

Town of Tyrone
Council Meeting Minutes
May 3, 2012

Present:

Mayor Eric Dial
Mayor Pro Tem Gloria Furr
Council Member Ken Matthews
Council Member Linda Howard
Council Member Ryan Housley
Police Chief and Interim Town Manager Brandon Perkins
Town Attorney Dennis Davenport
Finance/HR Manager Penny Hunter
Town Clerk Dee Baker
Zoning/Planning Coordinator Dina Rimi

Call to Order, Invocation and Pledge of Allegiance

Mayor Dial called the meeting to order at 7:00 p.m. The invocation was given by Pastor Scott Smith, Living Proof Southern Baptist Church. The invocation was followed by the Pledge of Allegiance.

Public Comments

None.

Approval of Agenda

Council Member Housley made a motion to approve the agenda.
Council Member Howard seconded the motion. Motion was approved 4-0.

Approval of Consent Agenda

Approval of Minutes, April 19, 2012

Council Member Howard made a motion to approve the consent agenda.
Council Member Matthews seconded the motion. Motion was approved 4-0.

Mayor Dial stated that both Public Hearings on tonight's agenda were originally heard by the public on February 23, 2012 at the Planning Commission's meeting and on March 3, 2012 at the Town Council meeting. The rezoning and the text amendment were approved, a lawsuit was then filed. Among the allegations made were deficiencies regarding the advertisement and the signage

for the Public Hearings. We are here tonight after the re-advertisement and the reposting of the signs to hear these items a second time to address the alleged deficiencies.

Mayor Dial stated that additionally, Planning Commission Member Chris Wigginton, through his company Arco Engineering, Inc. has a relationship with the Architect on the gun shop property. Arco Engineering has produced drawings for the Architect. Mr. Wigginton was absent for the last Planning Commission meeting.

PROCLAMATION/RECOGNITION:

PUBLIC HEARING:

1. Rezoning R-2012-2 – Planned Unit Development (PUD) to Highway Commercial (C-2) with a Planned Commercial Development (PCD) Overlay

The following properties comprising approximately 43.87 acres:

A. All those properties located west of Highway 74 in the vicinity of, and including, the Publix Shopping Center that are assigned the following tax parcel identification numbers: 0726024; 0726026; 0726025; 0726050; 0726023; 0726051; 0726029; 0726037; 0726063; 0726038; and 0726020, with said properties comprising approximately 28.41 acres.

B. All those properties east of Highway 74 and west of Senoia Road that are assigned the following tax parcel identification numbers: 0726002; 0726035; 0726000; 0726036; 0726043; 0726042; 0726041; 0726031; 0726039; 0726030; and 0726040, with said properties comprising approximately 15.46 acres.

Mr. Perkins presented Council with an overview of the rezoning. He stated that the properties have the proposed zoning districts of Highway Commercial (C-2) with a Planning Commercial Development (PCD) overlay, subject to any development guidelines arising out of any past litigation concerning the subject properties. He stated that in preparation of tonight's meeting an analysis was compiled. Certain questions were required to be answered.

1. Will the zoning proposal permit a use that is suitable in view of the use and development of adjacent and nearby properties? He stated that the proposed rezoning will not make any changes to the number or types of uses permitted on the subject properties.

2. Will the zoning proposal adversely affect the existing use or usability of adjacent property? He stated that it is not expected that the proposed rezoning will adversely affect the existing use or usability of adjacent property, as there will be no change in the number of types of uses permitted on the subject properties.

3. Does the property that will be affected by the zoning proposal have a reasonable economic use as currently zoned? The current zoning district for the property no longer exists as an official

Town zoning district; therefore it is necessary to rezone the property so as to provide consistency with the Town's current Zoning Ordinance, which was passed in October 2011. It is not expected that the proposed rezoning will have any effect on the reasonable economic use of the subject properties.

4. Will the zoning proposal result in a use which will or could cause excessive or burdensome use of existing streets, transportation facilities, utilities or schools? He stated that because the proposed rezoning will not make any changes to the number or types of uses permitted on the subject properties, it is not expected that there will be excessive or burdensome use of existing streets, transportation facilities, utilities or schools.

5. Is the zoning in conformity with the policy and intent of the Comprehensive Land Use Plan? Mr. Perkins stated that the proposed rezoning is in conformity with the policy and intent of the Comprehensive Land Use Plan.

6. Are there other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal? He affirmed that the Town of Tyrone recently concluded a comprehensive update to its Zoning Ordinance, part of which involved a decrease in the number of zoning classifications that exist in the Town. He added that the proposed rezoning is intended to serve as a next step in this process by transitioning all properties zoned as Planned Unit Development (PUD) to the Highway Commercial (C-2) district with a Planned Commercial Development overlay. No changes are being made to the number or types of uses permitted in the subject properties. Instead, the Town is seeking only to make the area consistent with the Town's current zoning classifications.

He then stated that the PUD district has not existed as an official zoning district of the Town of Tyrone since 1995. However, the subject properties were largely developed under said district and are also governed by development guidelines arising out of litigation in the late 1990's. The proposed rezoning is intended to incorporate said guidelines in the form of a Planned Commercial Development overlay. He stated that those guidelines are in Council's packets as Exhibit "D".

Mayor Dial opened the Public Hearing for those who wish to speak in favor of this item.

Hearing none, he then asked if anyone wished to speak in opposition.

Mary Conyers who lives on Maycroft Court then spoke. Ms. Conyers stated that she is in opposition of changing the zoning from PUD to C-2. She stated that Chief Perkins reported that the 3 schools in the rezoning area would not be affected and asked if he consulted the Fayette County Board of Education regarding this matter. Did the County believe that the rezoning would negatively impact the schools? If more commercial is brought into that area would this negatively impact these schools?

Attorney Davenport addressed Ms. Conyers and stated that the Fayette County Board of Education was not consulted because this is not a rezoning from one zoning classification to

another it is simply the renaming of the zoning district. All the uses are similar. It is renaming the zoning from PUD to C-2 because it better represents what is currently at the Publix Shopping area and that commercial district.

Council Member Housley made a motion to rezone all properties located west of Highway 74 in the vicinity of, and including, the Publix Shopping Center from Planned Unit Development (PUD) to Highway Commercial (C-2) with a Planned Commercial Development (PCD) Overlay that are assigned the following tax parcel identification numbers: 0726024; 0726026; 0726025; 0726050; 0726023; 0726051; 0726029; 0726037; 0726063; 0726038; and 0726020, with said properties comprising approximately 28.41 acres.

Council Member Matthews seconded the motion. Motion was approved 4-0.

