

MAYOR
Brian West

CITY COUNCIL
Monty Parks Mayor pro tem
Bill Garbett
Spec Hosti
Tony Ploughe
Nick Sears
Kathryn Williams



INTERIM CITY MANAGER
Michelle Owens

CLERK OF COUNCIL
Jan LeViner

CITY ATTORNEY
Edward M. Hughes
Tracy O'Connell

CITY OF TYBEE ISLAND

AGENDA

REGULAR MEETING OF TYBEE ISLAND CITY COUNCIL

April 11, 2024 at 6:30 PM

Please silence all cell phones during Council Meetings

Opening Ceremonies

- Call to Order
- Invocation
- Pledge of Allegiance

Announcements

Consideration of Items for Consent Agenda

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

1. Minutes: City Council Meeting, March 28, 2024

City Manager Discussion and Action Items

Citizens to be Heard: Please limit comments to 4 minutes.

2. Pat Leiby: Dedication Ceremony, Tybee Island Black History Trail
3. Julia Pearce: Cape Coast Mayor and Delegation Visit

If there is anyone wishing to speak to anything on the agenda other than the Public Hearings, please approached the podium. Please limit your comments to 4 minutes

Consideration of Approval of Consent Agenda

Public Hearings

4. Final Major Subdivision Plat Approval: Christopher Koncul, 708 Butler Avenue
5. Site Plan Approval, Sec 5-080, Marine Science Center, 37 Meddin, Addition of solar panels to the roof of the building

Consideration of Bids, Contracts, Agreements and Expenditures

6. MOU Mural on Tybrisa Street

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



Consideration of Ordinances, Resolutions

7. First Reading, 2024-02, GMEBS-R, City of Tybee Island Defined Benefit Retirement Plan

Council, Officials and City Attorney Considerations and Comments

8. Tracy O'Connell: Ante Litem: Mariah Hay and Joseph Schmidt, Nuisance/Zunzibar
9. Monty Parks: Glass Recycling Update
10. Kathryn Williams: Request Monthly Financial Reports

Minutes of Boards and Committees

11. Minutes, Planning Commission, March 18, 2024

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: City Council Meeting, March 28, 2024

City Council Minutes, March 28, 2024

Mayor West called the meeting to order at 6:30PM, March 28, 2024. Those in attendance were, Nick Sears, Monty Parks, Spec Hosti, Kathryn Williams, Tony Ploughe and Bill Garbett. Also attending were Michelle Owens, Interim City Manager; Bubba Hughes, City Attorney; Tracy O'Connell, City Attorney; and Jan LeViner, Clerk of Council.

Opening Ceremonies

Call to Order

Invocation: Sheron Burgess, Chaplain, American Legion Auxiliary Unit 154

Pledge of Allegiance

Mayor West gave a brief update on upcoming events in mid-April 2024. He stated the City has extra help coming, which includes Georgia State Patrol, Department of Natural Resources, State Fire Marshal's Office, Chatham County Sheriff's Office as well as City Staff. We estimate this will total approximately 140 people. There will also be Command Centers from not only Tybee Island but also Chatham County and from the State. Mayor West reported the most effective plan is to control parking on the Island. The plan is to shut down parking at the south-end of Tybee to include the public parking lots and on Butler Avenue. Ms. Williams asked Mayor West to speak to the meetings held with the businesses on the Island. Mayor West stated it was to introduce the parking plan and to get their feedback. Staff wanted to ensure the business owners were comfortable with the parking plan. Chief Hayes stated she visited Miami Beach along with Staff and what worked best for their City was to shut down parking. In this way, it cuts down on the parties and tailgating. When she returned to Tybee Island, they met with the business owners. In order to keep individuals out of the neighborhoods, the 16th Street Parking Lot to 18th Street Parking Lot will be open for Tybee decal parking only and employees of the businesses. Ms. Williams asked, for those businesses that were not aware of the meeting, where would the information be available. Chief Hayes stated Staff hand distributed letters to the businesses and Ms. Kendrick confirmed the City's email platform was also used. Ms. Owens stated there have been two (2) meetings for the businesses and a third (3) meeting was offered if necessary. Information is also on social media.

Consideration of Items for Consent Agenda

- Minutes, City Council Meeting, March 14, 2024
- JusticeOne - Court Processing System
- Lenslock Agreement - Parking Services Body Camera Equipment. \$13,281.00.

Recognitions and Proclamations

Tiffany Hayes, Chief, Tybee Island Police Department approached Mayor and Council. **Recognition of Four Officers and One Communication Officer - Life Saving Pins and Certificate.** Chief Hayes stated she would like recognize several officers and a Communication Officer due to their life saving efforts on December 13, 2023. She read from a prepared statement outlining the event. Due to their efforts in saving a life, they will be awarded Life Saving Pins and Certificates. Those officers are Officer James Bishop; Officer Garrett Goatley; Officer Michael Bensman; Officer Robert Lawler and Communications Officer Amber Warren.

Chief Hayes thanked each officer for the dedication and compassion. Mayor West thanked Chief Hayes.

Bill Garbett made a motion to approve the consent agenda. **Spec Hosti** seconded. Vote was unanimous to approve, 6-0.

Consideration of Bids, Contracts, Agreements and Expenditures

FCMC - Hazard Mitigation Activities. Task Order 1. Contract modification does not affect the compensation not-to-exceed limit of \$416,500. **Kathryn Williams** stated it is her understanding this is the grant to raise houses and asked for status. Ms. Owens stated the contract needs to be extended as the program continues. She stated she can invite the Grant Administer to speak to Mayor and Council at a future meeting but does not have an update at this time. Ms. Owens explained the City is in Batch 1 of the second award of which twenty-two (22) homes have signed up for the grant. Batch two (2) of the second grant needs to be implemented. The first grant is closed out and completed. Ms. Williams shared her concerns regarding communication to the homeowners. Ms. Owens stated letters have been sent certified mail. Mr. Parks confirmed he received his letter. Mr. Ploughe confirmed FEMA is still in support of this project. **Spec Hosti** made a motion to approve. **Nick Sear** seconded. Vote was unanimous to approve, 6-0,

Budget Amendment: Operations Plan and Budget Amendment for Spring Break Plan.

Ms. Owens explained Staff has been working very hard to get an exact number for the Operational Plan. She is asking for a budget amendment of not to exceed \$250,000. This will allow Staff to secure barricades and other supplies needed. Ms. Owens stated last year the City spent \$187,000 to prepare for the event. She continued, they have updated the Operations Plan and now need to commit and is asking the amount not to exceed \$250,000 which will come from fund balance. **Monty Parks** made a motion to approve. **Kathryn Williams** seconded. Vote was unanimous, 6-0.

Monty Parks made a motion to adjourn to executive session to discuss Real Estate, Litigation and Personnel. **Bill Garbett** seconded. Vote was unanimous to approve, 6-0.

Spec Hosti made a motion to adjourn to regular session. **Monty Parks** seconded. Vote was unanimous to approve, 6-0.

Spec Hosti made a motion to adjourn. **Bill Garbett** seconded. Vote was unanimous to approve, 6-0.

Meeting was adjourned at 7:45PM.

Janet LeViner, MMC
Clerk of Council

File Attachments for Item:

4. Final Major Subdivision Plat Approval: Christopher Koncul, 708 Butler Avenue



STAFF REPORT

PLANNING COMMISSION MEETING: March 11, 2024

CITY COUNCIL MEETING: April 11, 2024

LOCATION: 708 Butler Ave.

PIN: 40005 20006

APPLICANT: Christopher F. Koncul

OWNER: KM Meter Farms II, LLC.

EXISTING USE: Single family home

PROPOSED USE: Major subdivision final plat

ZONING: R-2

USE PERMITTED BY RIGHT: Yes

COMMUNITY CHARACTER MAP: Beachfront Neighborhood

APPLICATION: For a major subdivision per Article 10 – Subdivision Regulations. Application for subdivision approved in 2022.

Final plat approval is the last step.

PROPOSAL: Final plat approval

ANALYSIS: The subdivision has been inspected by our City Engineer and the plat meets all requirements for final plat approval.

The Comprehensive Plan describes the Beachfront Neighborhood in which it lies as follows:

The beachfront neighborhood to the east of Butler Ave. is exclusively R-2 zoning, with single family and multifamily, and duplex housing types. The area is characterized by wide streets with on street parking and old growth trees supplemented by side alleys. Public and private beach access are available.

<i>Comprehensive Plan – Community Character Area Beachfront Neighborhood</i>		<i>Meets Strategy Y/N or N/A</i>
<i>Recommended Development Strategies</i>		
1.	Historic structures should be preserved whenever possible	Y
2.	Enhance the pedestrian environment where feasible	Y
3.	Preserve old growth trees	Y
4.	Preserve and maintain public beach access and enhance when necessary	Y
5.	Do not allow the intrusion of commercial uses	N/A
6.	Preserve the low density character of the area	N/A
7.	Encourage preservation of the large historic beach to Butler Ave. lots	N

STAFF FINDING

Staff recommends approval.

This Staff Report was prepared by George Shaw.

ATTACHMENTS

- A. Final plat
- B. As built of infrastructure

George Shaw

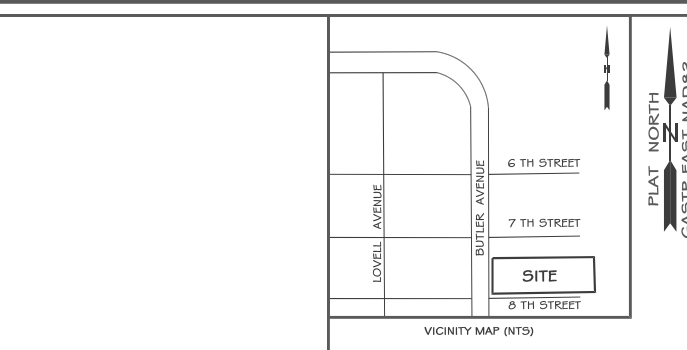
From: Peter Gulbranson
Sent: Monday, March 4, 2024 2:27 PM
To: George Shaw
Subject: 708 Butler

George,

Chris Koncul has submitted the finals as-builts and the testing results and everything is accepted.

Pete Gulbranson, P.E.
City Engineer/Director of Infrastructure
City of Tybee Island
403 Butler Avenue
Tybee Island, GA 31328

Telephone: (912) 472-5041
Fax: (912) 786-9907
Email: peter.gulbranson@cityoftybee.org



SUBDIVISION NOTES:

- PARENT TRACT: 2.319 ACRE TYBEE BEACH LOTS 46 AND 47
TAX PIN: 4-0005-20-006
ADDRESS: 708 BUTLER AVENUE
- RESULTANT LOTS:
"LOTS 1-10" SHALL BE CONVEYED TO CFK PROPERTIES, LLC
"TREE CONSERVATION EASEMENT PARCELS" SHALL BE CONVEYED TO BUTLER AVENUE HOMEOWNERS ASSOCIATION, INC.
OCEAN DRIVE PRIVATE R/W SHALL BE CONVEYED TO BUTLER AVENUE HOMEOWNERS ASSOCIATION, INC.
- ALL LOTS IN THIS SUBDIVISION WILL BE SERVED BY CITY OF TYBEE WATER AND SANITARY SEWER SYSTEM.
- ANY DEVELOPMENT MUST COMPLY WITH CURRENT STORM WATER AND FLOOD ORDINANCE.
- BUILDING SETBACKS SHOWN AS PER CITY OF TYBEE

APPROVED BY CITY OF TYBEE ISLAND
DATE: _____ 2024
BRIAN WEST (MAYOR)

APPROVED BY CITY OF TYBEE ISLAND PLANNING AND ZONING
DATE: _____ 2024
GEORGE SHAW (MANAGER)

CLERK OF COUNCIL
DATE: _____ 2024
JANET LEVINER (CLERK OF COUNCIL)

OWNER/AGENT
DATE: _____ 2024
CFK PROPERTIES, LLC (OWNER)

MITR
GIS/GPS/SURVEY
374 EASTRIDGE DRIVE,
SAVANNAH, GEORGIA
PHONE: 912-657-3091
EMAIL: MITR374@COMCAST.NET



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

DRAFT 02/14/2024
GEORGE M. FERREIRA DATE
RLS #2607

FIELD EQUIPMENT USED
CARLSON BRX7 DUAL FREQUENCY CONTROL POINTS ONLY
GPS PRECISION: => 1/50,000
SOKKIA IX ROBOTIC TOTAL STATION
ANGULAR ERROR: LESS THAN 1" PER POINT
ERROR OF CLOSURE: FIELD: 1/70,774"
ERROR OF CLOSURE: PLAT: 1/89,493"
ADJUSTMENT METHOD: NO ADJUSTMENT

REFERENCES:

- HMB: 4/149
- HMB: 2/301
- UNRECORDED PLAT OF TYBEE ISLAND BY PERCY SUGDEN 9/01/1922
- DB: 378G/458
- UNRECORDED TOPOGRAPHIC SURVEY BY BARRET PROVIDED BY CLIENT
- UNRECORDED RETRACEMENT SURVEY, BY MITR, G.M. FERREIRA, 8-24-2021

LEGEND

- BENCHMARK
- SURFACE LIGHT
- LIGHT STANDARD
- GAS METER
- SANITARY SEWER MH
- GRATE INLET
- STORM WATER MH
- WATER METER
- WATER VALVE
- TREE
- HVAC
- CLEAN OUT
- ELECTRIC
- FLAG POLE
- MAIL BOX
- SIGN
- HYDRANT
- TELEPHONE
- OVERHEAD POWER
- BUILDING
- STORM LINE
- SANITARY LINE
- SHRUB ROW
- WOODS LINE
- FENCE
- FLOOD LINE
- WATER LINE
- REBAR FOUND
- REBAR SET
- CONCRETE MON. FOUND (CMF)

SUBDIVISION PLAT

LOTS 1 THRU 10, TREE PARCELS AND 25' PRIVATE R/W BEING THE "OCEAN SUBDIVISION", FORMERLY BEACH LOTS 46 AND 47 KNOWN AS 708 BUTLER AVENUE, LYING AN BEING IN THE CITY OF TYBEE ISLAND, CHATHAM COUNTY, GEORGIA

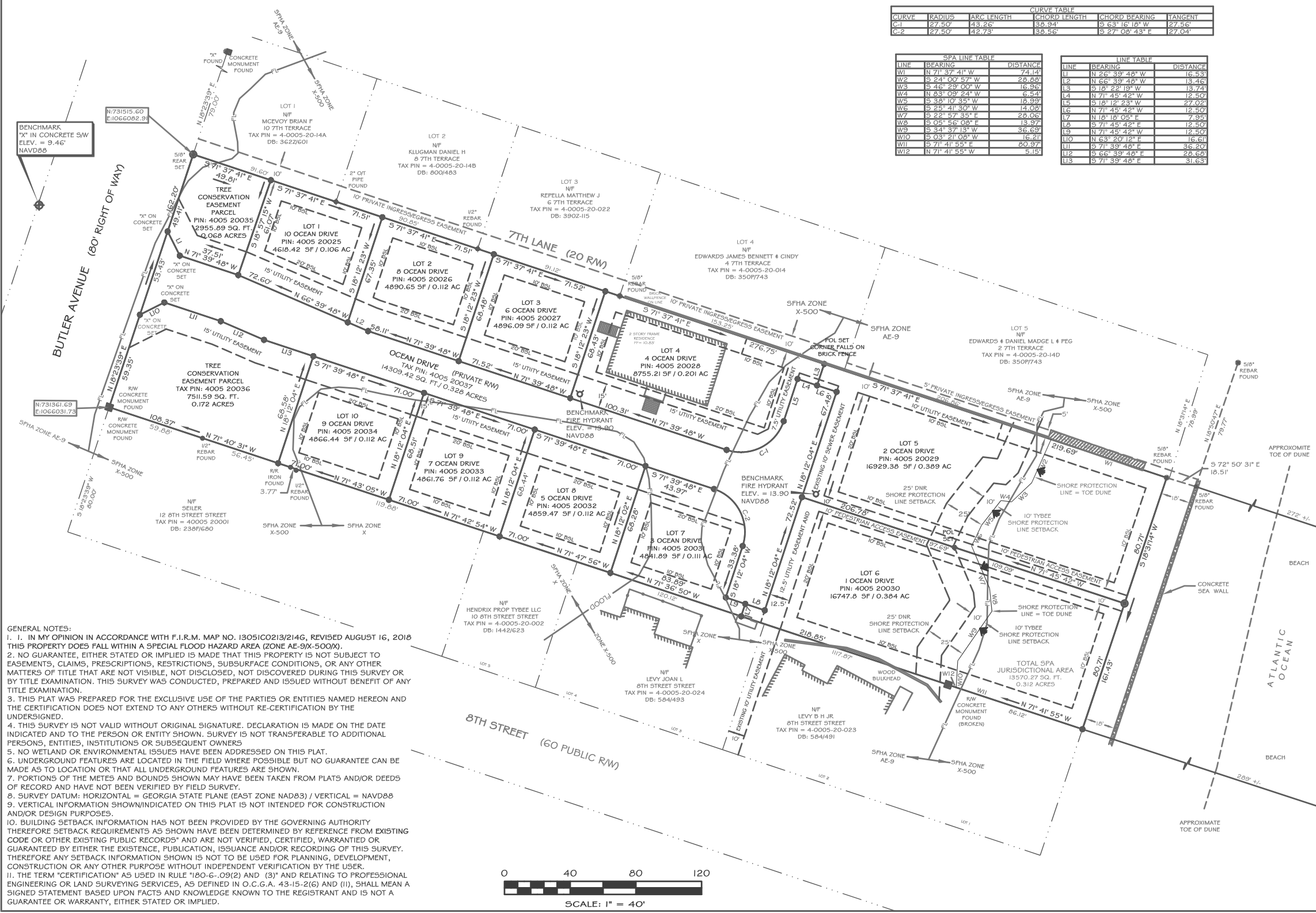
PREPARED FOR:
CFK PROPERTIES, LLC
15 LAKE STREET, SUITE 230
SAVANNAH, GEORGIA 31411

PLAT: 02/23/2024 FIELD: 02/20/2024

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	TANGENT
C-1	27.50'	43.26'	38.94'	S 63° 16' 18" W	27.56'
C-2	27.50'	42.73'	38.56'	S 27° 05' 43" E	27.04'

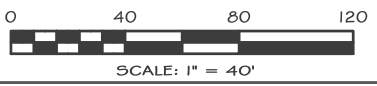
LINE	BEARING	DISTANCE
W1	N 71° 37' 41" W	74.14'
W2	S 24° 00' 57" W	28.89'
W3	S 46° 28' 00" W	16.93'
W4	N 33° 09' 24" W	9.24'
W5	S 35° 10' 35" W	18.99'
W6	S 25° 41' 30" W	14.00'
W7	S 22° 57' 35" E	23.03'
W8	S 05° 56' 06" E	19.37'
W9	S 34° 37' 13" W	36.69'
W10	S 03° 21' 08" W	16.21'
W11	S 71° 41' 55" E	62.87'
W12	N 71° 41' 55" W	5.15'

LINE	BEARING	DISTANCE
L1	N 26° 39' 48" W	16.33'
L2	N 66° 39' 48" W	13.24'
L3	S 18° 22' 19" W	13.24'
L4	N 71° 45' 42" W	12.50'
L5	S 18° 12' 23" W	27.02'
L6	N 71° 45' 42" W	12.50'
L7	N 18° 18' 05" E	7.55'
L8	S 71° 45' 42" E	12.50'
L9	N 71° 45' 42" W	12.50'
L10	N 63° 20' 12" E	16.61'
L11	S 71° 39' 48" E	36.20'
L12	S 66° 39' 48" E	22.62'
L13	S 71° 39' 48" E	31.63'



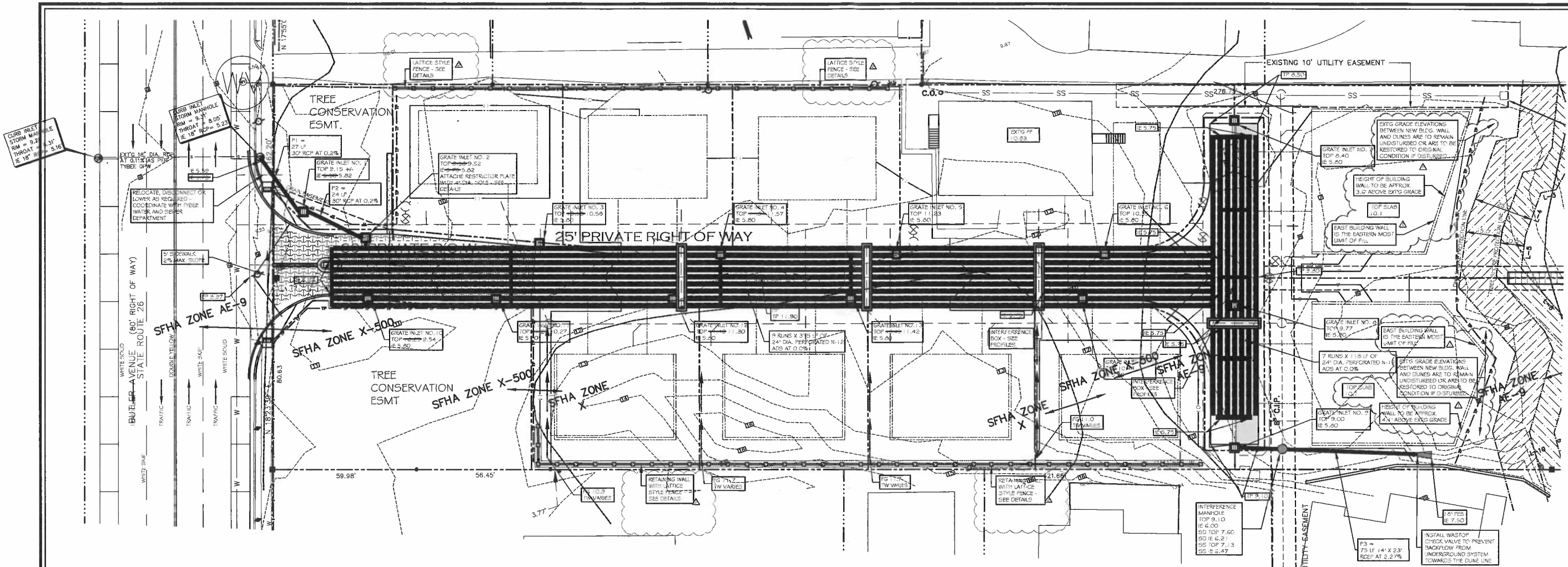
GENERAL NOTES:

- IN MY OPINION IN ACCORDANCE WITH F.I.R.M. MAP NO. 13051C0213/2146, REVISED AUGUST 16, 2018 THIS PROPERTY DOES FALL WITHIN A SPECIAL FLOOD HAZARD AREA (ZONE AE-9X-500X).
- NO GUARANTEE, EITHER STATED OR IMPLIED IS MADE THAT THIS PROPERTY IS NOT SUBJECT TO EASEMENTS, CLAIMS, PRESCRIPTIONS, RESTRICTIONS, SUBSURFACE CONDITIONS, OR ANY OTHER MATTERS OF TITLE THAT ARE NOT VISIBLE, NOT DISCLOSED, NOT DISCOVERED DURING THIS SURVEY OR BY TITLE EXAMINATION. THIS SURVEY WAS CONDUCTED, PREPARED AND ISSUED WITHOUT BENEFIT OF ANY TITLE EXAMINATION.
- THIS PLAT WAS PREPARED FOR THE EXCLUSIVE USE OF THE PARTIES OR ENTITIES NAMED HEREON AND THE CERTIFICATION DOES NOT EXTEND TO ANY OTHERS WITHOUT RE-CERTIFICATION BY THE UNDERSIGNED.
- THIS SURVEY IS NOT VALID WITHOUT ORIGINAL SIGNATURE. DECLARATION IS MADE ON THE DATE INDICATED AND TO THE PERSON OR ENTITY SHOWN. SURVEY IS NOT TRANSFERABLE TO ADDITIONAL PERSONS, ENTITIES, INSTITUTIONS OR SUBSEQUENT OWNERS.
- NO WETLAND OR ENVIRONMENTAL ISSUES HAVE BEEN ADDRESSED ON THIS PLAT.
- UNDERGROUND FEATURES ARE LOCATED IN THE FIELD WHERE POSSIBLE BUT NO GUARANTEE CAN BE MADE AS TO LOCATION OR THAT ALL UNDERGROUND FEATURES ARE SHOWN.
- PORTIONS OF THE METES AND BOUNDS SHOWN MAY HAVE BEEN TAKEN FROM PLATS AND/OR DEEDS OF RECORD AND HAVE NOT BEEN VERIFIED BY FIELD SURVEY.
- SURVEY DATUM: HORIZONTAL = GEORGIA STATE PLANE (EAST ZONE NAD83) / VERTICAL = NAVD83
- VERTICAL INFORMATION SHOWN/INDICATED ON THIS PLAT IS NOT INTENDED FOR CONSTRUCTION AND/OR DESIGN PURPOSES.
- BUILDING SETBACK INFORMATION HAS NOT BEEN PROVIDED BY THE GOVERNING AUTHORITY THEREFORE SETBACK REQUIREMENTS AS SHOWN HAVE BEEN DETERMINED BY REFERENCE FROM EXISTING CODE OR OTHER EXISTING PUBLIC RECORDS AND ARE NOT VERIFIED, CERTIFIED, WARRANTED OR GUARANTEED BY EITHER THE EXISTENCE, PUBLICATION, ISSUANCE AND/OR RECORDING OF THIS SURVEY. THEREFORE ANY SETBACK INFORMATION SHOWN IS NOT TO BE USED FOR PLANNING, DEVELOPMENT, CONSTRUCTION OR ANY OTHER PURPOSE WITHOUT INDEPENDENT VERIFICATION BY THE USER.
- THE TERM "CERTIFICATION" AS USED IN RULE 180-6-.09(2) AND (3) AND RELATING TO PROFESSIONAL ENGINEERING OR LAND SURVEYING SERVICES, AS DEFINED IN O.C.G.A. 43-15-2(G) AND (H), SHALL MEAN A SIGNED STATEMENT BASED UPON FACTS AND KNOWLEDGE KNOWN TO THE REGISTRANT AND IS NOT A GUARANTEE OR WARRANTY, EITHER STATED OR IMPLIED.



