

CITY OF EAST POINT

DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT

March 15, 2018
7:00 P.M.
Official Meeting Minutes

City Annex
3121 Norman Berry Drive
East Point, Georgia 30344

Board Members:

Commissioner Shean **ATKINS, Chair**

Commissioner Joel **TUCKER TODD, Provisional Chair**

Commissioner Gregory **FANN**

Commissioner Patricia **LOVETT**

Commissioner Jarrett **BELL**

Commissioner William **MILLER - Vice Chair**

Commissioner LaJeanna **MCKNIGHT**

Commissioner Willard **MAXWELL**

Commissioner Clyde **MITCHELL**

Also Present:

Mr. Nigel **WALKER**
Director

Ms. Angela **BLATCH**
Senior Planner

Mr. Frank **LEE**
Associate Planner

Willis **HATCHER**
City Engineer - Absent

Linda **DUNLAVY**
City Attorney

Videographer
James **Hammond**

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I. CALL TO ORDER:

COMMISSIONER ATKINS: Good evening, ladies and gentlemen. I'm Shean Atkins, Chair of the East Point Planning & Zoning Commission and at this time, I will call our regularly scheduled March meeting to order.

Staff, would you please sound Roll Call to establish a quorum.

II. ROLL CALL:

MR. LEE: Commissioner Lovett.

COMMISSIONER LOVETT: Here.

MR. LEE: Commissioner Bell.

COMMISSIONER BELL: Present.

MR. LEE: Commissioner Miller.

COMMISSIONER MILLER: Here.

MR. LEE: Commissioner Fann.

COMMISSIONER FANN: Here.

MR. LEE: Commissioner Atkins.

COMMISSIONER ATKINS: Present.

MR. LEE: Commissioner Tucker.

COMMISSIONER TUCKER: Here.

MR. LEE: Commissioner McKnight.

COMMISSIONER MCKNIGHT: Here.

MR. LEE: Commissioner Maxwell.

COMMISSIONER MAXWELL: (No response.)

MR. LEE: Commissioner Mitchell.

COMMISSIONER MITCHELL: Present.

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MR. LEE: Mr. Chair, you have a quorum.

COMMISSIONER ATKINS: Thank you. At this time, we will observe a Moment of Silence and as we do so, I just kindly ask that you remember all of those who have suffered tragedy in our country and around the world over the last month and particularly those who loss lives today in Florida.

III. MOMENT OF SILENCE:

COMMISSIONER ATKINS: Thank you. If you would please stand and join me in the Pledge of Allegiance.

IV. PLEDGE OF ALLEGIANCE:

COMMISSIONER ATKINS: Thank you. Commissioners, at this time, I will entertain a motion to approve our agenda as -- to adopt our agenda as printed.

V. ADOPTION OF THE AGENDA:

COMMISSIONER FANN: Motion to adopt.

COMMISSIONER ATKINS: Is there a second?

COMMISSIONER MILLER: Second.

COMMISSIONER ATKINS: It's been moved by Commissioner Fann, seconded by Commissioner Miller that we adopt our agenda as printed. All in favor sound aye.

COMMISSIONERS: Aye.

COMMISSIONER ATKINS: All opposed sound nay.

COMMISSIONERS: (No response.)

COMMISSIONER ATKINS: Hearing none, the ayes have it. Our agenda is adopted. Commissioners, at this time, I'll entertain a

1 motion to approve our February 15, 2018 meeting minutes.

2 **VI. APPROVAL OF THE FEBRUARY 15th, 2018**

3 **MINUTES:**

4 ATTORNEY LINDA DUNLAVY: Mr. Chair.

5 COMMISSIONER ATKINS: Yes.

6 ATTORNEY LINDA DUNLAVY: Commissioner Bell has
7 requested that I apprise the Commission that he would like the
8 minutes that have been provided of February 15th, 2018 amended to
9 show that although he was present, he abstained from voting on
10 approval of the January 25th, 2018 minutes simply because he wasn't
11 a Commissioner at that point in time and so I'd ask for some sort of
12 Motion to that effect.

