

1 CITY OF EAST POINT

2 **PLANNING & ZONING COMMISSION**

3 March 17th, 2011 - 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 Francine **JONES**, Provisional Chair

14 Commissioner Linda **SHELDON**

15 Commissioner Dr. William **BRYANT**

16 Commissioner Eric **FRIEDLY**

17 Commissioner Dr. Lydia **WARES**

18 Commissioner Joel **TUCKER**

19 **Board Members Absent:**

20 Commissioner Eddie **BRYANT**

21 Also Present:

22 Ms. Susan **GARRETT**
City Attorney

23 Ms. Regina Carter
Senior Planner

24 ABSENT: Ms. Keyetta **HOLMES**
Senior Planner

25 James **HAMMOND**
Videographer

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APPEARANCES

<u>APPLICANT(S):</u>	<u>Page</u>
Rex Evans / Debra Killings	9

SPEAKERS

Rex Evans	9
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I. CALL TO ORDER:

COMMISSIONER BRIDGEWATER, JR.: You guys ready down there? Ladies and gentlemen, we're calling to order the March 18th, 2011 -- the 17th -- that's right it is St. Patrick's Day -- March 17th, 2011, the City of East Point Planning & Zoning meeting. At this time, we'll asks for the Clerk for the roll call, please.

II. ROLL CALL:

MS. CARTER: Commissioner Friedly.
COMMISSIONER FRIEDLY: Here.
MS. CARTER: Commissioner Wares.
COMMISSIONER WARES: Present.
MS. CARTER: Commissioner Tucker.
COMMISSIONER TUCKER: Here.
MS. CARTER: Commissioner Jones.
COMMISSIONER JONES: Present.
MS. CARTER: Commissioner Bridgewater.
COMMISSIONER BRIDGEWATER, JR.: Present.
MS. CARTER: Commissioner Atkins.
COMMISSIONER ATKINS: Present.
MS. CARTER: Commissioner E. Bryant.
COMMISSIONER E. BRYANT: (No response.)
MS. CARTER: Commissioner Sheldon.
COMMISSIONER SHELDON: Present.
MS. CARTER: -- and Commissioner William Bryant.
COMMISSIONER WILLIAM BRYANT: Present.

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MS. CARTER: Commissioner Bridgewater, we have quorum.

COMMISSIONER BRIDGEWATER, JR.: Thank you. Keeping in the tradition of our custom, at this moment, we will observe a moment of silence and we ask that those of you in the audience join us in a moment of silence, please.

III. MOMENT OF SILENCE:

COMMISSIONER BRIDGEWATER, JR.: Thank you. And if you will now join us in the Pledge of Allegiance as we all stand, please.

IV. PLEDGE OF ALLEGIANCE:

COMMISSIONER BRIDGEWATER, JR.: Commissioners at this time, we'll entertain a motion for adoption of tonight's agenda, please.

V. ADOPTION OF AGENDA:

COMMISSIONER ATKINS: Mr. Chair.

COMMISSIONER BRIDGEWATER, JR.: Commissioner Atkins.

COMMISSIONER ATKINS: I move that we adopt the agenda as printed for the March 17th Planning and Zoning meeting.

COMMISSIONER WARES: Second.

COMMISSIONER BRIDGEWATER, JR.: It has been motioned by Commissioner Atkins and seconding by Commissioner Wares that the City of East Point Planning and Zoning agenda for March 17th, 2011 be up dated -- adopted as printed. All in favor, let it be known by the word aye.

COMMISSIONERS: Aye.

COMMISSIONER BRIDGEWATER, JR.: Opposes by the sign

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no.

COMMISSIONERS: (No response.)

COMMISSIONER BRIDGEWATER, JR.: Hearing none, tonight's minutes is now adopted. At this time, we'll also entertain a motion for approval of our February 17th, 2010 minutes.

VI. APPROVAL OF MEETING MINUTES:

COMMISSIONER WILLIAM BRYANT: Mr. Chair.

COMMISSIONER BRIDGEWATER, JR.: Commissioner Bryant.

COMMISSIONER WILLIAM BRYANT: I make a motion that our February 17th minutes be adopted as stated.

COMMISSIONER BRIDGEWATER, JR.: Is there a second?

COMMISSIONER TUCKER: Second.

COMMISSIONER BRIDGEWATER, JR.: It's been motioned by Commissioner William Bryant and seconded by Commissioner Tucker that our minutes of February seventeenth 2010 be --

COMMISSIONER SHELDON: 11.

COMMISSIONER BRIDGEWATER, JR.: -- 2011 be adopted.

All in favor let it be known by the word aye.

COMMISSIONERS: Aye.

COMMISSIONER BRIDGEWATER, JR.: Opposes with the sign no.

COMMISSIONERS: (No response.)

COMMISSIONER BRIDGEWATER, JR.: Then the minutes of February 17th, 2011 is now adopted. Commissioners at this time, we'll entertain our Old Business in our first case matter. At this time,

1 we'll ask -- sound -- Clerk if she'll sound the matter, please.

2 **VII. OLD BUSINESS:**

3 MS. CARTER: Under Old Business, Case Number 2011 "Z" as
4 in zebra-001-01. Applicant Rex Evans and Debra Killings. Property
5 location is 1951 Washington Road. Applicant is seeking approval of
6 property rezoning for R1 Single Family Residential to C1, Neighbor
7 Commercial and a change to the Comprehensive Development Plan
8 Land Use Map from Low Density Residential to Neighborhood
9 Commercial. The property use -- the use of the property is
10 commercial -- will be commercial for a hair salon. This application
11 requires a public hearing.

12 COMMISSIONER BRIDGEWATER, JR.: Thank you.

13 Commissioner, at this time, I'll go ahead and read the rules for the
14 public hearing and then at which time, then we'll entertain a motion
15 as follows. The rules of the public hearing for the procedure for the
16 City of East Point Planning & Zoning is as follows:

17 (Whereupon the Rules for the Public Hearing are read.) The

18 COMMISSIONER BRIDGEWATER, JR.: The applicant for the
19 proposed amendment for an applicant designated representative, if
20 any, will be entitled to speak first followed by other speakers in favor
21 of the proposal for a total of fifteen minutes. Those who oppose the
22 proposed zoning amendment will then be permitted to speak for a
23 total of fifteen minutes. By a majority vote of the Council may
24 increase the time for speakers provided that each side is given the
25 same amount of time. If this is more than one speaker for a side,

1 the presiding officer may limit the time allotted to each individual
2 speaker other than the zoning applicant. The zoning applicant may
3 reserve a portion of his or her allotted time for rebuttal. Speakers
4 must adhere to the rules of decorum. Provide to speaking, each
5 speaker shall identify himself or herself and state his or her current
6 address. Each speaker shall speak only tot merits of the proposed
7 zoning decision under consideration and shall address remarks only
8 to the Council and shall refrain from making personal attacks on any
9 other speaker. The presiding office may refuse a speaker the right to
10 continue, if after first being cautioned, the speaker continues to
11 violate the rules of decorum. Commissioner, at this time, we will
12 hear from the -- make a motion, rather that we open the public
13 hearing. Sorry about that.

14 COMMISSIONER JONES: Mr. Chair, I move that we open the
15 public hearing?

16 COMMISSIONER ATKINS: Second.

17 COMMISSIONER BRIDGEWATER, JR.: It has been motioned
18 by Commissioner Jones and seconded by Commissioner Atkins that
19 we open the public hearing on said matter, Case Number
20 2011Z-001-01. All in favor, let it be known by the word aye.

