

CITY OF EAST POINT

PLANNING & ZONING COMMISSION

April 15, 2010 - 7:00 P.M.

Official Minutes

Regular Meeting

East Point, Georgia - Jefferson Station
1526 East Forrest Avenue
4th Floor

Board Members Present:

Commissioner Dr. Herbert J. **BRIDGEWATER, Jr.**, Chair

Commissioner Shean **ATKINS**, Vice Chair

Commissioner Francine **JONES**, Provisional Chair

Commissioner Pamela **PATTERSON**

Commissioner Paul **LAWLER**

Commissioner Dr. William **BRYANT**

Commissioner Eric **FRIEDLY**

Commissioner Joel **TUCKER**

Board Members Absent:

Commissioner Dr. Lydia **WARES**

Also Present:

Ms. Susan **GARRETT**
City Attorney

Ms. Geneasa **ELIAS**
Director of P&Z

Ms. Regina **CARTER**
Senior Planner

Mr. James **HAMMOND**
Videographer

Ms. Keyetta **HOLMES**
Senior Planner

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APPEARANCES

<u>APPLICANTS:</u>	<u>Page</u>
Lakisha Jacobs	11
Ed Zinn	16

SPEAKERS

Dayne Le Roy Francis - Proponent	12
Leslie Zinn - Proponent	18
Teresa Nelson - Opponent	20
Laura Borders - Opponent	25

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24
25

Index

<u>Description</u>	Page
Call to Order	4
Roll Call	4
Moment of Silence	5
Pledge of Allegiance	5
Adoption of Agenda	5
Special Presentation	6
Approval of Meeting Minutes	7
Old Business	10
New Business	14
Announcements	42
Adjournment	44

1
2
3
4
5
6
7
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I. CALL TO ORDER:

DR. BRIDGEWATER, JR.: Ladies and gentlemen, I now call to order the 2010 -- April 15, 2010 meeting of the Planning & Zoning for the City of East Point.

At this time, we will have the roll call.

II. ROLL CALL:

MS. CARTER: Role call for Planning & Zoning Commission April 15th. Eric Friedly.

MR. FRIEDLY: Here.

MS. CARTER: Dr. Wares.

(Whereupon Dr. Lydia Wares was not present.)

MS. CARTER: Joel Tucker.

MR. TUCKER: Here.

MS. CARTER: Francine Jones.

MS. JONES: Present.

MS. CARTER: Dr. Bridgewater.

DR. BRIDGEWATER, JR.: Present.

MS. CARTER: Shean Atkins.

(Whereupon Mr. Shean Atkins was not present.)

MS. CARTER: Pamela Patterson.

MS. PATTERSON: Here.

MS. CARTER: Paul Lawler.

MR. LAWLER: Here.

MS. CARTER: Dr. Bryant.

DR. BRYANT: Present.

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DR. BRIDGEWATER, JR.: Thank you. At this time for those who are part of our audience, it is our customary procedure that in lieu of a verbal prayer we reserve a moment of silence and respect. Would you do that at this time.

III. MOMENT OF SILENCE:

DR. BRIDGEWATER, JR.: Amen. Thank you. At this time, would everyone please stand for the Pledge of Allegiance.

IV. PLEDGE OF ALLEGIANCE:

DR. BRIDGEWATER, JR.: Thank you. You may be seated. At this time, we will call for an adoption of tonight's agenda. Commissioners.

V. ADOPTION OF THE AGENDA:

MS. JONES: Mr. Chair. I'd move that we adopt tonight's agenda for, hum, April 15th 2010.

DR. BRIDGEWATER, JR.: Is there a second?

DR. BRYANT: Second.

MR. LAWLER: Second.

DR. BRIDGEWATER, JR.: It has been motioned by Commissioner Jones and seconded by Commissioner Bryant that we adopt tonight's agenda, April 15th for the City of East Point Planning & Zoning Commission. All in favor let it be known by saying the word "aye."

COMMISSIONERS: Aye.

DR. BRIDGEWATER, JR.: Opposes.

COMMISSIONERS: (No response)

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DR. BRIDGEWATER, JR.: Hearing none then the tonight's agenda is adopted.

VI. SPECIAL PRESENTATION: At this time, we will have a special presentation. At our previous meeting, we honored Ms. Linda Sheldon who has served as chair for the City of East Point Planning & Zoning Commission for an unprecedented number of years and dedicated service. So tonight one of the persons who we wanted to honor, who is one of our longstanding Commissioners, having within just his one (1) mental capacity as much knowledge as all the Commissioners on the board have -- has.

At this time, we will call that former Commission up, that's former Commissioner Mr. Thomas Harper. Would you come at this time? You may give him a round of applause at this time.

(Whereupon everyone applause Mr. Thomas Harper.)

DR. BRIDGEWATER, JR.: Now that you are back with us, you -- before I make a presentation, I will allow you to greet us in your own way.

MR. HARPER: Good evening. As a former Commissioner, I'd like to say thanks for having the opportunity to serve East Point and feel free to call on me if you need me for any future matters. Thank you very much.

DR. BRIDGEWATER, JR.: God bless you.

(Whereupon Dr. Bridgewater, Jr. reads the certification of appreciation presented to Mr. Thomas Harper.)

DR. BRIDGEWATER, JR.: It reads the, Certificate of

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Appreciation. The certificate is awarded to Mr. Thomas Harper in recognition of your committed service to and valued expertise shared with the City of East Point Planning & Zoning Commission for eight (8) outstanding years.

Your participation as a member from 2002 until 2009 represented continuous adherence to all ordinances, policies, regulations and procedures adopted by the City Council with respect to the zoning-related matters. Presented this April 15th day 2010, it is signed by the Honorable Mayor Earnestine D. Pittman and also signed by the City Manager and, of course, you have the blessings of our Executive Director, Ms. Geneasa Elias and all of the Staff Members, all of whom who sit before you, our Attorney for the department, Regina and even our court reporter all wish you well and God bless you and thank you for your service to the City of East Point Commission Planning & Zoning. Give him a hand.

(Whereupon the audience claps.)

DR. BRIDGEWATER, JR.: Thank you, Commissioners and I see we've been joined by our Vice Chair, Commissioner Atkins. Thank you.

(Whereupon Commissioner Shean Atkins is now present.)

DR. BRIDGEWATER, JR.: At this time, we will have the approval of our March 18th minutes. May I hear a motion, please.

VII. APPROVAL OF MARCH 18TH MEETING MINUTES:

MR. ATKINS: Mr. Chair.