13 COMMISSIONER ATKINS: Okay. Thank you, Ms. Dunlavy.

14 Did all the Commissioners hear that?

15 COMMISSIONERS: Yes.

16 COMMISSIONER ATKINS: Okay. So at this time, before we
17 approve our February 15, 2018 meeting minutes, I'd like to entertain
18 a Motion to accept the amendment, the amended minutes as stated
19 by our Counsel, Ms. Dunlavy.

20 COMMISSIONER TUCKER: So moved.

21 ATTORNEY LINDA DUNLAVY: It should really be a Motion to
22 approve.

23 COMMISSIONER TUCKER: I'd like to make a motion for the
24 approval of the February 15th, 2018 minutes with the exemption of
25 the notations where Commissioner Bell voted.

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COMMISSIONER MITCHELL: Second.

COMMISSIONER MILLER: I second the motion.

COMMISSIONER ATKINS: Okay. It's been moved by Commissioner Tucker, seconded by Commissioner Mitchell. 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'll move on to New Business. Our first case is 2018 "M" as in Mary-001-03.

Staff, would you please sound this Agenda Item.

VII. NEW BUSINESS:

MR. LEE: Case Number 2018M-001-03, the applicant is the City of East Point. This is a Text Amendment to amend Part 10, Chapter 2, Article A Definitions by adding a definition for Funeral Homes and Amending Part 10, Chapter 2, Article C, Sections 10-2068 (CUP) Community Unit Plan, 10-2-71, (MI) Medical Institutional, 10-2072, C1, Neighborhood Commercial, 10-2075, (CR) Commercial Redevelopment and 10-2076 (MIX) Mixed-use District by adding Funeral Homes as a permitted use.

COMMISSIONER ATKINS: Okay. Thank you. This particular Agenda Item along with the other three on our agenda this evening, they do require public hearings. At this time, I'll read our Rules for Public Hearing. They will apply to all of the cases this evening. At the

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conclusion of the reading of the public hearing, I will then entertain a motion to open the public hearing for this first case.

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

COMMISSIONER ATKINS: Public hearings before the Planning & Zoning Commission shall be conducted in accordance with 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 Commission.

The applicant for the zoning case or the 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. Those who oppose the proposed zoning cases will 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 speaker is given the same amount of time. If there is more than one speaker for a side, the Chair or the presiding office 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 time for rebuttal.

Speakers must adhere to the rules 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 the merit to have proposed zoning decision under consideration, shall address remarks only to the Commission and shall refrain from making

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personal attacks on any other speaker. The presiding office 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 our Rules for Public Hearing. Commissioners, at this time, I'll entertain a motion to open the public hearing for Case Number 2018 "M" as in Mary-001-03.

COMMISSIONER MAXWELL: I so move.

COMMISSIONER ATKINS: Is there a second?

COMMISSIONER MILLER: Second.

COMMISSIONER ATKINS: It's been move by our newly joining Commissioner, Commissioner Maxwell, that we open the public hearing for this case. It's been seconded by Commissioner by Commissioner Miller. 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 open. Is our applicant present this evening, that would be the City of East Point?

MR. LEE: Yes.

COMMISSIONER ATKINS: Would you please state your first and last name and if you would go ahead and present the case for the Text Amendment.

MR. LEE: Okay. So the zoning code does not provide any regulations for funeral homes.

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COMMISSIONER ATKINS: Frank, I'm sorry, could you start over again. I missed a part of what you said at first.

MR. LEE: Okay. So for this case, this Text Amendment, the zoning code does not provide any regulations for funeral homes. Staff has received several inquiries regarding funeral homes in locations within the City. Due to this admission, this Text Amendment includes funeral homes as a permitted use in C1, C2, MIX, CP, MI and CR zoning districts.

COMMISSIONER ATKINS: Okay. Thank you. Are there any other proponents here to speak to this zoning case?

AUDIENCE: (No response.)

COMMISSIONER ATKINS: Any other proponents?

AUDIENCE: (No response.)

COMMISSIONER ATKINS: Anyone else to speak in favor of this Text Amendment?

AUDIENCE: (No response.)

COMMISSIONER ATKINS: Anyone else?