21 COMMISSIONERS: Aye.

22 COMMISSIONER BRIDGEWATER, JR.: Opposes by the sign
23 no.

24 COMMISSIONERS: (No response.)

25 COMMISSIONER BRIDGEWATER, JR.: Hearing none, the

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public hearing is now open. At this time, we'll hear from the applicant. If you are the applicant, if you will come forward, please -- yes, to the "mic" and state your name and address, please.

(Whereupon applicant Rex Evans approach the podium.)

SPEAKER: Rex Evans. 1951 Washington Road.

COMMISSIONER BRIDGEWATER, JR.: Go ahead.

REX EVANS: Well, yeah, you know, me and my wife and my sister-in-law just -- we are considering changing, 'um, yeah, C1 to R1 -- R1 to C1 for a hair salon and that's pretty much it.

COMMISSIONER BRIDGEWATER, JR.: Okay. Plan and simple. Are there other persons in favor of this matter before the Commissioner who wish to speak at this time? Are there other persons in favor and wish to speak? Are there other persons in favor of the matter who wish to speak?

AUDIENCE: (No response.)

COMMISSIONER BRIDGEWATER, JR.: See none, are there persons in opposition of the matter that wish to speak, any opponents?

AUDIENCE: (No response.)

COMMISSIONER BRIDGEWATER, JR.: Are there persons in opposition or opponents who wish to speak?

AUDIENCE: (No response.)

COMMISSIONER BRIDGEWATER, JR.: Are there persons in opposition?

AUDIENCE: (No response.)

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COMMISSIONER BRIDGEWATER, JR.: See none,
Commissioners, I'll entertain a motion to close the public hearing.

COMMISSIONER SHELDON: I move we close the public
hearing.

COMMISSIONER WARES: Second.

COMMISSIONER BRIDGEWATER, JR.: It's been motioned by
Commissioner Sheldon and seconded by Commissioner Wares that
the public hearing be closed on the said matter. All in favor, let it be
known by the word aye.

COMMISSIONERS: Aye.

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

COMMISSIONERS: (No response.)

COMMISSIONER BRIDGEWATER, JR.: Hearing known, the
public hearing is now closed. Staff, we will hear from you at this
time.

MS. CARTER: Old Business, Case Number 2011Z-001-01.
Applicant, Rex Evans. Applicant is seeking approval of rezoning from
R1A to C1 and a change to the Comprehensive Development Land
Use Map from Low Density Residential to Neighborhood Commercial.
Property use is projected to be for a hair salon. Staff is
recommending approval of said application.

COMMISSIONER BRIDGEWATER, JR.: . Thank you, Staff.
Commissioners, we'll entertain a motion.

COMMISSIONER SHELDON: Mr. Chair.

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COMMISSIONER BRIDGEWATER, JR.: Commissioner Sheldon. I make a motion that we approve the rezoning for Application Number 2011 "Z" as in zebra-001-01. Property address, 1951 Washington Road. The change is from R1 to C1 and a simultaneous change of the Comprehensive Development Plans Land Use Map from Low Density Residential to Neighborhood Commercial.

COMMISSIONER BRIDGEWATER, JR.: Thank you. Is there a second?

COMMISSIONER TUCKER: Second.

COMMISSIONER BRIDGEWATER, JR.: It's been motioned by Commissioner Sheldon and seconded by Commissioner Tucker and all in favor let it be known by the word aye.

COMMISSIONERS: Aye.

COMMISSIONER BRIDGEWATER, JR.: Discussion. I'm sorry.

COMMISSIONER SHELDON: Just one discussion point. This is the Washington Road Corridor and this is a piece of property that some how did not get rezoned commercial but this is a commercial strip. I'm I correct?

MS. CARTER: That is correct. Along there, there are about three or four properties that everything else is zoned commercial, although, those parcels are in the -- what is that -- Washington Road corridor --

COMMISSIONER SHELDON: Right.

MS. CARTER: And the rest of the properties that are not zoned are not being taken into consideration until we do finish the

1 comprehensive plan.

2 COMMISSIONER SHELDON: Thank you.

3 COMMISSIONER BRIDGEWATER, JR.: Are there other
4 comment?

5 COMMISSIONERS: (No response.)

6 COMMISSIONER BRIDGEWATER, JR.: Seeing none, all in
7 favor let it known by the word aye.

8 COMMISSIONERS: Aye.

9 COMMISSIONER BRIDGEWATER, JR.: Opposes by the sign
10 no.

11 COMMISSIONERS: (No response.)

12 COMMISSIONER BRIDGEWATER, JR.: Hearing none, the
13 matter is approved. Thank you, Commissioners. At this time, we'll
14 go into our New Business and I think the public -- they require also,
15 Staff, a public hearing? A public hearing is also required for each of
16 these?

17 MS. CARTER: Correct.

18 COMMISSIONER BRIDGEWATER, JR.: -- that being covered
19 in --

20 MS. CARTER: Right.

21 COMMISSIONER BRIDGEWATER, JR.: -- the rules of the
22 public hearing announced still do apply?

23 MS. CARTER: Correct.

24 COMMISSIONER BRIDGEWATER, JR.: Thank you. Then
25 would you sound the first matter please under New Business.

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VIII. NEW BUSINESS:

MS. CARTER: First case under New Business is 2011 "Z" as in zebra-003-02. Applicant is not applicable. It is City initiated amendments to the East Point Code of Ordinances. Property location is Citywide. The applicant is seeking an increase to the maximum -- is seeking to amend Part Ten, Planning and Development, Chapter Two, Section 10-2079 Regulation, I1, Light Industrial, the permitted uses and for other purposes for the City of East Point. And again, this application requires a public hearing.

COMMISSIONER BRIDGEWATER, JR.: All right. Thank you. Commissioners, I'll entertain a motion to open the public hearing.

COMMISSIONER ATKINS: Mr. Chair, I move that we open the public hearing for Agenda Item 2011 "Z" as in zebra-003-02.

COMMISSIONER BRIDGEWATER, JR.: Thank you. Is there a second?

COMMISSIONER WARES: I second.

COMMISSIONER BRIDGEWATER, JR.: It's been motioned by Commissioner Atkins and seconded by Commissioner Wares that the public hearing be open on the said stated matter. All in favor, let it be known by the word aye.

COMMISSIONERS: Aye.

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

COMMISSIONERS: (No response.)

COMMISSIONER BRIDGEWATER, JR.: Hearing none, the

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public hearing is now open. At this time, since there is no applicant to -- then move -- direct it to the -- since we have no applicant.

ATTORNEY SUSAN GARRETT: You can still call for persons who are in favor of the proposed amendment and then opposed to the proposed amendment. It's possible that some of them may just have comments about it and not be sure how to classify themselves but we'll let them speak however they --

COMMISSIONER BRIDGEWATER, JR.: Thank you. Is there persons present that wish to speak on -- in favor of the matter? Come forward at this time, again, persons who are in favor who would like to speak?

AUDIENCE: (No response.)

COMMISSIONER BRIDGEWATER, JR.: Are there persons in favor who would like to speak?

AUDIENCE: (No response.)

COMMISSIONER BRIDGEWATER, JR.: Are there persons in favor?

COMMISSIONER BRIDGEWATER, JR.: Seeing none, are there persons in opposition of said stated matter that would like to speak?

AUDIENCE: (No response.)

COMMISSIONER BRIDGEWATER, JR.: Are there persons in opposition?

AUDIENCE: (No response.)

COMMISSIONER BRIDGEWATER, JR.: Are there persons in opposition?

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AUDIENCE: (No response.)