Council Member Housley made a motion to rezone all properties east of Highway 74 and west of Senoia Road that are assigned the following identification numbers: 0726002; 0726035; 0726000; 0726036; 0726043; 0726042; 0726041; 0726031; 0726039; 0726030; and 0726040, from Planned Unit Development (PUD) to Highway Commercial (C-2) with a Planned Commercial Development (PCD) Overlay, with said properties comprising approximately 15.46 acres.

Council Member Furr seconded the motion. Motion was approved 4-0.

2. Text Amendment T-2012-2

A. The first part of the proposed text amendment would insert “Gun shops” into Subsection B of Section 5-15 as a conditional use in the Highway Commercial (C-2) zoning district.

B. The second part of the proposed text amendment would amend Subsection B of Section 7-1 to provide conditions for gun shops and to provide for firing ranges as an accessory use to gun shops. The conditions would read as follows:

1. Must have 12 inch bollards 42 inches high 4 feet apart which are designed to prevent vehicles from entering the front doors and which meet ADA standards;
2. Must have a steel roll down gate in front of the entrance to prevent unauthorized entry;
3. Operating hours must be limited to the time period between 10:00 a.m. and 8:00 p.m.;
4. Must have an alarm system on the building to notify of unauthorized entry;
5. Must have a camera security system to monitor building at all times for unauthorized activity;
6. Must have concrete poured walls in any area involving discharge of fire arms.

Mr. Perkins briefed Council regarding this item. He stated that this is a 2 part amendment. He stated that the first part of the proposed text amendment would inset “Gun shops” into Subsection B of Section 5-15 as a conditional use in the Highway Commercial (C-2) zoning district.

The second part of the proposed text amendment would amend Subsection B of Section 7-1 to provide conditions for gun shops and to provide for firing ranges as an accessory use to gun shops. The conditions would read as stated above. He then stated that the Town has been

approached by an individual seeking to build a gun shop with a firing range as an accessory use within the limits of the Town. Currently, gun shops and/or firing ranges are not uses contemplated by the Town's Zoning Ordinances. Therefore it has become necessary to amend the Zoning Ordinance so as to place gun shops/firing ranges as a use in the zoning district that is most appropriate at this time.

He added that because a gun shop is primarily commercial in nature, the Town's commercial zoning districts are the most appropriate for such a use. As between the C-1 and C-2 zoning districts, the C-2 district would be the most appropriate because it is the most intense commercial district. He stated that such a use will not be permitted unless certain conditions are met, with said conditions listed above.

As a part of the analysis performed he then gave a brief history. He then stated that prior to the amendment to the Zoning Ordinance of October 20, 2011, indoor pistol ranges were allowed as a special exception in the C-3 zoning district. The C-3 zoning district, which was the Town's most intense commercial zoning district, has since been eliminated, and today's C-2 zoning district contains all those uses which were allowed in the old C-3 zoning district. Part of the analysis was to determine the appropriateness of the C-2 district for the proposed use. Gun shops are primarily commercial in nature; therefore the C-2 zoning district is the most appropriate district for such a use.

Mr. Perkins then accompanied his research with a power point slide show. He then pointed out several C-2 zoning districts/properties. The first was Wendell Coffee Golf Center which is already occupied. He pointed out several other C-2 properties which were either occupied, current residential or too small for indoor firing ranges. A survey of indoor firing ranges in the Metro Atlanta area (i.e., within 60 miles of the center of Atlanta) found 19 such facilities. 12 are located in commercial/retail districts and 7 are in industrial districts. One of the facilities was located in downtown Lawrenceville. Mr. Perkins stated that the purpose of the analysis was not to show that C-2 is the only place to put a gun shop/firing range, and that they did exist. It is to show that they can co-exist with residential properties and other business properties.

He then stated that he realizes concerns have been raised regarding the proximity of certain properties zoned as C-2 to residential areas. The survey shows that all but one of the aforementioned 19 indoor firing ranges in the Metro Atlanta area are within 1,000 feet of a residence. In addition, 2 of the firing ranges are within 1,000 feet of a school. The Lawrenceville firing range mentioned is directly across the street from a condominium development. Mr. Perkins then showed a map where Wild West Traders in Marietta is 209 feet from a residence and 437 feet from Milford Elementary. He then showed Sandy Springs Gun Club. The club is 99 feet from a residence and 921 from Ison Springs Elementary. Lastly he presented the aerial view of Bull's Eye located in Lawrenceville. This establishment is downtown commercial zoning, 80 feet from a residence and is surrounded by commercial businesses.

Mr. Perkins then discussed the environmental concerns. He stated that concerns have been raised regarding lead contamination in the surrounding area. He stated that such concerns have been reviewed by OSHA and the EPA with respect to employees and frequent patrons of indoor firing ranges. It does not appear that either organization has identified off-site environmental

contamination as a viable safety issue. He added that given the types of equipment and precautions taken by modern firing ranges, such contamination is estimated to be minimal to non-existent.

Mr. Perkins stated that regarding safety and crime, there is no evidence available showing that gun shops and/or firing ranges create more crime in the surrounding area than is created by other kinds of businesses. Furthermore, the conditions listed in the report are intended to reduce the risk of criminal activity at a gun shop or firing range. He then added that there is evidence that accidental discharges of weapons do sometimes occur inside firing ranges. He added that there does not appear to be any evidence to suggest that such discharges could pose a threat to surrounding residences or businesses or their patrons. Modern ranges are built in such a way that accidental discharges occurring inside such a facility would not leave the facility. In addition, such facilities generally have equipment that eliminates or reduces the risk of accidental discharges leaving the facility.

He then stated that no evidence was available showing that gun shops or firing ranges have a detrimental effect on the values of surrounding properties. He added that he contacted Chief Appraiser / Director Joel T. Benton with the Fayette County Tax Assessors Office. Mr. Perkins stated that nothing in their conversation led him to believe that gun ranges would negatively affect property values.

Mayor Dial opened the Public Hearing for those who wish to speak in favor of this item.

Rusty Morris who lives in Sharpsburg then spoke. He introduced himself as being the individual that wants to build the gun range in Tyrone. He stated that regarding lead, he has been in the gun business for 17 years and has handled guns on a regular basis. He stated that after the February meeting in Tyrone he had his blood tested along with his son and daughter. The tests came back normal. He stated that the design for the gun shop in Tyrone will include a hand washing station and restrooms in between the firing range and the shop so patrons will have the opportunity to clean their hands. There will also be de-leading products on hand for extra protection before they leave. We cannot enforce patrons to use these products but it will be suggested. He added that 83 % of the ammunition used has a full metal jacket that has no lead. As we go forward we are looking to reduce it further. Currently there are 19 gun clubs in Atlanta if there was a lead problem why has the government not shut them down? Ms. Fleming who is the EPA Regional Director and who lives in Tyrone she will surely make us follow the rules. He ended by stating that a loading and unloading chamber will be installed to thwart any accidental discharges.

