

**UNOFFICIAL**

**THE CITY OF EASTMAN PLANNING & ZONING BOARD  
EASTMAN CITY HALL  
FEBRUARY 17, 2025  
MINUTES**

The Eastman Planning & Zoning Board met in a scheduled meeting at Eastman City Hall at 6:00 p.m.

Members present: Bobby Danforth, Amanda Woodard, David Whitten, Jimmy Burney, and Ivelyn Lampkin.

Members absent: None.

Others present: City of Eastman Financial Reporting Clerk Vicki Bohannon, City of Eastman Code Enforcer Jack White, City Clerk April Sheffield, City Manager Spence Barron, City Councilman Graham Snyder, Marlan Eller, Austin Barrows, Ron Daniels, City Attorney Rita Llop, City Councilman Dwayne Burney, Marlas Williamson, Allen Long.

Bobby Danforth called the meeting to order, and James Burney gave the invocation.

**Approval of Agenda:**

Bobby Danforth stated that first up tonight is the approval of the agenda, and he is going to move the agenda a little. First, we are going to go to new business so Ms. Williamson can get her business out of the way and leave if she wants to. Then we are going to do the public hearing. Last, we will do the election of officers. So if the board is in favor of this amended agenda, I need a motion. David Whitten made a motion that the agenda be amended, seconded by Ivelyn Lampkin. So carried.

**Approval of Minutes:**

Bobby Danforth asked for approval or correction of the minutes from the scheduled meeting on January 21, 2024. Ivelyn Lampkin made a motion, seconded by David Whitten to approve the minutes of the scheduled meeting on January 21, 2024, as presented. So carried.

**New Business:**

Application from **Anita Williamson** for a special use permit to locate a residence at 217 Foster Street. Marlas Williamson was present on behalf of the application and stated that they just want to get a special use permit so they can use the old Southern Accents and Dirty Dawgz buildings as rental properties instead of just commercial. No one was present opposing the application. Bobby Danforth asked the board if they had any questions regarding the application. Ivelyn Lampkin asked what zone is it in. Vicki Bohannon stated that it was in a Business zone. David Whitten stated that it should be a special use. Bobby Danforth asked for a motion on the application to accept or reject it. David Whitten made a motion to accept the application, seconded by Ivelyn Lampkin. So carried. A public hearing is scheduled for March 17, 2025, regularly scheduled meeting. Amanda Woodard asks for specification of the zone this property is located in. Bobby

Danforth stated that we rezoned the area not too long ago. Mrs. Woodard stated she was aware of that but what she's wanting to propose is residential use but doesn't say what zone it's in. Bobby stated that the property is in a B zone now. Amanda asked but then it goes to what zone. Bobby Danforth informs Mrs. Woodard that the application is for a special use not a rezoning and this property will be used as residential. Bobby Danforth "yes", we rezoned that property when the hospital was there now most of that property is apartments or rental property. We will now post the property and advertise the public hearing that will be held in March. A public hearing is scheduled for March 17, 2025, at 6:00 p.m., at the City Hall Council Chambers.

### **Public Hearing:**

Application from **5404 Main Street, LLC.** to rezone property at 5404 Main Street from Industrial zone to B-1 zone. Bobby Danforth said that he wanted to provide a history of the applicant's request. This applicant originally came to this board eight months ago in our June 2024 meeting with an application to rezone the above-mentioned property at 5404 Main Street from an Industrial zone to a Professional zone. In that meeting the applicant, Mr. Eller, presented this board with three passible ways to address this. The first being to rezone the property to a Professional zone, which was that application. The second way was to rezone the property to a B-1 zone. And the third solution to address his underlying reason to rezone the property in the first place which is to make the residential apartments at 5404 Main Street be in compliance to the then correct zoning code and the property not be non-conforming to that code. After presenting the board with those three possible solutions to his non-conforming property issue, Mr. Eller advised the board with the decision to move forward with the second option he presented which was to rezone the property from an Industrial zone to a B-1 zone. Then, the current application that we have now, to rezone the applicant's property from an Industrial zone to a B-1 zone came to this board and was accepted at our July 15, 2024, meeting. The public hearing for that application was originally scheduled and held at our August 19 meeting where after a very long public discussion and opposition from Allen Long who has property in that zone, the application was eventually deferred until the board could seek advice from our legal counsel. Then, in a joint effort from our legal counsel and the applicant's legal counsel, we moved in the direction to amend the Planning and Zoning code to address non-conforming structures in an Industrial zone. During the months of September, October, November, December, and January our legal counsel and applicant's legal counsel, in communication with this board and the Eastman City Council were able to amend the Planning and Zoning code to address the issue of residential use in an Industrial zone. And pass an amendment to the existing zoning ordinance which resulted in changes to Appendix A – Zoning – Article X Industrial Districts – Section 102.7A which authorized those residential structures presently existing as of September 1, 2024 in an Industrial zone and being non-conforming uses shall be authorized and may be continued and run with said properties and shall inure to the benefit of any subsequent purchaser. However, no such non-conforming use of said property shall in any way be extended on an adjacent property.

