

1 CITY OF EAST POINT

2 **PLANNING & ZONING COMMISSION**

3 September 16th, 2010 - 7:00 P.M.

4 Official Minutes

5 Regular Meeting

6 East Point, Georgia

7 Jefferson Station

8 1526 East Forrest Avenue

9 4th Floor

10 **Board Members Present:**

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

12 Commissioner Shean **ATKINS**, Co-Chair

13 Commissioner Linda **SHELDON**

14 Commissioner Eddie **BRYANT**

15 Commissioner Dr. William **BRYANT**

16 Commissioner Dr. Lydia **WARES**

17 Commissioner Eric **FRIEDLY**

18 Commissioner Joel **TUCKER**

19 Board Members Absent:

20 Commissioner Francine **JONES**, Provisional Chair

21 Also Present:

22 Ms. Susan **GARRETT**
City Attorney

23 Ms. Regina **CARTER**
Senior Planner

24 Ms. Keyetta **HOLMES**
Senior Planner

25
Reported By:
Jeanene Harper
(404) 228-8807 Office

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I. CALLED TO ORDER:

DR. BRIDGEWATER, JR.: Ladies and gentlemen, we are calling to order the September 16th, 2010 Planning & Zoning Commission meeting of the City of East Point. At this time, we will have a roll call from our Staff, please.

II. ROLL CALL:

MS. HOLMES: Commissioner Friedly.
COMMISSIONER FRIEDLY: Here.
MS. HOLMES: Commissioner Wares.
COMMISSIONER WARES: Present.
MS. HOLMES: Commissioner Tucker.
COMMISSIONER TUCKER: Here.
MS. HOLMES: Commissioner Jones.
COMMISSIONER JONES: (No response.)
MS. HOLMES: Commissioner Bridgewater.
COMMISSIONER BRIDGEWATER, JR.: Present.
MS. HOLMES: Commissioner Atkins.
COMMISSIONER ATKINS: Present.
MS. HOLMES: Commissioner E. Bryant.
COMMISSIONER E. BRYANT: Here.
MS. HOLMES: Commissioner Sheldon.
COMMISSIONER SHELDON: Present
MS. HOLMES: Commissioner W. Bryant.
COMMISSIONER W. BRYANT: Present.
MS. HOLMES. Mr. Chair, you have a quorum.

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DR. BRIDGEWATER, JR.: Thank you. At this time, is it this body's order that we do observe a moment of silence. At this time, we would ask that you would do that, please.

III. MOMENT OF SILENCE:

DR. BRIDGEWATER, JR.: Thank you. At this time, we will do the Pledge of Allegiance. If you would all stand.

IV. PLEDGE OF ALLEGIANCE:

DR. BRIDGEWATER, JR.: Commissioners, at this time, we will ask for the adoption of tonight's agenda. If I can get a motion.

V. ADOPTION OF AGENDA:

MR. ATKINS: Mr. Chair, I move we approve the agenda as, huh, printed and issued.

DR. WARES: Second.

BRIDGEWATER, JR.: Commissioner Atkins has motioned that the agenda be approved as issued. It has been seconded by Commissioner Wares. All in favor let it known by the word "aye."

COMMISSIONERS: Aye.

DR. BRIDGEWATER, JR.: Opposes by the sign no.

COMMISSIONERS: (No response.)

DR. BRIDGEWATER, JR.: Hearing none, tonight's agenda is approved. Also at this time, we will need a motion for the approval of our minutes from the July 15th, 2010 meeting of the City of East Point Planning and Zoning Commission.

VI. APPROVAL OF MEETING MINUTES:

MS. SHELDON: Mr. Chair.

1 DR, BRIDGEWATER, JR.: Commissioner Sheldon.

2 MS. SHELDON: Since we just got the minutes this evening,
3 I'd like a chance to read them through and would like to defer
4 approval of these minutes to our next meeting and I also move.

5 MR. TUCKER: I second that.

6 DR. BRIDGEWATER, JR.: It has been motioned that the
7 minutes for July 15th be deferred -- July 15th, 2010 -- by
8 Commissioner Sheldon.

9 MS. HOLMES: Mr. Chair. The minutes are for the August
10 19th meeting.

11 DR. BRIDGEWATER, JR.: Although my agenda says July --
12 approve for July 15th?

13 MS. CARTER: Should be August 19th.

14 MR. ATKINS: Yes. August 19th. And just clarification for the
15 record, the motion is that we approve the minutes at our next
16 meeting. Hum, that was the motion.

17 DR. BRIDGEWATER, JR.: So then what Commissioner
18 Sheldon was saying was this is not the same --

19 MR. ATKINS: Yes. She said it correctly.

20 MS. CARTER: She said August 19th.

21 DR. BRIDGEWATER, JR.: But my copy has July the 15th.

22 MS. CARTER: And it should say August 19th.

23 DR. BRIDGEWATER, JR.: Okay. With that correction,
24 Commissioner Sheldon, everything still stands in terms of deferred?
25 MS. SHELDON: Yes.

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DR. BRIDGEWATER, JR.: And the second came from
Commissioner Tucker.

MR. TUCKER: Yes.

DR. BRIDGEWATER, JR.: All in favor let it be known by the
word "aye."

COMMISSIONERS: Aye.

DR. BRIDGEWATER, JR.: Opposes by the sign no.

COMMISSIONERS: (No response.)

DR. BRIDGEWATER, JR.: Hearing none, these August 19th,
2010 minutes will be deferred for the approval. At this time, we will
also begin with -- tonight's agenda includes four (4) cases, all except,
hum -- all of them require a public hearing except the final plat. The
one that says, "the final plat," requires a public hearing. So before
we begin, I am required to read to you the public hearing procedures
for Planning and Zoning, which reads as follows: The Public Hearing
Procedures for Zoning Amendment. Is says 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 15 minutes.

Those who oppose the proposed zoning amendment will then
be permitted to speak a total of 15 minutes. By majority vote, the
Council may increase the total time for speaker 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

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

Speakers may 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, shall address remarks only by the Council and shall refrain from making personal attacks on any other speaker.

The presiding officer may refuse a speaker the right to continue, if after first being caused, the speaker continues to violate the Rules of Decorum. This is the City of East Point's Official Zoning Code and Public Hearing, Section 10-22-19-1.

MS. GARRETT: Mr. Chair, if I may, I believe you stated it correctly but just the clarify, the first item, which is a plat, does not require a public hearing but the other three (3) do.

DR. BRIDGEWATER, JR.: Thank you. So at this time, Commissioners, then we'll hear from the first -- Staff, the first matter for us.

VI. NEW BUSINESS:

MS. CARTER: Case Number 2010P-002-08. The applicant is Duke Realty Limited. Property location is Centre Parkway at Camp Creek Parkway. The applicant is seeking approval of a final plat for Camp Creek Business Center to subdivide a 172.058 acres into four (4) lots. The applicant has requested a deferral until the October

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21st, 2010 Planning and Zoning meeting and Staff has accepted their request and you should have a copy of the request from their Attorney, Wilson, Brock & Irby.

DR. BRIDGEWATER, JR.: Thank you. Commissioners, you've heard form Staff. Is there a motion on the matter?

MR. ATKINS: Mr. Chair, I move that we, hum, defer this particular Agenda Item, 2010 "P" as in Paul-002-08 to our October meeting.

DR. WARES: I second.

DR. BRIDGEWATER, JR.: Thank you Commissioner Atkins. Commissioner Atkins says -- made a motion that we defer the matter on Duke Realty. It has been seconded by Commissioner Wares. All in favor let it be known by the word, "aye."

COMMISSIONERS: Aye.

DR. BRIDGEWATER, JR.: Are there any opposes?

COMMISSIONERS: (No response.)

DR. BRIDGEWATER, JR.: Hearing none, this matter will be defer to our October meeting and hearing -- would you sound the next cay for me, please.

MS. CARTER: Case Number 2010U-002-08. Applicant is Chana Kurtz. Property location is 2616 Hogan Road. The applicant is requesting a Special-Use Permit to allow a child care center in the RL, Residential Limited District.

This application requires a public hearing.

DR. BRIDGEWATER, JR.: Commissioners, I will entertain a

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motion to open the public hearing.

MR. ATKINS: Mr. Chair, I move that we open the public hearing for Agenda Item 2010 "U" as in Under-002-08.

MS. SHELDON: Second.

DR. BRIDGEWATER, JR.: It has been motioned by Commissioner Atkins and seconded by Commissioner Sheldon that the public hearing be open. All in favor let it be know by the word, "aye."

COMMISSIONERS: Aye.

