

CITY OF EAST POINT

**DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT**

September 3, 2020  
6:30 P.M.  
Special Call Meeting  
Official Meeting Minutes

Zoom Meeting ID: 837 9484 4951  
Public Meeting by Telecommunication [O.C.G.A. 50-14-1 (g)]

Board Members:

- Commissioner Shean **ATKINS, Chair**
- Commissioner Joel **TUCKER TODD - Absent**
- Commissioner Gregory **FANN - Absent**
- Commissioner Patricia **LOVETT**
- Commissioner Jarrett **BELL, Provisional Chair**
- Commissioner William **MILLER - Vice Chair**
- Commissioner LaJeanna **MCKNIGHT**
- Commissioner William **BRYANT - Absent**
- Commissioner Joseph **FIELDS**

Also Present:

- |                                       |  |
|---------------------------------------|--|
| Ms. Kimberly <b>SMITH</b><br>Director | Mr. Anthony <b>ALSTON</b><br>Senior Planner                  |
|                                       | Mr. Albert <b>TREVINO</b><br>Associate Planner               |
|                                       | Linda <b>DUNLAVY</b><br>City Attorney                        |
|                                       | Videographer<br><b>MICHEAL Dimock - Absent</b>               |
|                                       | Mr. Richard <b>RANDOLPH</b><br>City Engineer - <b>Absent</b> |

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**APPEARANCES**

Item # and Case No.	<u>Applicant</u>	<b>Page</b>
(1) 2019M-006-08	City of East Point	5
(2) 2020M-004-07	City of East Point	30

**SPEAKERS**

Kimberly Smith  
Tony Alston  
**(Staff for the City of East Point)**

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AGENDA

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**I. CALL TO ORDER:**

COMMISSIONER ATKINS: Ladies and gentlemen, I'm Shean Atkins, Chair of the East Point Planning and Zoning Commission. At this time, I'd like to call to order our September 3rd, 2020 Special Call Meeting.

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

**II. ROLL CALL:**

MR. ALSTON: Commissioner Shean Atkins.

COMMISSIONER ATKINS: Present.

MR. ALSTON: Commissioner Will Miller.

COMMISSIONER MILLER: Here.

MR. ALSTON: Commissioner Joel Tucker.

COMMISSIONER TUCKER TODD: (No response.)

MR. ALSTON: Commissioner Jarrett Bell.

COMMISSIONER BELL: I'm here.

MR. ALSTON: Commissioner Greg Fann.

COMMISSIONER FANN: (No response.)

MR. ALSTON: Commissioner Regina McKnight.

COMMISSIONER MCKNIGHT: I'm here.

MR. ALSTON: Commissioner Patricia Lovett.

COMMISSIONER LOVETT: Here.

MR. ALSTON: Commissioner Dr. William Bryant.

COMMISSIONER WILLIAM BRYANT: (No response.)

MR. ALSTON: Commissioner Joseph Fields.

COMMISSIONER FIELDS: Here.

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

COMMISSIONER ATKINS: All right. Thank you. At this time, I'd like for every one to please join me in a Moment of Silence.

**III. MOMENT OF SILENCE:**

COMMISSIONER ATKINS: All right. Thank you. Commissioners, at this time, I'll entertain a motion to adopt our agenda for the Special Call Meeting.

COMMISSIONER MILLER: Motion to adopt the agenda for the Special Call Meeting.

**IV. ADOPTION OF AGENDA:**

COMMISSIONER ATKINS: Is there a second?

COMMISSIONER LOVETT: Second.

COMMISSIONER ATKINS: It's been moved by Commissioner Miller, seconded by Commissioner Lovett that we adopt the agenda for our Special Call Meeting for September 3rd, 2020. 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 agenda is adopted.

Our first Agenda Item for this Special Call Meeting is Item 2019 "M" as in Mary-006-08. This is regarding short-term rentals. Staff, would you please sound this Agenda Item.

**V. OLD BUSINESS:**

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MS. SMITH: Yes. Chairman, the first item on the agenda, Item No. 1, Case Number 2019M-006-08, Applicant, City of East Point. This Text Amendment is Citywide including all Wards. The applicant seeks a Text Amendment to add definitions that pertain to short-term rentals to Sections 10-2003 as well as added such uses and permitted uses to the applicable zoning districts.

COMMISSIONER ATKINS: Okay. Thank you. Commissioners, at this time, we've had a public hearing for this Agenda Item in September of 2019; but at this time, I would entertain a motion to open the public hearing for Agenda Item 2019 "M" as in Mary-008 -- that says, one zero. I don't know if one zero is correct.

ATTORNEY LINDA DUNLAVY: Yes. Kim, there seems to be some confusion as to the numbers that you read off. They're different than what's showing on the screen.

COMMISSIONER ATKINS: Yes.

MS. SMITH: The Case Number for the short-term rental is 2019M-006-08. Is there a different --

ATTORNEY LINDA DUNLAVY: Yes. Somebody just corrected it.

MS. SMITH: Okay. Great.

MR. ALSTON: That was a different number.

COMMISSIONER ATKINS: Okay. So we can open -- I'll entertain a motion to open the public hearing for 2019 "M" as in Mary-006-08.

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COMMISSIONER MILLER: Motion to open the public hearing for Case Number 2019M-006-08.

COMMISSIONER ATKINS: Is there a second?

COMMISSIONER LOVETT: Second.

COMMISSIONER ATKINS: It's been moved by Commissioner Miller, seconded by Commissioner Lovett 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.)

COMMISSIONER ATKINS: Hearing none, the ayes have it. The public hearing is now open. Is there anyone here -- Staff, because this is a Text Amendment, the City of East Point is the applicant. Would you please present your case?

MS. SMITH: Yes, Chairman. This --

COMMISSIONER ATKINS: I'm sorry, Kim. I'm getting ahead of myself. Both of these agenda items do require public hearings. At this time, I'll read our Rules for Public Hearing.