Item #4.

- Page 10 -



PAVING, GRADING AND DRAINAGE PLAN
1" = 20'

SPECIAL F.F. NOTES :

- CONTRACTOR TO VERIFY FEMA ELEVATIONS PRIOR TO ANY CONSTRUCTION ACTIVITIES AND COORDINATE WITH GOVERNING AGENCY REQUIREMENTS.
- CONTRACTOR TO COORDINATE FINISH FLOOR ELEVATIONS WITH STRUCTURAL, ARCHITECTURAL AND M.E.P. PLANS.

GEOTECHNICAL NOTES :

- A GEOTECHNICAL INVESTIGATION SHOULD BE PERFORMED PRIOR TO PAVING ROADS FOR PAVEMENT DESIGN RECOMMENDATIONS.
- IT IS STRONGLY RECOMMENDED THAT A GEOTECHNICAL INVESTIGATION BE PERFORMED BY A REGISTERED GEOTECHNICAL ENGINEER IN THE STATE OF GEORGIA PRIOR TO BUILDING SLABS BEING POURED FOR RECOMMENDATIONS FOR SOIL, DRAINS, FOUNDATION DESIGN, ETC.

SPECIAL CONSTRUCTION NOTES :

- SITE AND BUILDING CONTRACTOR IS TO OBTAIN, REVIEW AND FOLLOW THE RECOMMENDATIONS SET FORTH BY THE GEOTECHNICAL REPORT.
- GROUNDWATER MUST BE LOCATED DURING CONSTRUCTION BY ANY MEANS APPROVED BY THE GEOTECHNICAL ENGINEER.
- ALL WATERING MAY BE ACCOMPLISHED BY WETSPRINKERS AND / OR DITCHES WITH SLUICERS AND PUMPS.
- SHIPPING OF PROJECT SITE DEBRIS MAY BE FROM 2 TO IN EXCESS OF 3 FEET BELOW THE GROUND SURFACE.
- ALL FILL AND OR BACKFILL SHALL CONSIST OF COARSE GRAINED SOILS CLASSIFIED AS SW, SP, SM OR SP-SM WITH A MAXIMUM OF 15% PASSING A #200 SIEVE.
- BACKFILL FOR PAVING SHALL BE PLACED IN 6-INCH LIFTS AND COMPACTED TO 98% DENSITY IN ACCORDANCE WITH ASTM D-1557.
- ANY TRENCH LEFT VACANT FROM UTILITIES, STORM PIPES, ETC. SHALL BE BACKFILLED WITH APPROVED SOIL PLACED IN 2-INCH LIFTS AND COMPACTED TO 98% DENSITY IN ACCORDANCE WITH ASTM D-1557.
- SUBGRADE SHALL BE PRODUCE ROLLED WITH A LIGHT DUMP TRUCK. ANY PLUMPING OR UNSTABLE AREAS SHALL BE REMOVED AND REPAIRED AS PER SPECIAL CONSTRUCTION NOTES #6. IN THE CASE OF EXCESSIVE SETTLEMENT, THE AREA MAY BE ALLOWED TO DRY AND RE-PROOF ROLLED.
- ALL FILL SOILS FOR THIS PROJECT SHALL BE AS PREVIOUS CONSTRUCTION NOTES #5.
- SOILS CLASSIFIED AS MH, CH, CC OR SC ALL NOT BE ACCEPTABLE.
- ALL FLOOD REGULATIONS AND SLAB SUBSIDGES SHALL BE COMPACTED TO A MINIMUM OF 95% IN ACCORDANCE WITH ASTM D-1557.
- SLABS ON GRADE SHOULD BE SUPPORTED BY A MINIMUM OF 4 INCHES OF GRANULAR FINE DRAINING GRAVEL OR COARSE SAND TO REMOVE MOISTURE.
- A VAPOR RETARDING MEMBRANE SHALL BE PLACED BETWEEN GRANULAR FINE AND CONCRETE TO PREVENT MIGRATION.

STORM AND UTILITIES MANHOLE AND BOX NOTES :

- INVERT ELEVATIONS ARE TO BE CONSIDERED AS PIPE INVERTS AND NOT AS THE INVERT OF THE MANHOLE, BOX, ETC.

SPECIAL BUILDING GUTTER NOTES :

- BUILDING ROOFS SHALL HAVE A GUTTER SYSTEM WHICH SHALL BE UTILIZED TO ENSURE THAT ALL ROOF RUN-OFF IS DIRECTED TO THE NEW ROAD.
- BUILDING DESIGNER SHALL SIZE GUTTER SYSTEM TO CONVEY A 25 YEAR (MIN) STORM EVENT (8" PER HOUR).
- INCREASED STORM WATER RUN-OFF DUE TO NEW IMPERVIOUS AREAS WILL NOT BE ALLOWED TO IMPACT ADJACENT PROPERTIES.
- CONSULT TYBEE ISLAND PLANNING AND ZONING DEPARTMENT REGARDING REQUIREMENTS OF GUTTERS, DOWNSPOUTS AND DOWNSPOUT BOOTS AND HOW BUILDING SET BACK LINES ARE IMPACTED BY THE GUTTER AND DOWNSPOUT SYSTEM PRIOR TO CONSTRUCTION.

WETLAND AREA AND BUFFER AREA NOTES :

- CONTRACTOR IS TO VERIFY WETLAND PERMITS WITH OWNER, CORPUS OF ENGINEERS AND/OR GEORGIA DNR PRIOR ANY LAND DISTURBANCE IN WETLAND OR WETLAND BUFFER AREAS.

FEMA MAP NOTES :

- THIS DEVELOPMENT IS WITHIN FLOOD ZONE AREA 'AE-9', 'X' AND 'X-500' ACCORDING TO FURM COMMUNITY PANEL NUMBER 1305 (CD2 4G, MAP REVISED 5-16-16 (NAVD 88).
- THIS SITE IS IN ZONE 'AE-9', 'X' AND 'X-500' AND IS LOCATED WITHIN THE 100 YEAR FLOOD ZONE.
- CONTRACTOR IS TO VERIFY FEMA ELEVATIONS PRIOR TO ANY CONSTRUCTION ACTIVITIES.

TRAFFIC / RIGHT-OF-WAY AND DISCHARGE NOTES :

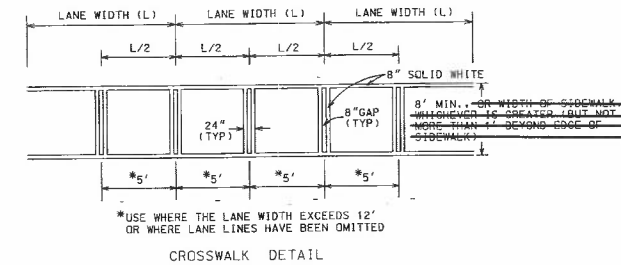
- ALL ROAD CLOSINGS, DETOURS AND ETC. ARE TO BE COORDINATED WITH TYBEE ISLAND PERSONNEL.
- ANY AND ALL NECESSARY PERMITS MUST BE OBTAINED FROM TYBEE ISLAND PRIOR TO COMMENCEMENT OF ANY WORK.
- CONTRACTOR IS TO OBTAIN A R.O.W. PERMIT PRIOR TO PERFORMING ANY WORK WITHIN TYBEE ISLAND RIGHT OF WAYS.
- CHLORINATED DISINFECTED WATER SHALL NOT BE DISCHARGED INTO THE STORMWATER SYSTEM.

SPECIAL AE AND VE ZONE NOTES :

- BUILDINGS IN AE ZONES ARE TO HAVE THE FINISHED FLOOR SET A MINIMUM OF 1' ABOVE FLOOD.
- BUILDINGS IN VE ZONES ARE TO HAVE THE LOWEST HORIZONTAL STRUCTURAL MEMBER SET A MINIMUM OF 1' ABOVE FLOOD.
- BUILDINGS IN AE AND VE ZONES ARE TO HAVE ALL ELECTRICAL, PLUMBING, HVAC, DUCTWORK AND OTHER EQUIPMENT TO BE A MINIMUM OF 1' ABOVE FLOOD.
- FLOOD VENTS ARE REQUIRED IN 'AE' ZONES AND ARE TO HAVE 1/2 SQUARE INCH / SQUARE FOOT OF FLOOR PLAN AREA WITH A MINIMUM ROUND OPENING OF 2". A MINIMUM OF 2 OPENINGS WITH ALL OPENINGS EVENLY SPACED AROUND PERIMETER. BOTTOM OF OPENING SHALL BE 12" OR LESS ABOVE ADJACENT GRADE.
- BREAK AWAY WALLS ARE REQUIRED IN 'VE' ZONES.
- COORDINATE SITE WORK AND FINISHED FLOOR ELEVATIONS WITH ARCHITECTURAL PLANS TO MAKE SURE BUILDING ELEVATIONS ARE SET AS PER CODE.

HOUSE GUTTER NOTES :

- GUTTERS WILL BE REQUIRED ON REAR AND PART OF SIDES OF PROPOSED HOUSE STRUCTURES IN ORDER TO DIRECT ROOF RUN-OFF TO FRONT OF STRUCTURES (TOWARDS NEW ACCESS ROAD).



AS-BUILT
2-19-24

Survey Information :

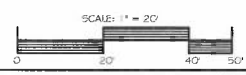
- Survey : MTR Surveying
- Date of Original Survey : 2021
- Datum : NAVD 88

SPECIAL CONSTRUCTION NOTE :

IF THE CONTRACTOR KNOWS OR CAN REASONABLY BE EXPECTED TO HAVE KNOWLEDGE OF AN ERROR, DISCREPANCY OR CONFLICT IN THE PLANS, SPECIFICATIONS OR CONSTRUCTION STAKING AND FAILS TO REPORT THE PROBLEM PRIOR TO CONSTRUCTION, HE SHALL NOT BE ENTITLED TO COMPENSATION FOR ANY WORK OR EXPENSE INCURRED BY HIM FOR WORK REQUIRED TO BE RE-CONSTRUCTED BECAUSE OF SAID ERROR, DISCREPANCY OR CONFLICT.

STREAM BUFFER ENCROACHMENT NOTES :

- NEW STRUCTURES ON THIS PROJECT DO NOT ENCRoACH IN THE 25 OR 50 FOOT STREAM BUFFER.
- NON-EXEMPT ACTIVITIES SHALL NOT BE CONDUCTED WITHIN THE 25 OR 50 FOOT UNDISTURBED STREAM BUFFERS AS MEASURED FROM THE POINT OF WRESTED VEGETATION OR WITHIN 25 FEET OF THE COASTAL MARSHLAND BUFFER AS MEASURED FROM THE JURISDICTIONAL DETERMINATION LINE WITHOUT FIRST ACQUIRING THE NECESSARY VARIANCES AND PERMITS.



BOSWELL DESIGN SERVICES, INC.
OFFICE: 4700 EAST HIGHWAY 80
Unit N, Suite 1
MAILING: 103 NASSAU DRIVE
SAVANNAH, GEORGIA 31410
912-897-6932
LAHBOS@bellsouth.net

Butler Avenue Subdivision
708 BUTLER AVENUE
TYBEE ISLAND, GEORGIA
CFK PROPERTIES, L.L.C.
SAVANNAH, GEORGIA

PAVING, GRADING AND DRAINAGE PLAN

UTILITIES PROTECTION CENTER
1-800-282-7411

GEORGIA REGISTERED PROFESSIONAL ENGINEER
No. 28372
2-29-24
MARK A. BOSWELL

DRAWING NUMBER
C-5

5 of 26



**PLANNING COMMISSION
NOTICE OF DETERMINATION**

Meeting date: March 11, 2024

Project Name/Description: **plat final approval -708 Butler Avenue – Chris Koncul**

Action Requested: **Major subdivision**

Appeal	Subdivision: Sketch Plan Approval ___ Conceptual ___ Preliminary Plan Approval ___ Final Plat Approval ___ Minor Subdivision ___ Major Subdivision <u>X</u>
Special Review	
Site Plan Approval	
Variance	
Map Amendment	
Text Amendment	

Petitioner has met all documentation requirements, all external approval requirements, and all code requirements, except for the following:

The Planning Commission Motion on Petition: Approval Denial Continued

Action on Motion:

COMMISSIONER	FOR	AGAINST	COMMENTS
Butler	X		
McGruder			CHAIR
Nooney	X		VICE CHAIR
Matkowski		X	
Livingston	X		
Rodriguez	X		MOTION
Roberts	X		SECOND

Planning Commission Chair: Spaine J. McAnulty

Date: 3-14-2024

Planning & Zoning Manager: [Signature]

Date: 3-14-2024

File Attachments for Item:

5. Site Plan Approval, Sec 5-080, Marine Science Center, 37 Meddin, Addition of solar panels to the roof of the building



STAFF REPORT

PLANNING COMMISSION MEETING: March 11, 2024

CITY COUNCIL MEETING: April 11, 2024

LOCATION: 37 Meddin

PIN: 40001 03012

APPLICANT: Tybee Island Marine Science Foundation

OWNER: City of Tybee Island

EXISTING USE: Marine Science Center

PROPOSED USE: Marine Science Center

ZONING: R-1/NEC

USE PERMITTED BY RIGHT: Yes

COMMUNITY CHARACTER MAP: Ft. Screven Historic District

APPLICATION: Site Plan Approval. Sec 5-080.

PROPOSAL: The applicant is requesting site plan approval for the addition of solar panels to the roof of the building.

ANALYSIS: The City of Tybee Island owns the land and the building.

The Fort Screven Historic District includes Officers Row and all of Ft. Screven, which represents significant historic, cultural and natural resources. Varied uses include new, larger scale development, traditional cottages, townhomes/condominiums, public uses/parks, historic sites, narrow streets, street trees, public parking. Zoning includes R-1, R-2, R-T, R-1/NEC, P-C, and PUD.

<i>Comprehensive Plan – Community Character Area The Ft. Screven Historic District</i>		<i>Meets Strategy Y/N or N/A</i>
<i>Recommended Development Strategies</i>		
1.	Establish standards and guidelines for signage	N/A
2.	Provide signage for landmarks and historic businesses	N/A
3.	Preserve and restore historic structures whenever possible	N/A
4.	Provide appropriate incentives for historic restoration projects	N/A
5.	Ensure continued preservation of old growth trees, parks, and greenspace	N/A
6.	Support an improved bicycle and pedestrian environment with connected facilities	N/A
7.	Consider adoption of architectural standards for historic structures	N/A

STAFF FINDING

Staff cannot recommend approval without a letter from an engineer/architect that this will not cause any damage to the structure or the roof material.

This Staff Report was prepared by George Shaw.

ATTACHMENTS

- A. Site plan application
- B. Product specs
- C. Survey



CITY OF TYBEE ISLAND
SITE PLAN APPROVAL APPLICATION

2

Fee
Commercial \$500
Residential \$250

Applicant's Name - Tybee Island Marine Science Center (City of Tybee Island owner) _____

Address and location of subject property 37 Meddin Dr at north end of north beach parking lot _____

PIN 40001 03012 Applicant's Telephone Number 912-786-5917 _____

Applicant's Mailing Address P.O Box 1879 _____

Brief description of the land development activity and use of the land thereafter to take place on the property:

Add 42.5kW of PV solar on the roof. This is reduce our power bill significantly, our annual bill is \$19,200 _____

Property Owner's Name City of Tybee Island Telephone Number 912-786-4573 _____

Property Owner's Address 403 Butler Avenue _____

Is Applicant the Property Owner? Yes x No

If Applicant is the Property Owner, Proof of Ownership is attached: Yes

If Applicant is other than the Property Owner, a signed affidavit from the Property Owner granting the Applicant permission to conduct such land development is attached hereto. Yes (This is to ask permission)

Current Zoning of Property R-1/NEC Current Use Marine Science Center - Educational _____

Names and addresses of all adjacent property owners are attached: Yes

If within two (2) years immediately preceding the filing of the Applicant's application for a zoning action, the Applicant has made campaign contributions aggregating to more than \$250 to the Mayor and any member of Council or any member of the Planning Commission, the Applicant and the Attorney representing the Applicant must disclose the following:

- a. The name of the local government official to whom the campaign contribution or gift was made;
- b. The dollar amount of each campaign contribution made by the applicant to the local government official during the two (2) years immediately preceding the filing of the application for this zoning action, and the date of each contribution;
- c. An enumeration and description of each gift having a value of \$250 or more made by the Applicant to the local government official during the two (2) years immediately preceding the filing of the application for this zoning action.

Chantal E. Audran _____ 2/28/2024 _____
Signature of Applicant Date



SITE PLAN APPROVAL APPLICATION

Applicant's Name (Print Name) _____

Address and location of subject property _____

Applicant's Telephone Number _____

Applicant's Mailing Address (PO Box) _____

Exact description of the land development activity and use of the land thereon to take place on the property _____

Address of PV solar on the roof. This is reduced rate power bill sign. Monthly, our annual bill is \$10,300.

Property Tax Parcel Number (Tybee Island) _____

Property Tax Parcel Number (Other Jurisdiction) _____

Is Applicant a person or entity? _____

Is Applicant a member of the Tybee Island Board of Commissioners? _____

Is Applicant a member of the Tybee Island Board of Planning and Zoning? _____

Applicant permission to conduct such land development as attached herein? _____

Current Zoning or Permit: _____

Names and addresses of all adjacent property owners are attached: _____

If within two (2) years immediately preceding the date of the Applicant's application for a permit, the Applicant has made campaign contributions aggregating to more than \$250 to the Mayor and any member of the Council or any member of the Planning Commission, the Applicant and the Attorney representing the Applicant must disclose the following:

- a. The name of the local government official to whom the campaign contribution or gift was made;
- b. The dollar amount of each campaign contribution made by the applicant to the local government official during the two (2) year time interval preceding the filing of the application for the zoning action, and the date of each contribution;
- c. An enumeration and description of each gift having a value of \$250 or more made by the Applicant to the local government official during the two (2) year immediately preceding the filing of the application for the zoning action.

Signature of Applicant: _____
Date: _____

NOTE: This application must be accompanied by following information:

 x 1 copy, no smaller than 11 x 17, of the proposed site plan and architectural renderings.

 1 copy, no smaller than 24 x 36, of the engineered drainage and infrastructure plan.

 1 copy, no smaller than 11 x 17, of the existing tree survey and the tree removal and landscaping plan.

 Disclosure of Campaign Contributions

The Planning Commission may require elevations or other engineering or architectural drawings covering the proposed development.

The Mayor and Council will not act upon a zoning decision that requires a site plan until the site plan has met the approval of the City’s engineering consultant. (Note: Section 5-080 (A) requires, “Once the engineer has submitted comments to the zoning administrator, a public hearing shall be scheduled.”)

The Applicant certifies that he/she has read the requirements for Site Plan Approval and has provided the required information to the best of his/her ability in a truthful and honest manner.

Chantal E. Audran

2/28/2024

Signature of Applicant

Date



CITY OF TYBEE ISLAND

CONFLICT OF INTEREST IN ZONING ACTIONS

DISCLOSURE OF CAMPAIGN CONTRIBUTIONS

Have you within the past two (2) years made campaign contributions or gave gifts having an aggregate value of \$250.00 or more to a member of the City of Tybee Island Planning Commission, or Mayor and Council or any local government official who will be considering the rezoning application?

YES _____ NO X

IF YES, PLEASE COMPLETE THE FOLLOWING SECTION:

NAME OF GOVERNMENT OFFICIAL	CONTRIBUTIONS OF \$250.00 OR MORE	GIFTS OF \$250.00 OR MORE	DATE OF CONTRIBUTION

IF YOU WISH TO SPEAK CONCERNING THE ATTACHED REZONING APPLICATION, THIS FORM MUST BE FILED WITH THE ZONING ADMINISTRATOR FIVE (5) DAYS PRIOR TO PLANNING COMMISSION MEETING IF CAMPAIGN CONTRIBUTIONS OR GIFTS IN EXCESS OF \$250.00 HAVE BEEN MADE TO ANY MEMBER OF THE PLANNING COMMISSION OR MAYOR AND COUNCIL.

Signature *Chantal E. Audran*

Printed Name: Chantal E. Audran

Sec. 5-080. - Site plan approval.

The site plan approval process is intended to provide the general public, planning commission, and mayor and council with information pertinent to how a new development will affect the surrounding area and the city as a whole and to ensure compliance with all applicable regulations and considerations as hereinafter stated. Where a variance, special review, or any other land development activity is involved in connection with a site plan, the standards applicable to the variance, special review, and/or land development activity applied for shall apply.

(A) Process. Upon submittal of the site plan, the designated city official will review the site plan or noticeable discrepancies and determine if there is a need to apply for other zoning actions. The site plan is then forwarded to the city's consulting engineer. Once the engineer has submitted comments to the designated city official, a public hearing before the planning commission shall be scheduled. The public hearing shall be held regardless of whether the site plan meets the requirements of this Land Development Code. Until the applicant addresses all of the engineer's comments and the site plan is satisfactory, the mayor and council will not consider the plan. In addition to all other requirements, any applicant for a site plan must identify all prior site plan applications made by the applicant, any affiliates/relatives, corporate or business entities in which the applicant has had an interest for the property which is the subject matter of the current application. The applicant must identify any parking meters proposed to be eliminated from city rights-of-way by the proposed site plan implementation. The applicant must demonstrate compliance with all other applicable ordinances including but not limited to stormwater, flood damage prevention, and buffering. In considering a site plan, the mayor and council may consider whether the proposed development will be unreasonably detrimental to adjacent or nearby uses and whether the proposed development will adversely impact existing conditions in the overall neighborhood, including but not limited to:

- (1) The impact or lack thereof on available resources and utilities.
- (2) Whether the proposed development is of a scale and mass so as to be compatible with the character of the neighborhood.
- (3) Whether the proposed development is consistent with the character area under the master plan.
- (4) Density considerations for the neighborhood including demands on infrastructure, traffic, and other relevant factors. In considering a site plan, the mayor and council may approve or deny the application as submitted, or add or delete conditions appropriate to protecting the interest of the applicant as well as those of nearby properties. Buffering requirements beyond those expressly identified may also be imposed. If conditions are added or deleted the applicant must subsequently submit a revised plan of the proposed development to the designated city official and all such conditions that had been added or deleted must be accepted by the city's consulting engineer. If all of the foregoing requirements have been satisfied and further if the mayor and council find that the benefits of and need for the proposed use and project are greater than any possible depreciating effects and damages to the neighboring properties, the application may be granted.

