Local Legislation to Update the Charter of the City of Tybee Island



RESOLUTION

**A RESOLUTION REQUESTING
LOCAL LEGISLATION TO UPDATE THE CHARTER OF THE CITY OF TYBEE
ISLAND AS DESCRIBED HEREIN**

BE IT RESOLVED by Mayor and Council of the City of Tybee Island, in open meeting, as follows:

WHEREAS, the City of Tybee Island is a duly organized municipality existing under the laws of the State of Georgia; and

WHEREAS, the City has from time to time held council seats declared vacant; and

WHEREAS, currently under Section 5.18 of the Charter, the council elects a member to fill any vacancy; and

WHEREAS, the council would like for the people to be able to choose who represents them where more than two years of time is left by any vacancy; and

WHEREAS, doing so would require amending the Charter and constitute a change in the manner of electing council members to fill vacancies; and

WHEREAS, the City desires to make this change in the Charter giving the people the ability to choose their representatives in case of such vacancy; and

WHEREAS, the City previously changed its voting structure by requesting and having secured local legislation authorizing the City to convert their elections from two year cycles of all offices to staggered four year terms; and

WHEREAS, the City amended the Charter, Section 5.12, which now provides for four year terms on a staggered basis; and

WHEREAS, as a result of such changes, additional provisions of the Charter need clarification and/or a revision so as to be clear and consistent,

NOW, THEREFORE, be it resolved by the Mayor and Council in open meeting that the local legislative delegation be requested to adopt an Act repealing Section 5.18 of the Charter and amending so that hereinafter it will read as follows:

Section 2.12. Vacancies; filling of Vacancies, shall also be amended so as to provide as follows:

Section 2.12. *Vacancies, filling of vacancies.*

(a) *Vacancies.* The office of Mayor or council member shall become vacant upon the occurrence of any event specified by the Constitution of the State of Georgia, Title 45 of the Official Code of Georgia Annotation [O.C.G.A 45-1-1 et seq], or such other applicable laws as are or may hereafter be enacted.

(b) *Filling of vacancies.* A vacancy in the office of Mayor or council member shall be filled for the remainder of the unexpired term, if any, ~~by appointment~~ as provided in Sec. 5.18 of this Charter.

IT IS FURTHER RESOLVED that the local legislative delegation be requested to adopt an Act repealing Section 2.30 of the Charter, Powers and Duties of the Manager and provide as follows:

2.30 (3) Powers and Duties of the Manager. Attend all City Council Meetings except for closed meetings as determined by Council including, but not limited to closed meetings held for the purposes of deliberating on the appointment, discipline, or removal of the City Manager and have the right to take part in discussion but not vote;

IT IS FURTHER RESOLVED that the local legislative delegation be requested to adopt an ~~Action Act~~ repealing Section 2.33 of the Charter, selection and powers and duties of mayor pro tem, so as to be consistent with four year terms (or to be determined every two years) and provide as follows:

2.33. Selection *and powers and duties of mayor pro tem*. At the first regular meeting of the City Council following the regular election of the Mayor ~~and councilmembers such council members then elected every four years~~, the council shall select one of its members as mayor pro tem. During the absence or physical or mental disability of the Mayor for any cause, the mayor pro tem, or in the mayor pro tem's absence or disability for any reason, anyone of the councilmembers chosen by a majority vote of the city council, shall be clothed with all the rights and privileges of the Mayor and shall perform the duties of the office of the Mayor so long as such absence or disability shall continue. Any such absence or disability shall be declared by a majority vote of all councilmembers. The mayor pro tem or selected council member shall sign all contracts and ordinances in which the Mayor has a disqualifying financial interest as provided in Section 2.14 of this Charter.

OR

At the first regular meeting of the City Council following any regular election of council members, the Council shall select one of its members, including those mid-term and newly elected members, as mayor pro tem. During the absence or physical or mental disability of the Mayor for any reason, anyone of the councilmembers chosen by a majority vote of the city council, shall be clothed with all the rights and privileges of the Mayor and shall perform the duties of the office of the Mayor so long as such absence or disability shall continue. Any such absence or disability shall be declared by a majority vote of all councilmembers. The mayor pro tem or selected council member shall sign all contracts and ordinances in which the Mayor has a disqualifying financial interest as provided in Section 2.14 of the Charter.