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

COMMISSIONER ATKINS: Public hearings before the Planning and 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 opposed 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. Those who opposed the proposed zoning case will then be permitted to speak for a total of fifteen (15) minutes. By majority vote, the Commission may increase the total time of speakers provided that each side is given the same amount of time.

If there is more than one speaker for a side, the Chair or the presiding officer may limit the time allotted to each individual speaker other than the zoning applicant. The zoning applicant may reserve a portion of his or her allotted time for rebuttal. Speakers must adhere to the rules of decorum. Prior to speaking, each speaker shall identify him or herself and state his or her current address. Each speaker shall speak only to the merits of the proposed zoning ordinance under consideration 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.

Ladies and gentlemen, you've heard your Rules for Public Hearing. Also, if there are any additional rules or any additional items or guidelines that need to be stated as it relates to our Zoom process, Staff, if you would present those.

MS. SMITH: Tony or Albert, do either one of you have a



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copy of our agenda that was put out on our Website? Because those rules are stated on there as far as calling in to the meeting.

MR. TREVINO: Yes. I have a copy of the agenda.

MS. SMITH: And it should state they call in at a certain time and provide comments in this manner or that manner..

MR. TREVINO: It has the Link, the Webinar ID. Are you referring to what was posted on the Website, the meeting notification?

MS. SMITH: Yes. It's an announcement that -- it's giving out the Facebook as well as our IT Department on the Website.

MR. TREVINO: Yes. It has the number to call, leave a message. Yes, it has all the log-in information on it as well.

ATTORNEY LINDA DUNLAVY: Albert, it might be easier -- I don't know if you can pull up the minutes that you sent to us this week; because that will have exactly verbatim the instructions that we gave to members of the public with respect to Zoom and how they participate in the hearing. If you can find those and see where Shean talks about how to participate on Zoom and perhaps read those. That would be helpful to the members of the public who are here.

MR. TREVINO: Let's see.

COMMISSIONER ATKINS: Albert, as yourself looking for those, I would also see if I can find that portion of the public hearings regarding Zoom. Okay. But I do ask that the public please bear with us. We just want to make sure that we sound what those

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guidelines are so that every knows and has an expectation of how to participate.

ATTORNEY LINDA DUNLAVY: I see a message here from Audrey Price in regards to what members of the public can do in order to participate. Maybe it's appropriate to read that here and then we can move into the public hearing process.

Ms. Price states that members of the public may sign up for public comments between 1:00 p.m. and 4:30 p.m. on the day of the meeting by providing their name, address and phone number, stating opposition or support either by emailing comments or calling in to 770-343-1608. Email comments will be read during the Comment Section. Anyone who has called in during the Public Comment Section of the agenda will be contacted by the planners attending the meeting and provide their public comments over the phone during the meeting.

MS. SMITH: Thank you, Linda.

ATTORNEY LINDA DUNLAVY: I think that sufficiently meets our notice obligations with respect to the public, so if Shean is comfortable, we move forward.

COMMISSIONER ATKINS: I am, thank you. At this time, I would like to ask Staff, if you would, please present your case for this Agenda Item.

MS. SMITH: Yes.

MR. ALSTON: Sorry, guys. I had gotten cut off. But I was able to log back in. Are we on the short-term rentals?

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MS. SMITH: Yes.

MR. ALSTON: Can you see that?

MS. SMITH: Barely. Okay. So with the short-term rental ordinance, I want to provide a short summary of all that has been done in reference to getting to the point that we are this evening.

We've had series of meetings that started as far back of March of 2019 where there was a Short-term Rental town hall. We went over the months through April, May as well as June and July; and we've had different 3rd-party monitoring and associated service presentations. One of those 3rd-party services was (inaudible) compliance. We actually had a draft of the ordinance introduced in June of 2019; and since then, we've had a multitude of meetings from actually different Wards, from A, B and C. We've had town hall meetings, a series of them that extended through the month of September, actually a year ago, 2019 that -- they're Citywide Text Amendments and short-term rental discussions throughout the entire City.

I know in the town hall, there were many people for; many people against; it was kind of a 50/50 type of situation. And since then, of course, you have had the opportunity to see the draft of an ordinance where the City came up with two different types of short-term rentals. One is called the Homestay Lodging; and this is what part of the decision Planning Commission will have the opportunity to provide their opinion and their recommendation on.

One of the definitions that was created as Homestay Lodging;

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and what that is a rental of individual bedrooms within the host home. The host lives and remains on site during the rental period which it would not extend more than seven (7) days.

The second definition in term that is being introduced and proposed is a short-term rental called, Whole House Lodging; and this rental is the rental of the entire dwelling without a host present during the rental period which would be less than 30 consecutive days; and a mobile operator must be available to be contacted by the City within 24 hours.

The other important component that will be introduced to the Planning Commission and that will come before you for your recommendation for approval or denial or the zoning districts that will be impacted by the short-term rental. And I will like to state that the short-term rental ordinance itself is inside of -- is outside of the zoning ordinance, which is why the Planning Commission is just sounding their voices for recommendation, for definitions, newly definitions being introduced as well as the zoning districts that will be impacted.

So the zoning districts that will be impacted where this ordinance is actually proposed short-term rental be permitted is R-1a, which is Urban Residential; R-2, which is Two-Family Dwelling units; R-3, which is Multifamily Development, and R-4, which is Multifamily Development; R-T, which is residential townhomes and C-R, which is Commercial Redevelopment.

Those are the zoning districts in which Whole House is being

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recommended or is being proposed; and in those zoning districts, short-term rental will be allowed as proposed in the ordinance. Now, for the Whole House type of short-term rental, the zoning districts -- I think I said it backwards and I truly apologize. The Whole House is be proposed for those zoning districts that I just stated; and that is that you will be able to rent out the entire unit at the time where no host is required to be on site. That is for R-1a, R-2, R-3, R-4, R-T and C-R.