(B) Other zoning actions. Because special review, variances and map amendments require site plans, site plan review may be the first step in the permitting process, however, the site plan should identify any other zoning actions necessary in order for the intended development to be constructed so that a public hearing can be held on all such zoning actions simultaneously with the public hearing on the site plan. Site plan approval should encompass approval of all other zoning actions necessary to accomplish the development, however, if the intended development is to be altered from an approved site plan, additional public hearing and review is necessary if an additional special review, variance or map amendment is necessitated by the proposed alteration.

(Ord. No. 1999-26, 8-12-1999; Ord. No. 2002-15, 7-11-2002; Ord. No. 2002-15, amended 1-9-2003; Ord. No. 1999-26, amended 8-12-1999; Ord. No. 1999-19, amended 6-15-1999; Ord. No. No. 2005-14, § 1, 5-26-2005; Ord. No. 2005-14, § 1, 5-26-2005; Ord. No. 01-2015, § 1, 1-15-2015)

The plan approval process is intended to provide the general public, planning commission, and city council with information regarding the proposed project and the site plan. The plan approval process will also allow the public to provide input and comments on the project and the site plan. The plan approval process will also allow the public to provide input and comments on the project and the site plan. The plan approval process will also allow the public to provide input and comments on the project and the site plan.

(7) However, upon submission of the site plan, the design of the site plan will be reviewed by the planning commission and the city council. The planning commission and the city council will also review the site plan for compliance with the applicable regulations and standards. The planning commission and the city council will also review the site plan for compliance with the applicable regulations and standards. The planning commission and the city council will also review the site plan for compliance with the applicable regulations and standards.

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Design Solar System 42.5kW

The image shows a business card for Solar Sun World. The top right corner features the company logo, which consists of a stylized sun icon and the text "Solar Sun World" in a cursive font. Below the logo, the text "Photovoltaic and Solar Thermal Systems" is written in a bold, sans-serif font, followed by "Commercial and Residential" in a slightly smaller font. Further down, it says "Specialist and Service Partner for Sonnen-Systems Trackers & Sun Action Trackers". The bottom left of the card contains contact information: "779 Harmony Rd Eatonton, GA 31024", the phone number "706-318-0784", and the email "jk@solarsunworld.com" and website "www.solarsunworld.com". The background of the card is a photograph of a solar farm with rows of solar panels under a blue sky with white clouds.

Solar Sun World

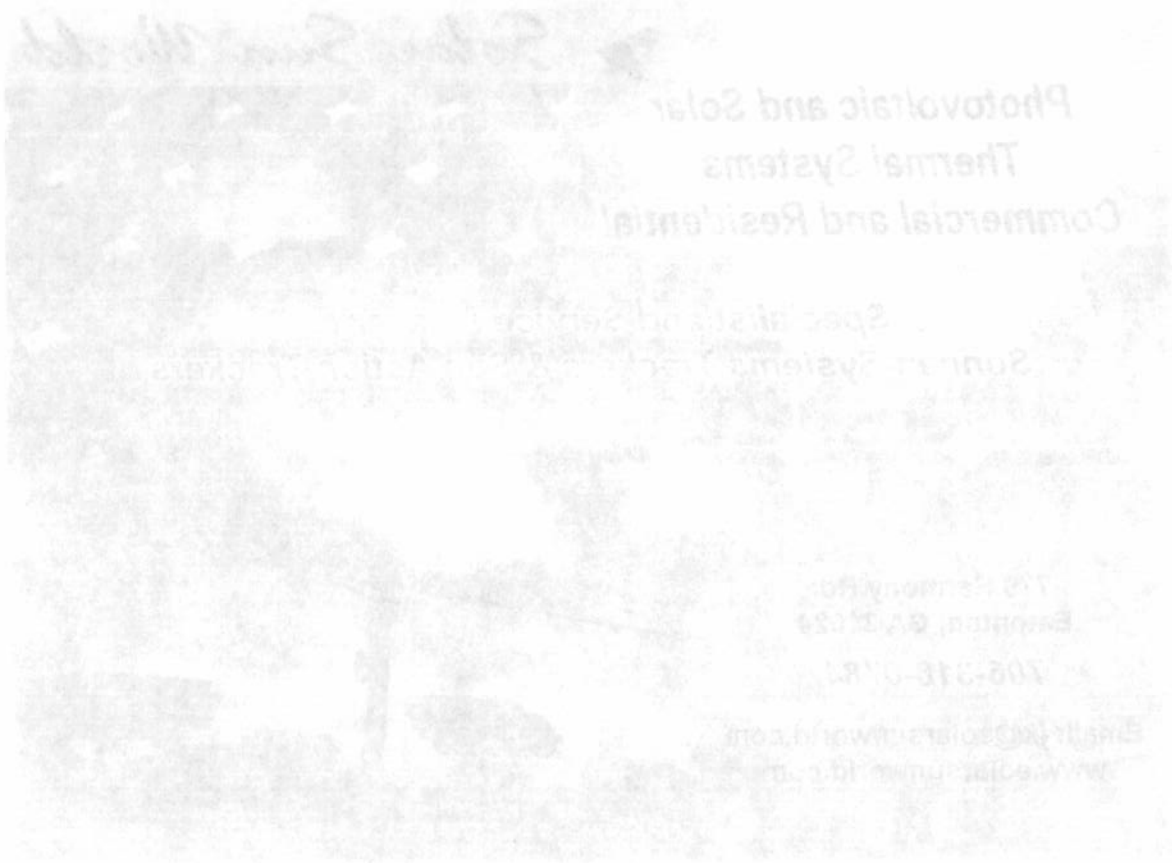
**Photovoltaic and Solar
Thermal Systems**
Commercial and Residential

*Specialist and Service Partner for
Sonnen-Systems Trackers & Sun Action Trackers*

779 Harmony Rd
Eatonton, GA 31024
706-318-0784
Email: jk@solarsunworld.com
www.solarsunworld.com

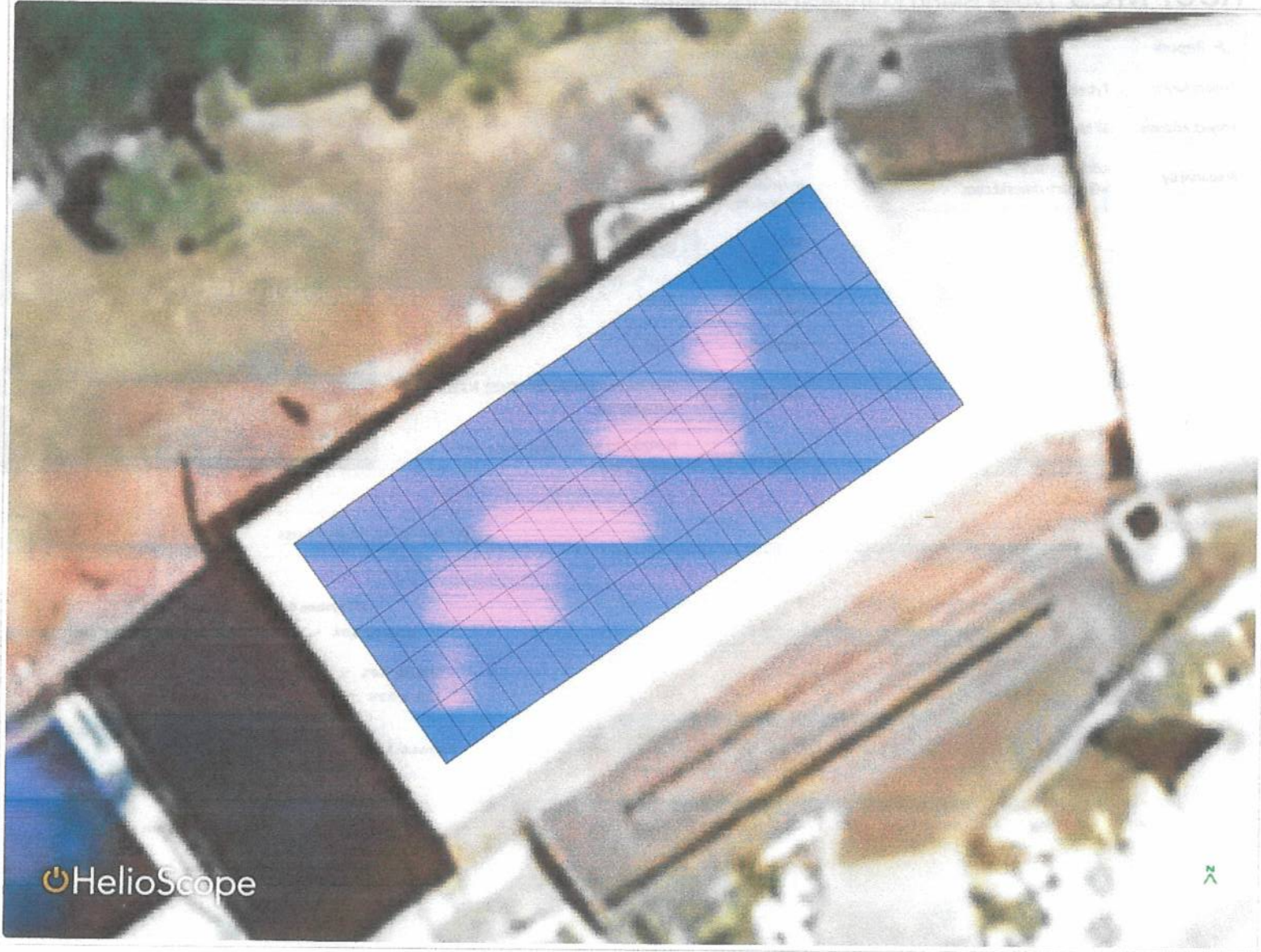
Solar Photovoltaic Project 42.5 kW
Marine Science Center
Tybee Island, GA

Design Solar System 42.5kW



Solar Photovoltaic Project 42.5 kW
Marine Science Center
Tybee Island, GA

Detailed Layout



Roof MCS Tybee Island Marine Science Center, 37 Meddin Dr., Tybee Island, GA

Report

Project Name Tybee Island Marine Science Center
 Project Address 37 Meddin Dr., Tybee Island, GA
 Prepared By Josef Kullmann
 jk@solarsunworld.com

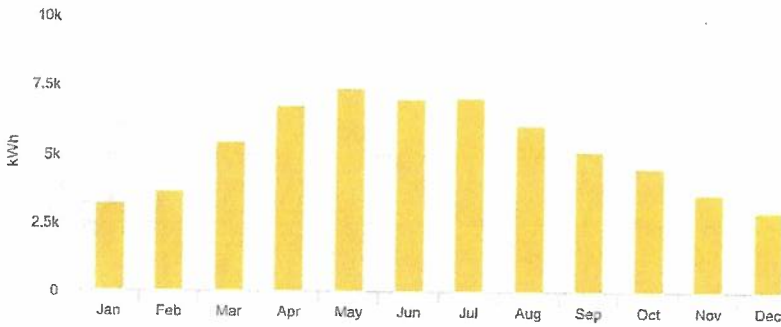
System Metrics

Design	Roof MCS
Module DC Nameplate	42.5 kW
Inverter AC Nameplate	35.0 kW Load Ratio: 1.22
Annual Production	63.08 MWh
Performance Ratio	83.6%
kWh/kWp	1,483.5
Weather Dataset	TMY, 10km Grid (32.05,-80.85), NREL (prospector)
Simulator Version	f13420c3fd-b9571ac88d-936a417e0f-64a6dac863

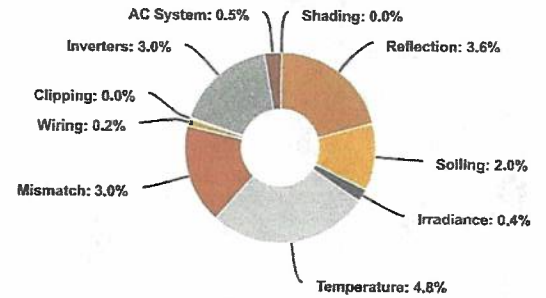
Project Location



Monthly Production



Sources of System Loss



Annual Production

	Description	Output	% Delta
Irradiance (kWh/m²)	Annual Global Horizontal Irradiance	1,774.9	
	POA Irradiance	1,773.6	-0.1%
	Shaded Irradiance	1,773.6	0.0%
	Irradiance after Reflection	1,709.2	-3.6%
	Irradiance after Soiling	1,675.0	-2.0%
	Total Collector Irradiance	1,675.0	0.0%
Energy (kWh)	Nameplate	71,220.2	
	Output at Irradiance Levels	70,947.7	-0.4%
	Output at Cell Temperature Derate	67,544.8	-4.8%
	Output After Mismatch	65,522.7	-3.0%
	Optimal DC Output	65,383.8	-0.2%
	Constrained DC Output	65,363.4	0.0%
	Inverter Output	63,402.0	-3.0%
	Energy to Grid	63,084.9	-0.5%
Temperature Metrics			
	Avg. Operating Ambient Temp		22.5 °C
	Avg. Operating Cell Temp		31.2 °C
Simulation Metrics			
	Operating Hours	4701	
	Solved Hours	4701	

Condition Set

Description	Condition Set 1											
Weather Dataset	TMY, 10km Grid (32.05,-80.85), NREL (prospector)											
Solar Angle Location	Meteo Lat/Lng											
Transposition Model	Perez Model											
Temperature Model	Sandia Model											
Temperature Model Parameters	Rack Type	a	b	Temperature Delta								
	Fixed Tilt	-3.56	-0.075	3°C								
	Flush Mount	-2.81	-0.0455	0°C								
Soiling (%)	J	F	M	A	M	J	J	A	S	O	N	D
	2	2	2	2	2	2	2	2	2	2	2	2
Irradiation Variance	5%											
Cell Temperature Spread	4° C											
Module Binning Range	-2.5% to 2.5%											
AC System Derate	0.50%											
Module Characterizations	Module										Uploaded By	Characterization
	Characterizations	Q.PEAK DUO BLK ML-G10.a+ 405 (Hanwha Q Cells)									HelioScope	Spec Sheet Characterization, PAN
Component Characterizations	Device										Uploaded By	Characterization
	Characterizations	SB7.0-1SP-US-41 (240V) (SMA)									HelioScope	Spec Sheet

Components

Component Name	Count
Inverters SB7.0-1SP-US-41 (240V) (SMA)	5 (35.0 kW)
Strings 10 AWG (Copper)	10 (152.6 ft)
Module Hanwha Q Cells, Q.PEAK DUO BLK ML-G10.a+ 405 (405W)	105 (42.5 kW)

Wiring Zones

Description	Combiner Poles	String Size	Stringing Strategy
Wiring Zone	-	7-12	Along Racking

Field Segments

Description	Racking	Orientation	Tilt	Azimuth	Intrarow Spacing	Frame Size	Frames	Modules	Power
Field Segment 1	Fixed Tilt	Landscape (Horizontal)	0°	234.46661°	0.0 ft	1x1	105	105	42.5 kW

PV Modules Load Calculations

Module	Manufacturer	Model	Power (W)	Voltage (V)	Current (A)	Notes
1	First Solar	FS-60	60	30	2.0	
2	First Solar	FS-60	60	30	2.0	
3	First Solar	FS-60	60	30	2.0	
4	First Solar	FS-60	60	30	2.0	
5	First Solar	FS-60	60	30	2.0	
6	First Solar	FS-60	60	30	2.0	
7	First Solar	FS-60	60	30	2.0	
8	First Solar	FS-60	60	30	2.0	
9	First Solar	FS-60	60	30	2.0	
10	First Solar	FS-60	60	30	2.0	
11	First Solar	FS-60	60	30	2.0	
12	First Solar	FS-60	60	30	2.0	
13	First Solar	FS-60	60	30	2.0	
14	First Solar	FS-60	60	30	2.0	
15	First Solar	FS-60	60	30	2.0	
16	First Solar	FS-60	60	30	2.0	
17	First Solar	FS-60	60	30	2.0	
18	First Solar	FS-60	60	30	2.0	
19	First Solar	FS-60	60	30	2.0	
20	First Solar	FS-60	60	30	2.0	
21	First Solar	FS-60	60	30	2.0	
22	First Solar	FS-60	60	30	2.0	
23	First Solar	FS-60	60	30	2.0	
24	First Solar	FS-60	60	30	2.0	
25	First Solar	FS-60	60	30	2.0	
26	First Solar	FS-60	60	30	2.0	
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32	First Solar	FS-60	60	30	2.0	
33	First Solar	FS-60	60	30	2.0	
34	First Solar	FS-60	60	30	2.0	
35	First Solar	FS-60	60	30	2.0	
36	First Solar	FS-60	60	30	2.0	
37	First Solar	FS-60	60	30	2.0	
38	First Solar	FS-60	60	30	2.0	
39	First Solar	FS-60	60	30	2.0	
40	First Solar	FS-60	60	30	2.0	
41	First Solar	FS-60	60	30	2.0	
42	First Solar	FS-60	60	30	2.0	
43	First Solar	FS-60	60	30	2.0	
44	First Solar	FS-60	60	30	2.0	
45	First Solar	FS-60	60	30	2.0	
46	First Solar	FS-60	60	30	2.0	
47	First Solar	FS-60	60	30	2.0	
48	First Solar	FS-60	60	30	2.0	
49	First Solar	FS-60	60	30	2.0	
50	First Solar	FS-60	60	30	2.0	

Project Details

Name	37 Meddin Drive	Date	02/26/2024
Location	37 Meddin Drive, Tybee Island, GA 31328	Total modules	105
Module	Hanwha Q.Cells: Q.PEAK DUO BLK ML-G10.a 405 (32mm)	Total watts	42,525
Dimensions	Dimensions: 73.98" x 41.14" x 1.26" (1879.0mm x 1045.0mm x 32.0mm)	Attachments	190
ASCE	7-10	Tilt	0°
Inter-row spacing	0.0" <i>Calculated using solar azimuth of -47.54° and solar elevation of 16.54° at 9AM (America/New_York) on the winter solstice.</i>	Rail attachment hardware	Square Bolt



Roof Information

Roof attachment	Flat Roof Attachment	Rafter spacing	24"
Roof manufacturer	Carlisle	Color	White
Thickness	60 mils	Roof material	TPO

Load Assumptions

Wind exposure	D
Wind speed	141 mph
Ground snow load	0 psf
Attachment spacing	4.0'

Building Details

Roof slope	0-7°
Risk category	II
Building height	30 ft

Span Details XR100 - Portrait

Zone	Module Position	Max span	Max cantilever
Zone1	Normal	8'	3'
Zone2	Normal	7'	2' 10"
Zone3	Normal	6' 7"	2' 8"

Reaction Forces XR100 - Portrait

Zone	Module Position	Uplift (PSF)	Down (lbs)	Uplift (lbs)	Lateral Perp (lbs)
Zone1	Normal	22	353	284	16
Zone2	Normal	29	453	384	16
Zone3	Normal	33	512	443	16

Attachment capacity testing does not include the connection of the assembly to the underlying roof deck. Further evaluation of the screw requirement as well as verifying the structural capacity of the roof deck and adequacy of FRA's connection to the roof will be the responsibility of the system designer.

±

Weights and Loads

Total system weight	6,086.2 lbs
Weight/attachment	32.0 lbs
Racking weight	993.7 lbs
Distributed weight	2.7 psf



Roof Section 1

Definition

105 modules
 East-West rail orientation
 Portrait module orientation
 Graphical entry

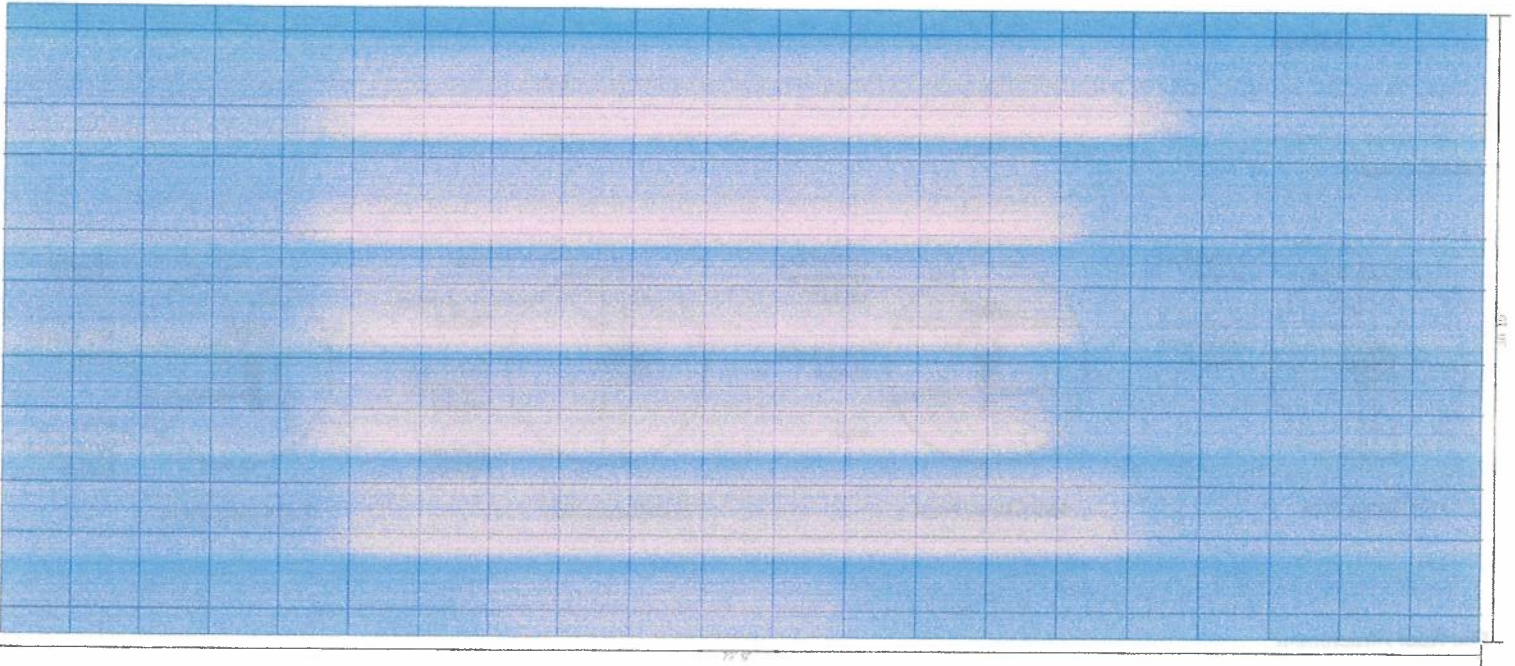
Roof Section Weights

Total weight: 6,086.2 lbs
 Weight/attachment: 32.0 lbs
 Total Area: 2,243.6 sq ft
 Distributed weight: 2.7 psf

Roof Section (all segments)

Provided rail: 840' [60 x 168"]
 Attachments: 190
 Splices: 50

Diagram



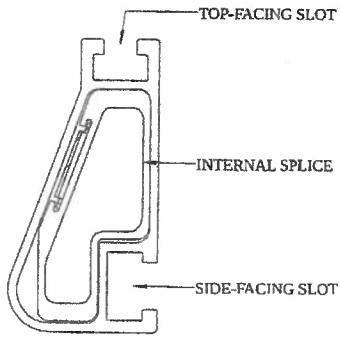
Segments

Columns	Row length	Rail length	Cantilever	Rail	Attachments	Splices
21	72' 9"	72' 9"	5"	168' [12 x 168"]	38	10
Row segment totals (x 5) ->				840' [60 x 168"]	190	50