AUDIENCE: (No response.)

COMMISSIONER ATKINS: Is there anyone here to speak against this Text Amendment?

AUDIENCE: (No response.)

COMMISSIONER ATKINS: Anyone here to speak against the zoning case?

AUDIENCE: (No response.)

COMMISSIONER ATKINS: Seeing none, Commissioners, at

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this time, I'll entertain a motion to close the public hearing.

COMMISSIONER FANN: Motion to close the public hearing,
Mr. Chair.

COMMISSIONER ATKINS: Is there a second?

COMMISSIONER MILLER: Second.

COMMISSIONER ATKINS: It's been moved by Commissioner
Fann, seconded by Commissioner Miller 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 ayes have it.
The public hearing is now closed. Staff, would you please sound
your recommendation.

MR. LEE: In Case Number 2018M-001-03, the applicant is
the City of East Point. Staff recommends approval of the Text
Amendment to add a definition for funeral homes and amend Part
10, Chapter 2, Article C, Sections 10-2068 (CP) Community Unit Plan,
10-2071 (MI) Medical Institutional, 10-2072 (C1) Neighborhood
Commercial, 10-2075 (CR) Commercial Redevelopment and 10-2076
(MIX) Mix-use District by adding funeral home as a permitted use.

COMMISSIONER ATKINS: Commissioners, you've heard from
the applicant which is the City of East Point and you've also heard
Staff's recommendation. At this time, I'll entertain a motion.

COMMISSIONER FANN: Motion for approval of Case

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2018M-001-03.

COMMISSIONER MITCHELL: Second.

COMMISSIONER ATKINS: Okay. It's been moved by Commissioner Fann and seconded by Commissioner Mitchell that this Body recommends approval of this Text Amendment, which is Case Number 2018 "M" as in Mary-001-03. At this time, I'll open the floor for any comments, questions or concerns.

COMMISSIONERS: (No response.)

COMMISSIONER ATKINS: Seeing none and hearing none, the motion is to recommend approval. All in favor sound aye.

COMMISSIONERS: Aye.

COMMISSIONER ATKINS: All opposed sound nay.

COMMISSIONERS: (No response.)

COMMISSIONER ATKINS: Hearing none, the ayes have it. This Body recommends approval. Thank you. Our next case is 2018 "Z" as in zebra-002-02. Staff would you please sound this Agenda Item.

MR. LEE: Case Number 2018Z-002-02, the applicant is F. L. Sims Funeral Home. The location is 2968, 2978 and 5 East Point Street. Applicant seeks to rezone the properties from (R1A), Urban Residential to (CR), Commercial Redevelopment.

COMMISSIONER ATKINS: Thank you. Commissioners, at this time, I'll entertain a motion to open the public hearing for Case Number 2018 "Z" as in zebra-002-02.

COMMISSIONER MILLER: Motion to open.

1 COMMISSIONER ATKINS: Is there a second?
2 COMMISSIONER LOVETT: Second.
3 COMMISSIONER ATKINS: It's been moved by Commissioner
4 Miller, seconded by Commissioner Lovett that we open the public
5 hearing for this Agenda Item. 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 ayes have it.
10 The public hearing is now open. Is our applicant F. L. Sims Funeral
11 Home present this evening?
12 AUDIENCE: Yes.
13 COMMISSIONER ATKINS: Please step to the podium. State
14 your first and last name and your current address.
15 (Whereupon Applicant Fernando Sims approaches the
16 podium.)
17 MR. SIMS: Fernando Sims, 2968 East Point Street, 2978 East
18 Point Street and 5 East Point Street.
19 COMMISSIONER ATKINS: Mr. Sims, you can go ahead and
20 present your case.
21 MR. SIMS: Okay. We're here today to rezone the property
22 that we purchased on December 22nd from SCI Corporation out of
23 Houston, Texas. We're here to hopefully get it rezoned to become a
24 funeral home once again. It was originally -- the property was
25 originally established in 1935 as a funeral home by the Carmichael

1 Family and they sold out the funeral home I think about ten years
2 ago to SCI, which is a global corporation that owns a lot of funeral
3 homes and cemeteries throughout the world and they closed the
4 facility back in April of 2016, I believe, and the building was, for the
5 most part, vacant up until December 22nd and, at that point, we
6 purchased the building and we're assuming that it was already zoned
7 for a funeral home and didn't realize that it wasn't so we're asking
8 the Council now to hopefully approve us to operate a funeral home
9 there.