DR. BRIDGEWATER, JR.: Opposes by the sign no.

COMMISSIONERS: (No response.)

DR. BRIDGEWATER, JR.: Hearing none, the public hearing is now open. We will now hear from the applicant.

MR. ATKINS: Mr. Chair, could we hear from any -- the applicants are here -- any proponents. So can you call any proponents at this time?

DR. BRIDGEWATER, JR.: Applicants are here?

MS. HOLMES: The applicant is present.

DR. BRIDGEWATER, JR.: Yeah. That's what I thought. The applicant? Come, please. That's fine.

(Whereupon the Applicant Chana Kurtz approach the podium.)

DR. BRIDGEWATER, JR.: State your name and address, please.

APPLICANT CHANA KURTZ: Hello. My name is Chana Kurtz

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and I am standing here on behalf of 2616 Hogan Road in East Point. I am proposing to bring a daycare center into the area. There's a school there, and I understand that this is a pretty stabilized older community. Hum, I'm coming to, hum, support the single mothers and the families to deliver education and support after school and during the day.

Hum, I propose, at this point, maybe to just start after with an after school program. Hum, I understand that there are issues with traffic in the community and I will, hum, ease my way, I guess, I'd say, into the community by starting with an after school program. Hum, other than that, I don't have much more to say besides I hope that this past. That's all. Thank you.

DR. BRIDGEWATER, JR.: Thank you Ms. Kurtz. Are there proponents -- any proponents of this matter that wish to speak on this matter?

PROPOSERS: (No response.)

DR. BRIDGEWATER, JR.: Any there any proponents that wish to speak on this matter?

PROPOSERS: (No response.)

MS. CARTER: Chairman, we have one (1) speaker card. It is Doc Edwards.

DR. BRIDGEWATER, JR.: Okay, Doc Edwards, would you come please and give you name and address.

DOC EDWARDS: Thank you.

DR. BRIDGEWATER, JR.: Thank you.

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(Whereupon Speaker Doc Edwards approaches the podium.)

SPEAKER DOC EDWARDS: Hum, I've got one of these for each of the members. I guess I can give one to you.

Good evening. I'm Doc Edwards, hum, President this year of the Oak Knoll Neighborhood Association where the applicant wants to place this facility. Hum, I'll read this, hum -- I got a packet for each of you, but I want to read it. Hum, on Hogan Road, there's a through-residential street of private single family dwellings. There is fairly constant flow of traffic, including police, fire and ambulance and other emergency vehicles.

Much of the normal traffic ignores the posted 25 mile an hour speed limit, which extends from the traffic light at the intersection of Hogan Road and Dodson Drive, all the way to the stop sign at the intersection of Hogan Road and Ben Hill and Plantation. Many vehicles travel at speeds considerably greater than what they might on a similar street, which would have a 35 mile an hour limit. Many totally disregard the 25 mile an hour and flashing School Zone signs, when they're active.

There's a crest of a hill approximately at 2576 Hogan Road, which limits the sight distance for traffic approaching the Oak Knoll Elementary School from the east of each side. The school driveway is essentially at the bottom of that hill. The school, and it's driveway, become a choke point for traffic on Hogan Road because school buses, passenger vans and private vehicles delivering and picking up children are unable to enter and leave the school grounds.

1 There is gridlock at the school. This causes gridlock on
2 Hogan Road, often, leaving vehicles backed up and stopped for more
3 than 400 feet in either direction. At the beginning and the end of the
4 school day, much -- hum, yeah at the end of the school day, much of
5 the through-traffic is forced to drive on the wrong side of the road
6 and sometime either choose to drive on the sidewalk, rather than
7 wait five (5) or ten (10) or even fifteen (15) minutes until they can
8 pass the congestion at the school driveway.

9 This condition also creates a hazard which would impair or
10 even block the passage of emergency vehicles. One of the things
11 that we really do not need in the neighborhood is increased traffic
12 congestion. The Oak Knoll Neighborhood Association has called for a
13 realistic demographic and traffic study.

14 **2616 Hogan Road**

15 **The Property**

16 SPEAKER DOC EDWARDS: The building sits a number of feet
17 above the level of the street and access is provided by a steep
18 narrow driveway, which is cut through an embankment. The
19 configuration of the driveway and the embankment, plus some
20 shrubbery creates limited visibility for vehicles exiting the property
21 onto Hogan Road.

22 In order to comply with Code Section 10-2123 (B9), Driveway
23 Design, it is my belief that the driveway must be widen or
24 reconfigured to accommodate the passage of two vehicles
25 simultaneously. This would required the removal of between three

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(3) and ten (10) mature trees and also would require a curb cut because of the property line to the east side of the driveway and the power pole at the west side of the existing driveway. Huh, it would mandate some kind of horseshoe configuration of a driveway, also, huh, it would -- essentially, the applicant would want to pave most of the front yard. But since the setback of the building includes a steep embankment, there is limited space at the top, in which to turn the vehicle around, much less to accommodate several vehicles at once.

The setback at 2616 Hogan Road and for the several adjacent dwellings is not sufficiently greater than the minimum 45 feet and aside from the two vehicles which might occupy the carport, further parking would not comply with Code Section 10-2123 (B8), No Parking in the Minimum Setback, et cetera.

We've been told that this structure has a 1900 square foot footprint and that there is space requirement of 35 square feet per child. That equates to a capacity of over 54 children. There is a daylight -- full daylight basement, which could add a considerable increase in potential child capacity. St. Stephen's Missionary Baptist Church, at 2670 Hogan Road, already has a daycare program just over 500 feet distant from the applicant's property. They've expressed their opposition of this variance.

The Local School Advisory Council, LSAC, the chairperson for the Oak Knoll Elementary School, has expressed their opposition to this variance. We believe this variance would begin an expanding cycle of none-residential variances. Our neighborhood, over the last

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number of years, has been victimized by improper subdivisions of property granted on the basis of faulty data submitted. We have experienced seven (7) in-filled dwellings, which are of incompatible size and shape and materials, set improperly on their building lots and some of those severally substandard in construction. We do not desire to see signage for commercial activity in this midst of our residential area. We are largely an ageing demographic and of the six families with young children in our neighborhood, huh, our approximately eighty-family neighborhood, none would be interested in a daycare facility as proposed by the current applicant.

Although, there is required to be five hundred -- five hundred foot distance between one daycare facility and another, I direct your attention to the La Dozier facility in the 3200 Block of Washington Road. They apparently acquired one former residence for their enterprise, then was able to, huh, append the next adjacent residence and then even the next adjacent one to that, giving them three (3) properties combined into one (1) enterprise.

In the case of the current applicant, the adjacent residence at 2606 Hogan Road is a rental property, which appears to remain vacant for long periods between fairly short rentals. From time to time, there has been a for sale in the yard. If the current applicant were to acquire this property also, we would well be faced with a La Dozier situation. With the business activity comes signage, insurance, real estate, daycare, beauty salon. Look around as you go through changing areas. Even the church has a large sign in front of

1 the residence they recently made into an outreach facility. The
2 homeowners in our neighborhood have lived here long enough, made
3 long-term investments and do not wish to see our property values
4 deteriorate further than they have in the past few years. Three
5 ladies came to see me last Saturday to inquire about another vacant
6 property a few houses up the street. The property has been vacant
7 for quite some time. The ladies have an enterprise making soaps
8 and skin-care products, a home-based business, I suspect, and
9 they're interested in moving their operations into this house, which
10 also has a substance outbuilding. They also wish to establish some
11 life-enrichment classes with a projected size of about 20 students at
12 a time. So already it starts. Soon, we may see an application for a
13 convenience store at the nearest traffic light.

14 In conclusion, for the reasons elaborated above and a number
15 of others which I have not included, we in the Oak Knoll
16 Neighborhood request this application for daycare facility be denied.
17 Respectfully, Doc Edwards, President of Oak Knoll, huh,
18 Neighborhood Association. I've included some pictures in this packet.
19 I've also included a couple of Google maps, huh, annotated for your
20 enjoyment. Thank you very much.

21 MS. HOLMES: The applicant has 12 minutes and 46 seconds
22 remaining.

23 DR. BRIDGEWATER, JR.: Thank you.

24 (Whereupon the Applicant Chana Kurtz approaches the
25 podium.)

1 REBUTTAL

2 APPLICANT CHANA KURTZ: Thank you Mr. Edwards. Hum,
3 just to point out a couple of those things, the activity down Hogan
4 Road with the speed limit. Hum, violations: Hum, because the
5 backyard is require to be fenced in, there will be no activity for our
6 children on the front yard so that does not disrupt how our flow of,
7 hum, traffic or even activity for our children. It would not be affected
8 one way or the other with that. I am willing to, hum, accept the
9 responsibility for turning the driveway because I understand that's to
10 Code, hum, the cars need to be able to come in and go out in a
11 forward motion. Hum, so I am prepared to take care of that
12 financially.