And, so, tonight is our public hearing on the application from 5404 Main Street, LLC, to rezone property at 5404 Main Street from an Industrial zone to a B-1 zone. If anyone here tonight wishes to speak for or against this application, be aware that there will be a 10-minute time limit per side, and Mrs. Amanda Woodard is going to keep the time for us. I will start with the opposition side first. I originally asked on August 19, 2024, is there anyone here tonight that wishes to oppose this application. Allen Long appeared as representative from Farmer's Processing and Storage Company. Bobby Danforth asked Mr. Long to step forward and we will start the time. Mr. Long addressed the board and stated that he will be brief and I'm not sure I'd like a rebuttal to some sort

of presentation. I'd be open to listening to this, but I'm absolutely opposed to it. Zoning an I-zone down to a B-zone will eliminate numerous opportunities for the property of Farmer's Processing and Storage and others. The non-residential makeup of the particular area in question is 70.86% of that property is non-residential. Just want to reemphasize that point. Going from an Industrial zone to a B zone will eliminate a lot of usage for that 70% of that particular area. Not to mention you'll create an additional spot zone with across this perceived ditch line and now you'll have industrial in a residential block area if you use a ditch line as a border. The prohibited uses in B, prohibited uses in B, or items that my family handle on that property in particular and the lady behind me, I believe she's a Johnson, put a warehouse there would not be allowed in a Business zone, Industrial it is prohibited. Metal workshops, etc. I've got the building full of metal working equipment down there, welder's, torches, etc. And something I may have interest in very, very soon. Building materials, supply sales and storage, the property is well suited for that. Can't do it if it's a Business. Contractor, storage yard, the City of Eastman has used that property twice for that very same thing. As far as using the farm sales agencies and etcetera, that's what that property has always been. Do have the intention of continuing that. Garages – if you stand on the corner of 9<sup>th</sup> and do a 360, garage, garage, garage, garage, surrounded by garages. You couldn't do it on that block. Basically, it poses the question, what can I do with that property? I'm not gonna build an apartment complex there. It limits my ability to do things on that property and in particular potential suffering economic damages for the things I cannot do. I am adamantly opposed to any change to that. I do appreciate the effort that you guys have made with counsel, City Council, etc., enforcement officer to accommodate that non-conforming issue and y'all really worked hard at that. The city attorney, your attorney did, and the City Council – I believe it's the January 27<sup>th</sup> meeting; you mentioned it in your earlier discussions that they are in a conforming situation now. I don't know what else they're interested in, of course I'll listen to it, but they are conforming at this time. The city, I believe that language was they just didn't want to expand residential purposes in Industrial zones from that point forward. Industrial zones have significant history, it's more than a building, etc. The nature of that business over the years, not necessarily on that block but the ones around it, it has some pretty significant products, chemicals, fuels, fertilizers, etc. It's just not really the best place. I do like what they're doing with the property. It looks really good, and I appreciate it. I wouldn't stand in their way, and I've always mentioned that. Supposedly, I'll use a very elementary term, downgrade the I zone to a B zone will be a detriment to the property owners that have no desire to use whatever is in the B zone. Thank you, Sir.

