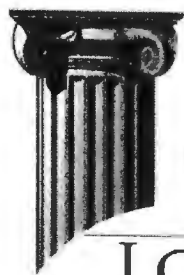


CITY OF ALEXANDRIA
Planning Division

Zoning Commission Meeting
Vol. 2
December 4, 2017



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LORI HEAPHY
& ASSOCIATES^{LLC}
CERTIFIED COURT REPORTERS

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Before Lauren A. Denham, Certified Court
Reporter, at the Alexandria City Hall City
Council Chambers, 915 3rd Street, Alexandria,
Louisiana, on Monday, December 4, 2017,
beginning at 4:00 p.m.

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APPEARANCES :

COMMISSIONERS :

JOE BETTY STERKX
JAY LYNCH
ELLIS SAYBE
CHAD SOPRANO
DAMON BERNARD

ALSO PRESENT :

DELORES BREWER
RUTH BASCO
ROBERT L. BUSSEY

SPEAKERS :

CHUCK JOHNSON
GREGORY UPTON
MICHAEL HANKINS
JOSEPH FULLER

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EXHIBITS:

Exhibit 1 (Land Use Planning Modification)

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1 MR. SAYBE:

2 All right, it's 4:00, welcome everyone to
3 the meeting of the Alexandria Zoning
4 Commission. For those of you who were not here
5 last week, we had a meeting scheduled for
6 November the 27th, which we had. About halfway
7 through the meeting the City requested some
8 additional time to introduce some additional
9 exhibits and information. A motion was made
10 and carried that we recess the meeting for one
11 week to allow the City the opportunity to do
12 that. So that's where we are now.

13 The meeting is back in session but I would
14 ask that we do a roll call, please.

15 MS. BASCO:

16 Okay. Mr. Soprano?

17 MR. SOPRANO:

18 Present.

19 MS. BASCO:

20 Mr. Bernard?

21 MR. BERNARD:

22 Present.

23 MS. BASCO:

24 Mr. Saybe?

25 MR. SAYBE:

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1 Present.

2 MS. BASCO:

3 Mr. Lynch?

4 MR. LYNCH:

5 Present.

6 MS. BASCO:

7 Mrs. Sterkx.

8 MRS. STERKX:

9 Here.

10 MS. BASCO:

11 We are in quorum.

12 MR. SAYBE:

13 Yes. You have Mr. George White is not
14 present?

15 MS. BASCO:

16 Right.

17 MR. SAYBE:

18 Okay. There is only one item on the agenda
19 today, there was only one item last week, and
20 that's the application of GAEDA to re-zone the
21 lots on Masonic Drive, I think there were four
22 lots, from single family residential to C-1
23 commercial nonalcoholic, so that's where we
24 are. I thought what we'd do today is we'd pick
25 it up and let the City introduce the

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1 information they requested to be allowed to
2 introduce after a period of time, then we'll
3 allow the applicant, through either Mr. Moller,
4 or Mr. Upton, or whoever you chose, a rebuttal.
5 And after that we'll take it under
6 consideration and the Commissioners may have
7 some questions.

8 I'll remind you if you'd like to speak, and
9 everyone can speak, go to the podium, state
10 your name and address for the record. Address
11 the Commission, please, do not address each
12 other that is hardly ever a good idea. Having
13 said that, Mr. Johnson are you ready to go
14 forward?

15 MR. JOHNSON:

16 Yes, sir.

17 MR. SAYBE:

18 Okay. Please do so.

19 MR. JOHNSON:

20 Mr. Saybe, in connection with the motion
21 that was made at the last meeting, the City, at
22 this time, would like to introduce a short
23 report that we put together last week. Some of
24 the members had expressed the need for some
25 clarification or more additional information on

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1 the City's position. So what we did is we put
2 together a short report that outlines the
3 entirety of our presentation today. It's
4 pretty short, it's only about ten pages. There
5 are also some pictures attached at the end and
6 a copy of the resolution authorizing
7 expropriation of the property by the Council,
8 which was voted on at the last meeting, and at
9 this time I'd like to make all of that a part of
10 the record and submit it to the Board.