DR. BRIDGEWATER, JR.: Commissioner Atkins.

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MR. ATKINS: I'm in approval of our March 18th, 2010 meeting minutes for the City of East Point Planning & Zoning Commission.

DR. BRIDGEWATER, JR.: Is there a second?

COMMISSIONER TUCKER: Second.

DR. BRYANT: Second.

DR. BRIDGEWATER, JR.: It has been approved and been motioned by Commissioner Atkins and seconded by Commissioner Tucker -- having a senior moment here -- Commissioner Tucker, I heard your voice, thank you -- that the minutes from March 18th be approved. Hum, are there any necessary corrections or any additional --

COMMISSIONERS: (No response)

DR. BRIDGEWATER, JR.: Hearing none, all in favor let it be known by the word "aye."

COMMISSIONERS: Aye.

DR. BRIDGEWATER, JR.: Any opposes?

COMMISSIONERS: (No response)

DR. BRIDGEWATER, JR.: Hearing none, the minutes are approved. At this time, we will have -- we are having two (2) public hearings on each of the cases this evening, and before we can commence with the public hearings, it is required that I state to you the rules and regulations of the public hearing. For those of you in our audience, please pay specific attention because it will govern your actions here tonight.

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The public hearings before the Planning & Zoning Commission shall be conducted in accordance to Section 10-2219 of the East Point Zoning Code and Developmental Regulations as follows: Persons both favoring and opposing the proposed amendment will then be provided an opportunity to address the Council.

The applicant for the proposed amendment (or applicant's designated representative), if any, will be entitled to speak first, followed by other speakers in favor of the proposal, for a total of fifteen (15) minutes.

Those who oppose the proposed zoning amendment will then be permitted to speak for a total of fifteen (15) minutes. By a majority vote, the Council may increase the total time for speakers provided that each side is given the same amount of time.

If there is more than one speaker for a side, the presiding officer may limit the time allotted to each individual speaker other than the zoning applicant.

The zoning applicant may reserve a portion of his or her allotted time for rebuttal.

Speakers must adhere to the rules of decorum. Prior to speaking, each speaker shall identify himself or herself and state his or her current address.

Each speaker shall speak only to the merits of the proposed zoning decision under consideration and shall address remarks only to the Council and shall refrain from making personal attacks on any other speaker.

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The presiding officer may refuse a speaker the right to continue if, after first being cautioned, the speaker continues to violate the rules of decorum.

At this time, I will hear a motion to open the House.

MR. ATKINS: Mr. Chair.

DR. BRIDGEWATER, JR.: Commissioner Atkins.

MR. ATKINS: I move that we open the public hearing for agenda item 2010 "Z" as in zebra-004-02.

MS. JONES: Second.

DR. BRIDGEWATER, JR.: It has been motioned by Commissioner Atkins and seconded by Commissioner Jones that we open the House for a public hearing on the said stated case. All in favor let it be known by the word "aye."

COMMISSIONERS: Aye.

DR. BRIDGEWATER, JR.: Opposed.

COMMISSIONERS: (No response)

DR. BRIDGEWATER, JR.: Hearing none the floor is now open for the public hearing.

MS. GARRETT: Mr. Chair. We need to announce the item first.

DR. BRIDGEWATER, JR.: We need the item -- go ahead. Would you at this time. Thank you.

VIII. OLD BUSINESS:

MS. CARTER: First case under Old Business is Case Number 2010Z-004-02. Applicant is LaKisha Jacobs. Property is 1942-1944

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East Farris Avenue. Applicant is seeking, hum, approval of rezoning from R1A, Urban Residential to R2 Two-Family Residential and as you know, this application requires a public hearing.

DR. BRIDGEWATER, JR.: Okay. The floor is -- we have already taken a motion. The floor is now open for the public hearing. We will not read the rules for each case because they will be applicable for both situations.

Having heard the rules, the floor is now open. We will now hear from the applicant. Is the applicant present?

MR. ATKINS: -- or proponents, either approaches first.

(Whereupon the applicant Ms. LaKisha Jacobs approach the podium.)

APPLICANT MS. LAKISHA JACOBS: Good evening. My name is LaKisha Jacobs. As stated, hum, my property address is 1942-1944 East Farris Avenue and I am seeking rezoning from R1A to R2, being that this property, in 1961 was built as a duplex. It still is a duplex and I'd like to keep it as a duplex. That's it.

DR. BRIDGEWATER, JR.: That's it? Thank you.

APPLICANT LAKISHA JACOBS: Thank you.

DR. BRIDGEWATER, JR.: That was painless. At this time, opponents, if there are any opponents --

MS. GARRETT: Mr. Chair. I believe we should check and see is there anyone else who wish to speak in favor.

DR. BRIDGEWATER, JR.: Is there anyone else who would like to speak in favor? Come on up. Sorry. Thank you. If you will state

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your name and address as well, sir.

(Whereupon speaker in favor Mr. Dayne Le Roy Francis in favor approach the podium.)

SPEAKER IN FAVOR MR. FRANCIS: Hello. My name is Dayne Le Roy Francis. Hum, my property is located at 1938 East Farris Avenue.

Hum, I'm here because, hum, I am her immediate neighbor. I'm in the process right now of selling off the property to a homeowner.

Hum, I'm very glad she bought the property next to me. It was dilapidated and I love the work she's done to it.

Hum, there is a triplex right across from me and there is also an apartment complex on our same street maybe four (4) houses down.

Hum, I do not oppose at all her zoning her unit as a duplex so I'm here on her behalf. Thank you very much.

DR. BRIDGEWATER, JR.: Thank you, sir. Are there any other proponents of who would like to speak?

(Whereupon no other proponents wish to speak.)

DR. BRIDGEWATER, JR.: Seeing none at this time, we will call for any opponents. Any opponents? Any opponents?

(Whereupon no opponents wish to speak.)

DR. BRIDGEWATER, JR.: Having done three times as the law requires, at this time, Commissioners, I'll entertain a motion to close it.

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MR. ATKINS: Mr. Chair, I move that we close the public hearing for Agenda Item 2010 "Z" as in zebra-004-02.

DR. BRIDGEWATER, JR.: Thank you Commissioner Atkins. Is there a second?

MR. LAWLER: Second.

DR. BRIDGEWATER, JR.: It has been motioned that we close the public hearing by Commissioner Atkins and been seconded by Commissioner Lawler. All in favor, let it been known by the word "aye."