Bobby Danforth asks, is there anyone here tonight to represent this application? Ron Daniels states that he will be representing the application. Mr. Danforth reminds Mr. Daniels that there is a 10-minute time limit, and it will start when you start speaking. Mr. Daniels states that he is the counsel for 5404 Main Street, LLC. thanks to the board for getting them a hearing again for tonight. I know that y'all have already had the opportunity to look at these exhibits that are in the binders that are with you tonight, but we got you courtesy copies so you can reference them because I'm gonna move fast because I only have ten minutes. Ultimately, we're here about the rules. This whole world works on rules. You, as the Planning and Zoning board, are especially considerate of rules because that's what you do. Rules about where people can build certain types of properties, where they can do certain types of business. Rules are important to me, I'm a lawyer. It's my entire job to deal with rules. One of my clients, owners, is Mr. Eller, he is also an attorney. Rules are very important to him. My other owner, Mr. Barrows, rules are very important to him. He has a nurse practitioner's license; rules are extremely important. Rules are important to everybody; without them we have chaos. That's very significant because we asked the City of Eastman and the Planning and Zoning board for the rules for planning and zoning applications. Y'all were so kind to send them to us. They will be found in Exhibit K of your notebook, that's tab 11. In which

I will direct you to roughly ten pages from the last page in your binder, but there are six factors you are to consider. Whether the zoning proposal will prevent a use that is suitable in view of the use and development of nearby property, whether the zoning proposal will adversely affect the existing use or usability of the adjacent or nearby property where there is a property to be affected by the zoning proposal has a reasonable economic use as currently zoned, whether the zoning proposal will result in use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities or schools. Five, if the local government has an adopted land use plan, whether the zoning proposal is in conformity with the policy and intent of the land use plan and six, whether there are other existing or changing conditions affecting use and development of the property which gives supporting grounds for either approval or disapproval of the zoning proposal. I'm here to tell you that I think number five is a very important consideration because it involves comprehensive planning done by a third party sometimes. Sometimes it's done wholly by cities or planning and zoning boards. But it's important. It's a comprehensive plan. You are fortunate to have one. It was done in 2017. We have a copy of that for you. Excuse me, that was 2016, that would be Exhibit E in your binder. I want to bring your attention to it. This was done by the work, which I'm pretty sure y'all are all familiar with, but if you're not, it's the Regional Commission. They have an office here in town, I think Ms. Llop represents them still. They do a lot of good work. They help process grants, and they do things of that nature. One of the things they do is help with comprehensive land use plans. This is your Comprehensive Land Use Plan which has been adopted by the City of Eastman, which you are bound to. You'll notice that blue is Industrial. Industrial down here where Alcoa is and all those things. Blue, industrial up here at Alcor drive. That's on the north end. Here in the middle, where we are talking about is a nice little cross section you'll see this is where the apartments are. This is where Farmer's Processing is. It is red. Now on this comprehensive plan red is Commercial, not Industrial. So, according to the comprehensive plan that we are all agreed to be bound by what the city proposed and what the city accepted, that's not supposed to be Industrial. That's where we're starting at tonight. That's why rules are important. You see that it is Industrial on some later city proposal zoning maps that are based on zoning districts that have been established for years and years and years. That's not conformity with the comprehensive plan. You see, zoning changes. It's not always this; it's not always that. It changes as the people change. It may be Residential one day. It may be Industrial one day. It changes. It evolves. I think number five guides all the other factors you have to consider, and I want to point that out. For instance, number four is whether the zoning proposal will result in use which could cause excessive or burdensome use of the different streets, transportation facilities, utilities or schools. Well, that's things you consider when you're coming up with a comprehensive land use plan. Is whether that use would detrimentally affect utilities, streets, things of those nature. It was decided that it wouldn't. There's nothing that goes on in an Industrial zone that would cause less damage to streets and utilities than what goes in a B zone. So, that's not an issue. We go to three: whether the property will be affected by the zoning proposal as a reasonable economic use as currently zoned. Two: whether the zoning proposal will adversely affect the existing use or usability of an adjacent or nearby property. And one: whether the zoning proposal permitted use is suitable in view of the use and development of the adjacent nearby property. You heard that it's roughly 78% commercial through here, non-residential. You can do commercial things in a B zone. That's why you have it. That's why you picked it out. One of the things you didn't hear about is that it is still an Industrial zone and expressly prohibits cement manufacturing. Do you know what occurs right here? I do. Cement manufacturing. Industrial zone. This may have made sense for Planning and Zoning when we had a cotton gin down here back in the day. It no longer makes sense. That's the problem. You've gotta update your zoning to what is going on around you. It's not just how it's always been. I wanna touch on something I think is very