COMMISSIONER BRIDGEWATER, JR.: Seeing none, Commissioners, I'll entertain a motion to close the public hearing.

COMMISSIONER FRIEDLY: I move we close the public hearing.

COMMISSIONER WARES: Second.

COMMISSIONER BRIDGEWATER, JR.: It's been motioned by Commissioner Friedly and seconded by Commissioner Wares that the public hearing be closed on the said stated matter. All in favor, let it be known by the word aye.

COMMISSIONERS: Aye.

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

COMMISSIONERS: (No response.)

COMMISSIONER BRIDGEWATER, JR.: Hearing none, the matter is closed. At this time, Staff.

MS. CARTER: Application 2011Z-003-02. Applicant is requesting to amend Part Ten, Planning and Zoning Development, Chapter Two, Section 10-2079, regulations applicable to I1 lite industrial for permitted uses and for all other purposes. Staff is recommending approval of the stated amendment.

COMMISSIONER BRIDGEWATER, JR.: Thank you. Commissioners, I'll entertain a motion.

COMMISSIONER SHELDON: Mr. Chair.

COMMISSIONER BRIDGEWATER, JR.: Commissioner

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Sheldon.

COMMISSIONER SHELDON: I move we approve the text amendments indicated in application number 2011Z-003-02.

COMMISSIONER BRIDGEWATER, JR.: Thank you.

COMMISSIONER ATKINS: Second for discussion.

COMMISSIONER BRIDGEWATER, JR.: It has been motioned by Commissioner Sheldon and seconded by Commissioner Atkins for discussion. At this time, the floor is open for discussion, Commissioner Atkins.

COMMISSIONER ATKINS: Mr. Chair, I just have a couple of questions of Staff. Looking at Number Four A. In the previous items of, particularly Number Two and Number Three, we talk about or it is stated that there should be a one hundred feet distance between some of those uses and then we get to number four where it talks about automobile and truck sales including retail parts sales and or tire stores. My question is really here we talked only 50 feet. Is that standard across municipalities? My concern would be when we're talking about parts, sales -- retail parts sale in a tire store being, you know, 50 feet within schools and parks and playgrounds, I don't know why we wouldn't go 100 feet as we have indicated above for items two and three.

COMMISSIONER SHELDON: Mr. Atkins, Numbers Two and Three are distances from residential purposes and that maybe the difference indicated there. I'm not sure but --

COMMISSIONER ATKINS: Okay.

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COMMISSIONER SHELDON: -- we might add that to the question.

COMMISSIONER ATKINS: Yes, okay, yes. And just for clarification, I did notice that those were from residential -- for residential structures. I guess I was just thinking that for retail parts and sale especially for tire stores and things of that nature, oftentimes, people go to parks and playgrounds for a retreat and those things. And really, is 50 feet enough? And I guess that's the real question?

MS. CARTER: Let me answer one question at a time. Number Two and Three and for -- from a zoning perspective, Number Two and Three are animals and the chances of getting bit. I'm sure that's why he has added it or did it to a hundred feet, whereas to the automobile and truck sales, those are not as much a lore in residential. However, all of the above will have to do a buffer. So on top of this, you still have the buffer that is required.

COMMISSIONER ATKINS: Okay. And what is our buffer with that? It's, 'um --

MS. CARTER: And it still should be in here.

COMMISSIONER ATKINS: I know the string buffer protection but I'm not really sure if I saw at buffers.

MS. CARTER: Okay. You have a 40-foot front yard setback and then a 30 in the rear in addition to which you would have to meet that and then I'd have to look up the buffer -- find the buffer for that. So you already have 40 in the front, 30 in the rear, as far as

1 a setback so that you cannot operate within that.

2 COMMISSIONER ATKINS: And so the 8-foot side yard --

3 MS. CARTER: That's on the side.

4 COMMISSIONER ATKINS: -- side yard setback --

5 MS. CARTER: That's on the side.

6 COMMISSIONER ATKINS: -- side yard setback. Yes, I saw

7 those.

8 MS. CARTER: And currently, we do not have that much in I1

9 that is available that is not already built out and with, 'um, not

10 concrete but, 'um --

11 COMMISSIONER SHELDON: Asphalt.

12 MS. CARTER: -- asphalt. Thank you. And parking requires

13 also -- in addition to that, there is a parking requirement of a buffer,

14 'um, per space of the building so you have to do landscaping --

15 landscape buffers and, 'um, parking strips, which you have to add

16 into that as well.

17 COMMISSIONER ATKINS: How many I1 additions do the

18 parking have?

19 MS. CARTER: How many additions or how much is square

20 footage?

21 COMMISSIONER ATKINS: -- districts, like, it's, 'um --

22 MS. CARTER: There're only two industrial districts, I1, I2.

23 COMMISSIONER ATKINS: Right. And so in the City, 'um,

24 Oakley, is that I2?

25 MS. CARTER: For the most part, only around Sampler Way is

1 there I2 and down the side of, 'um, the Marta train station is I2.
2 COMMISSIONER ATKINS: Okay. So all --
3 MS. CARTER: For the rest is I1.
4 COMMISSIONER ATKINS: -- the other industrials is I1. Okay.
5 MS. CARTER: Sampler Way and, 'um -- it's only a small block,
6 which is about three parcels that are I2 as well as everything along
7 the Marta train station, the rail line is I2.
8 COMMISSIONER ATKINS: Okay.
9 COMMISSIONER SHELDON: So to summarize, then, the, huh,
10 fact that we have animals, not only is the lore a factor, but sanitation
11 would be a factor with regard to these first two that have to do with
12 animal grooming and hospitals and kennels?
13 MS. CARTER: Correct. As -- well, 'um, going back to
14 Commissioner Atkins' question, 'um, when a text amendment is
15 presented, 'um, the first item of research is for all the metro area,
16 'um, Cities that are comparable to East Point, those Cities and their
17 ordinances are looked at as well.
18 COMMISSIONER JONES: I have a question -- additional.
19 COMMISSIONER BRIDGEWATER, JR.: Let me --
20 Commissioner Atkins, you got all your questions out?
21 COMMISSIONER ATKINS: Yes, I have no more questions.
22 COMMISSIONER BRIDGEWATER, JR.: Commissioner
23 Sheldon?
24 COMMISSIONER SHELDON: (No response.)
25 COMMISSIONER BRIDGEWATER, JR.: Commissioner Jones.

1 COMMISSIONER JONES: Okay. 'Um, if you could just briefly
2 explain what portion, 'um, of the old code that we're changing. I
3 mean, is it in it's entirety or is it just the, 'um -- a couple of sections
4 that we're changing or is it in it's entirety and particularly I'm asking
5 that question of the, 'um, on page four, 'um, you're talking about
6 accessories uses, 'um, and the structures that, huh, are included, all
7 the PODS that we've previously talked about and I'm just curious as
8 whether or not anything in that section has changed from the old
9 code.

10 MS. CARTER: You said the PODS?

11 COMMISSIONER JONES: The amendments, yeah, PODS,
12 temporary storage.

13 MS. CARTER: For I1 --

14 COMMISSIONER JONES: Uh-uh.

15 MS. CARTER: -- there were additions to I1 that I remember I
16 don't think anything was deleted from it. It was added to.
17 Therefore, you have the same items that are in I1 but only additions
18 to ABC and then there are a few that were added that are entirely
19 new. But for the most part, everything that was in the old I1 is still
20 there. There are, I think, four or five new items and then additions
21 to the previous items that were there that were just stated as a
22 permitted use and then there's clarity in this limit to say ABC.

