

# After Agenda

**Board of Commissioners of Spalding County  
Special Called Meeting  
Monday, May 15, 2017  
10:00 AM  
Meeting Room 108, Courthouse Annex  
119 E. Solomon Street**

**The Spalding County Board of Commissioners held a Special Called Meeting in Room 108 in the Courthouse Annex, Monday, May 15, 2017, beginning at 10:00 a.m. with Chairman Bart Miller presiding. Commissioners Rita Johnson, Raymond Ray, Gwen Flowers-Taylor and Donald Hawbaker were present. Also present were County Manager, William P. Wilson Jr., Assistant County Manager, Eric Mosley, County Zoning Attorney, Newton-Galloway, County Zoning Attorney, Steven Jones, Community Development Director, Chad Jacobs and Executive Secretary, Kathy Gibson to record the minutes.**

**I. Call To Order** by Chairman Bart Miller.

Invocation led by Commissioner Rita Johnson.

Pledge to Flag led by Commissioner Gwen Flowers-Taylor.

**II. Agenda Items:**

1. Discussion of consultants reports with regard to Full Blown Firearms compliance with Special Exception conditions and Home Occupation Regulations.

Newton Galloway, Zoning Attorney stated that the purpose of the meeting is to provide the Board with a report of the inspection that was conducted at Full Blown Firearms on North Rover Road. He then introduced Dick Peddicord of Dick Peddicord & Company Inc. and Jack Giordano of Kramer One, Inc. who were present via Skype.

The Board of Commissioners requested that the Community Development Department retain Mr. Peddicord and Mr. Giordano to assess whether the operation of Full Blown Firearms is in compliance with the conditions the Board imposed on its operation back in 2015. That inspection was conducted on March 31, 2017.

Mr. Galloway then turned the meeting over to Steven Jones who gave the background on how the consultants were chosen and retained for this inspection and the work that was performed. Mr. Galloway added that

following Mr. Jones, Chad Jacobs, Spalding County Community Development Directory would review a staff report that has been prepared based upon the export reports received from the consultants. Mr. Galloway stated that as Mr. Jacobs reviews staffs' report, Mr. Peddicord and Mr. Giordano will be available to answer any questions the Board may have regarding their reports.

Steven Jones stated that Mr. Peddicort and Mr. Giordano were retained by Spalding County to conduct this investigation. One of the conditions imposed at the time the Special Exception was approved was that the business would have to comply with EPA Best Management Practices for lead and outdoor shooting ranges. The EPA developed those BMPs after a paper that was authored by Mr. Peddicort and published by the National Shooting Sports Foundation's on their website. Mr. Jones then turned the podium over to Mr. Peddicord via Skype to discuss how the BMPs were developed and to present an overview of his experience in assessing compliance with those BMPs. He added that he would then introduce Mr. Giordano who will also give an overview of his experience and qualifications in performing the type of analysis that he performed for the County.

Mr. Peddicord then reviewed for the Board his 43 years of experience and his background with the EPA, development of the BMPs and his experience in assessment and management of environmental risks. He stated that for the last 30 years he has been directly involved with helping shooting ranges operate in an environmentally sound and sustainable way. For the past 15 years shooting ranges have been his exclusive business.

Mr. Peddicord worked with the National Shooting Sports Foundation and assisted in the development and publication of "The Environmental Aspects of Construction and Management of Outdoor Shooting Ranges." This publication deals with rifle, pistol and shotgun ranges and the environmental responsibilities involved in managing these facilities. The EPA used this publication as a basis for their document entitled "Best Management Practices for Lead in Outdoor Shooting Ranges." These two documents form the industry standards for environmental management of outdoor shooting ranges.

Mr. Jones then advised that prior to contacting Mr. Peddicord, they had determined there were very few firms in the continental United States that do the type of work that Kramer One does which is the analysis of shooting ranges to determine their compliance with the NRA Source Book. Based on Mr. Peddicord's recommendation, we contacted and contracted with Kramer One which is an architectural planning firm where Mr. Giordano works.