10 COMMISSIONER ATKINS: Okay. All right. Thank you, Mr.
11 Sims. Are there any other proponents for this zoning case?

12 AUDIENCE: (No response.)

13 COMMISSIONER ATKINS: Any other proponents for this
14 zoning case?

15 AUDIENCE: (No response.)

16 COMMISSIONER ATKINS: Very well. Is there anyone here
17 to speak against this zoning case?

18 AUDIENCE: (No response.)

19 COMMISSIONER ATKINS: Any opponents to this zoning
20 case?

21 AUDIENCE: (No response.)

22 COMMISSIONER ATKINS: Seeing none, Commissioners, at
23 this time, I'll entertain a motion to close the public hearing.

24 COMMISSIONER FANN: Motion to close the public hearing.

25 COMMISSIONER ATKINS: Is there a second?

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COMMISSIONER MCKNIGHT: Second.

COMMISSIONER ATKINS: It's been moved by Commissioner Fann, seconded by Commissioner McKnight that we close the public hearing for Case Number 2018 "Z" as in zebra-002-02. 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.

MR. LEE: Case Number 2018Z-002-02, the applicant is F. L. Sims Funeral Home. The location is 2968, 2978 and 5 East Point Street. Staff recommends approval of rezoning the properties from (R1A) Urban Residential to (CR) Commercial Redevelopment with the following conditions: Subject parcels 2968, 2978 and 5 East Point Street shall be consolidated in accordance with Chapter 4, Section 10-4005 and Section 10-4006.

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

COMMISSIONER FANN: Motion for approval.

COMMISSIONER ATKINS: Okay. Is there a second?

COMMISSIONER MITCHELL: Second.

COMMISSIONER ATKINS: It's been moved by Commissioner

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Fann and seconded by Commissioner Mitchell that this Body recommends approval and accepting Staff's recommendation and conditions. Is that correct?

COMMISSIONER FANN: That is absolutely correct, Mr. Chair.

COMMISSIONER ATKINS: Okay. All right. Are there any comments, questions or concerns from other Commissioners.

COMMISSIONERS: (No response.)

COMMISSIONER ATKINS: Hearing none and seeing none, this Body -- the motion on the floor, Commissioners, made by Commissioner Fann, seconded by Commissioner Mitchell that this Body recommends approval for Case Number 2018 "Z" as in zebra-002-02 with conditions as stated by Staff. 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 motion is approved. We will recommend approval.

MR. SIMS: Thank you.

COMMISSIONER ATKINS: Thank you. Our next Agenda Item is 2018 "M" as in Mary-002-03. Staff, would you please sound this Agenda Item.

MR. LEE: Case Number 2018M-002-03, the applicant is the City of East Point. This is a Text Amendment to amend Part 10, Chapter 3, Article P, Multifamily Rental Housing by deleting Exhibit A,

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Reference in Section 10-3075 Definitions (code compliance certificate), amending dates in Section 10-3076 Fee and Certificate Requirements and deleting Exhibit A of 10-3079 Repeal of Conflicting Revisions.

COMMISSIONER ATKINS: Okay. Commissioners, at this time, I'll entertain a motion to open the public hearing for this Agenda Item.

COMMISSIONER TUCKER: So moved.

COMMISSIONER LOVETT: Second.

COMMISSIONER ATKINS: It's been moved by Commissioner Tucker, seconded by Commissioner Lovett that we open the public for Case Number 2018 "M" as in Mary-002-03. 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 open. The applicant is Staff so -- the applicant is the City of East Point so Staff, if you could, please, present your case.