So excused me for that; but the Whole House is being proposed for those zoning districts; and I'll say it again, just for the record, for R-1a, Urban Residential, R-2, Two-Family Dwelling, which are duplexes, R-3, Multifamily Development, R-4, Multifamily Development, R-T, Residential Townhome, and C-R, Commercial Redevelopment. The current ordinance as proposed will allow short-term rentals for Whole House in those zoning districts.

For the Homestay, which is being propose Citywide, Homestay is currently proposed for all zoning districts Citywide. And, again, I'll read the definition for what Homestay, what that is and what's required.

Homestay Lodging is rental of individual bedrooms within the hostess home. The host lives and remains on site during the rental period which would not exceed seven consecutive days. And I also want to point out that the City of East Point has a special permit where you can have a habitable accessory structure. Habitable accessory structures will be defined as a Homestay Lodging.

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Typically, when you have a Homestay Lodging and typically when you have a habitable accessory structure, usually -- there's a host. Usually, the occupant or the property owner is on site.

So those type of units will be allowed; and, again, they are proposed for Citywide; meaning there will be no zoning classification that would not be prohibited from having a short-term rental under the proposed ordinance.

I want to stay with that. That's the summary of the short-term rental ordinance. We did share with the Board previously that there are different components to the short-term rental order ordinance. It will have a registration component to where you have to register your property. There will be a business license's component which is something that we do not have now; and you will have to register as a business, and then, there will be a taxation component as well.

So those three things registration, business license and taxation will be part of the ordinance; but again, that will be outside of the zoning ordinance and within another Section of the City of East Point's Code of Ordinances. But for context, we thought it was important just to point that out that there are several other components to the ordinance.

And Staff does also recommend that a third party monitoring service be implemented and that is currently being worked on by City management, to get an RFP out if this is approved, to have a third party monitor provide code enforcement as well as a host of other

1 things that will help the City maintain the short-term rental ordinance  
2 through its longevity.

3 COMMISSIONER ATKINS: Are there any other proponents  
4 here to speak in favor of this zoning matter?

5 AUDIENCE: (No response.)

6 COMMISSIONER ATKINS: Any other proponents here to  
7 speak in favor?

8 AUDIENCE: (No response.)

9 COMMISSIONER ATKINS: Hearing none and seeing none,  
10 are there any opponents here to speak against this zoning matter?

11 AUDIENCE: (No response.)

12 COMMISSIONER ATKINS: Any opponents here to speak  
13 against the zoning matter?

14 AUDIENCE: (No response.)

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

18 COMMISSIONER MILLER: Motion to close the public hearing.

19 COMMISSIONER ATKINS: Is there a second?

20 COMMISSIONER LOVETT: Second.

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

24 COMMISSIONERS: Aye.

25 COMMISSIONER ATKINS: All opposed sound nay.

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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.

MS. SMITH: Yes.

COMMISSIONER FIELDS: Are we going to discuss this any further?

COMMISSIONER ATKINS: We cannot discuss this any further until there is a motion and a second for discussion. No item is discussed until it is properly motioned and seconded. Staff must sound a recommendation first.

MS. SMITH: Yes, Chairman. Item Number 1, Case Number 2019M-006-08, City of East Point is the applicant. The location is Citywide, all Wards. The applicant seeks a Text Amendment to add definitions that pertains to short-term rentals to Section 10-2003 as well as such uses and permitted uses in the applicable zoning district. Staff does recommend approval of the definitions as presented as well as other applicable zoning districts that will be impacted.

COMMISSIONER ATKINS: Okay. Commissioner, you have 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 MILLER: Motion to open this up for question.

COMMISSIONER ATKINS: Okay. I believe that the motion



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needs to be in the form of an approval or a denial and then it must be seconded and then we can have discussion.

ATTORNEY LINDA DUNLAVY: Correct.

COMMISSIONER FIELDS: So there must be a motion to either approve or disapprove; right.

COMMISSIONER ATKINS: To approve or to deny.

COMMISSIONER FIELDS: All right. I make a motion to deny:

COMMISSIONER ATKINS: Is there a second?

COMMISSIONER LOVETT: Second.

COMMISSIONER ATKINS: There's a motion on the floor made by Commissioner Fields to deny; there's a second by Commissioner Lovett. Any comments, questions or concerns?

COMMISSIONER MILLER: Motion to open for question.

COMMISSIONER ATKINS: Okay. You don't have to motion for that because it's already open. There's already a motion on the floor. So if you have questions, you cannot go ahead and start asking for questions. So if you would like, I can go ahead and recognize you, Commissioner Miller, if you have questions.

COMMISSIONER MILLER: Thank you very much. Ms. Smith, according to this Accessory Dwelling Unit would fall under a Homestay of seven-day rentals only. What if the Accessory Dwelling Unit is larger than -- I mean, it's more like an apartment I doesn't fit into the Whole House Stay. I mean, I doesn't -- that kind of wording doesn't work.

MS. SMITH: So an apartment rental, that is allow by

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ordinance -- the Special Use Permit and based on the parameters of how the habitable accessory structure is permitted in our zoning ordinance, that is what covers it as a rental. You're allow to rent out a habitable accessory structure; and that's stated in our zoning ordinance.

COMMISSIONER MILLER: But it sounds like the way you were describing it, an ADU would fall under the Homestay.

MS. SMITH: It would fall under the Homestay for the simple fact that the owner of the property is on site in the primary structure.

COMMISSIONER MILLER: But it also excludes somebody of having an Accessory Dwelling Structure. It excludes them from having a guest in there for more than seven days.

ATTORNEY LINDA DUNLAVY: Kimberly, it might be helpful if you could put the proposed definitions on the screen.