11 MR. SAYBE:

12 I think -- do you need to see that?

13 COURT REPORTER:

14 Yes, sir, thank you.

15 MR. JOHNSON:

16 We'll just make it in globo; is that okay?

17 MR. SAYBE:

18 Okay. Yes, sir.

19 MR. JOHNSON:

20 Just the one, everything's all attached.

21 MR. SAYBE:

22 Yes, sir. One question that I think is
23 pertinent, this is the same information you
24 emailed to the Commissioners?

25 MR. JOHNSON:

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1 That is correct. I mailed it on Friday --

2 MR. SAYBE:

3 Right.

4 MR. JOHNSON:

5 -- to all the Commissioners and the
6 alternate so that they would have time over the
7 weekend and today to study it and so it
8 wouldn't take up as much time here.

9 MR. SAYBE:

10 Right. Okay. Do you want to do anything
11 else, summarize any other points or anything
12 else like that?

13 MR. JOHNSON:

14 No, sir.

15 MR. SAYBE:

16 Okay. Thank you. Anybody else would like
17 to speak in support of this application on
18 behalf of the City? Or not on behalf of the
19 City but on behalf of the City's position?
20 Okay. Mr. Moller or Mr. Upton, or whoever
21 y'all want?

22 MR. UPTON:

23 I have just couple of comments and then Mr.
24 Moller I think --

25 MR. SAYBE:

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1 Okay.

2 MR. UPTON:

3 -- there may be some other comments. I'm
4 Greg Upton, 2001 MacArthur Drive, Alexandria,
5 Louisiana. As y'all know, this is our fourth
6 time up here on this application for re-zoning,
7 I represent GAEDA, the Greater Alexandria
8 Economic Development Authority. What I guess
9 really is bringing us to this issue we have
10 here is that GAEDA has been under contract for
11 a year to sell the property to Mr. Hankins or
12 his group and the only thing holding up the
13 sale is the re-zoning at this point in time.

14 I'm not going to rehash all the points that
15 have been rehashed at the last three meetings
16 but I just did want to just bring up one point
17 is that your job today is to consider whether
18 it's appropriate to re-zone under the
19 applicable criteria set forth in the City's
20 Zoning Ordinance Chapter 28, Article 9, section
21 9.38 or 9.3.8. It's not your job to recommend
22 against re-zoning simply because you don't
23 believe a Family Dollar should be built there.
24 It's your job to look at the criteria
25 established by law and to faithfully and

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1 dutifully apply those criteria.

2 Last week a document was brought up that
3 was called the THINKAlex Land Use Plan, and if
4 you look at the criteria set forth in the
5 ordinance there's two words that come out. One
6 is you have to look at it's whether the re-
7 zoning is consistent with the master land use
8 plan, including the future land use plan and
9 any other adoptive plans. I went back and I
10 pulled offline all 500 and whatever pages of
11 the THINKAlex plan and if you look in the
12 executive summary it states in the second
13 paragraph that each planning unit contains land
14 uses that make essential goods and services
15 accessible to residents. It reduces the
16 necessity for traversing major arteries for
17 frequent trips. Putting the access of
18 essential goods and services closer to the
19 residents will reduce accidents and create more
20 integrated self sustained neighborhoods.
21 Residents do prefer smaller scaled neighborhood
22 level commercial and institutional uses close
23 to homes. And that's all this is, it fits
24 exactly within that criteria established in the
25 THINKAlex.

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1 Then the next criteria is compatibility and
2 the code reads that the re-zoning must be
3 compatible with the proposed district with the
4 character of the neighborhood, including
5 existing zoning and actual uses of adjacent and
6 nearby properties. Well, it's clear in this
7 area we're looking at commercial properties,
8 and I don't want to say anything good about any
9 of the commercial property, but this would be a
10 Million Dollar investment in commercial
11 property that I would suggest would be an
12 improvement to that corridor.

13 So essentially the only other thing the
14 THINKAlex says about, that I could find, about
15 Masonic Drive is that it's to redevelop the
16 areas across from the zoo. And then they have a
17 future plan there about redeveloping the area
18 and one of the things you see in that corridor
19 is neighborhood businesses on Masonic Drive.
20 So all I say is, as the applicant I think our
21 application is consistently -- is consistent
22 with the long range plan of the City and GAEDA
23 would ask that y'all approve the application
24 for re-zoning.