Robb Anderson who lives in Utah then spoke. Mr. Anderson stated that his occupation is range designer for Action Target. He stated that among their designs are the National Rifle Association headquarters, Federal Bureau of Investigations headquarters and currently the Atlanta Police Department. He added that the range that is proposed to come to Tyrone is a safe range ballistically. Only half of the bullet stopping capacity is being used. The range is designed for 308 rifle use they are only going to use 223 handgun. He stated that because of OSHA regulations and the HEPA filtration systems, new gun ranges have more pure air leaving than coming into the facility. Another safety requirement is the laminar air flow of 75 feet per minute

keeping all toxins away from patrons. The target system redirects any fired rounds toward the bullet trap.

Roy Yancey stated that he is certified as an NRA instructor and also a Range Safety Officer. He stated that most ammunition is coated in copper. This eliminates lead vapor which could cause harm. Mr. Yancey stated that among the clientele that have approached him that would frequent the Tyrone range are Doctors, Nurses, Air Line Pilots, Flight Attendants, and skilled laborers. He stated that he has taught at 2-3 of the ranges that were shown on the power point presentation. He stated that when individuals complete a course he refers them to AR Bunker in Newnan because he knows that Mr. Morris runs a great facility with experts on staff. He ended by stating that if Mr. Morris builds a range in Tyrone it will be an asset to the Town.

Michael Harbin who lives on Farr Lake Drive then spoke. He stated that he is a certified Insurance Counselor for small and mid-sized businesses. He contacted one of the insurance companies he represents to discuss the risks of a gun range. He was surprised to find out that the cost of coverage for a gun range is about as much as home owners insurance, less than \$100 per range. The insurance industry has not seen a lot of claims in this particular type of business. Most of the claims are property related such as fire or "trips and falls". He added that no accidental discharges have occurred. He stated that he compiled a list of common safety related underwriter questions that insurance companies would ask establishments such as gun ranges. Among them are; does the range have a loud speaker system, have employees been trained in "straw sales", are background checks performed on all employees are eye and ear protection mandatory, is a range supervisor on duty at all times. The South Atlanta Gun Range adheres to 100 % of these qualifications. It would be nice to have a facility like this in Tyrone so I can teach my kids the right way to use a firearm.

Allan McClure who lives on Farr Lake Drive spoke next. I am a Tyrone citizen and a business partner of Rusty Morris. This establishment would increase the tax revenue, offer state of the art training for our Police Officers and provide 10-12 job opportunities. Two things are needed for a business to grow 1) a product that the people want and 2) a convenient location. That is what successful businesses do. If we employ 1 person, that is 1 person paying taxes and contributing to our society and 1 more person we can take off the national average. He stated that he was a member of the US Navy during the Gulf War. He fought for rights to walk in the park, buy a car, buy a house and build an honest business during opposition.

James Shaughness who lives on Ashland Trail then spoke. Mr. Shaughness stated that he and his wife have been residents of Tyrone for 22 years. My wife and I are gun owners and practice at least once a month at nearby ranges. Statistics show that currently there are over 400,000 Georgia licensed firearm holders, all have gone through a required background check prior to owning a gun. He stated that on last year's "Black Friday" over 129,000 background checks were conducted through the National Instant Criminal Background Check System (NICS) for new gun purchases in the United States. During December there were over 1.5 million background checks conducted the largest volume in history. Gallup Reports over 43% of women now have guns at home. He added that 1 out of every 32 adults are either in jail, on parole or on probation. He stated that the increase in gun purchases indicate that there is training needed for

these individuals for firearm safety. These training facilities are needed, denying them makes communities less safe. Maintaining these skills requires lots of practice.

Hakeem Satterfield who is the President and CEO of The Brass Exchange, LLC spoke next. He stated that their main goal is to retrieve brass and lead from gun ranges and recycle the materials. The brass is tumbled, cleaned, sorted and put back into re-loaders. They also retrieve lead and dispose of it properly. He added that recycled metal reduces greenhouse gas emissions and it uses less energy.

Hal Regi who lives on Tramore Trace spoke next. Mr. Regi stated that he has been a Tyrone resident for 13 years. He stated that regarding studies on lead exposure a CDC study that was performed in 1999 pertained to lead based paint in homes. From 2002-2004 a study was conducted in Alaska schools that had firing ranges inside the schools. There was no equipment protocol regarding lead exposure. The results of that study led to the current OSHA guidelines today. He stated that a CDC study recognized that lead exposure to the skin has no adverse affect. He commented on the argument "I'm not opposed to the gun range, I just don't like the location; not in my backyard." He stated that the statement "not in my backyard" has been proven to be a poor legal strategy for opposing commercial development. This business meets all the health, safety and environmental requirements for this type of business. I strongly urge you to pass the text amendment proposal.

Hillary Morris McClure who lives on Farr Lake Drive then spoke. Ms. McClure introduced herself as one of the owners of AR Bunker and the South Atlanta Gun Club. She stated that she has been a Tyrone resident for 10 years. This is a family business which includes her father and brother. She and her brother both have young children. She mentioned that there has been talk about the gun shop/range being abandoned after a year or two. We have our life savings put into this business in hopes that it thrives for our children to be a part of in the future. I have no fear with my children coming to visit me at work. I have no worries of lead getting into their systems and will teach them how to properly use a firearm as our dad taught us. I know people have said "we don't want this in our back yard", if I had the property I would put it in my back yard. The trains that come through Town will make more noise than any activity that will come from the range. She then addressed the crime element. Hardware stores carry hammers, saws and box knives. All have been used to commit crimes. Safe and proper handling of any object is what we need to be teaching our children. She ended by quoting John Adams, "And liberty cannot be preserved without a general knowledge among the people", and knowledge of gun safety can only be a good thing for our community.

Rob Lane, a resident from Fayetteville spoke next. He stated that he is an avid shooter and a member of the United States Practical Shooting Association (USPSA). I have been doing business with Mr. Morris and his crew since 2000. They have a good, reputable and safe business. My girlfriend and I are looking forward to moving to Tyrone in the future. It is nice to know that there will be a place for training in Town.

