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MINUTES

October 30, 2017  
Alexandria, Louisiana

The City of Alexandria ZONING COMMISSION met in the City Council Chambers at 4:00 P.M. on Monday, October 30, 2017 pursuant to regular setting.

PRESENT: Mr. Ellis Saybe, Chairperson

Mr. George White

Mr. Jay Lynch

Mr. Chad Soprano

(Sworn in by Mr. Robert Bussey prior to opening of meeting.)

Mr. Damon Bernard

(Sworn in by Mr. Robert Bussey prior to opening of meeting.)

Ms. Ruth Basco, Zoning Analyst

Mr. Robert "Bob" Bussey, Legal Counsel

Ms. Delores Brewer, Planning Director

ITEMS ON AGENDA

ITEM #1 An application on behalf of James William Thompson, Jr., represented herein by Taylor J. Thompson, requesting the rezoning of property located at 3415 Nelson Street. The property is described as:

-LOT 10 MACARTHUR PLACE (955 IMP 1545)-(ORD # 527-1950 ANNEXATION) (CB 1492-586 THOMPSON ET AL) (CB 2003-431 JIMMIE THOMPSON ENTERPRISES LLC)\*\*\*PARCEL I.D.#24-33-6540-9\*\*\* (3415 NELSON ST)

Alexandria, Rapides Parish, Louisiana. Applicant requests a rezoning from a "B-3" General Business to a "C-1" Limited Commercial District, to allow for the expansion of car lot parking.

ITEM #2 An application on behalf of James William Thompson, Jr., represented herein by Taylor J. Thompson, requesting the rezoning of property located at 3419 Nelson Street. The property is described as:

-LOT 11 MACARTHUR PLACE (955 IMP 2015)-(ORD # 527-1950 ANNEXATION) (CB 1492-586 THOMPSON ET AL) (CB 1691-997 03' 3<sup>RD</sup> PARTY PARISH TAX SALE (CB 1693-304 '03 3<sup>RD</sup> PARTY PARISH TAX SALE (CB 1725-789 REDEMPTION OF 2003 3<sup>RD</sup> PARTY PARISH TAX SALE (CB 1732-210 REDEMPTION OF 2003 3<sup>RD</sup> PARTY CITY TAX SALE) (CB 2003-431 JIMMIE THOMPSON ENTERPRISES LLC)\*\*\*PARCEL I.D.#24-33-6540-10\*\*\* (3419 NELSON ST)

Alexandria, Rapides Parish, Louisiana. Applicant requests a rezoning from a "B-3" General Business to a "C-1" Limited Commercial District, to allow for the expansion of car lot parking.

(THE FOLLOWING WAS REMOVED ON FRIDAY, OCTOBER 27, 2017

ITEM #3 An application on behalf of GAEDA (Greater Alexandria Economic Development Authority) represented herein by Mr. Garrett Carter of Hankins Development, requesting the rezoning of property located at 3017 Masonic Drive described as LOTS 3-4-5-6-7-8-9 & PT LOT 10, SQ 9, BACON PLACE (50000)-(CB 754-538 MARTIN) (CB 1092-633 BLACKMON

WRIGHT) (CB 1796-310 CAVALIER ENTERPRISES INC)\*\*\*PARCEL I.D. #24-42-630-57\*\*\* (3017 MASONIC), (specifically lots 3-6)

Alexandria, Rapides Parish, Louisiana from an "SF-2" Single Family Moderate Density District to a "C-2" General Commercial District, to allow for the development of all eight lots to construct a Family Dollar Store.)

(MEETING CALLED TO ORDER AT 4:00 P.M. BY MR. ELLIS SAYBE, CHAIRMAN)

MR. ELLIS SAYBE: Okay, it's four o'clock (4:00). We'll get started. First of all, let me welcome everybody to the Zoning Commission Meeting of October 30, 2017. I'm Ellis Saybe, the Chairman of the Commission, and we have two new members I'd like to introduce today and that is Chad Soprano on my far left and Daniel Bernard on my immediate left. And some of you may know Mr. George White. He's been a longtime member of the Commission along with myself.

We have one other additional member, Joe Betty Sterkx, new member, who is unable to be here today. Her husband had some sort of medical procedure and she called me and apologized but she will be a regular member also. The last member is an alternate, that's Mr. Jay Lynch, who's an architect here in town and that's who we were trying to give little time to see if he was coming. But he is not here so something must have happened.

A quorum is three. So we do have a quorum today.

I want to stop at this point and introduce Ms. Ruth Basco; Mr. Bob Bussey, our legal advisor; Ms. Delores Brewer, the Director of Planning; Ms. Alpha Boyett, who's going to be our recorder today.

The first thing that I like to do is to let people know we are an advisory committee. We will take all the information, we may have a little discussion, and we'll make a decision. But our decision is a recommendation to Alexandria City

Council. Normally, about thirty (30) days from today, the City Council will undertake the same matter, look at our recommendation, have a public hearing, and then the City Council will vote on it. Their decision is binding. Ours is simply advisory. The matters heard today will be introduced probably about thirty days from now. Do we have any idea - can we give them a good idea, Delores, when that might be?

MS. DELORES BREWER: I can't - I don't have that.

MR. ELLIS SAYBE: I don't have the meeting schedule for the City Council.

MS. DELORES BREWER: Mr. Saybe, I do not have that.

MR. ELLIS SAYBE: Okay, well, -

MS. DELORES BREWER: But if anybody is interested, they can call me and I'll be glad to -

MR. ELLIS SAYBE: - that's what I was going to advise them to do. It's normally about thirty days from today and if you are an interested party, you'll want to track the progress of this. And so, in about two weeks you might all the Director of Planning or her office, ask if the matter's going to be heard and when, and she'll tell you the City - the date of the City Council meeting where the matter would be heard.

As far as our procedure for this meeting, we take items presented on the agenda in sequence as they appear on the agenda. And the way we do that is, we ask the applicant, the person representing the party that wants to have the property rezoned, come to the podium, state their name and address and then tell us the reason they'd like to have the property rezoned. Once they have given us that information, then we'll ask anyone in support of the application to do the same thing. If you're going to speak, we ask that you go to the podium, give us your name and address so that the recorder can get that information in the meeting minutes.

After all -- everyone has had a chance to speak in support of the application, we ask that if there's anyone here in who objects to the application. And we're going to go through the same process. We give everyone who is objecting an opportunity to

come to the podium, state their case. So remember to give your name and address again so we can get that in the minutes.

After everyone in opposition has spoken, we'll ask the applicant if they'd like to make a brief rebuttal. We'll give them a chance to make a rebuttal and then we'll close the public speaking part of the meeting. We'll take the matter under advisement, have some discussion amongst ourselves. If a Commissioner wants to ask a question, he can address that to someone. Again, they should come to the podium and respond to the question.

At some point, one of the Commission members will make a motion to approve or deny. If it receives a second, then we'll vote on the matter, up or down, depending on what the motion says.

