

MAYOR
Shirley Sessions

CITY COUNCIL
Barry Brown, Mayor Pro Tem
John Branigin
Jay Burke
Nancy DeVetter
Spec Hosti
Monty Parks



CITY MANAGER
Dr. Shawn Gillen

CLERK OF COUNCIL
Jan LeViner

CITY ATTORNEY
Edward M. Hughes

CITY OF TYBEE ISLAND

AGENDA **REGULAR MEETING OF TYBEE ISLAND CITY COUNCIL** **September 23, 2021 at 6:30 PM**

Please silence all cell phones during Council Meetings

Consideration of Items for Consent Agenda 6:30PM

Opening Ceremonies

Call to Order
Invocation: Ken Williams
Pledge of Allegiance

Announcements

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

1. Minutes, September 9, 2021

Consideration of Boards, Commissions and Committee Appointments

2. June Johnson, Ethics Commission Application
3. Harry Trout, Ethics Commission Application
4. Ken Williams, Ethics Commission Application

Tybee Island Ethics Commission

5. Charlie Barrow: Jay Burke Complaint/Council Action

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

6. Cheryl Branch, Executive Director, Safe Shelter for Domestic Violence Services

Citizens to be Heard: Please limit comments to 3 minutes.

7. David Baker: Noise Ordinance

If there is anyone that would like to speak to anything on the agenda other than the public hearings, come forward. Please limit your comments to three (3) minutes.

Consideration of Approval of Consent Agenda

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

8. Commercial Film Production Application: Girl From Plainville, October 4 - 8, 2021. (Shawn Gillen)

Consideration of Bids, Contracts, Agreements and Expenditures

9. Purchase new Garbage Truck and Budget Amendment (Pete Gulbranson)
10. Award of Construction of a new roof at the Tybee Arts Association Building. Mike Kenny Roofing Company, \$28,900 (Pete Gulbranson)
11. Out of State Travel: Shawn Gillen, ASBPA National Coastal Conference, September 28 - October 1, 2021, New Orleans, LA (Shawn Gillen)

Consideration of Ordinances, Resolutions

12. Second Reading 2021-27, Section 11-100, Article 11, Change to Planning Commission time and place (George Shaw)

Council, Officials and City Attorney Considerations and Comments

13. Barry Brown: Warnings for Noise Ordinance Violation
14. Barry Brown: Jaycee Park, Soccer Field
15. George Shaw: Tree Permit Appeal

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."

File Attachments for Item:

1. Minutes, September 9, 2021

Consideration of Items for Consent Agenda

Mayor Sessions called the Consent Agenda to order at 6:30PM. Those present were Jay Burke, Monty Parks, John Branigin, Barry Brown, Nancy DeVetter and Spec Hosti. Also attending were Dr. Shawn Gillen, City Manager; Bubba Hughes, City Attorney; Tracy O'Connell, Assistant City Attorney; George Shaw, Director, Community Development; and Janet LeViner, Clerk of Council.

Mayor Sessions listed the following items on the consent agenda:

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

Mayor Sessions called the regular meeting to order. All those present for the consent agenda were present.

Opening Ceremonies

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

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

Invited Guests

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

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

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

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

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

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

Public Hearings

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

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

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

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

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

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

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

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

Consideration of Bids, Contracts, Agreements and Expenditures

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

Consideration of Ordinances, Resolution

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

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

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

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

Monty Parks made a motion to adjourn to Executive Session to discuss real estate and litigation. **Spec Hosti** seconded. Vote was unanimous to approve, 6-0.

Monty Parks made a motion to return to regular session. **John Branigin** seconded. Vote was unanimous to approve, 6-0.

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

Meeting adjourned at 9:45PM

Janet R. LeViner, MMC
Clerk

File Attachments for Item:

2. June Johnson, Ethics Commission Application

- (9) Issue advisory opinions as provided in this chapter;
- (10) Initiate any investigation or perform any other function determined by the commission to be essential to fulfilling its purpose or discharging duties established within this code.
- (b) Members of the commission are subject to this code. Each has special responsibility to identify and acknowledge any conflict of interest in commission matters and abide by the rules of recusal when he/she has a conflict of interest in a pending commission decision.

(Ord. No. 54-2011, (Attach.), 7-28-2011)

Sec. 23-33. - Member qualifications.

- (a) Upon appointment to the commission, a person must have resided in the city for at least one year, be registered to vote in city elections and have signed a statement of qualification.
- (b) For the duration of service on the commission a member must:
 - (1) Reside in the City of Tybee Island; ✓
 - (2) Be registered to vote in city elections; ✓
 - (3) Not hold any other elected office or become a candidate for elected office of the United States, this state, this county, or the city; ✓
 - (4) Not be a city employee; and
 - (5) Exhibit strong moral character and good citizenship. ✓
- (c) Statement of qualification:

STATEMENT OF QUALIFICATION: I, ^{June} Johnson , have interest in serving on the Tybee Island Ethics Commission. I meet the qualifications set forth in the Ethics Code.	
I have resided in the City of Tybee Island for at least one year. <i>Since Feb 2017</i>	
I am registered to vote in City elections. <i>Yes</i>	
I do not hold elected City office. <i>Correct</i>	
I am not a candidate for elected office of the United States, this state, this county, or this City. <i>Correct</i>	
Signed <i>June Phasant</i>	Date <i>9/13/21</i>

- (d) Statements of qualification are to be retained by the clerk of council as official city records.
- (e) As a member of a city agency having semi-judicial function, a person is to take an oath of office before each

The Rev. June Johnson

82A Van Horn Street
 P.O. Box 1566 Tybee Island, Georgia 31328
revjunej@gmail.com 229.416.9392

Education	1964	Albany High School, Albany GA	Diploma
	1968	University of Georgia, Athens GA	Bach in Music Ed.
	2009	Candler School of Theology, Emory University, Atlanta GA	Master of Divinity
Ordination	2009	February	Transitional Deacon
	2009	August	Priesthood
Churches served:	2010 – 2013	St. John’s Episcopal, Bainbridge GA	
	2014 – 2016	Holy Nativity Episcopal, St. Simons GA	
	2017 – present	All Saints Episcopal GA	
Tybee residence	1998 – 2004 and 2017 – present		
Tybee activities	2002 – 2004	Leadership Savannah	
	2017 – present	Forever Tybee	
	2017 – present	Tybee MLK Human Rights Organization	
Relevant training	1996	Settlement Institute, Atlanta GA	Arbitration/Mediation Certified
	1996	National Coalition Building Institute –	Prejudice Reduction Certified Trainer
	2018 –	Suicide Prevention, Savannah GA (Chatham County)	
	2019, 2021 –	Georgia Association of Law Enforcement Chaplains Certified	
Within Episcopal Diocese of Georgia	2013	Anger Management/Conflict Resolution	
	2015	Group Dynamics	
	2017 – present	Church Development Institute/Leadership Trainer	
	2018 – present	Racial Justice GA – Racial Reconciliation Team	

Statement: I have learned through both secular and denominational training that Ethical Behavior is not limited to religious behavior or practice. Ethical Behavior requires that one follow both the spirit and the letter of the law with no reference to one’s personal religious practice. All persons are capable of behaving in an ethical manner and deserve to be held to that reasonable standard.

File Attachments for Item:

3. Harry Trout, Ethics Commission Application

- (9) Issue advisory opinions as provided in this chapter;
- (10) Initiate any investigation or perform any other function determined by the commission to be essential to fulfilling its purpose or discharging duties established within this code.
- (b) Members of the commission are subject to this code. Each has special responsibility to identify and acknowledge any conflict of interest in commission matters and abide by the rules of recusal when he/she has a conflict of interest in a pending commission decision.

(Ord. No. 54-2011, (Attach.), 7-28-2011)

Sec. 23-33. - Member qualifications.

- (a) Upon appointment to the commission, a person must have resided in the city for at least one year, be registered to vote in city elections and have signed a statement of qualification.
- (b) For the duration of service on the commission a member must:
 - (1) Reside in the City of Tybee Island;
 - (2) Be registered to vote in city elections;
 - (3) Not hold any other elected office or become a candidate for elected office of the United States, this state, this county, or the city;
 - (4) Not be a city employee; and
 - (5) Exhibit strong moral character and good citizenship.
- (c) Statement of qualification:

STATEMENT OF QUALIFICATION: I, <u>Harry A Trout</u> , have interest in serving on the Tybee Island Ethics Commission. I meet the qualifications set forth in the Ethics Code.	
I have resided in the City of Tybee Island for at least one year.	
I am registered to vote in City elections.	
I do not hold elected City office.	
I am not a candidate for elected office of the United States, this state, this county, or this City.	
Signed <u>Harry A Trout</u>	Date <u>9/13/21</u>

- (d) Statements of qualification are to be retained by the clerk of council as official city records.
- (e) As a member of a city agency having semi-judicial function, a person is to take an oath of office before each

Resume of Harry Trout

214 Miller Ave.
P.O. Box 384
Tybee Island, GA 31328

Tel: 610-331-4608
E-mail: troutha@yahoo.com

This is my expression of interest to serve the City of Tybee Island by volunteering for an appointment to the Ethics Commission.

I have been a resident of Tybee Island since 2018, having relocated from Pittsburgh, Pennsylvania and live at 214 Miller Avenue with Leigh Ward, who has been a Tybee Island resident for essentially her entire life.

Professionally, I received a B.S. Degree in Chemistry from Saint Vincent University, in Latrobe, PA., an M.S. Degree from the Graduate School of Public Health at the University of Pittsburgh, and an M.B.A from Point Park University in Pittsburgh, PA. I have certification as a Certified Industrial Hygienist by the American Board of Industrial Hygiene, a Certified Safety Professional by the Board of Certified Safety Professionals, and a Project Management Professional by the Project Management Institute.

I have been employed by GAI Consultants since 1991 and am currently in the position of Operations Consultant. I was a Vice President and Operations Director from 2012 to July of 2021 but am currently reducing my duties with a planned retirement at the end of 2021. I have worked remotely from home since moving to Tybee Island in 2018. GAI Consultants is a large, national engineering consulting firm, having primary offices in Orlando, FL and Pittsburgh, PA.

In terms of community service, I am currently volunteering as an Election Poll Worker for Chatham County and am working elections at Precinct 4-11, at the Tybee School Cafeteria. While living in Pennsylvania, I served on the Zoning Hearing Board in Hempfield Township in Westmoreland County, from 2005 to 2008.

File Attachments for Item:

4. Ken Williams, Ethics Commission Application

STATEMENT OF QUALIFICATION: I, Kenneth R. Williams, have interest in serving on the Tybee Island Ethics Commission. I meet the qualifications set forth in the Ethics Code.

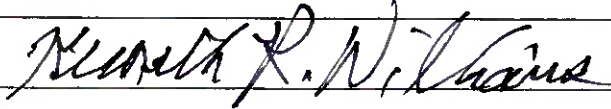
I have resided in the City of Tybee Island for at least one year.

I am registered to vote in City elections.

I do not hold elected City office.

I am not a candidate for elected office of the United States, this state, this county, or this City.

Signed



Date 9/7/2021

1710 Chatham Avenue, Tybee Island, GA 31328

(479) 366-8598, ken.williamsphd@gmail.com

LinkedIn: [https://www.linkedin.com/in/kenneth-r-williams-phd-](https://www.linkedin.com/in/kenneth-r-williams-phd-18b87939/?msgConversationId=6501277655306956800&msgOverlay=true)

[18b87939/?msgConversationId=6501277655306956800&msgOverlay=true](https://www.linkedin.com/in/kenneth-r-williams-phd-18b87939/?msgConversationId=6501277655306956800&msgOverlay=true)

We have a wonderful community of residents with diverse perspectives that I would like to see grow in unity for the common good. I am interested in serving on the Tybee Island Ethics Commission in order to facilitate and reinforce trust and cooperation between elected officials and citizens. Elected, public officials have a moral duty to pursue the "public interest", i.e., "the needs and welfare of the general body of citizens."¹ The Constitution of the State of Georgia describes two roles of public officials – trustee and servant.² Elected officials are entrusted with the authority to govern for the purpose of ensuring the public good, not self-advancement. I see the role of the Ethics Commission as two-fold: (1) the most common role of receiving and investigating allegations of ethical misconduct; and perhaps more importantly, (2) promoting ethical governance for the public good, assisting the City Council and City Staff in doing so, and in reinforcing a trust relationship between City leaders and citizens. The essence and intent of ethics is trust. I want to promote ways of facilitating trust. This is not to say our current leaders are untrustworthy, but that we can always improve in fairness, equity, and accountability.

I served as an Army chaplain for over 30 years, advising leaders at all levels, including senior military and civilian leaders of the Department of Defense, on matters of ethics and morality. I have graduate degrees in ethics and leadership. I taught ethics and leadership for senior military and government leaders at the graduate level and currently serve as an adjunct professor of ethical and principled leadership in two graduate programs involving public service ethics.

¹ York Willbern, "Types and Levels of Public Morality," *Public Administration Review* 44, no. 2 (April 3, 1984): 102–8.

² "Constitution of the State of Georgia" (The Office of the Secretary of State, 2013), https://sos.ga.gov/admin/files/Constitution_2013_Final_Printed.pdf.

File Attachments for Item:

5. Charlie Barrow: Jay Burke Complaint/Council Action

Ethics Commission
City of Tybee Island
March 27, 2021
25 juw.

Jay Burke, City Council Councilmen, I believe has violated sections of the Ethics Code at the March 11, 2021 City Council meeting. A movie production representative was giving a progress report in an open council meeting when Mr. Burke stated that closing of the beaches would cause his family business great financial distress, as they rent beach equipment. The movie representative offered to meet with him, but was instructed to meet with his sister who ran the business. Burke continued to emphasize the financial damage in his tirade referencing to a month or more of damages. He refused to stop his participation in the meeting and recuse himself from the discussion of the issue. He continued to emphasize his interest in seeing the financial remuneration for his family business to be substantial.

RECEIVED
3/25/21
juw

Code of Ethics, Chapter 23

Section 23-2 Acceptance of Gifts


Solicited money from a movie production official doing business with City of Tybee

Section 23-3 Intent

Used public office for private gain
Affected adversely the confidence of the public in the integrity of the government

Section 23-7 Coercion by City Official

Used his position to coerce a business to provide financial benefit to him and his immediate family



Janet K. Will
15 North Campbell
PO Box 272
Tybee Island, GA 31328
770-487-9491
geiret@bellsouth.net



Janet R LeViner
NOTARY PUBLIC
Chatham County, GEORGIA
My Commission Expires 10/15/2024



Ethics Commission Minutes Meeting April 1, 2021

Members Present: Trey Connors, Nancy Frankenhauser, Ben Goggins, James McNaughton, Michael Pappas, Mark Reed, Marie Rodriguez

Members Absent: None

Ex-Officios Present: Jan LeViner, City Clerk; Michelle Owens, Recording Clerk; Charlie Barrow, Ethics Commission Attorney

Roll:

Michael Pappas called the meeting to order at 4:00 PM. Members present: Trey Connors, Nancy Frankenhauser, Ben Goggins, James McNaughton, Michael Pappas, Mark Reed, Marie Rodriguez

Approval of Minutes:

Trey Connors motioned to approve minutes of February 16, 2021. Ben Goggins seconded the motion. Motion passed unanimously. Minutes approved

New Business:

Attorney Charlie Barrow gave an overview of the state ethics laws for ethics commission members.

The commission reviewed a pending Ethics Complaint received March 25, 2021.

Mark Reed motioned to adjourn to executive session. Ben Goggins seconded the motion. The motion passed unanimously. The commission convened to executive session at 4:16 PM to discuss a pending ethics complaint.