COMMISSIONERS: Aye.

DR. BRIDGEWATER, JR.: Opposes.

COMMISSIONERS: (No response)

DR. BRIDGEWATER, JR.: Having -- hearing none at this time the hearing is now closed. We will hear from Staff.

MS. CARTER: For Old Business case number 2010Z-004-02, hum, applicant LaKisha Jacobs. Property location 1942-1944 East Farris Avenue. Applicant is seeking approval of rezoning from R1A Urban Residential to R2 Two Family Residential.

Staff recommends approval of rezoning from R1A Urban Residential to R2, hum, Two Family Residential.

DR. BRIDGEWATER, JR.: Thank you. Commissioners, all right. You've heard from Staff. Are there any questions or any comments by Commissioners at this time?

COMMISSIONERS: (No response)

DR. BRIDGEWATER, JR.: Seeing none, we will entertain a

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motion on this item.

MR. ATKINS: Mr. Chair. I move that we approve the recommendation to rezone the property at 1942 to 1944 East Farris Avenue which is Agenda Item 2010 "Z" as in zebra-004-02.

DR. BRIDGEWATER, JR.: Thank you, Commissioner Atkins. Is there a second?

MR. LAWLER: Second.

DR. BRIDGEWATER, JR.: It has been motioned for approval by Commissioner Atkins and seconded by Commissioner Lawler. All in favor let it be known by the word "aye."

COMMISSIONERS: Aye.

DR. BRIDGEWATER, JR.: Opposes?

COMMISSIONERS: (No response)

DR. BRIDGEWATER, JR.: Hearing none, this matter is approved. Next matter under New Business.

IX. NEW BUSINESS:

MS. CARTER: Under New Business Case Number 2010Z-003-02. Applicant is Ed Zinn. Property is 1682-1684 Neely Avenue. Applicant is seeking approval of rezoning from R1A Urban Residential to R2 Two Family Residential. This application requires a public hearing of which I have several -- I received several speaker cards, two in favor of and three speakers against.

DR. BRIDGEWATER, JR.: Thank you.

MS. CARTER: Speaker names would be Ed Zinn (Applicant), Leslie Zinn (For), and those (Against) would be Teresa Nelson, Laura

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Borders and Holly Keyes.

DR. BRIDGEWATER, JR.: You said two in favor and three oppose?

MS. CARTER: Yes.

DR. BRIDGEWATER, JR.: Okay, okay. Thank you. Again, hum, this matter is -- does require a public hearing and I've already stated the rules, hum, governing our public hearing.

Let me ask, hum, our Attorney -- Susan, I noticed that a number of people have come in since that time. Hum, do I need to restate for their benefit -- I see four or five others who have come in -- are allowed that which has been stated to govern the House?

MS. GARRETT: Are you referring, hum, to the procedures for the public hearing?

DR. BRIDGEWATER, JR.: Yes.

MS. GARRETT: I believe there is printed copies of the public hearing procedures available on the table outside so, hum, if anyone missed the announcement, they can consult those. You wouldn't need to repeat them.

DR. BRIDGEWATER, JR.: Thank you. Just wanted to make sure that we cover everything. All right. At this time, hum, Commissioners, the floor is now open for the public hearing. I will entertain a motion to open the floor for a public hearing.

MR. ATKINS: Mr. Chair. I move that we open the public hearing for Agenda Item 2010 "Z" as in zebra-003-02.

DR. BRIDGEWATER, JR.: Thank you Commissioner. Is there

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a second?

MS. PATTERSON: Second.

DR. BRIDGEWATER, JR.: It has been motioned by Commissioner Atkins that we open the public hearing on this particular said matter. It has been seconded by Commissioner Patterson.

All in favor let it been known by the word "aye."

COMMISSIONERS: Aye.

DR. BRIDGEWATER, JR.: Opposes?

COMMISSIONERS: (No response)

DR. BRIDGEWATER, JR.: Hearing none, the floor is now open on the public hearing on the case matter involving Mr. Ed Zinn, that's Case Number 2010Z-003-02.

Hum, at this time, all those in favor would like -- Mr. Zinn, Applicant, would you come up and then we will follow with those in favor.

(Whereupon Mr. Ed Zinn approach the podium.)

APPLICANT MR. ED ZINN: Thank you. My name is Ed Zinn. I'm the owner of the property at 1682-1684 Neely Avenue. I, hum, purchased the property in January of this year.

Hum, when I went to have the utilities turned on, I found out about the, hum, rule in East Point that if the property has not had utilities for over a year, it loses it's grandfathered status as a multi-family property and becomes single-family, and I went ahead and rezoned -- well started the application process to have the

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property rezoned back to R2.

I've handed out some, hum, some, hum, pages in regards to this property. Hum, the first page is strictly just a survey. On the second page, I went to the Fulton County Website. As for as the zoning of this property -- as you can see this was printed out earlier today. The property is presently zoned as 102 Residential Two Family.

Hum, I went to a second Fulton County site, hum, under the tax Digest. Again, it shows the property as being a, hum, a Multifamily Property. I also went back and showed the Listing Report, hum, of this property. As it was marketed -- just for your information, hum, this was printed out in December and the house again was listed as a duplex.

Hum, I took some pictures of both my house and a house two houses away -- the address being 1670-1672 Neely Avenue.

Hum, the two house are very similar in appearance. The house, hum, two houses away at, hum, 1670-1672 Neely Avenue is presently being used as a duplex.

Hum, next page shows the back of the two properties. Again, virtually identical properties. Hum, my house just doesn't have that back deck. At some point, the doors were boarded up. The following page shows the as-built layout of the house. Hum, the, hum -- both sides of the property are a virtual mirror images of each other.

Hum, one, hum -- the two differences I'll make of note. One

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was original. There was a door put in on the side for one of the units where as the door is in the front of the unit and then somewhere down the line, somebody blocked off one of the hallways to gain some closet space. But other than that, both sides of the houses are identical to each other.

On the next page, hum, you can see that there, hum, that there were two gas meters on the property and also that there were two electric meters.

And finally, hum, I just took some pictures of the different rooms in the house to show you that there are pretty much similar rooms up and down the house.

Hum, the first pictures are the living room and then some more pictures of the living room, the hallways and then the back bedrooms. Hum, thank you very much.

DR. BRIDGEWATER, JR.: Thank you. At this time, are there any other proponents? You may come forward and state your name and address, please.

(Whereupon proponent Ms. Leslie Zinn approach the podium.)