One thing I would mention to you is that we may not have that many folks at this meeting, but what we ask is that the applicant constrain themselves to five or ten minutes and give us the reasons they want to have it rezoned. And anyone else speaking, limit themselves to about three minutes. That way we can keep the meeting moving - keep the meeting moving and get the votes taken and get everybody on the agenda and applications can be heard.

Finally, I would tell you that we try very hard to be polite to everybody. Sometimes it gets emotional. We ask that you be polite to everybody, even folks you don't agree with and we treasure civility in this Commission. So if you're feeling yourself getting a little emotional, you may want to step outside and take a breath, come back in, because we treasure that particular calmness in this room.

The other thing I would tell you is it gets emotional when you talk to each other. So we don't allow that. We want you to address the Commission, be at the podium and address us, then sit down and if someone wants to speak, they'll have their chance to respond to the questions you raise, but they'll be speaking to us directly.

Okay. Yes, ma'am?

MS. DELORES BREWER: I just wanted to say according

to my phone, it looks like if everything goes well it will be November 28<sup>th</sup>.

MR. ELLIS SAYBE: November 28<sup>th</sup>. So that's the date to keep in mind. That's a little over, no, a little less than a month from now. That's when this matter or these matters that we hear today should reach the City Council.

Thank y'all. I'm sorry you had to sit through all of that but it seems to help sometimes.

The next thing we'll do is address the items on the agenda. And I think the first thing -

MR. ROBERT "BOB" BUSSEY: Mr. Saybe, did you do a formal roll call?

MR. ELLIS SAYBE: - that's the first thing on the agenda.

MR. ROBERT "BOB" BUSSEY: Okay.

MR. ELLIS SAYBE: That's what I'm getting ready to do.

MR. ROBERT "BOB" BUSSEY: All right, thanks. MR.

ELLIS SAYBE: Okay, so, Ms. Basco, if you will do a roll call, we'll -

MS. RUTH BASCO: Yes, sir. Okay. Mr. Saybe.

MR. ELLIS SAYBE: Present.

MS. RUTH BASCO: Mr. Bernard.

MR. DAMON BERNARD: Present.

MS. RUTH BASCO: Mr. White.

MR. GEORGE WHITE: Present.

MS. RUTH BASCO: Mr. Soprano.

MR. CHAD SOPRANO: Present.

MS. RUTH BASCO: Betty Jo Sterkx (as spoken - Joe Betty Sterkx not present). Jay Lynch (not present).

MR. ELLIS SAYBE: We have a quorum. We have four. Okay. The next item, we have already taken care of that. Let's see. So we can move to the first item on the agenda which is an application by Mr. James William Thompson, Jr. It says represented by Taylor Thompson but you're representing yourself, right?

MR. JAMES WILLIAM THOMPSON, JR.: Yes, sir.

MR. ELLIS SAYBE: Okay. Requesting the rezoning of property located at 3415 Nelson Street, Lot 10 MacArthur Place and the requested rezoning is from "B-3" General Business District to a "C-1" Limited Commercial District, to allow for the expansion of car lot parking spaces.

Mr. Thompson, if you'd like to give us your full name and address and then tell us why you'd like to have this property rezoned.

MR. JAMES WILLIAM THOMPSON, JR.: Thank you, Chairman Saybe. I appreciate the opportunity to come before you gentlemen and present my case on why I would like this property that I have rezoned. I am James William Thompson, Jr. I go by Billy Thompson. I am a lifelong resident of Alexandria. I live at 212 Ridgewood Boulevard, that's in - right behind Super 1 in Alex, been there fifty years.

I have an application that I started at the first part of this year, my son helped me. I was recuperating from numerous surgeries is why his name was on there. He handled some of the paperwork for me. I am requesting a zoning change of this property on Nelson Street from a business property to a commercial zoning where I can enlarge the parking on the existing car lot that's up front that's located on the MacArthur Drive service road. This property is in the area of or it's adjacent to Atwood's Bakery, across the street from Cane's Chicken, right down the street from Popeye's Fried Chicken, all fast-food and commercial-type businesses. This zoning I have requested is merely to enlarge this parking lot. It's no request for any alcohol sales or consumption. This zoning will allow me to clean up the property somewhat. One of the homes did burn and I've had that removed several months ago.

This, I don't see in this area that any traffic changes would be involved. This part of Nelson Street dead-ends at MacArthur Drive and for all practical purposes dead-ends, the other end, at Texas Street because, Texas Avenue, because you have to take a sharp dogleg to continue on on Nelson Street. So it's

not the high traffic area and, in my estimation, I don't see the traffic increasing any by this additional parking space because you enter a car lot and the office is up front on MacArthur Drive. So there shouldn't be any additional traffic.

I see from your Assessor's records that there is one owner/occupied home that's in my notification area, the hundred feet area. So most of these properties in that area are owned for rental purposes. I, in my estimation, this won't disrupt anything or anybody. The, this will - the drainage in that area is somewhat a little slow in heavy rains. This will allow the property, the back of the property will be built up somewhat to help facilitate that drainage. All of Nelson Street or most of Nelson Street drains down toward that property. So there's no runoff from that property that will affect anybody's property. I'd be glad to answer any questions that you might have concerning that, well not that request, my request for the zoning change.

MR. ELLIS SAYBE: Okay. Thank you, Mr. Thompson.

Any Commissioners have any questions? Okay.

Is there anyone here in opposition to this application?

Okay. Let the record show that there is no opposition to Mr. Thompson's Application #1.

Mr. Thompson, I'm going to ask you if you're going to make the same remarks in regard to 3419 - well, you know what? I'm probably getting ahead of myself.

Let's go ahead and vote on this one since there is no opposition. Commissioners, this is the Application for 3415 Nelson Street.

Before we actually take this under advisement and vote on it, I want to give you the opportunity to tell us if you can get #1 but not #2, do you - do you want that or do you want these to go through together and remain, have the same zoning?

MR. JAMES WILLIAM THOMPSON, JR.: Yes, sir. I would request that they go together and remain the same zoning.

MR. ELLIS SAYBE: Okay. So it will be an up or



down vote on both of them. So in that case, you may want to ask, you may want to ask us to consider both of them at the same time.

MR. JAMES WILLIAM THOMPSON, JR.: Yes, sir. I would ask that.

MR. ELLIS SAYBE: Okay. Well, go ahead and, I know this is kind of a formality, but just tell us you have the same remarks in regards to 3419 Nelson Street.

MR. JAMES WILLIAM THOMPSON, JR.: Yes, sir. I would have to look and see which one is closest to MacArthur Drive. One of them has an existing house on it. The -

MR. ELLIS SAYBE: This is the one closest to MacArthur Drive, Lot 11, it's right behind your C-1 property.