IT IS FURTHER RESOLVED that the local delegation be requested to adopt an Act revising Section 5.11, regular elections; time for holding, so as hereafter it will read as follows:

5.11. Regular *elections; time for holding*. In odd numbered years, on the Tuesday next following the first Monday in November, and biannually thereafter, a regular election shall be held in the City of Tybee Island at ~~the City Hall or such other~~ place or places as the council may designate for the election of mayor and ~~six appropriate number of~~ council members, who shall have the qualifications specified in this Chapter to hold such office. An incumbent Mayor or incumbent Councilmember who shall qualify as a candidate and meet the qualifications to hold such office may be a candidate to succeed himself or herself for such office or for office as a member of the City Council. As provided in Sec 5.12, the Mayor is elected to four-year terms and the mayoral election will accompany the election on the Tuesday next following the first Monday in November in odd numbered years by four year terms.

Section 5.17, nondesignation of specific office by candidate; highest vote elects, shall also be amended so as to provide as follows:

Section 5.17. *Nondesignation of specific office by candidate; highest vote elects.* A candidate seeking one of two or more public offices each having the same title and to be filled at the same election by the vote of the same electors shall not designate the specific office he or she is seeking. The ~~six~~ candidates for city council receiving the highest number of lawful votes cast shall be elected as the ~~six~~ councilmembers of the City of Tybee Island.

5.18 Filling vacancy in office of Mayor or Council Member.

Sec 5.18 – Filling Vacancy in Office of Mayor or Councilmembers.

Should during the term of office to which elected, the Mayor or any councilmember die, resign, remove or change residence beyond the city limits of the municipality, or otherwise fail to meet all the all the qualifications prescribed in the Charter for the particular office held at the time, the office of such person shall thereby become, and thereupon be declared, vacant; and in case of vacancy in the office of mayor or of any councilmember from any cause whatsoever other than expiration of the term of office, the Mayor and remaining members of the council, or the remaining members of the council, as the case may be, shall elect within 30 days after the vacancy occurs a qualified person to fill the vacant office; provided,

~~however the person so elected to fill the vacancy shall be possessed of each and every of the qualifications required and prescribed by this Charter for a candidate seeking election to the office to be filled; provided further, such person so elected to fill a vacancy shall serve only for the remainder of the unexpired term of the vacant office which he or she is elected to fill.~~

(a) If the vacancy to be filled is the position of mayor, the person elected by the remaining members of council shall serve the full remaining term; and

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~~(b) If the vacancy to be filled is the office of a council member, the person elected by the mayor and remaining members of council shall serve until the organizational meeting of the new year following the general municipal election after the office became vacant; provided further, if in the event more than twenty six (26) months remain of the term of office as of the date the office became vacant, then in that event the candidate for council member who places fourth in the general municipal election following the vacancy shall have been elected to serve the remaining two years of the term beginning at the organizational meeting of the new year following the general municipal election. However, the person so elected to fill the vacancy shall be possessed of each and every of the qualifications required and prescribed by this Charter for a candidate seeking election to the office to be filled; provided, further, such person so elected to fill a vacancy shall serve only for the remainder of the unexpired term of the vacant office which he or she is elected to fill.~~

SO RESOLVED, this the _____ day of _____ 218.

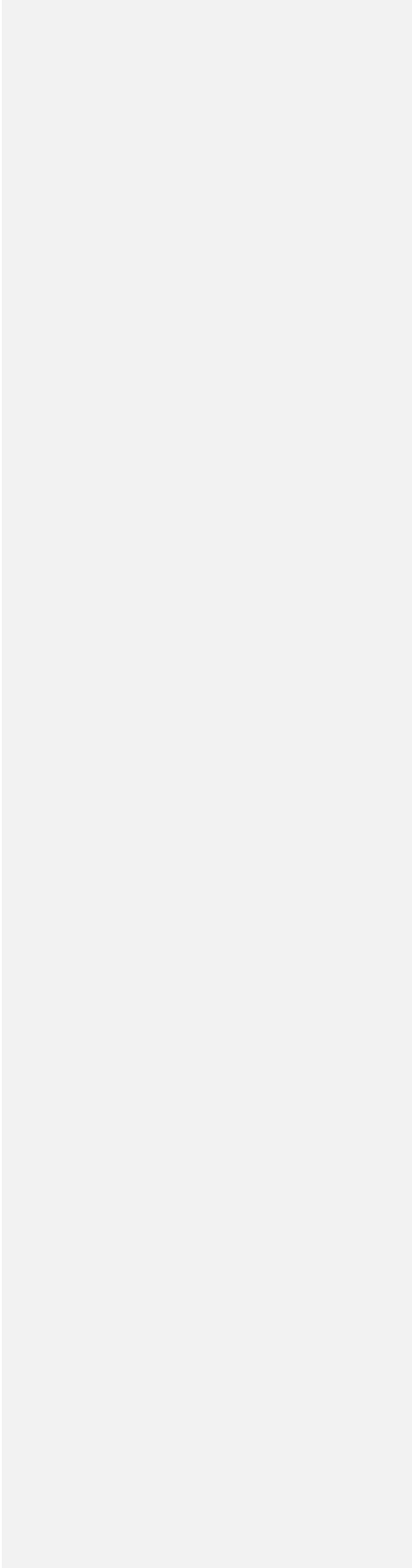
CITY OF TYBEE ISLAND, GEORGIA

By: _____
Jason Buelterman, Mayor

ATTEST:

By: _____
City Clerk

Tybee/Resolution/2018/Charter Changes



RESOLUTION

**A RESOLUTION REQUESTING
LOCAL LEGISLATION TO UPDATE THE CHARTER OF THE CITY OF TYBEE
ISLAND AS DESCRIBED HEREIN**

BE IT RESOLVED by Mayor and Council of the City of Tybee Island, in open meeting, as follows:

WHEREAS, the City of Tybee Island is a duly organized municipality existing under the laws of the State of Georgia; and

WHEREAS, the City has from time to time held council seats declared vacant; and

WHEREAS, currently under Section 5.18 of the Charter, the council elects a member to fill any vacancy; and

WHEREAS, the council would like for the people to be able to choose who represents them where more than two years of time is left by any vacancy; and

WHEREAS, doing so would require amending the Charter and constitute a change in the manner of electing council members to fill vacancies; and

WHEREAS, the City desires to make this change in the Charter giving the people the ability to choose their representatives in case of such vacancy; and

WHEREAS, the City previously changed its voting structure by requesting and having secured local legislation authorizing the City to convert their elections from two year cycles of all offices to staggered four year terms; and

WHEREAS, the City amended the Charter, Section 5.12, which now provides for four year terms on a staggered basis; and

WHEREAS, as a result of such changes, additional provisions of the Charter need clarification and/or a revision so as to be clear and consistent,

NOW, THEREFORE, be it resolved by the Mayor and Council in open meeting that the local legislative delegation be requested to adopt an Act repealing Section 5.18 of the Charter and amending so that hereinafter it will read as follows:

Section 2.12. Vacancies; filling of Vacancies, shall also be amended so as to provide as follows:

Section 2.12. *Vacancies, filling of vacancies.*

(a) *Vacancies.* The office of Mayor or council member shall become vacant upon the occurrence of any event specified by the Constitution of the State of Georgia, Title 45 of the Official Code of Georgia Annotation [O.C.G.A 45-1-1 et seq], or such other applicable laws as are or may hereafter be enacted.

(b) *Filling of vacancies.* A vacancy in the office of Mayor or council member shall be filled for the remainder of the unexpired term, if any, as provided in Sec. 5.18 of this Charter.

IT IS FURTHER RESOLVED that the local legislative delegation be requested to adopt an Act repealing Section 2.30 of the Charter, Powers and Duties of the Manager and provide as follows:

2.30 (3) Powers and Duties of the Manager. Attend all City Council Meetings except for closed meetings as determined by Council including, but not limited to closed meetings held for the purposes of deliberating on the appointment, discipline, or removal of the City Manager and have the right to take part in discussion but not vote;

IT IS FURTHER RESOLVED that the local legislative delegation be requested to adopt an Act repealing Section 2.33 of the Charter, selection and powers and duties of mayor pro tem, so as to be consistent with four year terms (or to be determined every two years) and provide as follows:

2.33. Selection *and powers and duties of mayor pro tem*. At the first regular meeting of the City Council following the regular election of the Mayor such council members then elected every four years, the council shall select one of its members as mayor pro tem. During the absence or physical or mental disability of the Mayor for any cause, the mayor pro tem, or in the mayor pro tem's absence or disability for any reason, anyone of the councilmembers chosen by a majority vote of the city council, shall be clothed with all the rights and privileges of the Mayor and shall perform the duties of the office of the Mayor so long as such absence or disability shall continue. Any such absence or disability shall be declared by a majority vote of all councilmembers. The mayor pro tem or selected council member shall sign all contracts and ordinances in which the Mayor has a disqualifying financial interest as provided in Section 2.14 of this Charter.

OR

At the first regular meeting of the City Council following any regular election of council members, the Council shall select one of its members, including those mid-term and newly elected members, as mayor pro tem. During the absence or physical or mental disability of the Mayor for any reason, anyone of the councilmembers chosen by a majority vote of the city council, shall be clothed with all the rights and privileges of the Mayor and shall perform the duties of the office of the Mayor so long as such absence or disability shall continue. Any such absence or disability shall be declared by a majority vote of all councilmembers. The mayor pro tem or selected council member shall sign all contracts and ordinances in which the Mayor has a disqualifying financial interest as provided in Section 2.14 of the Charter.