PROPONENT MS. LESLIE ZINN: My name is Leslie Zinn. I own, hum, Arden's Garden on Main Street and seven (7) various properties in East Point and I did not know about this rule until, hum, Ed bought this house, which I told him about.

Hum, my husband and I started investing in real estate in East Point in the last eighteen (18) months, and I'd be happy to show you any of the houses that we have bought and rehabbed because

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they've been big improvements to the neighborhood.

I think if you are going to have a business in East Point -- I'm very concerned about all the boarded up houses and the dilapidation that is prevalent in our area because of all the foreclosures. So when I began to invest in East Point, I also urged other people that were interested in real estate that were going to bring up the neighborhoods to invest as well.

I find this to be troubling because if investors come in and they think that they are to going to be able to fix up their property as a duplex and they lose the zoning, it just tells people not to invest in East Point. Hum, I have bought two duplexes in East Point and one of them is on Church Street and the other is on Dorsey. The Dorsey one, I purchased after Ed purchased Neely, and I did check about the zoning before purchasing it and had it not been zoned, I would not have bought it and if you saw it today versus when we purchased it, it's a big difference. All the neighbors came over and thanked you for fixing it up.

So I really think that if you have a conscientious builder or a real estate person that is going to improve the property, you know, I lured Ed to come down here from Inman. You know, not many people from -- that are investing in town are looking to East Point to invest so I really would like to show that East Point is supportive of people coming down here and fixing up properties. Thank you.

DR. BRIDGEWATER, JR.: Thank you. Are there other proponents? Is there two others? That's it? Okay. Thank you. And

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now we will entertain comments from opponents. Hum, would you call the names, please so we can make sure that --

MS. CARTER: Teresa Nelson, Laura Borders --

DR. BRIDGEWATER, JR.: Okay. Just hold on. Just let her come up first. Teresa Nelson. Thank you.

(Whereupon opponent Ms. Teresa Nelson approach the podium.)

OPPONENT MS. TERESA NELSON: Good evening. I presume that since there's three (3) speakers that means we each get five (5) minutes a piece for the fifteen (15), I would take it since we don't get rebuttals, is that correct, before my time is --

DR. BRIDGEWATER, JR.: Well, you need to state your name. Just start with state your name and who you are first and then we will give you that information.

OPPONENT TERESA NELSON: Thank you. Teresa Nelson, 1732 Neely Avenue.

DR. BRIDGEWATER, JR.: Okay. Yeah, now you may began with your speak. We won't cut you down.

OPPONENT TERESA NELSON: Oh, okay. First I want to say thank you to Mr. Zinn. He did come to our neighborhood association which we greatly appreciate. Hum, secondly, I would also like to say that Fulton County has it its own zoning code for Fulton County properties and what they do in East Point is they comply with what East Point has on its books.

Unfortunately, Fulton County has been notoriously slow in

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updating the information with the County that so you could find many properties throughout the City of East Point that are zoned one way and we all know they are zoned one way but if you look at the County records, you will not see the same zoning.

In addition, several investors are coming to East Point and we're are glad to see them and some are coming to Frog Hollow and they're about building new homes and they're restoring some dilapidated homes. We have one on Neely Avenue that was recently restored. It was sold within six (6) weeks and that's in this depressed market and this was a dilapidated single family home.

There is a gorgeous new home that is made to fit to the style of the architecture of the community that is also basically is diagonally across from this property. You need to understand that there are two doors and we keep hearing -- and we heard at our neighborhood meeting that there are two front doors so therefore, it must have been always a duplex.

We went to the history center and asked to review their records. Their records were not clear so they can neither prove that this was built as a duplex or not. But I can tell you the houses of the era throughout the metro area were duplexes frequently during World War II and during The Depression.

Many of these houses throughout all of Metro Atlanta in historic neighborhoods are being restored to single family. In fact, the real estate market has consistently held -- and I have verified this very recently -- that a restored single family home is of greater value.

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The property is greater value even if it has been divided into a duplex.

Even if a property has been divided as a duplex, it could have been done very well or it could have been done very poorly. It depends on the builder and it depends on the owner at the time. Unfortunately, the neighborhood, though, needs to rely on the zoning that it has in order to protect the community.

You also know -- you've also heard, hum, that this particular property -- well. I'm sorry. Let me back up. Excuse me. One of the concerns our neighborhood has is that there's one driveway for this property. One car can park in that driveway. That means, the rest of the cars must be on the street. If you have a multi-family property in the City of East Point, you are required to have additional parking available off-street in order that you do not block traffic.

This is particularly critical for Neely Avenue. Neely Avenue -- when you have one car parked on one side, in order for two cars to pass each other, they must -- one must pull over to allow the other one to pass. In other words, we do not have two free lanes when there's any parking on the side. It's a particular concern on my street because the back end access -- the access for the police department is right there at the edge of Neely.

So they come out of the police department, going on emergencies sometimes forgetting, unfortunately, to turn on their lights or their siren and they race down Neely Avenue going to an emergency somewhere else in East Point. The potential for harm,

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when you have a number of cars parked on Neely Avenue, is a definite public safety concern.

One of the things that we keep hearing about is how the rental market is doing so much better at this time than the housing market -- than this fast purchase market is. And all of the research I've done recently, that is not the case. You're just now beginning to see a slight increase in apartment rentals throughout the metro area, but it is going in sync with the rise in property sales for single family homes.

In fact, there are many apartment complexes that have put out very lucrative options for tenants to come in to attract them. So this property would actually be worth more money if it remains -- if it's single family and treated as single family.

There are numerous houses in our community that have been converted back from duplexes to single family. They had multiple meters. They had multiple doors, front and back. But the owners felt that it was better to restore it to its historical -- historic original.

In addition, one of the things that's key about this particular property is it is surrounded on all four sides, north, south, east and west by single family homes. Maybe two doors up is an old duplex, but that's not the case where this property is at. If you ever want a clearer definition of what "spot zoning" looks like, take a house, one property that is viable as a single family; so it has economically viability in the core size and then look all the way around it and all you see is single family residential and the one in the center is not

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and you will be the ones rezoning it to allow that to occur.

The citizens and residents of Frog Hollow have work very hard to restore their neighborhood and to restore their homes and to build a community. We feel it is important to protect the zoning in our community as it is. We are not talking about a property that has been a quadraplex for many years and remain occupied as a rental.