13 Hum, as well as, hum -- our family owns a traffic control
14 company and we have actually some East Point Police Officers on our
15 staff and I will accept the bill for four hours a day, if indeed, hum,
16 the traffic is a result of our daycare center. So I wanted to add that.
17 Hum, as far as, hum, the community being victimized -- as long as
18 these communities are stayed unoccupied, I think that there is an
19 opportunity for more victimizing in that community. So, hum,
20 occupying at 2616 will at least take care of that property, which has
21 already been victimized. I have to take care of some things in that
22 house because it has been, hum, vacant for so long.

23 Hum, I am not there to build an enterprise. I only want to
24 support the children and the families of the schools around there
25 because as single parent, I understand that there is a lack of

1 resources for our children. Hum, so that is -- that's my goal is not to
2 build an enterprise. I'm not interested in the property next door,
3 Mr. Edwards. I can promise you that. Hum, as well as, hum --
4 again, the deterioration of the properties: As long as they stay
5 vacant, I do believe that they will continue to deteriorate. Hum, and
6 as far as a convenient store or anything like that, I will can also
7 promise you I'm not interested into bringing any of that into the
8 community as well. So I state those things at this time. Thank you.

9 DR. BRIDGEWATER, JR.: Thank you. Are there other, hum,
10 proponents?

11 AUDIENCE: (No response.)

12 DR. BRIDGEWATER, JR.: That's it? Okay. Any other
13 opponents?

14 MS. GARRETT: Excuse me, Mr. Chair. That was the
15 applicant's rebuttal time so that would be the end of the public
16 hearing.

17 DR. BRIDGEWATER, JR.: Commissioners, at this time, I will
18 entertain a motion to close the public hearing.

19 MS. SHELDON: Mr. Chair.

20 DR. BRIDGEWATER, JR.: Commissioner Sheldon.

21 MS. SHELDON: I move that we close the public hearing.

22 MR. ATKINS: Second.

23 DR. BRIDGEWATER, JR.: It has been moved by
24 Commissioner Sheldon and seconded by Commissioner Atkins that
25 we close the public hearing on this matter. All in favor let it be

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known by the word "aye."

COMMISSIONERS: Aye.

DR. BRIDGEWATER, JR.: Opposed by the sign no.

COMMISSIONERS: (No response.)

DR. BRIDGEWATER, JR.: Hearing none, the public hearing is now closed. At this time we will entertain the request for Staff.

MS. CARTER: The applicant requests a Special-Use Permit to allow a child care center in the RL, Residential Limited District. Staff recommends approval with the following conditions: There is an electrical condition which says the owner shall supply new electrical main size, new electrical load and KVA and to -- and/or on tabulated load sheet, to insure sufficient transformer and service capacity and all National Electric Safety Codes Requirements must be met on the service entry -- entrance. There is a transportation, hum, condition which says for the applicant to widen the driveway from twelve (12) feet to twenty-four feet (24) to lessen the traffic flow along Hogan Road. The facility needs to be designed to avoid cuing into a public street during peek hours, hum -- of peek arriving periods.

DR. BRIDGEWATER, JR.: Thank you. Commissioners, we've heard from Staff. At this time, we will entertain a motion. Commissioners, we've heard from Staff. At this time we will entertain a motion.

MS. SHELDON: Mr. Chair.

DR. BRIDGEWATER, JR.: Commissioner Sheldon.

MS. SHELDON: Motion to approve for discussion.

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MR. ATKINS: Second.

DR. BRIDGEWATER, JR.: It has been motioned by
Commissioner Sheldon with discussion and seconded by
Commissioner Atkins. All in favor?

COMMISSIONERS: Aye.

DR. BRIDGEWATER, JR.: At this time -- it's --

MS. SHELDON: Discussion.

DR. BRIDGEWATER, JR.: Well, motion for discussion at this
time.

MS. SHELDON: Hum, so as I understand that we did have a
professional traffic impact analysis done and that the result of that
impact analysis was the conditions that you stated. Hum, so, I
believe that does respond to some of this -- the neighbor's concerns
regarding traffic, at least. Hum, and -- I suppose that's really all I
wanted to point out that we have already, at least, undergone that
analysis so that's all I have to say.

DR. BRIDGEWATER, JR.: Thank you, Commissioner Sheldon.

MS. GARRETT: Commissioner Sheldon and other
Commissioners, the traffic engineer is here tonight if you all have any
questions about that.

MR. ATKINS: Hum, Commissioner, I actually have questions
of the applicant and I don't know if it's Kurtz --

APPLICANT CHANA KURTZ: It's Kurtz.

MR. ATKINS: Ms. Kurtz, would you please come to the
podium.

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APPLICANT CHANA KURTZ: Sure.

(Whereupon Applicant Chana Kurtz approaches the podium.)

MR. ATKINS: Hum, a couple -- a few questions for you. I see here in the application there's some places where it talks about hours of operation --

APPLICANT CHANA KURTZ: Yes.

MR. ATKINS: -- and in one place it say 6 a.m. to 6 p.m. and then in the letter that is, hum -- bares your signature, it says 6 a.m. and having daycare provided for their infant in the same community until 7 p.m. So exactly what would be the hours of operations, because I'm not quite clear on that?

APPLICANT CHANA KURTZ: Sure. And I'm sorry about that. Hum, it was until 7 p.m. The, hum -- the guidelines suggest that 7 p.m. would be the latest that we could operate so 7 p.m. would -- 6 a.m. to 7 p.m. would be, hum, proposed, once we got to that phase of the daycare.

MR. ATKINS: Okay. And that's what really leads to my next question.

APPLICANT CHANA KURTZ: Okay.

MR. ATKINS: You really talked, hum, that when you first took the podium in the public hearing, you talked about providing after-school care.

APPLICANT CHANA KURTZ: Yes.

MR. ATKINS: And so at this time, is that what you're seeking to do, provide after-school care?

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APPLICANT CHANA KURTZ: Well, what I understand is that there's, hum, a three -- I would have to start my process over if it was just a -- I mean, a after-school care. I want to be able to phase this thing so financially and feasibly for me, it is feasible for me to start with the after-school care and build to the daycare, financially.

MR. ATKINS: And how many children are you first looking to serve, hum initially?

APPLICANT CHANA KURTZ: Sure. Hum, 25 to 30, initially. The house, as was stated, hum, I can only keep children 35 -- they need 35 square feet of their own space. The house is about 1,900, which would be about 50, hum, and that would be the age ranges from six week to four years old. Hum, the after-school program, hum allots for the same square footage of individuals so I would still -- and the basement is not done so I won't be doing business down there, hum, but I will still look to get at least to the 50, hum, for the school-aged children to start with. I could never go over 50, is what I'm saying. So if I started the after-school care, hum, the goal would be to get to 50. If I -- or once I start, hum to incorporate the other ages, then I would have to work to get the balance of the children. So if I could only have like ten (10) babies or something -- the age range is -- I'm so sorry if I'm scattering -- I could only ever get 50 kids based on the amount of square footage, hum, and the amount of, hum square footage of the home and the amount that is allotted so I would never have over 50 children no matter how -- or no matter what the ages will be, I guess is what I'm trying to say.

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MR. ATKINS: I'm asking the question because in several places in the application, it states that the center plans to house 18 students. That's a part of this applicant here --

APPLICANT CHANA KURTZ: Okay.

MR. ATKINS: -- and then here it also says the daycare will serve a maximum of 18 children along with the appropriate staff. And so that number is 20? Is that what you're saying, initially?

APPLICANT CHANA KURTZ: Well, the, hum -- it should say 18 or more from what I understand. What the Special-Use Permit or -- the reason why I'm here is because the house already allows me to keep six (6) without me being here.

MR. ATKINS: Correct.

APPLICANT CHANA KURTZ: So I'm here to say that there's a possibility that I want to have more than 18 children and it's the reason why they call it the child care center, not just 18. I don't know where that number came from.

MR. ATKINS: Okay. And this is a question of Staff. Hum, our current sign ordinance in a residential area: What would the sign ordinance allow for this type of structure?

MS. HOLMES: She cannot have a sign on a single structure.

MR. ATKINS: She cannot have a sign on a single structure?

MS. HOLMES: No, sir, not in a residential structure -- not in a residential zoning.

