



## MEDIATION AGREEMENT BETWEEN

THE CITY OF TYBEE ISLAND

AND

THE CONCERNED CITIZENS OF TYBEE ISLAND



This Agreement is the result of meetings between the parties' representatives, including the Founder of Tybee MLK, several concerned residents of Tybee Island (the party now referred to as the Concerned Citizens of Tybee Island), the City Attorney, the City Manager and various members of the City Council (the party now referred to as the City of Tybee Island). The intent of the parties to this Agreement is to improve their working relationship for the benefit of the people of Tybee Island. The parties agree to work collaboratively for the benefit of the community, in a spirit of mutual cooperation and community reconciliation.

With the consent of the parties, the Community Relations Service (CRS) of the U.S. Department of Justice provided mediation services to the parties involved.

**Issues** CRS is mediating the Concerned Citizens of Tybee Island's complaint regarding the city ordinance that restricted public consumption of alcohol and amplified music solely during the weekends of the special event called "Orange Crush".

The Orange Crush event has been occurring on Tybee Island during Spring Break. This historically African American event has occurred continuously for 30 years. This event, among others, regularly brings a very large crowd of young visitors, bringing about significant challenges related to noise, traffic, litter, and safety.

### **Points of Agreement**

- 1) The participants in the mediation have agreed to support the recommendation to the City Council that the city develop across the board objective criteria that will be applied equally for all holiday and/or tourism events, permitted or unpermitted. The city will continue to apply the permitting process as it now exists or as hereinafter amended.
- 2) The participants in the mediation have agreed to support the recommendation to the City Council that these criteria will define and establish the thresholds at which the city will initiate actions such as, but not limited to:
  - a) Police presence and other public safety resources, restrictions on open containers of alcohol, traffic control measures, sanitary facilities, litter control, and noise abatement.

- b) A standard press release for all expected large group events, which includes information that establishes public standards of conduct.
- 3) The participants in the mediation have agreed to support the recommendation to the City Council that these objective criteria will be developed by the City Council through a series of open meetings.
  - a) At least one public forum dedicated to this topic, will be held not later than October 31<sup>st</sup>, 2018.
  - b) In addition, the City Council meetings will have this topic as an open agenda item on their monthly docket.
  - c) Finally City Council will consider designating one member of the City Council to attend meetings with and correspond with the Concerned Citizens of Tybee Island as the city council develops the objective criteria.
- 4) The participants in the mediation have agreed to support the recommendation to the City Council that City Council make a good faith effort to establish the objective criteria not later than December 31<sup>st</sup> 2018.

#### **Voluntary and Non-Contractual Agreement**

This Agreement is the result of voluntary mediation between the parties and is not a result of duress, coercion, or undue influence. Nothing in this Agreement should be taken as an admission of wrongdoing by any party, and the terms and conditions contained herein are non-contractual and create no independent contractual obligation and/or duties upon any of the parties hereto. No party to this Agreement shall institute or prosecute any judicial or administrative proceedings of any kind or nature to enforce any of the terms and conditions herein.

#### **Term of Agreement**

This Agreement shall be in effect from the date of signing.

#### **Dispute Resolution**

In the event that the parties to this Agreement cannot reach agreement on issues before them, they will seek neutral dispute resolution to resolve their differences. The services of the Community Relations Service or another dispute resolution service may be sought in this regard.


**Third Party Rights**

Nothing in this Agreement is intended to create, nor shall anything in it be construed as creating, any rights in any third party entity or person that would not exist independently of this Agreement.

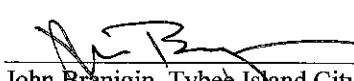
**Consummation and Ratification**

The signatories hereto personally represent that they agree to the contents of this agreement, and that the agreement is intended to provide recommendations for detailed plans. Signatories understand that this agreement does not bind the Tybee Island City Council or any other legislative entity, unless and until such an entity acts to make this agreement binding.


Date: July 19<sup>th</sup>, 2018

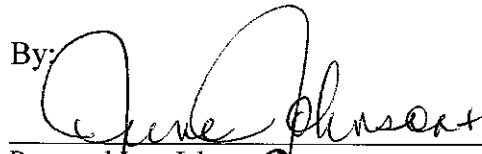
By:   
Wanda Doyle, Tybee Island City Council

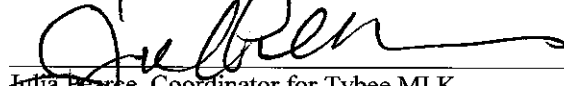
  
Monty Parks, Tybee Island City Council

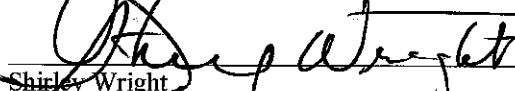
  
John Branigin, Tybee Island City Council

  
Edward Hughes, as City attorney - as adviser


  
Shawn Gillen, Dr., City manager - as advisor

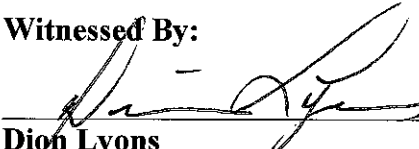
By:   
Reverend June Johnson

  
Julia Pearce, Coordinator for Tybee MLK

  
Shirley Wright

  
Lisa Lepofsky

  
Demery Bishop, Chairman, Tybee Island Planning Commission

Witnessed By: 

**Dion Lyons  
Conciliation Specialist  
U.S. Department of Justice,  
Community Relations Service**

\*This Agreement is consistent with the statutory mandate of the United States Department of Justice, Community Relations Service (CRS), as detailed in Title X of the Civil Rights Act of 1964 (42 U.S.C. § 2000g-1). CRS provides assistance to communities and persons therein in resolving disputes, disagreements or difficulties related to conflicts and tensions

based on race, color, or national origin. CRS also helps communities prevent and respond more effectively to alleged hate crimes committed on the basis of race, color, national origin, gender, gender identity, sexual orientation, religion, or disability.