Mr. Giordano stated that he is the primary safety and health specialist for

Kramer One and the travels over the entire country. Mr. Giordano stated that he is a retired law enforcement officer. He stated that he spent 14 years in the fire arms training academy for the Port Authority in New York and during that time the National Rifle Association contacted him and asked him to join their Range Technical Team which was developed in 1991. The Range Technical Team consisted of a group of individuals who resided throughout the Country who had experience in firearms safety and shooting ranges who would be able to assist ranges in their development to make sure they are operating in a safe manner.

Mr. Giordano stated that he worked as a Range Technical Team advisor from 1991 until 2012 when he retired. At one time he was the Range Technical Team Supervisor and was responsible for Technical Teams in 20 states. Mr. Giordano stated that Kramer One is an Architectural Design firm that designs shooting ranges and has designed shooting ranges in 28 states and the primary work the he does is health and safety related.

Chad Jacobs, Community Development Director, then began his review of staff findings and recommendations with regard to the home occupation conditions imposed at the time of the Special Exception Application and the Home Occupations Requirements as set forth in the Unified Development Ordinance of Spalding County.

Mr. Jacobs then reviewed the staff report:

The following Staff Report constitutes Staff's findings of fact in reference to complaints received by the County regarding the operation of Full Blown Firearms ("FBF") and the approved Special Exception for a Home Occupation, General for the operation of a shooting range and training facility at 475 North Rover Road, Williamson, Spalding County, Georgia. The Special Exception was approved by the Board of Commissioners ("BOC") on February 26, 2015 with conditions. (Special Exception Application 14-07S/Bradley D. Ward and Lisa A. Ward). Staff has reviewed each condition imposed on the development and operation of FBF as well as compliance of FBF with the home occupation requirements set forth in the Unified Development Ordinance ("UDO"). Staff's findings regarding FBF's compliance with each are set out below.

Staff's findings are based on the following:

- a. A Request for Information sent to FBF via email on March 24, 2017, with response received on April 10, 2017;
- b. A Request for Information sent to a representative of the neighborhood via email on March 24, 2017, with response received on April 10, 2017;
- c. An inspection report prepared by Kramer One, based on a site inspection conducted on March 31, 2017;

- d. An inspection report prepared by Dick Peddicord & Company (“Peddicord”), based on a site inspection conducted on March 31, 2017;
- e. Staff’s information and investigation resulting from its knowledge and information regarding the Special Exception developed since the date of filing of the initial Special Exception application, as well as its review of home occupation criteria (including signage) pursuant to Section 202(LL’) and other applicable provisions of the of the UDO.

**I. Conditions of Approval of Special Exception Application 14-07S**

Though “[t]he NRA Range Source Book is NOT a code book or certification standard, but rather a publication listing general suggestions,” its provisions govern the operation of FBF (where applicable) because BOC’s approval of the Special Exception was expressly conditioned on the NRA guidelines.

**(1) Proof of either:**

- a. Completion of the NRA “Range Development and Operations Course;” or**
- b. Ownership of the NRA “Sourcebook;” and**
- c. Knowledge of NRA “Sourcebook” contents and guidelines;**

FBF possesses a copy of the NRA “Sourcebook” per Exhibit B of their response to Staff’s Request for Information. FBF is therefore compliant with this condition.

**(2) Compliance with industry, NSSF or NRA, design standards for outdoor shooting ranges, including but not limited to the following:**

- a. A ballistic background that extends for a sufficient distance past the end of the range to ensure that rounds that miss the backstop do not pose a danger to any other person or property;**

FBF does not have a ballistic background that extends for a sufficient distance past the end of the range to ensure that rounds which miss the backstop do not pose a danger to any other persons or property. FBF does not own or control sufficient property to provide a ballistic background extending a sufficient distance passed the end of the range to ensure that rounds that miss the backstop do not pose a danger to any other person or property. There is evidence of uncontrolled shooting on the west property boundary. The bullet impacts are 10-15 feet above ground level. This also raises the question of trespass by the missed rounds. Many ranges do not have sufficient property to provide a ballistic background, and a back stop of sufficient height can suffice. To this condition, Staff finds that FBF is non-compliant. Staff’s finding is based on the Kramer One

report, pp. 6-10.