MR. JAMES WILLIAM THOMPSON, JR.: Yeah, I just didn't remember the municipal address as to which one. There - there's two lots that I am requesting. One is vacant that there was a residence on, the fire, and I had that all cleaned up. And then there is an existing home there that I would like for that to stay. I don't have any plans of taking it down. It's a rental unit. So all of the requests will be and information will be the same for both lots. One house, one lot has a house on it; one lot does not. Eventually the plans are to take the house down, the existing house, and move that parking lot back to that place.

MR. ELLIS SAYBE: Okay. Well, let's be clear. You want them both zoned the same?

MR. JAMES WILLIAM THOMPSON, JR.: Correct.

MR. ELLIS SAYBE: Okay. All right. In that case, Commissioners, we need a motion to consider items - well, first, let me ask, is there any objection to Item #2 which is an application by Mr. Thompson to rezone 3419 Nelson Street, Lot 11 of MacArthur Place from B-3 General Business District to C-1, just the same as Item #1 which is 3415 Nelson Street? Is there any opposition to this?

MS. KIMBERLY SUMBLER: I -

MR. ELLIS SAYBE: Okay.

MS. KIMBERLY SUMBLER: I wouldn't necessarily say an opposition but my mom is the only one that owns the home.

MR. ELLIS SAYBE: Uh-huh -

MS. KIMBERLY SUMBLER: So she's right across the street from 3419.

MR. ELLIS SAYBE: Yes, ma'am.

MS. KIMBERLY SUMBLER: So I -

MR. ELLIS SAYBE: Well, if you - let me just, would you - Billy, would you let her, please?

MR. JAMES WILLIAM THOMPSON, JR.: Sure.

MR. ELLIS SAYBE: Come forward. And, ma'am, if you would be kind enough to give us your name and address and then, I'm sorry for interrupting you but we need to get you on the record.

MS. KIMBERLY SUMBLER: Okay. And actually it's my mom's home.

MR. ELLIS SAYBE: Okay.

MS. KIMBERLY SUMBLER: Her name is Hester Sumbler (sp.) but my name is Kimberly Sumbler.

MR. ELLIS SAYBE: Okay. And her address and your address.

MS. KIMBERLY SUMBLER: It's 3406 Nelson Street.

MR. ELLIS SAYBE: Okay.

MS. KIMBERLY SUMBLER: Is her address.

MR. ELLIS SAYBE: Okay, all right.

MS. KIMBERLY SUMBLER: And I'm at 5779 Goodland Trce.

MR. ELLIS SAYBE: Okay, good.

MS. KIMBERLY SUMBLER: So I guess my only question or concern what - what would it affect her? You know, how would it affect her by rezoning as she is the only owner of a home there.

MR. ELLIS SAYBE: Yes.

MS. KIMBERLY SUMBLER: So basically he's saying that everybody else is commercial already.

MR. ELLIS SAYBE: Yes, yes.

MS. KIMBERLY SUMBLER: Because it's rental property.

MR. ELLIS SAYBE: Right.

MS. KIMBERLY SUMBLER: So I want to know what kind

of effect that is going to occur for my mom.

MR. ELLIS SAYBE: I can give you a general answer to that but we can't foresee the future.

MS. KIMBERLY SUMBLER: Right.

MR. ELLIS SAYBE: But if this is rezoned C-1 it becomes commercial property. He wants to rezone it for parking to expand the, if I - correct me if I'm wrong, the - is it a used car on -

MR. JAMES WILLIAM THOMPSON, JR. - Yes.

MR. ELLIS SAYBE: - the front? Yeah. So that they

have more room for that. But once it's rezoned commercial and any commercial activity could go on there with the exception of the sale of alcohol. He has not asked for that. So whatever happens on that C-1 designation, there would be no sale of alcohol without another rezoning but it could be a commercial business. Okay?

MS. KIMBERLY SUMBLER: Okay. Which, their part to me, - does that depreciate her property?

MR. ELLIS SAYBE: That's very difficult to answer. You have to look at what's there now - MS.

KIMBERLY SUMBLER: Yes, yes.

MR. ELLIS SAYBE: - and say, would I rather have, you know, someone with some knowledge of real estate appraisal will have to say what's there now and then you would have to know what was there in the future.

MS. KIMBERLY SUMBLER: Right.

MR. ELLIS SAYBE: And you would have to compare them to say this is going to help or this is going to hurt.

MS. KIMBERLY SUMBLER: Right.

MR. ELLIS SAYBE: Okay.

(MR. JAY LYNCH PRESENT AT 4:15 P.M.)

MS. KIMBERLY SUMBLER: Okay. So I guess, like I said, that - that was really our only concern, how it's going to effect her, you know.

MR. ELLIS SAYBE: I, I really can't tell you that

and I don't know that anyone could without appraisals of what's there now -

MS. KIMBERLY SUMBLER: Right.

MR. ELLIS SAYBE: - and what might be there in there in the future.

MS. KIMBERLY SUMBLER: Okay. But you're talking about as a commercial site -

MR. ELLIS SAYBE: Yes, ma'am.

MS. KIMBERLY SUMBLER: - is what you're saying.

MR. ELLIS SAYBE: When you look at it now, I guess the question should be in your mind am I okay with that being parking compared to what's there now?

MS. KIMBERLY SUMBLER: Right.

MR. ELLIS SAYBE: You know.

MS. KIMBERLY SUMBLER: And what's the expectation of the other home?

MR. ELLIS SAYBE: Right.

MS. KIMBERLY SUMBLER: What is it going to turn to? You know, is it - is it just going to be for parking as well if it's rezoned?

MR. ELLIS SAYBE: I'm sorry? I'm - MS.

KIMBERLY SUMBLER: The second home.

MR. ELLIS SAYBE: Oh, we'll give him a chance to answer that.

MS. KIMBERLY SUMBLER: Yeah.

MR. ELLIS SAYBE: My understanding from his comments were that in the future he intends to take that home down and it probably will be. But I'll let him answer that question since -

MS. KIMBERLY SUMBLER: Okay.

MR. ELLIS SAYBE: - you've raised that issue.

MS. KIMBERLY SUMBLER: Okay.

MR. ELLIS SAYBE: Okay.

MS. KIMBERLY SUMBLER: Okay.

MR. ELLIS SAYBE: Mr. Thompson, would you like to address that?

MR. JAMES WILLIAM THOMPSON, JR.: Yes, sir. As I see it now, it - it won't change anything concerning the residence there. It's, like I say, there's no increase in traffic. Eventually the existing home will be torn down and the parking lot enlarged and all of that cleaned up. So as far as the traffic, flooding, any other concerns, I don't, as it stands today, I don't see any, any changes.

MR. ELLIS SAYBE: Okay.

MR. JAMES WILLIAM THOMPSON, JR.: And it would have to be rezoned again if someone or myself wants to sell alcohol or have, you know, sale or consumption of alcohol.

MR. ELLIS SAYBE: I'm sorry, your name again?

MS. KIMBERLY SUMBLER: It's Kimberly.

MR. ELLIS SAYBE: Would you come up to the podium again? I want -

MS. KIMBERLY SUMBLER: Yes.