MS. SMITH: Okay. If you can see the screen, definition of a short-term rental is a residential dwelling unit is provided for lodging for a short period of time, less than 30 consecutive days. So the Homestay definition: A host lives and remains on site during the rental period which would not exceed seven days. So based on our ordinance of how we, I guess, determine the habitable accessory structures, it would fall under the Homestay Lodging definition. Even though it appears to have a gap in time for the seven days to less than 30 days, it would not be a Whole House type of situation because the Whole House does not have the host present, which is the property owner.

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COMMISSIONER FIELDS: I have a question. Is it okay.

COMMISSIONER ATKINS: Mr. Fields.

COMMISSIONER FIELDS: Yes. I have a question regarding the R-1 Homestay portion of the ordinance. I've seen the ordinance and it was mentioned in the Board's -- the Council Board meeting of Section 5-2033. It had a mention in there -- and that says the casual and isolated activities relative to individually owned units. And Section A states that nothing herein contained shall be interpreted as to require any person who may engage in causal or isolated activity and commercial transaction who are such involved personal assets and not principle occupation to obtain a business license or pay business tax therefore.

In other words, this ordinance is stating that if you have your own regular home, it's all right to rent to somebody, you know, every once in a while, something like that. That would come under the R-1 statute. And so I was thinking if that's already on the books, why would we want to put this together with the R-1 Homestay, you know, the new guidelines? Can't this be exempted or can we work -- actually work off of this one for the R-1 properties, in other words, the singular -- individually owned home, R-1. Can we still work under this particular ordinance, if you see it?

MS. SMITH: So you -- go ahead.

COMMISSIONER FIELDS: And Subsection B is saying that within the context of this provision, it is hereby created a rebuttal presumption that individually residential rental units of five or more

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units are not casual or isolated activity and commercial transactions and such units shall be subject to assessment, business tax, registration and so forth..

MS. SMITH: Right, right. So that part of our ordinance comes out of the business license and the bus license ordinance and it's basically making a distinction between are you a business owner of many many rental apartment units or is it just, you know, something casual as you stated before. In this, I guess, this whole year that has passed, we've had many many meetings and gone over a lot of definitions; and so where there is conflict, those clauses will be repealed. So it's saying to replace those clauses that would somehow conflict. They will be replaced with this ordinance that will be moving forward. And that is outside of the zoning ordinance as well. That's in our business license ordinance.

So it would just repealed and replaced with all conflicts happen and this ordinance would supercede that. But I do see what you're saying. Because in this ordinance that's being proposed, R-1 zoning district, which is our single family zoning district, would not be allowed to have a Whole House. And the intent behind that is to really address the issue of the party houses that we're seeing all over. So that was the whole purpose and the hole intent that, you know, if you purchase or you invest in a single family home in the City of East Point, then you're doing that in an effort to be a part of the community, not to just, you know, by a house and rent it out just to make money.

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But the intent for the City of East Point is to build the home ownership. Right now, the City of East Point is actually upside down. I think that there are more renters than there are homeowners and one of the goals of the City is to increase home ownership; and so the intent is to keep out the party houses and all of that sort of thing. It's to encourage home ownership where people actually want to live, play and stay in the City of East Point.

COMMISSIONER MILLER: A must be of the people who are doing this actually live in the City, so why are you penalizing people that actually live in the City who just want to also capitalize on being close to the airport and being close to everything, you know? There's a real market for the City of East Point as far as people coming to stay here. And the way this is written and the way that you're speaking sounds like your penalizing people who live within the City, who own homes already, who want to operate auspices of having a sort term rental.

MS. SMITH: I completely hear you; and that was reiterated in all of the neighborhood meetings and the town hall meetings and it's very valid. And I just feel like this is one of those things where we're just not going to be able to satisfy and, you know, appease every situation and everybody and so I hear you. I do hear you and I do understand.

COMMISSIONER LOVETT: I have a question. I have a question regarding the taxation. Are we talking about a double taxation here? If you are a homeowner, you're already paying taxes.

1 So then if you're renting out space in your house, you pay taxes  
2 again. Is that double taxation?  
3 COMMISSIONER MILLER: Yes.  
4 MS. SMITH: Yes.  
5 COMMISSIONER ATKINS: Okay. So I have -- I wanted to go  
6 over -- Will brought up a point about the Habitable Accessory  
7 Structures and also the need for the property owner to be on site.  
8 Can you go over the definitions -- what is allow for Habitable  
9 Accessory Structure? And talk to me specifically about the number of  
10 days, the difference in a Homestay Lodging and Whole House again.  
11 MS. SMITH: Okay.  
12 COMMISSIONER ATKINS: I'm going to read these definitions  
13 again just to make sure that I'm clear.  
14 MS. SMITH: Okay. So I would need to pull up that section  
15 of the Habitable Accessory Structure.  
16 MR. TREVINO: I have it.  
17 MS. SMITH: Oh, you do. Yes, put that up on the screen and  
18 then we can talk over the Homestay.  
19 COMMISSIONER ATKINS: Before we do that, maybe -- okay.  
20 So here, I see Homestay Lodging, the rental of individual bedrooms  
21 within the host home. The host lives and remains on site during the  
22 rental period, which would not exceed seven consecutive days.  
23 Okay. I'm going to use this as an example. So I am feeling like the  
24 City of East Point is -- and I want to be very clear in my language and  
25 I don't want to direct my comments toward Staff; and I think we all

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should do this, direct our comments toward the City because it is an application of the City.

So I feel that the City is veering outside of mainstream. I mean, short-term rentals and Homestays is not an anomaly to the City. It is actually a part of a larger market that is all over the world. And so I don't understand why we -- if we want to be a competitive City and if we would want people to come to our City, why we would want to be outside of that? Okay. So I think that we can get to a place where we have guidelines in place but still be within a context where we are still inviting people to our City.