We're not talking about a building that was built has an apartment complex that we do have in the neighborhood. We seek to have input on what they do with those properties, but we're not going to challenge the specific multi-family zoning that that particular property may have or may need to change to, but a single family home that has been divided subsequent and all likelihood to when it was built should remain single family. That is the best way.

And I'm sorry, if you're an experienced builder, don't you check the zoning for the property before you buy it? Should the taxpayers and residents of Frog Hollow and this City be made to pay for developer's mistakes? I hope not. Please consider opposing this application. Thank you.

(Whereupon opponent Ms. Teresa Nelson exits the podium.)

DR. BRIDGEWATER, JR.: Thank you. Staff would you call the next one, please.

MS. CARTER: I'm sorry. Laura Borders.

(Whereupon opponent Ms. Laura Borders approach the podium.)

OPPONENT LAURA BORDERS: Good evening, Commissioners.

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My name is Laura Borders. I live at 1707 Ware Avenue in Frog Hollow. I like to address this on the basis of evidence. A crux of this is was this originally a single family home or was it built as a duplex? For evidence on the owner's side, the current owner's side, we've been given the Fulton County records. I have a copy of the Fulton County Records. They say that it's owned by Leslie and Marcina Reilly right now. So there are errors in those records. There's an error right there in that record.

If you pull up my property, there are four (4) errors in the record. The date that it was built, that it has no attics -- it has two (2), that it has no crawl space, it clearly is built on a crawl space and the square footage is off by 2,000 square feet, so that's four (4) errors in one record. So there's the evidence on that side and it was marketed as a duplex. I do marketing for a living. It's foolish to take marketing at face value.

I went to the Historical Society also and I did find the evidence that this was a single family dwelling. Hum, I have passed out a document, a one-page document, that I will be referring to. These are direct quotes from the City Archives. If you look at the 1938-39 East Point City Directory, it lists the residence at 310 Neely Avenue. 310 Neely Avenue is now 1684 Neely Avenue. All the street was renumbered as the City grew.

I corresponded and cross-checked it and it's 310. The people that lived there at the time were a single couple, Mr. William L. Hunt and Rilla H. -- his wife. His occupation, Manager at Hasting Seed

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Company, a very large concern on Simpson and Marietta Streets. I don't think that he was living in a duplex. There is no evidence of anyone else living in that dwelling at that time.

In 1950 from the East Point City Directory at 310, there were Fred B. Wilson and Myrtle Wilson and Albert McDuffie, two different units. I spoke to Mr. McDuffie's niece who was there in 1950. She said it was a duplex at the time, but she saw no evidence that it was built as a duplex and could not say that it had not been a single family home originally.

Further, I am seeing, on that page -- the City of East Point City Council minutes from 1946, Subsection Zoning. Specifically, on November 4th, 1946, Mr. Sidney Shell representing a large number of property owners in the Neely Avenue Section, protested the rezoning of 311 Neely Avenue for apartments that would be directly across the street from 310.

This rezoning had been recommended to Council by the Zoning Commission, motion to refer this matter to the Zoning Commission for a public hearing, all property owners signing the petition to be notified, carried.

Further, on December 2nd, 1946, I read a report of the Zoning Commission which they advised that they wish their previous action to stand as regards rezoning of 311 Neely Avenue. Motion and recommendation of the Zoning Board be accepted and the City Attorney draw an ordinance to cover, carried but on December 16th, 1946, motion that we resend the action of rezoning 311 Neely

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Avenue for apartment-house use, carried.

So in 1946, there was enough single family residents in that area of Neely Avenue to come to the Zoning Commission and say, we don't want 311 zoned as apartments. This to me is further evidence that there were no apartments in that area, and at that time, City Council agreed that it should remain apartments.

As you may know, this was in the midst of a major national housing boom, business boom -- '46, '47. Somewhere between 1946 and 1950, the rezoning went through. I read all the zoning records. It's not specifically mentioned, but there's so many other re-zonings -- businesses and so forth. I don't think they captured all the housing re-zonings.

So the fact that there are two electrical meters and two gas meters, well they split it down the middle. Now, if you look at the pictures of the house -- let's look at the evidence of the house construction. I tried to make eleven (11) copies of my pictures, but my printer went out -- I have one copy -- but you also have the owner's pictures.

If you look at the front of the house, clearly that is the front door and you'll note it has a side porch, as was often built, a wrap-around porch. That second door is the side door. It's very -- the positioning of that front door is right in the center.

The second picture is of the side entrance and it's not centered. It's clearly a side entrance. There's a wall -- if you look here -- that splits the house. It's not of the same construction, the

1 same year as the walls. You'll notice too, on the side entrance, they
2 have little stick-on numbers on that and if you look at the front
3 entrance, there're nice big numerals centered over there and they're
4 screwed into house. This was sort of put together at the last minute.

5 Picture four (4) is a side entrance. There's a single driveway
6 -- it's accessible from the street -- and originally from the ally. You
7 could come up from the ally, pull up and there's a doorway where
8 you could go into the upstairs through stairs, but there is no access
9 to both sides.

10 More than anything, if you look at the rearview picture five
11 (5), the only back door that shows there is down at the basement
12 level. There's no back doors. So you built a duplex with no back
13 doors?

14 There is a big cutout in picture six (6) where the back door
15 would have been. There is no evidence of any side porches such as
16 he's speaking about it, hum, I believe it's 1676 -- being built on
17 there. Instead, in that picture you showed new bricks put in there
18 where the old bricks that anchored the back porch would have been.
19 The style at the time was a central back door, central hallway,
20 wooden porch, wooden stairway. That's exactly where that cutout is.
21 So to me, the bulk of the evidence is that this is built as a single
22 family. Our zoning says that if it was built as a single family, if it is
23 gone after the grandfather, it should be revert to single family.

24 Now, I understand that the gentleman wishes to make his
25 investment good. It's quite possible to rent a single-family dwelling.

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It also quite possible to sell one considering the state that the property is in. It's not going to cost a lot more to make it into single family than duplex to get it upgraded and up to code. In fact, it might be cheaper.

And finally, I'd just like to say, you know, we are not opposed to renters, Section 8. Section 8 lives next door to me. One in the front. One in the back. Two women. Woman in the front, Velma she's Black. Woman in the back, Angela, she's White. We look out for one another. I'm fine with that. I expect diversity. If I didn't want diversity, I wouldn't have moved here.

What I do want to make sure, though, is that the people that come here at a time when our properties have been devalued as much as 60 and 70 percent (%) by The Great Recession, that these people that come here care as much about this City as we do.