MR. ATKINS: Okay. And the reason that I'm asking that particular question because I understand that from Mr. Edward's

1 presentation, who's the President of the Neighborhood Association,
2 that is most directly impacted, he talked signage and I understand
3 the sensitivity to all of that and I just wanted Mr. Edwards to know
4 that, as are we, and we have actually revamped our sign ordinance,
5 you did mention a lot of other business, I think, along Washington
6 Road. I think there is a different zoning classification. And then the
7 other piece to that is Ms. Kurtz is here today for a Special-Use Permit
8 and not for a Variance, hum, and so we're not trying to or a rezoning
9 or any of those things and so we're not trying to change the rezoning
10 and so with the Special-Use Permit, it's really just talking about the
11 use and because it's still in a residential area, she would have to
12 adhere to the current sign ordinance which would not allow for a sign
13 there. Okay. Hum. I think that those are all of the questions that I
14 have. Thank you.

15 APPLICANT CHANA KURTZ: Thank you.

16 MS. SHELDON: I have one more.

17 APPLICANT CHANA KURTZ: Okay.

18 MS. SHELDON: Hum, I understand that you're required to
19 have the property properly permitted --

20 APPLICANT CHANA KURTZ: Uh-huh.

21 MS. SHELDON: -- in order to apply with the State to qualify
22 as a child care center. Is that correct?

23 APPLICANT CHANA KURTZ: Yes, that is correct.

24 MS. SHELDON: So all of the requirements in terms of how
25 many staff you have and how you're set up and how you are

1 arranged in terms of the children themselves will be decided per the
2 State. So this is just the beginning of your process?
3 APPLICANT CHANA KURTZ: Yes, I have to get all this done
4 before I can even go to the State.
5 MS. SHELDON: Okay. That's what I wanted to know.
6 MR. ATKINS: Go ahead Mr. Bryant.
7 MR. BRYANT: Yes. I have just one question for Mr. Edwards.
8 When you was at the, huh, podium, you said something about the
9 church had a daycare center. Did I hear you correctly?
10 MR. EDWARDS: The church operates a day care program
11 and, huh, the church has recently acquired, huh -- I say recently
12 acquired -- the sign has recently been erected on a residence, huh,
13 about three houses down Dodson Road from Hogan Road, huh, that
14 says something or other house, huh, some kind of outreach center.
15 So it's about a four-foot by four-foot sign on to substantial, huh,
16 standards.
17 MS. HOLMES: A permit application for that sign is not in our
18 office.
19 MR. EDWARDS: Excuse me.
20 MS. HOLMES: A permit application for that sign has not been
21 submitted to our office.
22 MR. BRYANT: So you're saying that this day care center is
23 being operated 5 days a week?
24 MR. EDWARDS: The church?
25 MR. BRYANT: Yeah.

1 MR. EDWARDS: I really have know idea what they do. They
2 have -- they have a, huh, a day care program over there. They have
3 an after school program. They have a large, huh, recreation area
4 with a walking track around the top. Huh, they have a considerable
5 facility there. I don't know what formal, huh, groupings they have.
6 Hum, I was not able to get the assistant pastor this afternoon to talk
7 to her or to see if she wanted to come speak to this, huh, but, huh
8 Pastor Callaway -- Callahan.

9 DR. BRIDGEWATER, JR.: Callaway.

10 MR. Edwards: Callaway and, huh, the assistance pastor, huh,
11 Ms. Ford, huh, would be the people to speak to regarding that, as far
12 as I know.

13 MR. BRYANT: All right. Thank you very much, sir.

14 MR. EDWARDS: Yes, sir.

15 DR. BRIDGEWATER, JR.: Commissioners, to make sure that
16 we're all on the same page, the church that he's talking about is St.
17 Stephens --

18 MR. EDWARDS: The St. Stephen's Missionary Baptist Church
19 at 21-- at 2670 Hogan Road.

20 DR. BRIDGEWATER, JR.: Thank you. Commissioner Wares.

21 DR. WARES: I had one question. I wanted to know about
22 the driveway. How extensive would that be? Would you give us an
23 idea of what that would encompass to do the driveway.

24 (Whereupon Transportation Manager Anthony Brown
25 approaches the podium.)

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MR. BROWN: My name, hum, Anthony Brown. I'm the transportation manager for the City of East Point. The driveway needs to be, hum, widen from 12 feet to 24 feet to make sure the cars get in and out without backing up traffic on, hum, Hogan Road and, hum -- what was question, specifically?

DR. WARES: Basically, how would you do that. Is that something that's gonna be extensive to do?

MR. BROWN: It might be extensive. The grades are pretty rough if there's not enough room because I think there needs to be some parking up there as well. You're gonna have staff and people coming in and out, hum, and so there's basically strengths. I didn't look at the property. Hum, I didn't look at the property. I just looked at it from the public right-of-way standpoint but, hum, you know, she would have to get her own engineer and show us some plans.

DR. WARES: Okay. So basically, before all this could be approved, that would be the part of the deal? That would have to be --

MR. BROWN: Yes. So I would need to see some plans.

DR. WARES: Okay. Thank you.

DR. BRIDGEWATER, JR.: Other Commissioners?
Commissioner Friedly.

MR. FRIEDLY: Yes. I have a question for Staff. Hum, Mr, Edwards, had raised an issue regarding parking and noncompliance with Code Section 10-2123 (B8), no parking in the minimum setback.

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Do you have any response to what he stated then?

MS. CARTER: This is a Special-Use Permit. That is part of the development phase. As far as where we are at this point, that is being present before you. Mrs. Kurtz has the opportunity to do a Development Site Plan, to go through plan review. She is not at that stage right now. Tonight is for her to be able to use the property for a day care. The actual development is another process, another part of our department.

DR. BRIDGEWATER, JR.: I have a question. Hum, would she -- in terms of a driveway, hum, in terms of Handicap Parking, would she be also required to have that available?

MR. BROWN: Hum, I would have to go back to the Codes and check, but, hum, she also hasn't had an opportunity to, you know, show some engineering plans, hum, to defend herself. Hum, so she might have it. She might not. Huh, I don't know like how -- I don't the ex -- she might put the parking in the back. I not sure. I didn't see any plans so she needs some -- an engineering expertise to, hum, answer those questions.

DR. BRIDGEWATER, JR.: Thank you. And I had one other question I wanted to ask Doc Edwards if I could, please.

MR. EDWARDS: Yes, sir.

DR. BRIDGEWATER, JR.: Doc Edwards, I'm familiar with your Oak Knoll Association. As a matter of fact, I was sworn in as first president so -- and I know that you are the president of the Oak Knoll Association. I'm just wondering what the feeling of the other

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neighbors are. Are you representing yourself or you representing the entire community or what?

MR. EDWARDS: Huh, we had our quarterly neighborhood meeting last Thursday, a week ago, and we had a relatively good turnout as those meeting go and, huh, no one that I have spoken to is in favor of this, no one in the neighborhood. Huh, I don't speak for absolutely everybody but everybody I have talked to is not in favor of it. The one, huh, ray of sunshine for Ms. Kurtz is, huh, that we generally agree that an occupied building is better than a vacant building but, huh, we are dreadfully afraid that this will be a creeping, huh -- something or other that will detract from our residential from our residential character.

DR. BRIDGEWATER, JR.: Thank you, Mr. Edwards.

MR. EDWARDS: Yes, sir.

DR. BRIDGEWATER, JR.: Commissioner are there others that wish to make comments? Commissioner Sheldon.

MS. SHELDON: Yes. Just to be clear, hum, this is the first part of a process that allows the applicant to proceed to develop whether or not this is a possible, hum -- this property could be even developed to do what it is she wants to do. So this is simply the beginning of that process and that the Staff will be involved in every point as we go down the road to insure that all Codes and all, huh, all of the ordinances are properly adhered to. Hum, so I just wanted to be clear about that. Hum, I do have one question for you regarding the traffic study. I'm sorry to have to make you get up and down.

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Hum, when you were there doing a traffic study, were you there at peek school hours so you were able to observe the traffic that, hum, our speaker was speaking to?

MR. BROWN: I was there -- I was there during the morning peek, hum, when, hum, the school started and I was there at -- in the afternoon when the school let out and I noticed in the afternoon, in particular, only a fifteen-minute period of time where traffic was stopped and that was because no, hum -- parents were waiting to pick up their kids and buses are stopped and you can't stop that and you know the traffic that would be generated from 18 -- huh, an 18-children daycare would, hum -- would not affect that much.

MS, SHELDON: That was my question.

MR. BROWN: An 18-kid daycare.