We also should always recognize where we're located geographically. We are sandwiched between the World's busiest passenger airport and also one of our country's growing metropolitan, you know, Cities, the City of Atlanta. So when I talk about the World's busiest passenger airport, at a time, I also had Airbnb on my property. What I did not know is that when a newly hired pilot for Delta has to come for training, that Delta does not take care of that training and the lodging for that training. So I've had a pilot who stayed in my Airbnb space for a month while they were undergoing training.

So that was exceeding seven consecutive days. So why would we not want to invite that type of Homestay to our City and allow that; because if I were to allow that under this particular ordinance, I would be in violation.

MS. SMITH: Okay.

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COMMISSIONER ATKINS: I don't get it; I don't understand. I'm there on site. What is the real big difference between seven days or eight days? Seven days or nine days? In addition to that, I've also had movie producers and talent because we have to remember that we are directly next door to the Tyler Perry Studios, which is what -- if not, the largest movie production studio in the Southeast. But it clearly gets a lot of business and there are actors and talents and producers who come all the time.

Why would we want to penalize ourselves? And so then we got to be outside of mainstream. I think that there is a way to address, all to address, party houses. So what the City -- so if that is our main objective, then what the City is saying is that we're going to let a free bad apples give us the reputation of being unfriendly to some of the biggest employers in the region, including the aviation industry and the film and television industry, which I think we're shooting ourselves in the foot.

So I say all that to say this: I get where we're trying to go. I don't think that we're there with this particular ordinance. And so I know that there's a motion on the floor to deny made by Commissioner Fields, seconded by Commissioner Lovett. But I think that this requires more work. And I think that there should be a special Work Session to really really address this. But I think that we're penalizing ourselves as a City and those who would like to come and do business in our City and enjoy the beauty of our City by addressing, "party houses."



1                   COMMISSIONER FIELDS: I agree with that you're saying. As  
2 a matter of fact, that makes sense. This is a very broad ordinance  
3 that's being written, the way I see it. And it takes -- and not only is  
4 it broad, but it calls for resources, that the City doesn't presently  
5 have, in order to monitor, to make sure that it's going to come to  
6 fruition, and do what we want done with it. So I agree that it is, I  
7 think, over broad and may not be really doing what we really need to  
8 do; and so it does need some more work even on -- there's a  
9 summary, termed rental ordinance summary, remaining items to  
10 discuss and there's like nine of them, you know, that has to really be  
11 brought you into purview in order to really try to make this thing  
12 work, taxation component.

13                   COMMISSIONER LOVETT: I think it's over reaching to fix a  
14 problem that should be dealt with, definitely dealt with, but not  
15 where you're reaching. I think there's an opportunity being  
16 presented here to the City and more money seems to be at the top  
17 of the list and I'm just not in agreement with double taxation. That  
18 doesn't seem fair to people that want to do rentals. I mean, you  
19 know, the definitions, in some place, they're okay. But also a lot of  
20 overreaching here and trying to fix some things that are not even  
21 broken; and some things just need to be fixed as they are presented  
22 to the City. Party houses, you know, you don't want that; but you  
23 can't do all of this to fix a party house problem. That's a different  
24 problem.

25                   COMMISSIONER MILLER: Right, the language concerning --

1 the actually registration, I mean, it's kind of draconian and  
2 complicated. It talks about a lottery system and it's not clear how  
3 that lottery system would work, so that needs to be more clearly  
4 stipulated as well; because how would that lottery system work? I  
5 mean, none of the parameters for that were really discussed in this.

6 MS. SMITH: Is that a question?

7 COMMISSIONER MILLER: No. I'm just saying in this  
8 ordinance, it's very problematic for me; and if I can't figure it out,  
9 then a lot of people are not going to be able to figure out the  
10 wording and actually what is being addressed here.

11 MS. SMITH: Staff did recommend be no lottery system. This  
12 ordinance came out of an ordinance that was from a beach town, a  
13 beach City where we were having a lot of problems with homeowners  
14 just -- it was just inundated with party homes and all sorts of thing.  
15 So that was their way of dealing with the property owners in that  
16 community being able to have a short-term rental. But based on  
17 where we are, City of East Point, where we're located, our proximity,  
18 it was Staff recommendation that we not have the lottery system in  
19 place.

20 COMMISSIONER MILLER: It was in the document that came  
21 out to us, though.

22 MS. SMITH: That is correct; that is correct. Because it was a  
23 component; but based on the last meetings that Staff has had with  
24 the Council, the recommendation was for that to be taken out.

25 COMMISSIONER LOVETT: Well, we're far from a beach town

1 so my question is was any benchmarking done in nearby cities  
2 perhaps?

3 MS. SMITH: The benchmark was New Orleans and  
4 Charleston and Atlanta, and there were a couple of other cities that --  
5 and also Savannah was another benchmark city. But for the  
6 Atlanta -- and there was another larger city. They actually did not  
7 have short-term and no ordinances in place. So with them not having  
8 those type of policies in place, we weren't able to -- I mean, in a  
9 way, we are -- they don't have it; so --

10 COMMISSIONER MILLER: Well, isn't that problematic in and  
11 of itself you're talking about using as a benchmark, one of the most  
12 partying reputation cities in the world.

13 MS. SMITH: New Orleans, yes.

14 COMMISSIONER LOVETT: I mean, all of those are high  
15 partying cities, Savannah, your beach towns.

16 COMMISSIONER MILLER: Yes.

17 COMMISSIONER LOVETT: New Orleans. We're not really a  
18 beach town or party town.

19 MS. SMITH: There's no other City like East Point, I agree.

20 COMMISSIONER BELL: I think we also probably need to take  
21 a look at the size of those as well; because we're not that big; and all  
22 of the cities that were mentioned are much larger. So there's a  
23 different set of capitalistics that we have that we don't.

