

1 CITY OF EAST POINT

2 **DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT**

3 December 17, 2015 - 7:00 P.M.
4 Official Meeting Minutes

5 Jefferson Station
6 1526 East Forrest Avenue
7 4th Floor Council Chambers
8 East Point, Georgia 30344

9 Board Members:

10 Commissioner Shean **ATKINS, Chair**

11 Commissioner Linda **SHELDON, Provisional Chair**

12 Commissioner Joel **TUCKER, Vice Chair**

13 Commissioner Laura **BORDERS - Absent**

14 Commissioner Gregory **FANN**

15 Commissioner Patricia **LOVETT**

16 Commissioner Thomas **CALLOWAY - Absent**

17 Commissioner Stephanie **GORDAN - Absent**

18 Commissioner Willard **MAXWELL**

19 Also Present:

20 Ms. Linda **DUNLAVY**
21 City Attorney - Absent

22 Ms. Keyetta **HOLMES**
23 Senior Planner - Absent

24 Willis **HATCHER**
25 City Engineer

Ms. Angela **BLATCH**
Associate Planner

Videographer
James **Hammond**

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I. CALL TO ORDER:

COMMISSIONER ATKINS: Good evening. I'm Shean Atkins, Chair of the East Point Planning & Zoning Commission and at this time, I'd like to call our December 17, 2015 meeting to order. Staff, would you please sound Roll Call to establish a quorum.

II. ROLL CALL:

MS. BLATCH: Commissioner Lovett.

COMMISSIONER LOVETT: Here.

MS. BLATCH: Commissioner Borders.

COMMISSIONER BORDERS: (No response.)

MS. BLATCH: Commissioner Fann.

COMMISSIONER FANN: Here.

MS. BLATCH: Commissioner Atkins.

COMMISSIONER ATKINS: Present.

MS. BLATCH: Commissioner Tucker.

COMMISSIONER TUCKER: Here.

MS. BLATCH: Commissioner Sheldon.

COMMISSIONER SHELDON: Here.

MS. BLATCH: Commissioner Maxwell.

COMMISSIONER MAXWELL: Here.

MS. BLATCH: Mr. Chair, we have a quorum.

COMMISSIONER ATKINS: Okay, thank you. At this time, I'd like for everyone please to stop and take a Moment of Silence.

III. MOMENT OF SILENCE:

COMMISSIONER ATKINS: Okay, thank you. If you'd stand

1 and join me in the Pledge of Allegiance.

2 **IV. PLEDGE OF ALLEGIANCE:**

3 COMMISSIONER ATKINS: Thank you. At this time,
4 Commissioner, I would entertain a motion to adopt the agenda as
5 present.

6 **V. ADOPTION OF AGENDA:**

7 COMMISSIONER MAXWELL: I so move.

8 COMMISSIONER ATKINS: Is there a second?

9 COMMISSIONER LOVETT: Second.

10 COMMISSIONER ATKINS: It's been moved by Commissioner
11 Maxwell, seconded by Commissioner Lovett that we adopt the
12 agenda as presented. All in favor sound aye.

13 COMMISSIONERS: Aye.

14 COMMISSIONER ATKINS: All opposed sound nay.

15 COMMISSIONERS: (No response.)

16 COMMISSIONER ATKINS: Hearing none, the ayes have it.
17 The agenda is adopted. Commissioners, at this time, I'll entertain a
18 motion to approve our November 12, 2015 meeting minutes.

19 **VI. APPROVAL OF THE NOVEMBER 12, 2015 MEETING**

20 **MINUTES:**

21 COMMISSIONER FANN: Motion to approve.

22 COMMISSIONER ATKINS: Is there a second?

23 COMMISSIONER LOVETT: Second.

24 COMMISSIONER ATKINS: It's been moved by Commissioner
25 Fann, seconded by Commissioner Lovett that we approve our

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November 12, 2015 meeting minutes. All in favor sound aye.

COMMISSIONERS: Aye.

COMMISSIONER ATKINS: All opposed sound nay.

COMMISSIONERS: (No response.)

COMMISSIONER ATKINS: Hearing none, the ayes have it.

We've approved our November 12, 2015 meeting minutes. We will now go into New Business. For Case Number 2015 "Z" as in zebra-013-11, Staff, would you please sound this Agenda Item.

VII. NEW BUSINESS:

MS. BLATCH: Case Number 2015Z-013-11, applicant is Wilson Brock & Irby, LLC. The location is 0 Ben Hill Road. They're requesting a rezone from R-4(c), which is Multi-Family Residential to I-1, (Light Industrial).