Ben Goggins motioned to end executive session and reconvene the regular meeting. Marie Rodriguez seconded the motion. The motion passed unanimously. The regular meeting reconvened at 4:45 PM

Commission Chair Michael Pappas announced that the complaint would proceed to the next step and that the subject of the complaint would be notified for a response.

No Old Business

None to discuss

Adjournment:

Mark Reed motioned to adjourn the meeting. Marie Rodriguez seconded the motion. The motion passed unanimously. Meeting adjourned at 5:00 PM



Ethics Commission Minutes Meeting May 27, 2021

Members Present: Trey Connors, Nancy Frankenhauser, Michael Pappas, Mark Reed, Marie Rodriguez

Members Absent: Ben Goggins, David McNaughton

Ex-Officios Present: Jan LeViner, City Clerk; Michelle Owens, Recording Clerk; Charlie Barrow, Ethics Commission Attorney

Roll:

Chairman Michael Pappas called the meeting to order at 3:00 PM and conducted roll call. Members present: Trey Connors, Nancy Frankenhauser, Michael Pappas, Mark Reed, Marie Rodriguez

Approval of Minutes:

Mark Reed motioned to approve minutes of April 1, 2021. Nancy Frankenhauser seconded the motion. Motion passed unanimously. Minutes approved

New Business:

Chairman Pappas announced that the commission would review the pending ethics complaint and the response letter from Jay Burke.

Call for Motion to go into executive session:

Mark Reed motioned to adjourn to executive session to discuss the pending ethics case. Chairman Pappas seconded the motion. Motion carried. The board adjourned to executive session at 3:03 PM.

Marie Rodriguez made a motion to reconvene the open meeting. Nancy Frankenhauser seconded. Motion carried. Board reconvened open meeting at 3:38 PM.

Chairman Pappas announced that the commission found sufficient cause to move to the next phase and hold an informal hearing.

Mark Reed made a motion to move to the next phase of an informal hearing. Trey Connors seconded the motion. The motion passed unanimously.

Attorney Charlie Barrows explained that both parties have the option to resolve the complaint prior to the informal hearing. otherwise the informal hearing would be scheduled as soon as possible.

No Old Business

None.

Adjournment:

Mark Reed motioned to adjourn the meeting. Marie Rodriguez seconded the motion. The motion passed unanimously. Meeting adjourned at 3:48 PM



Ethics Commission Minutes Informal Hearing, July 14, 2021

Members Present: Trey Connors, Ben Goggins, James McNaughton, Michael Pappas, Mark Reed, Marie Rodriguez

Members Absent: Nancy Frankenhauser

Ex-Officios Present: Michelle Owens, Recording Clerk; Charlie Barrow, Ethics Commission Attorney

City Council Members Present: Barry Brown, Spec Hosti, Monty Parks

Roll:

Chairman Michael Pappas called the meeting to order at 1:00 PM and conducted roll call. Members present: Trey Connors, Ben Goggins, James McNaughton, Michael Pappas, Mark Reed, Marie Rodriguez

Approval of Minutes:

Marie Rodriguez motioned to approve the minutes from May 27, 2021. Ben Goggins seconded the motion. Motion passed unanimously. Minutes approved

New Business:

Chairman Pappas announced that the ethics commission meeting served as an informal hearing during which both parties to the ethics complaint would have 10 minutes to make comments.

Informal Hearing:

Statement by Jan Will

Jan Will read a statement summarizing her complaint against city council member Jay Burke. Ms. Will stated that Councilman Burke violated sections of the city ethics code at the March 11, 2021 council meeting. She stated that a movie production representative was giving a progress report in an open council meeting Mr. Burke remarked that closing the beaches would cause great financial distress for his family's beach equipment rental business. Ms. Will further stated that the movie production representative offered to meet with Mr. Burke and was instructed to meet with his sister. Mr. Burke refused to leave the meeting or recuse himself. Ms. Will stated She stated Mr. Burke's actions violated the Code of Ethics Section 23-2: Acceptance of Gifts; Section 23-3: Intent; and Section 23-7: Coercion by a City Official.

Statement by Jay Burke

Mr. Burke's attorney Tom Mahoney announced he would speak on behalf of Mr. Burke. Mr. Mahoney said from his review of the case, it was apparent this case is the result of a misunderstanding. He stated Mr. Burke did not violate the ethics code, did not solicit or receive money, didn't use his office for public gain or coerce anyone. He stated Mr. Burke raised a potential conflict and recused himself from the vote and any further discussion on the advice of the city attorney. Mr. Burke acted in accordance with the ethics code and not in violation, he stated. Mr. Mahoney further stated the movie production representative told council she had been



in touch with businesses and residents about the production, yet Mr. Burke believed that was not true because his family business had not been contacted. His concern was for all the businesses impacted by closing the beach, and not just his family business, Mr. Mahoney stated. Mr. Burke was also the first to raise the question of whether he could vote on the issue, after which the city attorney recommended recusal. Mr. Burke recused himself and did not vote. Therefore, The Code of Ethics Section 23-14 raises a presumption in favor of Mr. Burke that he was in compliance, Mr. Mahoney stated.

Mr. Burke acknowledges that he did misspeak, which led to a misunderstanding, he said. Mr. Burke did not mean to say that his family business was being impacted. He was speaking to all residents and businesses being impacted, Mr. Mahoney stated. He also stated that Mr. Burke was not notified of the previous ethics commission meeting but would have attended had he known.

Mr. Pappas announced that each party would have the opportunity to question the other.

Ms. Will asked Mr. Burke if he attended a workshop shortly after the council meeting in question and whether he arrived on time and found it beneficial.

Mr. Burke stated he arrived 10 minutes late but stayed for the rest of the meeting. Ms. Will responded she thought he was 30 minutes late. Ms. Will stated she did not have any more questions.

Mr. Mahoney asked Ms. Will if she acknowledged that Mr. Burke recused himself from the March 11 meeting.

Ms. Will acknowledged that Mr. Burke did recuse himself.

Mr. Mahoney asked Ms. Will whether she knew if Mr. Burke had received any payments. Ms. Will responded that she is only aware of what occurred on the meeting recording.

Mr. Mahoney had no further questions.

Ms. Will had no further questions but asked to make another statement. Mr. Pappas consented to the statement.

Mr. Mahoney questioned if the statement contained new evidence not in the original complaint and stated that he thought the informal hearing was an opportunity to resolve the complaint.

Ethics Commission Attorney Charlie Barrow stated that the goal of the informal hearing was to find middle ground, but that had not happened yet. Mr. Barrow said it was permissible for both parties to make additional statements as long as it was not new evidence.

Ms. Will stated that there was an “egregious violation” the city’s ethics code at the March 11 city council meeting and that the public’s trust had been damaged. She stated that city council and the ethics commission should follow their rules to ensure the “very highest standards of ethical conduct” for Tybee Island. Ms. Will said she expected censure, public reprimand, an apology to the citizens and affirmation that it will not happen again.



Mr. Pappas advised Ms. Will that the ethics commission could only determine if a violation occurred and that only city council could issue consequences.

Mr. Mahoney responded to Ms. Will's statement. He stated the situation was a misunderstanding and not an "egregious violation."

Mr. Pappas opened the floor to comments from the Ethics Commission members.

Trey Connors asked Mr. Burke if he felt his comments swayed the vote of other council members. Mr. Burke responded that he did not.

Ben Goggins asked Mr. Burke if he emerged from the city's recent ethics training with a different sense of how he would have brought up the topic at the March 11 meeting. Mr. Burke responded that he learned he should not have mentioned his family business, but that he was concerned about miscommunications. Mr. Burke stated he realized he should have addressed his concerns through the city manager and city attorney.

Mr. Goggins asked Mr. Burke if he felt he should apologize publicly and face censure. Mr. Mahoney answered on Mr. Burke's behalf, saying Mr. Burke would apologize and that he wanted to resolve the matter at the informal hearing.

Mr. Connors asked Mr. Burke if he spoke to the movie production representative after the meeting in person or electronically. Mr. Burke responded that he had not.

Marie Rodriguez asked Ms. Will if she would be willing to accept an apology from Mr. Burke.

Ms. Will stated that it was not a personal issue. She stated she wanted the city council and the ethics commission to ensure the highest ethical standards for Tybee Island. She restated that she wanted censure, public reprimand, an apology to the citizens and affirmation that it would not happen again.

Mr. Pappas asked Ms. Will who she wanted to issue the censure and public reprimand. Ms. Will replied city council and ethics commission. Mr. Pappas reminded her that only city council and not the ethics commission, has authority to take those actions. Mr. Barrow informed her that only city council could do so by ordinance.

Mr. Barrow asked Ms. Will if she was willing to accept Mr. Burke's apology on behalf of herself and the citizens of Tybee and not proceed further.

Ms. Will stated that the apology should be at a televised city council meeting and not at the hearing with a few people viewing.

Mr. Barrow asked Ms. Will if she would be satisfied resolving the case at the informal hearing if Mr. Burke agreed to apologize publicly at a city council meeting. Mr. Barrow stated the informal hearing was an opportunity to resolve the grievance without the ethics commission making a decision.



Ms. Will stated she wanted the commission to make the decision.

Mr. Barrow clarified again that city council, not the ethics commission, would not make a decision on a censure or reprimand.

Mr. Goggins asked Mr. Burke if he would be willing to apologize to the citizens publicly at a city council meeting, including sharing what he has learned and assuring it would not happen again.

Mr. Mahoney stated that Mr. Burke would apologize if it would resolve the case at the informal hearing.

Ms. Will stated she wanted the ethics commission and city council to make the decision on the outcome.

Ms. Rodriguez clarified that ethics commission could not determine the outcome and could only decide if a violation occurred and forward the case to city council for action.

Mr. Barrow stated that once the case goes to city council there is no guaranteed outcome. The council could decide to do nothing or it could censure and reprimand, he said.

Mr. Barrow asked if there was new evidence either side would produce if the matter proceeded to a formal hearing. Mr. Mahoney said he would present new evidence.

Call for Motion to go into executive session:

Mark Reed motioned to adjourn to executive session to discuss the pending ethics case. Chairman Pappas seconded the motion. Motion carried unanimously. The board adjourned to executive session at 1:33 PM.

Marie Rodriguez made a motion to reconvene the open meeting. Ben Goggins seconded. Motion carried. Board reconvened open meeting at 1:54 PM.

Reconvening of Regular Meeting

Mark Reed motioned to proceed with a formal hearing with new evidence presented. Trey Conners seconded the motion. The motion carried unanimously.

Mr. Pappas stated the formal hearing would be scheduled around the week of July 26.

Old Business

None.

Adjournment:

Mark Reed motioned to adjourn the meeting. Ben Goggins seconded the motion. The motion passed unanimously. Meeting adjourned at 1:58 PM

Michelle Owens

From: Michael Pappas
Sent: Thursday, July 29, 2021 10:48 AM
To: Janetpeach Will; Jay Burke; Tmahoney@Tmahoneylaw.com; Edward Hughes
Cc: CBarrow@GM-LLP.com; Mark Reed; Ben Goggins; James McNaughton; Marie Rodriguez; Nancy Frankenhauser; Trey Conners; John Branigin; Barry Brown; Spec Hosti; Monty Parks; Nancy DeVetter; Michelle Owens; Jan LeViner
Subject: Findings of Tybee Island Ethics Commission on Will vs. Burke

Findings of the Tybee Island Ethics Commission hearing of 7-28-2021

Will vs. Burke:

To Ms. Jan Will, Complainant:
Councilman Jay Burke, Respondent:
Tom Mahoney III, Attorney:
Mayor Sessions:
City Council Members:

Our Findings:

We, The Ethics Commission of Tybee Island, GA, wish to address Councilman Burke's exchange with Ms. Laura Bryant, involving the filming permit matter under consideration by City Council at its March 11 meeting.

While Councilman Burke's dialogue involving the loss to the family business was inadvertent and relatively benign, the Commission finds that it did violate the letter and the spirit of the City's Ethics ordinances.

We advise that Councilman Burke formally apologize, before Council, for his lack of good judgment in his comments to Ms. Bryant before recusing himself from voting on the matter.

Our members voted unanimously in favor of this decision.

Sincerely,

Michael G. Pappas



MAHONEY COLE & COURSEY PC
ATTORNEYS AT LAW

April 30, 2021

Michael G. Pappas
Ethics Commission Chair
City of Tybee Island
P.O. Box 2749
Tybee Island, GA 31328

Re: Janet K. Will Ethics Complaint

Dear Mr. Pappas:

Our firm represents Tybee Councilman Jay Burke. This letter shall serve as his response to the ethics complaint filed by Janet K. Will concerning the approval of a commercial film production request at the March 11, 2021, Tybee City Council meeting. Contrary to the allegations of the complaint, Councilman Burke did not violate the Ethics Code. Councilman Burke did not solicit money. He was not promised money or anything of value. He did not receive any money. He did not use his office for private gain. Councilman Burke raised this concern in an effort to be transparent, and on advice of counsel, he recused himself.

At the March 11, 2021, meeting, Tybee City Council considered and approved a request to allow a commercial film production company to set up and film a commercial movie to be entitled "Devotion" on the beach for a three-week period. In an effort to be transparent, Councilman Burke raised a concern of whether he could vote on the request. Councilman Burke explained that a family member owned business that could be negatively impacted by the closing of the beach. Councilman Burke's father owned a beach equipment rental business that is permitted to operate on the beach six months of the year, and the filming could disrupt one of the six months of operation.

After Councilman Burke explained this potential conflict, City Attorney Edward Hughes advised him not to vote. As he gave this advice, Mr. Hughes stated that the potential conflict was not apparent until Councilman Burke raised it. Councilman Burke followed the City Attorney's advice. He recused himself. He did not vote. He did not discuss the matter further after receiving the City Attorney's advice.

Councilman Burke certainly took no action in exchange for money. He neither solicited nor received any money. He has no ownership interest in the beach rental

RECEIVED
5/4/21
[Signature]

business, and he receives no compensation from the business. His sole connection to the potentially affected business is that a family member owns it.

A presumption arises in this case that Councilman Burke acted in accordance with and not in violation of the Tybee Ethics Code. Section 23-14 of the Tybee Ethics Code provides as follows:

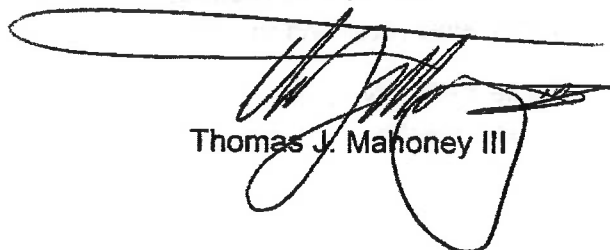
In reference to acts or omissions on which the city attorney has given an opinion, an official acting consistently with the opinion shall be presumed to be acting in accordance with the obligations imposed under the ethics ordinance and not in violation thereof, however the final determination as to whether or not a violation has occurred is to be determined by the ethics commission and/or city council as otherwise provided.

When the City Attorney considered and advised Councilman Burke that he should recuse himself, Councilman Burke did so. Since Councilman Burke acted on advice of counsel there is a presumption under law that he was "acting in accordance with the obligations imposed under the ethics ordinance and not in violation thereof," in accordance with Tybee Ethics Code Section 23-14.

The ethics provisions of Sections 23-8 and 23-14 operated exactly as they were intended. When it became apparent to Councilman Burke that a family member could be affected by the filming, he disclosed the potential conflict. It should be noted that there is no **actual** conflict of interest by Councilman Burke, only a **perceived potential** conflict. The purpose of the pertinent Tybee ethics provisions is not only for an elected official to not be involved in actual conflicts but also *to avoid even the appearance of conflicts*, and this is exactly what occurred.