Donald Self, a resident from Newnan spoke next. Mr. Self shared that more and more people are looking to firearms as a way to protect their families. A conveniently located range would be an asset to the community. Because the Police have no general duty to protect individuals, judicial

remedies are not available for that failure to protect. Many people believe that the Police are obligated to protect them. Some people do not perceive gun ranges as being family oriented places due to how they have been taught. They have been taught to fear guns. Most “family-oriented” businesses have parking lots full of cars that have killed and injured a lot more people than guns each year. The long-term solution for the fear of guns is to educate the public. Placing the range in Tyrone will be a start.

Mike Mers, a resident from Atlanta then spoke. He stated that he is the Sales Manager for Advanced Armament Corporation. He stated that his job is to make sales calls, attend gun shows and perform demonstrations. In 5 years I have shot approximately 250,000 rounds of ammunition at various facilities. I have never witnessed an accidental discharge. The new facilities such as the one proposed in Tyrone will have the HEPA filtration system. The gun range in your Town will be maintained by the Bureau of Alcohol, Tobacco and Firearms and Explosives (ATF). They will make sure that they abide by Federal and State laws.

Todd Rinehart, a Peachtree City resident then spoke. Mr. Rinehart stated that he is retired from the military. He added that he has known Mr. Morris for 9 years and has worked for him for 8. You could not ask for a better person, friend or boss. Including the knowledge and experience from Mr. Morris the gun shop/range would be a great addition to the Town. He shared that in the past several meetings he has attended in Tyrone there have been several retired military, active duty military, law enforcement, federal agents and members of the NRA. They have stated that they have fired many types of weapons but no one mentioned that they have actually witnessed an accidental discharge. He added that the majority of these people clean their weapons in their homes or garages. They seem to be worried about lead. How much lead is contaminating their homes? They all seem to be healthy. He then stated that when he attended basic training there were 4 squads of 80 individuals, there was never an accidental discharge. The Tyrone range will have qualified and certified range safety officers on staff everyday. He stated that he has 14 years of training for hazardous waste and believes that Mr. Morris is very meticulous and will adhere to all requirements needed to pass all required inspections hazardous wastes.

Larry Underwood who lives in Newnan spoke next. He stated that he is a business owner and he is afraid of guns but he does have a license to carry a gun and practices to become more efficient. He stated that Mr. Morris has integrity and he respects him as a business man. Individuals are concerned about the criminal element. When you attend the range you have to give them your driver’s license, if I was a criminal I would not want to give someone my identification. He added that all four of his children have been trained to shoot. In the 12 years he has been a resident in the Atlanta area he has never seen in the news an accidental shooting outside of a gun range. He has seen countless reports of kids being killed in homes with guns assumedly that have not been properly trained. I feel confident that the range would be a good thing for Tyrone.

E.H. Moldenhauer Jr. who lives on Castle Lake Drive spoke next. Mr. Moldenhauer stated that he has been a Tyrone resident, taxpayer and voter for 25 years. He stated that this issue is not new but the law requires a Public Hearing before a decision is made. It will be your duty to exercise your legal responsibility as the governing body to make a decision based on information that is heard tonight. You have competent legal advice. As a tax payer I will be asked to pay the cost for the legal bill if mistakes are made, so please adhere to legal’s advice. He urged Mayor

and Council to set aside all emotion, the factual misrepresentations and any amateur medical advice you might hear. In our society the rights of the minority are protected. He ended by saying in his opinion the best interest of the Town would be the approval of the text amendment.

Marvin Lee Morris IV, a resident of Moreland then spoke. He is a co-owner of the gun range. He stated that he wanted to obey the rules set forth and that he echoed what his sister Hillary said.

Pat Earnest who lives in Fayetteville spoke next. She stated that she has lived in Fayette County for almost 40 years. My daughter and her family live on Sandy Creek Road. Her children go to school in Tyrone they attend church in Tyrone. We frequent restaurants in Tyrone and patronize businesses in Tyrone. She asked her daughter if she was opposed to the gun shop in Tyrone and she said “why would I be?” Ms. Earnest stated that she attends Autrey’s firing range, the times she has not washed her hands when leaving the range she has never experienced any negative affects from lead. We are all for the range coming to Tyrone.

Reggie D. Maddox, a Newnan resident then spoke. Mr. Maddox stated that there are many people in the Newnan area that would attend the state of the art range in Tyrone. I am also an NRA certified pistol instructor. It is difficult to find a good place to train people. It will bring a lot of money into this Town.

Vic Claps, a resident of Sharpsburg spoke next. He stated that he spent 23 years or more in the Air Force and has since worked training Boy Scouts starting at 11-year old on the proper use of weapons. There have been times when the Sheriff’s office had to be called due to people performing target practice in the cul-de-sac. The firing range is a much safer place for people to train for firearm safety. People do not want airports in their backyards but they are there. Firing ranges are much safer than practicing elsewhere.

Scott Smith who is the Pastor of a Church on Jenkins Road then spoke. Pastor Smith stated that he is praying for peace. His church is the closest to the range. I trust in God first, secondly I am a certified Police Officer. There is no safer community. I am at peace with your decision you have taken care of us and the community so far.

Mayor Dial then invited those wishing to speak in opposition.

Perry Taylor who lives on Maycroft Court spoke. Mr. Taylor stated that he is a resident of Tyrone. Time for talking is over. We have talked about lead poisoning, noise pollution, crime activity and a safe community. There are two ways this can go. You can vote and do the right thing and move the gun shop to another location or not. We have to bite the bullet in order to get some respect. Bad news travels fast, tell us now and let us move on. Hard work brings prosperity, play brings poverty. We are not here to play. Mr. Taylor stated for the record that at last week’s Planning Commission meeting it was said that if you are so gung ho with this gun shop, put it in your neighborhood. That is all we ask. Do not put it in the Tyrone shopping center where we are shopping. We are not against the gun shop. We do not want it in that location. Mr. Taylor then submitted a 70-page report from Mr. James Bell, a retired Senior Range Master (SRM) who worked for over 17 years with the California Department of Corrections and also worked with the California County Fire Department as a Corrections Officer.

Mary Conyers Taylor who also lives on Maycroft Court spoke next. She stated that she is a 7 year resident of Tyrone and resides in Southampton, the largest subdivision in Tyrone. My concern is not with the right to bear arms. I believe in that right. I am from Baltimore, Maryland at one time they had the highest rate of people who carried guns in the country. I have been a nurse for 25 years. My fear is the health hazard. I have worked for Kennedy Krieger, Johns Hopkins one of the largest health care providers of medical treatment for children who were exposed to lead poisoning. I feel as a health care provider I am qualified to speak on this issue. She stated that 20-30 years ago when she attended the congressional hearings the concern was that there were no dangers of lead poisoning related to paint to her community. I coordinated with health care providers for thousands of children that were exposed to lead poisoning. The Environmental Protection Agency (EPA) and the Occupational Safety and Health Association (OSHA) got it wrong. The Centers for Disease Control (CDC) and the National Institute of Health (NIH) got it right. Do we want to be ground zero for lead poisoning? She then asked Police Chief Perkins what expertise he quoted regarding the health hazards to airborne lead exposure. She also asked what expertise he has helping the schools that will be impacted. The expertise I have is, last year we fought the school system regarding stopping the County and Tyrone for placing a water and cell phone tower on our school property and we won.