COMMISSIONER ATKINS: Thank you. Commissioners, this Agenda Item as well as our next Agenda Item requires a public hearing. This has been duly advertised. At this time, I'll read our rules for public hearing and then I'll entertain a motion to open the public hearing.

(Whereupon City of East Point Rules for Public Hearing are read into the record.)

COMMISSIONER ATKINS: Public hearings held before the Planning & Zoning Commission shall be conducted in accordance to Section 10-2219 of the East Point Zoning Code and Development Regulations as follows: Persons both favoring and opposing the proposed case will be provided an opportunity to address the

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Commission.

The applicant for the zoning case or the applicant's designated representative, if any, will be entitled to speak first followed by other speakers in favor of the proposal for a total of fifteen (15) minutes. For those who opposed the proposed zoning case, they would then be permitted to speak for a total of fifteen (15) minutes.

By majority vote, the Commission may increase the total time for speakers provided that each side is given equal amount of time. If there is more than one speaker for a side, the Chair, the presiding officer may limit the time allotted to each individual speaker other than the zoning applicant. The zoning applicant may reserve a portion of his or her allotted time for rebuttal.

Speakers must adhere to the rule of decorum. Prior to speaking, each speaker shall identify him or herself and state his or her current address. Each speaker shall speak only to merits of the proposed zoning decision under consideration, shall address remarks only to the Commission 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 cautioned, the speaker continues to violate the rules of decorum.

You've heard the rules of our public hearing. Commissioners, at this time, I'll entertain a motion to open the public hearing for Case Number 2015 "Z" as in zebra-013-11.

COMMISSIONER SHELDON: So moved.

1 COMMISSIONER ATKINS: Is there a second?
2 COMMISSIONER MAXWELL: Second.
3 COMMISSIONER ATKINS: It's been moved by Commissioner
4 Sheldon, seconded by Commissioner Maxwell that we open the public
5 hearing. All in favor sound aye.
6 COMMISSIONERS: Aye.
7 COMMISSIONER ATKINS: All opposed sound nay.
8 COMMISSIONERS: (No response.)
9 COMMISSIONER ATKINS: Hearing none, the public hearing
10 is now open. Is the applicant present?
11 AUDIENCE: Yes, I am.
12 COMMISSIONER ATKINS: Would you please approach the
13 podium and state your first and last name and your current address.
14 (Whereupon Attorney for Applicant Steve Rothman
15 approaches the podium.)
16 MR. ROTHMAN: Good evening. My name is Steve Rothman.
17 My address is 2849 Paces Ferry Road, Atlanta, Georgia. I'm an
18 attorney and I'm here on behalf of the property owner, which is
19 McDonald Properties. McDonald has owned this property for more
20 than twenty-nine years. When they had this property, they annexed
21 it into the City of East Point twenty-nine years ago. There's been one
22 owner. They brought this in also in connection with the adjoining
23 properties, which is the South Meadow Industrial Park that's there.
24 The property that we're asking for rezoning on historically was always
25 zoned I-1 and recently, they came in, McDonald -- because they had

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an end user for apartments and sought to bring in apartments and they got the zoning for apartments. That was in 2009 and I won't go into the socio-economic story that occurred in 2009 but the apartments and that deal is gone so now McDonald, who is currently expanding or developing out the business part that they annexed as an industrial twenty-nine years ago, that is getting finalized and they would like to take this piece back to what it was originally zoneded, which is I-1.

This property is -- every piece of property that touches this property on the west, the south and to the east, is zoned industrial so it's compatible with surrounding properties. We are consistent with the Comprehensive Development Plan, the 2036 plan, which shows industrial for this property and we're going back to the original use. I think with that I'll end my remarks. I'm here, Bob McCloud with McDonald properties is here if you have any questions. I'll save any time that we have for rebuttal and, of course, I'm happy to answer questions. Thank you.

COMMISSIONER ATKINS: Thank you, Mr. Rothman. Are there any other speakers in favor of this zoning application?

AUDIENCE: (No response.)

COMMISSIONER ATKINS: Any other speakers in favor of this zoning application?

AUDIENCE: (No response.)

COMMISSIONER ATKINS: Are there any opponents here to speak to this zoning application?

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AUDIENCE: (No response.)

COMMISSIONER ATKINS: Any opponents here to speak to this zoning application?

AUDIENCE: (No response.)

COMMISSIONER ATKINS: Hearing none and seeing none, Commissioners, at this time, I'll entertain a motion to close the public hearing.

COMMISSIONER FANN: Motion to close the public hearing.

COMMISSIONER ATKINS: Is there a second?