I spend eighteen (18) years of my time, money and energy taking care of my house, investing in this City. I sit on the Building Authority as one of the Founders of the neighborhood association. I have never stopped. I don't know where Mr. Zinn lives. He does not live in East Point. I do. I think the people that put their money and time and energy into this City should have their voice heard. Thank you. I hope you will deny.

DR. BRIDGEWATER, JR.: Thank you. Is there one more? Is there another?

MS. ELIAS: You'll have to extend your public hearing time because the fifteen (15) minutes expired.

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DR. BRIDGEWATER, JR.: Well, we can do that but I think we just need a motion from the Commission to --

MS. GARRETT: Mr. -- yes, yes. Mr. Chairman. You can - by motion you can vote to extend the time but you should also offer the same amount of additional time to the applicant.

DR. BRIDGEWATER, JR.: I will do it. I was about to do that. Hold on just a moment. Commissioners, at this time, hum, I'm going to ask your consideration to extend the rules -- to extend the time of the public hearing.

OPPONENT LAURA BORDERS: It is not necessary to do that.

MR. ATKINS: Right. Mr. Chair. I think that what we might want to do is just ask if there are any other opponents or any other speakers. If there are no speakers, then there wouldn't be a need for the motion. And so the other lady who signed up -- we only had three (3) proponents, hum, three opponents to sign up and the last opponent is saying that she doesn't wish to speak but if there're other speakers -- if we want to extend the time, then I think that we have a valid reason for the motion but otherwise we could close the public hearing.

DR. BRIDGEWATER, JR.: Are there any other speakers that wish to speak at this time? Any opponents?

(Whereupon no one wish to speak at this time.)

DR. BRIDGEWATER, JR.: Okay. Not. But then we still have to go back to -- he gets a chance to rebuttal -- Mr. Zinn -- correct, at this time? Susan? I can't hear you.

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MS. GARRETT: The applicant is entitled to reserve the remaining time for rebuttal, but I'm not sure whether he did that or not. You can offer it to him if you wish.

DR. BRIDGEWATER, JR.: Mr. Zinn, did you understand from the Attorney?

MR. ZINN: (INAUDIBLE.)

MR. LAWLER: Hum, before he begin, is this the case? Does he have time to rebut?

MS. ELISA: Yes, he does.

MR. LAWLER: He does? Okay.

DR. BRIDGEWATER, JR.: He's allowed fifteen minutes (15) and the same amount of time, right.

MS. GARRETT: He's allowed whatever the balance of his time is, how much time does he have?

MS. ELIAS: He has about five (5) minutes.

DR. BRIDGEWATER, JR.: So you can use your whole -- you have a balance of five (5) minutes they say.

MR. ZINN: No, really -- I don't want to -- there's nothing specifically I want to address in regards since obviously, there is a lot of, you know, information and misinformation and interpretation as far as what has or hasn't happened with this property.

The only thing I would like to add is just a little bit about my information about my background. Hum, the house that I live in right now is in Inman Park and it was, hum, the, hum, first and to my knowledge the only teardown that Inman Park has every allowed

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since they went historic ten (10) years ago and, hum, as you can imagine when we first applied for a teardown in Inman Park, hum, the neighborhood was also very concerned about what would happened especially in a historic neighborhood.

Hum, we went through the process. We received approval and we also received approval for building a new house. Hum, that house has won numerous awards including citations from the City of Atlanta.

Hum, I would not come into a neighborhood and do something that I feel would harm the neighborhood. I would do something that I feel would enhance the neighborhood. I believe I have a track record to back me up.

Obviously, the people in East Point don't really know me. My sister does, hum, and, hum, you know, I really am here to make East Point, you know, and Frog Hollow a stronger neighborhood and so I just wanted to let everyone know that that was my intention for coming down here and, hum, I just wanted to add that to the record. Thank you.

DR. BRIDGEWATER, JR.: Thank you and you used your time. At this time Commissioners, we will have a motion to close the public hearing.

MS. JONES: Mr. Chair. I motion that we close the public hearing.

MS. PATTERSON: Second.

DR. BRIDGEWATER, JR.: It has been motioned by

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Commissioner Jones and seconded by Commissioner Patterson that we close the public hearing on Case Number 2010Z-004-02, Applicant, Ed Zinn. All in favor let it be known by the word "aye."

COMMISSIONERS: Aye.

DR. BRIDGEWATER, JR.: Opposes?

(Whereupon Mr. Chair recited Case Number 2010Z-004-02.)

(Whereupon the correct Case Number is 2010Z-003-02 as indicated on P&Z Meeting Agenda.)

DR. BRIDGEWATER, JR.: The public hearing is now closed. We will hear from Staff.

MS. CARTER: Case Number 2010Z-003-02. Applicant, Ed Zinn. Property location 1682-1684 Neely Avenue. Applicant is seeking approval of a rezoning R1A Urban Residential to R2 Two Family Residential.

Staff recommendation is approval of rezoning from R1A Urban Residential to R2 Two-Family Residential.

DR. BRIDGEWATER, JR.: Is that it?

MS. CARTER: Uh-huh.

DR. BRIDGEWATER, JR.: Thank you. Commissioners, you've heard from Staff. Are there any comments from Commissioners at this time? Commissioner Lawler.

MR. LAWLER: Is now the appropriate time for discussion or do we have to make a motion?

MR. ATKINS: No. There has to be a motion on the floor and it has to be seconded for discussion before the discussion can take

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place.

MR. LAWLER: All right.

DR. BRIDGEWATER, JR.: Commissioners, we will entertain a motion at this time on the matter.

MR. LAWLER: Mr. Chair.

DR. BRIDGEWATER, JR.: Commissioner Lawler.

MR. LAWLER: Case Number 2010Z-003-02. Applicant, Ed Zinn; the rezoning of 1682-1684 Neely Avenue. I make a motion we approve for rezoning.

MR. ATKINS: Second, Mr. Chair.

DR. BRIDGEWATER, JR.: It has been motioned by Commissioner Lawler that we approve the applicant and it has been seconded by Commissioner Atkins. All in favor --

MR. LAWLER: I'd like to -- can we ask for discussion?

MS. GARRETT: Excuse me, Mr. Chair. Now would the time to ask if there's any discussion.

DR. BRIDGEWATER, JR.: Discussion on the matter?

MR. LAWLER: Yes.

DR. BRIDGEWATER, JR.: Commissioner Lawler, go ahead.

MR. LAWLER: Hum, so we had, hum, healthy conversation around this, hum, case number at work session.