MR. LEE: Okay. The current Multifamily Rental Housing Regulations for the City of East Point were instituted in 2009. In some cases, the regulations have become outdated and do not allow for modifications to the reference Code of Compliance Certificate due to the consistent updates to the IBC of the International Building

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Code. The Code of Compliance Certificate references Exhibit A in ordinance has become outdated, therefore, Staff proposes to delete Exhibit A as well as any reference therein to allow for modifications as needed.

Staff further proposes to amend the dates of compliance and commencement of said ordinance.

COMMISSIONER ATKINS: Okay. Thank you. Are there any other proponents here to speak in favor of this Text Amendment?

AUDIENCE: (No response.)

COMMISSIONER ATKINS: Any other proponents?

AUDIENCE: (No response.)

COMMISSIONER ATKINS: Is there anyone here to speak against the Text Amendment?

AUDIENCE: (No response.)

COMMISSIONER ATKINS: Any opponents to the Text Amendment?

AUDIENCE: (No response.)

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

COMMISSIONER MITCHELL: So moved.

COMMISSIONER ATKINS: Is there a second?

COMMISSIONER MILLER: Second.

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

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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 for this Agenda Item.

MR. LEE: Case Number 2018M-002-03, the applicant is the City of East Point. Staff recommends approval of the Text Amendment to amend Multifamily Rental Housing by deleting the reference to Exhibit A in the definition of Code Compliance Certificate of Section 10-3075 definitions, modify the dates of institution and commencement as delineated in Section 10-3076 Fee and Certificate Requirements and delete Exhibit A in Section 10-3079 Repeal of Conflicting Revisions.

COMMISSIONER ATKINS: Okay. Thank you. Commissioners, you've heard from the applicant, which is the City of East Point and you've also heard Staff's recommendation. At this time, I'll entertain a motion.

COMMISSIONER FANN: Motion for approval.

COMMISSIONER ATKINS: Is there a second?

COMMISSIONER TUCKER: Second.

COMMISSIONER ATKINS: It's been move by Commissioner Fann, seconded by Commissioner Tucker that this Body recommends approval of Case Number 2018 "M" as in Mary-002-03. Are there any comments, questions or concerns from the Commission?

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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: Hearing none, the ayes have it.
This Body recommends approval of the Text Amendment.

Our next Agenda Item is 2018 "M" as in Mary-003-03. Staff, would you please sound this Agenda Item.

MR. LEE: Case Number 2018M-003-03, the applicant is the City of East Point. This is a Text Amendment to amend Part 10, Chapter 7, Section 10-7002, Definitions for Murals and 10-7017 (D) Commercial Redevelopment (Murals).

COMMISSIONER ATKINS: Okay. At this time, Commissioners, I'll entertain a motion to open the public hearing.

COMMISSIONER MILLER: Motion to open the public hearing.

COMMISSIONER ATKINS: Is there a second?

COMMISSIONER MITCHELL: Second.

COMMISSIONER ATKINS: It's been moved by Commissioner Miller, seconded by Commissioner Mitchell that we open the public hearing for this Agenda Item. All in favor sound aye.

COMMISSIONERS: Aye.

COMMISSIONER ATKINS: All opposed sound nay.

COMMISSIONERS: (No response.)

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COMMISSIONER ATKINS: Hearing none, the ayes have it.
The public hearing is now open. The City of East Point is the
applicant and so Staff, if you would, please, present your case.

MS. BLATCH: Currently, murals are defined as a very large
image such as painting applied directly to a wall. Murals are signed
that promote public art and are not used for advertising. As directed,
Staff is proposing this amendment to allow for advertising for murals
for properties that are zoned (CR) Commercial Redevelopment within
the downtown architecture overlay district only.

COMMISSIONER ATKINS: Okay. Are there any other
proponents?

AUDIENCE: (No response.)

COMMISSIONER ATKINS: Anyone else here to speak in favor
of this Text Amendment?

AUDIENCE: (No response.)

COMMISSIONER ATKINS: Any other proponents?

AUDIENCE: (No response.)

COMMISSIONER ATKINS: Is there anyone here to speak
against this Text Amendment?

AUDIENCE: (No response.)

COMMISSIONER ATKINS: Any opponents to the Text
Amendment?

AUDIENCE: (No response.)