Eric T. Woods who lives on Park Haven Lane spoke. He stated that he is a 26 year veteran of the United States Army, still serving on active duty. It seems that the NRA is a proponent of those in favor of the range. He then read an excerpt from the NRA Range Source Book. The section on gun range site evaluations suggested that “when given a choice between locating within a few hundred yards from the closest residential subdivision and other options 2 to 5 miles away exists, a potential owner should choose the options further from the neighborhood. Finding a site that is conveniently isolated is worth the effort. Do not attempt to force a range facility onto a site.” He stated that the range book also warns potential ranges owners to recognize the community. He then referred to Mr. Perkins presentation. He showed gun range adjacent to several subdivisions. However, he failed to mention that most of them are now “dried up” and no businesses are currently located in that area, because the gun range existed. Mr. Woods asked if the property rights of one potential business owner trumps the property rights of over 500 home owners; 374 being from Southampton. Southampton is not in this fight alone. Almost half of those who spoke in favor are not Tyrone residents. This is not an issue about a gun range. It is an issue about the location of a gun shop and shooting range in a shopping district where families shop.

Linda M. Conley who lives on Brennan Drive then spoke. Ms. Conley stated that she has been a Tyrone resident for 10 years. I am not anti-gun, I am a proponent of legal gun ownership and safe use. She stated that for 30 years she has traveled extensively and has developed a perception of her surroundings to ensure her safety. Certain businesses cause red flags. In real estate it is all about location, location, location. People moving to and shopping in Tyrone will look around too. Not everyone likes guns. My concern with the proposed gun range is my property value. Everyone should be concerned with the direction of the Town and its perception to others. She added that when she spoke at the Planning Commission meeting all the gun ranges she visited were in business, industrial or lower economic shopping areas. The aerial view of the presentation is misleading. It shows residential and schools but not the appearance of the area. My brother lives in Orlando his is a clean cut family guy, an IT manager for Lockheed Martin,

drives a pickup truck and rides a Harley. He is a gun collector and an avid hunter. When regarding me speaking on this issue he said, “Good for you. Yea I don’t think a gun range will add to your property values. I always said, nobody likes guns more than me and I would never live near a gun range. There are too many people who don’t like guns so it affects property values, that’s just the reality. You don’t find gun shops and ranges near nice supermarkets and the Hallmark card shop.”

Larry Hou who lives on Newcastle Lane spoke next. He stated that he is a resident of the River Oaks subdivision. He questioned the credibility of the Fayette County official Mr. Perkins referred to in his presentation regarding property values and what research was performed prior to his comments. Mr. Hou stated that within 5 minutes of “Google search” by typing in guns/shooting range/property values you can find information. He shared a couple of articles he found. It stated that with the submission of a gun range proposal, potential property owners will only continue the purchase if the submission is denied. He added that prolonged noise from the firing range would be another deciding factor to potential buyers. He then stated evidence showed that a court case held in Indiana in 1997, a gun range sued for not being allowed in a neighborhood. A qualified and experienced real estate appraiser was brought in and gave his opinion that by bringing in the gun range it would reduce property values. A builder also gave his opinion during the case stating that the gun shop would negatively impact the property value. He ended by stating that in Orange County, California the board voted 3-0 against an indoor shooting range, they did not want to sacrifice their citizens’ quality of life.

Freda Wells who lives on Wynfield Drive spoke. She stated that she has been a resident of Tyrone since July 2011 and is not in favor of a gun shop. I have a 7-week old child. The reason for moving to Tyrone was to provide a safe environment with better opportunities. She shared an article she found regarding a veteran police officer of 17 years in Oregon who killed himself while disarming his fire arm prior to entering a firing range. He was a trained officer. Mr. Weber was killed instantly. She stated that she currently paid \$2,900 on flood insurance and would not want herself and her child to be the victims of an accidental discharge. She added that she does not think that Mr. Morris or anyone wants to be the example of a lost life in our community.

Dr. Anna Just-Buddy who owns a business on Swanson Road then spoke. She stated that her practice specializes in working with children with Attention Deficit Disorder (ADD) and Attention Deficit Hyperactivity Disorder (ADHD), autism and hormone balance. We deal with these issues and their causes. Two causes are neurotoxicity and endocrine blockers. She stated that according to the Environmental Protection Agency (EPA) if you get anything on your skin it takes approximately 26 seconds to reach all of your organs. She quoted an article from the Atlanta Journal Constitution dated April 30, 2012 from Bo Emerson. It states “Lead is a neurotoxin that accumulates in the body and can cause brain damage, reduce intelligence, developmental problems, stunted growth, seizures and death. Lead dust can drift three to five miles from a factory source.” She added that according to the CDC, when firing weapons on a regular basis you will become exposed to lead. The CDC recommends in addition to protective eye wear and respirators you should change your shoes and clothing. I am concerned about the cross contaminants. She added that the CDC article states, “if you have exposure to neurotoxins among the symptoms are: migraine headaches, tension headaches, cancer, asthma, eczema,

hypertension, multiple sclerosis, Alzheimer's and constipation issues." The problem with the gun range is the location.

Connie Redd, who lives on Keswick Manor Drive spoke next. Ms. Redd stated that she is a resident of Tyrone and has been raised with guns. She stated , I am not opposed to the gun range, I am concerned about the location. I contacted Certified Industrial Hygienist and Certified Safety Specialist, Diana Bryant. She is the Director at the Institute for Rural Emergency Management at the University of Central Missouri. Ms. Bryant wrote of studies she and her assistant have completed regarding lead contamination, particularly in children. Some of the studies were conducted in firing ranges. She further stated that Ms. Bryant wrote that findings showed people using firing ranges had high levels of lead on their hands after shooting. Studies show that after using hand wipes only a portion of the lead was removed. Contamination occurs when lead is on clothing and hands. It is then easily transferred to children and it only takes a small amount. Ms. Bryant wrote that there are few local and state laws that apply to this lead hazard.

Ms. Redd stated that the establishment will have a HEPA filtration system and will be regulated by EPA and OSHA standards. She added that her concern is that over time, employees will become complacent to the standards and safety regulations. She stated that she is conflicted over the belief that EPA and OSHA regulate skin and floating contamination.

