

**April 14, 2025**

The Eastman City Council met in a regularly scheduled meeting on the above date at 6:00 p.m. The following members were present: Sebrina Williams, Graham Snyder, Mark Peacock, and Dwayne Burney. Councilor Debra Sheffield was not in attendance. Others present were City Attorney Rita Llop, City Manager Spencer Barron, Police Chief Billy Cooper, Fire Chief Derl Maxwell, City Clerk April Sheffield, City Inspector Jack White, and Assistant City Manager Dayna Winslette. Department Heads Wynnon Pittman, Rodney Harrell, Gerald Fordham, and Brandon Brisco were also in attendance. Those present from the community were EM Harrington III, Susan and Mitchell Coffee, Mark Studstill, Commissioner Sharon Cobb Flanagan, Silver Entrekin, Derek Fannin, Austin Barrows and Marlan Eller, Allen Long, Attorney Ron Daniels, and Daimeon and Brittany Harris.

The meeting was called to order by Councilor Snyder.

The invocation was given by Councilor Burney.

Pledge of Allegiance.

**APPROVAL OF AGENDA:**

**The agenda was unanimously amended to add an Executive Session for property matters on a motion from Councilor Peacock and seconded by Councilor Burney. The newly amended agenda was then approved on a motion from Councilor Peacock and seconded by Councilor Williams.**

**APPROVAL OF MINUTES:**

**On a motion from Councilor Peacock and seconded by Councilor Sheffield, the minutes from the March 24, 2025, regular meeting were unanimously approved.**

**NO UNFINISHED BUSINESS:**

**PLANNING & ZONING:**

**5404 MAIN STREET, LLC:**

This is a request for the property located at 5404 Main Street to be re-zoned from an Industrial to a B-1 and also have the addition of a Special Use Permit to allow for housing. Councilor Burney recuses himself from the vote due to his participation in the hearing while he was on the Planning & Zoning Board. Marlan Eller comes forward to try and explain why this application is still in motion and why the amendment of the Industrial Zoning Ordinance did not solve the problem. Eller feels that the ordinance changes only corrected past mistakes by allowing residential in the Industrial zone. He also states that rezoning is still the appropriate action moving forward. He states that he is here because when Mr. Long threatened with a lawsuit against the city, it would also make Eller a party to that lawsuit. Councilor Snyder asks to make sure that the talk is limited to the property matters only and not the person themselves. Mr. Eller objects to that but will do what has been asked. Re-zoning applies to the whole block, and this is an 8-property block with 4 single family homes and the rest are designated as commercial according to the 2016 Land Use Plan. However, the zoning is Industrial for all of them. Eller states that the residents should be labelled an R-2 and the rest a B-1. He doesn't feel that Long's objection carries any water and has no idea what exactly Mr. Long's business does, especially after Mr. Long just recently bought a business license after many years of not having one. Eller doesn't believe that any economic harm will be done as Mr. Long claims, if this area is rezoned. The code allows a rezoning of this property, and they also meet all parking requirements. Industrial use seems to be towards the outskirts of the city, and this area is becoming more commercial instead. Eller doesn't believe that the code allows spot-zoning in this area, nor does case law give enough for just a spot zoning of this property. Eller has been unable to find why this area became Industrial. It was residential

from 1970 to 2017. Eller concludes with asking Council to please grant the request of rezoning to a B-1 with a Special Use Permit.

Allen Long comes forward to state his case. He went back to review the first P&Z meeting. He now realizes that he did come in pretty strong and normally doesn't have any intention of attacking the city. He says that assuming the zoning stays as it is, there will be no litigation whatsoever. Long says that land use maps and zoning maps are different. The wording in one has nothing to do with the wording in the other. A lot of your old industrial zones do have houses in the area, whether it be due to oversight or what have you. Long sees no reason to change from Industrial to Business. He feels pretty confident that the issue of non-conformity has been solved. He says that being consistent with your Zoning is very important in the banking world and dealing with the values of these areas. He feels that the I-Zone is the most valuable and says that anything that you can do in a Professional or Business zone, you can do in an Industrial except apartments. He agrees with a statement Councilor Burney made at a previous Planning & Zoning meeting. He thought they had already fixed this problem by making the nonconforming properties conforming. Long understands that Eller is requesting the council to overturn the P&Z Board's decision. Long agrees with the P&Z decision to deny Eller's request. Long points out the different types of businesses and residences in the area that would become nonconforming if Eller's application is approved. Long points out that you would be taking away something from someone else. Farmers Processing & Storage adamantly opposes the request to be re-zoned to a B-1.