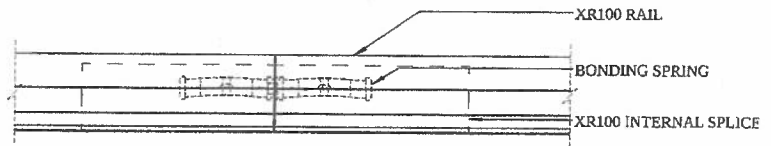
Side View Portrait



Splice Details

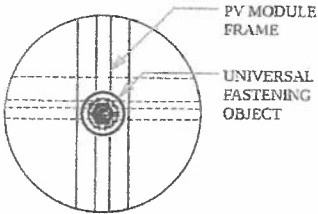


XR100

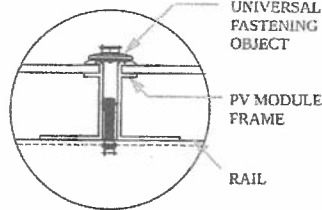


Splice Connection

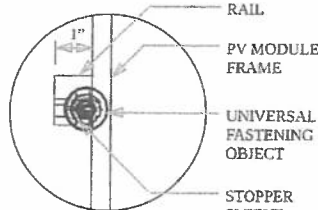
Clamp Detail



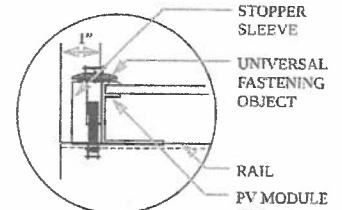
Mid Clamp, Plan



Mid Clamp, Front

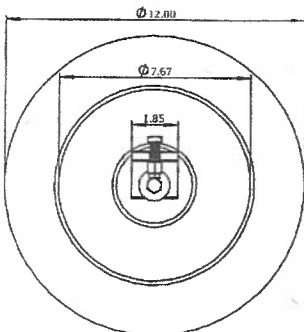


End Clamp, Plan

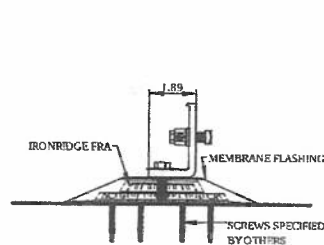


End Clamp, Front

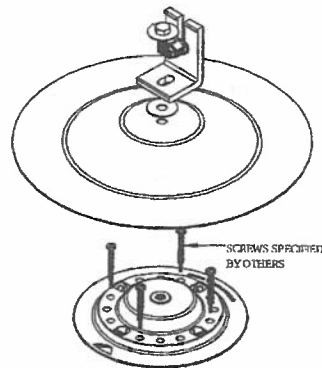
Flat Roof Attachment



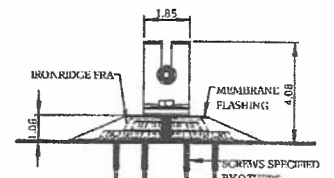
Plan View



Side View

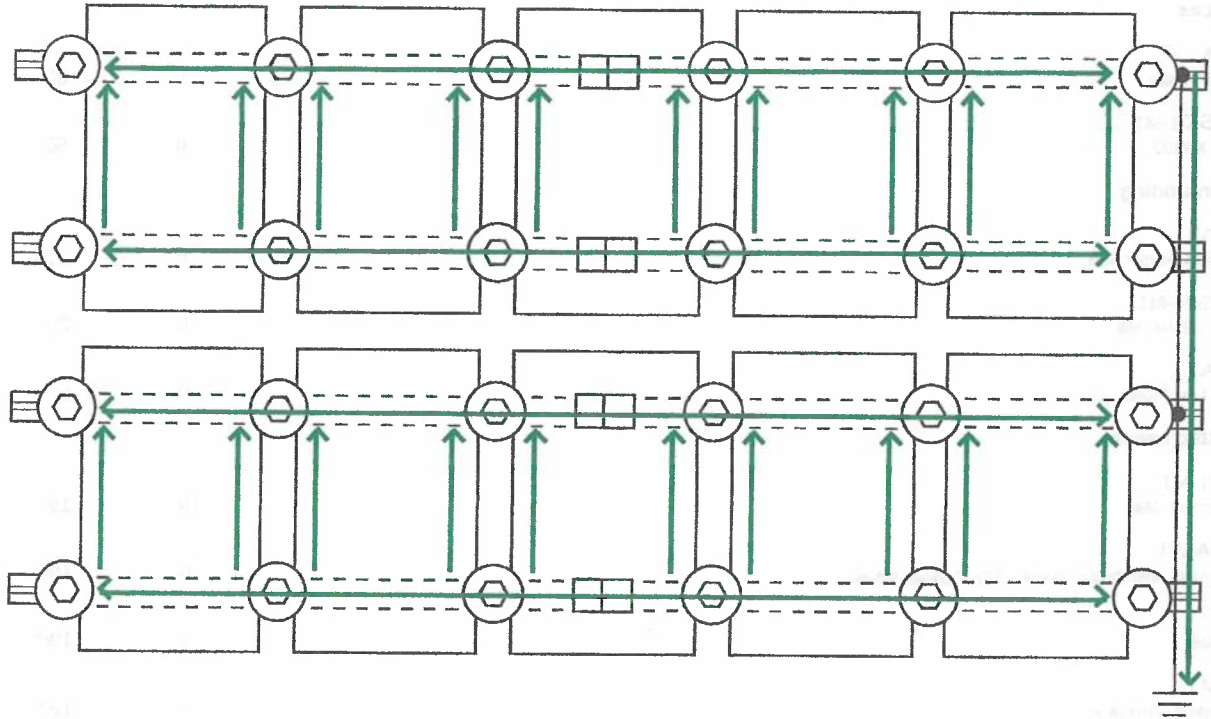


Perspective View




Front View

Grounding Diagram



 UFO Clamp

 Fault Current Ground Path

 Grounding Lug *

 Min 10 AWG Copper Wire *

 Bonded Splice (Rail Connection)

* Grounding Lugs and Wire are not required in systems using Enphase microinverters.

Bill of Materials

Part	Spares	Total Qty
Rails & Splices		
XR-100-168A XR100, Rail 168" Clear	0	60
XR100-BOSS-01-M1 Bonded Splice, XR100	0	50
Clamps & Grounding		
UFO-CL-01-A1 Universal Module Clamp, Clear	0	220
UFO-STP-32MM-M1 Stopper Sleeve, 32MM, Mill	0	20
XR-LUG-03-A1 Grounding Lug, Low Profile	0	5
Tilt Kits & Attachments		
FRA-BASE-01-M1 Flat Roof Attachment, Mill	0	190
FRA-M60T-CA-W1 Flat Roof Attachment, Membrane, 60mil, TPO, Carlisle, White	0	190
LFT-03-M1 Slotted L-Foot, Mill	0	190
BHW-SQ-02-A1 Square-Bolt Bonding Hardware	0	190

CHECKLIST

PRE-INSTALLATION

- Verify module compatibility. See [Page 13](#) for info.

TOOLS REQUIRED

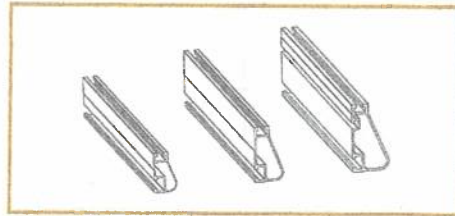
- Cordless Drill (non-impact)
- Impact Driver (for lag bolts)
- Torque Wrench (0-250 in-lbs)
- 5/16" Socket
- 7/16" Socket
- 9/16" Socket (deep)
- String Line

TORQUE VALUES

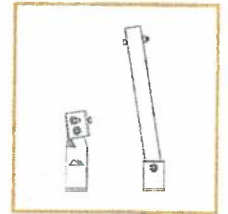
- Tilt Leg Nuts (9/16" Socket): 250 in-lbs
- Rail Grounding Lug Nut (7/16" Socket): 80 in-lbs
- Rail Grounding Lug Nut (7/16" Socket): 80 in-lbs
 - Rail Grounding Lug Terminal Screws (7/16" Socket): 20 in-lbs
- Module Grounding Lug Nut (3/8" Socket): 60 in-lbs
 - Module Grounding Lug Terminal Screws (1/2" Socket): 20 in-lbs
- Universal Fastening Objects (7/16" Socket): 80 in-lbs
- Expansion Joint Nuts (7/16"): 80 in-lbs
- Microinverter Kit Nuts (7/16" Socket): 80 in-lbs
- Frameless Module Kit Nuts (7/16" Socket): 80 in-lbs

- If using previous version of: Integrated Grounding Mid Clamps, End Clamps, and Expansion Joints please refer to Alternate Components Addendum (Version 1.9)
- Unless otherwise noted, all components have been evaluated for multiple use. They can be uninstalled and reinstalled in the same or new location.

IRONRIDGE COMPONENTS



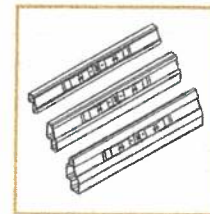
XR Rail



Tilt Leg Kit



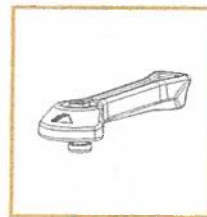
Wire Clip



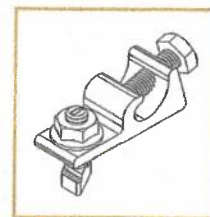
BOSS



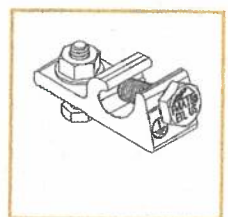
UFO (30-46mm)



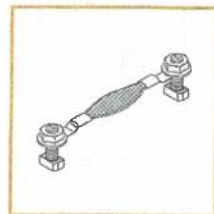
CAMO



Rail Grounding Lug



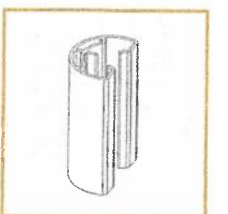
Module Grounding Lug



Expansion Joint



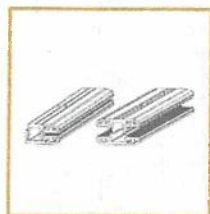
End Cap



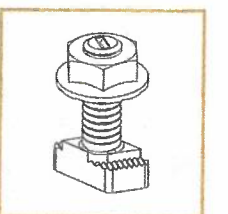
Stopper Sleeve



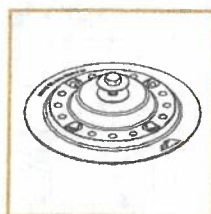
Frameless Module Kit



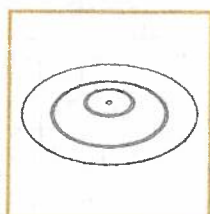
Frameless End/Mid Clamp



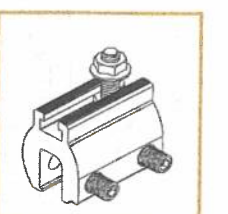
Microinverter Kit



Flat Roof Attachment



Membrane Flashing



Lynx

Item #5.

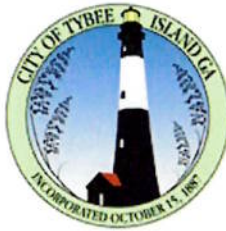
Flat Roof System Span Table (Inches) - Portrait or Landscape Installation
Max Module Length: 80", Max Module SF: 24 SF
Exposure D

Table with columns for Wind Speed (mph) and Ground Snow (psf) from 0 to 110. Each cell contains a grid of values representing span lengths in feet for various zones (Zone 1, Zone 2, Zone 3). The table is organized into sections for wind speeds of 10, 15, 20, 30, 40, 50, 60, 70, 80, 90, 100, 110 mph. The values generally decrease as wind speed and snow load increase.

REV 04/30/2021

Shaded cells indicate conditions in which UFO Mid Clamp connection capacity is exceeded. Refer to Note 9 on page 2.

min 72" span = min 48" span = min 48" span



**PLANNING COMMISSION
NOTICE OF DETERMINATION**

Meeting date: March 11, 2024

Project Name/Description: requesting to add solar panels to roof-37 Meddin drive-40001 03012-Zone R-1/NEC-Tybee Island Marine Science Center.

Action Requested: SITE PLAN

Appeal	Subdivision: Sketch Plan Approval ___ Conceptual ___ Preliminary Plan Approval ___ Final Plat Approval ___ Minor Subdivision ___ Major Subdivision ___
Special Review	
Site Plan Approval X	
Variance	
Map Amendment	
Text Amendment	

Petitioner has met all documentation requirements, all external approval requirements, and all code requirements, except for the following:

The Planning Commission Motion on Petition: Approval Denial Continued

Action on Motion:

COMMISSIONER	FOR	AGAINST	COMMENTS
Butler	X		
McGruder			CHAIR
Nooney	X		VICE CHAIR
Matkowski	X		SECOND
Livingston	X		
Rodriguez	X		MOTION
Roberts	X		

Planning Commission Chair: Elaine J. Morrison

Date: 3-14-2024

Planning & Zoning Manager: [Signature]

Date: 3-14-2024

File Attachments for Item:

6. MOU Mural on Tybrisa Street

**MEMORANDUM OF UNDERSTANDING / ACCESS AND USE AGREEMENT
FOR PLACEMENT OF DECORATIVE MURAL ON TYBRISA STREET
WITH THE TYBRISA BEACH RESORT CONDOMINIUM ASSOCIATION, INC.**

WHEREAS, the City of Tybee Island (hereinafter "City") is committed to supporting and promoting the arts as an essential component of the quality of life in our community; and

WHEREAS, the City previously placed a mural on the north side of Tybrisa Street on property owned by Tybrisa Beach Resort Condominium Association, Inc. ("Association"); and

WHEREAS, the existing mural needs to be replaced and updated; and

WHEREAS, the Association has agreed to allow the City to remove the existing mural and install a new mural in the same location; and

WHEREAS, the City agrees to remove at its own cost the existing mural and will give the removed mural component pieces to the Association for the Association's use; and

WHEREAS, the City agrees to install at its own expense the new mural for decorative purposes on the property of the Association; and

WHEREAS, the Association agrees that the City shall have access to the property to install and maintain the mural as necessary; and

NOW THEREFORE, it is hereby agreed that in consideration of the City donating the removed mural component pieces to the Association, and installing and maintaining the new mural at its own expense, the Association grants the City permission and the right of access to the property to place and maintain the mural on and across the Association's property to enhance the appearance of the area.

The parties agree the City will place a mural on the existing brick wall on Tybrisa Street which mural will be approximately 1487.5 square feet. The mural will be painted directly onto the Association's brick wall. The subject matter for the mural and artists' renditions of such shall be the sole determination of the City.

The City agrees to refurbish, repair, maintain and "touch up" the mural as necessary to maintain it as a first class art installation. The Association will provide reasonable access, and right of entry, to the site for such work. However, the City has no obligation to maintain or repair the wall itself including any structural or other repairs. The Association agrees to be solely responsible for maintenance and repair of the wall itself.

In light of the City's investment, and the benefit to the community of having this mural, the parties agree that the mural should be in existence for a significant period of time of at least ten years. This agreement is subject to automatic annual renewals each calendar year unless notice of intention not to renew is given by one party to the other at least 180 days prior to the end of the then current year.

Notice to the City shall go to:

Michelle Owens
City of Tybee Island
403 Butler Avenue
Tybee Island, GA 31328

Notices to Association shall go to:

Attn: _____
Tybrisa Beach Resort Condominium Association, Inc.
PO Box 2966
Tybee Island, GA 31328

IN WITNESS WHEREOF, the parties have entered their signatures hereon.

CITY OF TYBEE ISLAND

By: _____

Attest: _____

TYBRISA BEACH RESORT CONDOMINIUM
ASSOCIATION, INC.

By: C. Paul Whitford

Its: CEO / PRESIDENT, BOARD OF DIRECTORS

APPROVED AS TO FORM:

Edward M. Hughes
City Attorney

File Attachments for Item:

7. First Reading, 2024-02, GMEBS-R, City of Tybee Island Defined Benefit Retirement Plan



RISK MANAGEMENT AND
EMPLOYEE BENEFITS
SERVICES

BOARD OF TRUSTEES

Chair
Marcia Hampton
City Manager, Douglasville

Vice-Chair
Shelly Berryhill
Commissioner, Hawkinsville

Secretary-Treasurer
Larry H. Hanson
CEO and Executive Director

Trustees:

Chris Hobby
City Manager, Bainbridge

Jason Holt
Mayor, Fitzgerald

Meg Kelsey
Asst. City Manager, Newnan

Jessica O'Connor
City Manager, Griffin

W.D. Palmer, III
Councilmember, Camilla

James F. Palmer
Mayor, Calhoun

John Reid
Mayor, Eatonton

Julie Smith
Mayor, Tifton

JoAnne Taylor
Mayor, Dahlonega

Albert Thurman
Mayor, Powder Springs

Rebecca L. Tydings
City Attorney, Centerville

Clemontine Washington
Mayor Pro Tem, Midway

Vince Williams
Mayor, Union City

EXECUTIVE STAFF

Randy Logan
Deputy Executive Director

March 22, 2024

MEMORANDUM VIA E-MAIL
(jaimespear@cityoftybee.gov)

TO: Ms. Jaime Spear
Human Resources Administrator

FROM: Mr. Kevin Jeselnik
Assistant General Counsel

SUBJECT: Action Required: Georgia Municipal Employees Benefit System
Defined Benefit Retirement Plan Restatement

The City of Tybee Island previously adopted the Georgia Municipal Employees Benefit System (“GMEBS”) Defined Benefit Retirement Plan (“Plan”), which is comprised of the Basic Plan Document, Adoption Agreement, and General Addendum. The Plan is considered a “qualified plan” under the Internal Revenue Code, which is important to ensure the tax-exempt status of the trust fund.

To protect the Plan’s tax-qualified status, GMEBS filed draft restated Plan documents, updated to include recent amendments and comply with changes in federal tax law, with the IRS on June 29, 2022. On August 31, 2023, the IRS issued a favorable opinion letter (“IRS opinion letter”) for the restated Plan documents. The IRS opinion letter provides assurance to employers providing retirement benefits for their employees through the GMEBS Plan that GMEBS is maintaining a qualified pension benefit program that allows employees to accrue benefits tax-free until retirement benefits are distributed to them.

To ensure continued tax-qualified status for all GMEBS-member retirement plans, all participating employers must readopt their plans using the most recent IRS-approved document templates. To that end, we have completed the attached Adoption Agreement and General Addendum, which include the benefit and eligibility provisions that you currently have in place, for the city’s approval.

If the draft documents are acceptable, please have the designated representatives sign and date where indicated (Adoption Agreement, p. 37, and General Addendum, p. 2). Next, please scan and email the documents to Gina Gresham at rgresham@gacities.com no later than **May 22, 2024**. We will then countersign the documents and return electronic copies to you. Please note, GMEBS will not execute documents that have been edited by the city. If the documents require revisions, please let us know before adopting them.

Ms. Jaime Spear
March 22, 2024
Page 2

The draft documents will take effect on the date of their approval by the city. **Please note that per O.C.G.A. § 47-5-40, the Adoption Agreement has been drafted in the form of an ordinance.**

We have also attached a copy of the restated Basic Plan Document and Amendment 1, which do not need to be adopted by the city. Finally, we have included a summary of key amendments to the Plan relating to the restatement.

If you have any questions about the information provided in this letter or require further information, please contact Gina Gresham.

Encl.

C: Mr. Edward Hughes, City Attorney, City of Tybee Island (w/ encl.)
Ms. Marinetty Bienvenu, Director, Retirement Quality Assurance (w/o encl.)
Ms. Michelle Warner, Director, GMEBS Retirement and DC Programs (w/o encl.)
Ms. Gwin Hall, Senior Associate General Counsel (w/o encl.)

**GENERAL ADDENDUM TO THE
GEORGIA MUNICIPAL EMPLOYEES BENEFIT SYSTEM
DEFINED BENEFIT RETIREMENT PLAN
ADOPTION AGREEMENT**

This is an Addendum to the Adoption Agreement completed by the City of Tybee Island, Georgia, as follows (complete one or more sections, as applicable):

*** Items (1) through (11) of Pre-Approved Addendum – Not Applicable ***

(12) Minimum and Maximum Limits on Normal Retirement Benefit Amount for Regular Employees.

Check one or more as applicable:

- (a) The minimum monthly normal retirement benefit amount shall be: \$ _____, _____% of the Participant's Final Average Earnings (specify minimum monthly amount or percentage).

The minimum benefit amount elected above shall apply to (check one):

- All Participants who are Regular Employees.
 Only the following Participants (must specify) _____.

- (b) The maximum monthly normal retirement benefit amount shall be: \$ _____, 100% (specify maximum monthly amount or percentage) of: the highest monthly earnings used to calculate the Participant's Final Average Earnings, the Participant's Final Average Earnings. This maximum benefit limit shall apply in addition to and not in lieu of any applicable limits under Internal Revenue Code Section 415.

The maximum benefit amount elected above shall apply to (check one):

- All Participants who are Regular Employees.
 Only the following Participants (must specify) _____.

Note: The minimum or maximum limit elected above shall apply to the standard form of payment. If the Participant elects a different form

of benefit payment, the limit shall be actuarially adjusted based on the form of benefit payment elected.

*** Items (13) through (15) of Pre-Approved Addendum – Not Applicable ***

The terms of the foregoing Addendum to the Adoption Agreement are approved by the Mayor and Council of the City of Tybee Island, Georgia, this _____ day of _____, 20____.

Attest:

CITY OF TYBEE ISLAND, GEORGIA

City Clerk

Mayor

(SEAL)

Approved:

City Attorney

The terms of the foregoing Addendum are approved by the Board of Trustees of the Georgia Municipal Employees Benefit System.

IN WITNESS WHEREOF, the Board of Trustees of the Georgia Municipal Employees Benefit System has caused its Seal and the signatures of its duly authorized officers to be affixed this _____ day of _____, 20____.

Board of Trustees
Georgia Municipal Employees
Benefit System

(SEAL)

Secretary

GEORGIA MUNICIPAL EMPLOYEES
BENEFIT SYSTEM

DEFINED BENEFIT RETIREMENT PLAN

AN ORDINANCE
and
ADOPTION AGREEMENT
for

City of Tybee Island

**Form Pre-approved Plan Adoption Agreement
Amended and Restated for Third Six-Year Cycle, 2020 Cumulative List**

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I. AN ORDINANCE

An Ordinance to amend and restate the Retirement Plan for the Employees of the City of Tybee Island, Georgia, in accordance with and subject to the terms and conditions set forth in the attached Adoption Agreement, any Addendum to the Adoption Agreement, the Georgia Municipal Employees Benefit System (GMEBS) Basic Plan Document, and the GMEBS Trust Agreement. When accepted by the authorized officers of the City and GMEBS, the foregoing shall constitute a Contract between the City and GMEBS, all as authorized and provided by O.C.G.A. § 47-5-1 et seq.

BE IT ORDAINED by the Mayor and Council of the City of Tybee Island, Georgia, and it is hereby ordained by the authority thereof:

Section 1. The Retirement Plan for the Employees of the City of Tybee Island, Georgia, is hereby amended and restated as set forth in and subject to the terms and conditions stated in the following Adoption Agreement, any Addendum to the Adoption Agreement, the Georgia Municipal Employees Benefit System (GMEBS) Basic Plan Document, and the GMEBS Trust Agreement.

Ordinance continued on page 37

II. GMEBS DEFINED BENEFIT RETIREMENT PLAN
ADOPTION AGREEMENT

1. ADMINISTRATOR

Georgia Municipal Employees Benefit System
201 Pryor Street, SW
Atlanta, Georgia 30303
Telephone: 404-688-0472
Facsimile: 404-577-6663

2. ADOPTING EMPLOYER

Name: **City of Tybee Island, Georgia**

3. GOVERNING AUTHORITY

Name: **Mayor and Council**
Address: **P.O. Box 2749, Tybee Island, GA 31328-2749**
Phone: **(912) 472-5080**
Facsimile: **(912) 786-5737**

4. PLAN REPRESENTATIVE

[To represent Governing Authority in all communications with GMEBS and Employees]
(See Section 2.49 of Basic Plan Document)

Name: **City Manager**
Address: **P.O. Box 2749, Tybee Island, GA 31328-2749**
Phone: **(912) 472-5080**
Facsimile: **(912) 786-5737**

5. PENSION COMMITTEE

[Please designate members by position. If not, members of Pension Committee shall be determined in accordance with Article XIV of the Basic Plan Document]

Position: Clerk of Council (City Clerk)

Position: City Manager

Position: Finance Officer of the City

Position: One (1) active City Employee appointed by the Mayor and Council

Position: One (1) active City Employee appointed by the Mayor and Council

Position: One (1) member of the Mayor and Council designated by the Mayor and Council

In the event the title of a position on the Pension Committee should change, an amendment to the Adoption Agreement shall not be necessary; rather, such position shall be held and filled by the individual with the most similar job description.