IT IS FURTHER RESOLVED that the local delegation be requested to adopt an Act revising Section 5.11, regular elections; time for holding, so as hereafter it will read as follows:

5.11. Regular *elections; time for holding*. In odd numbered years, on the Tuesday next following the first Monday in November, and biannually thereafter, a regular election shall be held in the City of Tybee Island at such place or places as the council may designate for the election of mayor and appropriate number of council members, who shall have the qualifications specified in this Chapter to hold such office. An incumbent Mayor or incumbent Councilmember who shall qualify as a candidate and meet the qualifications to hold such office may be a candidate to succeed himself or herself for such office or for office as a member of the City Council. As provided in Sec 5.12, the Mayor is elected to four-year terms and the mayoral election will accompany the election on the Tuesday next following the first Monday in November in odd numbered years by four year terms.

Section 5.17, nondesignation of specific office by candidate; highest vote elects, shall also be amended so as to provide as follows:

Section 5.17. *Nondesignation of specific office by candidate; highest vote elects.* A candidate seeking one of two or more public offices each having the same title and to be filled at the same election by the vote of the same electors shall not designate the specific office he or she is seeking. The candidates for city council receiving the highest number of lawful votes cast shall be elected as the councilmembers of the City of Tybee Island.

5.18 *Filling vacancy in office of Mayor or Council Member.*

Sec 5.18 – Filling Vacancy in Office of Mayor or Councilmembers.

Should during the term of office to which elected, the Mayor or any councilmember die, resign, remove or change residence beyond the city limits of the municipality, or otherwise fail to meet all the all the qualifications prescribed in the Charter for the particular office held at the time, the office of such person shall thereby become, and thereupon be declared, vacant; and in case of vacancy in the office of mayor or of any councilmember from any cause whatsoever other than expiration of the term of office, the Mayor and remaining members of the council, or the remaining members of the council, as the case may be, shall elect within 30 days after the vacancy occurs a qualified person to fill the vacant office; provided,

(a) If the vacancy to be filled is the position of mayor, the person elected by the remaining members of council shall serve the full remaining term; and

(b) If the vacancy to be filled is the office of a council member, the person elected by the mayor and remaining members of council shall serve until the organizational meeting of the new year following the general municipal election after the office became vacant; provided further, if in the event more than twenty six (26) months remain of the term of office as of the date the office became vacant, then in that event the candidate for council member who places fourth in the general municipal election following the vacancy shall have been elected to serve the remaining two years of the term beginning at the organizational meeting of the new year following the general municipal election.

SO RESOLVED, this the _____ day of _____ 218.

CITY OF TYBEE ISLAND, GEORGIA

By: _____
Jason Buelterman, Mayor

ATTEST:

By: _____
City Clerk

Tybee/Resolution/2018/Charter Changes

Backup material for agenda item:

20. Bubba Hughes - Continuance of Administration on Class Action



UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ROME DIVISION

CITY OF ROME, GEORGIA, et al.

Plaintiffs,

v.

HOTELS.COM, L.P., et al.

Defendants.

CIVIL ACTION FILE NO.:
4:05-CV-249-HLM

CONTINUATION OF ADMINISTRATION AFTER DECEMBER 2020

On behalf of the undersigned City or County, the local government agrees to continue with the administration handled by J. Anderson Davis of Brinson, Askew, Berry, Seigler, Richardson & Davis, LLP, of Rome, Georgia.

This ____ day of _____, 2018.

(City/County)

By: _____
Printed Name: _____
Title: _____

On behalf of the undersigned City or County, the local government does not agree to continue with the administration handled by J. Anderson Davis of Brinson, Askew, Berry, Seigler, Richardson & Davis, LLP, of Rome, Georgia, and wishes to collect the taxes on its own.

This ____ day of _____, 2018.

(City/County)

By: _____
Printed Name: _____
Title: _____

Backup material for agenda item:

24. Wanda Doyle - Adopt-A Program Announcement





Adopt-A... Program

The City of Tybee Island Adopt-A Program is coming soon! Similar to Adopt-a-Highway, but instead volunteers will adopt an area on Tybee. Adoptable areas could be a beach, beach crossover, marsh, park, or any other area on the island you would like to keep clean! We are open to keeping all types of areas of Tybee clean and would like any group, organization, or individual that wants to help keep Tybee clean to participate!



Beach Crossover



Marsh



Park



Street



Any Area!



Beach

IF YOU ARE INTERESTED

ADOPTING AN AREA ON TYBEE,

Please contact:

Phone: 912-472-5045 | Email: rosner@cityoftybee.org