Marlan Eller comes forward again in response to Mr. Long. He is saying that none of that matters. The city ordinance states that any use already in effect at the time of the ordinance adoption may continue as a nonconforming use. Even if changes occur thereafter, it may continue as a nonconforming use. Mr. Long stated that he has plans for his property but cannot say what those plans are. Long has given no reason why the block should stay zoned as Industrial. Five of the eight properties in that block are residential. Eller states that since Mr. Long now has a business license that whatever business he decides to do there will be conforming if any zoning changes are made according to the current code.

Mr. Long comes back with a definition of an Industrial zone in the city ordinance. It says that an Industrial district is established to protect existing industrial uses and to provide suitable land for and to encourage the development of future industrial uses. Long feels that everyone has bent over backwards to accommodate the nonconforming uses. He understands that these things slip through the crack over the years but feels a solution has already been reached to satisfy all parties.

Attorney Ron Daniels comes forward to speak on behalf of Marlan Eller and 5404 Main Street, LLC. Mr. Daniels points out that zoning is organic and this community will never stay the same over time. It is meant to change and adapt. The Development Authority normally decides where the Industrial Zones are and none of them are in the heart of the city where this property is located. There is a daycare in that area, a cement plant (which is expressly prohibited), and several residences in that area that are designated as Industrial. He states that the council needs to adapt to what they are already doing in the city.

Attorney Llop says that the ordinance passed in January approves those properties used as residential and allows them to remain in perpetuity going forward. Councilor Snyder says that was a great step in going forward to correcting the nonconforming statuses. Llop agrees with Eller that it was a citywide problem and says that it has now been remedied. Last year Mr. Eller submitted a zoning change request of an Industrial to a Professional. He later withdrew that request to apply for a change of I to a B-1 with a Special Use Permit. That application was deferred when the council decided to revise the ordinance concerning the Industrial zone. It was passed in January and then the application was then resurrected. A public hearing was held and the Planning & Zoning Board voted to deny the application stating that they felt they had worked on it for a long time and had remedied the situation. The appeal has now come to the council. The application is appropriate if you want to rezone the whole area. Llop states that if you rezone the whole area, then the Habitat homes will need to get a special use permit separately. You can reverse the P&Z decision, or you can affirm it with the noted additional reasons. Or you can spot zone it. Spot zoning is not necessarily illegal, but

it is not favored either. But it is permissible when the comprehensive plan supports it. Mr. Eller has noted 6 factors in his pre-trial brief that he submitted. Those being the existing use of the property, damage to other parties, and several others. Attorney Llop suggests spot zoning Mr. Eller's property to a B-1 and leaving the remaining property of that block as Industrial. The homes and other properties will be protected, such as Farmers Processing, a storage building is located on that block, as well as a gas storage facility. She doesn't feel that there would be harm to either property owner if the council voted to spot zone. It would be a focus of good faith in accordance with the comprehensive plan.

Councilor Snyder brings up the comprehensive plan and its designation. Attorney Llop states that the plan designates that area as commercial, whether it be business or industrial. She agrees with Mr. Daniels that the plan is a little outdated and is due for a revision. Snyder confirms that a warehouse, etc. is not allowed in a B-1 zone and that is the purpose of what Mr. Long says he wants to do with his property.

Councilor Snyder states that he has dwelled on this situation for quite a while. He believes that there is merit to Mr. Eller's claim to want to go forward and abide by what the ordinance provides. At the same time, he feels that Mr. Long has a valid claim to his properties as well with its current use. Snyder agrees with Llop's suggestion along with the supporting case law that would allow a spot zone in this situation.