Hum, one of the concerns that I have with the approach, hum, that we are taking in terms of these, hum, case-by-case basis -- even though we talked about the approach of addressing this on a case-by-case basis is the inconsistency with the overall zoning, hum,

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that has been applied by the City of East Point in these neighborhoods in these jurisdictions.

Moving forward, I think, hum, beyond this case, the City of East Point would do well, hum, in part to combine this Commission, hum, the City Council, Staff and Neighborhood Associations to come up with a better solution for, hum, how to handle these particular situations, hum, as opposed to a case-by-case basis.

Hum, I thought long and hard about this particular situation and I think that what we are inviting is an inconsistency with, hum, the general plan that has ben provided by Staff and the City, hum, and our land-use plan, and we need to come to some terms in -- in terms of, hum, getting more in line with that plan -- with the zoning that's been provided.

Unfortunately, that will potentially keep some houses boarded up that will, hum, that will allow some houses to be restored to single family that may have been duplexes, but at some point, we need to, hum, kind of take the hard steps, hum, and take this as an opportunity to come up with some, hum, a better approach I think than the approach that we are taking now.

So I would ask that, hum -- I'll ask for a motion after this that we make a recommendation to the City Council to address this, hum, in combination with the Planning & Zoning Commission with, hum, residents, with investors and, hum, other -- and Staff so that's all I have to say.

DR. BRIDGEWATER, JR.: Thank you. Are there other

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Commissioners who wish to make a comment at this time?

Commissioner Friedly.

MR. FRIEDLY: Yes, I'd like to. Hum, I would have to respectfully disagree with Commissioner Lawler's motion to approve. Hum, I think, as some of the speakers stated are -- hum, the zoning now, the zoning that was decided upon by the City was R1A.

Hum, the -- there is evidence as was stated in both directions regarding the history of the property. I personally feel that it weighs on the fact that it was a single family, but I think that's not particular important in the discussion at hand.

Hum, I think what's more important is the comprehensive plan for the City, calls for Frog Hollow and other neighborhoods around it to be primarily single family homes. Hum, so I think that's something we should be keeping in mind.

Hum, I also think that we really need to take into account the feelings of the Community. Hum, I think it's very disrespectful to discount the feelings of neighborhoods. Hum, that's just a personal opinion that I hold very strongly.

Hum, so I would just, hum, disagree with the motion to approve this particular, hum, application. I certainly wouldn't disagree with Mr. Lawler that we probably should address this issue in a more systematic way otherwise we are going to be confronted with this time and time again. Hum, but I think in this particular instance, hum, given the fact that there are single family homes surrounding this property -- hum, I know the property. I know the

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neighborhood.

Hum, it's very viable as a single family home. Hum, the comprehensive plan call for single family homes. Zoning is single family homes so I would say that this should be denied.

DR. BRIDGEWATER, JR.: Commissioners. Commissioner Atkins.

MR. ATKINS: I would just like to speak for a second. Hum, I appreciate the comments of both of my colleagues. I really just wanted to respond to the comment because I seconded the motion for approval.

Hum, I don't believe, and I don't want to speak for you Commissioner Lawler, that we simply disregard, hum, the feelings of the community, but those are just not basis that we can use to make decisions -- planning and zoning decisions, and so I appreciate the fact that a number of residents from Frog Hollow come. Hum, Ms. Borders stated that she went to the Historical Society and she did research as did, hum, Ms. Nelson and I appreciate that level of civic involvement.

Hum, there are going to be a people who like, hum, applications and what the applicant would like to do who live in the neighborhood and there are going to be people who don't like it and I think that because a motion is, hum, put forth and it's seconded in adverse to the majority of what some of the community, hum, have come to state, does not mean that we don't take it into consideration and that we disregard how the community feels.

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At the end of the day, all of us are citizens of the City of East Point and we care about the development of our City and so it's very important, hum, for us to always act accordingly and so I just wanted to state that because I seconded the motion.

DR. BRIDGEWATER, JR.: Thank you. Commissioners. Others?

DR. BRYANT: I'm in turn to also disagree. Hum, I have to agree with the people and the Neighborhood Association, hum, about the, hum, single dwelling in that particular area.

I heard that, hum, the driveway -- only one driveway. You can't -- you have to park your car on the street. That cause the problems for people trying to get around. Hum, I just think that although we may say -- well, that might not, hum -- some of them might not like to do that because of the development we have in East Point, but I also think that, hum -- I also live in East Point. I've been living in East Point a long time, hum, and I just think that the Neighborhood has spoken and I just feel like -- I just can't go on along with it.

DR. BRIDGEWATER, JR.: Thank you. Commissioners, are there other? Commissioner Tucker.

MR. TUCKER: I have to agree, I looked at the property and I'm of the opinion that it was a single-dwelling home, hum, and the Neighborhood Association on what they feel I think is important and we should listen to it.

DR. BRIDGEWATER, JR.: Commissioners others?

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Commissioner Lawler.

MR. LAWLER: My concern, though, is that we had, hum, set precedence some of our other recommendations in the past -- the City Council had set precedence some of their actions in the past regarding this particular -- not this particular case but cases that we've had before us in the past.

Hum, certainly, I am very respectful of, hum, Neighborhood Associations being a long time member of one myself and working, hum, as hard as I could to, hum, revamp, hum, other parts of the City of East Point. So, hum, I don't think that there's any disrespect there I'm just concerned that as, hum -- in general, the City of East Point, hum, and the decisions that have been made -- both the recommendations by this Body and by City Council, hum, we haven't been -- not everything has been entirely consistent and we need to find some way to get consistency around this particular issue in the City.

Hum, I don't know that we should hold this one particular case, hum, up for that, but I think going forward, we should be able to find some consistency around this.

DR. BRIDGEWATER, JR.: Thank you. Are there other Commissioners who wish to speak?

MR. FRIEDLY: May I speak?

DR. BRIDGEWATER, JR.: Commissioner Friedly.

MR. FRIEDLY: I regret my choice of words. I didn't mean to make this a discussion about whether or not Commissioners

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respected neighborhoods. I know that all of you do. Hum, what I meant to say, and I again, I probably didn't speak clearly is that I think that's a factor that weighs along with the other factors. Hum, and the other factors are the zoning the City itself has, which is R1A, the Comprehensive Plan, which calls for single-family homes primarily, hum, the neighborhood, the houses, immediately surrounding this property, its liability as a single family home whether rented or purchased.