Councilman Burke did not violate the Ethics Code. He did not solicit money. He was not promised money or anything of value. He did not receive any money. He did not use his office for private gain. In an effort to be transparent, Councilman Burke raised a potential conflict that was not apparent and recused himself on advice on the City Attorney. The allegations do not overcome the presumption that Councilman Burke acted in accordance with and not in violation of the Tybee Ethics Code. Accordingly, we respectfully request the Ethics Commission to dismiss this complaint.

Respectfully,



Thomas J. Mahoney III

TJM/lf



City of Tybee Island
P.O. Box 2749 – 403 Butler Avenue, Tybee Island, GA 31328
(912)786-4573 – FAX (912) 786-5737
www.cityoftybee.org

April 5, 2021

Hon. Jay Burke
City of Tybee Island Council
P.O. Box 2314
Tybee Island, GA 31328

Dear Councilman Jay Burke:

The Ethics Commission reviewed the enclosed ethics complaint against you at a meeting on April 1, 2021. In that meeting, the Commission determined that the complaint based on its face value met the statutory standards set out in the ordinance to move forward with process.

This Commission request that you respond in writing to the allegations contained in this attached complaint within 30 business days. After your response has been received, the Commission will meet to determine if the charge is valid and qualifies for further action.

If it is determined at the meeting that further action is required, an informal hearing will be scheduled. Both parties will be notified of the date, place and time of the informal hearing. The informal hearing is an opportunity for both parties to present their cases and resolve the issue themselves through guidance from the Ethics Commission. An attorney may represent you at this meeting if you wish. No evidence other than that contained in the complaint with its attachments and your written response with your attachments will be considered at the informal hearing.

If the issues cannot be resolved at the informal hearing, the Commission will proceed to a formal hearing within 45 days of the informal. At the formal hearing additional evidence may be presented for the Commission for consideration.

Enclosed is a copy of the complaint policy and procedure to answer any questions you may have.

If you elect to have legal counsel represent you, you may be responsible for your legal fees and expenses subject to Section 23-46 – Legal fee of the Ethics Ordinance.

Thank you for your cooperation with this process.

Yours truly,

Michael S. Pappas
Ethics Commission Chair

Enclosures: Complaint, Complaint Policy, Complaint Procedure

Ethics Commission
City of Tybee Island
March 27, 2021
2.5 juw.

Jay Burke, City Council Councilmen, I believe has violated sections of the Ethics Code at the March 11, 2021 City Council meeting. A movie production representative was giving a progress report in an open council meeting when Mr. Burke stated that closing of the beaches would cause his family business great financial distress, as they rent beach equipment. The movie representative offered to meet with him, but was instructed to meet with his sister who ran the business. Burke continued to emphasize the financial damage in his tirade referencing to a month or more of damages. He refused to stop his participation in the meeting and recuse himself from the discussion of the issue. He continued to emphasize his interest in seeing the financial remuneration for his family business to be substantial.

RECEIVED
3/25/21
juw

Code of Ethics, Chapter 23

Section 23-2 Acceptance of Gifts

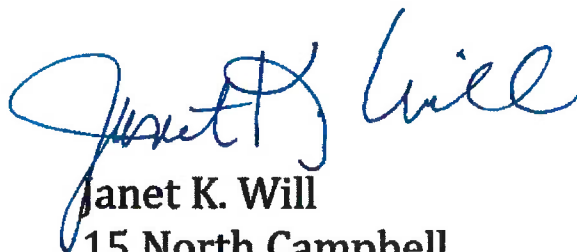
**Solicited money from a movie production official
doing business with City of Tybee**

Section 23-3 Intent

**Used public office for private gain
Affected adversely the confidence of the public in
the integrity of the government**

Section 23-7 Coercion by City Official

**Used his position to coerce a business to provide
financial benefit to him and his immediate family**



**Janet K. Will
15 North Campbell
PO Box 272
Tybee Island, GA 31328
770-487-9491
geiret@bellsouth.net**



**Janet R LeViner
NOTARY PUBLIC
Chatham County, GEORGIA
My Commission Expires 10/15/2024**

Jan LeViner

From: Michael Pappas
Sent: Thursday, July 29, 2021 10:48 AM
To: Janetpeach Will; Jay Burke; Tmahoney@Tmahoneylaw.com; Edward Hughes
Cc: CBarrow@GM-LLP.com; Mark Reed; Ben Goggins; James McNaughton; Marie Rodriguez; Nancy Frankenhauser; Trey Conners; John Branigin; Barry Brown; Spec Hosti; Monty Parks; Nancy DeVetter; Michelle Owens; Jan LeViner
Subject: Findings of Tybee Island Ethics Commission on Will vs. Burke

Findings of the Tybee Island Ethics Commission hearing of 7-28-2021

Will vs. Burke:

To Ms. Jan Will, Complainant:
Councilman Jay Burke, Respondent:
Tom Mahoney III, Attorney:
Mayor Sessions:
City Council Members:

Our Findings:

We, The Ethics Commission of Tybee Island, GA, wish to address Councilman Burke's exchange with Ms. Laura Bryant, involving the filming permit matter under consideration by City Council at its March 11 meeting.

While Councilman Burke's dialogue involving the loss to the family business was inadvertent and relatively benign, the Commission finds that it did violate the letter and the spirit of the City's Ethics ordinances.

We advise that Councilman Burke formally apologize, before Council, for his lack of good judgment in his comments to Ms. Bryant before recusing himself from voting on the matter.

Our members voted unanimously in favor of this decision.

Sincerely,

Michael G. Pappas

Chairman, Tybee Island Ethics Commission

File Attachments for Item:

7. David Baker: Noise Ordinance



CITY COUNCIL
Barry Brown, Mayor pro tem
John Branigin
Jay Burke
Nancy DeVetter
Spec Hosti
Monty Parks

CLERK OF COUNCIL
Jan LeViner

CITY ATTORNEY
Edward M. Hughes

CITY OF TYBEE ISLAND

City Council Agenda Item Request

Agenda Item Requests must be submitted to the Clerk of Council by 4:00PM on the Thursday prior to the scheduled Council meeting. If this form is received after the deadline, the item will be listed on the next scheduled agenda. There is a three (3) minute limit for all visitors.

Council Meeting Date for Request: 9/23/21

Item: Under Citizens Public Comments, 1) Prior Ordinance

Explanation: Amendment and 2) Documented lack of cooperation/
Transparency by Select City Staff

Budget Line Item Number (if applicable): N/A

Paper Work: Attached* Already Distributed
 To Be Handed Out at Council Meeting (by Requester)
 Audio/Video Presentation**

* Thirteen copies for packets must be provided with request.
** N/A Audio/video presentation must be submitted to the IT department at City Hall by 4:00PM on the Thursday prior to the meeting.

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

Submitted by: David L. Baker

Phone / Email: 786-0311

Comments: As of 9/16/21, presentation commentary has not been
completed, but a copy will be provided to Clerk of
Council on 9/23/21 at the meeting. Thank you.

Date given to Clerk of Council _____

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



File Attachments for Item:

8. Commercial Film Production Application: Girl From Plainville, October 4 - 8, 2021.

GIRL FROM PLAINVILLE
(2ND SHOOT → OCT 4TH - 8TH)



PAID

PO Box 2749, Tybee Island, Georgia 31328; www.cityoftybee.org

COMMERCIAL FILM PRODUCTION APPLICATION

Thank you for considering Tybee Island as the ideal location for your production. The City of Tybee Island recognizes that productions have a significant economic impact and can contribute to the vitality of the community. With the Citizens of Tybee Island's quality of life in mind, this document has been developed to assist commercial production companies in planning safe and successful projects in a manner that has minimal disruption to local residents and businesses that may be impacted by the activity.

By keeping the public's best interest in mind, persons/firms/companies wishing to engage in commercial film production activity upon public or private property which seek permission to conduct certain activities prohibited under local law, which requires state or federal permitting or approval, require city services, and / or require public parking must first be granted approval from the City Manager or the Mayor and City Council.

Consideration for approval by the City Manager:

- a. Productions taking place for one (1) to five (5) days which:
 - i. will have no activity on the beach and / or within the State's Shore Protection Jurisdictional Area;
 - ii. impact less than two city blocks; and,
 - iii. request a maximum of twenty five (25) parking spaces shall complete and submit this application in its entirety at least five (5) business days prior to beginning of activity for consideration by the City Manager.
- b. Productions taking place for one (1) to five (5) days which will have activity on the beach and / or within the State's Shore Protection Jurisdictional Area shall complete and submit this application in its entirety at least **twenty (20) business days** prior to beginning of activity for consideration by the City Manager.

Consideration for approval by the Mayor and City Council:

- a. Productions taking place for six (6) or more days or productions that require activity which includes traffic control on multiple city blocks and / or limit access to the beach and / or on the beach within an area greater than 22,500 square feet shall complete and submit the application at least **twenty eight (28) days** prior to a regularly scheduled City Council meeting.

NOTE: Monthly City Council meetings typically take place the second and fourth Thursday.

Applications are considered on a first come, first served basis and shall not conflict with annual island events or activities already approved. No more than one production in the same location will be permitted due to limited infrastructure and city resources.

(sent Fri PM 9/10/21)

Today's Date: 9/13/21

Application Fee Submitted (per type circled below): 9/15/21
 FILM 775 + 80000 50 = \$825

Type of Production	Base Fee	Number of Days for Production Activity (Productions with activity beyond one day are to pay \$100 per day above the base fee.)	Total
Still Photography (no city services)	\$100		
Commercial	\$275		
Music Video	\$325	\$ 375 + 100 + 100 + 100 + 100	
Corporate Video	\$275	PROD DAYS - W 10/4 + Th 10/7	\$ 775
<u>Television Show</u>	\$375	5 DAYS @ \$ 375 + \$ 400	\$ 2,275
Documentary / Feature Film	\$450	WEEK OF MON 10/4 - FRI 10/8/21	

The production company is responsible to pay an additional non-refundable \$500 to have a special City Council meeting arranged in order to expedite consideration of the application. Please confirm by checking one of the following options:

- REQUESTING NOT REQUESTING
 - The Commercial Film Production Application fee, as noted above, is due at the time of application submittal and is non-refundable.
 - The application will be reconsidered for approval if substantial changes are made or additional needs are requested. Proposed activity may be delayed and additional fees may apply.
- Permit applications for beach use and / or facility reservations are administered separately.

SECTION 1: GENERAL INFORMATION (attach additional pages as necessary)

1. Name of Production: THE GIRL FROM PLAINVILLE
2. Production Company: UNIVERSAL CONTENT PRODUCTIONS, LLC
3. Production Representative (Local Contact Person): RYAN WATTERSON
The individual listed above must be on site during production activity and readily available at all times to address concerns.
4. Local Address: 102 FAHM ST City: SAVANNAH State: GA Zip: 31401
5. Contact Phone: 423-943-3688 Email: Ryanwatterson@gmail.com
6. Phone Number and / or Website for Public information: NA

SECTION 2: REFERENCES

1. Provide information regarding the production representative's previous production experience(s).
THE ACT, COUNCIL OF DADS, THE Underground Railroad and Devotions
2. Provide two (2) references excluding City of Tybee Island officials and staff:
- a. Name: BETH NELSON - DIRECTOR OF SAVANNAH AREA FILM OFFICE
Address: 906 DRANTON ST. SAV, GA. 31401
Phone: 912-655-4153
- b. Name: MATT KRUEGER - CITY OF SAVANNAH PERMITTING OFFICE
Address: 1 WARING DR. SAVANNAH, GA. 31404
Phone: 912-239-8837
3. List any additional contact person(s) and their phone numbers involved in assisting with this production.
STEPHEN YETMAN - LOCATION MANAGER (843) 813-5738
JODY SCHEISSER - KEY ASSISTANT LOCATION MANAGER (912) 655-5617

SECTION 3: PRODUCTION DETAILS (attach additional pages as necessary)

- Due to increased demand on resources and to the protection of natural habitats please refer to Section 5 for potential restrictions of production activity locations and time periods.

1. Date(s) and time(s) of production activity: OCT. 4, 5 & 8 - 7AM to 7PM
OCT. 6 - 11AM - 8:30AM OCT. 7 - 11AM - 4:30AM
 > Anticipated rain dates for activity: UNDECIDED
- a. Beginning of Setup: Date/Time period OCT 4, 5, 8 - 7AM to 7PM
- b. Completion of Teardown: Date/Time period OCT 8 - 7AM to 7PM
2. Location(s): • STRAND AVE BETWEEN TYBRISA ST & 17TH STREET • THE PIER
• TYBRISA ST BETWEEN BUTLER AVE & STRAND AVE • AREAS 7 & 9 on BEACH
- a. A drawn to scale, detailed site plan of the area(s) requested for production with all structures depicted is required at time of application submittal.
3. Provide a brief synopsis of the production: "THE GIRL FROM PLAINVILLE" TELLS THE TRUE STORY OF MICHELLE CARTER FROM PLAINVILLE, MS. who was accused of persuading a boy to commit suicide through a series of text messages and was sentenced to prison.
4. Estimated number of people involved in production:
Personnel _____ Crew 150 Extras 50
Other (please explain) _____
5. Will activities with this production impede traffic flow? Yes (provide explanation below) No

SECTION 3: PRODUCTION DETAILS CON'T. (attach additional pages as necessary)

6. Will activities require closure of public streets? Yes (provide explanation below) No
 a. Describe activity: FILMING ON TYBRISA & STRAND AVE - REQUESTING CLOSURES
 b. List requested streets: Tybrisa St. between Butler Avenue and Strand Avenue
Strand Ave. between Tybrisa Street and 14th Street
7. Will activities require public parking to be used? Yes (provide explanation below) No
 a. Provide details under Section 4.
8. Will commercial trucks be utilized during activity? Yes (provide explanation below) No
 a. Describe activity: WORKING TRUCKS would be dropping equipment and
 b. List requested locations: parked close by near Tybrisa Street and Strand Avenue.
9. Describe any use of amplified sound, location, and effective times: NA
10. Check all that apply during production activity (additional permits may be required):
 Animals on site Fireworks Temporary dumpster
 Use of generators Amusement rides Building changes
 Stunt work Simulated weapon use Removal / trimming of vegetation
 Smoke / fire / pyrotechnic effects Falling / jumping from height Other: _____
 Temporary structures
- Provide details: Generators, Restrooms and Temporary Dumpsters will be staged near Strand Avenue and Tybrisa Street

SECTION 4: CITY SERVICES REQUESTED - REFERENCE SECTION 5 FOR DETAILS

Department of Public Works (DPW) Request(s):

Equipment	Quantity	Exact Location	Days & Hours Requested
Traffic Cones			
Barricades			
Traffic Barrels			
Reschedule Routine Services (i.e. street sweeper/blowing)			

Parking requests (include a map plotting locations as described below):

Type of Parking Area	Exact Location(s)	Use for Parking (i.e. working, crew, production/staging, base camp, extras...)	Days & Hours Requested	Quantity
Private Commercial				
Public Parking	<u>Tybrisa between Butler & Strand</u> <u>Strand between Tybrisa & 14th</u>	<u>Cleared for Picture</u> <u>Cleared for Picture including this stretch of parking lot</u>	<u>see diagram & info on next page</u>	

Police Detail requests:

- a. Please describe: We would require officers for closure and pedestrian control.
 b. Will additional security be hired? Yes (provide details below) No
 Provide details: Production would have 24/7 security while equipment was staged on public property.

Fire Detail/Ocean Rescue requests:

a. Please describe:

045/hr
OF TIPD OFFICERS w/DAYS & TIMES NEEDED
 → see next page

Robyn Rosner

From: Ryan Watterson <ryanjwatterson@gmail.com>
Sent: Wednesday, September 15, 2021 1:44 PM
To: Robyn Rosner
Cc: Stephen Yetman; Genevieve Hawkins; Jody Schiesser
Subject: Re: (CORRECTION) TGFP | Tybee Island Permitting Documents 9.10.21
Attachments: Tybee Notification Letter.pdf

Hi Robin,

Thank you for taking time today to discuss our filming needs. Below I have addressed all your questions from earlier and attached the general notification letter. I'm happy to change any verbiage you see fit and made sure to highlight that the application info can be found online so your not bombarded with calls. Please let me know if you have any additional questions or concerns, and I we will wait for your word before distributing the letter to businesses and residents. Appreciate all your assistance!