MR. ATKINS: Mr. Chair, before we go forward, I just want to make sure, just for the record -- Ms. Sheldon, you might correct me if I'm incorrect. I think your motion was to move approval and I can't remember if you said with conditions and so I want to perfect the record, hum, and I'm not quite sure and I want to make sure that if we do move forward with that so my friendly amendment would be to ask if you would accept that if you do not state that?

MS. SHELDON: Absolutely.

MR. ATKINS: And my second -- I think I seconded it. My second still stands.

MS. GARRETT: And those conditions would be the conditions recommended by Staff.

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MR. ATKINS: Yes. The conditions, hum that were mentioned by Staff, huh, one of which is the driveway from widening up the driveway from 12 feet to 24 feet and then the other was the electrical and huh -- what was the other one Regina?

MS. CARTER: There were four, hum, conditions all together and I'll read them again. Electrical is that the owner shall supply new electrical main size, hum, new electrical mode in KVA and on tabulated load sheet, to ensure sufficient transform and services capacity and the second of the electrical is, all National Electrical Safety Code Requirements must be met on service entry and then are two transportation, hum, conditions. The first is to widen the driveway from 12 feet to 24 to lessen traffic flow along Hogan Road and the second is, the facility needs to be designed to avoid cuing into the public street during peek hours arriving periods.

DR. BRIDGEWATER, JR.: Thank you. Commissioners, you've heard the motion, Staff recommendation and the second with the additional requirements. Are you ready to vote now? All in favor let it be known by the word "aye."

COMMISSIONERS: Aye.

DR. BRIDGEWATER, JR.: Opposes by the sign no.

COMMISSIONERS: (No response.)

DR. BRIDGEWATER, JR.: Hearing -- Commissioner, you said no?

MR. FRIEDLY: Was that the vote or was that to take a vote?

DR. BRIDGEWATER, JR.: That was a vote.

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MR. FRIEDLY: No.

DR. BRIDGEWATER, JR.: Let the record show that was one descending vote, Commissioner Friedly. Staff would you sound the next matter before the Commission, please.

MS. CARTER: Case Number 2010M-004-08. Property location is Citywide request us to amend Part 10 of the East Point Zoning Code Planning & Development, Chapter 14, Overlay District for the City of East Point, Georgia to provide an effective date to repeal conflicting ordinances and for other purposes. This application requires a, huh, public hearing.

DR. BRIDGEWATER, JR.: Thank you. Staff at this time -- I mean, Commissioners, at this time, we 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 "M" as in Mary-004-08.

DR. WARES: Second.

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

COMMISSIONERS: Aye.

DR. BRIDGEWATER JR.: Opposes by the sign no.

COMMISSIONERS: (No response.)

DR. BRIDGEWATER, JR.: Hearing none, the public hearing is now open on this matter. At this time, we will hear from the applicant.

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MS. GARRETT: There really is no applicant sense this is coming from the --

DR. BRIDGEWATER, JR.: City.

MS. GARRETT: -- from the Staff, yeah. You can call for their wishing to speak in favor of it and against it.

DR. BRIDGEWATER, JR.: At this time, we will call for those persons who are in favor. Are those that are in favor of the motion. Persons who are in favor. Persons who are in favor.

THE CITY STAFF: (No response.)

DR. BRIDGEWATER, JR.: Seeing none, after three times, those who are opposed. Persons who are opposed. Person who opposed.

THE CITY STAFF: (No response.)

DR. BRIDGEWATER, JR.: Hearing none, Commissioner, I'll entertain a motion to close the public hearing.

MR. ATKINS: Mr. Chair, I move that we close the public hearing for Agenda Item 2010 "M" as in Mary-004-08.

DR. BRIDGEWATER, JR.: Thank you, Commissioner Atkins.

DR. WARES: I second.

DR. BRIDGEWATER, JR.: It has been motioned by Commissioner Atkins and seconded by Commissioner Wares. The public hearing is now closed. All in favor let it be known by the word "aye."

COMMISSIONERS: Aye.

DR. BRIDGEWATER, JR.: Opposes by the sign no.

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COMMISSIONERS: (No response.)

DR. BRIDGEWATER, JR.: Hearing none, the public hearing is now closed. We will hear from Staff.

MS. CARTER: Hum applicant is -- I'm sorry. The request is to amend Part Ten of the Planning & Zoning Development Code, Chapter 14, Overlay District for the City of East Point, Georgia to provide an effective date to repeal conflicting ordinances and for other purposes.

Staff recommends approval to amend the language in Part Ten, Planning & Development, Chapter 14, Main Street Overlay District by changing any reference to Main Street to Downtown.

DR. BRIDGEWATER, JR.: Thank you.

MS. SHELDON: Mr. Chair.

DR. BRIDGEWATER, JR.: Commissioner Sheldon.

MS. SHELDON: I make a motion that we defer this item to our next meeting.

MR. ATKINS: Second.

DR. BRIDGEWATER, JR.: It has been motioned by Commissioner Sheldon and seconded by Commissioner Atkins that in the case of the matter 2010M-004-08, Citywide is the applicant, that it be deferred to our next meeting, which is an October meeting. All in favor let it be known by the word "aye."

MS. SHELDON: Excuse me. I'd like some discussion if you don't mind, Mr. Chair.

DR. BRIDGEWATER, JR.: All right.

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MS. SHELDON: At our, huh, work session, we expressed our concern that we are referring to an organization that does not yet exit. The, hum, just a second -- hum, you're proposing to talk about the Downtown Architectural Review Board and we do not have one at this point. Hum, we were suggesting that we develop the rules and the, hum -- whether this needed an ordinance in order to establish this review board, et cetera, et cetera, prior to adopting this measure. So my questions for Staff is, what is your response to that?

MS. HOLMES: Commissioner Sheldon, the item before you is to change the name from Main Street to stop the conflict between the Main Street Architectural Review and the Main Street Non-Profit Association that operates here in the City.

MS. SHELDON: Uh-huh.

MS. HOLMES: Hum, it also establishes some parameters around the persons who would be selected to the Architectural Review Board and please remember that this is only Architectural Review Standards and these standards are -- this Board or these persons would receive information from the Planning Staff once an application, hum, for property to be changed in the Main Street District is submitted.

MS. SHELDON: Have you all, hum, established their rules and how they're governed and how often they meet, et cetera, et cetera?

MS. HOLMES: There are no rules or governing authorities for them. Hum, our attorney will speak further on this. However, this is,

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hum -- this Board will receive permitting information for the Planning & Zoning Staff. It will a part of our Planning Review Process during the development phase of a project.

DR. BRIDGEWATER, JR.: Attorney Susan Garrett, I will recognize you at this point. I saw you were trying to in on this.

MS. GARRETT: Thank you. But Staff is correct in what's been said and just by way of further explanation, hum, the, passage of this ordinance revision would begin the creation of the Board. The ordinance provides once -- once the ordinance is set up to have a Body by this name, then the ordinance contain provisions for the Council to appoint the membership of the Board and then the Board to establish its rules and procedures but this is the first step that needs to be taken. It also needs to be taken because its has, hum -- as Ms. Holmes has stated, there is an issue right now because the ordinance currently refers to the East Point Main Street Association, which is an independent 501 C3 Organization. It's not appropriate for them to be -- to appear to have a official City function. So that's the reason that the change is being made. I think that the inquires that you're making are appropriate ones -- I think are covered by the ordinance once it gets in place.

MS. SHELDON: Hum, so this is just the first step and takes care of that conflict immediately that could be a sticking point and that being the case, then I will withdraw my motion.

MR. ATKINS: I have a few questions also. So Ms. Holmes, you were stating that, hum, this particular, hum, text amendment

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would change the name from the Main Street --

MS. HOLMES: Currently, it appears in our Ordinance as the Main Street Architectural Overlay and the, hum, it is effectively associated that with the Main Street Association Board, which operates as a 501 (C3).

MR. ATKINS: Okay.

MS. HOLMES: Hum to change -- to, hum, eliminate that confusion instead of it being the Main Street Board, it would be the Downtown Architectural Overlay Board, which will effectively be the persons that participate in our Plan Review Process when we have a project in our Downtown District.

MR. ATKINS: Okay and so then Council would create the ordinance that would establish the, hum, the Downtown Architectural Review Board, correct.

MS. GARRETT: This is the ordinance that established the Downtown Architectural Review Board.

MR. ATKINS: Okay. So I guess my questions is, would -- I guess what I meant is to actually populate that Board. So Council would do that and are we talking -- what time of timeframe are we talking and Ms. Garrett did you say that there was already an issue that needs to go before this Board?