Mr. Giordano stated that the only comment he would like to add is the ballistic background is usually referenced as the surface danger zone. Full Blown Firearms does not have the surface danger zone; however, he must add in fairness to the range, that most ranges in this country do not have surface danger zones. They depend on the back stops to stop the bullets. They have to depend on engineering controls and administrative controls to stop the bullets from leaving the property.

Mr. Giordano stated that the NRA recommendation for a backstop is <20'. He further stated that Full Blown Firearms has intermediate impact areas or intermediate backstops; one at 25 yards, one at 50 yards and one at 100 yards. The primary backstop being utilized is a natural area of terrain that is beyond the 100 yard backstop and the property does not belong to the owner of Full Blown Firearms. Mr. Giordano stated that he was not aware if Full Blown Firearms has permission from the owner of the property to use that property as a back stop; however, if he does have permission of the owner to utilize that property as a backstop that would be within the guidelines of the Source Book.

**b. A backstop or berm constructed to industry standards;**

Backstops being utilized are not consistent with NRA suggested guidelines and practices. Staff's finding is based on the Kramer One report, pp. 6-10.

Mr. Giordano stated that the backstops that are on the rifle range would be considered intermediate backstops and as intermediate backstops they would fit the general guidance of the National Rifle Association's Source Book; however, when you have intermediate backstops you need a primary back stop which would also have to meet the standard or the suggestion of 20' high.

Mr. Giordano stated that as he mentioned before, the owner is depending on the natural terrain that is beyond his property line for a primary backstop. He reiterated that unless he has permission from the owners of the two pieces of property serving as the backstop and he had the ability to limit the access to that property during the hours of operation it would not fall within the guidelines of the National Rifle Association.

Mr. Giordano added that on the pistol range there is a backstop that ranges in height from 10' high to approximately 20' high and in order for that backstop to fall within the guidelines of the National

Rifle Association Range Source Book the entire backstop would have to be 20' high.

Mr. Jacobs stated that Mr. Ward through his attorney had expressed concerns that they have with respect to the findings and the interpretations and these documents have been forwarded to the Board.

**c. Side berms constructed to industry standards;**

There is no side berm on the right side (north side) of the rifle range, which in Kramer One's opinion is not consistent with NRA suggested guidelines and practices. Staff's finding is based on the Kramer One report, pp. 10-12.

Mr. Giordano stated that he is basing his opinion on a statement contained in the National Rifle Association Range Source Book that says: "with regard to side berms, the NRA Range Source Book states 'side berms are necessary near residential areas or in areas not large enough except hilly or mountainous areas'". This points out that in residential areas side berms are necessary. The location of Full Blown Firearms is in a residential area.

**d. Sufficient fencing to prevent indiscriminate access:**

- i. From the ready line to the firing line;**
- ii. From the area between the firing line and the backstop; and**
- iii. To the firing range.**

FBF is compliant with this condition. Staff's finding is based on the Kramer One report, pp. 16 – 18.

**e. Adequate sound abatement, either natural vegetation or artificial structures, to ensure the surrounding properties and residence are not unreasonably hindered from enjoying the use of those properties;**

FBF appears to be compliant with this condition. The berm as a sound abatement device is consistent with suggested guidelines. The baffle is also consistent with sound abatement guidelines. Detailed information is found in the Kramer One report, pp. 13 and 14.

Mr. Giordano stated that there is never any guarantee that the neighbors are not going to be disturbed by the sound of gunfire no matter what type of sound abatement devices a range operator may have in place. The National Rifle Association, based on studies that

were done by the EPA states in their Source Book that if you have residences located in a ½ mile radius of the range, you are more likely to have complaints regarding sound.

**f. A safety area where customers can handle their unloaded firearms unsupervised;**

FBF is compliant with this condition. Staff's finding is based on the Kramer One report, p. 15.