25 MR. SAYBE:

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1 Thank you, Mr. Upton.

2 MR. UPTON:

3 Thank you.

4 MR. SAYBE:

5 Mr. Moller, would you like to speak?

6 MR. HANKINS:

7 I can.

8 MR. SAYBE:

9 Mr. Hankins?

10 MR. HANKINS:

11 Yeah, please. Good afternoon, Michael
12 Hankins, 419 Alamo Street, Lake Charles,
13 Louisiana 70601. I just want to briefly touch
14 back on the issues. The last time we had a
15 slide presentation and the main points were, as
16 Mr. Upton said, that most of the properties in
17 this stretch have been -- they are almost all --
18 have been re-zoned with this exact application
19 and request. And secondly, there were 73
20 signatures on a petition in favor of this re-
21 zoning. And third was the financial
22 ramifications which are a million and a half
23 dollars the first year into the Alexandria
24 economy along with a million dollars in taxes
25 over the firm term of the lease that we have

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1 signed.

2 I want to clear a few things up after
3 hearing what the City attorney said last week,
4 and then I haven't seen the packages here but
5 I'll speak to a little bit of what he said last
6 week. These ordinances that have been passed
7 that are essentially what the City is standing
8 behind to request a denial of the zoning are
9 essentially ordinances that they have created
10 in the past six months. June 20th, I believe,
11 was the first meeting where the ordinance was
12 passed to allow a city to enter into
13 negotiations for the property, at that point we
14 had already been under contract for six months.
15 So I just wanted to clear that up that those
16 were not -- these are not ordinances that have
17 been on the books, these are new ordinances that
18 came about because of our zoning offer we had,
19 zoning application.

20 Just to go through a little bit of the
21 process, our first meeting was, I believe, back
22 in February or March. Two hours prior to that
23 meeting we were notified that it was -- there
24 was going to be a request for us to pull our
25 application. After a vote on this Board we were

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1 able to have our application heard and we went
2 back and changed, from input from the meeting,
3 we went back and changed our application from a
4 C-2 request to a C-1 request. So we've worked
5 with the City and we will continue to do so to
6 deal with any concerns that are, you know,
7 legitimate and viable through the process.

8 Last month, six weeks ago, our zoning
9 application was pulled for an unexplained
10 reason. The explanation was that they wanted to
11 talk some more about this with us and see if
12 something -- somebody could come up with some
13 sort of resolution, but no one contacted myself
14 or Mr. Moller about some sort of resolution to
15 this, so basically nothing happened. It seems
16 like there's been a lot of stalling and delaying
17 and we're just -- it's unfortunate that it's
18 happened this way. Just last week I tried to
19 call the City attorney, we had a brief
20 conversation before it really didn't get into
21 anything before he had to get off the phone and
22 take another call, never got a call back.

23 So this has kind of been the pattern a
24 little bit is, you know, lack of communication,
25 misrepresenting things, it's been unfortunate

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1 and frankly I've done business all over the
2 state and, you know, major metro to small towns,
3 big parishes, small parishes, and frankly I've
4 never been treated like this. It's a -- it's --
5 and the sense is we don't want you here in
6 Alexandria and we're going to do everything we
7 can to block your project. So that's kind of
8 where I'm coming from when we, you know, have
9 these conversations.

10 I understand the City's desire to
11 redevelopment the Masonic Corridor, I think
12 it's admirable, I think it's the right thing to
13 do. The mayor asked me up to his office after
14 the June 20th meeting and we had a long
15 discussion about what could possibly be done to
16 come up with a solution for everybody.
17 Unfortunately we didn't get to a resolution;
18 however, after that meeting he asked me what I
19 thought about Lake Charles' efforts to do the
20 same for the downtown area. He explained to me
21 that he thought they had done a wonderful job.
22 I told him that I thought while it was beautiful
23 there had been no private development and
24 that's what the City of Lake Charles was
25 seeking. And if the City of Alexandria is

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1 looking to emulate prospects, I think that's
2 what they need to look to as far as private
3 development. You can spend all the public money
4 you want but at some point you have to stop
5 spending money and let the private sector take
6 over, and so that's what we're hoping to do
7 here.