COMMISSIONER ATKINS: Okay. Seeing none,
Commissioners, at this time, I'll entertain a motion to close the public

1 hearing.

2 COMMISSIONER MAXWELL: So moved.

3 COMMISSIONER ATKINS: Is there a second?

4 COMMISSIONER MILLER: Second.

5 COMMISSIONER ATKINS: It's been moved by Commissioner
6 Maxwell, seconded by Commissioner Miller that we close the public
7 hearing for this Agenda Item. All in favor sound aye.

8 COMMISSIONERS: Aye.

9 COMMISSIONER ATKINS: All opposed sound nay.

10 COMMISSIONERS: (No response.)

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

14 MR. LEE: Case Number 2018M-003-03, the applicant is the
15 City of East Point. Staff recommends approval to amend Part 10,
16 Chapter 7, Section 10-7002 Definitions (Murals) and 10-7017 (D)
17 Commercial Redevelopment (Murals).

18 COMMISSIONER ATKINS: Okay. Commissioners, you've
19 heard from the applicant, which is the City of East Point and you've
20 also heard Staff's recommendation. At this time, I'll entertain a
21 motion.

22 COMMISSIONER TUCKER: Mr. Chair.

23 COMMISSIONER MITCHELL: Move to approve.

24 COMMISSIONER ATKINS: Yes. Okay. I'm sorry. So we
25 need a motion first before there is -- motion to approve. Is there a

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second?

COMMISSIONER MCKNIGHT: Second.

COMMISSIONER ATKINS: Okay. There is a recommendation to approve by Commissioner Mitchell and a second by Commissioner McKnight. Any comments, questions or concerns?

COMMISSIONER FANN: I do.

COMMISSIONER ATKINS: Yes.

COMMISSIONER FANN: I just want to make sure that we're clear. I heard what Staff said about the murals in terms of advertisement, using for advertisement purposes in the downtown overlay district, is that what you state? I just want to be clear for the record.

MS. BLATCH: That's correct. The Text Amendment is to allow for advertising on murals. As it's defined currently, advertising is not allowed on murals at all within the City. The proposal is to allow for advertising on murals within with the downtown architecture overlay district for those properties that are zoned Commercial Redevelopment.

COMMISSIONER FANN: Commercial Redevelopment property only?

MS. BLATCH: Correct.

COMMISSIONER FANN: Okay. I'm good. Thank you.

COMMISSIONER ATKINS: So Commissioners, for this particular Text Amendment, my concern with the Text Amendment and the proposal is that I strongly believe that murals should be for

1 public Art and not for advertising. I also have some strong feelings
2 about how advertise can be used. There is no language here that
3 would restrict the sale of the space on a side of the buildings to any
4 entity for advertising so if I am the owner of Building "X" on 1234
5 Main Street and I've got a solid surface to the north and the south of
6 my building, I could sell that space to John Smith's Real Estate Agent
7 and have a lease agreement for that space for 30 days, 60 days, 90
8 days, I could then turn around and sell it to someone else. I could do
9 the same thing to know other side and it becomes less about Art and
10 more about advertising.

11 And so I have very strong feelings about the Text
12 Amendment. I strongly believe that murals should be for public Art.
13 It enhances the culture of a municipality. We have a sign ordinance
14 and if people would like to advertise, then they can advertise, then
15 they can advertise in the City of East Point and abide by the
16 ordinance that we already have in place for signs.

17 COMMISSIONER FANN: Can I say something again, Mr.
18 Chair, if I don't mine.

19 COMMISSIONER ATKINS: Sure.

20 COMMISSIONER FANN: The reason I ask that question was
21 because it was somewhat what you're talking about because I just
22 can't see murals -- and my vote was gonna be, no -- but my -- I can't
23 see murals as being for advertisement purposes because I feel like
24 you feel because if Coca Cola wanted to come in and put their sign
25 on a mural or somebody else wanted to advertise, you're giving a

1 business an opportunity in our downtown overlay district. We're
2 talking about the downtown overlay district. We're not talking about
3 anything else but downtown and we're in the process now of building
4 a brand new City Hall Complex and to have downtown covered with
5 advertisement, it talk away from esthetics of what we're trying to do
6 in my opinion for downtown so I think -- I agree with you in terms of
7 the mural for Art purposes, but I don't agree with us putting it in for
8 advertisement at all. That's gonna be -- and I was gonna wait until
9 we got ready to vote and I was gonna say what I need to say at the
10 time to vote but you always -- but it's all good.