Mr. Giordano stated that it is not really a good idea and it typically is not allowed where people will be permitted to handle a loaded firearm on a shooting range other than on the firing line. He advised that both stations appear to be more of a reload and unloading station where if people carry their firearm loaded to the range, and a lot of people do that for personal defense, they will unload their firearm at the unloading station, re-holster their firearm and take it to the firing line and utilize the range in that manner. Typically shooting range operations do not allow people who are using the range to handle firearms any place except on the firing line.

**i. The range must inform customers that no live ammunition is allowed in this area;**

FBF is compliant with this condition. Staff's finding is based on the Kramer One report, p. 15.

**g. Consultation with or review of the range by a professional shooting range designer or equivalent professional; and**

In FBF's response to question 1 of the Request for Information, the designers of the facility were/are Brad Ward, John Joines - NRA Range Development, Cameron Kerr – Southeastern Resource Management, Rich Nable – Atlanta PD Range Director and Randy Pifer – NRA Range Technical Advisor. Staff has not corroborated the involvement of all those mentioned.

**h. Shooting Range/Gun Safety Rules of the NRA shall be posted on the site;**

FBF is compliant with this condition. Staff's finding is based on the Kramer One report, p. 16.

Additional general compliance concerns were referenced in the Kramer One report, but not specifically conditioned above are, as follows:

- Shooters are positioned closer than 10 yards to steel targets, which is not consistent with NRA suggested guidelines and practices. (Kramer One report, p. 21).
- Shooters are positioned closer than 10 yards to an earth backstop, which is not consistent with NRA suggested guidelines and practices. (Kramer One report, p. 21).

Mr. Giordano added that for a shooting range to generally in compliance with following the guidelines and practices within the Source Book guidelines and practices to the degree that Full Blown Firearms has done is pretty commendable. Although they do have some issues with backstop height and side berm standards, they are actually doing pretty well.

- The structure being utilized as a safety baffle on the rifle range is not consistent with NRA suggested guidelines and practices. (Kramer One report, p. 23)

Mr. Giordano stated there are two types of baffle, one is the sound baffle and the other is a safety baffle. A safety baffle is used to contain bullets on a range to a specific area. The baffle that is in place looked relatively new and there were no holes in it; however, it did appear as though the intent may be to utilize it as a safety baffle and the structure does not meet the suggested guidelines as it would not be impenetrable to the types of ammunition being utilized on that range, in fact, any of the firearms being utilized on that range would be capable of firing through that roof structure. Therefore, if it is being utilized as a safety baffle it would not meet the guidelines of the National Rifle Association. If it is being used as a sound containing device then it would meet the guidelines.

- The Range operator may not be consistently following the Standard Operating Procedures requiring Range Safety Officer supervision of all shooting activity, which is not consistent with NRA suggested guidelines and practices. (Kramer One report, p.22)

Mr. Giordano stated that when he had asked Mr. Ward if the shooting range activity was 100% supervised, his answer was that it is supposed to be. He added that it was only him and his wife, but it is supposed to be. He then stated that if the Standard Operating Procedure is that the range will be 100% supervised as the Shooting Range Operator it is your responsibility make sure that this is done.

Mr. Giordano then stated that it was noted that on trees forward

of the firing line on the rifle range trees had been shot at approximately 15' or more above the ground surface which appears that someone would have to elevate the muzzle of the firearm relatively high to shoot those trees from the firing line. Any range officer on duty would notice that right away, especially if there is only two or three firing positions on that range. It leads him to believe that there may be situations where the shooting is not being supervised.

Commissioner Ray asked Mr. Giordano if two people would be sufficient to supervise the different locations on the shooting range.

Mr. Jacobs added that the Home Occupation allows for two full time employees who are not residents of the home, so there would be those two employees plus the owners. Mr. Jacobs then restated Commissioner Ray's question as "would 2 to 4 people be a sufficient number to supervise the range as RSOs?"