MS. GARRETT: There isn't, that I'm aware of, an application currently pending that needs to go before the Board but at the moment, there is just a complicated situation because we have what really is an Independent 501 C3 Organization that is named in the

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current version of the ordinance as being the City's Review Board so there are issues coming up without whether it's a Public Body or not. And although it has a relationship to the City, it is not intended to be a City Governmental Body.

MR. ATKINS: Okay. All right. Thank you. And having said that and gotten that information, I will withdraw my second.

MS. SHELDON: Mr. Chair.

DR. BRIDGEWATER, JR.: Commissioner Sheldon.

MS. SHELDON: Motion to approve item number 2010 "M" as in Mary-004-08. Text amendment to the Main Street Architectural Overlay.

MR. ATKINS: Second.

MS. GARRETT: Commissioner Sheldon, if I may, just for the public's benefit that would be a recommendation of approval to the City Council.

MS. SHELDON: Thank you.

DR. BRIDGEWATER, JR.: Commissioner Sheldon has made a motion of recommendation for approval to the City Council seconded by Commissioner Atkins. All in favor let it be known by the word "aye."

COMMISSIONERS: Aye.

DR. BRIDGEWATER, JR.: Opposed by the sign no.

COMMISSIONERS: (No response.)

DR. BRIDGEWATER, JR.: Hearing none this matter is approved. So Staff would you be kind enough to sound the final part

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of the judgement.

MS. CARTER: The next case is 2010 "Z" as in zebra-009-08. Property location is Citywide. This is also a text amendment for Part B, Chapter 2, Article -- I'm sorry. It's a Text Amendment for Part 10, Chapter 2, Article B, Section 10-2028 to selected accessory structures and uses by adding language for temporary storage units and portable on-demand storage structures. This application requires a public hearing as well.

DR. BRIDGEWATER, JR.: Commissioners, I will entertain a motion to open a public hearing on this case matter 2010Z-009-08.

MR. ATKINS: Mr. Chair, I move that we open a public hearing for this particular Agenda Item.

DR. BRIDGEWATER, JR.: Thank you, Commissioner Atkins.

MS. SHELDON: Second.

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

COMMISSIONERS: Aye.

DR. BRIDGEWATER, JR.: Opposes by the sign no.

COMMISSIONERS: (No response.)

DR. BRIDGEWATER, JR.: Hearing none, the public hearing is now open. Are there proponents of this particular matter before the Commission, now? Are there proponents that wish to speak in favor of?

1 CITY AUDIENCE: (No response.)
2 DR. BRIDGEWATER, JR.: Are there proponents that wish to
3 speak in favor of?
4 CITY AUDIENCE: (No response.)
5 DR. BRIDGEWATER, JR.: Having sounded three times and
6 not hearing any, are there opponents that wish to speak in
7 opposition?
8 CITY AUDIENCE: (No response.)
9 DR. BRIDGEWATER, JR.: Are there persons who wish to
10 speak in opposition?
11 CITY AUDIENCE: (No response.)
12 DR. BRIDGEWATER, JR.: Are there person who wish to speak
13 in opposition?
14 CITY AUDIENCE: (No response.)
15 DR. BRIDGEWATER, JR.: Not seeing any, Commissioner, I'll
16 entertain a motion to close the public hearing, please.
17 DR. WARES: Mr. Chair.
18 DR. BRIDGEWATER, JR.: Commissioner Wares.
19 DR. WARES: I make a motion --
20 VIDEOGRAPHER: Microphone, please.
21 DR. WARES: Mr. Chair. I make a motion that we close the
22 public hearing for application number 2010Z-009-08.
23 DR. BRIDGEWATER, JR.: Thank you. Is there a second?
24 MR. TUCKER: Second.
25 DR. BRIDGEWATER, JR.: It has been motioned by

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Commissioner Wares and seconded by Commissioner Tucker that we close the public hearing. All in favor let it be known by the word "aye."

COMMISSIONERS: Aye.

DR. BRIDGEWATER, JR.: Opposed by the sign no.

COMMISSIONERS: (No response.)

DR. BRIDGEWATER, JR.: Hearing none, the public hearing is now closed. Staff, we will be glad to here from you at this time.

MS. CARTER: Case Number 2010Z-009-08. It is to amend Part 10, Chapter 2, Article B, Section 10-2028 to selected accessory structures and uses by adding language for temporary storage units and portable on-demand storage structures.

Staff recommends approval to amend Part 10, Chapter 2, Article B, Section 10-2028 to add regulations for temporary storage units.

DR. BRIDGEWATER, JR.: Thank you. At this time, we will entertain a motion.

MS. SHELDON: Mr. Chair.

DR. BRIDGEWATER, JR.: Commissioner Sheldon.

MS. SHELDON: I move that we approve the, huh -- that we recommend approval to City Council for this item regarding Text Amendments to add, huh, language regarding temporary and PODS in the ordinance.

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

MR. ATKINS: Second for discussion.

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DR. BRIDGEWATER, JR.: It has been motioned by Commissioner Sheldon and seconded by Commissioner Atkins for discussion. At this time, we will have discussion.

MR. ATKINS: Huh, Mr. Chair, I have a question of Staff. I had a few questions in our work session and I think that some of those have been cleared up. Hum, I guess I still have a question about the front yard piece and I talked about that in our work session and I did get the Email from Staff as it relates to how the ordinance defines front yard and so we're talking from, hum, lot line to lot line and if the driveway is a part of that, then the driveway is considered a part of the front yard, correct?

MS. HOLMES: (Nods head for yes.)

MR. ATKINS: Okay.

MS. HOLMES: The portion of the driveway that is between lot line to lot line.

MR. ATKINS: My -- and I guess the -- the concern that I had is for, hum, TAD's and traditional neighborhood development. Sometimes the driveways are so narrow and I think that this Text-Amendment change states to that the POD or the temporary storage unit must rest on an impervious surface, not in the front yard, correct?

MS. HOLMES: Yes.

MR. ATKINS: Okay. So in T and D's, does that pose a challenge for all of our residents who live in T and D's that cannot get a POD to the backyard on an impervious surface?

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MS. HOLMES: As I think about, the only T and D that we have is the East Point Villages and as I think about the townhomes that are there, I don't anticipate a problems getting to the rear for -- to the side where the impervious surfaces is.

MR. ATKINS: Okay. Hum, speaking of townhomes since you -- since you brought that up, since you brought that up, if a driveway -- if it's a row of townhouses and the driveway only goes up to the house and that a private front yard, where else could the residents set the temporary storage unit? In many cases, they would not be able to get the rear of the property.

MS. HOLMES: (Nods head.)

MR. ATKINS: And so it would have to either go in the driveway which would be, according to our ordinance, a part of the front yard or would it have to go in the right of way right in front of the house? Hum, so that's -- I guess that's, you know, sort of my challenge and then for those neighborhoods that are in-town neighborhoods that are not T and D, hum, I ask the same question if the temporary storage unit cannot get to the rear of the house on an impervious surface, how would we address those situations?

MS. HOLMES: Those situations would be addressed at permitting. I can tell you that the, hum, the paper actually came from Council to us as a recommendation, hum, and that we would, at the time of permitting, address the issue of where to place the POD. Hum, there has been -- hum, the initial discussion on where the POD was to be placed was to put in the front yard because of it staying

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there too long, hum, so I can only tell you we'll address the issue at time of permitting if the recommendation to Council is for approval and that Council approves it.

MR. ATKINS: So then, in fact, it could create a hardship, hum, for those in townhouses and those who live in in-town neighborhoods where they're not able to comply with this Text Amendment, correct?

MS. HOLMES: Technically, it could.

MR. ATKINS: Okay. Mr. Chair, I would like to withdraw my second at this time.

DR. BRIDGEWATER, JR.: All right. Commissioner, hum -- I think the motion was made by Commissioner Sheldon. Did you not make the motion?

MS. SHELDON: I did.

DR. BRIDGEWATER, JR.: Commissioner, your motion is still standing is there a second?

COMMISSIONERS: (No response.)

DR. BRIDGEWATER, JR.: The motion still stands. Is there a second?

COMMISSIONERS: (No response.)

DR. BRIDGEWATER, JR.: The motion stills stand. Is there a second?

COMMISSIONERS: (No response.)

DR. BRIDGEWATER, JR.: Having sounded three times, then the matter does die.

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MR. ATKINS: Mr. Chair. I'd like to make a recommendation that we, hum, table -- that we send this back to work session for further discussion.

MS. SHELDON: Second.

DR. BRIDGEWATER, JR.: It has been motioned by Commissioner Atkins and seconded by Commissioner Sheldon that we refer the matter 2010Z-09-08 (sounded as indicated) Citywide back to the Commissioner for discussion. All in favor let it be known by the word "aye."