23 COMMISSIONER ATKINS: 'Um, just a follow up,
24 Commissioner Jones. I just want to make sure that -- I think that --
25 in this proposed amendment, it talks about temporary storage units

1 and PODS, which is not in the original amendment, okay. And, I
2 guess, I'm thinking that we changed the text amendment or we
3 added a text amendment about PODS earlier and I think, it's your
4 question that what the -- the, 'um -- the legislation that we voted on
5 earlier, it applies to this. I think, perhaps, our question is based on in
6 the proposed amendment, it says for a limited time period and what
7 we passed earlier, we talked about specific time periods and it's not
8 stated here on the proposal so I think our question is, what we
9 passed earlier, does it apply to the PODS on the I1 and I think the
10 response would be, yes. Well, it may not be 'cause I think -- I can't
11 recall correctly. It may -- we've only may have dealt with residential.
12 It may have only been PODS in the residential districts.

13 COMMISSIONER BRIDGEWATER, JR.: It was.

14 COMMISSIONER ATKINS: Okay. So then, in that case, this
15 would ambiguous because it just says, for a limited time period and
16 we're not specific. I think -- does that answer your question?

17 COMMISSIONER JONES: That's correct.

18 COMMISSIONER ATKINS: Okay.

19 ATTORNEY SUSAN GARRETT: So the POD amendment of --
20 the POD amount that was passed a few months ago dealt with PODS
21 in residential areas only. The -- if you're referring to the with a
22 reference to PODS under the heading, Accessories, that actually is in
23 the existing I1 Ordinance. I'm looking at it right now.

24 COMMISSIONER ATKINS: Okay. I see now. It's not the
25 acronym PODS and but I see you're talking about --

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ATTORNEY SUSAN GARRETT: And that would be accessory used in the district, not of principle use.

COMMISSIONER ATKINS: Okay. But, I guess, the question is still, are we going to apply the same time limit for PODS in I1 as we have, 'um, for the residential areas?

MS. CARTER: They'd still have to get a permit. However, that's a good question and I'm not sure of the answer.

COMMISSIONER ATKINS: Okay.

MS. CARTER: So that is an item that we'll have to come back to.

COMMISSIONER ATKINS: Okay. So the next question I would have is, 'um -- and I guess I would just like to be sort of holistic as we sort of pass this on to Council. So is there any negative impact if we table this for our next month's meeting so that we can go back and look at what we pass in terms of, 'um, the POD, Zoning Ordinance and perhaps come up with specific time periods for PODS in I1 districts as well?

MS. CARTER: No.

COMMISSIONER ATKINS: Okay. All right.

MS. CARTER: It just goes -- it will just go to -- if we defer it for another month, it just gets to Council another month.

COMMISSIONER ATKINS: Okay. All right.

COMMISSIONER BRIDGEWATER, JR.: Is there further discussion?

COMMISSIONER ATKINS: 'Um, yes. Mr. Chair, I move -- I

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would like to offer a substitute motion that we table Agenda Item 2011 "Z" as in zebra-003-02 to our April meeting.

COMMISSIONER BRIDGEWATER, JR.: So are you going to withdraw the present motion? You seconded this existing motion so you need to withdraw that and then give me the next motion.

COMMISSIONER ATKINS: Okay. 'Um, I can withdraw my second but I didn't make the motion --

COMMISSIONER SHELDON: I will withdraw my motion.

COMMISSIONER BRIDGEWATER, JR.: Thank you, kindly.

COMMISSIONER ATKINS: -- and I will then offer the second -- huh, I would then offer the substitute that we table this particular Agenda Item, 2011Z as in zebra-003-02 to our April meeting.

COMMISSIONER BRIDGEWATER, JR.: Commissioners, Commissioner Atkins has offered a motion that we table the agenda on said matter. Is there a second.

COMMISSIONER WARES: I second.

COMMISSIONER BRIDGEWATER, JR.: Seconded by Commissioner Wares. Discussion.

COMMISSIONERS: Hearing none, all in favor.

COMMISSIONERS: Aye.

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

COMMISSIONERS: (No response.)

COMMISSIONER BRIDGEWATER, JR.: Hearing none, this matter will be tabled to for further information by the Staff until our

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next meeting. Staff will you sound the next matter, please.

MS. CARTER: Case Number 2011Z-004-02. Applicant is Citywide. City initiated amendment to the East Point Code of Ordinances. Property location is Citywide to amend Part 10, Planning and Development, Chapter Two, Section 10-2080. Regulations applicable to I2, heavy industrial permitted uses and for all other purposes for the City of East Point. This application requires a public hearing.

COMMISSIONER BRIDGEWATER, JR.: Thank you. And the rules of the public hearing are still in effect. At this time, Commissioners, I'll entertain a motion to open the floor for the public hearing on the said matter.

COMMISSIONER ATKINS: Mr. Chair, I move that we open the public hearing for Agenda Item 2011 "Z" as in zebra-004-02.

COMMISSIONER SHELDON: Second.

COMMISSIONER BRIDGEWATER, JR.: It's been motioned by Commissioner Atkins and seconded by Commissioner Sheldon that the public hearing be open on said stated matter. All in favor, let it be known by the word aye.

COMMISSIONERS: Aye.

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

COMMISSIONERS: (No response.)

COMMISSIONER BRIDGEWATER, JR.: Hearing none, the public hearing is now open. At this time, Staff.

1 MS. CARTER: Applicant first.

2 COMMISSIONER BRIDGEWATER, JR.: The applicant -- I

3 mean, 'um, I'm sorry.

4 COMMISSIONER ATKINS: Proponents.

5 COMMISSIONER BRIDGEWATER, JR.: -- proponents at this

6 time -- so not accustom to the City doing that one. If there are -- are

7 there persons in favor that wish to speak in favor of?

8 AUDIENCE: (No response.)

9 COMMISSIONER BRIDGEWATER, JR.: Are there persons who

10 are present that wish to speak in favor of the matter?

11 AUDIENCE: (No response.)

12 COMMISSIONER BRIDGEWATER, JR.: Are there persons

13 present that wish to speak in favor?

14 AUDIENCE: (No response.)

15 COMMISSIONER BRIDGEWATER, JR.: Are there persons who

16 wish to speak in opposition?

17 AUDIENCE: (No response.)

18 COMMISSIONER BRIDGEWATER, JR.: Are there persons

19 present that wish to speak in opposition?

20 AUDIENCE: (No response.)

21 COMMISSIONER BRIDGEWATER, JR.: Are there persons

22 present who wish to speak in opposition?

23 AUDIENCE: (No response.)

24 COMMISSIONER BRIDGEWATER, JR.: Seeing none,

25 Commissioners, I will entertain a motion to close the public hearing

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on the said matter.

COMMISSIONER TUCKER: Mr. Chair.

COMMISSIONER BRIDGEWATER, JR.: Commissioner Tucker.

COMMISSIONER TUCKER: I motion that we close on the hearing on 2011Z-004-02.

COMMISSIONER BRIDGEWATER, JR.: Thank you.

COMMISSIONER WARES: Second.

COMMISSIONER BRIDGEWATER, JR.: It's been motioned by Commissioner Tucker and seconded by Commissioner Wares that we close the public hearing on the said stated matter. All in favor, let it be known by the word aye.

COMMISSIONERS: Aye.

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

COMMISSIONERS: (No response.)

COMMISSIONER BRIDGEWATER, JR.: Hearing none, this public hearing is now closed. Staff.

MS. CARTER: Case Number 2011Z-004-02, to amend Part 10 Planning and Development, Chapter Two, Section 10-2080, regulations applicable to I2, heavy industrial permitted uses and for all other purposes. Staff recommends approval of stated amendment tot East Point Code of Ordinances.

