

**MAYOR**  
Brian West

**CITY COUNCIL**  
Bill Garbett  
Spec Hosti  
Tony Ploughe  
Nick Sears  
Kathryn Williams



**CITY MANAGER**  
Bret Bell

**ASST CITY MANAGER**  
Michelle Owens

**MAYOR PRO TEM**  
Monty Parks

**CITY CLERK**

**CITY ATTORNEYS**  
Edward M. Hughes  
Tracy O'Connell

## **CITY OF TYBEE ISLAND**

### **AGENDA** **SPECIAL MEETING OF TYBEE ISLAND CITY COUNCIL**

**November 29, 2024 at 10:00 AM**

*Please silence all personal communication devices.*

#### **Call to Order**

#### **Items for Consideration**

1. Resolution authorizing participation in an Amicus Brief in the CHANG V. CITY OF MILTON APPEAL

#### **Adjournment**

*Individuals with disabilities who require accommodation 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 Michelle Owens at 912.472.5071 promptly to allow the City to provide reasonable accommodation.*

**\*PLEASE NOTE:** Those 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](http://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. Resolution authorizing participation in an Amicus Brief in the CHANG V. CITY OF MILTON APPEAL

**RESOLUTION OF THE CITY OF \_\_\_\_\_, GEORGIA (the “CITY”) AUTHORIZING PARTICIPATION IN AN AMICUS BRIEF IN THE CHANG V. CITY OF MILTON APPEAL**

**WHEREAS**, there is presently pending before the Court of Appeals and/or Supreme Court of Georgia an appeal of a civil lawsuit that, at the trial court level, was referred to as Chang, et. al. v. City of Milton, State Court of Fulton County, Case No. 18EV004442;

**WHEREAS**, the case involves a claim of liability against the City of Milton for personal injuries due to a 2016 vehicle collision with a fixed obstruction (a masonry planter) located on City-owned right of way where the obstruction was outside the motoring lanes of travel;

**WHEREAS**, the masonry planter had been at the same location since 1992 and had never been the subject of a complaint or prior accident;

**WHEREAS**, at the trial court, the City of Milton was found to be partially at fault and a jury awarded money damages against the City of Milton of \$35,000,000;

**WHEREAS**, the Court of Appeals affirmed the findings of the trial court, City of Milton v. Chang, et. al., 2024 WL 4195584 (Chang appellate ruling);

**WHEREAS**, the Court of Appeals ruled that the “*planter...was a hazard for vehicles leaving the travel lanes*” and that its presence “*renders the use of these thoroughfares more hazardous;*”

**WHEREAS**, the CITY is concerned by the Court of Appeals decision finding that a municipality may be liable for fixed obstructions located outside the motoring lanes of travel where the obstruction had never been the subject of a prior collision or complaint;

**WHEREAS**, the CITY believes the Court of Appeals decision is inconsistent with existing legal precedent and should be overturned; and,

**WHEREAS**, the CITY believes the financial implications of the Court of Appeals decision could be devastating for Georgia municipalities.

**NOW THEREFORE BE IT RESOLVED**, that the CITY does hereby authorize participation in an amicus brief before the Georgia Supreme Court asking that the Chang appellate ruling be taken by the Supreme Court and reversed. An amicus brief so tendered may include the City’s name as a participating party.

This \_\_\_\_\_, day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
Mayor

[SEAL]