

## HAYWOOD COUNTY COMMISSIONERS

SPECIAL MEETING – MARCH 28, 2016

**CALL TO ORDER**

Chairman Mark S. Swanger convened the special meeting of the Haywood County Board of Commissioners at 5:30 p.m. in the Historic Courtroom at the Haywood County Historic Courthouse, Waynesville, North Carolina, with Chairman Mark S. Swanger, Vice-Chairman J.W. “Kirk” Kirkpatrick III, Commissioners L. Kevin Ensley, Michael T. Sorrells and Bill L. Upton present. Staff members present were County Manager Ira Dove, Asst. County Manager, Stoney Blevins, County Attorney Leon M. “Chip” Killian, III, Finance Director Julie Davis and Deputy Clerk Candace Way.

**PLEDGE OF ALLEGIANCE**

Chairman Swanger led the Pledge of Allegiance.

**INVOCATION**

Commissioner Sorrells offered the invocation.

**PUBLIC HEARING**

Chairman Swanger opened the public hearing for the proposed Carrying of Concealed Weapons and Displaying of Firearms Ordinance, County Grounds Use Ordinance and Commercial Outdoor Sports Shooting Ranges Ordinance and recognized County Manager, Ira Dove.

Mr. Dove stated that this turnout is a good sign for the County and commended the Board for agreeing to hold the public hearing, as it does not require a hearing for these types of ordinances. He said that he was asked to address public comments that have been received, and, along with Mr. Killian, revise the Carrying of Concealed Weapons Ordinance that has been in place since 1995. He noted that there have been state revisions made to concealed carry rights in 2011 and 2013 that need to be brought up to standards, and this revision will do that. Since 1995, concealed and open carry have been banned on all government property. This ordinance is not new to the County, however the proposed amended ordinance has led to a big point of confusion. This ordinance is applicable only to government property, not to homes. This will make the ordinance comply with present state law. He provided a power point to the Board and audience.

He noted that the County had to change the ordinance to make it match the State law. This change is much less restrictive. He explained that we are trying to expand the rights because the State law has expanded. In 1995, the ordinance did not make a locking in vehicle exception, so that has to be changed. He noted that under the present ordinance, all public spaces of County owned property would have been banned from carrying. Allen’s Creek Park is the only place purchased for soccer, and Recreation and Parks still has athletic events there. This ordinance applies only to the day of the event. It is obvious that a lot of people do not realize that there is an ordinance on the books since 1995. The historic courthouse has never lost its courthouse designation, therefore concealed carry is not permitted.

Chairman Swanger commented that while not legally required, the Board is holding these public hearings to be as transparent as possible, as it has historically done. He said that one hour of comment will be allotted for each ordinance under consideration. Comments can also be made by telephone, email and U.S. mail. He asked that comments not be made unless recognized by the Chairman and will be limited to 3 minutes. He said that no outbursts will be allowed from the audience, as this is a public hearing not a debate. He noted that no questions will be answered tonight, this is an information gathering hearing only. He said that no vote will be taken until April 4<sup>th</sup> at the earliest. He said that if an organization is present tonight, please designate a spokesperson. He noted that those in attendance who have not communicated by phone or email will be given the first opportunity to speak. He said that the emails that have been received have been catalogued and will be part of the record. Comments heard will contribute to determining if any changes are needed.

There were 207 emails received concerning the proposed ordinance, 8 of those emails were in favor of the ordinance, 199 were against. Alan Davis, Harvey Morse, Kevin Massie, Barry Peppers, Paul Valone, Jess Dunlap, Zachary Shoaf, Franklin McKenzie, Rep. Michele

Presnell, Douglas Knight, Andrew Jackson, Carolyn Underwood, Joe Williams, Eddie Cabe, Terry Ramey, James Smathers, Michael Kirkpatrick, Kris Estep, Bill Putnam, Don Calhoun, Kathryn Trull, Adrenne Paoletta, Paul Yeager, Denver Stephens, Meredith Mayer and William L. Werner, Jr. addressed the Board with their comments and concerns regarding the proposed ordinance. All of the speakers were supportive of concealed carry rights, and several mentioned there is a permitting process. They wanted the County to expand concealed carry rights beyond the areas described in the proposed ordinance. Some mentioned that several counties allowed concealed carry on all county property. A few spoke about open carry and wanted to expand open carry on County property.

After a brief recess, Mr. Dove proceeded with the County Grounds Use Ordinance. He presented a power point to the Board and audience reviewing the proposed ordinance.

He said that this would be a new ordinance, and it does not cover firearms. He reviewed the ordinance and highlighted on the issue of the homeless. He said that Haywood County has a different commitment to homelessness. He noted that he was at a meeting today putting together a task force to address the issue.

Three emails were received concerning the proposed ordinance, 2 were against and 1 was in favor. Douglas Knight, Andrew Jackson, Eddie Cabe, Terry Ramey, James Smathers and Debbie King spoke during the public hearing with concerns about the ordinance. Several had had concerns with how the proposed ordinance would affect drones, and worried that this is a "back door" to slip the concealed carry restrictions in the ordinance. Several voiced concerns over the possible penalties.

Mr. Dove proceeded with the presentation on the proposed Commercial Outdoor Sport Shooting Ranges Ordinance. He presented a power point to the Board and audience. He said that this does not apply to private non-commercial activity. He noted that ranges in existence only have to comply with noise standards at the time of existence. The ordinance does not cover ranges for law enforcement trainings. A big key is that they recommend professional engineers, architects and sound engineers in the development of an outdoor range. He discussed that OSHA, HUD and the NRA book standards were considered in determining the noise and range limits. He reiterated that private shooting ranges do not apply to this ordinance.

Three emails were received over the proposed ordinance stating concerns over the restrictions of the ordinance. Zachary Shoaf, Douglas Knight, Andrew Jackson, Eddie Cabe, Vicky Rogers, James Smathers, Paul Yeager, Chris Bates and Lisa Nelson addressed the Board. Several voiced concerns over the cost if someone chose to build an outdoor range, the compliance of ranges where law enforcement trained and the additional restrictions in the proposed ordinance. Two spoke in favor of the ordinance, expressing concern about the possibility of something like this being near to their homes.

Chairman Swanger stated that many opinions were heard tonight. He said that all will be considered and there may be changes to these proposals. He said that no vote will be made before April 4<sup>th</sup>, and all three may not be at the same time. He said additional research will be done if necessary and questions will be answered. He closed the public hearing at 8:24 p.m.

### **ADJOURNMENT**

Chairman Swanger asked if there was any further business.

With no further business, Vice-Chairman Kirkpatrick made a motion to adjourn the regular Board meeting. Commissioner Upton seconded; the motion carried unanimously.

The time of adjournment was 8:25 p.m. The DVD is attached by reference to the minutes.

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CLERK

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CHAIRMAN

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