8 Another thing that concerns me about the
9 City's position is this plan seems to
10 contradict -- this plan for a parking lot and a
11 pedestrian bridge seems to contradict a lot of
12 things they've said. The parking area, we've
13 been told that the building -- they want the
14 buildings pushed to the front so the parking's
15 in the back to create a smart road type
16 situation, then we're talking about a
17 pedestrian bridge over the road. A pedestrian
18 bridge, you know, first is going to cost
19 hundreds of thousands of dollars, perhaps
20 millions of dollars. It's not a viable -- I
21 hope that's not the plan because it's not a
22 viable plan. To get 18 feet off the ground like
23 you have to with a pedestrian bridge you're
24 going to need 216 feet of ramp to get up to that
25 height so that you are ADA compliant. So I

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1 don't know how that would work, it just would be
2 impossible. So that's not really a viable
3 alternative for this property, and even it was
4 they still need to seek re-zoning.

5 I've also had -- I've also been contested on
6 the zoning by Mr. Kramer, a neighbor down the
7 road with the funeral home, and while I respect
8 his opinion he was also up here five years ago
9 asking for that same re-zoning. The SPARC
10 redevelopment, all these things, were still a
11 hot button at that time and yet his re-zoning
12 was granted while mine has obviously run into
13 significant issues, so I can't help but wonder
14 why.

15 Expropriation has been something that is
16 now being pushed by the City, expropriation of
17 the property, and what I would say to that is
18 that is not something for you-all, I guess, to
19 consider tonight. Expropriation will happen
20 whether you vote for this zoning variance or
21 not. For this zoning change or not. They can
22 come in and expropriate the property and if
23 that's what they want to do, that's what they'll
24 do. The City can, you know, from their
25 perspective can still get this property. I

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1 don't think that that's necessarily going to
2 happen and that's why I'm asking for you to pass
3 the zoning variance so that we can start moving
4 with our project, and if tomorrow they start
5 moving forward with expropriations then so be
6 it, then that's the case. But, you know, that's
7 not something that has to be decided from you
8 all that is part of the City's stuff.

9 I want to touch again on what Mr. Upton
10 said. The role here is not to pick winners or
11 losers, it's not to fulfil the administration's
12 agenda, the role is to decide whether we conform
13 to the zoning requirements for the zoning
14 change as laid out. And also it's important to
15 remember there are also state statutes about
16 what a zoning board variance can do,
17 essentially the state gives the city a right to
18 determine requirements for zoning, for heights,
19 for buffer yards, for all these things. However
20 they require that if there is a board such as
21 yourselves that you are -- that your decisions
22 can be reviewed, and let me read the exact
23 statute: "Shall be subject to judicial review
24 on the grounds of abusive discretion,
25 unreasonable exercise of the police powers and

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1 excessive use of the power granted, and the
2 denial of due process."

3 So what that's saying is you have to take
4 these things dispassionately and as per the
5 facts, not because the City has a plan that
6 they've had in place for a long time and now
7 they want to move forward with this and
8 therefore we're going to take this property
9 away from a private developer who's trying to
10 buy it and do a project there. You know, we
11 talk about a lot these days about the government
12 and, you know, overreach and how big should the
13 government be and I think this a prime example
14 of an overreach from the administration's
15 position. So that's all I have for you today
16 and I can certainly answer any questions.

17 MR. SAYBE:

18 All right. Could you tell me about the
19 contract? You mentioned that you --

20 MR. HANKINS:

21 Uh-huh.

22 MR. SAYBE:

23 -- you had it under contract, but when did
24 it go into contract and is it still under
25 contract?

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1 MR. HANKINS:

2 I don't know the exact date, December 15th,
3 I believe, rings a bell.

4 MR. UPTON:

5 I believe it was December 15th.

6 MR. SAYBE:

7 Is it still under contract?

8 MR. HANKINS:

9 Yes, sir.

10 MR. SAYBE:

11 Okay. And it's conditioned upon these
12 rules?

13 MR. HANKINS:

14 Yeah, so at the end of my due diligence
15 period I stated that the property was not
16 acceptable because the zoning and the -- GAEDA
17 has the right to, or has to, either fix that or
18 tell me that it can't be fixed and then I can
19 decide to move on. So when the final decision
20 is made from the City Council, at that point I
21 can decide whether I want to move forward with
22 the contract whether the zoning gets changed or
23 not or whether I want to let the property go at
24 that point, but I can close on the property
25 tomorrow if I decided to.