Number of police officers requested for each day with begin times and end times (if not exact numbers can be given, an estimate of the most and least anticipated)

Scenario 1: Closing Tybrisa Street between Butler Avenue and Strand Avenue as well as closing Strand Avenue to 18th street we would request **7 police officers** from **11am to 7am (sunrise following day) both Wednesday, Oct. 6 and Thursday, Oct. 7.** Production would want control of the street lights so sunrise is for safety.

Scenario 2: Closing Tybrisa Street between Butler Avenue and Strand Avenue as well as closing Strand Avenue to 17th street we would request **5 police officers** from **11am to 7am (sunrise following day) both Wednesday, Oct. 6 and Thursday, Oct. 7.** Production would want control of the street lights so sunrise is for safety.

Whether the request for the Strand closure will only be up to 17th Street, or if you will keep the request to close Strand as is and add the entire 16th parking lot as well as the need for 18th St to not be a one-way while the production has Strand closed

As discussed, we would like to go before council on 9/23 and request to close Strand Avenue, clear the entire 16th street parking lot, and make 18th street a two-way while the production has Strand Avenue closed. Should council not permit this request, we would only ask for a closure on Strand Avenue up to 17th street.

The resident and business notification letter that will be delivered at the end of this week giving notice that the production requests to film are on the agenda for the 9/23 meeting for Council's consideration and the application with the production request information can be accessed in the agenda packet

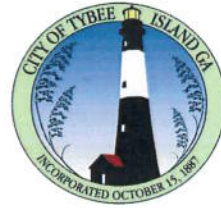
See letter attached.

I also need to process the payment before I submit the application, do you want me to use the same payment information used for the last application? If not, I have attached a payment information slip.

Please use the same payment information as the previous application.

THE GIRL

FROM PLAINVILLE



September 17, 2021

THE GIRL FROM PLAINVILLE

Dear Tybee Island Residents & Businesses,

Hello, my name is Ryan Watterson and I work in locations for the NBCUniversal series, *The Girl from Plainville*.

Our production is requesting to film on Tybrisa St., Strand Avenue, the Pier and Tybee Beach between the 15 ½ street crosswalk and the Tybrisa crosswalk on Wednesday, October 6 and Thursday, October 7. We will have approximately 2 days of prep work, 2 filming days and 1 strike day for a total of 5 days in the area. **All of the application information can be accessed in the agenda packet online for the September 23rd City Council Meeting.**

"The Girl from Plainville" tells the true story of Michelle Carter from Plainville, Massachusetts who was accused of persuading her boyfriend to commit suicide through text messaging and was sentenced to prison. The series will film in and around Savannah between August and December, 2021.

We realize that we are guests in your community and your cooperation and understanding is greatly appreciated. Thank you in advance. If you have any questions, please do not hesitate to contact me. We are working closely with the Savannah Regional Film Office (912-447-4159) and the City of Tybee. We thank you in advance for having us.

Sincerely,

Ryan Watterson

Key Assistant Location Manager

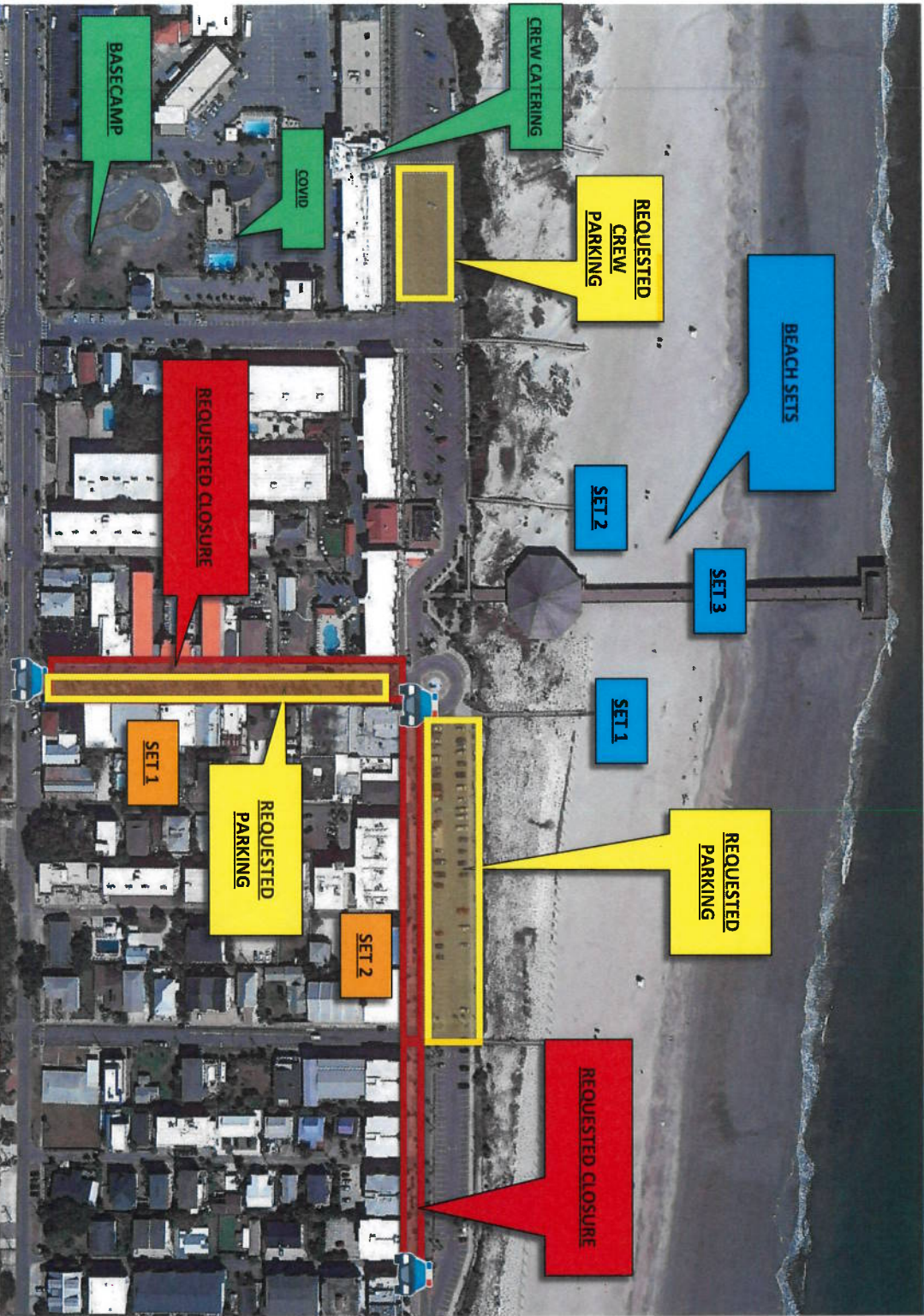
423-943-3688

ryanjwatterson@gmail.com



TGFP - Beach Overhead - Filming Proposal

Oct. 6 & 7



THE GIRL

SITE MAP FROM PLAINVILLE

SETS 1 - 3: BEACH

Tybrisa Crosswalk, 15 1/2 Crosswalk, Tybee Pier

SET 1 & 2: TYBEE STREETS

Tybrisa Street & Strand Avenue

REQUESTED CLOSURES

Tybrisa Ave. between Butler Avenue and Strand Avenue
Strand Ave. between Tybrisa Street and 18th Street.

REQUESTED PARKING:

All southside parking on Tybrisa btw Butler Ave & Strand Avenue. All parking lot spaces off of Strand Avenue. btw Tybrisa Street & 17th Avenue.

REQUESTED CREW PARKING:

14th Street Parking Lot - 98 Spaces

BASECAMP, CATERING, COVID, BACKGROUND PROCESSING:

Hotel Tybee
1401 Strand Avenue
Tybee Island, GA. 31328

Handwritten notes:
 Tybrisa - 601
 16th LOT 1401 Strand Ave
 58sq Skidwin lift station 7' x 11' 50' x 20' space
 (98) other space price 25

Item #8.

SECTION 5: INFORMATION & PRODUCTION GUIDELINES

This section provides information and standard requirements that have proven to be useful during production activity and serves as a guide for all companies desiring to obtain a commercial film production permit on Tybee Island. The city assumes no liability arising or resulting from the determinations of respective minimum staffing levels or the requirements for any production. Because no two production requests are the same, requirements may vary for each production. The Community Development Office reserves the right to require additional city services and/or monetary deposits that may not be noted, but determined necessary. Production activity taking place in residential and / or commercial areas, inclusive of filming, parking, set dressing, load-in and load-out in these areas of Tybee Island require a production permit or shall be cited as a violation for the production company.

***Possible restrictions:** The City Manager or Mayor and City Council reserve the right to restrict production activity based on the anticipated impact to the community and demand on resources. Additionally, the City Manager or Mayor and City Council reserve the right to restrict production activity in Downtown and beach areas between Tybrisa (16th) and 18th Streets based on anticipated economic impact of businesses during peak tourism season (spring and summer).*

The guidelines are subject to change and may be enforced as conditions of the permit.

Production Scouting

The City of Tybee Island's Community Development Office shall be contacted prior to scouting locations for possible production activity in order to discuss city policies and parking regulations.

Process of Application Consideration

1. Whether the production representative is capable or incapable of executing the planned production.
2. Whether budgetary considerations at the time of application create such a burden upon the city's financial resources that it would not be practical for the production to take place at the time requested.
3. Whether the activity, as planned, may create an undue burden upon the public and staff resources of the city.
4. The timing of the proposed production activity.
5. The historical experience, if any, of production activity in the past years.
6. The effect the proposed activity will have upon the city's resources and public health and safety, and frequency.
7. All city department heads affected by said activity must review and confirm acceptance of the application prior to the application being approved by the City Manager or the Mayor and City Council. All relevant fire and life safety issues must be adequately addressed.
8. A commercial film production permit may be withheld when the directors of city departments, in good faith, believe that the proposed activities will endanger the public health, safety, welfare, and / or damage property.
9. After reviewing the comments of all affected departments of the city, based on the specifics of the production activities, approval or rejection to proceed with the application process will be granted.
10. Requests for filming on weekends or holidays are reviewed on a case-by-case basis. Locations for production activity are reserved on a first-come, first-serve basis, regardless of the size or scope of the production.

Consideration of Application

1. In order to ensure a smooth review process for permission of requested production activity, the production representative will first meet with the city's Facilities / Special Events Coordinator, then applicable city department personnel and City Manager to review the application so that all concerns and details are addressed and agreed upon. Following these meetings, the application, if applicable, will be submitted for City Council consideration.
2. The City Manager may at her / his discretion approve production activity as outlined on page 1 of this application. The City Manager may at her / his discretion approve small scale production activity if the activity is solely on private property.
3. The City Manager, in consultation with directors of affected departments, may also impose any necessary restrictions or conditions to be observed in accordance with public safety, environmental and administrative considerations involved in the application.

SECTION 5: INFORMATION & PRODUCTION GUIDELINES CON'T.

Community Development Department

1. Temporary structures may not be anchored in the ground. If damage is done to city property, applicable fines and / or fees shall be billed to and paid by the production company.
2. Removing, excessive trimming and/or cutting of vegetation or trees are prohibited unless approved by and coordinated with the proper permitting office. In most instances, a city permit will be required.

Facility Reservation Office

1. Reservation applications for use of beach areas and city owned facilities are required through the Facilities Coordinator for approval.
2. The production representative granted a permit shall comply with all applicable laws, ordinances and policies pertaining to approved beach and / or facility application.
3. The production representative granted a permit shall be responsible for its contractors and subcontractors adhering to all applicable laws, ordinances, and policies pertaining to approved beach and / or facility applications.

Fire Department

1. In the interest of public safety, the Tybee Island Fire Department must review and approve aspects of the production activity that may include, but not limited to, fireworks or pyrotechnics, emergency vehicle access, and use of open flame in accordance with city ordinances and all permit requirements. The Fire Chief will determine whether or not department personnel are needed and the production company shall pay directly for said services.
2. The Fire Chief must approve requested participation by the Fire Department directly.
3. The Fire Chief must approve use of Ocean Rescue Headquarters and Lifeguard Stands.
4. Water activities and/or stunts will require the presence of off-duty Tybee Island Ocean Rescue lifeguard(s).
5. The production company shall be solely responsible for coordinating with the Fire Chief, the hiring and compensating of necessary personnel in association with activity.
6. Fees will be assessed and invoiced for use of department vehicles in association with production activity.

Parking Services Division

Most productions require some level of parking arrangements. When a company requires public parking in city parking lots, arrangements must be made with the city's Parking Services Division, in conjunction with the Community Development Office at the time of application review with departments. Due to the high demand for parking spaces in the City of Tybee Island, the Parking Services Division will only rent parking spaces for vehicles essential to production and/or to clear parking spaces for the production (no visible vehicles in the shot). All production vehicles must park in legally designated parking spaces and/or lots. Vehicles parked in unauthorized areas (i.e. handicapped spaces, loading zones, fire lanes, lanes of traffic, unlicensed lots, residential zones, etc.) without official authorization will be fined and/or removed.

1. The production company shall effectively demonstrate that they have maximized the use of private commercial parking prior to requesting use of public parking.
2. In most cases, the city may provide public parking spaces only for essential unit vehicles. When public parking is approved for use and / or restricted, costs as noted below will be invoiced accordingly:

APPLICABLE DAY	HOURLY RATE / SPACE
Monday thru Thursday	Half-Price Regular Rate of \$3.50 / hour / space
Friday thru Sunday	\$4 / hour / space
Hourly rates per space will be doubled without written notice and city approval 48 hours in advance.	

3. The production company shall use off-street parking, as available, for non-essential vehicles (i.e. crew parking). The production company may be required to use a remote parking location and arrange for suitable shuttle service for locations where off-street parking is not available (i.e. residential locations). At all times parking shall be organized to minimize the disruption to the area.
4. Request for use of parking lots or spaces must be submitted in detail for approval with the application.
5. Requests for production vehicles parking shall be included in the application request for consideration.

SECTION 5: INFORMATION & PRODUCTION GUIDELINES CON'T.

6. Requests for public parking spaces that have a direct impact on a business or resident(s) may be required to be accompanied by a notification letter confirming communication with the affected business/property owner/manager prior to the request for parking being approved. The Community Development Office, in conjunction with the City Manager's Office, may make determinations of needed documentation on a case-by-case basis.
7. By city ordinance, no person(s) may camp or sleep in vehicles in public areas nor may a vehicle stop or park with engine running for longer than ten minutes, except when necessary to refrigerate perishable items and / or for passenger buses that remain occupied by other than the driver.

Street Closures

If roads are to be blocked or traffic disrupted in any manner, the production representative must directly coordinate with the Tybee Island Police Department during regular working hours.

1. Public streets shall not be closed unless:
 - a. adequate alternate routes are available,
 - b. adequate access to adjacent businesses is assured,
 - c. transit can be maintained on the portion of the street to be closed, or can be maintained on adjacent streets.
2. Major streets shall not be closed during high volume traffic periods.
 - a. When traffic cannot be effectively diverted onto other streets, traffic shall be stopped only intermittently and for no longer than three continuous minutes during each 10-minute period.
 - b. Occupants of properties within a street closure or within any area a film company is filming are to be informed of the activity by the production company. In a residential area, residents in any block where filming is occurring or which is occupied by production vehicles shall be advised of the proposed activity. Reference the Notification Section for information.