Mr. Giordano stated that the general answer is "yes" again a lot of range safety issues depend on how the range is operated, one Range Safety Officer could supervise a three position rifle range adequately. When it comes to the pistol range many more people can utilize that range simultaneously and he doesn't know if that occurs, so it would be a matter of operational practice or administrative practice and control to insure that the supervision and the shooters match.

**(3) Compliance with the EPA's "Best Management Practices for Lead at Outdoor Shooting Ranges;"**

Pursuant to FBF's response to question 18 of the Request for Information, FBF has a protocol in place regarding Lead Abatement per their Standard Operating Procedures. Therein, those procedures include a section for Control and Containment which lists the following:

1. Bullet containment via earthen berms
2. Prevent migration
  - a. Mulch/compost/organic material. Change/ add as needed. Minimum of once every 12 months.
  - b. Lime
    - Addition every 6 months
    - Rate of 100 lbs. per 1,000 sq. ft.
  - c. Phosphate addition
    - 80 lbs. per 1,000 sq. ft.
    - Normal agricultural fertilizer

- Twice yearly as filtration plots are planted spring and fall
3. Professional lead reclamation with preferred vendor when financially feasible.
  4. Document
    - a. Date of soil testing – test every 24 months
    - b. Date of lime and phosphate addition to soil
    - c. Record of # of shooters per day/month on range

Pursuant to the Peddicord report, soil testing completed on March 31, 2017 indicated the application of lime at the rifle range backstops and in the pistol range backstop based on the pH measurements which are consistent with EPA's Best Management Practices for Lead at Outdoor Shooting Ranges. (Peddicord Report, p. 4, 8-12) It was also noted that efforts to minimize the effects of erosion were also present. (Peddicord Report, p. 4)

The Peddicord report also found some issues of noncompliance with the Best Management Practices for Lead at Outdoor Shooting Ranges. The primary issue is the need for management of lead shot resulting from shotgun activity on both the rifle range and the portion of the property utilized for clay target shooting. (Peddicord report, p. 6) The Peddicord report also references failure to manage lead flakes created by bullet impact from the pistol range which affects the south side of the property near the pistol range. (Peddicord report, p. 8-9) From the shotgun area, the Peddicord report finds FBF's possible inability to fully manage clay fragments along with lead shot pellets from being deposited on a neighboring property to the north. (Peddicord report, p. 10-12) More detailed information can be found in the Peddicord report. Staff finds that FBF is not compliant with this condition to the extent set forth in the Peddicord report.

Mr. Peddicord stated that the protocols set forth by Full Blown Firearms are concentrated on the pistol and rifle range with no consideration of the shotgun area. Those protocols should apply to any shooting that takes place on the property.

Mr. Peddicord stated that the concern regarding the shotgun area is that clay target fragments and shot may be deposited off of the Full Blown Firearms property and onto the adjacent property to the north. We do have coordinates as to where target fragments and shot were absorbed, but we would need a surveyor to determine the property line as the property line is not clearly marked for the entire property. It is also a consideration that shot will travel generally 700 feet. The spread of the shot charge as it travels down range must be

considered in determining whether it is likely the shot will go off of the property.

Shot and target fragments that are off the property raise access issues for managing that shot consistent with environmental protocol. So you have the question of shot and target fragments leaving the property and the associated issue is the environmental protocols, at this point, are not applied to the shotgun area. This can simply be corrected by one sentence in the protocols that states “we now apply these to the shotgun area.” They can be applied, but at present are not.

The other issue is that outside of the pistol range, to the south of the pistol range there are a number of flakes of lead which is the kind of thing that happens when a bullet hits the hard targets that are used on the pistol range. How these flakes got outside of the range to the south, he does not know, but they are there in sufficient quantities and they should be managed the same as though they were on the range. The solution would be to find out how those flakes are getting outside of the range and to stop that so that they are contained within the range. Another approach would be to simply apply the environmental protocols to the areas south of the range where the flakes are found.

Mr. Peddicord stated that the items mentioned were the primary items of concern that he observed.