COMMISSIONERS: Aye.

DR. BRIDGEWATER, JR.: Opposed by the sign no.

COMMISSIONERS: (No response.)

DR. BRIDGEWATER, JR.: Hearing none, this matter will be referred back for further discussion. There is also on our agenda tonight, Commissioners, that we were to discuss a matter that, I think, came up in work session. It says the item has been forwarded to the Commission by legal for a Commission vote to grant permission to publish our personal Emails on the East Point Website.

At this time I, will entertain all Commission discussion prior to the vote. The floor is now open for discussion, Commissioners.

COMMISSIONERS: (No response.)

DR. BRIDGEWATER, JR.: Not everybody speak at once.

MS. GARRETT: Mr. Chair. May I just clarify what the subject is a little bit. Hum --

DR. BRIDGEWATER, JR.: Absolutely. Not one can do it

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better than you. Go ahead Attorney Garrett.

MS. GARRETT: Well, that -- I'm not so sure of.

MS. GARRETT: Hum, the item was brought forward at the request of Commissioner Tucker, hum, for discussion and the -- I'll let Mr. -- I'll let Commissioner Tucker speak to what his purpose was but my understanding was that the purpose was to determine what the Commissioner, hum, wishes and concerns made be about providing Email access or what their concerns maybe about what type of access from the public is provided to them, either not enough or too much or, hum, anything like that and we're not taking any position about what ought to be done. We're just trying to develop a policy that Staff can work with as a practical matter and it doesn't run into any legal complications either and works for the Commission and works for the public as well.

DR. BRIDGEWATER, JR.: Thank you, Attorney Susan Garrett. At this time, we will hear from our Commissioner Tucker since you proposed the matter. We will hear from you, sir.

MR. TUCKER: Susan, the reason I brought that up is because we had a, huh, a citizen that brought it up to me. Do we have a mechanism now, as I understand on the new Website that the citizens who perhaps can't come for physical reasons or whatever, have the ability to send an Email to Commissioners via some Email. It seems like I have heard there might be some ability for them to send them to, huh, an individual on Staff and at that point it's forwarded on to the Commissioners?

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MS. GARRETT: I'm not sure what the current setup is at this moment. Maybe Staff answer it.

MS. HOLMES: There is no mechanism on the Website. All information that is for the, hum, Commission, is forwarded to Staff made a part of the official file and a copy if forwarded to each Commissioner at present.

DR. BRIDGEWATER, JR.: Moreover, I would think, if I may, hum, since we are nonelected officials, our Emails are personal and not required to be public.

MR. ATKINS: I would just like to also speak to the issue at hand. Hum, I think that that was a very good question that Commissioner Tucker asked, hum, because I think, historically, that's the way the Commission -- this Body has received the communication from a lot of, hum, members from the citizens who are not able to come but I guess if we establish personal Email addresses on the Website, then we would be subject to ex parte communication and because we're a Quasi Judicial Board, I think that it would be inappropriate for communication coming before any Commissioner individually and not before the Commission as a whole. And so, at this present time, if there's information that a citizen would like to get to any member of this Body, if they would send it to the Staff and Staff would get it so that we're all party to the same information. Is that correct and the most appropriate route City Attorney -- hum, Madam --

MS. GARRETT: Well, if the objective is to get information to

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the members of the Commission through Staff, then that's a service that the Staff can provide if that works for you then that is appropriate. If there is a concern about being able -- member of the public being able to communicate directly with members of the Commission without it going through Staff, then you would need to have a different mechanism for that.

You're correct that with respect to many of the decisions that that Body makes, those are Quasi Judicial Decision where ex parte contact, meaning direct, hum, communications -- for the purpose of influencing your decision or which may influence your decision whether they're intended that way or not would be inappropriate and could lead to actually invalidating the decision.

The exception to that is that rezoning -- zoning decision, per se, that are made by the Council are legislative decisions when the Council makes them and it is not illegal for inappropriate to speak to Council members about zoning decisions that will come before them but since this Body does not actually make the decision but makes the recommendation, hum, if it's illegal but it maybe a limited utility so it's -- again, it's up to the Board to decide what it's objective are and how it would like to handle the communication.

MS. SHELDON: I'd also like to point out that there are multiple opportunities for public hearing for all of these items between the CZIM for zoning issues. Hum, public hearings here and then the public hearings at The City Council, there are multiple opportunities for citizens to communicate their opinions and their

1 reactions to development in the City. So, hum, if there's anything to,
2 you know, this is something to be gained by this conversation, which
3 is simply to point out what those opportunities are and perhaps make
4 it abundantly clear, hum, to our citizens that they do have access via
5 those public hearings.

6 MR. BRYANT: My feelings about that -- that really, we are
7 not elected officials. Huh, I believe that if we were elected officials,
8 then I think the public should have our Email addresses but since
9 we're not elected officials, the only thing we are doing is making a
10 recommendation to our Council and I see no -- I just see -- I don't
11 see where it's, huh, necessary for the, huh, public to have our public
12 Email.

13 DR. BRIDGEWATER, JR.: Thank you, Commissioner William
14 E. -- William Bryant. Commissioner E. Bryant.

15 DR. BRYANT: Huh, I feel the same.

16 VIDEOGRAPHER: Microphone, please.

17 MR. E. BRYANT: I feel the same. My Emails are is a personal
18 Email and, you know, I would not want anyone to be contacting me
19 without all of you knowing. And like she say, we have a forum where
20 they can come and speak and I guess I would have to agree with
21 that also.

22 DR. BRIDGEWATER, JR.: Commissioner Friedly, you have an
23 update? Go ahead.

24 MR. FRIEDLY: Yeah. I'm just curious, Susan, hum, how does
25 the concerns about Quasi Judicial Decisions and ex parte discussion,

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where with the many many years in which address and phone number we for Commissioners were posted on the Website? How is it vastly different from, hum, an Email address?

MS. GARRETT: I'm not sure that it is. With respect to Quasi Judicial Decisions it's -- there is a prohibition against decision ex parte communications. Now, that is not a prohibition against any sort of communication ever and we all live in the same community so that doesn't mean that you cannot speak to people ever about anything.

Hum, I don't know what the considerations were that taken into account when contact information was published previously. Hum, and I don't think that logically the -- the issue regarding ex parte communications it doesn't mean that were there a desire to for other reasons to publish Email addresses, that it couldn't be managed. You all would have to figure out how to handle receiving communications that are potentially ex parte communications. But it's just a factor taken into account in deciding whether it's a useful idea or not.

DR. BRIDGEWATER, JR.: Commissioner Wares.

DR. WARES: Well, I'm just in agreement with what was decided, huh, because I think the difference between your address and your telephone number is you can get the information right now. You're gonna open your mail. You're going to answer your phone or whatever but with Emails some of us don't look at our Email that much, so it's different in that. It's not timely. It's not realtime to me.

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That's my opinion. So I'm in agreement with not -- not publishing my Email because they wouldn't get an answer from me. I don't answer mine, maybe once every two weeks.

DR. BRIDGEWATER, JR.: Commissioner Tucker, you want to have the final word.

MR. TUCKER: Well, I don't know that it was about publishing personal Emails per se. It's mostly the ability for citizens to reach out through Emails and contact us. So I think it kind of went off into public -- huh, personal Emails but it was just the citizen wanted the ability to contact us though Email, I believe is what I understood but --

MS. SHELDON: I have one final thing. Hum, it would not work for me because it's my -- my Email is my office Email and it compromises too many things for -- it's one thing for me to get an Email from Staff that has been routed to everyone and it's exactly the same communication to me that has been come to everyone else. And the other thing is that, hum, it wouldn't surprise me if there were kind of conflict if there was an opportunity all of my Email and it would include all my personal Email and I don't think that that would be an appropriate, hum, arrangement.

MR. ATKINS: Moreover I'd like to just speak because, hum, Ms Sheldon had spoke about her Email address being her working mail and if there's a subpoena of record, then your organization that you work for, obviously, would -- you know, there could be some sensitive confidential information that would also be subject to that

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subpoena as well.

I know that we made a lot of comments about this and the thing that I would not want for the citizens to leave with is that we are not interested in hearing from the citizens but as it has been stated before, I think that there are many opportunities for citizens to be able to voice their concerns, hum, with any item that comes before this Body.

Hum, Ms. Sheldon has mentioned those things through CZIM, through the public hearing, not only here but there is also a public hearing process, hum, before Council as well and if there is a desire to get information to the members of this Body, they may do that by contacting Staff, hum, sending that perhaps to Staff and could then forward that to us so we can still get the information, but it's just the ex parte communication that is of concern or individual, hum, Commission members.