Ms. Milner, an eighteen year old resident of Tyrone, spoke next. She stated that she is an avid Facebook user. She stated on Tuesday, May 1, 2012 Mr. Rusty Morris wrote the following on Facebook "I get tested for elevated blood levels every 6 months. After 18 years I tested slightly elevated." Ms. Milner stated that his comment raised her curiosity as to the hazards of lead and why he would be tested every 6 months. She stated that her research showed the hazards of lead could lead to mental retardation, dyslexia, ADHD and kidney failure and it affects children much faster than adults. According to his comments, it took Mr. Morris 18 years to be affected. I have been alive for 18 years and the gun range could be around longer than 18 years, contaminating us. My sister is 3 years old and is more susceptible to lead poisoning. More than 18 years from now she still may call this home. I am not ok with the lead contaminated in our environment now and I know I will not be ok with it 18 years from now.

Derrick Jackson, who lives on Westbourne Drive, spoke next. Mr. Jackson stated that he has lived in Tyrone for 6 years. The first 3 words of the United States Constitution are "We The People". He then stated that the citizens do not oppose the second amendment right or the ownership of guns, but they do oppose the location at the Southampton shopping center. It is about location, location, location. Let us find a reasonable solution. He observed that the attendees in favor were wearing buttons "Guns Save Lives". I agree they save and take away lives due to accidental discharges. There are several documented cases of accidental discharges. He then posed the question, "are you willing to take the risk?" He mentioned the risk of the Town not being attractive to future and current business and home owners. He added that there are risks of depreciated property, commercial values, noise and elevated criminal activity. Gun shops will not make Tyrone safe. He stated a need for a more stringent list of specifications and requirements. Mr. Jackson submitted a field study involving recreational firearm users at two shooting ranges.

Yolanda Wade Smith, who lives on Chadmore Lane, spoke next. She stated that she is a citizen that supports the right to bear arms. I chose to live in Tyrone because it is a small town. She stated that the latest statistics show the murder rate in Lawrenceville in 2010 was 13.5 per 100,000, Sandy Springs it was 8.4 per 100,000, Tyrone – 0. This statistic is not contingent on guns alone. I am thrilled to hear that there are 19 places where citizens can go to safely use guns and 4 on the way, 2 within a 10 mile radius of Tyrone. I am a board certified family physician and have recently been voted for the last 3 years one of Atlanta's "Top Docs", my practice is in Tyrone. My concern is with the gentleman that had been tested for the amounts of lead found in his blood. My advice is to test for heavy metal to obtain a more accurate result for an adult. Please consult the International Board of Metal Toxicology and the United States Agency for Toxic Substance and Disease Registry. She then allowed her children to speak.

Skylar & Ian Smith, who both live on Chadmore Lane then spoke. The Smith sisters submitted a signed petition entitled "Kids Care" from their peers and neighbors. Their two concerns regarding the gun range were health and safety. The health concern is regarding lead and how it will affect their brains and bodies. Regarding their safety, they stated that there are not always good people in the world and someone could come into our schools, Publix and the pizza place and hurt them. Why would you put the gun range exactly by family places? They added that the kids at their school are deeply concerned. "Kids really do care."

Lillian Wimbush who lives on Wynfield Drive, spoke next. Ms. Wimbush stated that she is opposed to the proposed location specifically because of the two young ladies that just spoke. Location is a chief factor when determining value. A gun shop placed within 400 feet of a residential area will de-value a family oriented community. She then gave an example of complaints being reported by the Winter Chase subdivision in Sandy Springs which is a gun to the gun range. The complaints were of crime and property value loss. She stated that Terry Hudson, a Sandy Springs realtor claims that a client made \$70,000 worth of upgrades, yet they have not sold even after two price reductions. Ms. Wimbush stated that Ms. Hudson advised us to vote "no" to the gun range location. She added that the steel roll down gate that is proposed to be a part of the gun range would not conform to a quiet family oriented community. I am a realtor and I have a client waiting for the outcome of this proceeding to place an offer on a Southampton property. Placing a gun range in the heart of this community is not a good choice. This community has hard working individuals trying to provide a better life for their children.

Gregory Ballard Jr., who lives on Arborcrest Court, spoke next. Mr. Ballard brought to the forefront: if the gun range is approved, the Town could have a case of buyers remorse. It is more than just a bad feeling, it becomes people's health and their children's health. There is proof that it affects children more than adults. Just because accidental shootings were not reported does not mean they did not happen. He posed the question: is it a requirement of every county in the state to require their gun owners to take gun safety classes? We will be having people from outside of Fayette County attending the gun range. We need to think of the long term it is not worth risking children's health. After you fire a gun and wash your hands, the residue is still there and it can be transferred to our food. He ended by sharing that he knew someone who attended Spellman University that died from a stray bullet, I do not want another family experience that.

Pota E. Coston, who lives on Westbourne Drive, spoke next. She stated that she was a Federal Agent for 29 years and did carry a weapon. We all care about our community and we want to secure a strong future. This issue has pitted the interest of one business owner and one land owner against the interest of a community with more than 350 homes including surrounding homes and businesses. The Town is growing and becoming more diverse and we need to be prepared for the growth. The strength of the Town and the future for our children will depend on what development we permit. I call for an economic growth committee to assist the Planning Commission in maintaining the Town's positive growth. We should never be in the position to choose between individual rights for business and the property values of the tax payers. I would like for this proposal to be put on the next Town Council agenda. We have a comprehensive plan that we do not follow. The meetings need to be public and properly announced. Local government needs to be helpful, transparent and accountable. Voices have been heard it is your duty as elected officials to serve the people. On March 1, 2012 the vote was based on the consideration of a land owner not for the will of the people. Your vote tonight takes courage. I hope you have the courage to vote for the most positive future for Tyrone.

Michael A. Green who lives on Brunswick Drive then spoke. She stated that she has been a resident in Tyrone for 7 years. She lives in Southampton and is a gun owner. She stated that she owns several guns and would love to have a closer range for practice, however there are plenty of places already established in the area. She stated that accidental discharges are not always reported. That does not mean it does not happen and people are not hurt. She gave several examples where people were injured due to accidental discharges. She shared her concerns with the possibility of an accidental discharge in the Southampton shopping center parking lot. Do we want to take that chance?

Terry L. Noble who lives on Brunswick Drive, spoke next. He stated that he and his family moved to Southampton in 2004. The reasons they moved were quality of life and a better education for their son. This particular matter has fractured this community and has been handled poorly. The perception of the people affected is that it does not matter and the meetings are being held just to meet legal requirements. Council has the opportunity to correct that perception. As a manager I ask for my employees input. I recommend this matter is sent back to the Planning Commission. Get everyone involved for an amicable solution. That will help correct some of the perceptions. At the last Planning Commission meeting Commission Member, Mike Sanak stated, "I can't wait for this gun range to come so I can take my son." His comments were inappropriate and insulting.