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1 MR. SAYBE:

2 Had the zoning you needed?

3 MR. HANKINS:

4 Excuse me?

5 MR. SAYBE:

6 If you had the zoning you needed --

7 MR. HANKINS:

8 Even without the zoning I needed I can close
9 on the property tomorrow.

10 MR. SAYBE:

11 Okay. So you're in your due diligence
12 period and what you're trying to determine is
13 whether or not the zoning is appropriate, so I
14 mean that's why you're still in your due
15 diligence period?

16 MR. HANKINS:

17 Yes, sir. Mr. Upton can probably speak a
18 little better to this but I have -- we are
19 through our due diligence period and I have
20 declared some issues that GAEDA now has a
21 responsibility to either resolve or tell me
22 they can't resolve. And that's what we're going
23 through the process here of, of them either
24 coming back and saying "Look, it's resolved,
25 we've got the" -- this is GAEDA's application --

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1 "we've got the zoning change done therefore
2 you're good to go," or "No, we can't get the
3 zoning changed done, it's on you, do you still
4 want to buy the property?"

5 MR. SAYBE:

6 Got you. The reason for my questions are in
7 Mr. Johnson's submission there's a statement,
8 and I'm going to ask him about it in a minute,
9 it says "The stakeholders should note the
10 current purchase agreement does not require a
11 sale." That's in the footnote and that confused
12 me, I thought this was all about a contract.
13 But anyway, I'll get Mr. Johnson to translate it
14 and --

15 MR. JOHNSON:

16 I can address that right now.

17 MR. SAYBE:

18 I'll let you come back, Mr. Hankins, if you
19 have any --

20 MR. HANKINS:

21 Yes, sir.

22 MR. SAYBE:

23 -- have anything else.

24 MR. JOHNSON:

25 There's also a provision in the contract,

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1 Mr. Saybe, and I don't have a copy of the actual
2 contract in front of me, but it states that if
3 for some reason GAEDA is not able to deliver
4 title to the property because of some
5 governmental reason or regulation, et cetera,
6 then there is no contract. We are at that stage
7 now. If you change the zoning of this property
8 GAEDA still can't give him title to it because
9 we're going to expropriate. The next day after
10 he purchases it we will take it for a public
11 purpose. And beyond the fact that -- and I told
12 you at the last meeting and I don't want to
13 rehash what I said yesterday and I don't want to
14 respond to or insinuate insults like you heard
15 Mr. Hankins do, GAEDA's mission under Title 33
16 requires it to work with the City for
17 redevelopment purposes. It's R.S. 33:2740.60.

18 Quote --

19 MR. SAYBE:

20 I think you said 60C?

21 MR. JOHNSON:

22 60C, I'm sorry, "Provides specifically that
23 GAEDA" --

24 MR. SAYBE:

25 When I looked at that paragraph it wasn't

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1 exactly -- I think it was somewhere in the
2 statute but go ahead.

3 MR. JOHNSON:

4 GAEDA is an economic arm of the City, they
5 should never be hostile with the City or adverse
6 to the City on a redevelopment question inside
7 the City of Alexandria, that's my point. We
8 would call for a question if --

9 MR. SAYBE:

10 One second here. Mr. Hankins, did you want
11 to talk?

12 MR. HANKINS:

13 Yeah, I just wanted to say real quickly, the
14 contract -- currently no expropriation has been
15 started, has been, you know, that's a whole long
16 process. I don't understand the contract to say
17 just because the City has declared that they
18 could possibly expropriate that that will not
19 allow them to declare fair title, I don't -- I
20 think that's very much not the case.

21 MR. SAYBE:

22 Okay. Well, actually I was almost hesitant
23 to answer questions about the contract but it
24 was a puzzle me because I thought that's why we
25 all ended up where we are, but I understand -- I

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1 think I understand it's different views of the
2 contract. But it is under contract to be sold

3 --

4 MR. HANKINS:

5 Yes.

6 MR. SAYBE:

7 -- at least right now?