important. You know, I'm president of the Rotary Club and we have a motto. And the first thing on the four-way test is, is it the truth? I'm never gonna get up here and tell you something that's \*not the truth. These are your old maps. You can get out there and drive around and see what's in the area. You can see what's going on out there. You can figure it out and see what sort of businesses are going on. You've heard an objection from Farmer's Warehouse and Processing about all the things that are going on in their buildings and things of that nature. Where's their business license? Every business in this city is supposed to have a business license. There isn't one. We asked. They couldn't find one. It's in your binder. If you wanna look at it, I think you're already aware of it, it's in there. It's Exhibit J. There's no business going on there, so I don't know what sort of economic impact there could be when there hasn't been business going on there for more than a decade. We'll talk about the other issues. On July 1 last year, Farmer's Processing requested a permit to use their property as an apartment. They requested it to be used as an apartment. If you'll look at Exhibit H, it's a request to file on July 1, 2024, it's building permit number 1244. The requested use is a slash, and it says apartment. If it's going to be so detrimental, why is the only person objecting, the only company objecting, using it potentially as an apartment? It doesn't make sense. What makes sense is to grant the application to rezone this property. What we do know is there are multiple people going in and out of this building. We don't see any sort of business going on. You have an affidavit there that they see somebody going in the wee hours of the night. They're not doing business and they're not shipping anything out. The person was identified based on their Georgia Department of Corrections print out by somebody who is a disinterested third party who saw and realized who it was, could identify and looked at a picture and said "yeah, that's the person." That's in your binder; you can look at it. It doesn't make sense to not rezone the property. I appreciate that I have roughly a minute left, I don't want to just belabor points. We have a Comprehensive Land Use Plan. Comprehensive. In the school I went to, which was South Dodge, and then Dodge County Middle School, Dodge County High School, then Middle Georgia College, Georgia Southwestern, Mercer Law School, the word comprehensive is pretty important. It means everything in consideration. Go with your Comprehensive Land Use Plan that the city said is our plan. Make this property be zoned appropriately and grant the application.

Bobby Danforth asked city attorney Rita Llop if we need to discuss at this time? Mrs. Llop stated that they could but to consider all the factors cited by both sides. Mr. Danforth stated that we have been given a lot. Mrs. Llop stated that this was provided to you earlier by e-mail from her office. She also asked Mr. Daniels if he added anything since the e-mail was sent. Mr. Daniels there were three different changes. There's the 2017 map which I was able to find the zoning map. That's Exhibit F now. Everything else has been pushed down. We added the Ghoul vs. Holcumb Road lawsuit and that's at the end. All the other things we added are the request we submitted for the land use plan and those kinds of things. It's the same stuff, we just put the actual request in simple form. Mrs. Llop stated that she tries to e-mail the members this material before the last meeting, but that material has been updated now by Mr. Eller, with some additional citations to legal authority and a new zoning map from 2017. Mr. Daniels stated that we provided the 2017 map because it was the first one, we could actually find that was after the 2016 comprehensive plan. Mrs. Llop stated if you would prefer to consider everything that is in front of you, you can certainly take it under advisement. I think, based on the objection from Mr. Long, who has also given you evidence of the past as to the history of his family using the property and his objections as stated or comments and Mr. Daniels said this is a commercial area, and it is. That's the way it's been used. It's been perfected now that those residences that weren't – they received building permits, so – but they weren't authorized in an Industrial zone, so those areas are now satisfied as being okay to be in an Industrial zone, including if Allen Long is using that area as a residence. He had

a building permit for modifications for an apartment. That was his application for a building permit that you've been supplied with. I don't know there is information in it that it has been used as an apartment and a residence. I don't think that matters as to whether that block can be rezoned from an Industrial to a B-1 with his application, which includes a special use permit for a residence. Which it is now currently authorized to be. If there comes a day that Mr. Long wanted to put in some non-conforming use in the B-1 zone, an application for a special use permit could also be pursued. Mr. Daniels has noted several things that should not have occurred in some of the zoning districts that we have in this city of Eastman, I think the board is making efforts to correct. Bobby Danforth states that every small town across the whole state of Georgia has had zoning discrepancies, a lot has changed. Mrs. Llop stated that the board has made efforts to perfect those. So, lets just move on and it's up to you.