Pension Committee Secretary: Human Resources Administrator

Address: P.O. Box 2749, Tybee Island, GA 31328-2749

Phone: (912) 472-5029

Facsimile: (912) 786-5737

6. TYPE OF ADOPTION

This Adoption Agreement is for the following purpose (check one):

- This is a new defined benefit plan adopted by the Adopting Employer for its Employees. This plan does not replace or restate an existing defined benefit plan.
- This is an amendment and restatement of the Adopting Employer's preexisting non-GMEBS defined benefit plan.
- This is an amendment and restatement of the Adoption Agreement previously adopted by the Employer, as follows (check one or more as applicable):
 - To update the Plan to comply with the PATH Act, and other applicable federal laws and guidance under IRS Notice 2020-14 (the 2020 Cumulative List).
 - To make the following amendments to the Adoption Agreement (must specify below revisions made in this Adoption Agreement; all provisions must be completed in a manner that satisfies the definite written program requirement of Treasury Regulation 1.401-1(a)(2) and the definitely determinable requirement of Treasury Regulation 1.401-1(b)(1)(i)): _____

7. EFFECTIVE DATE

NOTE: This Adoption Agreement and any Addendum, with the accompanying Basic Plan Document, is designed to comply with Internal Revenue Code Section 401(a), as applicable to a governmental qualified defined benefit plan, and is part of the GMEBS Defined Benefit

Retirement Plan. Plan provisions designed to comply with certain provisions of the Protecting Americans from Tax Hikes Act of 2015 ("PATH Act"); and Plan provisions designed to comply with certain provisions of additional changes in federal law and guidance from the Internal Revenue Service under Internal Revenue Service Notice 2020-14 (the 2020 Cumulative List) are effective as of the applicable effective dates set forth in the Adoption Agreement and Basic Plan Document. By adopting this Adoption Agreement, with its accompanying Basic Plan Document, the Adopting Employer is adopting a plan document intended to comply with Internal Revenue Code Section 401(a), as updated by the PATH Act and the 2020 Cumulative List with the applicable effective dates.

- (1) **Complete this item (1) only if this is a new defined benefit plan which does not replace or restate an existing defined benefit plan.**

The effective date of this Plan is _____.

(insert effective date of this Adoption Agreement but not earlier than the first day of the current Plan Year in which the Plan is adopted).

- (2) **Complete this item (2) only if this Plan is being adopted to replace a non-GMEBS defined benefit plan.**

Except as otherwise specifically provided in the Basic Plan Document or in this Adoption Agreement, the effective date of this restatement shall be _____ **(insert effective date of this Adoption Agreement but not earlier than the first day of the current Plan Year in which the Plan is adopted (unless a retroactive corrective amendment is permitted under EPCRS, Rev. Proc. 2021-30 (or subsequent updated guidance)).** This Plan is intended to replace and serve as an amendment and restatement of the Employer's preexisting plan, which became effective on _____ **(insert original effective date of preexisting plan).**

- (3) **Complete this item (3) only if this is an amendment and complete restatement of the Adopting Employer's existing GMEBS defined benefit plan.**

Except as otherwise specifically provided in the Basic Plan Document or in this Adoption Agreement, the effective date of this restatement shall be **the date of its approval by the Governing Authority** **(insert effective date of this Adoption Agreement but not earlier than the first day of the current Plan Year in which the Plan is adopted (unless a retroactive corrective amendment is permitted under EPCRS, Rev. Proc. 2021-30 (or subsequent updated guidance)).**

This Plan is adopted as an amendment and restatement of the Employer's preexisting GMEBS Adoption Agreement, which became effective on **May 11, 2023** **(insert effective date of most recent Adoption Agreement preceding this Adoption Agreement).**

The Employer's first Adoption Agreement became effective **July 1, 2003** **(insert effective date of Employer's first GMEBS Adoption Agreement).** The Employer's GMEBS Plan was originally effective **May 1, 1987** **(insert effective date of Employer's original GMEBS Plan).** (If the Employer's Plan was originally a non-GMEBS Plan, then the Employer's non-GMEBS Plan was originally effective _____ **(if applicable, insert effective date of Employer's original non-GMEBS Plan).**)

8. PLAN YEAR

Plan Year means (check one):

- Calendar Year
- Employer Fiscal Year commencing _____.
- Other (must specify month and day commencing): May 1.

9. CLASSES OF ELIGIBLE EMPLOYEES

Only Employees of the Adopting Employer who meet the Basic Plan Document's definition of "Employee" may be covered under the Adoption Agreement. Eligible Employees shall not include non-governmental employees, independent contractors, leased employees, nonresident aliens, or any other ineligible individuals, and this Section 9 must not be completed in a manner that violates the "exclusive benefit rule" of Internal Revenue Code Section 401(a)(2).

A. Eligible Regular Employees

Regular Employees include Employees, other than elected or appointed members of the Governing Authority or Municipal Legal Officers, who are regularly employed in the services of the Adopting Employer. Subject to the other conditions of the Basic Plan Document and the Adoption Agreement, the following Regular Employees are eligible to participate in the Plan (check one):

- ALL - All Regular Employees, provided they satisfy the minimum hour and other requirements specified under "Eligibility Conditions" below.
- ALL REGULAR EMPLOYEES EXCEPT for the following employees (must specify; specific positions are permissible; specific individuals may not be named): Any City Manager who agrees in said City Manager's employment contract with the City not to participate in this Plan shall be ineligible to participate in this Plan with respect to such employment. In the event that a City Manager agrees in said City Manager's employment contract with the City not to participate in this Plan, the City shall provide GMEBS with written notice of such contract provision(s) within 180 days after the City Manager becomes employed with the City in such position; provided, however, that notwithstanding any provision in this Adoption Agreement or the Basic Plan Document to the contrary, the failure of the City to provide such written notice to GMEBS shall not make such a City Manager eligible to participate in this Plan (see Adoption Agreement p. 8 concerning participation in the Plan by City Managers).

B. Elected or Appointed Members of the Governing Authority

An Adopting Employer may elect to permit participation in the Plan by elected or appointed members of the Governing Authority and/or Municipal Legal Officers, provided they otherwise meet the Basic Plan Document's definition of "Employee" and provided they satisfy any other requirements specified by the Adopting Employer. Municipal Legal Officers to be covered must be specifically identified by position. Subject to the above conditions, the Employer hereby elects the following treatment for elected and appointed officials:

(1) Elected or Appointed Members of the Governing Authority (check one):

- ARE NOT eligible to participate in the Plan.
- ARE eligible to participate in the Plan.

Please specify any limitations on eligibility to participate here (e.g., service on or after certain date, or special waiting period provision): Each elected or appointed member of the Governing Authority who holds an office of the Employer on July 1, 2003, shall be qualified to participate in the Plan on such date. Each other elected or appointed member of the Governing Authority who holds an office subsequent to July 1, 2003, shall be qualified to participate in the Plan on the first day of the month immediately following or coinciding with the first date after July 1, 2003, that said member occupies any elective office of the Governing Authority (see Adoption Agreement p. 8 regarding participation in the Plan). In accordance with Section 4.03(b) of the Basic Plan Document, an elected or appointed member of the Governing Authority who initially takes office or returns to office on or after January 1, 2015, shall be qualified to participate in the Plan on the date said member initially takes such office or returns to office.

(2) Municipal Legal Officers (check one):

- ARE NOT eligible to participate in the Plan.
- ARE eligible to participate in the Plan. The term "Municipal Legal Officer" shall include only the following positions (must specify - specific positions are permissible; specific individuals may not be named): _____.

Please specify any limitations on eligibility to participate here (e.g., service on or after certain date) (must specify in a manner that satisfies the definite written program requirement of Treasury Regulation 1.401-1(a)(2) and the definitely determinable requirement of Treasury Regulation 1.401-1(b)(1)(i)): _____.

10. ELIGIBILITY CONDITIONS

A. Hours Per Week (Regular Employees)

The Adopting Employer may specify a minimum number of work hours per week which are required to be scheduled by Regular Employees in order for them to become and remain "Eligible Regular Employees" under the Plan. **It is the responsibility of the Adopting Employer to determine whether these requirements are and continue to be satisfied.** The Employer hereby elects the following minimum hour requirement for Regular Employees:

- No minimum
- 20 hours/week (regularly scheduled)
- 30 hours/week (regularly scheduled)
- Other: **35 hours/week** (must not exceed 40 hours/week regularly scheduled)

Exceptions: If a different minimum hour requirement applies to a particular class or classes of Regular Employees, please specify below the classes to whom the different requirement applies and indicate the minimum hour requirement applicable to them.

Class(es) of Regular Employees to whom exception applies (**must specify - specific positions are permissible; specific individuals may not be named**): Eligible Regular Employees employed on or before October 10, 1996, provided said Employees are not Terminated and reemployed after such date.

Minimum hour requirement applicable to excepted Regular Employees:

- No minimum
- 20 hours/week (regularly scheduled)
- 30 hours/week (regularly scheduled)
- Other: _____ (must not exceed 40 hours/week regularly scheduled)

B. Months Per Year (Regular Employees)

The Adopting Employer may specify a minimum number of work months per year which are required to be scheduled by Regular Employees in order for them to become and remain "Eligible Employees" under the Plan. **It is the responsibility of the Adopting Employer to determine whether these requirements are and continue to be satisfied.** The Employer hereby elects the following minimum requirement for Regular Employees:

- No minimum
- At least 5 months per year (regularly scheduled)

Exceptions: If different months per year requirements apply to a particular class or classes of Regular Employees, the Employer must specify below the classes to whom the different requirements apply and indicate below the requirements applicable to them.

Regular Employees to whom exception applies (**must specify - specific positions are permissible; specific individuals may not be named**): _____.

The months to year requirement for excepted class(es) are:

- No minimum
- At least _____ months per year (regularly scheduled)

11. WAITING PERIOD

Except as otherwise provided in Section 4.02(b) of the Basic Plan Document, Eligible Regular Employees shall not have a waiting period before participating in the Plan. Likewise, elected or appointed members of the Governing Authority and Municipal Legal Officers, if eligible to participate in the Plan, shall not have a waiting period before participating in the Plan.

12. ESTABLISHING PARTICIPATION IN THE PLAN

Participation in the Plan is considered mandatory for all Eligible Employees who satisfy the eligibility conditions specified in the Adoption Agreement, except as provided in Section 4.03(e) of the Basic Plan Document. However, the Employer may specify below that participation is optional for certain classes of Eligible Employees, including Regular Employees, elected or appointed members of the Governing Authority, Municipal Legal Officers, City Managers, and/or Department Heads. If participation is optional for an Eligible Employee, then in order to become a Participant, the Employee must make a written election to participate within 120 days after employment, election or appointment to office, or if later, the date the Employee first becomes eligible to participate in the Plan. The election is irrevocable, and the failure to make the election within the 120 day time limit shall be deemed an irrevocable election not to participate in the Plan.

Classes for whom participation is optional (**check one**):

- None (Participation is mandatory for all Eligible Employees except as provided in Section 4.03(e) of the Basic Plan Document).
- Participation is optional for the following Eligible Employees (**must specify - specific positions are permissible; specific individuals may not be named; all positions or classes specified must be Eligible Employees**): If a former City Manager or other Employee waived or declined participation in the Plan prior to July 1, 2003, said City Manager or Employee shall not receive credit for any service with the City prior to July 1, 2003. Notwithstanding any provision to the contrary, since July 1, 2003, the City's Plan has operated and will continue to operate as follows with respect to participation in the Plan by the City Manager and by elected or appointed members of the Governing Authority. The City Manager is required to participate in the Plan, provided said City Manager meets the eligibility requirements for participation that are applicable to other Regular Employees; however, a City Manager who affirmatively agrees in said City Manager's employment contract with the City not to participate in this Plan is ineligible to participate in the Plan (see Adoption Agreement p. 5 relating to Eligible Regular Employees). Each elected or appointed member of the Governing Authority automatically participates in the Plan unless said member irrevocably elects in writing not to participate in the Plan within 120 days following the date on which said Member first takes office or returns to office, as applicable, and such election is submitted to the Pension Committee Secretary in the form and manner required by the City within said 120 day period.

13. CREDITED SERVICE

In addition to Current Credited Service the Adopting Employer may include as Credited Service the following types of service:

A. Credited Past Service with Adopting Employer

Credited Past Service means the number of years and complete months of Service with the Adopting Employer prior to the date an Eligible Employee becomes a Participant which are treated as credited service under the Plan.

(1) Eligible Employees Employed on Original Effective Date of GMEBS Plan.

With respect to Eligible Employees who are employed by the Adopting Employer on the original Effective Date of the Employer's GMEBS Plan, Service with the Adopting Employer prior to the date the Eligible Employee becomes a Participant (including any Service prior to the Effective Date of the Plan) shall be treated as follows (**check one**):

- All Service prior to the date the Eligible Employee becomes a Participant shall be credited (as Credited Past Service).
- All Service prior to the date the Eligible Employee becomes a Participant shall be credited (as Credited Past Service), except for Service rendered prior to _____ (**insert date**).
- All Service prior to the date the Eligible Employee becomes a Participant shall be credited (as Credited Past Service), except as follows (**must specify other limitation in a manner that satisfies the definite written program requirement of Treasury Regulation 1.401-1(a)(2) and the definitely determinable requirement of Treasury Regulation 1.401-1(b)(1)(i)**): _____.
- No Service prior to the date the Eligible Employee becomes a Participant shall be credited (as Credited Past Service).

(2) Previously Employed, Returning to Service after Original Effective Date. If an Eligible Employee is not employed on the original Effective Date of the Employer's GMEBS Plan, but returns to Service with the Adopting Employer sometime after the Effective Date, said Eligible Employee's Service prior to becoming a Participant (including any Service prior the Effective Date) shall be treated as follows (**check one**):

- All Service prior to the date the Eligible Employee becomes a Participant shall be credited (as Credited Past Service), subject to any limitations imposed above with respect to Eligible Employees employed on the Effective Date.
- All Service prior to the date the Eligible Employee becomes a Participant shall be credited (as Credited Past Service), provided that after returning to employment, the Eligible Employee performs Service equal to the period of the break in Service or one (1) year, whichever is less. Any limitations imposed above with respect to Eligible Employees employed on the Effective Date shall also apply.
- No Service prior to the date the Eligible Employee becomes a Participant shall be credited (as Credited Past Service).

Other limitation(s) on Recognition of Credited Past Service (**must specify in a manner that satisfies the definite written program requirement of Treasury Regulation 1.401-1(a)(2) and the definitely determinable requirement of Treasury Regulation 1.401-1(b)(1)(i)**): Notwithstanding any other provision, Credited Past Service shall not include any tenure of office as an elected or appointed member of the Governing Authority unless the Participant was serving as an elected or appointed member of the Governing Authority or Eligible Regular Employee on July 1, 2003.

(3) **Eligible Employees Initially Employed After Effective Date.** If an Eligible Employee's initial employment date is after the original Effective Date of the Employer's GMEBS Plan, said Employee's Credited Past Service shall include only the number of years and complete months of Service from the Employee's initial employment date to the date the Employee becomes a Participant in the Plan.

(4) **Newly Eligible Classes of Employees.** If a previously ineligible class of Employees becomes eligible to participate in the Plan, the Employer must specify in an addendum to this Adoption Agreement whether and to what extent said Employees' prior service with the Employer shall be treated as Credited Past Service under the Plan.

B. Prior Military Service

Note: This Section does not concern military service required to be credited under USERRA – See Section 3.02 of the Basic Plan Document for rules on the crediting of USERRA Military Service.

(1) **Credit for Prior Military Service.**

The Adopting Employer may elect to treat military service rendered prior to a Participant's initial employment date or reemployment date as Credited Service under the Plan. Unless otherwise specified by the Employer under "Other Conditions" below, the term "Military Service" shall be as defined in the Basic Plan Document. Except as otherwise required by federal or state law or under "Other Conditions" below, Military Service shall not include service which is credited under any other local, state, or federal retirement or pension plan.

Military Service credited under this Section shall not include any service which is otherwise required to be credited under the Plan by federal or state law. Prior Military Service shall be treated as follows (**check one**):

- Prior Military Service is **not** creditable under the Plan (**if checked, skip to Section 13.C. – Prior Governmental Service**).
- Prior Military Service shall be counted as Credited Service for the following purposes (check one or more as applicable):
 - Computing amount of benefits payable.
 - Meeting minimum service requirements for vesting.
 - Meeting minimum service requirements for benefit eligibility.

(2) **Maximum Credit for Prior Military Service.**

Credit for Prior Military Service shall be limited to a maximum of _____ years (**insert number**).

(3) **Rate of Accrual for Prior Military Service.**

Credit for Prior Military Service shall accrue at the following rate (**check one**):

- One month of military service credit for every _____ month(s) (**insert number**) of Credited Service with the Adopting Employer.

- One year of military service credit for every _____ year(s) (**insert number**) of Credited Service with the Adopting Employer.
 - All military service shall be creditable (subject to any caps imposed above) after the Participant has completed _____ years (**insert number**) of Credited Service with the Employer.
 - Other requirement (**must specify in a manner that satisfies the definite written program requirement of Treasury Regulation 1.401-1(a)(2) and the definitely determinable requirement of Treasury Regulation 1.401-1(b)(1)(i)**): _____.
- (4) Payment for Prior Military Service Credit (check one):**
- Participants shall **not** be required to pay for military service credit.
 - Participants shall be required to pay for military service credit as follows:
 - The Participant must pay _____% of the actuarial cost of the service credit (as defined below).
 - The Participant must pay an amount equal to (**must specify in a manner that satisfies the definite written program requirement of Treasury Regulation 1.401-1(a)(2) and the definitely determinable requirement of Treasury Regulation 1.401-1(b)(1)(i)**): _____.

Other Conditions for Award of Prior Military Service Credit (**must specify in a manner that satisfies the definite written program requirement of Treasury Regulation 1.401-1(a)(2) and the definitely determinable requirement of Treasury Regulation 1.401-1(b)(1)(i)**): _____.

(5) Limitations on Service Credit Purchases. Unless otherwise specified in an Addendum to the Adoption Agreement, for purposes of this Section and Section 13.C. concerning prior governmental service credit, the term "actuarial cost of service credit" is defined as set forth in the Service Credit Purchase Addendum. In the case of a service credit purchase, the Participant shall be required to comply with any rules and regulations established by the GMEBS Board of Trustees concerning said purchases.

C. Prior Governmental Service

Note: A Participant's prior service with other GMEBS employers shall be credited for purposes of satisfying the minimum service requirements for Vesting and eligibility for Retirement and pre-retirement death benefits as provided under Section 9.05 of the Basic Plan Document, relating to portability service. This Section 13(C) does not need to be completed in order for Participants to receive this portability service credit pursuant to Section 9.05 of the Basic Plan Document.

(1) Credit for Prior Governmental Service.

The Adopting Employer may elect to treat governmental service rendered prior to a Participant's initial employment date or reemployment date as creditable service under the Plan. Subject to any limitations imposed by law, the term "prior governmental service" shall be as defined by the

Adopting Employer below. The Employer elects to treat prior governmental service as follows **(check one)**:

- Prior governmental service is **not** creditable under the Plan (if checked, skip to **Section 13.D. – Unused Sick/Vacation Leave**).
- Prior governmental service shall be counted as Credited Service for the following purposes under the Plan **(check one or more as applicable)**:
 - Computing amount of benefits payable.
 - Meeting minimum service requirements for vesting.
 - Meeting minimum service requirements for benefit eligibility.

(2) Definition of Prior Governmental Service.

Prior governmental service shall be defined as follows: **(must specify in a manner that satisfies the definite written program requirement of Treasury Regulation 1.401-1(a)(2) and the definitely determinable requirement of Treasury Regulation 1.401-1(b)(1)(i))**: _____.

Unless otherwise specified above, prior governmental service shall include only full-time service (minimum hour requirement same as that applicable to Eligible Regular Employees).

(3) Maximum Credit for Prior Governmental Service.

Credit for prior governmental service shall be limited to a maximum of _____ years **(insert number)**.

(4) Rate of Accrual for Prior Governmental Service Credit.

Credit for prior governmental service shall accrue at the following rate **(check one)**:

- One month of prior governmental service credit for every _____ month(s) **(insert number)** of Credited Service with the Adopting Employer.
- One year of prior governmental service credit for every _____ year(s) **(insert number)** of Credited Service with the Adopting Employer.
- All prior governmental service shall be creditable (subject to any caps imposed above) after the Participant has completed _____ years **(insert number)** of Credited Service with the Adopting Employer.
- Other requirement **(must specify in a manner that satisfies the definite written program requirement of Treasury Regulation 1.401-1(a)(2) and the definitely determinable requirement of Treasury Regulation 1.401-1(b)(1)(i))**: _____.

(5) Payment for Prior Governmental Service Credit.

- Participants shall **not** be required to pay for governmental service credit.
- Participants shall be required to pay for governmental service credit as follows:

- The Participant must pay ____% of the actuarial cost of the service credit.
- The Participant must pay an amount equal to **(must specify in a manner that satisfies the definite written program requirement of Treasury Regulation 1.401-1(a)(2) and the definitely determinable requirement of Treasury Regulation 1.401-1(b)(1)(i): _____.**

Other Conditions for Award of Prior Governmental Service Credit **(must specify in a manner that satisfies the definite written program requirement of Treasury Regulation 1.401-1(a)(2) and the definitely determinable requirement of Treasury Regulation 1.401-1(b)(1)(i): _____.**

D. Leave Conversion for Unused Paid Time Off (e.g., Sick, Vacation, or Personal Leave)

(1) Credit for Unused Paid Time Off.

Subject to the limitations in Section 3.01 of the Basic Plan Document, an Adopting Employer may elect to treat accumulated days of unused paid time off for a terminated Participant, for which the Participant is not paid, as Credited Service. The only type of leave permitted to be credited under this provision is leave from a paid time off plan which qualifies as a bona fide sick and vacation leave plan (which may include sick, vacation or personal leave) and which the Participant may take as paid leave without regard to whether the leave is due to illness or incapacity. The Credited Service resulting from the conversion of unused paid time off must not be the only Credited Service applied toward the accrual of a normal retirement benefit under the Plan. The Pension Committee shall be responsible to certify to GMEBS the total amount of unused paid time off that is creditable hereunder.

Important Note: Leave cannot be converted to Credited Service in lieu of receiving a cash payment. If the Employer elects treating unused paid time off as Credited Service, the conversion to Credited Service will be automatic, and the Participant cannot request a cash payment for the unused paid time off.

The Employer elects the following treatment of unused paid time off:

- Unused paid time off shall **not** be treated as Credited Service **(if checked, skip to Section 14 – Retirement Eligibility).**
- The following types of unused paid time off for which the Participant is not paid shall be treated as Credited Service under the Plan **(check one or more as applicable):**
 - Unused sick leave
 - Unused vacation leave
 - Unused personal leave
 - Other paid time off **(must specify in a manner that satisfies the definite written program requirement of Treasury Regulation 1.401-1(a)(2) and the definitely determinable requirement of Treasury Regulation 1.401-1(b)(1)(i): _____.**

(2) Minimum Service Requirement.

In order to receive credit for unused paid time off, a Participant must meet the following requirement at termination (**check one**):

- The Participant must be 100% vested in a normal retirement benefit.
- The Participant must have at least _____ years (**insert number**) of Total Credited Service (not including leave otherwise creditable under this Section).
- Other (**must specify in a manner that satisfies the definite written program requirement of Treasury Regulation 1.401-1(a)(2) and the definitely determinable requirement of Treasury Regulation 1.401-1(b)(1)(i)**): _____.

(3) Use of Unused Paid Time Off Credit. Unused paid time off for which the Participant is not paid shall count as Credited Service for the following purposes under the Plan (**check one or more as applicable**):

- Computing amount of benefits payable.
- Meeting minimum service requirements for vesting.
- Meeting minimum service requirements for benefit eligibility.

(4) Maximum Credit for Unused Paid Time Off.

Credit for unused paid time off for which the Participant is not paid shall be limited to a maximum of _____ months (**insert number**).

(5) Computation of Unused Paid Time Off.

Unless otherwise specified by the Adopting Employer under "Other Conditions" below, each twenty (20) days of creditable unused paid time off shall constitute one (1) complete month of Credited Service under the Plan. Partial months shall not be credited.

(6) Other Conditions (please specify, subject to limitations in Section 3.01 of Basic Plan Document; must specify in a manner that satisfies the definite written program requirement of Treasury Regulation 1.401-1(a)(2) and the definitely determinable requirement of Treasury Regulation 1.401-1(b)(1)(i)): _____.

14. RETIREMENT ELIGIBILITY

A. Early Retirement Qualifications

Early retirement qualifications are (**check one or more as applicable**):

- Attainment of age 55 (**insert number**)
- Completion of 10 years (**insert number**) of Total Credited Service

Exceptions: If different early retirement eligibility requirements apply to a particular class or classes of Eligible Employees, the Employer must specify below the classes to whom the different requirements apply and indicate below the requirements applicable to them.

Eligible Employees to whom exception applies (**must specify - specific positions are permissible; specific individuals may not be named**): _____.