COMMISSIONER BRIDGEWATER, JR.: Thank you. Staff, I'll take a motion.

COMMISSIONER ATKINS: Mr. Chair.

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COMMISSIONER BRIDGEWATER, JR.: Mr. Atkins.

COMMISSIONER ATKINS: This particular Agenda Item, I would also recommend that we table it. It also refers an accessory uses to temporary storage units. I would move that we table this Agenda Item to our April meeting as well.

ATTORNEY SUSAN GARRETT: Excuse me, Commissioner Atkins. If I could just make a very technical qualification. I think what the Commission is really intending to do is to defer or postpone the item, which means it will be put on the next agenda. Technically, we table it. It would not automatically go on the agenda but we have to take it off the table if it comes up.

COMMISSIONER ATKINS: All right. I'll accept that.

ATTORNEY SUSAN GARRETT: Either defer or postpone.

COMMISSIONER ATKINS: Mr. Chair, I move that we defer Agenda Item 2011 "Z" as in zebra-004-02 to our April meeting.

COMMISSIONER BRIDGEWATER, JR.: Thank you. Is there a second.

COMMISSIONER TUCKER: Second.

COMMISSIONER BRIDGEWATER, JR.: It's been motioned by Commissioner Atkins and seconded by Commissioner Tucker that the said stated matter be deferred to our April 2011 meeting. Discussion. Commissioner Jones.

COMMISSIONER JONES: I just, 'um, was curious. I know when we were in session, we talked about a couple of areas of permitted uses, 'um, mainly, 'um, area "A" permitted uses, Number 8

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(UNINTELLIGIBLE) product manufacturing and also Number 16, or reduction and 20, storage of explosives and hide animals and, 'um, if those -- I'm just -- I want to make sure that those areas were addressed to move this onto Council next or did we not agree on that?

COMMISSIONER SHELDON: I was just gonna say that I -- rather than having a discussion here, we should probably have that in work session 'cause I think it was pretty, 'um, unanimous that we wanted to remove those items and perhaps we could do that in work session so that when we have the final product, those things are excluded.

ATTORNEY SUSAN GARRETT: Actually -- actually --

COMMISSIONER BRIDGEWATER, JR.: Staff.

ATTORNEY SUSAN GARRETT: -- Commissioners, I believe that this is the Agenda Item that's been advertised in the ordinances and made available for the public if they come to the public hearing. This is what they're looking at. If this Commission wants to recommend any revisions to the proposed ordinance, that should be done at the meeting as a part of the motion but it's certainly something that can be discussed in work session but the action should be taken here.

COMMISSIONER BRIDGEWATER, JR.: Commissioner Sheldon, were you wanting to leave that discussion in terms of --

COMMISSIONER SHELDON: No. I they we can take that up when we bring -- as we must. We don't have to take that up when it

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comes on our full agenda once it passes through our next work session. That's what the attorney is saying.

COMMISSIONER BRIDGEWATER, JR.: Thank you. Any further discussion. Commissioner Tucker.

COMMISSIONER TUCKER: Well, in further discussion when we do talk about it, I just wanted to add 15J, which is the manufacturing explosives, which is what I have a concern with.

COMMISSIONER BRIDGEWATER, JR.: Others.

COMMISSIONERS: (No response.)

COMMISSIONER BRIDGEWATER, JR.: Seeing none, all in favor of tabling, 'um -- to further this to our April meeting, let it be known by the word aye.

COMMISSIONERS: Aye.

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

COMMISSIONERS: (No response.)

COMMISSIONER BRIDGEWATER, JR.: Hearing none, this matter will also be tabled to our April 2011 meeting. All right. At this time, Staff, would you sound the next matter.

MS. CARTER: Case Number 2011Z-005-02. Applicant is City initiated amendment to the East Point Code of Ordinances. Property location is Citywide. Applicant is seeking to amend Part 10, Planning and Development, Chapter Two, Article A, recycling definition for City of East Point. This application requires a public hearing.

COMMISSIONER BRIDGEWATER, JR.: Thank you.

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Commissioners, we'll entertain a motion to open the floor for a public hearing.

COMMISSIONER SHELDON: Mr. Chair.

COMMISSIONER BRIDGEWATER, JR.: Commissioner Sheldon.

COMMISSIONER SHELDON: I move we open the public hearing for item 2011Z-005-02, text amendment to the -- to amend a recycling definition.

COMMISSIONER BRIDGEWATER, JR.: Thank you. Is there a second?

COMMISSIONER WILLIAM BRYANT: Second.

COMMISSIONER BRIDGEWATER, JR.: It's been motioned by Commissioner Sheldon and seconded by Commissioner Bryant that we open the public hearing on said state matter. All in favor, let it be known by the word aye.

COMMISSIONERS: Aye.

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

COMMISSIONERS: (No response.)

COMMISSIONER BRIDGEWATER, JR.: Hearing none, the public hearing is now open. At this time, we will hear from persons in favor of the said matter that is now before the Commission. Are there persons who wish to speak to speak in favor?

AUDIENCE: (No response.)

COMMISSIONER BRIDGEWATER, JR.: Are there persons who

1 wish to speak in favor?
2 AUDIENCE: (No response.)
3 COMMISSIONER BRIDGEWATER, JR.: Are there persons who
4 wish to speak in opposition of said matter?
5 AUDIENCE: (No response.)
6 COMMISSIONER BRIDGEWATER, JR.: Are there persons who
7 wish to speak in opposition?
8 AUDIENCE: (No response.)
9 COMMISSIONER BRIDGEWATER, JR.: Persons present wish
10 to speak in opposition?
11 COMMISSIONER BRIDGEWATER, JR.: Seeing none,
12 Commissioners, I'll entertain a motion to close the public hearing.
13 COMMISSIONER SHELDON: I move we close the public
14 hearing on this item.
15 COMMISSIONER WARES: Second.
16 COMMISSIONER BRIDGEWATER, JR.: It has been motioned
17 by Commissioner Sheldon and seconded by Commissioner Wares that
18 the public hearing be closed on the said matter before the
19 Commission at this time. All in favor let it be noted by the word aye.
20 COMMISSIONERS: Aye.
21 COMMISSIONER BRIDGEWATER, JR.: Opposes by the sign
22 no.
23 COMMISSIONERS: (No response.)
24 COMMISSIONER BRIDGEWATER, JR.: Hearing none, the
25 matter is closed. Staff.

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MS. CARTER: Application 2011Z-005-02. Applicant is seeking to amend Part 10, Planning and Development, Chapter 2, Article A as in apple, Recycling Definition for the City of East Point. Staff recommends approval of stated amendment.

COMMISSIONER BRIDGEWATER, JR.: Thank you.
Commissioner at this time, I'll entertain a motion.

COMMISSIONER SHELDON: Mr. Chair.

COMMISSIONER BRIDGEWATER, JR.: Commissioner Sheldon.

COMMISSIONER SHELDON: I move that we approve the amendment for Part 10, including the recycling definition as stated.

COMMISSIONER JONES: Second.

COMMISSIONER BRIDGEWATER, JR.: It has been motioned by Commissioner Sheldon and seconded by Commissioner Jones. Discussion?

COMMISSIONER SHELDON: Yes, sir.

COMMISSIONER BRIDGEWATER, JR.: Commissioner Sheldon.

COMMISSIONER SHELDON: I believe that we decided that on Line 22, the definition for recycling should be as follows: The process of taking a product at the end of it's life cycle for the purpose of using all or part of it to make another product. So that would be an amendment to -- amended verbiage to that.