Bobby Danforth states that he has lost sleep over this. It's been going on for nine months and I have lost sleep over it. I think about it, what's right and what's wrong. I personally think there's not a right, 100% right this way or 100% right that way. Just kind of have to make a decision and go with it. Now, look at that, to give Mr. Eller what he wants and doesn't currently have for his property, we'd have to take away what Mr. Long has for his property and what he currently has now. It's a hard decision to make. I do feel that we negotiated in good faith to resolve this issue, and I feel that we came to a satisfactory resolution with an amendment to the zoning code regarding your property and what you received at the rezoning to a B-1 would give your apartments what the newly amended code didn't give them. With the amended code that we did, you can do anything you want to the apartments, you just can't go on an adjacent lot, so what would B-1 give those apartments that the amendment didn't do? Ron Daniels stated that his timed might have timed out, but if he's permitted to answer. Bobby Danforth said I'm asking a question, so you can answer I will give you about two minutes. Ron Daniels said that's a very good question, and ultimately what you have to look at is that it's not necessarily what you can or cannot do at the property, it's what your rules say you have to do. It's not necessarily what you ultimately can or cannot do. Mr. Danforth asks, so what are you saying that our rules say we have to do? Mr. Daniels said that he's saying if you look at the factors this application should've been granted the first time it came before you, the very first hearing, based on the factors. Mr. Danforth said the first time it came before us; he wanted to go to a Professional. Mr. Daniels states he is talking about once it came back. Mr. Danforth states you mean the second time it came to us? Mr. Daniels stated that's the amended petition. The first time the amended petition was before you, it should have been granted. That's ultimately where we are. If you look at what can be done and what cannot be done there, there are things that can be done in a B-1 that can't be done in an Industrial zone. I don't know what some person in the future is gonna tend to use the property for, neither does Mr. Eller or Mr. Barrows. Mr. Long doesn't know what somebody in the future might use his property for. None of us do, so that's sort of where we are. If there is one thing that's correct, we don't know what the future is gonna bring for any zone. What we do know is that the zone does not currently match the character of the neighborhood that's around it. Bobby Danforth states it's like Mr. Long said you can count the doors on all the body shops. I know there are three of them right there. Rita Llop states that they are not on this block. Mr. Danforth states they are not on this block, but you can look out the front door and see them. I agree with him. Ron Daniels states if the concern is that you've got somebody at some point in time voiced a concern about residences moving in and being detrimental to the businesses. They'd come to the business and say the business is too loud or noisy. I don't know how many of y'all are on Main Street in the afternoon. I have an office on Main Street. The train is literally loud enough to shake a brand-new light fixture out of the ceiling. It is that loud, that noisy. Unless you're gonna tell Norfolk Southern that they can slow down when they come through Eastman, which you can't do, I'm sure your legal counsel will tell you, you

can't do. If she wouldn't, they would be very happy to tell you that and they would do it in a very nasty way because that's been my experience dealing with the railroad. Your noise concerns there are going to be the railroad, not businesses, so nobody is going to be able to complain that they came to an Industrial zone, or what was once an Industrial zone, and there's a body shop there, oh well there's a pneumatic wrench going off every now and then. There's a train here. There's a fire station here. There's a cement factory here, which is, again, not permitted in that zone. I think that zoning was correct when there was a cotton gin there and that was an Industrial zone. That cotton gin has not been open my entire life as far as I can remember. I'm sure some of y'all remember when it was open. I don't. I wish I did. Bobby Danforth stated thank you, and asked if any of the board has any questions?