24 MS. SMITH: Right.

25 COMMISSIONER ATKINS: But I also think -- I agree with

1 everything that the Commissioners are saying and I think that  
2 sometimes, we see a problem or a challenge and we see it as that  
3 and not an opportunity. And I am just going to still speak from  
4 experience when I, you know, did have my property as a part of  
5 Airbnb, I actually had medical doctors who stayed, who were going to  
6 medical conventions at the Georgia World Congress Center because  
7 we're close to a Marta station; and we were then just a few, you  
8 know, stops from the Georgia World Congress Center; we're a few  
9 stops from the airport. There are all of those things. So I think that  
10 there's more opportunity if we don't look at everything as a challenge  
11 and as a problem but look at as an opportunity for us to get better  
12 and attract more people to the City.

13 So, again, I think it's really important that we don't allow the  
14 few bad apples to shape or policy that would then extend people who  
15 want to come to the City and enjoy the City. We're again shooting  
16 ourselves in the foot and outside of mainstream because if we were  
17 to abolish short-term rentals all together, please rest assure that  
18 they're everywhere else; they're a part of mainstream.

19 Why wouldn't we want to be just as competitive as any other  
20 place and attract people to our City to spend their dollars in our City  
21 to help build up our tax base? Why would we want to do that?

22 COMMISSIONER LOVETT: One of the things that I see that  
23 the City is trying to rectify and address is that the take-away from the  
24 hotels; and I know we get a lot of money from the hotel-motel tax. I  
25 understand that. So if you don't tax -- where the people are going to

1 stay in the short-term, we're missing out on those dollars. But there  
2 have to be other ways to get those missing dollars from the  
3 hotel-motel tax and not on the backs of people who are doing  
4 short-term rentals. I don't see this as a resolution to that problem.

5 COMMISSIONER ATKINS: Are there any other comments,  
6 questions or concerns from the Commissioners?

7 COMMISSIONERS: (No response.)

8 COMMISSIONER ATKINS: The motion on the floor is to deny  
9 and it's been moved by Commissioner Fields, seconded by  
10 Commissioner Lovett. All in favor to deny, sound aye.

11 COMMISSIONERS: Aye.

12 ATTORNEY LINDA DUNLAVY: Mr. Chair, that should be in  
13 the form of a recommendation to deny.

14 COMMISSIONER ATKINS: Recommendation, yes. Yes.  
15 Please make your motion in the form of a recommendation.  
16 Commissioner Fields, your motion should be in the form of a  
17 recommendation because this is a Text Amendment.

18 COMMISSIONER FIELDS: Yes. Okay. I move that and  
19 recommend that the motion in question in the application put by the  
20 City be denied.

21 COMMISSIONER LOVETT: Second.

22 COMMISSIONER ATKINS: Okay. It's been recommended by  
23 Commissioner Fields that this Body denies this ordinance, this Text  
24 Amendment and it's been seconded by Commissioner Lovett. All in  
25 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.

This Body recommends denial.

MS. SMITH: Thank you.

COMMISSIONER ATKINS: Okay. Our next Agenda Item, if we can go back to the agenda.

MS. SMITH: Yes.

COMMISSIONER ATKINS: Our next Agenda Item item is Case Number 2020 "M" as in Mary-004-07. Staff, would you please sound this Agenda Item.

**VI. NEW BUSINESS:**

MS. SMITH: Yes. New Business, Item Number 2, Case Number 2020M-004-07, Applicant, the City of Atlanta. This Text Amendment will be applicable Citywide in all districts. The applicant seeks a Text Amendment to amend Chapter 2, Article A, Section 10-2003 and Chapter 2, Section 10-2072 of the City Zoning Ordinance regarding definitions and provisions from the Small Box Stores.

COMMISSIONER ATKINS: This item does require a public hearing. Commissioners, at this time, I'll entertain a motion to open the public hearing.

COMMISSIONER MILLER: Motion to open the public hearing, please.

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COMMISSIONER ATKINS: Is there a second?

COMMISSIONER FIELDS: Second.

COMMISSIONER ATKINS: It's been moved by Commissioner Miller, seconded by Commissioner Fields that we open the public hearing for Case Number 2020 "M" as in Mary-004-07. 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 application -- would you please state your case, the City of East Point. Staff, would you please present?

MS. SMITH: Yes, in reference to our Small Box Ordinance, the City of East Point is seeking a Text Amendment to amend the aforementioned chapters and article of City's zoning ordinance to make provisions and add for definitions for Small Box Stores. And the purpose is to reduce over saturation of Small Box Discount Stores within the City limits of East Point.

The next slide.

MR. ALSTON: So Kimberly, this is -- we have a few attachments to this; so we have the map that our GIS Department has provided to show we talked about this before in regards to the distances between those Small Box Discount Stores as well as we have the ordinance that we can show on the screen if you'd like.

1 MS. SMITH: So in reference to the Small Box Stores, we did  
2 have a Work Session item on Small Boxes; and we also had more  
3 discussion in the public hearing. It was determined that more  
4 information and discussion was needed and so the Board obliged to  
5 put this Small Box Ordinance on this agenda here and we appreciate  
6 that. We did provide a Small Box Ordinance that provided for  
7 distances to be provided. It was distance space to where these type  
8 of stores would only be allow within 500 to -- 5,280 feet from one  
9 another for distances. And after we received comments from the  
10 Board and also received comments from our partners the PSC  
11 Consultants as well as comments from citizens that attended the  
12 listen sessions on this type itself. We did some revisions to the  
13 ordinance which you all received this week.

14 In order to move forward -- and based on advertising and  
15 zoning procedure laws, I just want to point out that there are two  
16 options for you this evening. The first option is to look at the  
17 ordinance as presented previously which is basely providing for  
18 distances between these type of businesses. The second -- and that  
19 could be voted on and provided -- you can provide recommendation  
20 tonight based on our zoning procedures law. The other option is to  
21 consider and to discuss the revised ordinance on this that provided  
22 for other options moving forward. And I'll let Tony talk a little bit  
23 about what we put -- and what Staff put into the second revised  
24 ordinance that incorporates some of the comments that we heard  
25 from the Work Session as well as the last public hearing on this topic.