Adequate access to the area shall remain open at all times for emergency service personnel and emergency vehicles to ensure safety.

Police Department

1. Any person or organization shall comply with security and safety guidelines set by the Tybee Island Police Department.
2. The Chief of Police must approve requested participation by the Police Department directly.
3. Traffic Control/ Driving Shots
 - a. All productions that require any amount of pedestrian and / or vehicle traffic control must include detailed information within the application for consideration. The off-duty officer in accordance with the permit shall directly coordinate all traffic interruption on-site.
4. The production company shall be solely responsible for coordinating, with the Chief of Police, the hiring and compensating of necessary personnel in association with activity.
5. Fees will be assessed and invoiced for use of department vehicles in association with production activity.

Public Works Department

1. The site of the production activity must be restored to its original condition or additional charges will apply.
2. Please note that any production that is found illegally dumping debris/trash will be fined. In addition, any production leaving debris/trash behind at any production location will be billed for the time, labor and equipment used by the Public Works Department to clean up the area.
3. Upon completion of work, all materials and debris shall be entirely removed and the right-of-way left in a condition satisfactory to the Director of Public Works. Any costs for cleanup by the city will be charged to the permit holder.
4. Fees will be assessed on a per hour rate and determined by the city if production activity requires the use of the electrical service, equipment owned by the City of Tybee, and / or labor.
5. It is the responsibility of the production company to provide adequate toilet facilities during activity as appropriate. Location(s) of said stations shall be indicated on provided site plan. One chemical toilet for every 200 people is recommended.

SECTION 5: INFORMATION & PRODUCTION GUIDELINES CON'T.

6. Electrical needs are the sole responsibility of the production company. Generators shall not run during evening hours nor disrupt the peace and quiet in non-commercial areas in accordance with City Code 22-112.
7. The production company shall be solely responsible for coordinating, with the Director of Public Works, the hiring and compensating of necessary personnel in association with activity.
8. Fees will be assessed and invoiced for requested services/equipment and use of department vehicles in association with production activity.

Additional Agencies

Georgia Department of Natural Resources

An issued Letter of Permission (LOP) from Georgia Department of Natural Resources is required for any activity on the beach and / or within the Shore Protection Jurisdictional Area (i.e. beach side parking lot areas, etc.) fifteen (15) business days prior to activity. The production is subject to cancellation if the LOP is not received by the City of Tybee Island prior to the noted deadline. Requests may be submitted at <http://coastalgadnr.org/sendemail>.

In the case of duplicate permits (i.e. application approval from the city and/or an issued LOP), the more restrictive provisions of any permit will control.

The city will notify DNR Enforcement when activity taking place conflicts with the issued LOP. Fines may apply.

Georgia Department of Transportation

The Georgia Department of Transportation shall be contacted when production activity impacts their jurisdiction. Contact information is available at <http://www.dot.ga.gov/AboutGDOT/Districts>.

Chatham County

Chatham County shall be contacted when production activity impacts their jurisdiction and / or the Pier and Pavilion located at Strand Avenue. Contact information is available at <http://www.chathamcounty.org/Home/Department-Contacts>.

Tybee Island Marine Science Center

Turtle nesting season on Tybee Island is May 1 through October 31. A conservation program of the Marine Science Center is the Tybee Sea Turtle Project. Volunteers with the Turtle Project protect and monitor the island's nesting sea turtles. Production representative shall coordinate with the Marine Science Center regarding proposed beach activity during turtle nesting season. Contact information is available at <http://www.tybeemarinescience.org/contact-us/>.

United States Coast Guard

The USCG shall be contacted at 912-786-5440 when production activity includes fireworks. Approval for such activity is required at least 135 days prior. This is in addition to approvals required by the City of Tybee Island with input from the Tybee Island Fire Department.

Residential / Commercial / Beach Areas

1. Production representative must provide written documentation confirming notification provided to merchants and / or residents prior to the Commercial Film Production Application being submitted for consideration of approval. Documentation shall include signatures of merchants notified when possible.
2. It is the responsibility of the production representative to negotiate compensation with residents and / or businesses when they are impacted directly by the activity.
3. Cast/crew may not trespass onto private property without consent. All personnel must remain within the boundaries of the property that has been permitted for filming.
4. Residents / Merchants shall never be prevented from access (street, driveway, and sidewalk) to their home / business as a result of film production, except for brief periods when scenes are being shot.
5. Public access to and on the beach shall not be restricted as a result of film production, except for brief periods when scenes are being shot.
6. Productions may not impede normal residential services such as garbage collection and street cleaning.
7. At no time may production disrupt regular mail service.

SECTION 5: INFORMATION & PRODUCTION GUIDELINES CON'T.

8. Move-ins, move-outs and any related noisy activities of a production company shall occur only during the following periods: 7am – 8pm by city ordinance.
9. Late night and early morning filming between the hours outside of those in (8) will not be permitted unless permission is granted with the application based on the production representative providing required documentation of notification.
10. A production company will place on the sidewalk in the area of filming, an information sign advising the public of the name of the film and noting that they may be inconvenienced while walking through the area.

Notifications

1. Productions that require completed notification and/ or signature documentation are strongly encouraged to begin notifying residents and / or merchants at least six weeks in advance. A sample of the documentation for distribution shall be included with the application at time of submittal. Complete documentation shall be provided to the Community Development Office no less than two (2) weeks prior to the start of a production with six (6) or more days of production activity and seven (7) days prior to the start of a production with five (5) or less days of production activity.
2. Notification shall include:
 - a. name of the production company
 - b. name of the production representative with contact phone number and email address
 - c. date(s) and time(s) the film company will be working in the area
 - d. a summary of the activity which will impact the area
 - e. map indicating areas for activity (including parking)
 - f. phone number of the city's Community Development Office
 - g. phone number of the Savannah Film Commission Office.
3. Production representative is required to provide notice by reasonable means available, including, but not limited to, cellular phone or other telephonic means, e-mail, fax, hand-delivery, mail or other traceable delivery service (i.e. FedEx, UPS, courier service or certified mail). Federal law prohibits distribution in mailboxes.
4. A map created by the production company must be included with the original notification letter upon delivery of the application to the Community Development Office. This map shall clearly identify distribution streets by name & block (i.e. 700 block), and indicate all addresses receiving notification.
5. In the instance of a failure to successfully deliver notification letters, the production representative must document to the Community Development Office as to the number of attempts at making contact and provide documented attempts using recognized methods (certified mail, etc.).
6. Production representative must inform all affected properties of any schedule changes made after distribution of original notification letters. At all times the Community Development Office reserves the right to require proof of notification as a condition of the permit.
7. No two productions are the same, and the city may require production company to meet additional requirements depending on the nature and scope of activity.

Signage

1. Each vehicle belonging to the production company shall display proper identification on the dashboard including a contact person and telephone number.
2. Signage to direct cast/crew or any other production elements is permitted only by specific production company's permitted use and must be removed immediately upon completion of permitted activity. An invoice for costs incurred by the city for any removal of left signage will be forwarded to the production representative and must be satisfied before issuance of any further permits.
3. When filming occurs in a commercial area with limited passage on the right-of-way (including beach crossovers), the production company must provide proper wayfinding signage indicating businesses are open and provide an alternate route that will not negatively impact business activity.
4. When filming occurs where pedestrians who are not associated with the production will be present, the production company must provide proper wayfinding signage and off-duty officers shall be stationed throughout the set in order to direct pedestrians politely and safely through or around set.

SECTION 5: INFORMATION & PRODUCTION GUIDELINES CON'T.

Anti-Litter

1. If catering is done at a location, a method must be established for the removal of used cooking oils, gray water or any other solvents from the activity site. The production company will incur costs imposed by the city, county, and state if any solvents are left or discarded at the activity site.
2. Release of helium balloons and/or Chinese lanterns is prohibited on Tybee Island. It is very harmful to wildlife and is a violation of the city's littering ordinance.
3. All smoking refuse must be properly disposed of in marked 'butt-cans' or other specifically designated receptacles.
4. All debris in production activity area(s) must be contained at all times. The production company will be charged an hourly rate and dumping fee determined by the city if any debris is left and disposed of by the Public Works Department.

Amusement Rides

1. Separate from the insurance required by the City of Tybee Island, proof of insurance from the company providing amusement rides in conjunction with the production activity is required two weeks prior to use.

Financial

1. The production representative shall be financially responsible for any cleaning, replacement and repair to municipal property or its accompanying articles after completion of activity.
2. The production representative shall be financially responsible for extra personnel hours incurred by the city as a result of the aforementioned.
3. A deposit of 50% shall be made upon receipt of all estimated costs. Payments of invoices are due upon receipt.

Miscellaneous

1. No production activity which involves the use of explosives, pyrotechnics, fire, smoke-making machines or other special effects may be undertaken unless specifically approved in accordance with City Code 12.1 and the Department of Natural Resources.
2. Production company shall maintain minimal noise levels at all times and adhere to City Code 22-112. During filming activity, vehicle engines and generators shall be turned off as soon as possible, crew shall refrain from unnecessary shouting and production radio volumes shall be conducive to effective communication without being obtrusive to the surrounding neighborhood. If complaints of excessive noise levels occur, the production representative shall attempt to identify, correct and/or modify the noise source. Failure to do so shall result in immediate relocation of activity as appropriate.
3. When blockage of pedestrian right of way (including beach crossovers) is anticipated, production representative must submit a site plan showing exact locations and specified times of access restrictions with the application for approval.
4. ADA compliant crossovers must be used to safely cover all cables placed on streets and sidewalks.
5. Credits of all productions shall include the City of Tybee Island, Georgia as a production location.
6. The official logo of The City of Tybee Island shall be used in the credits of all productions. The logo may be obtained from the City of Tybee Island's Information Technology Department.
7. A statement referencing that permission for production activity was granted by the City of Tybee Island and, if applicable, Department of Natural Resources must be included in the credits to ensure the public is aware that specific activities (i.e. nongovernmental vehicles on the beach, open flames on the beach, etc.) are only permissible with prior authorization. Wording shall be agreed to upon prior to completion of activity.

SECTION 5: INFORMATION & PRODUCTION GUIDELINES CON'T.

Community Assistance

Tybee Island is proud of its community's spirit of giving and collaboration. We invite production companies who film on Tybee Island to contribute to the community's non-profit organizations as appropriate. We appreciate any efforts you make to assist our community in better understanding the production process. The Community Development Office can assist in facilitating appointments for members of cast or crew with the production to talk to students at our local school and meet with members of our community.

The City of Tybee Island makes every effort to improve the quality of life for our residents and merchants. Productions are encouraged to consider assisting in civic initiatives. If a production is capable of making lasting contributions to the community, the city will be happy to help facilitate these efforts.

Enforcement

1. A commercial film production permit may be revoked immediately by the City Manager when activities are believed to be endangering the public health, safety, welfare, and / or damaging property.
2. A commercial film production permit may be revoked within 24-hours of written notice from the City Manager noting a violation of activity not permitted.
3. A violation of the permitted activity, in accordance with this application, shall be considered a violation of the city code, enforceable as provided herein. Persons engaged in a production without approval, or otherwise in violation of the guidelines herein, shall be subject to enforcement by city police or Code Enforcement Officers, through the issuance of immediate cease and desist orders. Each violation shall constitute a separate offense for which a separate fine shall be imposed as follows:
 - a. For the first offense within a 12 month period a fine up to \$500;
 - b. For the second offense within a 12 month period a fine up to \$750;
 - c. For the third offense within a 12 month period and subsequent offenses a fine up to \$1,000.
4. The production company will be restricted from receiving a production permit for a six (6) month period of time when previous violations have occurred.
5. If there are repeat offenses by a production company and / or their representative, the City Manager may decline to review future production permits from such person or entity for one year, or such other period as the City Manager deems appropriate.

Moratoria

1. The City Manager or her / his designee has sole discretion to place a temporary moratorium on locations and neighborhoods that have experienced 'burn-out' as a result of previous high volume or large impact production activity based on the following criteria:
 - a. History of code violations;
 - b. Past history of the production company and/ or their representative;
 - c. Duration of the subject production;
 - d. Infrastructure and quality of life impacts (e.g. traffic interruptions);
 - e. Other impacts to adjacent property owners, including exceptional filming activities (e.g., fire effects, explosions, car crashes, aerial filming, etc.)

Revisions

The Mayor and City Council may adopt revisions to the Commercial Film Production Application. The City Manager may authorize amendments to the Commercial Film Production Application proposed by staff, and shall present such amendments to the Mayor and City Council for approval.

SECTION 5: INFORMATION & PRODUCTION GUIDELINES CONT.

Indemnification / Insurance

1. The production representative must sign this Agreement at time of submitting application, which provides for certain indemnification and other legal requirements. Prior to the issuance of the production permit, the production company shall maintain, at its sole expense, public liability insurance covering all production activity taking place on / off city properties and resultant use thereof, naming the City of Tybee Island as an additional insured, in the amount of \$1 million. The Certificate of Insurance is required to be provided prior to the production beginning. Failure to provide insurance will result in the cancellation of production activity.
2. The company is responsible for obtaining necessary insurance as deemed appropriate by the property owner when private property is being utilized.
3. The production representative shall deliver to the Community Development Office a certificate or certificates of insurance, as specified above, evidencing the existence of public liability insurance in the minimum amounts described above. Each certificate shall provide that the city receive not less than thirty (30) days written notice of cancellation prior to such cancellation. In the event that such insurance is cancelled, expired or terminated, the production representative shall be required to obtain insurance immediately and furnish proof to the Community Development Office. If such valid insurance is not obtained within twenty-four (24) hours after cancellation or termination, the permit shall be revoked for the production and all associated activity shall cease. The production representative shall be responsible for submitting all certificates of insurance of its contractors and subcontractors.

SECTION 6: ACCEPTANCE AND AGREEMENT

ACCEPTANCE AND AGREEMENT

I, as the production representative of the commercial production company, do hereby agree to indemnify and hold harmless the City of Tybee Island, Georgia, its elected officials, officers, agents, employees and contractors from and against any and all loss, damage, claim, demand, liability or expense by reason of any damage or injury to property or person which may be claimed to have arisen as a result of or in connection with any production activity of the production representative, directors, officers, agents, servants, contractors, and subcontractors, including the occupancy or use of listed activity locations during the time period of said production.

Such obligation to indemnify and hold harmless shall continue notwithstanding any negligence or comparative negligence on the part of the city relating to such loss or damage, except for loss or damage arising from the sole negligence or willful misconduct or gross negligence of the city, and shall include all costs, expenses and liabilities incurred by the city in connection with any such claim, suit, action or cause of action, including the investigation thereof and the defense of any action or proceeding brought thereon and any other judgment or decree which may be entered in any such action or proceeding or as a result thereof. These provisions shall survive the expiration or earlier termination of the use of premises. Nothing in this Agreement shall be construed to affect in any way the city's rights, privileges, and immunities as set forth in Georgia Statutes and/or the Constitution of the State of Georgia.

By providing my signature directly below, I agree to the above information and agree to comply with the information and guidelines specified in this document to ensure that public health and safety is not compromised during production activity, shall such be granted. In addition, I consent to the jurisdiction of the United States District Court for the Southern District of Georgia, the State and Superior Courts for Chatham County, the Municipal Court of the City of Tybee Island, and I agree that all disputes shall be resolved in one of these courts, and waive any objections to jurisdiction and venue.

Please print:

I, Ryan Waterson (Production Representative), individually, and as authorized representative of Universal Content Productions, LLC (Production Company), do hereby agree to the above terms by signing below.

Production Representative's Signature: [Signature]

Production Producer's Signature: [Signature]

Date: 9/10/2021

Date: 9/15/2021

INTERNAL USE BELOW.