**Councilor Snyder makes a recommendation to support Mr. Eller's claim for a B-1 property and leave the rest as an I zone. A clarification is made to recommend spot zoning the 5404 Main Street property as a B-1 with a special use designation. Attorney Llop states that she will put all of this in writing in order to make it official. Allen Long states that Farmers Processing supports the decision and has no objection. Snyder once again makes the motion, and Councilor Peacock has seconded the motion. Approval given by the three voting members involved.**

**NEW BUSINESS:**

**MONTHLY FIRE DEPT REPORT:**

Chief Maxwell came forth to deliver the fire report for the month of March 2025. There was a total of 157 calls for the month. Three non-working structure fires in the city and 1 in the county. No working structure fires in the city and 2 in the county. Twelve other fire-related calls, with 2 in the city and 10 in the county. There were 113 medical-related calls with 80 in the city and 33 in the county. There were 13 motor vehicle accidents with 8 in the city and 5 in the county. Twelve public service calls (alarms, smoke, trees) with 11 in the city and 1 in the county. They were cancelled in route to one call in the county. Overall, the calls were up a little bit this last month.

Dylan Connell with C-1 Construction donated some lumber to the department. They were able to utilize that to build some things to help with training. They have recently conducted some hose testing. The new apparatus was able to help with the training and testing without having to take a truck out of service. Chief Maxwell thanks Connell and his team for the donation.

An update on the new fire truck confirmed that the truck is now in Winder, Ga. Unfortunately, not much has been done since it arrived from Florida. He was told that the truck would have been ready by the end of last week. Hopefully it will be ready soon. Mostly what is left consists of building the shelving units and outfitting the truck.

**MONTHLY POLICE DEPT REPORT:**

Chief Cooper presented the monthly report for the police department. They used 952 gallons of fuel in the month of March 2025 to patrol 11,503 miles. They answered 757 calls, worked 25 traffic accidents, and made 268 arrests/citations. A total of \$39,692.14 was collected in cash bonds and fines. There were a total 27 days in jail.

**MONTHLY DEPARTMENT HEAD REPORTS:**

Jack White came forward to present his report on Permitting for the month of March 2025. There was one special event permit issued. Five building permits were issued for a total of \$6,802.98. There were 4 electrical inspections issued for a total of \$200 last month. Lastly, a zoning application was submitted in the amount of \$150. When asked about any ongoing projects, Jack responded that the Club project is winding down as far as the use of DOC inmates. Thursday will be their last day. The only thing left to get done is the painting of the gym floor. He is waiting on the estimates.

Manager Barron commends him for his work on collecting the delinquent business licenses. White says that he only has five left that are unpaid.

Rodney Harrell came forward for the treatment plant report. The amount of treated water that was released into Sugar Creek was 22,840,000 gallons. The lab provided service to 8 towns this month and charged \$6,094 for the testing. They spent 416 hours this past month with a breakdown as follows: cleaning clarifiers and filters 61, lab and sampling 118, lift station and well repair 42, lawn maintenance 25, plant maintenance 51, routine rounds 43, management duties 35, and plant operation 102.

He also gave an update about the wells. For the month of March, the wells pumped 32,411,000 gallons of water. That averaged out to be 1.046 million gallons per day. 734,000 gallons of water were used at the treatment plant. The Walmart well behind Harvey's has been repaired, tested, and officially up and running. It was only down for about 3 weeks.

Wynnon Pittman came forward to give the water distribution information for the month of March. The water department had 332 work orders last month. The breakdown was as follows: 84 water cut-ons, 78 water cut-offs, 18 water leak checks, 12 water leaks, 2 water main breaks, 80 locates, set 1 new meter, 1 valve installed, 2 valves inspected, 14 meters were input into GPS, 1 meter was pulled, maintenance was performed on 3 meters, 6 meters were repaired, 5 more valves were located, 6 meter inspections, 1 sewer line investigated, 17 sewer lines were cleaned out and it is grease every time, and they helped Brandon get 1 stormwater ditch cleaned out. He, Jack, and Matt are trying to get together to get a rewrite of the ordinance concerning grease traps. The traps are becoming a huge problem in the lines and will eventually cause an even bigger problem at the plant. 492 gallons of fuel were used last month.