Early retirement qualifications for excepted class(es) are (**check one or more as applicable**):

- Attainment of age _____ (**insert number**)
- Completion of _____ years (**insert number**) of Total Credited Service

B. Normal Retirement Qualifications

Note: Please complete this Section and also list "Alternative" Normal Retirement Qualifications, if any, in Section 14.C.

(1) **Regular Employees**

Normal retirement qualifications for Regular Employees are (**check one or more as applicable**):

- Attainment of age **65** (**insert number**)
- Completion of **5** years (**insert number**) of Total Credited Service
- In-Service Distribution to Eligible Employees permitted (*i.e.*, a qualifying Participant may commence receiving retirement benefits while in service without first incurring a Bona Fide Separation from Service), if Participant meets minimum age and service requirements specified immediately above and satisfies the minimum age parameters for In-Service Distribution described in Section 6.06(a)(3) of the Basic Plan Document, subject to applicable Plan provisions concerning recalculation and offset applied at re-retirement to account for the value of benefits received prior to re-retirement. This rule shall apply to (**check one**): all Participants only the following class(es) of Participants (**must specify - specific positions are permissible; specific individuals may not be named**): _____.

Exceptions: If different normal retirement qualifications apply to a particular class or classes of Regular Employees, the Employer must specify below the classes to whom the different requirements apply and indicate below the requirements applicable to them.

Class(es) of Regular Employees to whom exception applies (**must specify - specific positions are permissible; specific individuals may not be named**): _____.

Normal retirement qualifications for excepted class(es) are (**check one or more as applicable**):

- Attainment of age _____ (**insert number**)
- Completion of _____ years (**insert number**) of Total Credited Service
- In-Service Distribution to Eligible Employees permitted (*i.e.*, a qualifying Participant may commence receiving retirement benefits while in service without first incurring a Bona Fide Separation from Service), if Participant meets

minimum age and service requirements specified immediately above and satisfies the minimum age parameters for In-Service Distribution described in Section 6.06(a)(3) of the Basic Plan Document, subject to applicable Plan provisions concerning recalculation and offset applied at re-retirement to account for the value of benefits received prior to re-retirement. This rule shall apply to **(check one)**: all Participants only the following class(es) of Participants **(must specify - specific positions are permissible; specific individuals may not be named)**: _____.

(2) **Elected or Appointed Members of Governing Authority**

Complete this Section only if elected or appointed members of the Governing Authority or Municipal Legal Officers are permitted to participate in the Plan. Normal retirement qualifications for this class are **(check one or more as applicable)**:

- Attainment of age **65 (insert number)**
- Completion of _____ years **(insert number)** of Total Credited Service
- In-Service Distribution to Eligible Employees permitted (*i.e.*, a qualifying Participant may commence receiving retirement benefits while in service without first incurring a Bona Fide Separation from Service), if Participant meets minimum age and service requirements specified immediately above and satisfies the minimum age parameters for In-Service Distribution described in Section 6.06(a)(3) of the Basic Plan Document, subject to applicable Plan provisions concerning recalculation and offset applied at re-retirement to account for the value of benefits received prior to re-retirement. This rule shall apply to **(check one)**: all Participants only the following class(es) of Participants **(must specify - specific positions are permissible; specific individuals may not be named)**: _____.

Exceptions: If different normal retirement qualifications apply to particular elected or appointed members of the Governing Authority or Municipal Legal Officers, the Employer must specify below to whom the different requirements apply and indicate below the requirements applicable to them.

Particular elected or appointed members of the Governing Authority or Municipal Legal Officers to whom exception applies **(must specify - specific positions are permissible; specific individuals may not be named)**: _____.

Normal retirement qualifications for excepted elected or appointed members of the Governing Authority or Municipal Legal Officers are **(check one or more as applicable)**:

- Attainment of age _____ **(insert number)**
- Completion of _____ years **(insert number)** of Total Credited Service
- In-Service Distribution to Eligible Employees permitted (*i.e.*, a qualifying Participant may commence receiving retirement benefits while in service without

first incurring a Bona Fide Separation from Service), if Participant meets minimum age and service requirements specified immediately above and satisfies the minimum age parameters for In-Service Distribution described in Section 6.06(a)(3) of the Basic Plan Document, subject to applicable Plan provisions concerning recalculation and offset applied at re-retirement to account for the value of benefits received prior to re-retirement. This rule shall apply to **(check one)**: all Participants only the following class(es) of Participants **(must specify - specific positions are permissible; specific individuals may not be named)**: _____.

C. Alternative Normal Retirement Qualifications

The Employer may elect to permit Participants to retire with unreduced benefits after they satisfy service and/or age requirements other than the regular normal retirement qualifications specified above. The Employer hereby adopts the following alternative normal retirement qualifications:

Alternative Normal Retirement Qualifications (check one or more, as applicable):

(1) Not applicable (the Adopting Employer does not offer alternative normal retirement benefits under the Plan).

(2) **Alternative Minimum Age & Service Qualifications (if checked, please complete one or more items below, as applicable):**

Attainment of age _____ **(insert number)**

Completion of _____ years **(insert number)** of Total Credited Service

In-Service Distribution to Eligible Employees permitted (*i.e.*, a qualifying Participant may commence receiving retirement benefits while in service without first incurring a Bona Fide Separation from Service), if Participant meets minimum age and service requirements specified immediately above and satisfies the minimum age parameters for In-Service Distribution described in Section 6.06(a)(3) of the Basic Plan Document, subject to applicable Plan provisions concerning recalculation and offset applied at re-retirement to account for the value of benefits received prior to re-retirement. This rule shall apply to **(check one)**: all Participants only the following class(es) of Participants **(must specify - specific positions are permissible; specific individuals may not be named)**: ___.

This alternative normal retirement benefit is available to:

All Participants who qualify.

Only the following Participants **(must specify - specific positions are permissible; specific individuals may not be named)**: _____.

A Participant (**check one**): is required is not required to be in the service of the Employer at the time the Participant satisfies the above qualifications in order to qualify for this alternative normal retirement benefit.

Other eligibility requirement (**must specify in a manner that satisfies the definite written program requirement of Treasury Regulation 1.401-1(a)(2) and the definitely determinable requirement of Treasury Regulation 1.401-1(b)(1)(i)**): _____.

- (3) **Rule of _____ (insert number).** The Participant's combined Total Credited Service and age must equal or exceed this number. Please complete additional items below:

To qualify for this alternative normal retirement benefit, the Participant (**check one or more items below, as applicable**):

- Must have attained at least age _____ (**insert number**)
- Must not satisfy any minimum age requirement
- In-Service Distribution to Eligible Employees permitted (*i.e.*, a qualifying Participant may commence receiving retirement benefits while in service without first incurring a Bona Fide Separation from Service), if the Participant meets the minimum age and service requirements specified immediately above and satisfies the minimum age parameters for In-Service Distribution described in Section 6.06(a)(3) of the Basic Plan Document, subject to applicable Plan provisions concerning recalculation and offset applied at re-retirement to account for the value of benefits received prior to re-retirement. This rule shall apply to (**check one**): all Participants only the following class(es) of Participants (**must specify - specific positions are permissible; specific individuals may not be named**): _____.

This alternative normal retirement benefit is available to:

- All Participants who qualify.
- Only the following Participants (**must specify - specific positions are permissible; specific individuals may not be named**): _____.

A Participant (**check one**): is required is not required to be in the service of the Employer at the time the Participant satisfies the Rule in order to qualify for this alternative normal retirement benefit.

Other eligibility requirement (**must specify in a manner that satisfies the definite written program requirement of Treasury Regulation 1.401-1(a)(2) and the definitely determinable requirement of Treasury Regulation 1.401-1(b)(1)(i)**): _____.

(4) **Alternative Minimum Service.** A Participant is eligible for an alternative normal retirement benefit if the Participant has at least _____ years (**insert number**) of Total Credited Service, regardless of the Participant's age.

In-Service Distribution to Eligible Employees permitted (*i.e.*, a qualifying Participant may commence receiving retirement benefits while in service without first incurring a Bona Fide Separation from Service), if the Participant meets the minimum service requirement specified immediately above and satisfies the minimum age parameters for In-Service Distribution described in Section 6.06(a)(3) of the Basic Plan Document, subject to applicable Plan provisions concerning recalculation and offset applied at re-retirement to account for the value of benefits received prior to re-retirement. This rule shall apply to (**check one**): all Participants only the following class(es) of Participants (**must specify - specific positions are permissible; specific individuals may not be named**): ___.

This alternative normal retirement benefit is available to:

- All Participants who qualify.
- Only the following Participants (**must specify - specific positions are permissible; specific individuals may not be named**): _____.

A Participant (**check one**): is required is not required to be in the service of the Employer at the time the Participant satisfies the qualifications for this alternative normal retirement benefit.

Other eligibility requirement (**must specify in a manner that satisfies the definite written program requirement of Treasury Regulation 1.401-1(a)(2) and the definitely determinable requirement of Treasury Regulation 1.401-1(b)(1)(i)**): _____.

(5) **Other Alternative Normal Retirement Benefit.**

Must specify qualifications (in a manner that satisfies the definite written program requirement of Treasury Regulation 1.401-1(a)(2) and the definitely determinable requirement of Treasury Regulation 1.401-1(b)(1)(i)): _____.

In-Service Distribution to Eligible Employees permitted (*i.e.*, a qualifying Participant may commence receiving retirement benefits while in service without first incurring a Bona Fide Separation from Service), if the Participant meets minimum age and service requirements specified immediately above and satisfies the minimum age parameters for In-Service Distribution described in Section 6.06(a)(3) of the Basic Plan Document, subject to applicable Plan provisions concerning recalculation and offset applied at re-retirement to account for the value of benefits received prior to re-retirement. This rule shall apply to (**check one**): all Participants only the following class(es) of Participants (**must specify -**

specific positions are permissible; specific individuals may not be named): _____.

This alternative normal retirement benefit is available to:

- All Participants who qualify.
- Only the following Participants (**must specify - specific positions are permissible; specific individuals may not be named**): _____.

A Participant (**check one**): is required is not required to be in the service of the Employer at the time the Participant satisfies the qualifications for this alternative normal retirement benefit.

Other eligibility requirement (**must specify in a manner that satisfies the definite written program requirement of Treasury Regulation 1.401-1(a)(2) and the definitely determinable requirement of Treasury Regulation 1.401-1(b)(1)(i)**): _____.

- (6) **Other Alternative Normal Retirement Benefit for Public Safety Employees Only.**

Must specify qualifications (in a manner that satisfies the definite written program requirement of Treasury Regulation 1.401-1(a)(2) and the definitely determinable requirement of Treasury Regulation 1.401-1(b)(1)(i): Attainment of age 55 and completion of 20 years of Total Credited Service.

- In-Service Distribution to Eligible Employees who are Public Safety Employees permitted (*i.e.*, a qualifying Participant may commence receiving retirement benefits while in service without first incurring a Bona Fide Separation from Service), if the Participant meets minimum age and service requirements specified immediately above and satisfies the minimum age parameters for In-Service Distribution Described in Section 6.06(a)(3) of the Basic Plan Document, subject to applicable Plan provisions concerning recalculation and offset applied at re-retirement to account for the value of benefits received prior to re-retirement. This rule shall apply to (**check one**): all Participants only the following class(es) of Participants (**must specify - specific positions are permissible; specific individuals may not be named**): _____.

This alternative normal retirement benefit is available to:

- All public safety employee Participants who qualify.
- Only the following public safety employee Participants (**must specify - specific positions are permissible; specific individuals may not be named**): **Firefighters and Police Officers, as defined in Section 2.34 and 2.51 of the Basic Plan Document, respectively.**

A public safety employee Participant (**check one**): is required is not required to be in the service of the Employer at the time the Participant satisfies the qualifications for this alternative normal retirement benefit.

Other eligibility requirement (**must specify in a manner that satisfies the definite written program requirement of Treasury Regulation 1.401-1(a)(2) and the definitely determinable requirement of Treasury Regulation 1.401-1(b)(1)(i)**): _____.

Note: "Public safety employees" are defined under the Internal Revenue Code for this purpose as employees of a State or political subdivision of a State who provide police protection, firefighting services, or emergency medical services for any area within the jurisdiction of such State or political subdivision.

D. Disability Benefit Qualifications

Subject to the other terms and conditions of the Basic Plan Document and except as otherwise provided in an Addendum to this Adoption Agreement, disability retirement qualifications are based upon Social Security Administration award criteria or as otherwise provided under Section 2.23 of the Basic Plan Document. The Disability Retirement benefit shall commence as of the Participant's Disability Retirement Date under Section 2.24 of the Basic Plan Document.

To qualify for a disability benefit, a Participant must have the following minimum number of years of Total Credited Service (**check one**):

- Not applicable (the Adopting Employer does not offer disability retirement benefits under the Plan).
- No minimum.
- _____ years (**insert number**) of Total Credited Service.

Other eligibility requirement (**must specify in a manner that satisfies the definite written program requirement of Treasury Regulation 1.401-1(a)(2) and the definitely determinable requirement of Treasury Regulation 1.401-1(b)(1)(i)**): _____.

15. RETIREMENT BENEFIT COMPUTATION

A. Maximum Total Credited Service

The number of years of Total Credited Service which may be used to calculate a benefit is (**check one or all that apply**):

- not limited.
- limited to _____ years for all Participants.
- limited to _____ years for the following classes of Eligible Regular Employees:
 - All Eligible Regular Employees.

- Only the following Eligible Regular Employees: _____.
- limited to _____ years as an elected or appointed member of the Governing Authority.
- limited to _____ years as a Municipal Legal Officer.
- Other (must specify in a manner that satisfies the definite written program requirement of Treasury Regulation 1.401-1(a)(2) and the definitely determinable requirement of Treasury Regulation 1.401-1(b)(1)(i)): _____.

B. Monthly Normal Retirement Benefit Amount

(1) Regular Employee Formula

The monthly normal retirement benefit for Eligible Regular Employees shall be 1/12 of (check and complete one or more as applicable):

- (a) **Flat Percentage Formula.** _____% (insert percentage) of Final Average Earnings multiplied by years of Total Credited Service as an Eligible Regular Employee.

This formula applies to:

- All Participants who are Regular Employees.
- Only the following Participants (must specify - specific positions are permissible; specific individuals may not be named): _____.

- (b) **Alternative Flat Percentage Formula.** _____% (insert percentage) of Final Average Earnings multiplied by years of Total Credited Service as an Eligible Regular Employee. This formula applies to the following Participants (must specify - specific positions are permissible; specific individuals may not be named): _____.

- (c) **Split Final Average Earnings Formula.** 1.5% (insert percentage) of Final Average Earnings up to the amount of **Covered Compensation** (see subsection (2) below for definition of Covered Compensation), plus 2.0% (insert percentage) of Final Average Earnings in excess of said Covered Compensation, multiplied by years of Total Credited Service as an Eligible Regular Employee.

This formula applies to:

- All Participants who are Regular Employees.
- Only the following Participants (must specify - specific positions are permissible; specific individuals may not be named): _____.

- (d) **Alternative Split Final Average Earnings Formula.** _____ % (insert percentage) of Final Average Earnings up to the amount of **Covered**

Compensation (see subsection (2) below for definition of Covered Compensation), plus _____% (insert percentage) of Final Average Earnings in excess of said Covered Compensation, multiplied by years of Total Credited Service as an Eligible Regular Employee.

This formula applies to:

- All Participants.
- Only the following Participants (**must specify - specific positions are permissible; specific individuals may not be named**): _____.

[Repeat above subsections as necessary for each applicable benefit formula and Participant class covered under the Plan.]

(2) Covered Compensation (complete only if Split Formula(s) is checked above):

Covered Compensation is defined as (check one or more as applicable):

- (a) **A.I.M.E. Covered Compensation** as defined in Section 2.18 of the Basic Plan Document. This definition of Covered Compensation shall apply to (**check one**):
 - All Participants who are Regular Employees.
 - Only the following Participants (**must specify - specific positions are permissible; specific individuals may not be named**): _____.
- (b) **Dynamic Break Point** Covered Compensation as defined in Section 2.19 of the Basic Plan Document. This definition of Covered Compensation shall apply to (**check one**):
 - All Participants who are Regular Employees.
 - Only the following Participants (**must specify - specific positions are permissible; specific individuals may not be named**): _____.
- (c) **Table Break Point** Covered Compensation as defined in Section 2.20 of the Basic Plan Document. This definition of Covered Compensation shall apply to (**check one**):
 - All Participants who are Regular Employees.
 - Only the following class(es) of Participants (**must specify - specific positions are permissible; specific individuals may not be named**): _____.
- (d) **Covered Compensation** shall mean a Participant's annual Earnings that do not exceed \$_____ (**specify amount**). This definition shall apply to (**check one**):
 - All Participants who are Regular Employees.
 - Only the following Participants (**must specify - specific positions are permissible; specific individuals may not be named**): _____.

(3) Final Average Earnings

Unless otherwise specified in an Addendum to the Adoption Agreement, Final Average Earnings is defined as the monthly average of Earnings paid to a Participant by the Adopting Employer for the **60 (insert number not to exceed 60)** consecutive months of Credited Service preceding the Participant's most recent Termination in which the Participant's Earnings were the highest, multiplied by 12. Note: GMEBS has prescribed forms for calculation of Final Average Earnings that must be used for this purpose.

This definition of Final Average Earnings applies to:

- All Participants who are Regular Employees.
- Only the following Participants (**must specify - specific positions are permissible; specific individuals may not be named**): _____.

[Repeat above subsection as necessary for each applicable definition and Participant class covered under the Plan.]

(4) Formula for Elected or Appointed Members of the Governing Authority

The monthly normal retirement benefit for members of this class shall be as follows (**check one**):

- Not applicable (elected or appointed members of the Governing Authority or Municipal Legal Officers are not permitted to participate in the Plan).
- \$25.00 (insert dollar amount)** per month for each year of Total Credited Service as an elected or appointed member of the Governing Authority or Municipal Legal Officer (service of at least 6 months and 1 day is treated as a year of Total Credited Service; provided, however, than an elected or appointed member of the Governing Authority or Municipal Legal Officer may accrue a maximum of one year of Total Credited Service for every 12-month period of Service as an elected or appointed member of the Governing Authority or Municipal Legal Officer).

This formula applies to:

- All elected or appointed members of the Governing Authority or Municipal Legal Officers eligible to participate.
- Only the following elected or appointed members of the Governing Authority or Municipal Legal Officers eligible to participate (**must specify - specific positions are permissible; specific individuals may not be named**): _____.

[Repeat above subsection as necessary for each applicable formula for classes of elected or appointed members covered under the Plan.]

C. Monthly Early Retirement Benefit Amount

Check and complete one or more as applicable:

- (1) **Standard Early Retirement Reduction Table.** The monthly Early Retirement benefit shall be computed in the same manner as the monthly

Normal Retirement benefit, but the benefit shall be reduced on an Actuarially Equivalent basis in accordance with Section 12.01 of the Basic Plan Document to account for early commencement of benefits. This provision shall apply to:

- All Participants.
 - Only the following Participants (**must specify - specific positions are permissible; specific individuals may not be named**):_____.
- (2) **Alternative Early Retirement Reduction Table.** The monthly Early Retirement benefit shall be computed in the same manner as the monthly Normal Retirement benefit, but the benefit shall be reduced to account for early commencement of benefits based on the following table. This table shall apply to:
- All Participants.
 - Only the following Participants (**must specify - specific positions are permissible; specific individuals may not be named**):_____.

Alternative Early Retirement Reduction Table

<u>Number of Years Before</u> <u>[Age (Insert Normal</u> <u>Retirement Age)]</u> (check as applicable)	<u>Percentage of</u> <u>Normal Retirement Benefit*</u> (complete as applicable)
<input type="checkbox"/> 0	1.000
<input type="checkbox"/> 1	0.____
<input type="checkbox"/> 2	0.____
<input type="checkbox"/> 3	0.____
<input type="checkbox"/> 4	0.____
<input type="checkbox"/> 5	0.____
<input type="checkbox"/> 6	0.____
<input type="checkbox"/> 7	0.____
<input type="checkbox"/> 8	0.____
<input type="checkbox"/> 9	0.____
<input type="checkbox"/> 10	0.____
<input type="checkbox"/> 11	0.____
<input type="checkbox"/> 12	0.____
<input type="checkbox"/> 13	0.____
<input type="checkbox"/> 14	0.____
<input type="checkbox"/> 15	0.____

*Interpolate for whole months

D. Monthly Late Retirement Benefit Amount (check one):

- (1) The monthly Late Retirement benefit shall be computed in the same manner as the Normal Retirement Benefit, based upon the Participant's

Accrued Benefit as of the Participant's Late Retirement Date.

- (2) The monthly Late Retirement benefit shall be the greater of: (1) the monthly retirement benefit accrued as of the Participant's Normal Retirement Date, actuarially increased in accordance with the actuarial table contained in Section 12.05 of the Basic Plan Document; or (2) the monthly retirement benefit accrued as of the Participant's Late Retirement Date, without further actuarial adjustment under Section 12.06 of the Basic Plan Document.

E. Monthly Disability Benefit Amount

The amount of the monthly Disability Benefit shall be computed in the same manner as the Normal Retirement benefit, based upon the Participant's Accrued Benefit as of the Participant's Disability Retirement Date.

Minimum Disability Benefit. The Adopting Employer may set a minimum Disability Benefit. The Employer elects the following minimum Disability benefit (**check one**):

- Not applicable (the Adopting Employer does not offer disability retirement benefits under the Plan).
- No minimum is established.
- No less than (**check one**): 20% 10% ____% (**if other than 20% or 10% insert percentage amount**) of the Participant's average monthly Earnings for the 12 calendar month period (excluding any period of unpaid leave of absence) immediately preceding the Participant's Termination of Employment as a result of a Disability. (Unless otherwise specified in an Addendum to the Adoption Agreement, no minimum will apply to elected or appointed members of the Governing Authority or Municipal Legal Officers.)
- No less than (**check one**): 66 2/3 % ____% (**if other than 66 2/3%, insert percentage amount**) of the Participant's average monthly Earnings for the 12 calendar month period (excluding any period of unpaid leave of absence) immediately preceding the Participant's Termination of Employment as a result of a Disability, less any monthly benefits paid from federal Social Security benefits as a result of disability as reported by the Employer. (Unless otherwise specified in an Addendum to the Adoption Agreement, no minimum will apply to elected or appointed members of the Governing Authority or Municipal Legal Officers.)

F. Minimum/Maximum Benefit For Elected Officials

In addition to any other limitations imposed by federal or state law, the Employer may impose a cap on the monthly benefit amount that may be received by elected or appointed members of the Governing Authority. The Employer elects (**check one**):

- Not applicable (elected or appointed members of the Governing Authority do not participate in the Plan).

- No minimum or maximum applies.
- Monthly benefit for Service as an elected or appointed member of the Governing Authority may not exceed 100% of the Participant's final salary as an elected or appointed member of the Governing Authority.
- Other minimum or maximum (**must specify in a manner that satisfies the definite written program requirement of Treasury Regulation 1.401-1(a)(2) and the definitely determinable requirement of Treasury Regulation 1.401-1(b)(1)(i)**): _____.

G. Multiple Plans

In the event that the Employer maintains multiple plans, the following provisions will apply to the extent necessary to satisfy Code § 415.

16. SUSPENSION OF BENEFITS FOLLOWING BONA FIDE SEPARATION OF SERVICE; COLA

A. Re-Employment as Eligible Employee After Normal, Alternative Normal, or Early Retirement and Following Bona Fide Separation of Service (see Basic Plan Document Section 6.06(c) Regarding Re-Employment as an Ineligible Employee and Basic Plan Document Section 6.06(e) and (f) Regarding Re-Employment After Disability Retirement)

(1) Reemployment After Normal or Alternative Normal Retirement. In the event that a Retired Participant 1) is reemployed with the Employer as an Eligible Employee (as defined in the Plan) after the Participant's Normal or Alternative Normal Retirement Date and after a Bona Fide Separation from Service, or 2) is reemployed with the Employer in an Ineligible Employee class, and subsequently again becomes an Eligible Employee (as defined in the Plan) due to the addition of such class to the Plan after the Participant's Normal or Alternative Normal Retirement Date, the following rule shall apply (**check one**):

- (a) The Participant's benefit shall be suspended in accordance with Section 6.06(a)(1) of the Basic Plan Document for as long as the Participant remains employed.
- (b) The Participant may continue to receive retirement benefits in accordance with Section 6.06(b) of the Basic Plan Document. This rule shall apply to (**check one**): all Retired Participants only the following classes of Retired Participants (**must specify (specific positions are permissible; specific individuals may not be named) - benefits of those Retired Participants not listed shall be suspended in accordance with Section 6.06(a) of the Basic Plan Document if they return to work with the Employer**): _____.