Staff signatures for city departments listed below indicate the Commercial Film Production Application has been reviewed and department needs are accepted as requested. All signatures are required prior to application being submitted for City Council consideration.

DEPARTMENT	SIGNATURE	DATE
City Manager	<i>[Signature]</i>	9-13-21
Community Development	<i>[Signature]</i>	9-14-21
Finance	<i>[Signature]</i>	9-14-21
Fire		
Parking	<i>[Signature]</i>	9/14/21
Police	<i>[Signature]</i>	9-14/21
Public Works	<i>[Signature]</i>	9/14/21
Water & Sewer	<i>[Signature]</i>	9/14/21

COMMENTS: _____

ADMINISTRATIVE APPROVAL (as applicable):

City Manager: _____ Date: _____
 Community Development Director: _____ Date: _____

APPLICATION REVIEW VERIFICATION	DATE
RECEIVED (sent Fri 9/10 PM)	9/13/21
REVIEW DATE BY CITY OF TYBEE ISLAND REPRESENTATIVE	9/13/21
SENT OUT FOR INTERNAL REVIEW	
FOLLOW UP REVIEW MEETING(S) WITH PRODUCTION REPRESENTATIVE	Multiple
MEETING WITH CITY DEPARTMENT HEADS & PRODUCTION REPRESENTATIVE	
CERTIFICATE OF INSURANCE RECEIVED	9/13/21
LETTER OF PERMISSION RECEIVED	
RESIDENT NOTIFICATION LETTER DISTRIBUTED	First 9/17
LIST OF BUSINESSES, RESIDENTS, AND ANY OTHER REQUIRED NOTIFICATIONS RECEIVED	+ additional after council approval
CITY SERVICES REQUESTS ACCEPTED & CONFIRMED	9/14/21
ANY ADDITIONAL REQUIREMENTS (LIST BELOW)	9/13/21
ANTICIPATED MAYOR & CITY COUNCIL CONSIDERATION (AS APPLICABLE)	9/23/21
DETERMINATION: APPROVAL / DENIAL	
ALL INVOICES FOR CITY SERVICES PAID	
CITY MANAGER APPROVAL	council req'd
FINAL APPROVED COPY SENT TO CITY DEPARTMENT HEADS & SAVANNAH REGIONAL FILM COMMISSION	

→ Petc noted to make sure aware possibility of other south end parking lots still being closed (attached info on next page)

sent to deb 9/10/21 ✓

Submitted to Jan for agenda 9/15

Discussed directly w/each 9/13 + 9/14
 in-person 7/22 + 8/17
 phone calls, emails, texts from 8/4 thru present (9/15) + ongoing

*possibility should
be done in
a couple
weeks
per
9/14/21
pete*

PARKING LOT CLOSURE NOTICE

Starting Monday, September 13th the following parking lots will be closed for grading and asphalt paving until further notice:

- 19th Street – From Butler Avenue to the east end
- Butler Avenue – 19th Street to the south end
- Chatham Avenue – 19th Street to the south end



Local traffic will be allowed access to their property at all times.





14th St
 15th St
 16th St
 17th St
 18th St
 19th St
 20th St
 21st St
 22nd St
 23rd St
 24th St
 25th St
 26th St
 27th St
 28th St
 29th St
 30th St
 31st St
 32nd St
 33rd St
 34th St
 35th St
 36th St
 37th St
 38th St
 39th St
 40th St
 41st St
 42nd St
 43rd St
 44th St
 45th St
 46th St
 47th St
 48th St
 49th St
 50th St
 51st St
 52nd St
 53rd St
 54th St
 55th St
 56th St
 57th St
 58th St
 59th St
 60th St
 61st St
 62nd St
 63rd St
 64th St
 65th St
 66th St
 67th St
 68th St
 69th St
 70th St
 71st St
 72nd St
 73rd St
 74th St
 75th St
 76th St
 77th St
 78th St
 79th St
 80th St
 81st St
 82nd St
 83rd St
 84th St
 85th St
 86th St
 87th St
 88th St
 89th St
 90th St
 91st St
 92nd St
 93rd St
 94th St
 95th St
 96th St
 97th St
 98th St
 99th St
 100th St

\$50



PAID

CITY OF TYBEE ISLAND Beach Permit

Please note that in addition to a Beach Permit, a Special Events Application is required for persons/organizations wishing to host an event upon public and/or private property where: 1) municipal services are reasonably anticipated, actually required, or requested, 2) special permitting which includes but is not limited to, parking, use of location, or vendor permits not for the non-profit hosting the event.

Is this event... Open to the Public* Private Invitation Only
*Is there an admission fee for attendees? No Yes (describe) _____

Applicant Organization: UNIVERSAL CONTENT PRODUCTIONS, LLC

Organization's Contact Person and/or Individual Applying for the Permit: RYAN WATTERSON

Address: 102 FAHM STREET City: SAVANNAH State: GA Zip: 31401

Telephone: _____ Fax: _____ Mobile: 423-943-3688 Email: Ryanjwatterson@gmail.com

Event Name: THE GIRL FROM PLAINVILLE

Event Date: Oct 6 (Begin Time) 6pm To (End Time) 3:30 AM
Oct 7 (Begin Time) 6pm To (End Time) 4:30 AM (to include set-up and clean-up)

Event Description: FILMING SCENES FOR TV SERIES ON Tybrisa, Strand, pier + Beach

Insurance Coverage By (if applicable): ON FILE

Beach Area (Please specify from map of beach cross-over locations): AREA 7 AND AREA 9

Expected Attendance: 200 (#) _____ Tybee Residents _____ Tourists and Others

Describe your restroom, sanitation, and/or garbage arrangements: PRODUCTION WILL SUPPLY DUMPSTERS + Restroom Trailers

Describe any additional items you will set-up including decor, arch, chairs, tents, etc. : (Any structure larger than 10' X 10' requires additional permitting with applicable fees.)
R

Special notes: Any release of helium balloons and/or Chinese lanterns is prohibited on Tybee Island, it is very harmful to wildlife and is a violation of the city's littering ordinance. The city also does not allow any amplified sound on Tybee's Beaches.

A Letter of Authorization from Georgia Department of Natural Resources (<http://coastalgadnr.org/sendemail>) may be necessary with beach usage and/or if the "event" impacts the Shore Protection Jurisdiction.

I have received a copy of the beach rules and ordinances. I agree to abide by these rules and laws. Applicant specifically agrees to hold harmless the City of Tybee Island from all liability whatsoever, to provide proof of liability insurance covering this event, and that the city is not a co-sponsor for this event.

Signature: Ryan Watterson Date: SEPTEMBER 10, 2021

Payment Information

Administrative Fee (\$25) paid : Date _____ Card Check Cash
The \$25 administrative fee is non-refundable, but may be transferred to a later date. This fee is not a user fee. The beach is a public place, and the City is unable to guarantee that your beach location will be private.

Credit/Debit Card Information	
Name as it Appears on Card	Credit Card Number
Expiration Date of Card	Billing Zip Code

Facilities / Special Events Coordinator: [Signature] Approval _____ Date: 9/15/21

Robyn Rosner, Facilities / Special Events Coordinator

City of Tybee Island: P.O. Box 2749 - 403 Butler Avenue, Tybee Island, Georgia 31328-2749

rrosner@cityoftybee.org - Phone : (912) 472-5045 - Fax: (912) 786-9539



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
07/15/2021

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Marsh USA Inc. Philadelphia, PA 19103-2797 Attn: NBCU.Certrequest@marsh.com Fax 212-948-5143 298523-NBCU-GAWUW-19-20	CONTACT NAME: _____	
	PHONE (A/C, No, Ext): _____	FAX (A/C, No): _____
E-MAIL ADDRESS: _____		
INSURER(S) AFFORDING COVERAGE		NAIC #
INSURER A : ACE American Insurance Company		22667
INSURER B : Indemnity Ins Co Of North America		43575
INSURER C : ACE Property And Casualty Ins Co		20699
INSURER D : ACE Fire Underwriters Ins. Co.		20702
INSURER E : _____		
INSURER F : _____		

COVERAGES

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR <input checked="" type="checkbox"/> SIR: \$100,000 GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER: _____			XSLG71447510	12/01/2020	12/01/2021	EACH OCCURRENCE \$ 14,900,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 14,900,000 MED EXP (Any one person) \$ 10,000 PERSONAL & ADV INJURY \$ 14,900,000 GENERAL AGGREGATE \$ 60,000,000 PRODUCTS - COMP/OP AGG \$ 15,000,000 \$
A	<input checked="" type="checkbox"/> AUTOMOBILE LIABILITY <input checked="" type="checkbox"/> ANY AUTO <input type="checkbox"/> OWNED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS ONLY <input type="checkbox"/> NON-OWNED AUTOS ONLY			ISAH25305590	12/01/2020	12/01/2021	COMBINED SINGLE LIMIT (Ea accident) \$ 15,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
C	<input checked="" type="checkbox"/> UMBRELLA LIAB <input checked="" type="checkbox"/> OCCUR <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED \$ _____ RETENTION \$ _____			XEU G27924840 006	12/01/2020	12/01/2021	EACH OCCURRENCE \$ 10,000,000 AGGREGATE \$ 10,000,000 \$
B A D	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY <input type="checkbox"/> ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N	N/A	WLRC67458928 (AOS) WLRC67458965 (CA, MA) SCFC67459040 (WI)	12/01/2020 12/01/2020 12/01/2020	12/01/2021 12/01/2021 12/01/2021	<input checked="" type="checkbox"/> PER STATUTE <input type="checkbox"/> OTH-ER E.L. EACH ACCIDENT \$ 2,000,000 E.L. DISEASE - EA EMPLOYEE \$ 2,000,000 E.L. DISEASE - POLICY LIMIT \$ 2,000,000
A	Excess Workers Compensation			WCUC67459003 (WA)	12/01/2020	12/01/2021	Ea Acc/Dis Employee/Dis Policy \$ 2,000,000 SIR \$ 5,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

Show Name: The Girl From Plainville

Production Entity: Universal Content Productions, LLC

Location / Description of Equipment: EXT. Beach Location

Subject to the terms and conditions, the General Liability, the Auto Liability, and the Umbrella Liability policies include the Certificate Holder as Additional Insured where required by written contract.

Please refer to page 2 for additional coverage information / certificate holder information.

CERTIFICATE HOLDER City of Tybee Island PO Box 2749 Tybee Island, GA 31328	CANCELLATION SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE of Marsh USA Inc. Manashi Mukherjee <i>Manashi Mukherjee</i>
--	---



ADDITIONAL REMARKS SCHEDULE

AGENCY Marsh USA Inc.		NAMED INSURED NBCUniversal Media, LLC Universal Content Production, LLC a fully owned subsidiary of Comcast Corporation 30 Rockefeller Plaza New York, NY 10112	
POLICY NUMBER		EFFECTIVE DATE:	
CARRIER	NAIC CODE		

ADDITIONAL REMARKS

THIS ADDITIONAL REMARKS FORM IS A SCHEDULE TO ACORD FORM,
FORM NUMBER: 25 FORM TITLE: Certificate of Liability Insurance

SUBJECT TO THE TERMS AND CONDITIONS, THE GENERAL, AUTOMOBILE, AND UMBRELLA LIABILITY POLICIES INCLUDE THE CERTIFICATE HOLDER AS ADDITIONAL INSURED WHERE REQUIRED BY WRITTEN CONTRACT.

THE WORKERS COMPENSATION AND EMPLOYERS LIABILITY POLICIES PROVIDE COVERAGE FOR USL&H AND JONES ACT COVERAGE AND "ALL STATES" ENDORSEMENT.

THE GENERAL LIABILITY POLICY PROVIDES COVERAGE FOR XCU, PRODUCTS/COMPLETED OPERATIONS HAZARD, BROAD FORM PROPERTY DAMAGE, BLANKET CONTRACTUAL, ADVERTISING LIABILITY, INDEPENDENT CONTRACTORS, SEPARATION OF INSUREDS, PERSONAL INJURY, PREMISES/ONGOING OPERATIONS AND BLANKET ADDITIONAL INSURED.

THE GENERAL LIABILITY AND WORKERS COMPENSATION POLICIES INCLUDE A WAIVER OF SUBROGATION THAT APPLIES TO ANY PERSON OR ORGANIZATION WHERE REQUIRED BY CONTRACT WE ENTER INTO PRIOR TO THE OCCURRENCE OF LOSS.

THE INSURANCE WILL APPLY AS PRIMARY AND NONCONTRIBUTORY INSURANCE WHERE REQUIRED BY CONTRACT.

ADDITIONAL CERTIFICATE HOLDERS INCLUDE:

City of Tybee Island
 PO Box 2749
 Tybee Island, GA 31328

September 10, 2021

RE: Letter of request, 'The Girl from Plainville', Universal Content LLC, filming near the state's shore jurisdiction between Area 7 and Area 9 on the beach, including underneath the Pier.

Dear Ms. Barreiro,

'The Girl from Plainville' tells the true story of Michelle Carter from Plainville, Massachusetts who was accused of persuading her boyfriend to commit suicide through text messaging and was sentenced to prison. The series will film in and around Savannah between August and December, 2021.

Universal Content Productions LLC, is requesting permission to film in and around the state's shore jurisdiction on Tybee Island, Georgia. We are proposing three filming locations between Areas 7 & 9 on the beach and one beach access location with the following activities at each location:

Beach Location Near Tybrisa Crosswalk – DAY Walk and talk for our two main characters. Crew with equipment will enter beach by using the Nineteenth Street Utility Access Road. Walking Crew will enter the beach using the Tybrisa boardwalk. Requesting permission for the crossover beach access entrance to be closed to the public during this time as well as Area 7 to Area 9 on the beach. This scene takes place on the beach at medium to low tide. A lifeguard stand will be placed in close proximity to the pier.

Beach Location Near 15 ½ Street Crosswalk – NIGHT Walk and talk for our two main characters. Crew with equipment will enter beach by using the Nineteenth Street Utility Access Road. Walking Crew will enter the beach using the Tybrisa crosswalk. Requesting permission for the crossover beach access entrance to be closed to the public during this time as well as Area 7 to Area 9 on the beach. This scene takes place on the beach at medium to low tide. A lifeguard stand will be placed in close proximity to the pier.

The Pier - NIGHT Walk and talk for our two main characters. Approximately 28 lights would be placed on the Pier to illuminate it. Additional lights would be placed in the rotunda. We are submitting permit applications to both Robin Rosner with the City of Tybee and Monica Middleton with the County seeking permission to use the Pier.

Access Points – For any of production’s vehicular needs, Production is requesting permission to access the **Nineteenth Street Utility Access Road** for two stakebeds and five ATVs with carts for filming day. Crew will access the beach on foot by using the **Tybrisa crosswalk** or the **15 ½ street crosswalk**.

Company is seeking permission to have our generators in a parking spot on the asphalt pavement in the parking lots near the Tybrisa crosswalk, the 15 ½ crosswalk as well as the Pier. Cable, the size of a garden hose, and approximately eight, will be placed on the ground and continue through the Pedestrian Crosswalk, hugging the side of the Crosswalk. With safety in mind the cables will be out of the way of pedestrians and harms way. Once on the beach the cables will be on the beach and possibly covered up with the existing sand. Once filming is complete all cables will be removed. Any disturbed sand will be raked back to its natural state.

Company is seeking permission to drive two ‘Lulls’ or Pettibones onto the beach using the City of Tybee’s Nineteenth Street Utility Access Road for our scenes near the Tybrisa crosswalk, the 15 ½ crosswalk and the Pier. Once in place near the filming area, Company will build a ‘flyswatter’ that is a 20x20 screen to create an even light effect that attaches to the Lull. At night, the ‘flyswatter’ would be changed out with a light that would attach to both lulls. Company will place an absorbing mat under the Lull/Pettibone to ensure no fuel or oil will spill onto the sand. If, while on the beach and the Lull needs fuel, Company will drive Lull back to the asphalt pavement and fuel the Lull on the asphalt road, in a parking spot. An absorption mat will be placed on the ground in the parking spot to avoid any fuel spillage onto the ground. The Lull will enter the beach using the Nineteenth Street Utility Access Road. Once Company hits any soft or packed sand the Lull will have mud mats or 4x8 sheets of ¾ plywood placed under the wheels.