ATTORNEY SUSAN GARRETT: So Commissioner, are you amending your motion to approve?

1 COMMISSIONER SHELDON: Huh, yes. So I'm amending my
2 motion to approve to include this verbiage.

3 COMMISSIONER BRIDGEWATER, JR.: That's what I thought I
4 had, my definition -- I don't have the definition in front of me today.
5 Commissioners, do you rest of you have it?

6 MS. CARTER: It is included.

7 COMMISSIONER SHELDON: It is included in the new one that
8 we got?

9 MS. CARTER: Yes.

10 COMMISSIONER SHELDON: And I didn't even know that.

11 COMMISSIONER ATKINS: I don't have, 'um --

12 MS. CARTER: Everyone has it in front of you.

13 COMMISSIONER SHELDON: Right. Apparently, we had a
14 replacement.

15 COMMISSIONER ATKINS: No, no, no.

16 COMMISSIONER ATKINS: Okay. Commissioner Sheldon, can
17 you please restate that. I think that we're now on the same page.

18 COMMISSIONER SHELDON: All right. My error is that we
19 were given and I'm looking at the wrong -- I was looking at the
20 wrong copy. My text amendment was already included in the, huh --
21 what has been proposed tonight so I said is absolutely moot. It's
22 already written that way so my motion stands, original motion.
23 Sorry.

24 COMMISSIONER BRIDGEWATER, JR.: You made a motion
25 and seconded was Commissioner Jones?

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COMMISSIONER BRIDGEWATER, JR.: Your second still stands?

COMMISSIONER JONES: Yes.

COMMISSIONER BRIDGEWATER, JR.: All right, Commissioner. Is there further discussion?

COMMISSIONERS: (No response.)

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

COMMISSIONERS: Aye.

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

COMMISSIONERS: (No response.)

COMMISSIONER BRIDGEWATER, JR.: Hearing none, the matter is approved.

MS. CARTER: Case Number 2011Z-006-02. Applicant is seeking initiated amendment to the East Point Code of Ordinances. Property location is Citywide. Applicant is seeking to amend Part 10, Planning and Development Chapter Two, Article "D" as in dog, is amended, deleting 10-2139 Congregate Group Residential Shelter and by adding 10-2129 Congregate Group Residence Shelter and adding 10-2142, 'um, 1, rehabilitation centers for the City of East Point. This application requires a public hearing.

COMMISSIONER BRIDGEWATER, JR.: And the rules of the public hearing are still in effect. Having been previously read, Commissioners, I'll entertain a motion at this time to open the floor

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for a public hearing.

COMMISSIONER TUCKER: Mr. Chair.

COMMISSIONER BRIDGEWATER, JR.: Commissioner Tucker.

COMMISSIONER TUCKER: Huh, I move to open a public hearing on Case Number 2011Z-006-02.

COMMISSIONER BRIDGEWATER, JR.: Thank you, sir. Is there a second?

COMMISSIONER SHELDON: Second.

COMMISSIONER BRIDGEWATER, JR.: It's been motioned by Commissioner Tucker and seconded by Commissioner Sheldon that the public hearing be opened on said stated matter. All in favor, let it be known by the word aye.

COMMISSIONERS: Aye.

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

COMMISSIONERS: (No response.)

COMMISSIONER BRIDGEWATER, JR.: Hearing none, the public hearing is now open on this matter. Are there persons who wish to speak in favor of this particular matter before the Commission at this time?

AUDIENCE: (No response.)

COMMISSIONER BRIDGEWATER, JR.: Are there persons present who wish to speak in favor?

AUDIENCE: (No response.)

COMMISSIONER BRIDGEWATER, JR.: Are there persons

1 present who wish to speak in favor?
2 AUDIENCE: (No response.)
3 COMMISSIONER BRIDGEWATER, JR.: Hearing none, seeing
4 none, are there persons wanting -- wish to speak in opposition?
5 AUDIENCE: (No response.)
6 COMMISSIONER BRIDGEWATER, JR.: Are there persons who
7 wish to speak in opposition?
8 AUDIENCE: (No response.)
9 COMMISSIONER BRIDGEWATER, JR.: Are there persons
10 wishing to speak in opposition?
11 AUDIENCE: (No response.)
12 COMMISSIONER BRIDGEWATER, JR.: Commissioner seeing
13 none, hearing none, I'll have to entertain a motion to close the public
14 hearing at this time.
15 COMMISSIONER JONES: Mr. Chair, I move that we close the
16 public hearing.
17 COMMISSIONER BRIDGEWATER, JR.: Commissioner Jones
18 has made a motion to close the public hearing on the said matter. Is
19 there a second?
20 COMMISSIONER WARES: I second.
21 COMMISSIONER BRIDGEWATER, JR.: Seconded by
22 Commissioner Wares. Discussion.
23 COMMISSIONERS: (No response.)
24 COMMISSIONER BRIDGEWATER, JR.: Without discussion --
25 great -- 'um, then all in favor let it be known by the word aye.

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COMMISSIONERS: Aye.

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

COMMISSIONERS: (No response.)

COMMISSIONER BRIDGEWATER, JR.: Hearing none, the matter is approved. Thank you, Commissioners. Appreciate it.

COMMISSIONER ATKINS: That was the public hearing. We didn't vote on the item.

ATTORNEY SUSAN GARRETT: That was just the motion to close the public hearing.

COMMISSIONER BRIDGEWATER, JR.: Oh, that's right. Right.

ATTORNEY SUSAN GARRETT: Why don't -- while I've got my "mic" on, I'd like to remind the public that when we're talking about approving zoning texted amendments or zoning decisions, we're actually recommending approval to the Council. It's the City Council that ultimately makes the approval.

COMMISSIONER BRIDGEWATER, JR.: Thank you. I'm still unravelled by the previous one and we were on a roll. That's all right. All right. Commissioner, at this time, huh -- Staff. We will here from Staff.

MS. CARTER: Case Number 2011Z-006-02. Applicant is seeking to amend Part 10, Planning and Development, Chapter Two, Article "D" as in dog, amended by deleting 10 -- Ordinance Number 10-2139 Congregate Group Residential Shelter and by adding 10-2129 Congregate Group Residence Shelter and adding 10-2142.1

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rehab -- rehabilitation centers for the City of East Point. Staff recommends approval of stated amendment to the East Point Code of Ordinances.

COMMISSIONER BRIDGEWATER, JR.: Thank you. Commissioner, we've heard from Staff. At this time, we will enter taken a motion on the matter.

COMMISSIONER SHELDON: Mr. Chair.

COMMISSIONER BRIDGEWATER, JR.: Commissioner Sheldon.

COMMISSIONER SHELDON: I move that we recommend approval of Application Number 2011Z-006-02.

COMMISSIONER BRIDGEWATER, JR.: Is there a second?

COMMISSIONER JONES: Second.

COMMISSIONER BRIDGEWATER, JR.: It's has been motioned by Commissioner Sheldon and seconded by Commissioner Jones that the said matter before the Commission be approved. All in -- discussion?

COMMISSIONER SHELDON: Yes, just one quick thing.

COMMISSIONER BRIDGEWATER, JR.: Commissioner Sheldon.

COMMISSIONER SHELDON: The, huh, Congregate Group Residence/Shelter is essentially changing the number. Is that correct? Since it was numbered incorrectly?

MS. CARTER: It is. And I -- Staff needs to amend this. 'Um, 29 -- I mean, 2139 is not a Congregate Group. It is titled in our

1 ordinance, 'um, personal care home assisted living.