8 MR. JOHNSON:

9 Could I read the section to you?

10 MR. SAYBE:

11 Yes, but let's let Mr. Hankins finish. Are
12 you finished, Mr. Hankins?

13 MR. HANKINS:

14 Yeah, I'm finished.

15 MR. SAYBE:

16 Okay.

17 MR. JOHNSON:

18 This is on Page 6 of the contract, Section
19 19, it says "Sellers closing contingency.
20 Buyer is aware that seller is a political
21 subdivision of the State of Louisiana and
22 therefore this sale is subject to certain
23 procedures, rules, and regulations not
24 applicable to transactions between private
25 parties. Buyer is aware that seller cannot

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1 legally transfer the property and therefore is
2 not obligated to sell the property until all
3 procedures, rules, and regulations applicable
4 to the transaction are fully satisfied. In the
5 event the procedures, rules, and regulations
6 applicable to the transaction cannot be fully
7 satisfied, seller shall give buyer notice of
8 its inability to satisfy the procedures, rules,
9 and regulations at which time this agreement
10 shall terminate and buyer will be entitled to
11 return of the deposit."

12 MR. SAYBE:

13 That's pretty normal but what I'm trying to
14 figure out, and really it's not up to us to
15 determine whether there's a contract or not.

16 MR. JOHNSON:

17 Correct.

18 MR. SAYBE:

19 We're just here to make a decision about
20 whether the application for re-zoning is
21 compatible with the area. I just had to ask the
22 question because of the statement about
23 "Stakeholder should note that current purchase
24 agreement does not require sale." It was more a
25 curiosity than anything else because we don't

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1 have any authority over that nor do I think we
2 should be overly concerned with it.

3 Anyone else would like to speak in
4 opposition? Mr. Fuller, would you?

5 MR. FULLER:

6 Opposition to the City?

7 MR. SAYBE:

8 I'm sorry?

9 MR. FULLER:

10 You're saying in opposition to the City,
11 right?

12 MR. SAYBE:

13 Yes, we're in the opposition part.

14 MR. FULLER:

15 Right. Thank you. Thank you very much, my
16 name is Joseph Fuller. I stay at 3512 Royal
17 Drive, Alexandria, Louisiana. I just want to
18 come to you today and say to you we definitely
19 got to have some changes in how we operate this
20 city. This group of Family Dollar already got
21 three stores in Alexandria, they not nobody
22 just walk off the street. And I've been
23 fortunate enough I've been visiting those other
24 stores. The people are using those stores.
25 They are walking to those stores and they are

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1 walking back and they are buying those goods.
2 For Alexandria to continue to grow we got to do
3 the right thing. We send a message out that we
4 are expropriating property from private people,
5 we're not going far. And this zoning board,
6 it's up to you to stand up for what you got to
7 do. All they asking is a zoning change, which
8 the other two properties had came in before,
9 they -- it's -- it fit the neighborhood and you
10 got over 60 people that done signed it that live
11 in the neighborhood. You know my only problem
12 is it's four or three votes and Mr. Silver,
13 who's in the district, is against it. He been
14 against it since day one.

15 My thing to you is this, let's do what's
16 right. Let's send the right message. If they
17 want to expropriate the property let them do it
18 but let it fall on them, not on you.

19 MR. SAYBE:

20 Thank you, Mr. Fuller. Yes, sir.

21 MR. MOLLER:

22 Good evening, I'm Clifford Moller,
23 Executive Director of the Greater Alexandria
24 Economic Development Authority, 201 Johnson
25 Street, 6th floor.

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1 At our last meeting I distributed to the
2 Commissioner's president three documents. One
3 of them was dated January 3, 2008 that was
4 addressed to Ms. Katie McGills, and in that
5 document we offered this property to the City of
6 Alexandria for Six Hundred and Ninety-Five
7 Thousand Dollars (\$695,000.00). That's how
8 much money GAEDA had in the property at the
9 time. March 19, 2009 we offered this property
10 to the Alexandria Zoo. The letter was addressed
11 to Ms. Lee Ann Whitt. March 17, 2011 we again
12 made another offer to the City to Ms. McGills,
13 and in that document we said this, "The value of
14 the property would be ascertained by an
15 independent appraiser who both the City of
16 Alexandria and GAEDA would agree upon."