Marcia Dunscomb who lives on Chaparral Trace spoke next. She stated that she has been a resident of Tyrone for 12 years. I want Tyrone to remain a family friendly community with appropriate growth. I like to pride myself on looking at all sides of an issue. I have chosen six.

- 1) Mr. Morris wants to help the business community. You might see more businesses come if you put the business in a different location.
- 2) Land owner Phil Seay wants a purchaser for his land. If the business does not succeed that could negatively affect Mr. Seay. I would participate in a real estate investment group to help find Mr. Morris a new location and Mr. Seay a buyer for his land.
- 3) Southampton homeowners concerned about their property values.
- 4) The concern the potential boycott of business from current Southampton Village business owners, also the health and safety issues for their employees.
- 5) Other Tyrone homeowners concerned with their

property values. If one subdivision is affected, it affects all Tyrone subdivisions. 6) Members of Town Council are faced with a decision that will make someone unhappy no matter what direction you go. Can we put this on hold and find a better solution?

Samuel Brown who lives on Keswick Manor Drive, spoke next. He stated that he is a resident of Southampton. I am a State Trooper and a Range Master. I taught my two children about gun safety at home. A gun range does breed crime. The people voting for the gun range from AR Bunker are either related or work together. They do not live in Tyrone. The Mayor of Tyrone should listen to the people of Tyrone. He stated that some have spoken about AR Bunker's good reputation yet they had guns stolen, most of which were recovered but the fact is they were stolen. That is not a true representation of a good reputation. He then made the comment to Mayor and Council, "You serve us not them."

Clarence Porch, who lives on Brunswick Drive, then spoke. Mr. Porch stated that he has been a resident of Tyrone for 9 years. Two young children spoke tonight of safety, I have two young children. I am concerned with the location of the gun range. He stated that he learned gun safety at a young age and is an avid hunter. I do not need the gun range to teach myself and my children about gun safety. Mr. Porch submitted information regarding the study in Alaska regarding the health hazards due to lead exposure. He shared his concern with someone firing a weapon at the gun range and then contaminating the produce at Publix that he feeds his children. I believe the location for the gun shop/range is the wrong location.

Raymond Lindsay, who lives on Village Green Circle, then spoke. Mr. Lindsay stated that he is a resident of Southampton. He stated that people are very adamant about the location of the gun range. The community is based on homeownership, children and a better way of life. Some things do not mix such as a gun shop and a community. There is no such thing as a safe gun. He added that an easy solution is a different location. Why does it have to be in Southampton? There are so many other locations. No one can guarantee an accident will never happen. If it happens who will want to take the responsibility?

Debra Rich who lives on Brunswick Drive, spoke next. She stated that she is opposed to the amendment to allow the gun shop. The owner of the gun shop does not have the right to put a gun shop on the land just because he bought the land. It is the responsibility of the Planning Commission to create a zone which keeps the décor of Tyrone. The Council has a right to tell the land owner no. I appeal to you to send this back to the Planning Commission to create a place for all gun shops. Please do not amend the zoning to fit this land owner's request. I am a Fayette County teacher and often create lesson plans with visuals for my class and sometimes it flops. That is what has happened here. Take this back to the Planning Commission where we can find a zone for all of the gun shops to be placed. You do not have to be afraid of a lawsuit.

Kenneth Jerome Rich Jr., who also lives on Brunswick Drive spoke next. He stated that he is a resident of Southampton and has spoken a few times regarding this issue. The land owner has rights but according to the Constitution they are not absolute. There are already multiple gun ranges in the area where parents can teach their children about gun safety. We do not oppose the gun shop or gun owners. We appeal to you to find another place for the gun shop/range. We do

not want it in Southampton. We will not go away happily. If you're afraid of a lawsuit we have competent attorneys that can assist you.

Roosevelt Simil who lives on Brunswick Drive spoke. He stated that he is opposed to the gun shop/range not because he is afraid of guns but because it is not the right place for it. Mr. Simil then asked the audience to stand if they are opposed to the gun shop/range. Then asked how many live in Tyrone. He stated to Council that it is important to see what is in front of them today. We want to protect our health, our property, and this Town. We are asking you to do the right thing. He then referred to Terry Noble's comments regarding perception. I hope you will do the right thing for us and the community. How many people will it take until you get the message?

Sheree Gripper who lives on Brunswick Drive spoke. Ms. Gripper stated that she is a resident of the Southampton subdivision. We have had doctors, nurses, law enforcement, members of the NRA and other professionals with their opinions on how dangerous this is to our community and our children. We are concerned about our families' safety and health. We ask that you help relocate Mr. Morris' business. We are not against him. We do not want his business located where children and families do business. If passed this would open the door for other businesses to come to town such as pawn shops and liquor stores, businesses that require steel gates. I pray that Council's choice is not to downgrade a family-friendly thriving community. Do not put gunfire and health issues in the back yard of our families and our children.

Mayor Dial stated that the Town is the petitioner of this item and offered staff time for rebuttal.

Attorney Davenport addressed Mr. Hou's question of the Fayette County representative regarding property values. The individual Mr. Perkins was referring to is Joel Benton, Chief Appraiser with the Fayette County Tax Assessors office in Fayette County. It has been Mr. Benton's job for 15 years to appraise the 30,000 properties in the County. He is qualified.

He stated that the article Mr. Hou was referring to dealt with outdoor ranges, not indoor. Tonight's issue is strictly referring to indoor ranges. He thanked the individuals who brought in and compiled information. It will be reviewed however some of the information has been deemed irrelevant to this particular situation based upon a qualifying analysis that was performed.

Mr. Perkins then stated that regarding Mr. Eric Woods' comments on the NRA's source book he contacted Eric Whitescarver, the NRA Range Service Coordinator regarding the NRA's stance on zoning. He stated that Mr. Whitescarver clarified that due to the new technology those requirements are no longer needed. The NRA recommends that the range be built to withstand the highest caliber of weapon. He went on to say Mr. Whitescarver suggested 1) hiring an attorney that is current on local zoning qualifications and 2) working with the local municipality.

Council Member Matthews asked Mr. Morris if he is willing to look further for other property in Tyrone for his range.