(2) Reemployment After Early Retirement. In the event a Participant Retires with an Early Retirement benefit after a Bona Fide Separation from Service 1) is reemployed with the Employer as an Eligible Employee before the Participant's Normal Retirement Date; or 2) is reemployed with the Employer in an Ineligible Employee class, and subsequently again becomes an Eligible Employee (as defined in the Plan) before the Participant's Normal Retirement Date due to the addition of such class to the Plan, the following rule shall apply **(check one or more as applicable)**:

- (a) The Participant's Early Retirement benefit shall be suspended in accordance with Section 6.06(a)(1) of the Basic Plan Document for as long as the Participant remains employed.

This rule shall apply to **(check one)**: all Retired Participants; only the following classes of Retired Participants **(must specify - specific positions are permissible; specific individuals may not be named)**:

_____.

- (b) The Participant's Early Retirement benefit shall be suspended in accordance with Section 6.06(a)(1) of the Basic Plan Document. However, the Participant may begin receiving benefits after satisfying the qualifications for Normal Retirement or Alternative Normal Retirement, as applicable, and after satisfying the minimum age parameters of Section 6.06(a)(3) of the Basic Plan Document, in accordance with Section 6.06(b)(2)(B)(i) of the Basic Plan Document.

This rule shall apply to **(check one)**: all Retired Participants; only the following classes of Retired Participants **(must specify - specific positions are permissible; specific individuals may not be named)**:

_____.

- (c) The Participant's Early Retirement benefit shall continue in accordance with Section 6.06(b)(2)(B)(ii) of the Basic Plan Document.

This rule shall apply to **(check one)**: all Retired Participants; only the following classes of Retired Participants **(must specify - specific positions are permissible; specific individuals may not be named)**:

_____.

B. Cost Of Living Adjustment

The Employer may elect to provide for an annual cost-of-living adjustment (COLA) in the amount of benefits being received by Retired Participants and Beneficiaries, which shall be calculated and paid in accordance with the terms of the Basic Plan Document. The Employer hereby elects the following **(check one)**:

- (1) No cost-of-living adjustment.
- (2) Variable Annual cost-of-living adjustment not to exceed **3.0%** **(insert percentage)**.

- (3) Fixed annual cost-of-living adjustment equal to _____% (insert percentage).

The above cost-of-living adjustment shall apply with respect to the following Participants (and their Beneficiaries) (check one):

- All Participants (and their Beneficiaries).
- Participants (and their Beneficiaries) who terminate employment on or after **June 1, 1999** (insert date).
- Other (must specify in a manner that satisfies the definite written program requirement of Treasury Regulation 1.401-1(a)(2) and the definitely determinable requirement of Treasury Regulation 1.401-1(b)(1)(i)); specific positions are permissible; specific individuals may not be named): _____.

The Adjustment Date for the above cost-of-living adjustment shall be (if not specified, the Adjustment Date shall be January 1): _____.

**17. TERMINATION OF EMPLOYMENT BEFORE RETIREMENT;
VESTING**

A. Eligible Regular Employees

Subject to the terms and conditions of the Basic Plan Document, a Participant who is an Eligible Regular Employee and whose employment is terminated for any reason other than death or retirement shall earn a vested right in the Participant's accrued retirement benefit in accordance with the following schedule (check one):

- No vesting schedule (immediate vesting).
- Cliff Vesting Schedule.** Benefits shall be 100% vested after the Participant has a minimum of 5 years (insert number not to exceed 10) of Total Credited Service. Benefits remain 0% vested until the Participant satisfies this minimum.
- Graduated Vesting Schedule.** Benefits shall become vested in accordance with the following schedule (insert percentages):

<u>COMPLETED YEARS OF TOTAL CREDITED SERVICE</u>	<u>VESTED PERCENTAGE</u>
1	%
2	%
3	%
4	%
5	%
6	%
7	%
8	%
9	%
10	%

Exceptions: If a vesting schedule other than that specified above applies to a special class(es) of Regular Employees, the Employer must specify the different vesting schedule below and the class(es) to whom the different vesting schedule applies.

Regular Employees to whom exception applies (must specify - specific positions are permissible; specific individuals may not be named): _____.

Vesting Schedule for excepted class (Must specify in a manner that satisfies the definite written program requirement of Treasury Regulation 1.401-1(a)(2) and the definitely determinable requirement of Treasury Regulation 1.401-1(b)(1)(i). Must be at least as favorable as one of the following schedules: (i) 15-year cliff vesting, (ii) 20-year graded vesting, or (iii) for qualified public safety employees, 20-year cliff vesting.): _____.

B. Elected or Appointed Members of the Governing Authority

Subject to the terms and conditions of the Basic Plan Document, a Participant who is an elected or appointed member of the Governing Authority or a Municipal Legal Officer shall earn a vested right in the Participant's accrued retirement benefit for Credited Service in such capacity in accordance with the following schedule (check one):

- Not applicable (elected or appointed members of the Governing Authority are not permitted to participate in the Plan).
- No vesting schedule (immediate vesting).
- Other vesting schedule (Must specify in a manner that satisfies the definite written program requirement of Treasury Regulation 1.401-1(a)(2) and the definitely determinable requirement of Treasury Regulation 1.401-1(b)(1)(i). Must be at least as favorable as one of the following schedules: (i) 15-year cliff vesting, (ii) 20-year graded vesting, or (iii) for qualified public safety employees, 20-year cliff vesting.): Benefits shall be 100% Vested after the Participant has a minimum of 4 years of Total Credited Service. Benefits remain 0% Vested until the Participant satisfies this minimum. If the Participant holds office as an elected or appointed member of the Governing Authority or is employed as an Eligible Regular Employee on July 1, 2003, then Service with the City prior to July 1, 2003, will be taken into account in determining whether the Participant has satisfied the 4-year Vesting requirement. Otherwise, service prior to July 1, 2003, will not be taken into account.

18. PRE-RETIREMENT DEATH BENEFITS

A. In-Service Death Benefit

Subject to the terms and conditions of the Basic Plan Document, the Employer hereby elects the following in-service death benefit, to be payable in the event that an eligible Participant's employment with the Employer is terminated by reason of the Participant's death prior to Retirement (check and complete one):

(1) **Auto A Death Benefit.** A monthly benefit payable to the Participant's Pre-Retirement Beneficiary, equal to the decreased monthly retirement benefit that would have otherwise been payable to the Participant, had the Participant elected a 100% joint and survivor benefit under Section 7.03 of the Basic Plan Document. In order to be eligible for this benefit, a Participant must meet the following requirements (**check one**):

- The Participant must be vested in a normal retirement benefit.
- The Participant must have _____ years (**insert number**) of Total Credited Service.
- The Participant must be eligible for Early or Normal Retirement.
- Other eligibility requirement (**must specify in a manner that satisfies the definite written program requirement of Treasury Regulation 1.401-1(a)(2) and the definitely determinable requirement of Treasury Regulation 1.401-1(b)(1)(i)**): _____.

(2) **Actuarial Reserve Death Benefit.** A monthly benefit payable to the Participant's Pre-Retirement Beneficiary, actuarially equivalent to the reserve required for the Participant's anticipated Normal Retirement benefit, provided the Participant meets the following eligibility conditions (**check one**):

- The Participant shall be eligible upon satisfying the eligibility requirements of Section 8.02(c) of the Basic Plan Document.
- The Participant must have _____ years (**insert number**) of Total Credited Service.
- Other eligibility requirement (**must specify in a manner that satisfies the definite written program requirement of Treasury Regulation 1.401-1(a)(2) and the definitely determinable requirement of Treasury Regulation 1.401-1(b)(1)(i)**): _____.

Imputed Service. For purposes of computing the actuarial reserve death benefit, the Participant's Total Credited Service shall include (**check one**):

- Total Credited Service accrued prior to the date of the Participant's death.
- Total Credited Service accrued prior to the date of the Participant's death, plus (**check one**): one-half (½) _____ (**insert other fraction**) of the Service between such date of death and what would otherwise have been the Participant's Normal Retirement Date. (**See Basic Plan Document Section 8.02(b) regarding 10-year cap on additional Credited Service.**)

Minimum In-Service Death Benefit for Vested Employees Equal to Terminated Vested Death Benefit. Unless otherwise specified under "Exceptions" below, if a Participant's employment is terminated by reason of the Participant's death prior to Retirement, and if as of the date of death

the Participant is vested but does not qualify for the in-service death benefit, then the Auto A Death Benefit will be payable, provided the Auto A Death Benefit is made available to terminated vested employees under the Adoption Agreement (see "Terminated Vested Death Benefit" below).

(3) **Exceptions:** If an in-service death benefit other than that specified above applies to one or more classes of Participants, the Employer must specify below the death benefit payable, the class(es) to whom the different death benefit applies, and the eligibility conditions for said death benefit.

Alternative Death Benefit (must specify formula that satisfies the definite written program and definitely determinable requirements of Treasury Regulations Sections 1.401-1(a)(2) and 1.401-1(b)(1)(i) and does not violate limits applicable to governmental plans under Code Sections 401(a)(17) and 415): _____.

Participants to whom alternative death benefit applies (must specify - specific positions are permissible; specific individuals may not be named): _____.

Eligibility conditions for alternative death benefit (must specify in a manner that satisfies the definite written program requirement of Treasury Regulation 1.401-1(a)(2) and the definitely determinable requirement of Treasury Regulation 1.401-1(b)(1)(i)): _____.

B. Terminated Vested Death Benefit

(1) **Complete this Section only if the Employer offers a terminated vested death benefit.** The Employer may elect to provide a terminated vested death benefit, to be payable in the event that a Participant who is vested dies after termination of employment but before Retirement benefits commence. Subject to the terms and conditions of the Basic Plan Document, the Employer hereby elects the following terminated vested death benefit (**check one**):

- Auto A Death Benefit.** A monthly benefit payable to the Participant's Pre-Retirement Beneficiary, equal to the decreased monthly retirement benefit that would have otherwise been payable to the Participant had the Participant elected a 100% joint and survivor benefit under Section 7.03 of the Basic Plan Document.
- Accrued Retirement Benefit.** A monthly benefit payable to the Participant's Pre-Retirement Beneficiary which shall be actuarially equivalent to the Participant's Accrued Normal Retirement Benefit determined as of the date of death.

(2) **Exceptions:** If a terminated vested death benefit other than that specified above applies to one or more classes of Participants, the Employer must specify below the death benefit payable, the class(es) to whom the different death benefit applies, and the eligibility conditions for said death benefit.

Alternative Death Benefit (must specify formula that satisfies the definite written program and definitely determinable requirements of Treasury Regulations Sections 1.401-1(a)(2)

and 1.401-1(b)(1)(i) and does not violate limits applicable to governmental plans under Code Sections 401(a)(17) and 415): _____.

Participants to whom alternative death benefit applies (must specify - specific positions are permissible; specific individuals may not be named): _____.

Eligibility conditions for alternative death benefit (must specify in a manner that satisfies the definite written program requirement of Treasury Regulation 1.401-1(a)(2) and the definitely determinable requirement of Treasury Regulation 1.401-1(b)(1)(i)): _____.

19. EMPLOYEE CONTRIBUTIONS

(1) Employee contributions (check one):

- Are not required.
- Are required in the amount of _____ % (insert percentage) of Earnings for all Participants.
- Are required in the amount of _____ % (insert percentage) of Earnings for Participants in the following classes (must specify - specific positions are permissible; specific individuals may not be named): _____.

[Repeat above subsection as necessary if more than one contribution rate applies.]

(2) Pre-Tax Treatment of Employee Contributions. If Employee Contributions are required in Subsection (1) above, an Adopting Employer may elect to "pick up" Employee Contributions to the Plan in accordance with IRC Section 414(h). In such case, Employee Contributions shall be made on a pre-tax rather than a post-tax basis, provided the requirements of IRC Section 414(h) are met. If the Employer elects to pick up Employee Contributions, it is the Employer's responsibility to ensure that Employee Contributions are paid and reported in accordance with IRC Section 414(h). The Adopting Employer must not report picked up contributions as wages subject to federal income tax withholding.

The Employer hereby elects (check one):

- To pick up Employee Contributions. By electing to pick up Employee Contributions, the Adopting Employer specifies that the contributions, although designated as Employee Contributions, are being paid by the Employer in lieu of Employee Contributions. The Adopting Employer confirms that the executor of this Adoption Agreement is duly authorized to take this action as required to pick up contributions. This pick-up of contributions applies prospectively, and it is evidenced by this contemporaneous written document. On and after the date of the pick-up of contributions, a Participant does not have a cash or deferred election right (within the meaning of Treasury Regulation Section 1.401(k)-1(a)(3)) with respect to the designated Employee Contributions, which includes not having the option of receiving the amounts directly instead of having them paid to the Plan.

- Not to pick up Employee Contributions.

(3) Interest on Employee Contributions. The Adopting Employer may elect to pay interest on any refund of Employee Contributions.

- Interest shall not be paid.
 - Interest shall be paid on a refund of Employee Contributions at a rate established by GMEBS from time to time.
 - Other rate of interest **(must specify rate in a manner that satisfies the definite written program requirement of Treasury Regulation 1.401-1(a)(2) and the definitely determinable requirement of Treasury Regulation 1.401-1(b)(1)(i)):**
-

20. MODIFICATION OF THE TERMS OF THE ADOPTION AGREEMENT

If an Adopting Employer desires to amend any of its elections contained in this Adoption Agreement (or any Addendum), the Governing Authority by official action must adopt an amendment of the Adoption Agreement (or any Addendum) or a new Adoption Agreement (or Addendum) must be adopted and forwarded to the Board for approval. The amendment of the new Adoption Agreement (or Addendum) is not effective until approved by the Board and other procedures required by the Plan have been implemented.

The Administrator will timely inform the Adopting Employer of any amendments made by the Board to the Plan.

21. TERMINATION OF THE ADOPTION AGREEMENT

This Adoption Agreement (and any Addendum) may be terminated only in accordance with the Plan. The Administrator will inform the Adopting Employer in the event the Board should decide to discontinue this pre-approved plan program.

22. EMPLOYER ADOPTION AND AUTHORIZATION FOR AMENDMENTS

Adoption. The Adopting Employer hereby adopts the terms of the Adoption Agreement and any Addendum, which is attached hereto and made a part of this ordinance. The Adoption Agreement (and, if applicable, the Addendum) sets forth the Employees to be covered by the Plan, the benefits to be provided by the Adopting Employer under the Plan, and any conditions imposed by the Adopting Employer with respect to, but not inconsistent with, the Plan. The Adopting Employer reserves the right to amend its elections under the Adoption Agreement and any Addendum, so long as the amendment is not inconsistent with the Plan or the Internal Revenue Code or other applicable law and is approved by the Board of Trustees of GMEBS. The Adopting Employer acknowledges that it may not be able to rely on the pre-approved plan opinion letter if it makes certain elections under the Adoption Agreement or the Addendum, and

that the failure to properly complete the Adoption Agreement may result in a failure of the Adopting Employer's Plan to be a qualified plan.

The Adopting Employer hereby agrees to abide by the Basic Plan Document, Trust Agreement, and rules and regulations adopted by the Board of Trustees of GMEBS, as each may be amended from time to time, in all matters pertaining to the operation and administration of the Plan. It is intended that the Act creating the Board of Trustees of GMEBS, this Plan, and the rules and regulations of the Board are to be construed in harmony with each other. In the event of a conflict between the provisions of any of the foregoing, they shall govern in the following order:

- (1) The Act creating the Board of Trustees of The Georgia Municipal Employees' Benefit System, O.C.G.A. Section 47-5-1 *et seq.* (a copy of which is included in the Appendix to the Basic Defined Benefit Plan Document) and any other applicable provisions of O.C.G.A. Title 47;
- (2) The Basic Defined Benefit Plan Document and Trust Agreement;
- (3) This Ordinance and Adoption Agreement (and any Addendum); and
- (4) The rules and regulations of the Board.

In the event that any section, subsection, sentence, clause or phrase of this Plan shall be declared or adjudged invalid or unconstitutional, such adjudication shall in no manner affect the previously existing provisions or the other section or sections, subsections, sentences, clauses or phrases of this Plan, which shall remain in full force and effect, as if the section, subsection, sentence, clause or phrase so declared or adjudicated invalid or unconstitutional were not originally a part hereof. The Governing Authority hereby declares that it would have passed the remaining parts of this Plan or retained the previously existing provisions if it had known that such part or parts hereof would be declared or adjudicated invalid or unconstitutional.

This Adoption Agreement (and any Addendum) may only be used in conjunction with Georgia Municipal Employees Benefit System Basic Defined Benefit Retirement Plan Document approved by the Internal Revenue Service under opinion letter Q705465a dated August 31, 2023. The Adopting Employer understands that failure to properly complete this Adoption Agreement (or any Addendum), or to operate and maintain the Plan and Trust in accordance with the terms of the completed Adoption Agreement (and any Addendum), Basic Plan Document and Trust, may result in disqualification of the Adopting Employer's Plan under the Internal Revenue Code. Inquiries regarding the adoption of the Plan, the meaning of Plan provisions, or the effect of the IRS opinion letter should be directed to the Administrator. The Administrator is Georgia Municipal Employees Benefit System, with its primary business offices located at: 201 Pryor Street, SW, Atlanta, Georgia, 30303. The business telephone number is: (404) 688-0472. The primary person to contact is: GMEBS Legal Counsel.

Authorization for Amendments. Effective on and after February 17, 2005, the Adopting Employer hereby authorizes the pre-approved plan provider who sponsors the Plan on behalf of GMEBS to prepare amendments to the Plan, for approval by the Board, on its behalf as provided under Revenue Procedure 2005-16, as superseded by Revenue Procedure 2015-36, Revenue Procedure 2011-49, and Announcement 2005-37. Effective January 1, 2013, Georgia Municipal Association, Inc., serves as the pre-approved plan provider for the Plan. Employer notice and

signature requirements were met for the Adopting Employer before the effective date of February 17, 2005. The Adopting Employer understands that the implementing amendment reads as follows:

On and after February 17, 2005, the Board delegates to the Provider the authority to advise and prepare amendments to the Plan, for approval by the Board, on behalf of all Adopting Employers, including those Adopting Employers who have adopted the Plan prior to the January 1, 2013, restatement of the Plan, for changes in the Code, the regulations thereunder, revenue rulings, other statements published by Internal Revenue Service, including model, sample, or other required good faith amendments (but only if their adoption will not cause such Plan to be individually designed), and for corrections of prior approved plans. These amendments shall be applied to all Adopting Employers. Employer notice and signature requirements have been met for all Adopting Employers before the effective date of February 17, 2005. In any event, any amendment prepared by the Practitioner and approved by the Board will be provided by the Administrator to Adopting Employers.

Notwithstanding the foregoing paragraph, no amendment to the Plan shall be prepared on behalf of any Adopting Employer as of either:

- the date the Internal Revenue Service requires the Adopting Employer to file Form 5300 as an individually designed plan as a result of an amendment by the Adopting Employer to incorporate a type of Plan not allowable in a pre-approved plan as described in Revenue Procedure 2017-41; or
- as of the date the Plan is otherwise considered an individually designed plan due to the nature and extent of the amendments.

If the Adopting Employer is required to obtain a determination letter for any reason in order to maintain reliance on the opinion letter, the Provider's authority to amend the Plan on behalf of the Adopting Employer is conditioned on the Plan receiving a favorable determination letter.

The Adopting Employer further understands that, if it does not give its authorization hereunder or, in the alternative, adopt another pre-approved plan, its Plan will become an individually designed plan and will not be able to rely on the pre-approved plan opinion letter.

Reliance on Opinion Letter. As provided in Revenue Procedure 2017-41, the Adopting Employer may rely on the Plan's opinion letter, provided that the Adopting Employer's Plan is identical to the GMEBS Plan, and the Adopting Employer has not amended or made any modifications to the Plan other than to choose the options permitted under the Plan, Adoption Agreement, and any Addendum.

AN ORDINANCE (continued from page 1)

Section 2. Except as otherwise specifically required by law or by the terms of the Basic Plan Document or Adoption Agreement (or any Addendum), the rights and obligations under the Plan with respect to persons whose employment with the City was terminated or who vacated office with the City for any reason whatsoever prior to the effective date of this Ordinance are fixed and shall be governed by such Plan, if any, as it existed and was in effect at the time of such termination.

Section 3. The effective date of this Ordinance shall be the date of its approval by the Governing Authority (not earlier than the first day of the current Plan Year in which the Plan is adopted, unless a retroactive corrective amendment is permitted under EPCRS, Rev. Proc. 2021-30 (or subsequent updated guidance)).

Section 4. All Ordinances and parts of ordinances in conflict herewith are expressly repealed.

Approved by the Mayor and Council of the City of Tybee Island, Georgia, this ____ day of _____, 20____.

Attest:

CITY OF TYBEE ISLAND, GEORGIA

City Clerk

Mayor

(SEAL)

Approved:

City Attorney

The terms of the foregoing Adoption Agreement are approved by the Board of Trustees of Georgia Municipal Employees Benefit System.

IN WITNESS WHEREOF, the Board of Trustees of Georgia Municipal Employees Benefit System has caused its Seal and the signatures of its duly authorized officers to be affixed this ____ day of _____, 20____.

Board of Trustees
Georgia Municipal Employees
Benefit System

(SEAL)

Secretary

File Attachments for Item:

8. Tracy O'Connell: Ante Litem: Mariah Hay and Joseph Schmidt, Nuisance/Zunzibar

Belen M. Wilson
14 EAST STATE STREET
SAVANNAH, GA 31401
P.O. BOX 10105
SAVANNAH, GA 31412-0305
PHONE 912.233.2251
FAX 912.235.5464
WEB bwilson@wswgs.com

March 29, 2023

Via Certified Mail, Return Receipt Requested,
Receipt Requested, and U.S. Mail

The Honorable Mayor Brian West
City of Tybee Island, Georgia
403 Butler Avenue
Tybee Island, GA 31328

Via Certified Mail, Return
and U.S. Mail

The Honorable Mayor Brian West
City of Tybee Island, Georgia
P.O. Box 2749
Tybee Island, GA 31328

Via Certified Mail, Return Receipt Requested,
Receipt Requested, and U.S. Mail

Edward Hughes, Esq.
7 E Congress Street
Savannah, GA 31401

Via Certified Mail, Return
and U.S. Mail

City of Tybee Island City Council
Attn: Chairperson
P.O. Box 2749
Tybee Island, GA 31328

**RE: CONTINUING NUISANCE FROM ZUNZIBAR ON TYBEE ISLAND, GEORGIA
NOTICE TO ENFORCE CHAPTER 22, ARTICLE IV, SECTION 22-112 OF THE TYBEE ISLAND
CODE OF ORDINANCES**

Dear Ladies and Gentlemen:

This firm represents Mariah Hay and Joseph Schmidt who reside at 1111 Laurel Avenue, Tybee Island, Georgia 31328 (hereinafter the "Hay Residence"). This letter concerns a continuous noise nuisance created by Zunzibar, an outdoor restaurant located at 1115 US Highway 80, Tybee Island, Georgia 31328 (hereinafter the "Zunzibar Premises") and the City of Tybee Island's (hereinafter the "City") failure to enforce its own ordinances prohibiting such a noise nuisance. Specifically, since the opening of the restaurant in March of 2023, Zunzibar has broadcasted music at levels which exceed the permitted amount set out in Chapter 22, Article IV of the Tybee Island Code of Ordinances (hereinafter the "Code"). Despite the City's knowledge of this code violation, no action has been taken by the City to compel Zunzibar's compliance with the Code. The continuous noise created by Zunzibar and the City's failure to enforce compliance with its own ordinances constitutes a continuing nuisance that interferes with my clients' peaceful enjoyment of their property.

By way of background, Ms. Hay and Mr. Schmidt moved to the Hay Residence in August of 2020 and are full time residents of Tybee Island. Ms. Hay and Mr. Schmidt work exclusively from the Hay Residence in the healthcare and technology industries, respectively. Therefore, almost their entire day and night is spent at the Hay Residence. In March of 2023, Zunzibar, opened an outdoor restaurant located about 200 feet from the Hay Residence. Zunzibar is currently open Monday through Sunday from 11:00AM to 11:00PM (hereinafter the "Hours of Operation"). During the Hours of Operation, Zunzibar continuously broadcasts excessively loud music through commercial grade speakers and subwoofers, which are of the kind traditionally used in nightclubs and music venues. Additionally, in the evenings, Zunzibar broadcasts live music performed by musicians outside the restaurant at volumes much higher than their daytime music. Since Zunzibar is an entirely outdoor/open air restaurant, the sound is easily heard at the Hay Residence. At minimum, the music broadcasted by Zunzibar is heard continuously for

twelve (12) hours a day, some of which is during Tybee Island's designated "Quiet Hours"¹, and leaves virtually no hours during which music is not heard at the Hay Residence.