COMMISSIONER LOVETT: Second.

COMMISSIONER ATKINS: It's been moved by Commissioner Fann, seconded by Commissioner Lovett that we close the public hearing. All in favor sound aye.

COMMISSIONERS: Aye.

COMMISSIONER ATKINS: All opposed sound nay.

COMMISSIONERS: (No response.)

COMMISSIONER ATKINS: Hearing none, the public hearing is now closed. Staff, would you please sound your recommendation.

MS. BLATCH: In Case Number 2015Z-013-11, Wilson, Brock & Irby, LLC, 0 Ben Hill Road, rezoning from R-4 to I-1. Staff recommends approval of rezoning the properties from R-4(c), Multi-family residential with conditions to I-1, which is light industrial.

COMMISSIONER ATKINS: Okay. Would you please sound your conditions. You said, with conditions?

MS. BLATCH: The property currently is R-4 (c), which has

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conditions.

COMMISSIONER ATKINS: Okay. All right. Commissioners, you've heard from the applicant, you've also heard Staff's recommendation. At this time, I'll entertain a motion.

COMMISSIONER FANN: Motion to approve.

COMMISSIONER ATKINS: Is there a second?

COMMISSIONER LOVETT: Second.

COMMISSIONER ATKINS: Okay. The motion must be in the form of a recommendation because it's a rezoning so Commissioner Fann, is your motion in the form of a recommendation?

COMMISSIONER FANN: My motion is in form of rezoning to Light Industrial.

COMMISSIONER ATKINS: A recommendation to rezone, is that correct?

COMMISSIONER FANN: Absolutely.

COMMISSIONER ATKINS: Okay. And Commissioner Lovett, does your second still stand?

COMMISSIONER LOVETT: Second.

COMMISSIONER ATKINS: Any discussion?

COMMISSIONERS: (No response.)

COMMISSIONER ATKINS: Seeing none, Commissioners, all in favor sound aye.

COMMISSIONERS: Aye.

COMMISSIONER ATKINS: All opposed sound nay.

COMMISSIONERS: (No response.)

1 COMMISSIONER ATKINS: Hearing none, the ayes have it.
2 Our recommendation is to rezone.
3 MR. ROTHMAN: Thank you.
4 COMMISSIONER ATKINS: Next Agenda Item is 2015 "U" as
5 in umbrella-010-11. Staff, would you please sound this Agenda Item.
6 MS. BLATCH: Case Number 2015U-010-11. Applicant is
7 Fulton Leadership Academy to be located at 2575 Dodson Drive and
8 2605 Ben Hill Road. They're requesting a Special Use Permit for a
9 school, private or special with an associated gymnasium.
10 COMMISSIONER ATKINS: Okay. Commissioners, at this
11 time, I'll entertain motion to open the public hearing.
12 COMMISSIONER TUCKER: So move.
13 COMMISSIONER ATKINS: Is there a second?
14 COMMISSIONER MAXWELL: I second the motion.
15 COMMISSIONER ATKINS: It's been moved by Commissioner
16 Tucker, seconded by Commissioner Maxwell we open the public
17 hearing. All in favor sound aye.
18 COMMISSIONERS: Aye.
19 COMMISSIONER ATKINS: All opposed sound nay.
20 COMMISSIONERS: (No response.)
21 COMMISSIONER ATKINS: Hearing none, the ayes have it.
22 The public hearing is now open is the applicant here this evening.
23 AUDIENCE: I am.
24 COMMISSIONER ATKINS: Would you please step to the
25 podium. State your first and last name and your address.

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(Whereupon the Applicant, Jacqueline Washington approaches the podium.)

MS. WASHINGTON: My name is Jacqueline Washington. My address is 5690 Vandiver Road, Atlanta, Georgia.

COMMISSIONER ATKINS: Okay. Go ahead and present your case.

MS. WASHINGTON: We are Fulton Leadership Academy. We have been before this Board before and before East Point City Council before when we moved Fulton Leadership Academy from South Fulton into the City of East Point. We have over the last couple of years certainly enjoyed a wonderful relationship here in East Point. It has been good for us to be here. We have grown here in the City of East Point so much so that when the opportunity presented itself for us to move to a little bit larger quarters, we are happy to take advantage of that opportunity and so this petition asks for a Special Use Permit to allow us to move from Washington Road -- and I'm going to clarify that in a minute -- to move from Washington Road, to move the upper school from Washington Road to 2575 Dodson Drive and the coordinating property, 2605 Ben Hill Road, which is the address of the gymnasium.