Mr. Morris stated that he has met with several members of the Home Owners Association (HOA) regarding the relocation. He added that all studies and requirements have been met for the current location. Who will bear the cost of the new location? We have currently spent over \$60,000. The HOA members stated that I or the Town should bear the cost of a new location. I do not have the extra money. The properties that were suggested were either much more expensive or smaller than the current location. Another issue is the lack of visibility. The process would be a costly and time-consuming process. We did the right thing, we communicated with the city and found the right property. There were no back-door deals. We met with the former Mayor, the former Town Manager, the Planning Commission and the Chief of Police. When I came to the City I believed we would not have a problem. It was zoned properly.

Mayor Dial stated that every possible property was looked at on our zoning map.

Mr. Morris stated that now that property owners are aware of his situation they can raise their property prices. My financial plan can not accommodate everyone. I do not have an unlimited amount of money.

Council Member Howard asked Mr. Morris to elaborate on the Facebook posting regarding his blood test for lead levels. Mr. Morris stated that the post was immediately deleted. I was trying to show that despite dealing with lead on a daily basis I still do not have issues with lead. I misread the results. They were not slightly elevated. They were normal.

Council Member Housley asked the attendees if anyone would be willing to pay for Mr. Morris to find another location other than the Town's taxpayers. Mr. Simil stated that Mr. Morris is a businessman, he can write it off on his taxes.

Mayor Dial allowed Mr. Woods to speak for the opposition regarding Council Member Housley's question. Mr. Woods stated that a direct answer to the question would be no. The reason is that Mr. Morris tried to put a business in an area without first having an impact study created. Therefore Mr. Morris accepted a calculated risk. If he is allowed to place his business in that area it will have a tremendous impact on the community of Tyrone. Mr. Woods posed the question, "is it true that the Town of Tyrone has 14 months of reserves?" Rather than ask the Tyrone taxpayers, the Town should pay to relocate Mr. Morris' business.

Attorney Davenport stated that the Town can budget expenditures however they choose. This expenditure is not in this year's budget. No line item has been assigned for this in the past to my knowledge. He stated that it is Council's choice. However he has never seen money spent like this before.

Mr. Housley asked Mr. Morris if there is any way to encourage patrons to use the methods in place to lessen the chances of lead contamination. Mr. Morris stated that the product used in the soaps and hand-wipes will be in the restrooms and throughout the range. He stated that there is no way legally to force someone to use them. We can only recommend. The majority of shooters do use the products.

Mayor Dial stated that there have many meetings with the opposition. They have been very positive. We have tried to establish other conditions other than what is in place. Following the motion I will discuss these conditions.

Council Member Housley made a motion to insert “Gun shops” into Subsection B of Section 5-15 as a conditional use in the Highway Commercial (C-2) zoning district.

Council Member Housley amended his motion to allow the accessory use of an indoor firing range with a gun shop as a conditional use with the following conditions:

1. Must have 12-inch bollards 42 inches high 4 feet apart which are designed to prevent vehicles from entering the front doors and which meet ADA standards;
2. Must have a steel roll-down gate in front of the entrance to prevent unauthorized entry;
3. Operating hours must be limited to the time period between 10:00 a.m. and 8:00 p.m.;
4. Must have an alarm system on the building to notify of unauthorized entry;
5. Must have a camera security system to monitor building at all times for unauthorized activity; and
6. Must have concrete poured walls in any area involving discharge of firearms.

Council Member Howard seconded the motion.

After discussion the following conditions were added:

7. A Certified range safety officer will be on duty at all times.
8. Meet all applicable standards established by lead management and Occupational Safety and Health Administration (OSHA) compliance for indoor shooting ranges, published by the National Association of Shooting Ranges and OSHA.
9. Install an intercom system within the facility.
10. Install a 7-inch, 4 feet concrete block wall installed along the northeast corner of the parking lot in the direction parallel to the property line in the distance of 65 feet.

A discussion took place regarding number 10. Mayor Dial stated that it would be wise to require a concrete wall between Partners Pizza and the gun range in to protect from accidental discharges. Mr. Morris stated that the rounds would be fired in the direction of Spencer Lane. It is difficult to agree to this without knowing the cost and how it will affect the parking lot. Mayor Dial stated that it is a legitimate concern. Mayor Dial stated that the Town did not choose this location. We are trying to alleviate any problems that could occur. The site plan dated February 20, 2012 was referenced.

Council Member Housley amended his motion to include the following added conditions:

7. Certified range safety officers will be on duty at all times.
8. Meet all applicable standards established by lead management and Occupational Safety and Health Administration (OSHA) compliance for indoor shooting ranges, published by the National Association of Shooting Ranges and OSHA.
9. Install an intercom system within the facility.

10. Install a 7 inch wide 4 feet tall concrete block wall installed from the northeasterly corner of the parking lot in the westerly direction parallel to the property line in the distance of 65 feet.

Council Member Housley stated that this is an unfortunate situation however C-2 is an appropriate zoning for that building. The property owner has the right to choose where it is placed. All other properties were next to a neighborhood. I'm sorry it did not go your way tonight.

Council Member Howard amended her second motion as well to add the additional conditions. Motion was approved 4-0.

OLD BUSINESS:

NEW BUSINESS:

Public Comments:

Eric Woods who lives on Park Haven Lane spoke. He stated that there were indications that the entire process was orchestrated. We all feel that the decision was already made prior to the meeting. Several comments from Council members proved that. Before you voted Council members stated they were sorry that it did not go our way. That proves that it is more than perception. Council has not completed its due diligence. You had the power to say no. It seems that the property rights of one business owner trumps the rights of 374 home owners. He added that it is not a question of if, it is when an accident happens how are going to deal with the situation. He ended by stating I want you to know the fight will continue.

Council Member Housley stated, regarding due diligence; we do not show up here, gather all the information at the meeting and make a snap judgment. We evaluated for months prior to tonight. It is a little insulting. We and staff have gone above and beyond our due diligence. It is the best legal decision.

Staff Comments:

Council Comments:

Executive Session:

Pursuant to O.C.G.A. § 50-14-4 (b) of the Open and Public Meetings At, Council will meet in Executive Session to deliberate: 2 items of pending litigation.

Council Member Matthews made a motion to enter into executive session to discuss 2 items of pending litigation.

Council Member Furr seconded the motion. Motion was approved 4-0.

Attorney Davenport briefed Council on 2 items of pending litigation. No action was taken.

Council Member Furr made a motion to reconvene.
Council Member Matthews seconded the motion. Motion was approved 3-0. Council Member Housley was not present at that time.

Adjournment

Council Member Furr made a motion to adjourn.
Council Member Housley seconded the motion. Motion was approved 4-0.

Meeting adjourned at 10:40 pm.

By: _____
Eric Dial, Mayor

Attest: _____
Dee Baker, Town Clerk