When asked about the grease trap situation, Jack commented that they were all working with Jamie at the Health Department to make sure all the rules were followed. Once the ordinance is rewritten, they will start keeping a record of who is checked and how often they are pumped. Wynnon said that the bulk of the problem is focused on the downtown area where the restaurants are. Cleaning the pipes can be an all-day cleanup situation. The grease has congealed and is difficult to remove.

Brandon Brisco came forward to deliver the street department report. His department spent 9 hours on animal calls, 24 on curbs and gutters, 78 on ditches, 62 mowing grass, 19 on potholes, 3 on trash pick-up, 96 on limb truck pick-up, and 322 hours on various flower beds through town and in front of City Hall. Council Snyder commends him for doing such a phenomenal job. The total hours are down some from the month before because he did not have the help of the Bridges of Hope guys. He was also told today that the BOH program may get phased out. If so, he would be looking to get some part-time teenage help for the summer.

**BRITTANY HARRIS, ROAD CLOSURE:**

Brittany, part-owner of the Garage Bar & Grill, is requesting to close down Main Street in front of their establishment on Friday, April 18. They will be having their grand opening/ribbon cutting and they have some patrons that would like to bring their antique cars downtown for the event. The owners of the cars were concerned about the traffic coming by their cars. The original ask was for 11 AM and Chairman Snyder

responded with no due to causing hardship to the other businesses on the same road. The council was then asked about 5 – 8 PM. Manager Barron was concerned about having to use a lot of city resources after hours. Several ideas were discussed: parking on 3<sup>rd</sup> Avenue, shutting the Main Street section of where State Farm is located, or even just closing off a few parking spots directly in front of the Garage Bar & Grill and Eastman Insurance. Council and the City Manager agree to just cone the parking spots on 3<sup>rd</sup> Avenue and possibly some of Main Street on the Garage end but not close the road entirely. This is pending the approval of the business owners in the area.

**APPROVE BILLS:**

**On a motion from Councilor Williams and seconded by Councilor Burney, the bills for March 25 – April 14, 2025, were unanimously approved.**

**BACON AVENUE SPEED HUMP:**

A speed hump petition was submitted for the areas of Forest and Bacon Avenue and Harrison Street. An exact address was not designated but Jack is trying to reach out to the individual to find their preferred spot. The petition was a full page of signatures, all from that particular area. **Council approves the speed hump on a motion from Councilor Burney and seconded by Councilor Peacock.**

**CHAS MAR LIFT STATION:**

Rodney presented a quote from CC&A to install the pump that was ordered for the Chas Mar Lift Station. The original installer has not responded to him or Matt, nor made any effort to help get it installed. His quote was \$3500 to set up the electrical part if the city did most of the work. CC&A gave a quote in the amount of \$23,087.78. That total includes all electrical work, installation of the new lift station, reinstall the force main, and supply new stainless steel suction pipes. If the city decided not to go with the stainless pipes (which last much longer) and stay with the PVC pipes, the cost would be \$20,000. When the original bids were taken, POPCO gave a price of \$77,500 for installation. **The CC&A quote of \$23,087.78 was unanimously approved to be paid out of SPLOST on a motion from Councilor Peacock and seconded by Councilor Williams.**