11 COMMISSIONER TUCKER: Mr. Chair, you both have -- I
12 completely concur with both of you and what you said. I just can't
13 see how it would be attractive or necessary.

14 COMMISSIONER ATKINS: Okay.

15 COMMISSIONER MILLER: Mr. Chair, I'm strongly against it
16 for the same reason as it has been so eloquently shared by others.

17 COMMISSIONER ATKINS: Okay. Any other comments,
18 questions or concerns?

19 COMMISSIONERS: (No response.)

20 COMMISSIONER ATKINS: So Commissioners, at the present,
21 there is a recommendation to approve made by --

22 MS. BLATCH: Mr. Chair, just a point of clarity -- and not to
23 take away any of your comments. I do just want to read what the
24 amended definition is proposed to be.

25 The mural shall be allowed to promote public Art. Advertising

1 shall be allow on one wall elevation for a single tenant building within
2 the downtown architecture overlay district and I'm just -- just a point
3 of clarity that it's not for outside advertising. It's only for a single
4 tenant building and that tenant would be the only one that would be
5 allow to put their advertisement on there, and that was just a point
6 of clarity.

7 COMMISSIONER ATKINS: Well, I appreciate that point of
8 clarity and that's really good also for our viewing public and those
9 who are here this evening and I know that my position still remains
10 the same because for that tenant, that tenant is allow to advertise
11 their business through the sign ordinance and so at that point, the
12 mural becomes yet another sign and they already are allowed to
13 advertise with signs and so it really becomes a billboard and so I'm
14 opposed to it. I think that murals should be for public Art to add to
15 the culture fiber of municipality so if there -- yes, Commissioner
16 Fann.

17 COMMISSIONER FANN: I have something else to say, too, in
18 terms of the mural because whatever mural they put on there -- and,
19 you know, we got so many people around here doing all this graphic
20 art and murals and stuff they putting on it around here, that we need
21 to defined what the mural is going to be, too, because we just can't
22 have no anything up there for murals and people calling it, "Art." I
23 mean, I'm just being straight up honest with you.

24 COMMISSIONER ATKINS: I got you.

25 COMMISSIONER FANN: Because they may have some nude

1 pictures up there or anything and call it a mural so we got to -- we
2 have to be clear what we're talking about what's a mural that's going
3 to be up there -- that's why I am -- in our downtown overlay district.
4 We have to put some kind of status there.

5 COMMISSIONER ATKINS: Any other comments, questions or
6 concerns? All right, Commissioners.

7 COMMISSIONER MCKNIGHT: Yes.

8 COMMISSIONER ATKINS: I'm sorry. Commissioner
9 McKnight.

10 COMMISSIONER MCKNIGHT: I was just wondering if it was
11 possible to add to it where the graphic Art would have to be
12 approved by the City since it would be in the commercial district area.

13 MS. BLATCH: As it stands right now, all sign, including murals,
14 would have to go through a permitting process.

15 COMMISSIONER MCKNIGHT: Okay.

16 MS. BLATCH: So we also -- anything like obscenities and
17 nudity as indicated, is addressing our sign ordinance and is not
18 allowed.

19 COMMISSIONER FANN: But is a mural considered a sign,
20 though? That's the point. Is it considered a sign?

21 ATTORNEY LINDA DUNLAVY: Yes, Commissioner Fann. A
22 mural is considered a sign and murals are currently permitted, you
23 know, in the overlay district. However, they're only for -- right now,
24 only allowed for the purposes of promoting public Art so the
25 amendment essentially takes away the exception that is in the

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current definition and saying, you can't advertise on murals. That's what the amendment attempts to do is to allow that advertising but murals have been allowed for quite some time so long as they are promoting public Art.