MR. ELLIS SAYBE: - to ask you a couple of questions since you, and I'll be glad to let your momma talk but -

MS. KIMBERLY SUMBLER: She ain't going to do it, she ain't going to do it.

MR. ELLIS SAYBE: What, I'm looking at Lot 15 which is directly across from the second lot that he would like rezoned.

MS. KIMBERLY SUMBLER: Uh-huh (affirmative).

MR. ELLIS SAYBE: Is that your momma's house or where? I'm not sure -

MS. KIMBERLY SUMBLER: No, she's across the street.

MR. ELLIS SAYBE: Across the street from his -

MS. KIMBERLY SUMBLER: She's across the street from the 19 really -

MR. ELLIS SAYBE: Well, the home -

MS. KIMBERLY SUMBLER: - more towards the, closer to the 19.

MR. ELLIS SAYBE: - yeah. The home across the

street, if it's directly across the street, is next to commercial property. If you, - would you come forward and let me show you what I'm looking at?

MS. KIMBERLY SUMBLER: Okay. Let me get my glasses.

MR. ELLIS SAYBE: Okay. All right.

MS. KIMBERLY SUMBLER: Yeah, I've looked at that -

MR. ELLIS SAYBE: This is, well, let me - wait, I've got a better map here that might tell us just what I want to know. I need to get this out. Well, let me show you this first. You got the one? Okay. Jay, wait, I want to show her this right here. Just hold on to that, Jay, if you would. This is what he would like to get rezoned.

MS. KIMBERLY SUMBLER: Uh-huh (affirmative).

MR. ELLIS SAYBE: This is his commercial property.

MS. KIMBERLY SUMBLER: Right.

MR. ELLIS SAYBE: This is all commercial property. So if your mother is across the street to any of these, well, if she's in this one - you said she's across the street.

MS. KIMBERLY SUMBLER: Right.

MR. ELLIS SAYBE: That one would be right next to commercial property.

MS. KIMBERLY SUMBLER: So this - but is this him? This is him, right?

MR. ELLIS SAYBE: No, no. This is him right here.

MS. KIMBERLY SUMBLER: No, this is him. Right.

MR. ELLIS SAYBE: This is all commercial.

MS. KIMBERLY SUMBLER: So this is across. This is Nelson Street, yeah.

MR. ELLIS SAYBE: This is Nelson.

MS. KIMBERLY SUMBLER: Right.

MR. ELLIS SAYBE: Where do you think your mom is?

MS. KIMBERLY SUMBLER: Umm -

MR. ELLIS SAYBE: Do you - Jay's got something that'll tell us. Look for Sumbler on there, Jay. It should be across somewhere. It's got to be within a hundred feet. She got a notice. Maybe an old map -

MR. JAY LYNCH: Somebody's got - right, right.

MR. ELLIS SAYBE: Look at this - MR. ROBERT

"BOB" BUSSEY: What's the name?

MR. ELLIS SAYBE: Here it is, right here.

MS. KIMBERLY SUMBLER: Right there. Right.

(UNABLE TO TRANSCRIBE - ALL SPEAKING  
SIMULTANEOUSLY)

MR. ELLIS SAYBE: You're probably right here.

Okay. See right there?

MS. KIMBERLY SUMBLER: Uh-huh, uh-huh (affirmative).

MR. ELLIS SAYBE: So that's the best I can tell  
you. This is commercial. This is commercial. This is residential.  
Eventually it may all creep this way, business or commercial.

MS. KIMBERLY SUMBLER: Right.

MR. ELLIS SAYBE: Which may help you or may not  
help you. Do you understand?

MS. KIMBERLY SUMBLER: Uh-huh (affirmative).

MR. ELLIS SAYBE: Depending on what goes there.

Okay.

MS. KIMBERLY SUMBLER: Uh-huh (affirmative). Okay.

MR. ELLIS SAYBE: Okay. That's the best I can do  
right now.

MS. KIMBERLY SUMBLER: All right. Thank you.

MR. ELLIS SAYBE: All right. This is Mr. Jay Lynch  
that just came in. I'm sorry, Jay is an alternate member but we  
have a member that is not present today so Mr. Lynch will be  
voting.

Jay, this is applications #1 and #2. You are  
probably familiar with that.

MR. JAY LYNCH: I studied up on it.

MR. ELLIS SAYBE: I'm sorry?

MR. JAY LYNCH: I studied up on it. I'm familiar  
with it.

MR. ELLIS SAYBE: Okay, okay. And Mr. Thompson is  
the applicant and we don't have any formal opposition. This lady  
was asking questions. But -

MR. JAY LYNCH: I had a couple of questions -

MR. ELLIS SAYBE: Yeah -

MR. JAY LYNCH: - for Mr. Thompson. I'm sorry, Mr. Thompson, I wasn't here when you first gave your presentation. But I had a couple of questions for you.

MR. JAMES WILLIAM THOMPSON, JR.: Okay.

MR. JAY LYNCH: Since this is somewhat of a commercial application on rezoning and there's residential behind it, so to speak, is there a plan to put up kind of a privacy fence to separate the commercial from the residential?

MR. JAMES WILLIAM THOMPSON, JR.: No, sir. I don't have any plans at this time. What separates the existing car lot now, the parking, is a residence.

MR. JAY LYNCH: Correct.

MR. JAMES WILLIAM THOMPSON, JR.: That's rented out. It's got chainlink fence around the back. So at present that is a buffer between the next piece of property which is, I think owned by Bakies (sp.), which is an absentee owner also. So if it became -

MR. ELLIS SAYBE: Mr. Thompson, let me - let me interrupt you for a second. Unless it's changed in the new code, if you get this rezoned commercial, you have to put up a six-foot tall high-density fence.

MR. JAMES WILLIAM THOMPSON, JR.: Oh, okay, well, if

-

MR. ELLIS SAYBE: Between this and everything that separates -

MR. JAMES WILLIAM THOMPSON, JR.: I started in January 17<sup>th</sup> of this year. I didn't recall that being in force -

MR. ELLIS SAYBE: Am I correct about that, Bob? Do you remember? That was the rule under the old code. I haven't researched it under the new one but I can't imagine they've changed that.

MR. JAMES WILLIAM THOMPSON, JR.: That's no big deal. If - it's a hundred foot fence - it - it could be easily put up.

MR. JAY LYNCH: I think it's a desirable



improvement to -

MR. JAMES WILLIAM THOMPSON, JR.: Sure.

MR. JAY LYNCH: - to separate.

MR. JAMES WILLIAM THOMPSON, JR.: And this might satisfy the homeowner across the street, although it won't be on her property but as far as keeping things -

MR. ELLIS SAYBE: Right. You need to be aware of that. I could be wrong. But I think you're going to have to put up a six-foot wooden fence.

MR. JAMES WILLIAM THOMPSON, JR.: It's not a material issue.