**GEORGIA CITIES WEEK:**

Assistant Manager Winslette presented her plans for the city to celebrate Georgia Cities Week later this month. This is sponsored by GMA every year in April where you take the week to showcase your city, employees, projects, etc. This year's theme is Imagine the Possible. There are 2 things that are planned. First, on Tuesday, April 22, at 11:00 AM, there will be a short event at the Club to showcase all the work that has been done there on the buildings in order to move forward with the park. There will also be a check presentation from the T-Mobile Hometown Grant that the city has been awarded. This grant will go towards the next phase of building the park which will be the outside and the grounds. This will all be open to the public. Also, on Thursday, April 24, she is planning Coffee with Council at 9 AM. The location will be either the Club or the Fire Department. Hopefully, they will be able to showcase the new fire truck at both of these events also. Coffee with Council was Councilor Peacock's brainchild and he also requests having a suggestion box for those who don't want to verbalize their thoughts or suggestions. Dayna has also gotten the kids at school involved with the coloring page and has a sweet treat for them. Their artwork will be showcased in our lobby as well as on social media. The only thing to officially approve is the resolution designating April 21 – 26, 2025, as Georgia Cities Week and Eastman's willingness to participate. **The resolution was unanimously approved on a motion from Councilor Peacock and seconded by Councilor Williams.**

**MAGNOLIA DRIVE:**

Attorney Llop explains that Magnolia Drive is an unopened road off of Highway 341 behind some property formerly owned by Johnnie Faye Jessup. It also joins property owned by Edwin Lee Jessup. In 1998, a lawsuit was filed against the city. That lawsuit was settled by the city agreeing to Quit Claim the road back to Mr. Jessup. However, that deed was signed but never recorded. Attorney Marchant has provided the civil action papers from that lawsuit and the city clerk now has a copy to file in her office. April was able to find bits of the paperwork but the whole file was not available. It is necessary to sign another Quit Claim Deed and have it recorded this time. This is necessary to clear this up because there is a sale currently pending on this property. The QCD will enable this sale to proceed. Councilor Snyder asks Ms. Llop to make sure of whose responsibility it is to get it recorded properly this time. Llop says she will get a copy of the recorded deed and also make sure that the city clerk gets a copy as well. **All of the council is in agreement with the QCD and approves on a motion from Councilor Peacock and seconded by Councilor Williams.**

**FIRST READING OF THE ROW ORDINANCE:**

Attorney Llop presents the GMA Right of Way Ordinance which designates the City Clerk, Building Inspector, and Code Enforcer to be the ones handling these matters in addition to the City Manager. There is already a ROW code section in our ordinances. This would be incorporated into what we already have with the intention of encompassing broadband and all other newer technologies. This comes as a direct recommendation from GMA. **The first reading of this ROW Ordinance addition is approved on a motion from Councilor Peacock and seconded by Councilor Williams.**

**LAWNMOWER QUOTES:**

Brandon Brisco reads the quotes to purchase a new lawnmower. The lowest quote was \$8,799 from Eastman Equipment for a 61" cut and 27 hp engine. However, he recommends going with the 34 hp at \$9,099. Both mowers are Bad Boy Rebels from Eastman Equipment. The previous Bad Boys that the city has purchased have held up rather well for their extensive use. Brandon is only requesting one lawnmower at this time. He is hoping to get on the rotation of one every couple of years or so. Manager Barron is in agreement of the need for a replacement mower. Councilor Snyder verifies that he is requesting the tweels for the back of the mower for an additional \$1200. **The purchase of a Bad Boy Rebel 61" 34 hp with the tweels for a total amount of \$10,299 was unanimously approved on a motion from Councilor Peacock and seconded by Councilor Burney.**

**WORK SESSION:**

**On a motion from Councilor Williams and seconded by Councilor Burney, it was unanimously approved to schedule a work session for Wednesday, April 30, 2025, at 5:30 PM, to discuss any ongoing projects.**

**HOME OCCUPATION LICENSE:****REIGNING HEIR POMES BY SILVER ENTREKIN @ 810 5<sup>TH</sup> AVENUE; POMERANIAN BREED PRESERVATION & SHOW PROGRAM:**