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But in that instance, if for some reason we feel like more information is needed or you want to have further discussion or even to make a decision on it and according to our zone procedures law, Staff would -- and I'm not making a recommendation; but I'm just giving you information. We would recommend that you all -- or you have the opportunity or option to defer it to a Work Session, the next Work Session and to be heard at this once regular scheduled planning zoning meeting and that's in reference to the revised ordinance that was provided to you this week.

But Tony, if you could go over some of the parameters of the newer ordinance.

MR. ALSTON: So based off of our comments from the Work Session, we did go back and tweak our proposed ordinance. Commissioner Atkins, we kind of got into a discussion -- well, all of us, really -- in regards to the distances among these stores and maybe what we would like to see.

We did have our GIS Department create a map to show how close these stores are within each other. I think originally we had said something like five miles; and you were like, no, that's too far. And then I think Linda said something like maybe one or something; and as we said, it probably would be best to recommend two.

So this map does show there's a distance buffer between each of those Small Box Retail; Family Dollar store; Dollar General. We also Five Below because in many of the definitions added about what Small Box Stores are, they are stores that where the majority, if

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not all, of the retail is sold for under \$10.00.

So all of these stores are within a mile of each other; so it could be said or understood that maybe there isn't starting to be an over-saturation of these stores. With all the other projects that we had going, Kimberly came up with a really good idea and I really do back her up on that, with trying to merge some of the agricultural planning aspects with working with (inaudible) and merging that kind of with some of these other project we have going on. And one of our recommendations was for the stores that would -- I don't want to say, donate, but that would give 10 percent of their parking spaces, they would be able to (inaudible) to local farmers and fruit stands and vegetable stands to increase (inaudible) food access. They will be able to move a little closer to -- within, you know, outside of that parameter that we set for the distances.

So I did want to pull that up if that's okay. Can you guys see the ordinance.

MS. SMITH: Yes.

MR. ALSTON: Okay. So, Whereas the City of East Point does seek to impose a two mile distance buffer between small box discount retail stores. So that was suggested any new discount stores that want to come into the area would have to be two miles away from the one that's already existing. I want to find the definition -- I wanted to read that that I mentioned. Chapter 2, Article A, Section 10-2003 is hereby amended by adding the following new definition: "Small Box Discount Store. A retail store with floor

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area less than 12,000 that primarily offers for sale a combination and variety of convenience shopping goods and consumer shopping goods; and continuously offers and advertises a majority of the items in their inventory for sale at a price less than \$10.00 per item. Small Box Discount Store shall not include the following: Drug stores or convenient store attached to or collocated with gas stations.

So the Section 6 Part if you can see at the top: In accordance with the proposed agriculture plan, which is for those who are unaware of, it is a plan that we are working with (inaudible) to create for the City to close the food gaps within the City. Any new application for Small Box Discount Stores may only operate if willing to donate -- and that's probably not the best term -- but a minimal of 10% of parking spaces to local farmers, fresh fruit and vegetable stands to increase access to affordable, healthy food.

In addition or as substituted, parking spaces usage for agriculture, Small Box Store may allow 10% of floor area of establishment to allocate to farmers for the vending of fresh fruits and vegetables in order to increase access to affordable healthy foods.

Should Small Box participate in the aforementioned practice, they will be entitled to 50 percent reduction in distance requirement.

Small Box Stores may arrange for allocation of space to seel fresh fruits and vegetables within 24 months of receiving a business license of business license will not be eligible for renewal in the upcoming calendar year. So once that agreement is made, then they

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will be able to allocate that space, they would have 24 months to do so after receiving their business license; and should they fail to act properly on their part, they will not be eligible for the renewal of their business license the upcoming year.

COMMISSIONER ATKINS: Are there any other proponents here to speak in favor of this zoning ordinance?

AUDIENCE: (No response.)

COMMISSIONER ATKINS: Any other proponents here to speak in favor?

AUDIENCE: (No response.)

COMMISSIONER ATKINS: Hearing none and seeing none, are there any opponents here to speak against this zoning order?

AUDIENCE: (No response.)

COMMISSIONER ATKINS: Any opponents here to speak against this zoning ordinance?

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 LOVETT: Motion to close the public hearing.

COMMISSIONER ATKINS: Is there a second?

COMMISSIONER MCKNIGHT: Second.

COMMISSIONER ATKINS: It's been moved by Commissioner Lovett, seconded by Commissioner McKnight that we close the public

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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.

MS. SMITH: Chairman. In reference to this item and in reference to the two ordinances that we are presented to you today, one of the ordinances, the without the references made to the space being provided for fresh fruits and vegetables, that ordinance, we -- according to the zoning procedure law, we would not -- I would not recommend that the Board moves to make any action on that one. But if the Board is -- Linda, can you help me explain, please.

ATTORNEY LINDA DUNLAVY: Sure. I think what you had before you -- previously, during the Work Session was you had one ordinance that had been drafted by Staff and available for the public but provided for separation of Small Box Discount Stores.

In my opinion, that could be voted on tonight either approved or denied or deferred. Because it has been properly advertised, we are having a public hearing on that this evening and the text has been available to the public.

The second ordinance that Kimberly and Tony discussed was the ordinance that attempts to incentivize Small Box Discount Stores to provide fresh fruit and vegetables. Unfortunately, that ordinance,

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in my opinion is not right for consideration this evening because it was really only prepared and drafted by Staff and made available to the Planning Commission a couple days ago.