MR. ELLIS SAYBE: Okay. I just wanted you to -  
(MS. BREWER CONFERS WITH MR. THOMPSON)

MR. ELLIS SAYBE: Mr. Lynch, you had some other questions, maybe?

MR. JAY LYNCH: Again, I missed your initial presentation. I'm sorry. I apologize again. As you expand your business, I think you're going to expand the parking and still maintain it as a vehicular sales car lot.

MR. JAMES WILLIAM THOMPSON, JR.: Right, correct.

MR. JAY LYNCH: So as you expand, will there be pavement that you're going to lay down for the parking of the automobiles?

MR. JAMES WILLIAM THOMPSON, JR.: Uh, if - I think the City requires that we have to have hard surface parking, no gravel. If, in fact - it's going to be a slow process but -

MR. JAY LYNCH: Sure -

MR. JAMES WILLIAM THOMPSON, JR.: - in enlarging it. Right now, parking would be on the old house slab that was there that I had torn down and the driveway. It's got ample space for several cars and that'll be utilized. But, you know, hard surface would be what we put down. And I think I mentioned earlier that the back of some of these lots in, on Nelson Street are a little lower in the back than they are in the front and it has caused some flooding problems. That's going to be raised up also to help. Really it helps these lots more than anything else. But

they'll be raised up to drain quicker to the street. Atwood's property, the property behind mine is forty, forty and a half inches taller than my low spot so there's no water runoff of any kind going on their property.

MR. JAY LYNCH: Last question for you. Do you anticipate making improvements for nighttime lighting?

MR. JAMES WILLIAM THOMPSON, JR.: That, I haven't even thought that far ahead. Probably it would be required by the insurance company, fencing and lighting for the car lot purchase. But as it is right now, I don't have any.

MR. JAY LYNCH: Just be aware that there are some ordinances that are going to govern any improvements for nighttime lighting relative to shielding from the surrounding houses. So, Ms. Brewer will help you with all of that.

MR. JAMES WILLIAM THOMPSON, JR.: Okay. Both of the issues are, I won't say not issues, but the fence, the cost of a fence or the cost of lighting, I won't say is immaterial but that's no problem to overcome. I'm not, I mean, if it needs to be, it'll be.

MR. JAY LYNCH: Thank you.

MR. JAMES WILLIAM THOMPSON, JR.: Yes, sir.

MR. ELLIS SAYBE: Any other Commissioners have any questions? Thank you, Mr. Thompson.

MR. JAMES WILLIAM THOMPSON, JR.: Yes, sir.

MR. ELLIS SAYBE: Yes, sir. Would you like to speak in opposition or - ?

MR. JULES GREEN: I'd like to ask you a question about something you said.

MR. ELLIS SAYBE: Yes, sir.

MR. JULES GREEN: Do I need to come -

MR. ELLIS SAYBE: If you would, come to the podium, please.

MR. JULES GREEN: Good afternoon, Commissioners. I'm Jules Green, City Councilman District 3. Mr. Saybe, you made a statement about fencing. Could you give me the specifics on the fencing because currently ordinances about fencing in the City of

Alexandria aren't clear for residential and/or commercial, can you give me the reference point where you're saying -

MR. ELLIS SAYBE: I can't without research -

MR. JULES GREEN: - that because there was conjecture that you said he may need to put a fence. I know there is a problem with fencing. So I'd like to let you ask the Planning Department, since I can't talk with them, what is the specifics on fencing? Please, thank you.

MR. ELLIS SAYBE: I'd have to do - I'll ask if anybody knows. But under the old development code, if you had something rezoned commercial and you had to surround that property, if it bordered anything like residential property, you would have to build a six-foot high, high density fence so you couldn't - you couldn't see through it and it would have some - somewhat of a noise buffer. That was under the old code. If they took it out of the new code when they redid it, I don't remember, that was quite awhile ago.

MS. DELORES BREWER: No, sir. It's still in there.

MR. ELLIS SAYBE: I'm sorry?

MS. DELORES BREWER: It still applies.

MR. ELLIS SAYBE: It's still in there. Okay.

MR. JULES GREEN: What is still there?

MR. ELLIS SAYBE: I'm sorry?

MR. JULES GREEN: What is still there? She just said it's still there. What is still there?

MR. ELLIS SAYBE: The requirement that if you have a piece of property zoned commercial and it borders a piece of property that is not business, I'm not sure about "B" business, but if it borders residential property, you have to build, I think it's at least six-foot high, solid fence to separate your property from the residential property.

MR. JULES GREEN: Have you received documentation on that, Mr. Saybe?

MR. ELLIS SAYBE: Received documentation?

MR. JULES GREEN: Are you - is that confirmed? I

know what you're saying, what she's saying but is it written into law? Because we pass ordinances - and this is - I'm just trying to get the (unintelligible) of the fence and that's all.

MR. ELLIS SAYBE: Well, I'll ask the - the Planning Commission to get - I don't have time to read the code right now and tell you exactly where it is. It was in the old code. Where it is in the new code, I can't quote that to you. I'm hoping it's still there because it's a good rule. But I will have someone research that and we'll get you a specific reference to the page and section of the Development, the City of Alexandria Development Code, if that's what you're asking me for.

MR. JULES GREEN: I greatly appreciate it. Thank you.

MR. ELLIS SAYBE: Thank you, Mr. Green. Yes, sir?

MR. HARRY SILVER: May I say something?

MR. ELLIS SAYBE: Certainly.

MR. HARRY SILVER: I'm glad this came up. I'm Harry Silver and I happen to be Councilman for District 4 where this particular site is located. Apparently what you have just quoted has already been effective. They did put a fence between Atwood's and that place just to correspond to what the existing law is. So that problem, that thing has been addressed. I just wanted to say that for the sake of information.

MR. ELLIS SAYBE: Thank you. Okay. Commissioners, I think it's time that we entertain a motion to recommend this for approval or denial. This is the two lots by Mr. Thompson wishing to rezone them from B-3 General Business to C-1 Commercial. Is there a motion to do so?

MR. CHAD SOPRANO: Motion to approve.

MR. ELLIS SAYBE: Okay. It's been moved by Mr. Soprano that this motion be for approval, is that correct?

MR. CHAD SOPRANO: Yes.

MR. ELLIS SAYBE: Is there a second?

MR. JAY LYNCH: Second.

MR. ELLIS SAYBE: Second by Mr. Lynch. All in

favor, signify by saying aye.

COMMISSIONERS (SIMULTANEOUSLY): Aye.

MR. ELLIS SAYBE: Any opposed? Okay. Let the record reflect that that motion passed, be recommended for approval, by unanimous vote of the council or the Commission.

MR. ROBERT "BOB" BUSSEY: Both items have passed.

MR. ELLIS SAYBE: Pardon?

MR. ROBERT "BOB" BUSSEY: It was both items that just passed.