17 So over a period of years prior to the 2013
18 THINKAlex document, which I think is an
19 outstanding document, our City did an
20 outstanding job in putting that plan together.
21 I participated in it. I've been all in favor of
22 what goes on with the THINKAlex plan, but that
23 came subsequent to these documents where the
24 City had an opportunity to purchase this
25 property. I'd like to also add, before we could

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1 dispose of property, GAEDA having surplus
2 properties, we would have to go through an
3 exhaustive, exhaustive, notification program
4 that gave notification to the world that we are
5 selling this property.

6 We had to, in the last step of that process,
7 in our board meeting, announce to the world that
8 this property is up for sale, is there anyone
9 interested in purchasing it. At that point
10 anyone could have stepped forward, no one did,
11 that is why we got to this point. We could not
12 sell this property, we could not offer a
13 contract to Mr. Hankins unless we went through
14 that exhaustive process. We've crossed every
15 T, we've dotted every I, we've given everyone an
16 opportunity to have a shot at this property.
17 We've cooperated with the City, we have never
18 been in opposition to the City. Thirteen years
19 we've cooperated with the City on many, many,
20 many events. We've put hundreds of thousands of
21 dollars into activities in conjunction with the
22 City. We're not in opposition. We're only
23 doing what our board has directed us to do and
24 we've gone through all of the steps that were
25 required, and anyone at anytime during that

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1 process had the opportunity to object, to stop
2 it, so that something else could happen.

3 I only say this, we -- whatever the outcome
4 we've only done what our board has asked us to
5 do. We've done the best job that we can. We've
6 done it to the best of our ability. It's not in
7 opposition and it's not in adversity, it's in
8 just doing our job. Thank you very much.

9 MR. SAYBE:

10 Thank you, Mr. Moller. Anyone else would
11 like to speak in opposition or this is in
12 support, I'm sorry. Okay. Any questions
13 commissioners? Any discussion?

14 Someone want to make a motion? We promised
15 them a vote and I want to deliver it today.

16 MRS. STERKX:

17 I'd like to --

18 MR. SAYBE:

19 Somebody going to make a motion? I can't,
20 I'm the Chair, one way or the other.

21 MR. BUSSEY:

22 Mr. Saybe, excuse me if I may, I think this
23 is a continuation of the meeting and I believe
24 there's a motion already on the floor, was there
25 not?

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1 MR. SAYBE:

2 I don't think there was a motion.

3 MR. SOPRANO:

4 I had made a motion.

5 MR. SAYBE:

6 You did make a motion?

7 MR. SOPRANO:

8 At the previous meeting I did.

9 MR. SAYBE:

10 But it wasn't seconded. It wasn't on the
11 floor.

12 MR. MOLLER:

13 It fell for lack of a second.

14 MR. SAYBE:

15 Do you want to renew the motion or?

16 MR. MOLLER:

17 The motion passed to postpone the meeting.

18 MR. SOPRANO:

19 Right.

20 MR. BUSSEY:

21 If I could say something, I'm not a voting
22 member or anything, but a lot of times
23 discussion amongst the board members will help
24 you clarify issues in your mind and clarify your
25 opinions. So if you have things that you want

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1 to discuss, you want to do it openly and in
2 front of the --

3 MR. SAYBE:

4 Oh, we can do it, we're here.

5 MR. BUSSEY:

6 -- public at this time, and that's what
7 Ellis is basically asking. Any discussion then
8 do it. And that's just the way the process is.

9 MR. BERNARD:

10 I would just like to say something. I
11 understand everyone's hearing everyone's
12 position on this project and the -- before I --
13 I am going to make a motion, before I make this
14 motion I just want to say I don't think GAEDA,
15 and I may be wrong in this, I don't think GAEDA
16 and the City's mission was ever to include a
17 dollar store in this project. And if we look at
18 present zoning and we go just by that, you know,
19 that property could be a couple of other things
20 if we look at the -- there's two businesses on
21 that same street and they can go either way.
22 And the business I'm thinking if it was to go in
23 that spot wouldn't be good either, and I don't
24 think -- I think that there's a Dollar General
25 that's less than two miles away and then less

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1 than two miles from that there's a Family
2 Dollar. So I don't think that there needs to be
3 a dollar store on every corner and I do think,
4 I'm just going to express my opinion, I think
5 that dollar stores cheapen neighborhoods and
6 it's going to cheapen this neighborhood.