Hum, so, again, I just wanted to clarify. I didn't mean to make this an issue of who supports the neighborhood and who doesn't. That's not what I meant to do, but, hum, I simply meant that that should be taken into account along with the other factor. So thank you.

DR. BRIDGEWATER, JR.: Thank you. Commissioners.
Commissioners.

(Whereupon no Commissioners wish to speak.)

DR. BRIDGEWATER, JR.: Seeing no other wish to speak, we'll continue to carry out the motion. All in favor?

COMMISSIONERS: Aye.

DR. BRIDGEWATER, JR.: Opposes?

COMMISSIONERS: No, no, no.

DR. BRIDGEWATER, JR.: Can we have a roll call, please.

(Whereupon Mr. Chairs request a roll call.)

(Whereupon Ms. Carter administers a roll call.)

MS. CARTER: Eric Friedly.

1 MS. GARRETT: Mr. Chairman, excuse me. The motion was to
2 approve, is that correct?
3 MR. ATKINS: That's correct.
4 MS. CARTER: Eric Friedly.
5 MR. FRIEDLY: Opposed.
6 MS. CARTER: Joel Tucker.
7 MR. TUCKER: No.
8 MS. CARTER: Francine Jones.
9 MS. JONES: Yes.
10 MS. CARTER: Dr. Bridgewater.
11 MR. ATKINS: He won't vote. Dr. Bridgewater won't vote,
12 only in case of a tie.
13 MS. CARTER: I'm sorry.
14 MS. CARTER: Shean Atkins.
15 MR. ATKINS: Yes.
16 MS. CARTER: Pam Patterson.
17 MS. PATTERSON: Yes.
18 MS. CARTER: Paul Lawler.
19 MR. LAWLER: Yes.
20 MS. CARTER: Dr. Bryant.
21 DR. BRYANT: No.
22 DR. BRIDGEWATER, JR.: What's the total?
23 MS. CARTER: Three (3) against.
24 DR. BRIDGEWATER, JR.: Four (4) yeas and three no's. So
25 then it is approved. It is passed. Thank you Commissioners.

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Commissioner Jones.

MS. JONES: I just want to clarify that, hum, we are just approving that, hum, the City Council -- that this goes to City Council not to --

MR. ATKINS: Right. It's a recommendation.

MS. GARRETT: Yes, just to clarify --

MR. ATKINS: It is a recommendation to City Council for approval of Agenda Item 2010 "Z" as in zebra-003-02 which is the, hum, Applicant, Ed Zinn, 1682-1684 Neely Avenue to rezone property from R1A to R2.

MS. GARRETT: That is correct and it is a recommendation to the City Council which the City Council may follow or may not follow.

MR. ATKINS: It's a recommendation.

DR. BRIDGEWATER, JR.: Thank you. Were you about to say something else Regina? Go ahead.

MS. CARTER: No.

DR. BRIDGEWATER, JR.: All right. Thank you Commissioners. At this time, I think that completes all the items on our agenda. I will call for announcements at this time. Staff, we will start with you.

X. ANNOUNCEMENTS:

MS. ELIAS: I think the only announcement that Staff would like to make is to remind everyone in East Point that the deadline to submit your 2010 Census Form is tomorrow April 16th. Otherwise, you may have someone come and knock on your door if you do not

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turn it in so please turn in your Census Form. As of today, East Point is somewhere around the 45 to 55 percent (%) range when you look at most of the Census tracks within this City so please submit your forms. Thank you.

DR. BRIDGEWATER, JR.: Thank you. Staff, are there other announcements you have? Commissioners, announcements that you have?

MR. ATKINS: No announcement really but, hum, Commissioner Lawler, I guess for the record, we'd like to add to our agenda for next month, if we could discuss, hum, the issues of R1A zoning for R2 properties to our agendas for discussion because he did make that request so I just wanted to put that on the record.

DR. BRIDGEWATER, JR.: Commissioners, are there any announcements?

COMMISSIONERS: (No response)

DR. BRIDGEWATER, JR.: At this time, I'd like to -- my announcement will be in the form of a congratulatory message and I understand that we have a total of three (3) birthdays with our Staff and it is always a good and right thing to recognize accomplishments or milestones of those who have lived longer than I.

So James, if you will focus the camera to our Executive Director, Ms. Geneasa Elias who -- hum, it's her birthday. Staff say "Happy Birthday." Okay. And then also to Ms. Keyetta. Keyetta, come on out so they can see you. You got all dressed up for your Birthday Day. Keyetta Holmes, it is also her birthday and I don't

1 know how we do the third one. Hum, James, how do we do you?
2 You got to walk around in front of the camera. It is the cameraman's
3 birthday. You've got to raise it so it will be high enough. Come
4 around in front of the camera. Come around in front of the camera
5 so they'll know -- see your young face. It's his your birthday.
6 (Whereupon everyone claps for birthday greetings.)
7 DR. BRIDGEWATER, JR.: We wish you all well and we hope
8 you have many more birthdays. We wish you health, happiness and
9 of course prosperity. Staff, is there any other announcements?
10 STAFF: (No response)
11 DR. BRIDGEWATER, JR.: Hearing none, I will entertain a
12 motion to adjourn.
13 **XI. ADJOURNMENT:**
14 MR. ATKINS: Mr. Chair. I move that we adjourn our April
15 meeting.
16 DR. BRIDGEWATER, JR.: Thank you, Commission Atkins.
17 MS. JONES: Second.
18 DR. BRIDGEWATER, JR.: Seconded by Commissioner Jones.
19 All in favor for adjournment let it be known by the word "aye."
20 COMMISSIONERS: Aye.
21 DR. BRIDGEWATER, JR.: Those of you who want to stay here
22 say no.
23 COMMISSIONERS: (No response)
24 DR. BRIDGEWATER, JR.: Nobody, so we can go home.
25 Thank you, Commissioners.

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Attest

I hereby attest that the foregoing transcript was reported, as stated in the caption, and the questions and answers thereto were reduced to the written page under my direction; that the foregoing pages 1 through 45 represent a true and correct transcript that I am not in any way financially interested in the result of said case.

I am here as an independent contractor for East Point Planning & Zoning Commission.

I was contacted by the offices of East Point Planning & Zoning Commission to provide stenography services to take down the meeting minutes.

The foregoing meeting for the City of East Point Planning & Zoning Commission on April 15, 2010, at 7 o'clock P.M. were taken down by me and transcribed by me this 29th day of April 2010.

Jeanene Harper
Court Reporter