Our intent at this point is to leave the lower school on Washington Road so we will actually end up with potentially two locations. That second location is contingent upon an application that we're submitting now to the Department of Education, where they have asked us to consider expansion and so our expansion would

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allow us to go down to the middle grades and so we're looking at adding third, fourth and fifth grade and that would stay at the Washington Road address. The upper school will move to the Ben Hill Road and Dodson Road addresses so that's where we are at this point. I'm certainly happy to answer any questions that you might have.

COMMISSIONER ATKINS: So that's just one school, two campuses?

MS. WASHINGTON: One school, two campuses, exactly and part of that reason is because we have a contract, a rental agreement with the church that goes through 2019 and so since we've got to use it or sublease it, we would prefer just to stay there and use the property ourselves through the end of that lease so that the church is certainly assured that they're income is protected. We have an obligation to it anyway but we might as well use it. At the end of that period of time, we may very well consolidate all of the campuses at one place more than likely on the Dodson Road property.

COMMISSIONER ATKINS: Okay. Are there any other proponents -- thank you, Ms. Washington -- are there any other proponents here to speak to this zoning case?

AUDIENCE: (No response.)

COMMISSIONER ATKINS: Are there any opponents here to speak to this zoning case?

AUDIENCE: (No response.)

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COMMISSIONER ATKINS: Any opponents?

AUDIENCE: (No response.)

COMMISSIONER ATKINS: Hearing none and seeing none, Commissioners, at this time, I'll entertain a motion to close the public hearing.

COMMISSIONER SHELDON: So moved.

COMMISSIONER FANN: Second.

COMMISSIONER ATKINS: Okay. It's been moved by Commissioner Sheldon and seconded by Commissioner Fann that we close the public hearing for Case Number 2015 "U" as in umbrella-010-11. All in favor sound aye.

COMMISSIONERS: Aye.

COMMISSIONER ATKINS: All opposed sound nay.

COMMISSIONERS: (No response.)

COMMISSIONER ATKINS: Hearing none, the ayes have it. The public hearing is now closed. Staff, would you please sound your recommendation.

MS. BLATCH: In Case Number 2015U-010-11, Staff recommends approval of the Special Use Permit for a school, private or special in E-I, educational institution zoning district with the following conditions: First condition is Fulton Leadership Academy will utilize an established parking agreement with Tri-Cities Church for an additional 30 spaces. School parking shall be permitted at 2575 Dodson Drive. On-street parking is prohibited. Second condition is if Tri-Cities Church ceases to exist or revokes their shared parking

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agreement with Fulton Leadership Academy, Fulton Leadership Academy must contact the Department of Planning and Community Development with alternate parking arrangements.

COMMISSIONER ATKINS: Thank you. Commissioners, you've heard from the applicant, you've also heard Staff's recommendation. At this time, I'll entertain a motion and recommend and remember to say, Special Use Permit needs to be in the form of a recommendation.

COMMISSIONER FANN: I motion that we recommend a Special Use Permit for Fulton Leadership Academy at 2575 Dodson Drive and 2605 Ben Hill Road.

COMMISSIONER MAXWELL: I second.

COMMISSIONER ATKINS: Okay. It's been moved by Commissioner Fann, seconded by Commissioner Maxwell that we recommend approval for Case Number 2015 "U" as in umbrella-010-11 for Special Use Permit for the Fulton Leadership Academy. Any discussion?

COMMISSIONER SHELDON: Yes, sir. I believe we need to also state that we recommend approval with the conditions as stated by Staff.

COMMISSIONER ATKINS: Okay. So would that be a substitute motion

COMMISSIONER SHELDON: Yes.

COMMISSIONER ATKINS: Okay. Is there a second for the substitute motion?

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COMMISSIONER FANN: I'll second it. I'll second it.

COMMISSIONER ATKINS: Okay. So there's a substitute motion on the floor that we recommend approval of a Special Use Permit for Fulton Leadership Academy at 2575 Dodson Drive and 2605, that substitute motion made by Commissioner Sheldon and seconded by Commissioner Fann. Any other discussion?

COMMISSIONERS: (No response.)

COMMISSIONER ATKINS: So I have one thing. If I would get a Commissioner -- so condition number two, if we could look at that, if we could look at that, I'd like to proposed some different language for the latter part of that so that where you see -- it say, Fulton Leadership Academy must contact -- from that to the end, I'd like for it to read, Fulton Leadership Academy must submit for approval alternate parking arrangements to the Department of Planning and Zoning because I think it's a little vague if they say, must contact, but I think that the plan should have to have some level of approval so that we know that it works so if I could have a Commissioner to offer that substitute.