MR. ELLIS SAYBE: Yes. That's what we were voting on. Okay. That concludes the items on today's agenda but I had a call from Mr. Upton. He would like to address the Commission. So I'm going to allow him to do that and then we'll talk about - we will see what Mr. Upton requests and we'll talk about how to go about doing that, if at all.

MR. GREG UPTON: Okay, thank you, Mr. Chairman.

MR. ELLIS SAYBE: Yes, sir.

MR. GREG UPTON: My name is Greg Upton. I'm an attorney at the Gold, Weems law firm here in Alexandria and my address is 2001 MacArthur Drive, Alexandria.

Until one o'clock (1:00) today, Mr. Chairman, I - I was under the impression that we were on the agenda. And this is, and I'm here representing GAEDA, the Greater Alexandria Economic Development Authority. We're trying to rezone a piece of property on the Masonic Drive corridor in the zoo area there. If you remember, there was an old Cavalier Hotel, GAEDA bought the property, tore the hotel down, been trying to sell it for ten years and we now have a Buy/Sell Agreement with Mr. Michael Hankins, or his company, and the only thing holding up the sale is the rezoning part of the property from single - from family to commercial.

Today at one I discovered we weren't on the agenda, and apparently removed from the agenda. So I spoke with Mr. Moller and I said, "Did you request that we be removed from the agenda?" And he said, "Absolutely not." We have a right to a hearing by this committee and we feel we were improperly removed from the agenda and we would like the hearing to go on as it should today.

Mr. Hankins drove up from Lake Charles. This is the third time he's driven up here and I think it's time we have a hearing on this issue.

A little bit of history - I know we have some new members and some - some people, it's been awhile - we filed an Application for Rezoning on January 17<sup>th</sup> of this year. There was a hearing on February 27<sup>th</sup> of this year and there was concerns that we were asking to be rezoned to C-2 which allows the sale of alcohol. And I think it was the Chairman suggested maybe it would be a good idea to go on and amend our application to C-1 so there's no sale of alcohol. On April 27<sup>th</sup> we amended for the C-1 designation as opposed to C-2. We've been trying to get before this Commission every month since then and we haven't been successful, in large part because y'all haven't been having meetings. But for ten months we've been asking for a rezoning. This gentleman has had a Buy/Sell Agreement with us. He's spent a lot of money doing his due diligence on the property, environmental surveys and that type of thing, and we would ask that we placed back on the agenda because we think we were improperly removed.

I would, may I approach and hand out something?

MR. ELLIS SAYBE: Certainly.

MR. GREG UPTON: (Disseminates Handout to Commissioners) Because it was removed, I don't know if y'all had any information about the property in your package.

What this is, this is a plat of the property, where the property is and what we want rezoned.

MR. ELLIS SAYBE: Greg, let me - excuse me, Mr. Upton.

MR. GREG UPTON: Okay.

MR. ELLIS SAYBE: Let me just tell me what my vision is. First of all, we have to decide if we're going to put it back on the agenda -

MR. GREG UPTON: Right.

MR. ELLIS SAYBE: - if this is your argument part. So if you will tell me when we are done with "are we going to put it on the agenda?" then we can, I'll give you my vision and perspective and then the Commission can vote whether to put it

back on the agenda or not. Then if it's on the agenda, then we can go forward like we normally do. Is that - are you - are you still working on getting on the agenda or -?

MR. GREG UPTON: Well, yeah, I just - what I was hoping to do is just give -

MR. ELLIS SAYBE: Okay.

MR. GREG UPTON: - a little background - MR.

ELLIS SAYBE: Okay.

MR. GREG UPTON: - information.

MR. ELLIS SAYBE: Go ahead.

MR. GREG UPTON: And it will be very briefly.

MR. ELLIS SAYBE: Okay.

MR. GREG UPTON: This really says it all. If you look at this, the plat I gave you, on the lefthand side you see Masonic Drive there and up at the top you see Gilbert Street and Rosalie Street, that's where Kramer Funeral Home is. And what we want rezoned is the area in pink. And so it's, apparently, and y'all probably know more about this, when they did the original zoning of this property on Masonic Drive, the first part, the lots that fronted on Masonic were zoned C-2 Commercial and the lots on the back were Single Family 2 (SF-2). And you can see over the last thirty years the lots have been regularly rezoned to commercial. You can see one was rezoned in 1993, another lot or two was rezoned in 2000 and as recently as 2012 four lots were rezoned Commercial 2 (C-2). So it looks like a - it's a very simple application. Looking at this, this property is surrounded by commercial property. It's compatible with the uses in the area and GAEDA needs it rezoned no matter what because we're not going to be able to sell the property if half of it's single family housing and the half is commercial. So we're just trying to do what everybody else has done in the area and rezone it commercial.

So with that, Mr. Chairman, I would ask that y'all consider taking up this matter.

MR. ELLIS SAYBE: Okay. Mr. Upton called me this afternoon and I found out last night when Ms. Sterkx called me that it was not on the agenda. I had been out of state actually

all last - or last part of last week. So when Mr. Upton, I thought maybe there was an agreement to delay it. So when Mr. Upton called me and I spoke with the Planning Division, I realized it was not an agreement and that the agenda had been changed.

So a couple of points that I think are important. Number one, to put it back on the agenda, it takes a unanimous vote of the Council. Okay. So if we have a motion to do that then we'd all have to vote unanimously to put it on. The second thing is, I have - the lawyer in me has a notice problem kind of both ways. It was on the agenda, then it was not on the agenda. The new agenda was published, I guess, by social media and maybe, you know. So my concern is do you have proper notice? Some people who thought it was going to be on there and then saw it was not may not be here because they think that it's been withdrawn. So then you get to who got the right notice and do you have all of interested parties here? So for me, that's kind of an issue. I just want everybody to think about that. If we do take it up and we consider it, will we have a valid vote given the notice issues?

So I don't know the immediate answer. I just know that bothers me as an attorney.

MR. ROBERT "BOB" BUSSEY: Mr. Saybe.

MR. ELLIS SAYBE: Yes.

MR. ROBERT "BOB" BUSSEY: I don't want to become a witness but I have been told that the removal was posted on the City website on Friday and there was also some type of written notice posted on the door of City Hall. Perhaps you can call someone to verify that. That would have also been on Friday. I think that goes to your concern -

MR. ELLIS SAYBE: Well, that's my point.

MR. ROBERT "BOB" BUSSEY: - both ways, you know.

MR. ELLIS SAYBE: Yes -

MR. ROBERT "BOB" BUSSEY: Who knows what? Who's on first?

MR. ELLIS SAYBE: You don't know if all of the interested parties are here.

MR. ROBERT "BOB" BUSSEY: Right.



MR. ELLIS SAYBE: But having said that, I don't want to derail - I'm just -

MR. GREG UPTON: Yeah -

MR. ELLIS SAYBE: - You know - MR.

GREG UPTON: Oh, I understand.

MR. ELLIS SAYBE: And I understand and I'll let someone make a motion one way or the other and then we'll vote. But that bothers me. It's not your fault.