Silver Entrekina came forward to explain her request for a home occupation license. She assures the council that she is not a commercial breeder. She focuses more on the genetics and health of Pomeranians. She has remained in good standing with AKC and has a previous winner that has sired many of the dogs that she is now showing. Her dogs are kept in strict areas within the house and are only allowed in specific areas outside with direct supervision. She keeps the boys and girls separate with 2 different rooms, 10 units, and 30 condos. They are scheduled exercise time inside and outside periodically throughout the day. She has talked to her neighbors about having the dogs and City Hall has yet to receive any complaints about them. Councilor Snyder asks for input from Inspector White and Mr. Brisco. Jack says that he has taken a video tour of her facilities, and everything appears to be clean, quiet and up to par. The city ordinances do state a 3-dog

minimum but since she is actually applying for a license to do her business, he feels it should be a council decision. Attorney Llop glances through the ordinance and finds the code stating a 3-dog minimum and not keeping a litter of puppies past 8 weeks. However, it does not specify a ruling for Ms. Entrekin's particular situation. Brandon has involved the state's office that regulates the dog rules and Ms. Entrekin has also talked with her. The state lady informed Brandon that as long as Ms. Entrekin continued to conduct her business as usual and doesn't plan on selling any of the dogs or making money off of them, she is not required to buy a state license. Councilor Burney asked exactly how many dogs are involved. Last week during a dog show in Perry, Ms. Entrekin had a pro-handler staying with her and they were showing dogs. She had as many as 28 dogs in her home last week for about three days. This week she only has 12 in her home. There is an exception to the ordinance if you are a licensed veterinarian, kennel, or groomer. Would her situation fall under the exceptions? Councilor Peacock clarifies that this request is basically a business license but for non-profit and he has no problem with it. Attorney Llop points out that the license does have to be renewed every year. If the city gets to a point, they are not comfortable issuing it, the license can be revoked. **Council agreed to grant the home occupation license to Reigning Heir Poms on a motion from Councilor Snyder and seconded by Councilor Peacock.**

**LATIA CARR DBA MOMTEACHCRAFT BY LATIA CARR @ 751 HAWKINSVILLE HWY; CRAFTS AND PERSONALIZED ITEMS:**

Councilor Williams decided to recuse herself from this vote due to personal connections with the applicant. Clerk Sheffield stated that the application did appear to be in order. April looked the business up on Facebook and it appears to be like many other online boutiques or businesses. Ms. Carr appears to be selling some personalized items, clothing, etc. She appears to want to be a legit business and is taking the proper steps to do so. Enforcer White saw no issue with the request. **MomTeachCraft was unanimously approved on a motion from Councilor Peacock and seconded by Councilor Burney.**

**BUILDING PERMIT:**

**III GUYS MANAGEMENT @ INDIAN DRIVE; NEW HOTEL:**

Inspector White states that III Guys Management has submitted a full package permit to his office in order to build a new hotel on Indian Drive in between Walmart and Tractor Supply. They are now prepared to move forward. Susan Coffee asks how big the hotel will be. Jack responded with a 76-room, 3-story hotel. All hotel rooms will be accessible from the inside only. **The building permit was unanimously approved on a motion from Councilor Peacock and seconded by Councilor Williams.**

**AUTOZONE @ 1050 INDIAN DRIVE; REMODEL:**

AutoZone has purchased the old Aaron's building and is looking to remodel and open a store there. The complete permit package has been submitted and everything is in compliance. **This remodel permit was unanimously approved on a motion from Councilor Peacock and seconded by Councilor Burney.**

**EXECUTIVE SESSION – PROPERTY MATTERS:**

**On a motion from Councilor Peacock and seconded by Councilor Burney, it was unanimously voted to enter into Executive Session for Property Matters.**

**On a motion Councilor Peacock and seconded by Councilor Burney, the Council unanimously voted to enter back into regular session. No further action was taken.**

**CITY MANAGER REPORT:**

The pre-construction meeting for the Bacon Heights CDBG took place last week with Hofstadter & Associates and the contractor, KDUG. As of 04/16/25, the notice to proceed is in place and they have 180 days to complete the project which puts the completion date around October 13, 2025. Mosquito spraying is

underway in the early morning hours. Business after hours will be tomorrow night at Great Oaks Bank. Frozen Bean has announced its move to Main Street.

**NO OTHER BUSINESS FROM COUNCIL:**

**ADJOURNMENT:**

On a motion from Councilor Peacock and a second from Councilor Burney, the meeting was adjourned.

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CHAIRMAN

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CITY CLERK