Section 22-112(b) of the Code applies here as Zunzibar is zoned as C1 commercial property, though it lies only about 200 feet from the Hay Residence, which is zoned as R1 residential property. Pursuant to this section, "[n]o person shall make, continue, or cause to be made or continued, except as permitted, any noise disturbance, or any noise in excess of the limits for such noise established in this section." The noise established in this section is 60 dBA because the receiving land (the Hay Residence) is zoned as residential. Further, the Code specifically states that any exceptions to noise do not apply to "the production of sound by gathering of persons, music or entertainment activities by restaurants . . ." See Section 22 – 111. Since Zunzibar first opened in March of 2023, my clients have sought redress from numerous city officials, spoken at city council hearings, and reported noise complaints to the Tybee Island Code Enforcement. Reports taken by the code enforcement officer establish that Zunzibar's music does in fact exceed the 60 dBA permitted by the Code. A copy of the reports received through the City's open records request are attached to this letter.

Here, the noise created by Zunzibar is both a violation of the Code and a legal nuisance under Georgia law. The noise is excessive and disruptive to ordinary people, like Ms. Hay and Mr. Schmidt, not only because of the volume at which it is played, but also due to its continuous nature. As stated, Zunzibar broadcasts music every day for *at least* twelve (12) hours a day while it is open to the public. Additionally, the music occurs for an hour during Tybee Island's "Quiet Hours". The noise created by Zunzibar is an abatable nuisance which Zunzibar could easily regulate. In fact, other restaurants have operated at the Zunzibar Premises prior to Zunzibar without causing a disturbance to the nearby residents. My clients have notified Zunzibar and the City of the excessive noise Zunzibar creates and the negative impact the noise has on their health and quality of life, but neither Zunzibar nor the City has taken any action to remediate the noise.

My clients' demands are not only a call for more resident-friendly policies; they are a legal imperative. O.C.G.A. § 9-6-20 provides a cause of action for enforcement of official duties. Specifically, that statute states where "legal justice would ensue from a failure to perform or from improper performance, the writ of mandamus may issue to compel a due performance if there is no other specific legal remedy for the legal rights". Zunzibar has violated and will continue to violate the noise ordinances if action is not taken by the City to enforce compliance with the Code. My clients have exhausted all channels available to them to demand enforcement of the Code by the City, but the City's lack of action has left my clients with no choice but to seek legal recourse.

Please let this letter serve as written notice of my clients' demand that the City take immediate action to abate the continuing nuisance by enforcing strict compliance with the Code.

Thank you in advance for your attention to this matter. Please call me or direct me to your attorneys if you have any questions or if you wish to discuss this matter further.

Sincerely,

/s/ Belen M. Wilson
Belen M. Wilson
For the Firm

¹ Tybee Island "Quiet Hours" are from 10:00PM on any night until 7:00AM the following day.

cc: Helen Bacon Hester
Mariah Hay

Decibel Readings

12/13/2023	19:06:31	43.8	dB
12/13/2023	19:06:32	43.6	dB
12/13/2023	19:06:33	43.3	dB
12/13/2023	19:06:34	43.6	dB
12/13/2023	19:06:35	44	dB
12/13/2023	19:06:36	44.4	dB
12/13/2023	19:06:37	44.3	dB
12/13/2023	19:06:38	43.7	dB
12/13/2023	19:06:39	43.9	dB
12/13/2023	19:06:40	43.2	dB
Date	Time	Value	Unit
12/13/2023	19:06:54	51.3	dB
12/13/2023	19:06:55	51.3	dB
12/13/2023	19:06:56	53	dB
12/13/2023	19:06:57	55.6	dB
12/13/2023	19:06:58	57.9	dB
* 12/13/2023	19:06:59	62.5	dB
* 12/13/2023	19:07:00	65	dB
* 12/13/2023	19:07:01	66.3	dB
* 12/13/2023	19:07:02	66.8	dB
12/13/2023	19:07:03	65.2	dB
12/13/2023	19:07:04	59.4	dB
12/13/2023	19:07:05	56.4	dB
12/13/2023	19:07:06	54.6	dB
12/13/2023	19:07:07	52.9	dB
12/13/2023	19:07:08	52.4	dB
12/13/2023	19:07:09	49.2	dB
12/13/2023	19:07:10	49.1	dB
12/13/2023	19:07:11	49.1	dB
12/13/2023	19:07:12	48.5	dB
12/13/2023	19:07:13	47.9	dB
12/13/2023	19:07:14	47.6	dB
12/13/2023	19:07:15	47.7	dB
12/13/2023	19:07:16	47.5	dB
12/13/2023	19:07:17	47.6	dB
12/13/2023	19:07:18	47.6	dB
12/13/2023	19:07:19	47.3	dB
12/13/2023	19:07:20	47.6	dB
12/13/2023	19:07:21	48.6	dB
12/13/2023	19:07:22	51.4	dB
12/13/2023	19:07:23	52.6	dB
12/13/2023	19:07:24	52.4	dB
12/13/2023	19:07:25	53.3	dB
12/13/2023	19:07:26	53.9	dB
12/13/2023	19:07:27	54.9	dB
12/13/2023	19:07:28	55.6	dB
12/13/2023	19:07:29	59	dB

Date	Time	Value	Unit
* 12/13/2023	19:07:30	62	dB
* 12/13/2023	19:07:31	62	dB
* 12/13/2023	19:07:32	59.1	dB
* 12/13/2023	19:07:33	53.2	dB
* 12/13/2023	19:08:45	60.2	dB
12/13/2023	19:08:46	57.9	dB
12/13/2023	19:08:47	56.6	dB
12/13/2023	19:08:48	59.7	dB
* 12/13/2023	19:08:49	62.5	dB
* 12/13/2023	19:08:50	62.5	dB
12/13/2023	19:08:51	54.9	dB
12/13/2023	19:08:52	55.1	dB
12/13/2023	19:08:53	57.3	dB
12/13/2023	19:08:54	57.7	dB
12/13/2023	19:08:55	57.3	dB
12/13/2023	19:08:56	58.1	dB
* 12/13/2023	19:08:57	60	dB
* 12/13/2023	19:08:58	61.5	dB
* 12/13/2023	19:08:59	63.7	dB
* 12/13/2023	19:09:00	64.4	dB
* 12/13/2023	19:09:01	63.4	dB
* 12/13/2023	19:09:02	60.7	dB
* 12/13/2023	19:09:03	59.6	dB
* 12/13/2023	19:09:04	60.5	dB
12/13/2023	19:09:05	58.4	dB
12/13/2023	19:09:06	57.1	dB
12/13/2023	19:09:07	54.8	dB
12/13/2023	19:09:08	53.8	dB
12/13/2023	19:09:09	54.7	dB
12/13/2023	19:09:10	54.9	dB
12/13/2023	19:09:11	54.3	dB
12/13/2023	19:09:12	54	dB
12/13/2023	19:09:13	53.2	dB
12/13/2023	19:09:14	52.8	dB
12/13/2023	19:09:15	53.4	dB
12/13/2023	19:09:16	53.7	dB
12/13/2023	19:09:17	53.8	dB
12/13/2023	19:09:18	53.9	dB
12/13/2023	19:09:19	53.6	dB
12/13/2023	19:09:20	53.9	dB
12/13/2023	19:09:21	53	dB
12/13/2023	19:09:22	51.9	dB
12/13/2023	19:09:23	52.1	dB
12/13/2023	19:09:24	51.9	dB
12/13/2023	19:09:25	52.8	dB
12/13/2023	19:09:26	53.7	dB

12/13/2023	19:09:27	53.5 dB
12/13/2023	19:09:28	52.3 dB
12/13/2023	19:09:29	51.9 dB
12/13/2023	19:09:30	52.7 dB
12/13/2023	19:09:31	53.6 dB
12/13/2023	19:09:32	54.1 dB
12/13/2023	19:09:33	54.2 dB
12/13/2023	19:09:34	53.3 dB
12/13/2023	19:09:35	53.1 dB
12/13/2023	19:09:36	53.2 dB
12/13/2023	19:09:37	53.5 dB
12/13/2023	19:09:38	53.8 dB
12/13/2023	19:09:39	53.6 dB
12/13/2023	19:09:40	53.6 dB
12/13/2023	19:09:41	54 dB
12/13/2023	19:09:42	55.5 dB
12/13/2023	19:09:43	58.5 dB
12/13/2023	19:09:44	59.7 dB
* 12/13/2023	19:09:45	60.8 dB
* 12/13/2023	19:09:46	60.8 dB
12/13/2023	19:09:47	59.5 dB
12/13/2023	19:09:48	57.4 dB
12/13/2023	19:09:49	55.2 dB
12/13/2023	19:09:50	53.6 dB
12/13/2023	19:09:51	54.7 dB
12/13/2023	19:09:52	57 dB
12/13/2023	19:09:53	57.4 dB
12/13/2023	19:09:54	57.7 dB
12/13/2023	19:09:55	52 dB
12/13/2023	19:09:56	51.9 dB
12/13/2023	19:09:57	52.4 dB
12/13/2023	19:09:58	52 dB
12/13/2023	19:09:59	55.1 dB
12/13/2023	19:10:00	56.7 dB
12/13/2023	19:10:01	58 dB
12/13/2023	19:10:02	58.9 dB
12/13/2023	19:10:03	58.4 dB
12/13/2023	19:10:04	52.9 dB
12/13/2023	19:10:05	52.3 dB
12/13/2023	19:10:06	50.5 dB
12/13/2023	19:10:07	50 dB
12/13/2023	19:10:08	50.8 dB
12/13/2023	19:10:09	51.4 dB
12/13/2023	19:10:10	52.3 dB
12/13/2023	19:10:11	53.8 dB
12/13/2023	19:10:12	54.4 dB
12/13/2023	19:10:13	56.2 dB

12/13/2023	19:10:14	56.3 dB
12/13/2023	19:10:15	55.9 dB
12/13/2023	19:10:16	56.6 dB
12/13/2023	19:10:17	57.5 dB
12/13/2023	19:10:18	58 dB
12/13/2023	19:10:19	58.4 dB
12/13/2023	19:10:20	56.6 dB
12/13/2023	19:10:21	55.1 dB
12/13/2023	19:10:22	52.1 dB
12/13/2023	19:10:23	51.7 dB
12/13/2023	19:10:24	49.2 dB
12/13/2023	19:10:25	48.5 dB
12/13/2023	19:10:26	48.1 dB
12/13/2023	19:10:27	47.1 dB
12/13/2023	19:10:28	47 dB
12/13/2023	19:10:29	46.8 dB
12/13/2023	19:10:30	45.7 dB
12/13/2023	19:10:31	45.5 dB
12/13/2023	19:10:32	45.5 dB
12/13/2023	19:10:33	45.5 dB
12/13/2023	19:10:34	45.8 dB
12/13/2023	19:10:35	45.9 dB
12/13/2023	19:10:36	45.9 dB
12/13/2023	19:10:37	46.4 dB
12/13/2023	19:10:38	46.7 dB
12/13/2023	19:10:39	47 dB
12/13/2023	19:10:40	47.3 dB
12/13/2023	19:10:41	50.1 dB
12/13/2023	19:10:42	52.1 dB
12/13/2023	19:10:43	53.4 dB
12/13/2023	19:10:44	55.7 dB
12/13/2023	19:10:45	57.5 dB
12/13/2023	19:10:46	57.3 dB
12/13/2023	19:10:47	56 dB
12/13/2023	19:10:48	54.9 dB
12/13/2023	19:10:49	55.8 dB
12/13/2023	19:10:50	57.3 dB
12/13/2023	19:10:51	57.8 dB
12/13/2023	19:10:52	58.2 dB
12/13/2023	19:10:53	59 dB
12/13/2023	19:10:54	59.8 dB
* 12/13/2023	19:10:55	62.3 dB
* 12/13/2023	19:10:56	64.1 dB
* 12/13/2023	19:10:57	64.1 dB
* 12/13/2023	19:10:58	63.1 dB
12/13/2023	19:10:59	59.7 dB
12/13/2023	19:11:00	57.9 dB

	12/15/2023	19:26:12	43.7 dB
	12/15/2023	19:26:13	45 dB
	12/15/2023	19:26:14	45.4 dB
	12/15/2023	19:26:15	43.7 dB
	12/15/2023	19:26:16	43.6 dB
	12/15/2023	19:26:17	44.5 dB
	12/15/2023	19:26:18	44.7 dB
	12/15/2023	19:26:19	44.7 dB
	12/15/2023	19:26:20	45.6 dB
	12/15/2023	19:26:21	46.2 dB
	12/15/2023	19:26:22	47 dB
	12/15/2023	19:26:23	47.8 dB
	12/15/2023	19:26:24	48.5 dB
	12/15/2023	19:26:25	50 dB
	12/15/2023	19:26:26	50.9 dB
	12/15/2023	19:26:27	51.7 dB
	12/15/2023	19:26:28	52.5 dB
	12/15/2023	19:26:29	54.6 dB
	12/15/2023	19:26:30	56.9 dB
✖	12/15/2023	19:26:31	61.5 dB
✖	12/15/2023	19:26:32	62.8 dB
✖	12/15/2023	19:26:33	60.9 dB
	12/15/2023	19:26:34	56.3 dB
	12/15/2023	19:26:35	52.6 dB
	12/15/2023	19:26:36	49.5 dB
	12/15/2023	19:26:37	46.7 dB
	12/15/2023	19:26:38	45.5 dB
	12/15/2023	19:26:39	45.6 dB
	12/15/2023	19:26:40	45.8 dB
	12/15/2023	19:26:41	45.8 dB
	12/15/2023	19:26:42	46 dB
	12/15/2023	19:26:43	45.8 dB
	12/15/2023	19:26:44	45.7 dB
	12/15/2023	19:26:45	45.5 dB
	12/15/2023	19:26:46	45.4 dB
	12/15/2023	19:26:47	45.3 dB
	12/15/2023	19:26:48	44.8 dB
	12/15/2023	19:26:49	43.3 dB
	12/15/2023	19:26:50	43.1 dB
	12/15/2023	19:26:51	42.9 dB
	12/15/2023	19:26:52	43.2 dB
	12/15/2023	19:26:53	44.2 dB
	12/15/2023	19:26:54	44.1 dB
	12/15/2023	19:26:55	43.8 dB
	12/15/2023	19:26:56	44.1 dB
	12/15/2023	19:26:57	43.8 dB
	12/15/2023	19:26:58	43.7 dB

12/15/2023	19:29:20	43 dB
12/15/2023	19:29:21	43.4 dB
12/15/2023	19:29:22	43.5 dB
12/15/2023	19:29:23	43.4 dB
12/15/2023	19:29:24	43.5 dB
12/15/2023	19:29:25	43.6 dB
12/15/2023	19:29:26	44.1 dB
12/15/2023	19:29:27	44.8 dB
12/15/2023	19:29:28	44.8 dB
12/15/2023	19:29:29	44.3 dB
12/15/2023	19:29:30	44.2 dB
12/15/2023	19:29:31	43.9 dB
12/15/2023	19:29:32	43.9 dB
12/15/2023	19:29:33	44.4 dB
12/15/2023	19:29:34	43.9 dB
12/15/2023	19:29:35	43.4 dB
12/15/2023	19:29:36	43.3 dB
12/15/2023	19:29:37	43.3 dB
12/15/2023	19:29:38	43.2 dB
12/15/2023	19:29:39	43.5 dB
12/15/2023	19:29:40	43.5 dB
12/15/2023	19:29:41	43.4 dB
12/15/2023	19:29:42	43.5 dB
12/15/2023	19:29:43	44.4 dB
12/15/2023	19:29:44	45.3 dB
12/15/2023	19:29:45	45.8 dB
12/15/2023	19:29:46	46.5 dB
12/15/2023	19:29:47	48.4 dB
12/15/2023	19:29:48	48.8 dB
12/15/2023	19:29:49	49.4 dB
12/15/2023	19:29:50	50.2 dB
12/15/2023	19:29:51	52.1 dB
12/15/2023	19:29:52	55.1 dB
12/15/2023	19:29:53	58.7 dB
* 12/15/2023	19:29:54	63.2 dB
* 12/15/2023	19:29:55	65.4 dB
* 12/15/2023	19:29:56	65.4 dB
12/15/2023	19:29:57	55.7 dB
12/15/2023	19:29:58	52.3 dB
12/15/2023	19:29:59	49.3 dB
12/15/2023	19:30:00	46 dB
12/15/2023	19:30:01	44.7 dB
12/15/2023	19:30:02	43.6 dB
12/15/2023	19:30:03	43.6 dB
12/15/2023	19:30:04	43.8 dB
12/15/2023	19:30:05	44.6 dB
12/15/2023	19:30:06	45.6 dB

12/15/2023	19:34:02	41.8 dB
12/15/2023	19:34:03	41.7 dB
12/15/2023	19:34:04	41.7 dB
12/15/2023	19:34:05	41.6 dB
12/15/2023	19:34:06	42.1 dB
12/15/2023	19:34:07	42.1 dB
12/15/2023	19:34:08	42.9 dB
12/15/2023	19:34:09	43.4 dB
12/15/2023	19:34:10	56.7 dB
* 12/15/2023	19:34:11	61.3 dB

	12/6/2023	20:30:06	41.4 dB
	12/6/2023	20:30:07	43.9 dB
	12/6/2023	20:30:08	44.1 dB
	12/6/2023	20:30:09	42.7 dB
	12/6/2023	20:30:10	42.2 dB
	12/6/2023	20:30:11	42.3 dB
	12/6/2023	20:30:12	42.2 dB
	12/6/2023	20:30:13	54.2 dB
*	12/6/2023	20:30:14	63 dB
*	12/6/2023	20:30:15	64 dB
*	12/6/2023	20:30:16	66.4 dB
*	12/6/2023	20:30:17	66.8 dB
	12/6/2023	20:30:18	57.9 dB
	12/6/2023	20:30:19	42.8 dB
	12/6/2023	20:30:20	42.5 dB
	12/6/2023	20:30:21	42.8 dB
	12/6/2023	20:30:22	43.4 dB
	12/6/2023	20:30:23	44.6 dB
	12/6/2023	20:30:24	44 dB
	12/6/2023	20:30:25	43.9 dB
	12/6/2023	20:30:26	44.7 dB
	12/6/2023	20:30:27	44.8 dB
	12/6/2023	20:30:28	44.8 dB
	12/6/2023	20:30:29	44.7 dB
	12/6/2023	20:30:30	44.6 dB
	12/6/2023	20:30:31	43.6 dB
	12/6/2023	20:30:32	42 dB
	12/6/2023	20:30:33	41.9 dB
	12/6/2023	20:30:34	41.9 dB
	12/6/2023	20:30:35	43.1 dB
	12/6/2023	20:30:36	40.3 dB
	12/6/2023	20:30:37	40 dB
	12/6/2023	20:30:38	40.3 dB
	12/6/2023	20:30:39	41.1 dB
	12/6/2023	20:30:40	41.6 dB
	12/6/2023	20:30:41	41 dB
	12/6/2023	20:30:42	40.5 dB
	12/6/2023	20:30:43	41.5 dB
	12/6/2023	20:30:44	41 dB
	12/6/2023	20:30:45	40.9 dB
	12/6/2023	20:30:46	40.8 dB
	12/6/2023	20:30:47	42 dB
	12/6/2023	20:30:48	42.1 dB
	12/6/2023	20:30:49	41.7 dB
	12/6/2023	20:30:50	41.6 dB
	12/6/2023	20:30:51	42 dB
	12/6/2023	20:30:52	41.8 dB

File Attachments for Item:

11. Minutes, Planning Commission, March 18, 2024

PLANNING COMMISSION

Anna Butler
Beau Livingston
Robert J. Matkowski
Elaine McGruder
S. Michelle Nooney
David Roberts
Marie Rodriguez



ACTING CITY MANAGER

Michelle Owens

COMMUNITY DEVELOPMENT DIRECTOR

George Shaw

CITY ATTORNEY

Edward M. Hughes
Tracy O'Connell

**Planning Commission Meeting
MINUTES
March 18, 2024**

Chair Elaine McGruder called the March 18, 2024, Tybee Island Planning Commission meeting to order. Commissioners present were **Anna Butler, Marie Rodriguez, Elaine McGruder, Beau Livingston, David Roberts, Robert Matkowski** and **Michelle Nooney**.

Consideration of Minutes:

Chair Elaine McGruder asked for consideration of the February 12, 2024, meeting minutes. **Beau Livingston** stated he has a minor change on the 1206 Venetian property, to ask what the definition of sleeping in sanitary accommodations means and if it has to have a kitchen. He asked if it could have a kitchen. Michelle Nooney asked if the minutes could reference the City Council meeting that explains the two-year terms. **Marie Rodriguez** made a motion to approve. **Anna Butler** seconded. The vote to approve was unanimous.

Disclosures/Recusals:

Chair Elaine McGruder asked if there were any Disclosures or Recusals. There were none.

Old Business:

Chair Elaine McGruder asked if there was any old business. There was one.

Major subdivision plat final approval -708 Butler Avenue – Chris Koncul

George Shaw stated our ordinance requires that all major subdivisions' final plat must come back for City Council for final approval. This is a private neighborhood so in this case the roads and infrastructure will not be dedicated to the city. It meets all the other requirements. Staff recommends approval. **Robert Matkowski** stated under general notes on the first legal page, no wetland and environmental issues have been addressed on this plat. The way it is interpreted is that no one focused on that or paid attention to that. **George Shaw** stated there were none identified. **Robert Matkowski** asked on note number seven where it says has not been verified by field survey, it needs to be verified. **George Shaw** stated the property has been surveyed so it could be referencing the neighboring plats.

Robert Matkowski asked about note number ten. It states building setback information has not been provided by governing authority. **George Shaw** stated he was not sure why that is there or what it means, however it is all correct. **Anna Butler** asked could staff check with whoever prepared the plat to correct the notes. **Robert Matkowski** stated on page two, under field technical notes, it indicates a geo technical investigation should be done. **George Shaw** stated those have been done and are in the packet. **Robert Matkowski** asked under special construction notes, who would be checking to see if these are followed. **George Shaw** stated these are inspected by the county and the Community Development Director. Additionally, when they submit the house plans per lot st

through all these for the house. **Marie Rodriguez** made a motion to approve. **David Roberts** seconded. **Anna Butler, Marie Rodriguez David Roberts, Beau Livingston,** and **Michelle Nooney** voted for the approval. **Robert Matkowski** voted against the approval. The vote was 5 to 1. The vote was approved.

New Business:

Site Plan: requesting to add solar panels to roof-37 Meddin drive-40001 03012-Zone R-1/NEC-Tybee Island Marine Science Center.

George Shaw stated this is a request for solar panels on the roof of the marine science center. This is a city owned building. While this does not increase the footprint of the building, it is a city building and the city attorney felt this needed to go through the site plan process. The solar panels will reduce the electrical cost. The manufacturer states this will meet our 140 mile an hour winds. Also, the construction engineer for the building has stated this will handle the weight of the panels. Staff recommends approval. **Mark Reed**, who lives at 202 Eagles Nest, approached the Planning Commission and stated he is a trustee of the Marine Science Center and wanted to make his self-available for any questions. He stated this will reduce the amount of the power bill from about 65 to 70%. **Marie Rodriguez** made a motion to approve. **Robert Matkowski** seconded. The vote to approve was unanimous.

Beau Livingston stated under old business, at the last meeting **Robert Matkowski** asked for a follow up on the definition of sleeping and sanitary accommodations. Commissioners wanted to know if staff had any updates regarding that. **George Shaw** stated he did ask the Attorney about that and never got a response. He stated he checked with the County. They don't have a definition for that. It is understood to be a bedroom and a bathroom. It is also not defined in our code. He stated he brought that up to the LDC review consultant to add or change the language for that.

David Roberts made a motion to begin the meetings for the rest of our term with the pledge of allegiance. **Marie Rodriguez** seconded. The vote to approve was unanimous.

Adjournment: 8:00pm

Lisa L. Schaaf