MR. GREG UPTON: Oh, no, I understand. I do think, I'm not sure if we need a vote to amend the agenda. Only we had the right to remove our application. Some third party, for reasons unknown, removed it. I don't know who did it or why they did it.

MR. ELLIS SAYBE: Okay.

MR. GREG UPTON: But Mr. Hankins has spent a lot of time and money preparing to come up here. This is our, what? Second or third time here and I think the agenda ought to be the agenda that existed as of Friday.

MR. ELLIS SAYBE: I understand that argument. And I'm going to go on the record here and say that I don't know how it got withdrawn either. But the fact that it did happen bothers me and the notice issues bother me. But having said that, I'm sure we're going to find that out at some point. But at this point, we need to have a motion one way or the other that we're going to, from my perspective, we're going to amend the agenda again. I know you don't agree with that but I think that an amended agenda went out from the City. And now if we're going to put it back on there, we're amending it again by our own authority. So if someone wants to do that, they should make a motion. If someone thinks that's improper, they should make a motion and we'll see if there's a second and go from there.

MR. ROBERT "BOB" BUSSEY: To - let me make sure that all the Commissioners understand that to put this back on the agenda, assuming Mr. Saybe's doing this correctly, it has to be a unanimous vote. If there's just one vote that's a nay about putting it on the agenda, then it's not on the agenda. Okay.

MR. JAY LYNCH: I have a question. Who has the

right to withdraw the application?

MR. ROBERT "BOB" BUSSEY: I'm not sure on that. I'd have to look at that.

MR. GREG UPTON: It's our application - I'm - there's not going to be case law on this but it's our application. It was on the agenda. And there is no doubt we have a right to a hearing and we've been denied that right for going on ten months now. And so, you know, it's my position that the only person that could withdraw it would be us unless there was some deficiency in the application which we should have been notified about five days after submission of the application and now we're ten months after submission of the application.

MR. ELLIS SAYBE: Is there a motion one way or the other?

MR. JAY LYNCH: Another question. Will there be a legal challenge no matter what we do to either put it back on the agenda or accept your argument that it already is on the agenda?

MR. GREG UPTON: I don't know the answer to that question.

MR. ELLIS SAYBE: I think the answer is it's definitely possible. Well, if it's going to die for a lack of a motion -

MR. ROBERT "BOB" BUSSEY: It'll die for a lack of a motion and a second and there's no vote, if that's the route you go.

MR. ELLIS SAYBE: Okay. Well, then, we have not amended the agenda.

MR. GREG UPTON: Okay.

MR. ELLIS SAYBE: Is there any other matters?

MR. CLIFFORD MOLLER: Wait, wait. Did you - are you saying that you've already asked your committee whether or not they want to put this back on the agenda? Did you ask that question?

MR. ELLIS SAYBE: I am saying no one has made a

motion to amend the agenda to put it back on the agenda. So it dies for lack of a motion.

MR. CLIFFORD MOLLER: And you all understand that? All four of you understand that?

MR. ELLIS SAYBE: I'm sorry?

MR. CLIFFORD MOLLER: All four of you understand that?

MR. GEORGE WHITE: Five.

MR. ELLIS SAYBE: Yes.

MR. DAMON BERNARD: I just, wait. I just want to say something. I understand it well but the questions I have is why was it taken off? I was sworn in about forty-five minutes ago so I'm a little bit new at this and I would like to know who took it off and why and was there some opposition? Those are my questions. What did the - was it the public that took it off or was it some other - do we have any idea who took it off?

MR. ELLIS SAYBE: We don't -

MR. DAMON BERNARD: Do we have any idea who took it off?

MR. ELLIS SAYBE: - know. No.

MR. GEORGE WHITE: Ms. Brewer?

MR. ELLIS SAYBE: Delores?

MS. DELORES BREWER: Yes, sir.

MR. ELLIS SAYBE: Would you mind just saying what you know?

MS. DELORES BREWER: I'll be glad to speak to it.

MR. DAMON BERNARD: That's all I would like to know because it is hard for me to make a motion yay or nay without knowing why it was taken off or who took it off.

MS. DELORES BREWER: The item was taken off, first of all, why it was taken off. The item was taken off the agenda because we feel that the two governing bodies, that would be GAEDA and the City of Alexandria, still need to talk about this. There's a lot more discussion that needs to be had in that cultural recreation corridor. And there seems to be a lot of people who believe that this, this business would be an asset there and then

there are others that feel like it - there could be something different. So I know this was said at the last meeting which was why GAEDA withdrew their application, went back to their Commission, changed their zoning from a C-2 to a C-1 and here we are again. And I'm still asking for that.

Now, who took it off? I took it off. And it was taken off at one o'clock on Friday evening, Friday afternoon and - according to a statute, I do not know which one that is, I can get that to you - you had to be able to withdraw or amend the agenda within twenty-four hours, not including weekends and that puts us approximately twenty-six hours, if my math is right. And that's the reason for all of this. And I apologize for all the confusion. I apologize for Mr. Hankins coming up here one more time.

MR. MICHAEL HANKINS: You could have called me.

MS. DELORES BREWER: Pardon?

MR. MICHAEL HANKINS: You could have called me. You could have called me and said that you had pulled it and I wouldn't have driven.

MS. DELORES BREWER: Right, I understand. I understand all of that. But that may explain or answer your questions.

MR. DAMON BERNARD: I appreciate that. I just, I just didn't know. Okay.

MR. CLIFFORD MOLLER: Mr. Saybe, may I have the opportunity to speak?

MR. ELLIS SAYBE: I'm sorry. Absolutely.

MR. CLIFFORD MOLLER: Thank you. I appreciate it. My name is Clifford Moller. I am the Executive Director of the Greater Alexandria Economic Development Authority, GAEDA. We own this property. I have to accept Ms. Brewer's explanation but just like you take it off, we've had to be at this venue on three separate occasions and on each occasion, I was notified about the agenda prior to the meeting. My question, my questioning is why weren't we contacted this time? And we may never get an answer to that. Mr. Upton made a great presentation. All of the properties

on that street have been rezoned commercially in the rear. Why not this one? And that's my argument. We will bring this argument back up to this Commission again but I believe we deserve a hearing and it has been delayed far too long. It's almost shameful. Thank you very much.

MR. ELLIS SAYBE: Thank you, Mr. Moller, and let me add my comments and I'll keep them brief, but Ms. Brewer is falling on her sword, I think. And I don't know where all this comes from and we'll probably find out in the future. But she's doing her job and we will see what happens.

MR. GREG UPTON: Could I - MR.

ELLIS SAYBE: Yes, sir.

MR. GREG UPTON: It's not going to be addressed this month. You can set your own agenda. Would y'all vote to put it on the agenda for next month so we know it's going to be on the agenda?

MR. ELLIS SAYBE: Can - can, what now? Can we set our own -

MR. GREG UPTON: Yeah, can you - can y'all do a -

MR. ELLIS SAYBE: - agenda?