- (4) The above listed conditions and approval of same shall be tied to the current applicant and not transferrable to any future property owners;**

This condition is not applicable at this time.

- (5) If there will be shooting after 9:00 p.m. (and to accommodate law enforcement), notification must be given to Community Development and, if such amplification is addressed in the noise ordinance, then an Amplification Permit will be applied, investigated, voted on and issued prior to the evening shooting;**

In response to question 10 of the Request for Information, three neighbors stated that shooting takes place after 9:00 p.m. (Neighbor statements are in the electronic data provided by the neighbors.) FBF responded to the same question that no shooting has taken place after 9:00 p.m. (FBF, Response to Question 17). Staff makes no finding due to disputed factual evidence.

- (6) **The business is to maintain at least a \$2,000,000 liability policy; and**

FBF is compliant with this condition. Staff has some concern that the owner of FBF is Aqua Camp Diving Academy, LLC. ("ACDA") The County has requested verification that one or both of owners of 475 N. Rover Road are members of ACDA. In response to question 29 of the Request for Information, FBF identified Mr. Ward as the CEO and the registered agent of ACDA, but not as a member of the LLC.

Commissioner Ray then asked the question if we have evidence that this business has \$2,000,000 in liability insurance.

Mr. Galloway stated that if Brad Ward or Lisa Ward are listed as members of the ACDA then there is not a question. They have consistently reported there is a policy, the problem is in confirming that the people who are insured are members.

- (7) **No expansion will be allowed to the current range without prior approval of the BOC.**

Staff reviewed the information provided with the Special Exception application and a site visit conducted at the time the application was under review. Staff also attended the site visit conducted on March 31, 2017. Staff has determined that the range has been expanded without approval of BOC. The expansion primarily consists of the pistol range area which did not exist at the time the Special Exception was approved. This is confirmed by photographic evidence, comparing photos of the pistol area attached to Application 14-07S to photos of an enlarged pistol area that currently exists. The degree of the expansion could also be in violation Erosion and Sedimentation Control permitting as any land disturbance of one acre or more is subject to first submitting an erosion and sedimentation control plan for approval by the local issuing authority. Once approved, a land disturbance permit would be required. Community Development received no plan for review and did not issue a land disturbance permit for the pistol range expansion.

Mr. Jacobs advised that this concludes the provisions that were issued as conditions for the Special Exception approval for this property.

## **II. Home Occupation, General – Ordinance Criteria – § 202(LL')**

- (1) **No home occupation shall employ more than two (2) persons who work on the premises but who do not reside in the dwelling located on the premises;**

FBF's response to questions 9 and 10 of the Request for Information

indicated that it has only one full time employee who does not reside in the dwelling and no part time employees. Based on its response, FBF is compliant with this requirement.

**(2) The home occupation must be incidental and subordinate to the residential use of the dwelling and must not change the residential character of the property;**

FBF admits that it conducts retail sales on site. (Response to questions 12-13). On site retail sales are generally inconsistent with a Home Occupation, General. (UDO, Section 202(LL')) The retail sales business component of FBF changes the residential character of the property. Additionally, the expansion of the range to provide more shooting areas which have not been approved by the BOC pursuant to condition 7 brings this issue further into question. This evidence suggests that FBF's operation is no longer incidental or subordinate to the residential character of the property.

The Special Exception approval allowed gunsmithing which is also understood to include the occasional sale of a firearm for services in lieu of payment. But, Special Exception approval never included or even considered as part of the discussion, the retail sales currently taking place at the property which includes new firearms, ammunition and other miscellaneous items for sale. FBF states that 25% of their revenue comes from retail sales. (Response to question 13 of the Request for Information).

**(3) No display of products shall be visible from the street;**

FBF is compliant with this requirement.

**(4) Use of the principal and/or accessory building(s) for the home occupation shall not exceed twenty-five (25) percent of the combined gross floor area of the principal and accessory buildings;**

Historically, Home Occupation, General analysis has focused entirely on the size of the residence and accessory dwellings. FBF's range is primarily outside the residence and does not relate to the size of the residence or accessory structures.