Company is seeking permission to access the Nineteenth Street Utility Access Road at 8am on Wednesday, October 6, with the Lull. The flyswatter will be assembled on the beach, then lifted into the air and kept in place until filming is complete. Once filming is complete, the flyswatter will be dismantled and the Lull will leave the same way it entered.

Company is seeking permission to have a camera crane on the beach at our film area. Permission to access the Nineteenth Street Utility Access Road. Camera crane will need to be delivered to set in a stake bed truck. Once equipment is unloaded, the truck will go park in a parking spot near the road it drove in on.

In order for Company to work in a safe environment, Company is asking permission to have three to four light towers on the beach. The light towers will be put in place using

a gator and will be removed from the beach with any incoming tides. Once prep and strike are complete the light towers will be removed. Once breakdown is complete, all equipment will be removed from the beach using either the Inlet Avenue Beach Access Road or the Nineteenth Street Utility Access Road.

Company is seeking permission to use 3' wooden stakes in the soft or hard sand. These stakes will be hammered into the beach area with a sledge hammer and the stakes will be removed once filming is complete. These wooden stake markers will be used to keep all crew and equipment from any dune activity.

The temporary activities at this entrance and on the beach include the placement of movie lights and camera equipment on the soft sand area of the DNR's shore jurisdiction. There is no vegetation at this particular area and crew will not walk into or place any equipment in the grass dune area.

The Company is requesting permission to have a total of five 4-wheeled gators (and or golf carts) with small trailers attached for the purpose of hauling production equipment and or talent. The gators will be driven by Teamsters and not individual crew members and the Teamsters obey all guidelines. For all of the production work taking place on the beach at this location, production equipment consists of lighting equipment, grip equipment, set dressing, a camera and dolly track. The gators will be used by camera department for their camera equipment only, electric for their heavy cables and lights, the grip department with pipes and drapes and for props. The Vehicles will not drive in or enter the sand dune area. The gators efficiently move equipment on and off the beach and are needed due to the size and weight of most of our equipment needs.

While on the beach seaward of the high-water mark, permission to hand rake and/or hand broom the existing sand to remove any footprints from crew and talent. Proposed area to be raked is approximately 20 yards x 50 yards and three inches deep. At the completion of this scene, Production crew will spread out any sand over a large area to make it consistent with the natural topography and fully restore the area to its natural state. Within this work area, the Company is asking permission to have the City of Tybee temporarily remove all signage near or around our proposed set.

Company is requesting permission, if needed, to use Mud Mats that will be temporarily placed from possibly the Nineteenth Street Utility Access Road to the soft sand leeward of the high-water mark to the packed sand.

Our tentative shoot days while in Savannah are between August 16th and December 10th, 2021. Weather and actor permitting, the current proposed film dates are Wednesday, October 6, 2021 and Thursday, October 7, 2021. We will be filming this

scene during both daylight and night hours with approximate crew call time of 1:00pm and will continue until approximately 1:00am. A prep crew would start at approximately 11:00am. The crew would film on both Tybrisa Street between Strand Avenue and Butler Avenue and Strand Avenue between Tybrisa Street and 18th Street from the hours of approximately 1:00pm to 8:00pm. Around 6pm, equipment would move over the beach area for filming until approximately 1:00am. We would wrap on the beach around 3:30am on Oct. 6 and 4:30am on Oct. 7.

All production vehicles will be parked in designated parking lots. Production is seeking permission to park our approximately thirty Production Trucks and any personal crew vehicles (approximately 150) at Hotel Tybee. Our equipment will be loaded up in stakebeds and taken to the access points - Nineteenth Street Access Road, Tybrisa crosswalk and 15 ½ St. crosswalk. We would want to place a restroom trailer at Nineteenth Street access road, and tucked away near the 15 ½ Street crosswalk as well as the corner of Strand Avenue and 17th Street. Our gators/ATVs/golf carts will load up from Nineteenth Street and then to the beach.

For our filming location, Company is asking permission to temporarily close the beach between Areas 7 and 9 and to control the beach to all pedestrians / public access from the low waterline to the soft sand. Production will post a Production Assistant at each end of this requested closed beach area. The Production Assistant, when pedestrian approaches our filming area, will explain to pedestrian(s) what is going on and if they could wait to enter our filming area when our filming is complete.

Company is also seeking permission to set up Company's Video Village while filming on the beach under several 10x10 portable tents. Company is fully aware of no trespassing or having any equipment in or on the dunes. The video village consists of our producers, director, script supervisor, and assistant director. There will be a tall wooden director's chair for each person. Video monitors will be set up that allows these crew members to watch what is actually being filmed. These tents will go up day of and will be removed at end of filming. No equipment will be left on the beach after filming, everything will be removed.

Sincerely,
Ryan Watterson
Key Assistant Location Manager
The Girl from Plainville
Universal Content Productions LLC
102 Fahm Street
Savannah, GA 31401



Item #8.

Lull PERFORMANCE information:

- **Rated Capacity:** 10,000 lb (4,536 kg)
- **Maximum Lift Height:** 54 ft (16.5 m)
- **Frame Leveling:** 10 degrees
- **Lift Speed (boom retracted, no load):**
Up: 15.6 sec
Down: 14.6 sec
- **Boom Speed (no load) Extend:** 15.2 sec / **Retract:** 11.3 sec
- **Travel Speed Forward:** 22 mph (35 kmph) max.
- **Drawbar Pull (loaded):** 21,700 lb (9,843 kg)
- **Operating Weight Without Carriage and Forks:**
31,350 lb (14,220 kg)
- **Forward Reach:** 45 ft (13.7 m)
- **Horizontal Load Placement:** 80 in. (2.0 m)

STANDARD SPECIFICATIONS

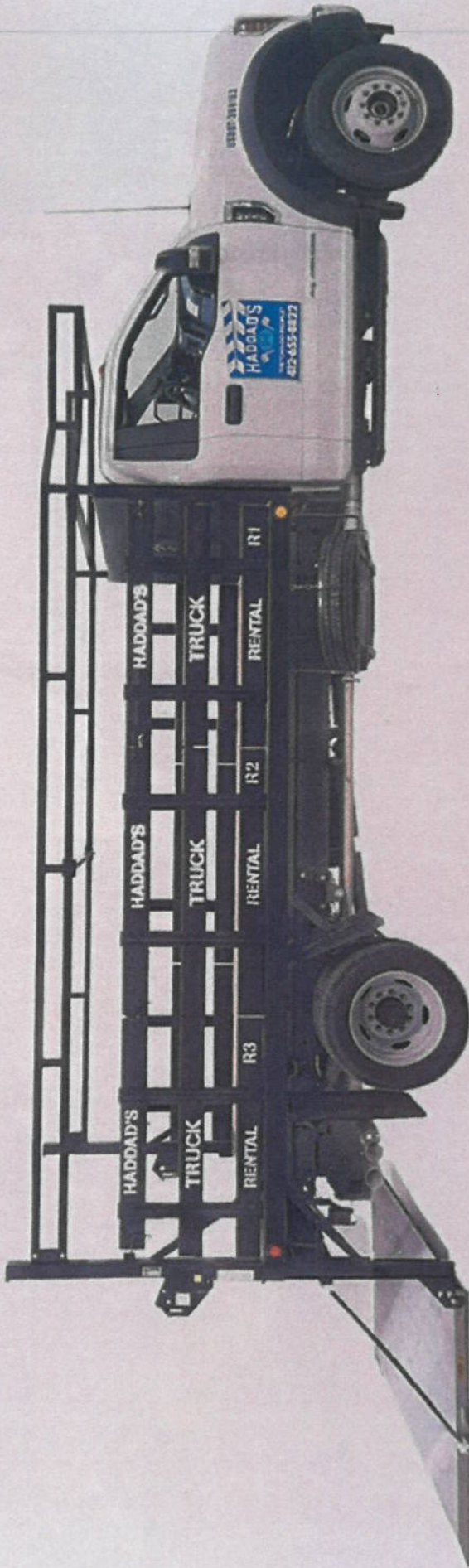
- **Transmission:**
Modulated powershift.
4-speed forward and 3-speed reverse.
- **Axles:**
Full-time planetary 4-wheel drive.
Oscillating rear axle with stabil-TRAK™ system.
- **Service Brakes:**
Hydraulically actuated inboard wet disc brakes.
- **Parking Brakes:**
Spring applied hydraulic release brake with
transmission declutch feature.
- **Tires:**
Standard: Hydro fill 14.00 x 24 – 12 ply



102

V

Item #8.



12' & 14' 4X4 SINGLE CAB STAKE BODY W/ GATE

It feels like something is just lurking, laying in wait. He can't make out what it is, but it's a large black mass.

He GRABS his cell, SHINES the light into the corner: nothing but a closet.

Coco pulls up Lily's contact and freezes-- habit. He course corrects and scrolls through the contact list in his phone, searching for someone -- ROB MAHONEY.

TEXT TO ROB MAHONEY: 'Robby! What r u doin?'

He waits but there's no response, not at this time of the night. He looks to that dark corner of the room. Fuck this. He leaps out of bed, opens his bedroom door and sneaks out.

2.10

EXT. NAPLES BEACH - PIER - NIGHT (PAST)

2.10

Coco walks up the empty boardwalk. It's a ghost town at 3am. He turns onto the pier and sees a GIRL leaning against the railing, watching the ocean.

COCO

Hi.

The girl spins around, startled. It's Michelle.

COCO (CONT'D)

Sorry.

MICHELLE

No, it's OK. Just wasn't expecting anyone.

(beat; teasing)

Conrad Henri Roy, III right?

COCO

Conrad's fine. You're...

MICHELLE

Michelle.

COCO

Right.

Conrad leans against the rail and stares out over the water. He glances over at Michelle a few times, trying to conjure up something to say. She turns towards him and he quickly looks away. A moment, she turns to leave:

MICHELLE

See you later.

COCO

Oh, okay, cool.

But it's not cool. He could use the company. Michelle pauses. Maybe she sees something similar in him. Lonely.

MICHELLE

I know a trick that helps me sleep.

COCO

(joking)

Works great.

Michelle LAUGHS. She likes him. He's funny.

MICHELLE

I can teach it to you, if you want.

COCO

Sure.

MICHELLE

Turtle.

COCO

What?

MICHELLE

You have to say the first thing that pops into your head.

(off Coco)

It's a word game. Eventually your brain just drifts trying to think of a random word.

COCO

So you're... boring yourself to sleep?

MICHELLE
(smiling)
Turtle.

COCO
Ninja.

MICHELLE
Really? Ninja Turtles?

COCO
It's the first thing I thought of.
What would you have said?

MICHELLE
Pizza.

COCO
Dude, that's Ninja Turtles.

MICHELLE
(laughing)
Bread.

COCO
Cheese.

MICHELLE
Mouse.

COCO
Ratatouille.

MICHELLE
Chef.

COCO
Ratatouille.

MICHELLE
You can't repeat the same word!

COCO
(playful)
Too many rules! Uh... Disney.

MICHELLE
Princess.

COCO
Prince.

MICHELLE
Romance.

Mischief dances around in Coco's eyes. A hint of a smile...

COCO

Kiss.

MICHELLE

Girl.

Coco looks right at Michelle, full flirtation mode.

COCO

Pretty.

She blushes as we leave them to their game.

2.11 INT. CARTER HOUSE - MICHELLE'S ROOM - NIGHT (PRESENT) 2.11

CHYRON: PLAINVILLE, MA 2014

Michelle stands in front of a full length mirror in a fancy dress - too fancy for a dinner out. She's unhappy with what she sees and incessantly adjusts it, focusing on the way it highlights her perceived imperfections. She picks up her phone, pulls up 'SUSIE' and starts typing:

TEXT MESSAGE TO SUSIE: 'OMG going out with some friends for my birthday and my dress is the WORST.'

She pauses then deletes the message and sets the phone down. It suddenly BUZZES. She picks it up a little too quickly, maybe just maybe...

TEXT FROM NATALIE GIBSON: 'Hey Michelle, sorry can't make it tonight. Let's get together soon!'

TEXT FROM MICHELLE CARTER: 'Oh no worries. I get it!'

Just as Michelle sets the phone down, it BUZZES again...

TEXT FROM CASSIE WILKINS: 'I've been throwing up all day. Not going to make it.'

Michelle stares at the phone, cold and expressionless. **DING. DING. DING.** A barrage of texts come in at the same time.

VARIOUS TEXTS: 'Sorry, Michelle. Can't find a ride.' - 'My parents said I can't come.' - 'I have to babysit tonight.'

Her friends all bail. It's a gut punch in what's clearly a coordinated effort. She rips her dress off and violently throws it on the bed.

SYDNEY

Are girls in high school mean?

Michelle leans into this adulation from Sydney.

MICHELLE

No. Everyone's super nice.

They're not.

TEXT FROM LILY to COCO: 'Sorry about my dad. R u mad at me?'
Coco reads it.

SYDNEY

Bet you're popular.

Michelle is not.

Coco looks at his phone. He has a decision to make. Reply to the girl he's been obsessing over or focus on the girl who likes his 'so stupid' nickname.

COCO

I'm hungry.

Coco pockets his phone without responding. His sights now squarely set on Michelle.

2.23

EXT. BEACH FRONT PIZZERIA - DAY (PAST)

2.23

There's a long line of hungry CUSTOMERS in front of the ORDER WINDOW. Coco, Michelle and Sydney walk up to it.

COCO
(to Michelle)
What do you want?

MICHELLE
I'm good.

COCO
You sure?

Michelle nods. Coco hands Sydney some cash.

COCO (CONT'D)
You order so we can guard the
bikes.

Sydney looks at her brother skeptically.

COCO (CONT'D)
I'll pay for your slice.

Sydney snatches the money and joins the line. After a beat.

COCO (CONT'D)
Let's go.

MICHELLE
What?

COCO
She can eat all the pizza.

Michelle hesitates, unsure.

COCO (CONT'D)
Come on.

He tilts his head at the bikes. He hops on his and TAKES OFF. Michelle does the same, giving chase. They ride for dear life, laughing. Michelle puts her hands up in the air. Coco follows suit, they're happy -- young, wild and free.

MUSIC CUE: Queen's "Bicycle Race."

2.24 **INT./EXT. NAPLES BEACH - VARIOUS - DAY - MONTAGE (FLASHBACK)**

-- Michelle and Coco fly down the boardwalk, weaving in and out of pedestrian traffic. Coco passes Michelle and winks at her. Michelle pedals faster and passes him. She sticks her tongue out at him.

-- Michelle and Coco peruse a BEACH FRONT STORE that sells tchotchkes. They try on sunglasses. Michelle finds plastic roaches, takes a couple and tosses them at Coco. Coco SHRIEKS. Michelle howls with laughter. They find BUNNY EARS that light up. Michelle puts one on her head and one on Coco. They admire themselves in the mirror, amused.

-- They cruise down a path wearing their lit up bunny ears, getting funny looks from PEDESTRIANS. *

END MUSIC CUE

2.25 **EXT. UNDER THE PIER - NIGHT (PAST)** 2.25

Michelle and Coco sit in the sand right under the pier, still wearing their lit up bunny ears. They feel around in the sand, searching for something.

MICHELLE

Found one.

She holds up a colorful but chipped seashell.

COCO

Not bad, not bad. I can do better.

He holds up a shell. It looks masticated at best.