2 COMMISSIONER SHELDON: So we're changing the title of the

3 category and the numbering to conform?

4 MS. CARTER: Right.

5 COMMISSIONER SHELDON: All right. And then, are we

6 adding rehabilitation centers? Were they not in the original

7 ordinance?

8 MS. CARTER: It's my understanding that it's being separated

9 such that it gives it clarity so that it is not a gray area and all moot --

10 'um, lumped into one.

11 COMMISSIONER SHELDON: That makes sense. Thank you

12 very much.

13 MS. CARTER: And the numbering system would not hold the

14 separation.

15 COMMISSIONER SHELDON: Excellent. Thank you.

16 COMMISSIONER BRIDGEWATER, JR.: Further discussion.

17 Commissioner Tucker. I mean, huh, Commissioner Friedly. Sorry.

18 COMMISSIONER FRIEDLY: Yes, 'um, I just like to raise a

19 question that I probably should have raised in work session.

20 COMMISSIONER BRIDGEWATER, JR.: Are you in your "mic"?

21 COMMISSIONER FRIEDLY: Sorry. It's a little far away. 'Um,

22 I'm not -- in Section 10-2142.1, rehabilitation centers, Section B

23 Standards, Item 1, it says uses of such facilities shall be restrict to

24 the supervised rehabilitation of substance abusers. Do we want to

25 consider further defining supervision? Is that appropriate? Is that

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something that we should consider?

COMMISSIONER BRIDGEWATER, JR.: Question directed to the Staff. Do we want the attorney?

COMMISSIONER FRIEDLY: I guess I'm raising it as something that I think I would like to consider. I don't know if that's require deferral to the next meeting.

MS. CARTER: I'm sorry. I was trying to correct my verbiage and I totally missed everything that you said. Can you repeat that question again, please.

ATTORNEY SUSAN GARRETT: Before he does that, I can answer the end of the last question. If the Commission want to recommend approval with some changes in the wording or some additions, you can do that tonight if you're prepared with the wording that you want to change or add. Otherwise, 'um, you can defer it if you need to give it more thought.

COMMISSIONER BRIDGEWATER, JR.: Commissioner Friedly, you want to -- Commissioner Jones.

COMMISSIONER JONES: I would just like to ask the Commission that, 'um, supervised rehabilitation of substance abuse, is there something in that phrase that causes you concern, 'um, because it seems to me that if you have a facility with substance abusers, you need to have it supervised but how would you want to reconstruct it to make it more clearer?

COMMISSIONER FRIEDLY: I guess, it would be -- is this 24 hours supervision? Is the supervision during business hours, you

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know. If this is a residential facility essentially for substance abuse, would they be supervised at all times? I would recommend that it reads as such.

COMMISSIONER SHELDON: I have also a question. I mean, there are rehabilitation centers that are not just for substance abusers. 'Um, it's a much broader category than that. There is physical therapy. There's all kinds of rehabilitation and it maybe that what we need to do is, 'um, postpone this for further study, given that I didn't catch that earlier.

COMMISSIONER BRIDGEWATER, JR.: Commissioner Sheldon, I --

COMMISSIONER ATKINS: I agree.

COMMISSIONER BRIDGEWATER, JR.: I was about to say, I intend to agree with you because there are different types of shelters and I think it would be wise for us to distinguish between -- make the, huh -- the law a little more, 'um, explainable so that --

COMMISSIONER SHELDON: While we're -- while we're heading for clarity, we might as well go all the way so I would like to, huh, make a substitute motion that we postpone this item for our April meeting.

COMMISSIONER WARES: Second.

COMMISSIONER BRIDGEWATER, JR.: It's been motioned by Commissioner Sheldon and seconded by Commissioner Wares that we postpone the said matter to our April meeting. Discussion.

COMMISSIONERS: (No response.)

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

COMMISSIONERS: Aye.

COMMISSIONER BRIDGEWATER, JR.: Those opposed sound the sign no.

COMMISSIONERS: (No response.)

COMMISSIONER BRIDGEWATER, JR.: Hearing none, this matter will also be deferred to our April 2011, deferral. And I think the final one for the Commission -- Staff.

MS. CARTER: Case Number 2011Z-007-02. Applicant is Citywide. City initiated amendment to the East Point Code of Ordinances. Location is Citywide. Applicant is seeking approval to amend, 'um, Part 10, Planning and Development, Chapter -- I'm sorry, Section 10-1007, Compensation for the City of East Point Planning & Zoning Commission. This application requires a public hearing as well.

COMMISSIONER BRIDGEWATER, JR.: The rules of the public hearing are still in effect. Commissioners at this time, I'll entertain a motion to open the floor for the public hearing on said stated matter.

COMMISSIONER ATKINS: Mr. Chair, I move that we open the floor for Agenda Item 2011 "Z" as in zebra-007-02.

COMMISSIONER WARES: Second.

COMMISSIONER BRIDGEWATER, JR.: It's been motioned by Commissioner Atkins and seconded by Commissioner Wares that we open the public hearing on the said stated matter. All in favor, let it

1 been known by the word aye.

2 COMMISSIONERS: Aye.

3 COMMISSIONER BRIDGEWATER, JR.: Opposes by the sign

4 no.

5 COMMISSIONERS: (No response.)

6 COMMISSIONER BRIDGEWATER, JR.: Hearing none, the

7 public hearing is now open. Are there persons who liked to come

8 forward that are in favor of this matter?

9 AUDIENCE: (No response.)

10 COMMISSIONER BRIDGEWATER, JR.: That are in favor of

11 this matter?

12 AUDIENCE: (No response.)

13 COMMISSIONER BRIDGEWATER, JR.: Are there persons that

14 are in favor?

15 AUDIENCE: (No response.)

16 COMMISSIONER BRIDGEWATER, JR.: -- would like to speak

17 in favor?

18 AUDIENCE: (No response.)

19 COMMISSIONER BRIDGEWATER, JR.: Seeing none, are there

20 persons who would like to speak in opposition of the matter?

21 AUDIENCE: (No response.)

22 COMMISSIONER BRIDGEWATER, JR.: Those who like to

23 speak in opposition?

24 AUDIENCE: (No response.)

25 COMMISSIONER BRIDGEWATER, JR.: Is there anyone who

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would like to speak in opposition?

AUDIENCE: (No response.)

COMMISSIONER BRIDGEWATER, JR.: Commissioner seeing none, I'll entertain a motion to close the public hearing on said matter.

COMMISSIONER TUCKER: Mr. Chair.

COMMISSIONER BRIDGEWATER, JR.: Commissioner Tucker.

COMMISSIONER TUCKER: I motion that we close the public hearing on Case Number 2011Z-007-02.

COMMISSIONER BRIDGEWATER, JR.: Is there a second?

COMMISSIONER FRIEDLY: I second.

COMMISSIONER BRIDGEWATER, JR.: It's been motioned by Commissioner Tucker and seconded by Commissioner Friedly that the public hearing be closed on said stated matter. All in -- discussion.

COMMISSIONERS: (No response.)

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

COMMISSIONERS: Aye.

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

COMMISSIONERS: (No response.)

COMMISSIONER BRIDGEWATER, JR.: Then the public hearing is now closed. Staff.

MS. CARTER: Case Number 2011Z-007-02. Applicant is seeking approval to amend Part 10, Planning and Development,

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Section 10-1007, Compensation for the City of East Point Planning Commission. Staff recommends approval of stated amendment to the East Point Code of Ordinances.