COMMISSIONER FANN: I'm good with that. I'm good with that, too.

COMMISSIONER ATKINS: All right. Okay. Commissioners, the motion is to recommend approval. It's been made by Commissioner Mitchell, seconded by Commissioner McKnight. All in favor to recommend approval sound aye.

COMMISSIONERS: (No response.)

COMMISSIONER ATKINS: I can't hear that. So that is all opposed say nay.

COMMISSIONERS: Nay.

COMMISSIONER ATKINS: Okay.

ATTORNEY LINDA DUNLAVY: You might need to do a Roll Call on that.

COMMISSIONER ATKINS: Yes. So we will do Roll Call. Staff, would you please proceed with the Roll Call vote.

MR. LEE: Commissioner Lovett.

COMMISSIONER LOVETT: No.

MR. LEE: Commissioner Bell.

COMMISSIONER BELL: No.

MR. LEE: Commissioner Miller.

COMMISSIONER MILLER: No.

1 MR. LEE: Commissioner Fann.
2 COMMISSIONER FANN: No.
3 MR. LEE: Commissioner Atkins.
4 COMMISSIONER ATKINS: I have to only vote in case of a
5 tie.
6 MR. LEE: Commissioner Tucker.
7 COMMISSIONER TUCKER: No.
8 MR. LEE: Commissioner McKnight.
9 COMMISSIONER MCKNIGHT: Yes.
10 MR. LEE: Commissioner Maxwell.
11 COMMISSIONER MAXWELL: Yes.
12 MR. LEE: Commissioner Mitchell.
13 COMMISSIONER MITCHELL: No.
14 COMMISSIONER ATKINS: Motion fails.
15 MR. LEE: The motion fails.
16 COMMISSIONER ATKINS: Yes, the motion fails. And so
17 because the motion fails, then we also need to dispose of the item so
18 we do need to dispose of this item so Commissioners, at this time, I'll
19 entertain another motion.
20 COMMISSIONER TUCKER: Mr. Chair.
21 COMMISSIONER ATKINS: Yes, Commissioner Tucker.
22 COMMISSIONER TUCKER: I would like to make a motion to
23 recommend denial.
24 COMMISSIONER ATKINS: Okay. Is there a second?
25 COMMISSIONER LOVETT: Second.

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COMMISSIONER ATKINS: It's been moved by Commissioner Tucker, seconded by Commissioner Lovett that this Body recommends denial of this Text Amendment. Any comments, questions or concerns?

COMMISSIONERS: (No response.)

COMMISSIONER ATKINS: The motion to know floor is to recommend denial. All in favor sound aye.

COMMISSIONERS: Aye.

COMMISSIONER ATKINS: All opposed sound nay.

COMMISSIONERS: (No response.)

COMMISSIONER MCKNIGHT: Nay.

COMMISSIONER ATKINS: Okay. So we have one nay so the motion carries and so this Body will recommend denial. All right. Thank you. At this time, we move to our next Agenda Item which is announcements. Staff, are there any announcements?

VIII. ANNOUNCEMENTS:

MR. LEE: No.

COMMISSIONER ATKINS: Okay. Commissioners, do you have any announcements?

COMMISSIONERS: (No response.)

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

IX. ADJOURNMENT:

COMMISSIONER FANN: Motion to adjourn.

COMMISSIONER ATKINS: Is there a second?

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COMMISSIONER MILLER: Second.

COMMISSIONER ATKINS: It's been moved by Commissioner Fann, seconded by Commissioner Miller that we adjourn this March 15th, 2018 meeting. All in favor sound aye.

COMMISSIONERS: Aye.

COMMISSIONER ATKINS: All opposed sound nay.

COMMISSIONERS: (No response.)

COMMISSIONER ATKINS: Hearing none, the ayes have it. This meeting is now adjourned. Thank you. (Whereupon this concludes the City of East Point Planning and Zoning meeting for March 15th, 2018.)

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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 32 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 Special Call Meeting for the City of East Point, Department of Planning and Community Development , on March 15, 2018 at seven o'clock P.M., were taken down by me and transcribed by me on this 30th day of March, 2018.