Amanda Woodard stated that she didn't know if it was a question or just a comment. This particular Georgia tag from my understanding and I don't see a printout of this, but this only applied if you were a certain size community or larger. Rita Llop answers "no." Amanda Woodard asks if it could be checked on, please. Rita Llop states "yes." Amanda Woodard states these questions that they ask us to review, like I brought these up previously at another meeting that I think we should be using those as far as making a decision. As far as, Allen made the comment that it reduced the value of his property, and I guess I don't see rezoning as this one is worth more than this one. I don't know that I agree with that. This land use that was done in 2016, there really needs to be another one done. 2016 is a long time ago. Bobby Danforth states that's almost a decade. Amanda Woodard stated it needs to be done in a more frequent manner. I like the idea of somebody from a third party coming in and looking. Personally, I agree with this part that it's not an industrial area anymore and just because it's been that way for the last hundred years doesn't make it right or correct going forward. So, let's get the ordinance changed so that we can correct some of these discrepancies. I don't see where this application for a building permit was signed. Rita Llop states that's from Farmer's Processing and Storage. The city was asked under open records to produce it. So, it is a document that has been kept by the city in the regular course of its business. They accepted it. Amanda asked so we have it. Rita Llop says that's not directed to you, it's just included by Mr. Daniels as something for you to consider. For the purpose of saying that it's a residence or an apartment that was going to be built there. Amanda states I like the idea of the approach we have taken to let's correct it in this moment. As far as going forward, this needs to be redone. Bobby Danforth states that when you correct it like that, then you end up with a bunch of the spot zoning type stuff which you can't make just one industrial business move out because that's no longer an industrial zone. Amanda Woodard states that's why it ends up like this. Bobby Danforth states I think what I'm saying you never can fix it where it's a hundred percent. Amanda Woodard states oh, no this is a tool. This is a tool that we should be using, in my opinion. I can be convinced otherwise, I'm not saying I can't be convinced otherwise but that's the way I look at it. It's a tool, so you use that plus all these other questions, the six questions. I guess this is only one of those. Mr. Danforth stated that he wanted to address something that was brought to his attention that he saw in some of the correspondence that he received. We as a board were accused of being intimidated by Mr. Long's threat of a lawsuit and that verbiage can possibly be intimidating. Even our qualifications to sit up here on this board have been questioned. We have been asked for open records that we provide and how we're qualified to sit up here. Our communications, and our e-mails, and our texts have been requested in an open records request that can be intimidating. But honestly, myself, I haven't been intimidated by that. I'm just here as an appointee volunteer position and I'm here to hear both sides and I make the best and fairest decision I can with the information that's provided to me. I'm confident the board does exactly the same. And both sides have indicated that they will move forward with litigation if the decision is not made in their favor. Actually, the losers in that situation are going to be the citizens of Eastman and the time and

resources that would incur which have already been measurable. So, I just wanted to make that comment about being intimidated. I was not intimidated by either side, indicating litigation if we go with the other side. I'm just here as a volunteer, appointed by my City Council. I've been to Planning and Zoning training 101, 102, 103 and I've been to a conference. I've been to some training in other cities. I don't know what training is required. I haven't seen a notebook saying you have to do this, or you have to have this kind of education. Bobby asks if any of the board have any questions? Because he is fixing to ask for a vote.

Allen Long asks the board if he can be afforded three or four minutes as the opposing side had. Bobby Danforth states Mr. Long has three minutes. Mr. Long apologizes for the threat of litigation, he wouldn't consider it if not for the other side. It's just a process. And basically, I was just quoting what's in the P&Z is all I was doing. I think Mr. Daniels made a little bit of a case that I'm referring to with the railroad with the noise, etcetera. It's not conducive for a lot of the business type, residential, your building does shake, and particularly this one down here. I operated out of it for quite some time. Industrial, whole different ballgame. Not to disagree with Ms. Woodard, but I'm a banker and I value property. Sometimes, a business, depending on what it is, may have more value than an Industrial zone, depending on what it is. But in this case. Bobby Danforth states it depends what's on your paperwork. Mr. Long states that geography just is what it is. Again, the question was asked, I'm not sure if the answer was given, it's an I zone they're now conforming, what else do you want to do? I can't even remember who asked the question. Leave it like it is. I would be open if they had some sort of side business or whatever they wanted to do, I wanna be a good neighbor. The City Manager wants us all to be good neighbors, too, because it was in the paper last week. Asking and imploring folks to be good neighbors to each other. I wouldn't be opposed to anything that is reasonable. I zone and you mentioned special use, don't take from somebody else and then make them come. I would immediately be in non-conformance if you recommended City Council approve that to a B zone, I'm in non-conformance then. Then we got a whole other ordeal we gotta go through. Bobby Danforth tells Mr. Long thank you for his address to the board.

Dwayne Burney addressed the Chairman, can I say something? He states that he is Dwayne Burney and that he's sat on the City Council. He thought they had already moved past all this and asked if we are going back and trying to rezone again for another time? After they have fixed this from non-conforming to conforming. Amanda Woodard states that she guesses we haven't officially responded. Mr. Burney states yes, because the city council voted on it last week. Rita Llop states that we didn't vote on the application. Mr. Burney asked if we had our second reading? Rita Llop states that was on an ordinance and this is an application. Mr. Burney asks so they put in a new application, that is what he is asking. Mrs. Llop state "yes." Mr. Burney states he was just confused on whether we were putting in a new application or were we working off the old application. Mrs. Llop states they resurrected the original application submitted. Bobby Danforth stated that this application has never went past this desk to the city council. Mr. Burney states that he understands now. Bobby Danforth states the only thing was the amendment to the ordinance, the code. Mr. Burney asks to get the non-conforming conforming? Mr. Danforth states correct in an Industrial zone.