COMMISSIONER FANN: I think Commissioner Sheldon would accept it and I'll accept the second.

COMMISSIONER SHELDON: In deed I will.

COMMISSIONER ATKINS: Okay.

COMMISSIONER SHELDON: Absolutely. I think that's much better language so I will accept that as a --

COMMISSIONER ATKINS: Friendly amendment.

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COMMISSIONER SHELDON: -- friendly amendment to the substitute motion, which has already been seconded.

COMMISSIONER ATKINS: Okay. And your second still stands, Commissioner Fann.

COMMISSIONER FANN: Yes, sir.

COMMISSIONER ATKINS: Okay. Excellent. So the substitute that has been friendly amended -- friendly -- with a friendly amendment is that we recommend approval of the Special Use Permit for the Fulton Leadership Academy at 2575 Dodson Drive and 2605 Ben Hill Road with the conditions as stated by Staff and amended by this Commission and any other discussion?

COMMISSIONERS: (No response.)

COMMISSIONER ATKINS: Hearing none, all in favor sound aye.

COMMISSIONERS: Aye.

COMMISSIONER ATKINS: All opposed sound nay.

COMMISSIONERS: (No response.)

COMMISSIONER ATKINS: The ayes have it. We will recommend approval. The next Agenda Item is announcements and I'll start off. This is your December meeting and we're in the midst of the holiday season so on behalf of the Commission, I'd like to wish each and every one of our fellow East Point neighbors a very very wonderful holiday season however you celebrate that and with whom ever you celebrate it. We wish you a very safe and happy holiday season. Staff, do you have any announcements?

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VIII. ANNOUNCEMENTS:

STAFF: (No response.)

COMMISSIONER ATKINS: Okay. Commissioners, any other announcements from you all. Okay, Commissioner Sheldon

COMMISSIONER SHELDON: I just want to say goodbye. It's been a privilege. This is my last meeting. Oh gosh, you had to remind us. We don't want you to leave.

COMMISSIONER FANN: This is your last meeting?

COMMISSIONER SHELDON: Yes. My term expires with Lance Rhodes leaving the Council so it's been a privilege and a pleasure and this is an extraordinary professional and fun -- it's just been a pleasure working with all of you.

COMMISSIONER ATKINS: Thank you, Commissioner Sheldon and the sentiments are mutual. Commissioner Fann.

COMMISSIONER FANN: Linda, I'm gonna miss you, Jesus. Oh, man, that breaks my heart but I do want to just make the announcement that on January the 9th, we are getting ready for the Martin Luther King celebration, the Martin Luther King Commission and we will have the banquet at the Bowden Center at 6:00 p.m. and Commissioner Arrington will be our speaker and then Sunday at 3:00 p.m. our 10th Year Anniversary, we'll have Pastor Spencer Lamar Booker who'll come back to speak to us on that day in Grant Chapel A.M.E. on Holcomb Avenue so those are my announcements and I just want to wish everybody a Merry Christmas and a Happy New Year.

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COMMISSIONER ATKINS: Okay. All right. Well, let's say a happy and a safe new year.

COMMISSIONER FANN: Well, happy, safe, same thing, just be happy and safe.

COMMISSIONER ATKINS: Any other announcements.

COMMISSIONERS: (No response.)

COMMISSIONER ATKINS: Hearing none, Commissioners, at this time, I'll entertain a motion to adjourn.

IX. ADJOURNMENT:

COMMISSIONER SHELDON: So moved.

COMMISSIONER FANN: Can I hug Linda.

COMMISSIONER ATKINS: Yes, you may but there's a motion on the floor and Commissioner Sheldon has made a motion to adjourn. Is there a second?

COMMISSIONER FANN: Second.

COMMISSIONER ATKINS: Okay. All in favor sound aye.

COMMISSIONERS: Aye.

COMMISSIONER ATKINS: All opposed sound nay.

COMMISSIONERS: (No response.)

COMMISSIONER ATKINS: Hearing none, the ayes it. This meeting is now adjourned. Thank you so much.

(Whereupon this concludes the regularly schedule meeting for the City of East Point Department of Planning and Community Development for the month of December 17th, 2015.)

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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 21 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 the City of East Point, Department of Planning and Community Development.

I was contacted by the offices of East Point, Department of Planning & Community Development to provide stenography services to take down the meeting minutes.

The foregoing meeting for the City of East Point, Department of Planning and Community Development , on December 17, 2015 at seven o'clock P.M., were taken down by me and transcribed by me on this 31st day of December, 2015.

Jeanene Harper
Stenographic Stenographer