MICHELLE

Ugly.

He tosses it then finds another.

COCO

What about this?

MICHELLE

Better.

He digs his hand in the sand, looking for more as they sit in silence, listening to the waves lap against the pylons.

MICHELLE (CONT'D)

So what school do you go to down there?

COCO

Uh. Old Rochester.

MICHELLE

You like it?

A beat.

COCO

I actually haven't been there all year. Working with my dad. On his boats. He owns tugboats.

MICHELLE

Oh. That's cool.

COCO

(shrugging)

It's... whatever.

(beat)

My parents pulled me out. I wasn't... feeling good. I was --

Coco makes a vague gesture towards his head.

MICHELLE

Is that why you can't sleep? You don't feel good?

Coco considers whether or not to take the question seriously. He chooses not to --

COCO

(Boston accent)

I'm a thinker.

A small, insecure smile on his part. Beat.

MICHELLE

Me too.

Coco STUDIES Michelle, wonders if she might be sending him a signal.

COCO

(tentative)

Yeah? What do you think about?

MICHELLE

I don't know. Me? I don't always like me.

(laugh)

Is that weird?

COCO

I was weird enough I had to talk to a bunch of doctors.

MICHELLE

I'm weird enough I have to --

Michelle MIMES popping pills. Coco LAUGHS. She does too.

Coco pulls up a muddy shell. He wipes it off, revealing an intricate topaz colored seashell. This is the same seashell in 101.

MICHELLE (CONT'D)

That's the one.

He fully cleans the shell and offers it to Michelle.

COCO

So you remember me when you go back to Lameville.

MICHELLE

It's not lame! You should come. See for yourself.

COCO

(digging)

What's your boyfriend gonna think about that?

MICHELLE

I don't have a boyfriend.

COCO

Me neither.

MICHELLE

Ha. Ha.

Michelle looks to the sand, a rare moment of honesty --

MICHELLE (CONT'D)

I've never had a boyfriend...

Coco hesitates for a moment, a genuine response from him --

COCO

That's okay.

(beat)

I'm not going out with anybody,
either.

(playful, sort of)

I'm too much trouble.

MICHELLE

(playful)

Ohhhh --

Genevieve Hawkins

COCO
Charming right?

MICHELLE
Kinda.

COCO
You're kinda cute.

MICHELLE
(re: last night)
You said that already.

She smiles. He leans in and kisses her, and keeps kissing. It grows more passionate, heavy. Coco's hands start to wander, first to her chest and then down, down, down --

His hand SLIDES into her pants and he begins to play with her. Her breath catches. But she lets him continue UNTIL it all gets to be too much AND -- she stops him. He pulls back.

COCO
You OK?

MICHELLE
Yeah, of course. Just. A lot.

COCO
Okay --

MICHELLE
I like it --

COCO
Me too.

Coco LEANS IN, wants to start again --

MICHELLE
I gotta go.

COCO
I'm sorry. I didn't mean --

MICHELLE
No, it's not - I have to... my
grandma.

COCO
Yeah, definitely.

She smiles, seeing his ego bruised. And kisses him, sweetly.

MICHELLE

Do you want my number?

COCO

If you wanna give it.

She takes out her phone, pulls up the contact and hands it to him. Coco responds in kind.

COCO (CONT'D)

What time are you leaving tomorrow?

MICHELLE

Nine.

He hands her phone back and collects his.

COCO

I'll come say bye.

MICHELLE

OK.

He helps her up and they walk, hand in hand back to their respective houses, lit up bunny ears and all.

2.26

INT. DONNA ROY'S HOUSE - KITCHEN/DINING ROOM - NIGHT

2.26

Coco walks in still with the bunny ears on, the image of a boy floating on cloud 9. He tenses when he sees Co sitting at the kitchen table, looking right at him.

Strained silence permeates the room but Coco goes about his business, ignoring it. He grabs leftovers from the fridge and heats them in the microwave.

The WHIRRING SOUND of the microwave cuts through the silence in the room. Coco actively avoids his father's piercing gaze by focusing on the timer, ticking down, as if counting down to a detonation.

BEEP! BEEP! BEEP! Coco takes out his food, sets it on the counter, grabs a fork, about to dig in, then:

CO

You alright?

COCO

Yeah.

CO

Sure? I mean. You look alright. No broken bones. No blood.

File Attachments for Item:

9. Pete Gulbranson: Purchase new Garbage Truck and Budget Amendment



City of Tybee Island

Memorandum

To: City of Tybee Island City Council Members
From: Pete Gulbranson, City Engineer/Director of Infrastructure
Date: September 15, 2021
Re: Purchase of new garbage truck

Background

At the August 26, 2021 the City Council awarded a five-year lease of a new 10-yard garbage truck with a five-year maintenance agreement to Under CDL in the amount of \$42,436.00. In working with both the GMA and the bank from Under CDL on obtaining the financing for the lease, both the Finance Director and City Attorney decided it would be in the best interest of the City to do an out-right purchase of the new garbage truck due to unfavorable lease options.

Overview

The City received quotes for the new garbage truck with five-year maintenance agreement and Under CDL was the lowest responsible bidder. The out-right cost of the vehicle is \$134,900 and the 5-year maintenance agreement is \$12,000 per year for five years bringing the total cost of the vehicle and maintenance agreement is \$199,900.00. Under CDL requires that the 5-year maintenance agreement be paid for up front.

Summary

Funding for the lease of this new vehicle is in the City of Tybee Island's Fiscal year 2022 approved budget, adopted June 24, 2021. The account number 100-4210-52-2320: Vehicle/Equipment Leases, has a budget of \$50,000 for the lease of the garbage truck. A budget amendment of \$144,900 is needed to cover the additional costs.

Recommended Next Steps:

I would recommend the purchase of the new 10-yard garbage truck to Under CDL with the 5-year maintenance agreement in the amount of \$199,900.

File Attachments for Item:

10. Pete Gulbranson: Award of Construction of a new roof at the Tybee Arts Association Building. Mike Kenny Roofing Company, \$28,900



City of Tybee Island

Memorandum

To: City of Tybee Island City Council Members
From: Pete Gulbranson, City Engineer/Director of Infrastructure
Date: September 13, 2021
Re: Award of Construction of a new roof at the Tybee Arts Association Building

Background

In the FY2022 budget, the city Council approved a budget to fix miscellaneous City owned buildings throughout the City based on a building assessment spreadsheet. The Tybee Arts Association Building was listed on that spreadsheet requiring a new roof.

Overview

The City requested quotes from various contractors, but only received two (2) quotes. The low quote was from Mike Kenny Roofing Company in the amount of \$28,900.00. The other quote was from Ace Roofing & Remodeling, Inc. in the amount of \$29,600.00. Both of these quotes included the removal of the old roof, removal and hauling of all materials, the installation of a new 26-gauge painted 5V metal roof, and clean-up of the site upon completion.

Summary

Funding for this project is in the City of Tybee Island's fiscal Year 2022 approved budget, adopted June 24, 2021. The account number 323-4210-54-1300: City Buildings has a budget of \$500,000 for various projects.

Recommended Next Steps:

I would recommend the award of the installation of the new roof on the Tybee Arts Association Building to Mike Kenny Roofing Company in the amount of \$28,900.00.

File Attachments for Item:

12. Second Reading 2021-27, Section 11-100, Article 11, Change to Planning Commission time and place

Sec. 11-100. - Meetings.

(A) The planning commission shall meet in a regular session each month no later than 16 days prior to the first scheduled city council meeting of the following month at ~~city hall at 7:00 p.m.~~ the public safety building at 6:30 p.m. Special meetings may be held as deemed necessary by the chair or a majority of the members or at the request of the mayor or council with 48-hours-notice to said members.

(B) The planning commission shall conduct its business under rules approved by the mayor and council. It shall keep a record of its proceedings which shall be a public record.

Item #7.

Item #12.

- Page 70 -

- Page 81 -

ORDINANCE NO 2021-27

AN ORDINANCE TO AMEND SECTION 11-100 OF ARTICLE 11 OF THE CODE OF ORDINANCE OF THE CITY IN ORDER TO MAKE REVISIONS THEREOF AND TO CLARIFY CERTAIN PROVISIONS, TO CHANGE TO TIME AND PLACE OF MEETINGS

WHEREAS, the duly elected governing authority for the City of Tybee Island, Georgia is authorized under Article 9, Section 2, Paragraph 3 of the Constitution of the State of Georgia to adopt reasonable ordinances to protect and improve the public health, safety, and welfare of the citizens of Tybee Island, Georgia 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 adopt ordinances under its police and home rule powers; and

NOW, THEREFORE, it is hereby ordained by the governing authority of the City of Tybee Island that Sec 11-100 Meetings be amended so that hereafter it will read as follows:

SECTION II

SEC 11-100

- The Planning Commission shall meet in a regular session each month no later than 16 days prior to the first scheduled city council meeting of the following month at the Public Safety Building at 6:30 p.m. Special meetings may be held as deemed necessary by the chair or a majority of the members or at the request of the mayor or council with 48 hours' notice to said members.

SECTION III

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

SECTION IV

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 V

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

The Ordinance shall become effective on ____ day of _____ 2021.

ADOPTED THIS ____ DAY OF _____, 2021.

MAYOR

ATTEST:

CLERK OF COUNCIL

FIRST READING: _____

SECOND READING: _____

20210917

Item #12.

- Page 83 -

File Attachments for Item:

15. George Shaw: Tree Permit Appeal

June 1, 2021

To: Tybee City Council
From: Summey Orr
Re: Request for variance to allow removal of magnolia tree at 9 12th Street

Dear City Council Members:

My wife and I own the home located at 9 12th Street, Tybee Island, Georgia, which we purchased in 2017. We are asking the Council to grant us permission to remove a magnolia tree from our property. The explanation of our request and photos of the tree follow.

Last summer, the next-door property owner, Suzanne Woodrum, came over and introduced herself and asked if we could help her with the magnolia tree on my property, on the boundary line common to hers. The tree is a bit overgrown, and has grown such that it leans almost completely onto her property. Ms. Woodrum rents the lower unit of her property to a tenant whose driveway abuts my property, and according to her, the magnolia tree is a near constant source of headache and damage, dropping blooms, bulbs, leaves and limbs on to cars in the driveway, and into the driveway. Ms. Woodrum asked me if I would have the tree taken down. I apologized for her trouble and I assured her that I would do so, at my expense.

I then asked our property management company, Tybee Vacation Rentals, to secure a permit and have the tree removed. I was informed in July 2020 that the tree was protected under Tybee Island ordinances and no permit would be granted to remove it.

I advised Ms. Woodrum, and in September, when I was back on the island, contacted Ryan Longwater of Longwater Tree Service in Tybee to trim the tree as much as possible. I met with Ryan, who studied the tree and the issue and told me that, while he could trim it back, it would look terrible, that I wouldn't be happy, and that he wouldn't be happy, and that nobody who looked at the tree would be happy. He suggested I contact the City and see if I might be able to get a variance to allow the tree to be removed, possibly in conjunction with agreeing to plant another tree on my property in its place. I spoke with George Shaw, who was familiar with the situation and advised me to seek permission from the City Council remove the tree. That was in September of 2020, and I have finally found time to pull this together and make this request.

In support of my request, I offer several photos attached. Exhibit A shows the magnolia, and the degree to which the it hovers over my neighbor's property. Exhibit B is a copy of the survey of my property, showing the approximate location of the magnolia. Exhibit C shows that we have seven other substantial trees on our fairly small, 0.13 acre lot. I would be happy to replace the magnolia with another tree at the City's recommendation.

We love trees, and as southerners we particularly love magnolia trees. But, we want to be good neighbors, and in this case our tree is causing pain to our neighbor and we would like to help. We can replace the tree with another tree on our lot if that is helpful.

Thank you for your consideration.

Summey Orr
404-630-1404
summey.orr@gmail.com

Exhibit A - Magnolia tree bordering neighbor's property.



Exhibit B – survey of 9 12th Street showing approximate location of magnolia tree

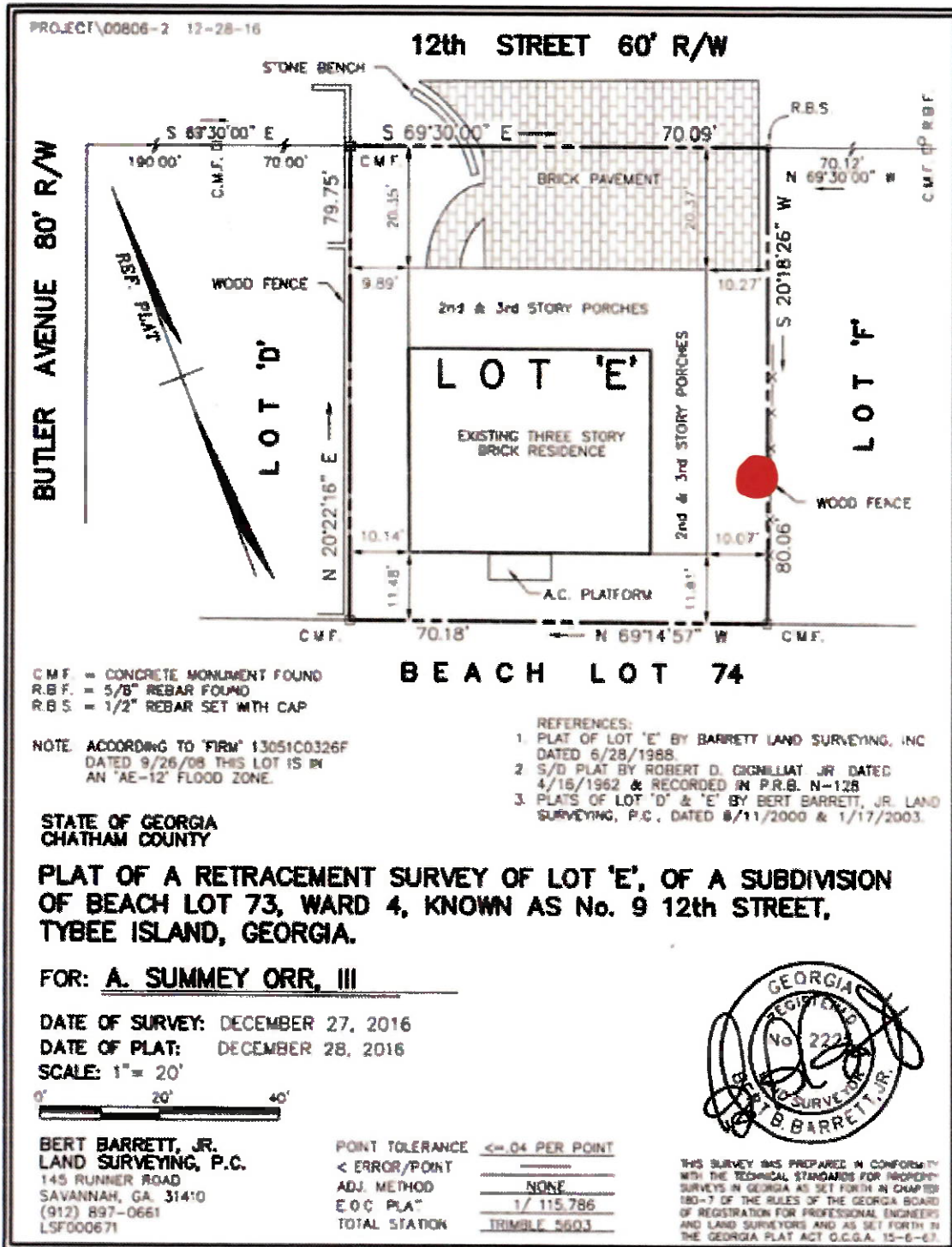


Exhibit C – Other substantial trees on the property at 9 12th Street