7 So I'm going to make a motion to deny the
8 application.

9 MR. SAYBE:

10 Okay, it's been moved that the application
11 be denied.

12 MRS. STERKX:

13 I second.

14 MR. SAYBE:

15 A second by Mrs. Sterkx. All in favor
16 signify by saying aye.

17 ALL PRESENT:

18 Aye.

19 MR. SAYBE:

20 So that's four. Let's have a roll call vote
21 so we make sure that we got it correct, this has
22 been going on long enough. Would you please?

23 MS. BASCO:

24 Sure. Mrs. Sterkx?

25 MRS. STERKX:

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1 Aye.

2 MS. BASCO:

3 Mr. Soprano?

4 MR. SOPRANO:

5 Aye.

6 MS. BASCO:

7 Mr. Bernard?

8 MR. BERNARD:

9 Aye. Yes.

10 MS. BASCO:

11 Mr. Saybe?

12 MR. SAYBE:

13 I'm Chair.

14 MS. BREWER:

15 I'm sorry. Mr. Lynch?

16 MR. LYNCH:

17 Aye.

18 MR. SAYBE:

19 Okay, so let the record reflect that the
20 application's been recommended for denial by a
21 vote of four to zero. Any other business?

22 Okay, we have to review the minutes. I
23 don't think we've done that. From the October
24 or the March or whatever's the last --

25 MS. BREWER:

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1 I know I gave you -- there's been so many.
2 I gave them to you last time, do you still have
3 them?

4 MR. SAYBE:

5 I signed one set. We voted on it, that was
6 from a previous one.

7 MS. BREWER:

8 The 27th? Okay.

9 MR. SAYBE:

10 We met on the 27th, let me find that.

11 (BOARD DISCUSSION)

12 MS. BREWER:

13 Okay, Mr. Saybe, the March 27th minutes
14 were scheduled for October 30th, which we met.
15 And --

16 MR. SAYBE:

17 But I signed some last -- was it not last
18 week?

19 MS. BREWER:

20 It was the one --

21 MR. SAYBE:

22 Look at the -- do you have what went out
23 scheduling the meeting for the 27th? The
24 minutes that I signed were attached to that.

25 MS. BREWER:

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1 I think I gave you the minutes out of this
2 packet right here.

3 (BOARD DISCUSSION)

4 MS. BREWER:

5 He signed something last week.

6 MR. SAYBE:

7 Yeah, I gave you --

8 MS. BREWER:

9 I actually uploaded it on the website.

10 MR. SAYBE:

11 Here's the agenda for the 27th. Adoption of
12 minutes from whatever the previous meeting was.

13 I signed that, that's right. All right, so we
14 don't have any minutes to sign?

15 MS. BREWER:

16 Correct.

17 MR. SAYBE:

18 All right. Our next set of minutes will be
19 at the next meeting. The meeting of the 27th
20 and this week.

21 MS. BREWER:

22 Correct.

23 MR. SAYBE:

24 All right, I got it straight in my head.

25 All right, is there any other business,

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1 Commission? Okay, is there a motion to adjourn?

2 MR. SOPRANO:

3 Motion to adjourn.

4 MR. SAYBE:

5 Motion by Mr. Soprano.

6 MR. BERNARD:

7 Second.

8 MR. SAYBE:

9 Second by Mr. Bernard to signify we
10 adjourn. Folks, we have a motion to adjourn by
11 Mr. Soprano and a second by Mr. Bernard, so
12 we're going to vote. All in favor?

13 ALL PRESENT:

14 Aye.

15 MR. SAYBE:

16 Any opposed? All right, thank you.

17 MEETING CONCLUDED AT 4:45 P.M.

18

19

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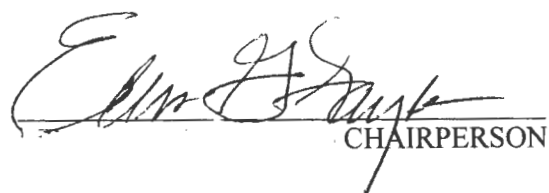
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CHAIRPERSON