And having that, I also understand that there -- I guess I would like for us to leave here tonight with a consensus from this Body because I think that there is a response that is, hum -- that needs to be tracked by the City Attorney, if I'm correct, to the citizen who made the inquiry. Is that right, Ms. Garrett?

MS. GARRETT: I think that's probably outside the scope of this discussion but one of the things that came up in that discussion was that it would be something that could be put before the Planning & Zoning Commission to get their feedback.

MR. ATKINS: And having said that, I personally would just be

1 in favor just so that it is very clear, hum -- would recommend that we
2 just simply vote and have a consensus that it is the will of this Body
3 that we would like to continue to receive communication from citizens
4 through the CZIM process, the public hearing process and
5 communication routed to us through Staff.

6 DR. BRIDGEWATER, JR.: Are you adding or are you making a
7 form of motion?

8 MR. ATKINS: I am. I am.

9 DR. BRIDGEWATER, JR.: Thank you.

10 MR. FRIEDLY: I have one additional comment.

11 DR. BRIDGEWATER, JR.: Before you do that, is there a
12 second to that?

13 DR. WARES: I second.

14 DR. BRIDGEWATER, JR.: Seconded by Commissioner Wares.
15 Go ahead with your comment.

16 MR. FRIEDLY: Hum, I mean, I know we had a situation
17 earlier this year where the Neighborhood Association had sent a
18 letter on a matter and we did not receive it. Hum, so how do we
19 guarantee that doesn't happen again?

20 MS. HOLMES: I'm sorry Commissioner Friedly. What letter
21 would be and what dates would that a part of?

22 MR. FRIEDLY: It was a rezoning on Neely Avenue.

23 MS. HOLMES: We didn't received a letter on Neely Avenue.

24 MR. FRIEDLY: As I recall, the Neighborhood Association
25 submitted one and asked that it be passed on to a Commissioner.

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Does anyone else recall that?

DR. WARES: I do.

MS. HOLMES: It was routed to whom?

MR. FRIEDLY: It was sent to the Commission and the letter requested that it be provided to the Commission. It was sent to the Staff and the letter requested that it would be provided to Commissioner. That did not happen until the subsequent request came in.

MS. HOLMES: I'm unaware of the request. It wasn't sent to my Email. I don't recall a letter. I don't know if it was formally sent in the mail or via Email, but I don't recall the letter.

DR. BRIDGEWATER, JR.: And as Chair of the Board, I don't remember seeing. Other Commissioners, do you all remember getting that letter?

MR. TUCKER: (Nods head for yes.)

DR. WARES: I remember the discussion about it.

MS. GARRETT: I would certainly be happy for things to be copied to me as an added backup for purpose of making sure that the Commission receives them, if people are interested in doing that -- whether our Email -- that's probably the -- shouldn't be the sole way of contacting the Commission. I think through the Staff would be appropriate. It may be even impossible to set up a second Email.

DR. BRIDGEWATER, JR.: Attorney Garrett, why not, once the Staff provides whatever the document is, we just initial that we did receive it and that way you would know if we did get it or we did not

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get it. We just initial it.

MS. GARRETT: Well, I think that the certain is of how, hum, someone who is submitting information -- the citizen who wants information to be disseminated to the Commission can be assured that that has occurred after it's been submitted to the Staff. But apparently, there was an incident where, hum, this didn't occur. It didn't occur the first time that it was submitted. I mean, it's not a perfect world. These things happen but we may be able to think of a way to make some kind of avail.

MS. SHELDON: Why don't we have a discussion about, perhaps putting a, hum, notice on the Planning and Zoning Commission Website page that gives direction for if you wish to transmit information to the Planning and Zoning Commission, do the following. And that's something that we should develop -- that you all would need to develop, hum, and that would be if it's Email, it needs to go to this office or if it's, hum a letter, it needs to be addressed to this person and if somebody needs to be copied on it for assurance about that, then so be it. But it seems to me like this is something that you all could develop and then those instructions would be available to everybody so that they would know if there is indeed something that they want to make sure that we know that they have a means for doing that. That would be my suggestion.

MR. ATKINS: And I know there's a motion and there's a second on the floor and guess we can dispose of that momentarily and I like that suggestion, Commissioner Sheldon. I wanted to speak

1 to Commissioner Friedly's concerns. I agree that it is a concern but I
2 think that what Ms. Garrett said before, it's not a perfect world and I
3 think that sometimes a letter could come either US Postal Service and
4 not arrive. It could even come by Email and not arrive. I mean, for
5 a number of reasons, hum, sometime people can say, I didn't get it.
6 Hum, it could bounce back. So I think that in this particular case,
7 what we are talking about is an Email address for an individual
8 Commissioner on the Website and we're talking about communication
9 going to only a select few and that particular case that Mr. Friedly
10 was just stating, I think this later was meant for all of the members
11 of the Commission. So I see that sort of as a different issue that the
12 letter was meant for all of us and reached none of us as opposed to
13 someone communicating with an individual Commissioner or two
14 Commissioners or three Commissioners as opposed to the entire
15 Body.

16 DR. BRIDGEWATER, JR.: Commissioners, someone call for
17 the vote? All right, Commissioner Sheldon.

18 MR. TUCKER: Well, again, I mean, I understand ex partes.
19 It was never my intent that any one Commissioner or two
20 Commissioners or three Commissioners should be contacted but, you
21 know, people with disabilities, it's another means to communicate
22 with the entire Commission. I certainly would never suggest that any
23 one individual or two. But I think that Commissioner Sheldon's
24 suggestion is a great compromise.

25 MR. ATKINS: And I agree. And I didn't mean that I guess

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that if we set it up that way, the individual Emails, then that could very like happen. But I think that information that's gonna come to the Commission should come to all of the member of the Commission.

MS. GARRETT: I would -- just a suggestion to follow up on that. Although this is the Commission's decision. Not mine, but there could certainly be instructions about how to submit something in writing. For example, how many copies to provide and when it needs no arrive in order to be distributed in time for the Commission to see it so that the Staff is not in a situation of having to copy things and try to figure out how to get them disseminated. That's problematic enough as it is.

DR BRIDGEWATER, JR.: Commissioner, there is a motion on the floor. A motion was made by Commissioner Atkins and it was seconded by Commissioner Wares. We've had ample discussion I think. Now all in favor let it be known by the word "aye."

COMMISSIONERS: Aye.

DR. BRIDGEWATER, JR.: Opposes by the sign no.

COMMISSIONERS: (No response.)

DR. BRIDGEWATER, JR.: Hearing none, this matter does stand approved. Commissioners, at this time -- Staff, are there announcement that you have that you'd like --

IX. ANNOUNCEMENTS:

MS. CARTER: There are none.

DR. BRIDGEWATER, JR.: None. Okay. Commissioners, are

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there announcements from either of the you? Ms. Sheldon.

MS. SHELDON: Hum, I believe it's this Saturday there are a number of neighborhood yard sales. Jefferson Park is having one. I think there are 30 homes. Hum, I think Frog Hollow is participating in Colonial Hills so check your newspaper and other opportunities. I think it is from 8 to 3 on Saturday so come shop.

DR. BRIDGEWATER, JR.: Thank you. Is there something you want to respond on that?

MR. TUCKER: I was going announcement that if Ms. Sheldon didn't but she did.

DR. WARES: And as usual, it's the third Saturday of the month so Bag Lady Bazaar, which is really me, will be doing our estate sale as we normally do for Shamrock Gardens which is at DeLowe and Campbellton Road. It's a free event so if you would like to set up, you can or come shop. Thank you.

DR. BRIDGEWATER, JR.: All right Commissioners, having heard all of the announcements at this time, I think we've completed all of the business for September the 16th, 2010 for the City of East Point Planning and Zoning. I will now entertain a motion for adjournment.

X. ADJOURNMENT:

MR. TUCKER: Motion to adjourn.

DR. BRIDGEWATER, JR.: Mr. Tucker motioned to adjourn.

MR. ATKINS: Second.

DR. BRIDGEWATER, JR.: Doubly by Commissioner Atkins and

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Wares. All in favor let it be know by the word "aye."

COMMISSIONERS: Aye.

DR. BRIDGEWATER, JR.: The meeting is now adjourned.

(Whereupon this concludes the meeting for the City of East Point Planning and Zoning Commission for September 16, 2010.)

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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 60 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 September 16th, 2010, at 7 o'clock P.M. were taken down by me and transcribed by me this 30th day of September, 2010.

Jeanene Harper
Court Reporter