MR. GREG UPTON: - resolution?

MR. ELLIS SAYBE: We don't even know if there's a meeting scheduled for next month.

MS. DELORES BREWER: You can, I mean.

MR. ELLIS SAYBE: Yeah -

MR. GREG UPTON: Can you vote - can you vote to have it, it will be on the next scheduled meeting?

MR. ELLIS SAYBE: I don't - if we decide to meet on the last Monday in November, we can do that. Would somebody have a calendar?

MS. DELORES BREWER: Mr. Saybe, we don't have anything scheduled for that time.

MR. ELLIS SAYBE: Yeah.

MS. DELORES BREWER: All we need is -

MS. RUTH BASCO: Three weeks.

MS. DELORES BREWER: - three weeks' notification

to all of the property owners and to advertise. That's really the only thing that we require in Planning.

MR. ELLIS SAYBE: Well, we've got four - four weeks, right?

MS. RUTH BASCO: The last Monday is the 27<sup>th</sup>.

MR. ELLIS SAYBE: All right. So we can do that. What's the date?

MS. RUTH BASCO: The 27<sup>th</sup> of November.

MR. ELLIS SAYBE: The 27<sup>th</sup> of November. And that's not the Monday before Thanksgiving, it's the Monday after Thanksgiving. So that'll be - all right. That ought to be all right. What's been suggested by Mr. Upton is that someone make a motion that we'll meet on Monday, November 27<sup>th</sup>, and that this item will be on the agenda and that we won't make these - any of these people come back again. We'll vote it up or down.

Is there a motion do to that?

MR. JAY LYNCH: I would make that motion.

MR. DAMON BERNARD: I second it.

MR. ELLIS SAYBE: Okay.

MR. CHAD SOPRANO: I have a quick question only because I'm so brand new to this. I'm out of town that day. I don't know if that matters because you'll have Joe Betty.

MR. ELLIS SAYBE: We should have -

MR. CHAD SOPRANO: Okay, I'm just - I don't know. I don't want to -

MR. ELLIS SAYBE: - enough.

MR. ROBERT "BOB" BUSSEY: Just as long as there is a quorum.

MR. CHAD SOPRANO: Okay.

MR. ELLIS SAYBE: Yeah, we need three.

MS. DELORES BREWER: Need to have three people.

MR. CHAD SOPRANO: Okay. Just letting you know.

MS. DELORES BREWER: We need to go into it with more than three.

MR. ELLIS SAYBE: Yeah.

MS. DELORES BREWER: Because that's what's happened

to us in the past. At the last minute somebody couldn't come and then we didn't have a quorum. So I need to have at least four.

MR. CHAD SOPRANO: I'm just letting y'all know in advance I'm going to be in New Orleans.

MR. ELLIS SAYBE: Okay. Does anybody else have a conflict with that date? Okay. We have a commitment from us four and Joe Betty Sterkx should be able to be here so that'll give five. So you've got at least four. And if anything happens, let's notify her immediately. But, otherwise, we are all committed to be here.

MR. ROBERT "BOB" BUSSEY: Do a formal motion, you do not need unanimous because you are not putting it on the agenda.

MR. ELLIS SAYBE: That's right.

MR. ROBERT "BOB" BUSSEY: It's future. So it just needs to a majority vote.

MR. ELLIS SAYBE: So we do need a motion.

MR. JAY LYNCH: I believe I made the motion.

MR. ELLIS SAYBE: Yeah, Jay did.

MR. GEORGE WHITE: I second it.

MR. ELLIS SAYBE: Okay.

MR. ROBERT "BOB" BUSSEY: Okay. There was a motion, second so you need to vote.

MR. ELLIS SAYBE: Okay. It's been moved and seconded that we meet on November 27<sup>th</sup> and vote this matter up or down. Is there - all in favor signify by saying aye.

COMMISSIONERS (SIMULTANEOUSLY): Aye.

MR. ELLIS SAYBE: Any opposed? Okay. It's a done deal.

MR. GREG UPTON: All right. Thank you, Mr. Chairman.

MR. ELLIS SAYBE: Yes, sir. Greg, I think that'll cure any notice issues, you know.

MR. GREG UPTON: Right.

MR. ELLIS SAYBE: And I had some serious concerns about that.

MR. GREG UPTON: Oh, I understand where you're coming from.

MR. ELLIS SAYBE: Yeah, okay.

MR. JAY LYNCH: So question again. Will they have to give notice to Planning Department for this application to be heard again?

MS. DELORES BREWER: No.

MR. ELLIS SAYBE: No.

MR. JAY LYNCH: Okay.

MR. ELLIS SAYBE: Planning will do that automatically and notify the property -

MS. DELORES BREWER: They don't pay another fee or - MR. ELLIS SAYBE: Yeah.

MS. DELORES BREWER: - if the application's the same.

MR. ELLIS SAYBE: No -

MS. DELORES BREWER: We'll just amend it and get Mr. Moller to initial the date.

MR. ELLIS SAYBE: Yes.

MS. DELORES BREWER: But everything will just be as usual.

MR. ELLIS SAYBE: Right.

MS. DELORES BREWER: We will have to notify the (inaudible) -

MR. ELLIS SAYBE: That's right. Notice has got to go out -

(COMMISSIONERS/MS. BREWER SPEAKING SIMULTANEOUSLY - UNABLE TO TRANSCRIBE)

MR. ELLIS SAYBE: - yeah, so the surrounding property owners have notice of the meeting. Okay. All right. Thank y'all. We appreciate it. We appreciate the civility and we'll try to make it run smoothly. Wait, fellows, we've got to - we will let them -

(MEETING PAUSED AS ROOM CLEARED)

(MEETING RESUMED)

MR. ELLIS SAYBE: Okay. Do we have a motion to approve the minutes from the last meeting?

MR. GEORGE WHITE: We had a long one, about ten or



fifteen pages. I read mine so I move that - it's okay - I move that the minutes -

MR. ELLIS SAYBE: Moved by Mr. George. Jay, were you here at the last meeting?

MR. JAY LYNCH: Yes.

MR. ELLIS SAYBE: Second, if you don't mind.

MR. JAY LYNCH: Second.

MR. ELLIS SAYBE: Okay. Moved by Mr. George, second by Jay, we approve the minutes. All in favor signify by saying aye.

COMMISSIONERS (SIMULTANEOUSLY): Aye.

MR. ELLIS SAYBE: Okay. The minutes are approved. Is there a motion to adjourn?

MR. GEORGE WHITE: I so move.


MR. ELLIS SAYBE: Moved by Mr. White to adjourn.

MR. JAY LYNCH: Second.

MR. ELLIS SAYBE: Second by Mr. Lynch. All in favor signify by saying aye.

COMMISSIONERS (SIMULTANEOUSLY): Aye.

(MEETING ADJOURNED)

  
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MR. ELLIS SAYBE - CHAIRMAN