COMMISSIONER BRIDGEWATER, JR.: Thank you, Staff. Commissioners, I'll entertain a motion at this time.

COMMISSIONER SHELDON: Mr. Chair.

COMMISSIONER BRIDGEWATER, JR.: Commissioner Sheldon. I move we recommend approval of Item Number 2011Z-007-02.

COMMISSIONER BRIDGEWATER, JR.: Is there a second

COMMISSIONER WILLIAM BRYANT: Second.

COMMISSIONER BRIDGEWATER, JR.: It's been motioned by Commissioner Sheldon and seconded by Commissioner William Bryant . Discussion.

COMMISSIONER ATKINS: Mr. Chair, I just wanted to offer up one thing for this. Because we are attempting to be clear in these texted amendments and I know that in the works session, we had talked specifically in the first instance that we would add for each meeting, 'um -- we did add special call meetings to this particular section but I would like to offer that the first sentence would read, "each member of the Planning and Zoning Commission present at a regularly schedule meeting shall be compensated by the City of East Point at a rate of \$50 for each such meeting," -- as we have it in the last sentence, where it talks about special call meeting.

COMMISSIONER BRIDGEWATER, JR.: Let me be clear. So

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you're suggesting -- your motion is that you'd like to see a change.
The last phrase of the sentence be changed for each meeting -- each
call -- for each meeting as opposed to per month?

COMMISSIONER ATKINS: For each -- well, yes. We did that.
We changed the per month but -- and what Staff has presented to
us, the first sentence of the proposed, 'um --

COMMISSIONER BRIDGEWATER, JR.: For each meeting?

COMMISSIONER ATKINS: -- on the, 'um, amendment so that
it reads at the end of the \$50 to say, "for each such meeting or per
meeting --

COMMISSIONER BRIDGEWATER, JR.: Okay.

COMMISSIONER ATKINS: -- or per meeting."

COMMISSIONER SHELDON: So you're looking for symmetry?

COMMISSIONER ATKINS: Yes. Just -- just to be clear
because we went from month and it was confusing and all of those
things and if we're gonna clear it up, I just think that we should clear
it up.

ATTORNEY SUSAN GARRETT: If the Commission would like,
I'll read the full paragraph with the, what I believe, is --

COMMISSIONER BRIDGEWATER, JR.: I can hardly hear your
audio. Is your "mic" on.

ATTORNEY SUSAN GARRETT: This would be Section
10-1007, Compensation. Each member of the Planning and Zoning
Commission present at a regularly scheduled meeting does not
include work session shall be compensated by the City of East Point

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at the rate of \$50 for each such meeting. Compensation shall be remitted to Commissioners present at regularly scheduled meetings on a monthly basis. Each member present at any special call meeting shall be compensate at the rate of \$50 for each such meeting.

COMMISSIONER SHELDON: I will accept that amendment, friendly amendment.

COMMISSIONER BRIDGEWATER, JR.: Second still stand?

COMMISSIONER FRIEDLY: I just want to -- but I just wanted to make a statement basically for clarity for people watching. We're not giving ourselves a raise. This is standard compensation as it's been for Commissioners for a number of years. We're simply clarifying the language so we're not voting ourselves an additional resegment.

COMMISSIONER BRIDGEWATER, JR.: We need a second.

COMMISSIONER WARES: I second.

COMMISSIONER BRIDGEWATER, JR.: Second still stands?

COMMISSIONER WARES: Yes.

COMMISSIONER BRIDGEWATER, JR.: Okay. Is there further discussion, Commissioners?

COMMISSIONERS: (No response.)

COMMISSIONER BRIDGEWATER, JR.: Seeing no further discussion, all in favor, let it be known by the word aye.

COMMISSIONERS: Aye.

COMMISSIONER BRIDGEWATER, JR.: Opposes by the sign

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no.

COMMISSIONERS: (No response.)

COMMISSIONER BRIDGEWATER, JR.: Seeing none, the matter is passed. Commissioners, we have had a lot of amendments and things before us according to all these papers and going through it, looks like we have come to the end of our agenda. Is that correct, Staff, we're at the end?

MS. CARTER: Yes, sir.

COMMISSIONER BRIDGEWATER, JR.: Are there further comments?

IX. ANNOUNCEMENTS:

COMMISSIONERS: (No response.)

COMMISSIONER WARES: Mr. Chair.

COMMISSIONER BRIDGEWATER, JR.: Commissioner Wares.

COMMISSIONER WARES: I do have one comment. I -- even though I know everything that's done has to be passed by Council, I'd like to say kudos and thank you to the planning and zoning Staff, Ms. Elias and Ms. Holmes for their support in developing a compensation amendment for our regular meeting versus the once per year. Just thank you so much for that and we appreciate your support.

COMMISSIONER BRIDGEWATER, JR.: I think I would second that. We all feel that same way. Commissioners are there -- Staff, did you say you didn't any comments?

MS. CARTER: Please keep Keyetta Holmes in your prayers.

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She's lost a family member so she's not here tonight and I apologize that I couldn't give you the answers that you needed, 'um, because is pretty much out of my purview but keep her in your prayers.

COMMISSIONER BRIDGEWATER, JR.: This is an immediate family member?

MS. CARTER: Yes.

COMMISSIONER BRIDGEWATER, JR.: Okay. 'Um, Attorney Garrett, do you have any comments of the --

ATTORNEY SUSAN GARRETT: (No response.)

COMMISSIONER BRIDGEWATER, JR.: Thank you.

Commissioners. No comments, Commissioners. I have one. I'm please to really announce the fact that one of our Commissioners is celebrating -- today's the date that he entered into this great world called America. I'm not sure if he wants to disclose that he's 32 or 28 or what year he's claiming but put the camera on Commissioner William Bryant and his since it is his birthday, on behalf of the Commission of the City of East Point Planning & Zoning, we say happy birthday to you, sir --

COMMISSIONER WILLIAM BRYANT: Thank you.

COMMISSIONER BRIDGEWATER, JR.: -- and we thank you for your service to the City of East Point and being a valuable of this Body, and we wish you many many more. You can say what ever you like.

COMMISSIONER WILLIAM BRYANT: I would just like to say thank you so much and I'm glad to be here and I'm blessed to be the

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age that I am and it's just a blessing to have a birthday and to be among friends. Thank you so much.

COMMISSIONER BRIDGEWATER, JR.: That's entering. That means that everybody who wants to know his age would have to keep on guessing. Thank you so much. Commissioners, hearing no further, I will certainly entertain a motion for adjournment.

X. ADJOURNMENT:

COMMISSIONER WILLIAM BRYANT: I make a motion, Mr. Chairman --

COMMISSIONER BRIDGEWATER, JR.: Yes, sir.

COMMISSIONER WILLIAM BRYANT: I make a motion that we adjourn our meeting.

COMMISSIONER BRIDGEWATER, JR.: All right.

COMMISSIONER TUCKER: I second.

COMMISSIONER BRIDGEWATER, JR.: It's been motioned by Commissioner Bryant, William Bryant and seconded by Commissioner Tucker that this March 17th, 2011 meeting of the City of East Point Planning & Zoning be adjourned. All in favor let it be known by the word aye.

COMMISSIONERS: Aye.

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

COMMISSIONERS: (No response.)

COMMISSIONER BRIDGEWATER, JR.: The meeting is adjourned.

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(Whereupon this concludes the meeting for the City of East
Point Planning & Zoning Commission for March 17th, 2011.)

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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 52 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 March 17th, 2011, at 7 o'clock P.M. were taken down by me and transcribed by me this 31st day of March, 2011.

Jeanene Harper
Court Reporter