So I think what Kimberly is saying is that you have two options this evening as far as Staff is concerned; either take action on the order that merely provides for separation between Small Box Discount Stores or go ahead and defer the other incentive-type of ordinance for the fresh fruits and vegetables coupled with the Small Box Discount Store to a Work Session for a subsequent vote.

So she's kind of presenting you with two options.

COMMISSIONER ATKINS: Okay. Well, thank you. But I -- could we put the agenda back on the screen? What was presented -- the only thing that I see on the agenda is 2020 "M" as in Mary-004-07. So I don't know how we would even make a motion without a number or any of those things.

I would prefer that it's very clean and if a Commissioner would make a motion to defer this to a Work Session so that we can consolidate both of those into one; but right now, I think it's a little messy and I want to make sure that we stay very clean with this particular ordinance. Because I don't know what is 2020M-004-07. Is that the first Text Amendment or the second? How do we know --

ATTORNEY LINDA DUNLAVY: That is the first. That is how it was advertised; and at that point in time, only the first Text Amendment for separation distance was available to the public.

COMMISSIONER ATKINS: Okay. But the second ordinance

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was presented as a part of the public hearing under this Case Number.

ATTORNEY LINDA DUNLAVY: That's correct, Mr. Chair.

COMMISSIONER ATKINS: So this me, it's messy. And so I just would like for it to be clean and I just think it should be deferred. So Staff, have you completed with your recommendation?

MS. SMITH: Yes, Chairman. In reference to Case Number -- well, Item Number 2, Case Number 2020M-004-07, Applicant, City of East Point, location is Citywide, all Wards. The applicant seeks a Text Amendment to amend Chapter 2, Article A, Section 10-2003 and Chapter 2, Section 10-2072 of the City Zoning Ordinance regarding definitions and provisions for Small Box Stores. Staff does recommend deferral of this ordinance to the next Work Session in the month of September and on to the public hearing of September as well, regularly scheduled meeting, Planning Commission public hearing.

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

COMMISSIONER LOVETT: Motion to defer.

COMMISSIONER ATKINS: Okay. The motion is to defer by Commissioner Lovett. Is there a second?

COMMISSIONER MILLER: Second.

COMMISSIONER ATKINS: It's been moved by Commissioner Lovett and seconded by Commissioner Miller that we defer this

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Agenda Item to our September Work Session. Are there any comments, questions or concerns?

COMMISSIONER MCKNIGHT: I do. Do we need to address both, this one that's listed as well as the one that was presented this evening or do we need to say both numbers or --

COMMISSIONER ATKINS: There is not a second number.

COMMISSIONER MCKNIGHT: How do we address the second?

ATTORNEY LINDA DUNLAVY: You didn't need to address the second.

COMMISSIONER MCKNIGHT: You don't, okay.

COMMISSIONER ATKINS: Right. It will just be discussed as a part of the Work Session.

COMMISSIONER MCKNIGHT: Okay. Perfect.

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

COMMISSIONER LOVETT: I have a question. On this particular one where you're asking for the space for fresh fruit. I don't know if this -- this is not really part of the motion or anything. But who's going to manage that? Is the store going to manage it or are they going to give permission for -- so if you have a vendor coming and going, who's going to manage who gets the space?

COMMISSIONER ATKINS: Commissioner Lovett, if I may -- I think that this is something that we would probably -- it would be best for discussion in the Work Session; because that particular



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part -- that ordinance is one that does not have a number and was not properly advertised or presented. But you have a very good question and I think that that's why it's in the best interest for us to defer this entire matter back to the Work Session.

COMMISSIONER ATKINS: I agree. Thank you.

COMMISSIONER ATKINS: You're welcome. Any other comments, questions or concerns?

COMMISSIONERS: (No response.)

COMMISSIONER ATKINS: Hearing none, the motion is to defer to our regularly scheduled Work Session made by Commissioner Lovett, seconded by Commissioner McKnight. 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 item is deferred. Our next Agenda Item is announcements. Are there any announcements that's for the good of the public?

**VII. ANNOUNCEMENTS:**

COMMISSIONER LOVETT: I do have an announcement that we have an up coming election on September 28th and this is to backfield or to fill the unexpired term of Former Congressman Lewis. That is in District 5 and we do have early voting starting next Tuesday throughout the Fulton County area that is effective; but the closet to us is the College Park Library; and that will be Tuesday --

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early voting and the election is on 9/29.

COMMISSIONER ATKINS: Okay. Thank you. Any other announcements?

COMMISSIONERS: (No response.)

COMMISSIONER ATKINS: I don't really have an announcement. I just have a comment. I would just like to -- when we were discussing our short-term rental stay, I motioned -- this is a Text Amendment in the form of a recommendation. I am hoping that Staff will share this meeting with our Council; because even though the recommendation from this Body is to deny, the Council can, of course, approve this and I think that the ordinance would need work.

So in that instance, all of our conversation would be for not because the Council could just approve as it goes before and is presented. If there are no other announcements, at this time, I'll entertain a motion to adjourn.

**VIII. ADJOURNMENT:**

COMMISSIONER LOVETT: Motion to adjourn.

COMMISSIONER ATKINS: There's been a motion by Commissioner Lovett, seconded by Commissioner -- is there a second?

COMMISSIONER FIELDS: Second.

COMMISSIONER ATKINS: Seconded by Commissioner Fields. All in favor sound aye.

COMMISSIONERS: Aye.

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COMMISSIONER ATKINS: All opposed say nay.

COMMISSIONERS: (No response.)

COMMISSIONER ATKINS: Hearing none, the ayes have it.

This meeting is adjourn.

(Whereupon this concludes the Special Call Meeting for the  
City of East Point Planning and Community Development on  
September 3rd, 2020.)

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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 44 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 scheduled for the City of East Point, Department of Planning and Community Development , on September 3rd 2020 at 6:30 were taken down by me and transcribed by me on this 9th day of September, 2020.