Mr. Daniels states that we were asked to table the application, and we agreed to table it. Mrs. Llop stated "yes." Mr. Daniels apologized for speaking out of turn. Bobby Danforth said he looked through the minutes and couldn't find where the application was tabled. He saw where the board deferred the application until we could speak with the legal counsel, but we never tabled the application. Rita Llop stated we deferred the application. Ron Daniels stated we agreed so she can go in more detail on this, but if you don't act on something it creates a problem for y'all. So, we agreed to not call time, basically. To use an analogy, we agreed to not take the penalty because



you didn't snap the ball in twenty-five seconds. Bobby Danforth stated that is what I thought but I did miss two meetings due to work issues. I did read through all that and my understanding was that we were moving in the direction to amend the code to make y'all conforming, and actually in January when I got the agenda that you were back on there and I was wondering why? I thought we took care of this. So, I'm confused. Ron Daniels stated the difference is you corrected a city-wide problem. That had nothing to do, in my opinion, with the zone. Bobby Danforth stated he thought it had all to do with your zone because you're the reason we did it. Or you're the reason we're aware that it had to be addressed. Mr. Daniels stated, "that's correct." Amanda Woodard stated that the land use only applies to populations of 625,000 or more. Bobby Danforth stated that we're a little bit less than that. Mrs. Woodard stated that it's still a good guideline for us to use obviously. Mrs. Llop stated she will check on that. Ron Daniels said he will send Ms. Llop a case that says what the factors are if that does not apply there. I actually think it's more favorable for us, but I was just going by what the city said the rules are.

Bobby Danforth said that now I will ask my board for a vote on this application, so do I have a motion? We've had nine months to think about this. Ivelyn Lampkin stated that she is still of the same opinion that I've had, you know, not changing, not extending residences to I zones. My opinion is that we've done what we've done to satisfy them. Bobby Danforth asked Ivelyn if she had a motion? Ivelyn Lampkin made a motion that we leave it as an I zone. Bobby Danforth asked Ivelyn if she was making a motion to accept or reject the application? That is what the choices are. Mrs. Lampkin stated that her motion is to reject the application for rezoning. Bobby Danforth stated I have a motion to reject the application, do I have a second. David Whitten seconded the motion to reject the application. Bobby Danforth asks for all in favor of rejecting the application: Ivelyn Lampkin, James Burney, and Bobby Danforth voted to reject the application. Bobby Danforth then called for all opposed of rejecting the application. Amanda Woodard opposed rejecting the application. Bobby Danforth stated that four rejected the application and one opposed rejecting the application. The city council will have the final say at their next meeting, whatever they do with it, whichever side is not pleased with it, then y'all can take legal action, that's the next step. Amanda Woodard ask if we need to enumerate or document why we are rejecting the application. Rita Llop stated the record that you've created will do that as well as the verbatim transcript of all the hearings in this case, or in this matter. Bobby Danforth said it's like Ivelyn said, we did what we thought would correct this problem, the amendment to the code, and they were the ones who actually brought up amending the code and we did that. We took four months doing it. The code has been amended where they are not non-conforming now. They can do what they want to with that property as apartments. In every decision somebody doesn't like it. We did the same thing when we had the rezoning on this side of town. It's a hard decision to make. I'm sure you're a fine attorney, both of you and I'm sure if you were not on this side over here you could easily represent Mr. Long's side. That's what attorneys do, they will find positives on both sides of whatever the case is.

### **Elect New Officers:**

Our next business tonight is election of officers for 2025. I don't even know if any of us want to sit up here anymore. Would anyone like to make a nomination to start off the process? We need a Chairman, a Vice Chairman and a Secretary. Amanda Woodard made a nomination of Bobby Danforth as Chairman, seconded by Ivelyn Lampkin. David Whitten made a nomination of Amanda Woodard as Vice Chairman, seconded by Ivelyn Lampkin. Bobby Danforth made a nomination of Ivelyn Lampkin as Secretary, seconded by David Whitten. So carried.

**Officers are as follows:**

Chair – Bobby Danforth  
Vice Chair – Amanda Woodard  
Secretary – Ivelyn Lampkin

**Adjournment:**

There being no further business, Bobby Danforth made a motion to adjourn the meeting with a second from David Whitten, the meeting was adjourned. So carried.

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Secretary