**(5) No internal or external alterations shall be permitted which would change the fire rating for the structure;**

The use of the accessory building as a retail store is possibly in violation of both building codes and life safety codes. The conversion of an accessory building to be accessible by the general public in a retail

environment changes its classification under these codes. For example, a public handicap accessible restroom would be required. The Fire Marshal would also have to establish a maximum occupancy of the building. The building would have to be built to commercial standards. None of this has been reviewed or approved.

- (6) No continuous unenclosed outside storage of materials or supplies used in connection with the home occupation shall be permitted, provided that this restriction shall not preclude the conduct of minor outside home gardening activities in conjunction with a home occupation;**

FBF's firing range and the equipment, such as targets for its operation, are usually stored outside. Application of this requirement is unclear and may be unique to this use.

- (7) All parking for the home occupation shall be located on the property and only in the side or rear yards;**

FBF's response to question 26 of the Request for Information regarding cars present on the property is that 3 to 5 are present on an average day and 12 to 15 on a busy day. Compliance with this requirement could be difficult based on the busy day information provided given the layout of the property.

- (8) Only vehicles designed and used primarily as passenger vehicles (including pickup trucks) shall be used in connection with home occupations in R-1, R-2, R-4 and R-5 zoning districts.**

A semi-truck was seen at FBF on December 27, 2016. (Photo provided by neighbors) No other information is known.

Mr. Jacobs asked if there were any questions with respect to the Home Occupation General Criteria.

Commissioner Flowers-Taylor asked if the parking in the side or rear yards are we saying these yards all the way up to the road or on the side and rear yards for the dwelling.

Mr. Jacobs stated that it would be the side yard as defined in the UDO which is defined as the area to the side of the house. This is to prevent a parking lot that moves out towards the road.

### **III. Sign Ordinance – Z/O App. E, Article 7 Prohibited Signs**

**All signs not expressly authorized by this section are prohibited. Such**

**signs include but are not limited to:**

**(L) Home occupation signs**

The property currently displays a flag along with a mail box covering which clearly advertises FBF by business name and a logo. The flag along with the mail box cover are noncompliant with the ordinance.

Mr. Jacobs advised that this concludes the staff report. He stated that Mr. Ward through his attorney's office did provide a statement to the Board that referenced concerns that they have with the consultants' reports. There are also emails that were provided by some of the neighborhood residents that expressed some concerns and they have been forwarded to the Board as well.

Mr. Galloway then advised that the next part is to discuss what happens from here. He thanked Mr. Peddicord and Mr. Giordano for their work on this, for coming down here to do the inspections that we requested and for their thorough and comprehensive reports on the conditions they found. Mr. Galloway reiterated that the instructions that were given to the consultants were to simply assess the conditions and determine whether or not the conditions found are compliant with the conditions that are imposed for the Special Exception and the ordinance. He then stated that he realized that the people on both sides of this problem disagree with their reports. The purpose of this meeting was to have their reports discussed, their findings assessed and to have those findings put into a staff analysis as to whether the conditions were satisfied.

Mr. Galloway stated that from here we will allow everyone in the room to assess and determine whether they agree or disagree with the reports and the findings of the staff, they will be given a period of time in which to formulate their comments, objections or possibly agreements with the finds and the staff report. Those comments will be heard at the Zoning Hearing on May 25<sup>th</sup>. In the interim we anticipate doing a memorandum on options available for dealing with this and those options will be provided to the Board under Attorney/Client privileged documents.

2. Zoning Attorney requests an Executive Session to discuss pending or threatened litigation.

Mr. Wilson advised that we had tentatively scheduled an Executive Session; however, it is not necessary at this time as Public Comment will be taken on May 25<sup>th</sup> at the Zoning Public Hearing.

**III. ADJOURNMENT**

***Motion/Second by Ray/Hawbaker to adjourn the meeting at 11:10 a.m.  
Motion carried unanimously by all.***