

July 5, 2016

Proposed Meeting Notes

Has not been approved by the Committee

Orange County Firearms Safety Committee

Wednesday, June 22, 2016

John M. Link, Jr. Government Services Center, downstairs meeting room
200 South Cameron Street, Hillsborough

Attendees

- Committee members appointed by the Board of Commissioners: Jon Arvik, Roxanne Barksdale, Sara Conti, Jack Hunnell, Keith Kirkland, Vince Tesoro, Greg Tilley, and Keith Webster.
- Liaisons to the Board of Commissioner: Commissioner Earl McKee, Commissioner Barry Jacobs.
- Resource persons designated by the Board of Commissioners: Craig Bennedict and Michael Harvey, Orange County Planning Department; Travis Myren, Deputy County Manager; John L. Roberts, Orange County Attorney; Jamie Sykes, Chief Deputy, Orange County Sheriff's Office.
- Facilitator: Andy Sachs, Dispute Settlement Center.
- There were approximately 10 observers.

Convening

Commissioner McKee welcomed the attendees. He noted that the County has had this issue before it as a land use matter since last fall, in the context of commercial shooting ranges. It then evolved, he said, because the County Attorney advised the Board that anything regulating personal use of firearms be in the General Ordinances. The Board found a proposal that came before it to be over enthusiastic, he said, it caused much consternation in the community, and that brings us to where we are today. He said that he appreciates the Committee members' willingness to help the County find a way forward.

Commissioner Jacobs noted that fewer observers were in attendance this evening than when the Board of Commissioners had last discussed the proposed ordinance. I think the community understands that we are not the Board of Commissioners here, that this Committee will not necessarily be making a recommendation for anything going forward, and that even if we do make a recommendation then before anything becomes policy the Board of Commissioners first will hold a

public hearing, he said. At this point we are just having a conversation among interested people to see what the issues are, and if we can come to some kind of resolution of differences after identifying what they are. I expect this process will be an interesting and not necessarily stressful experience, he said.

Each member of the group (Committee members, the two liaisons, and the four resource persons in attendance) then introduced him or herself.

The facilitator explained his role and presented the proposed meeting plan that had been distributed June 14 for the Committee's consideration, including desired outcomes for the meeting, a meeting agenda, and guidelines for how the Committee will operate. The Committee approved the proposed desired outcomes and agenda for the meeting. The Committee adopted the proposed guidelines, with one revision: that if necessary members may participate in meetings using remote technology. Thus, the group's guidelines are as follows:

1. Each Committee meeting will be conducted according to the following good meeting guidelines:
 - Begin and adjourn on time
 - Listen when others are speaking
 - One person speaks at a time.
 - Stick to the topics and tasks on the Committee's agenda
 - Share the discussion time fairly within the Committee.
 - It is OK to disagree...please do so respectfully.
2. The Committee will make decisions only with a quorum (no fewer than six of the eight Committee members) in attendance. If necessary, Committee members may attend using remote technology. The Committee will strive for decisions and work products supported by the whole Committee. The Committee may decide by a supermajority vote ($n/2+2$) of the Committee members present at the time of the vote.
3. The two liaisons and five resource persons designed by the Board of Commissioners to the Committee may participate in Committee discussions in order to provide factual information or their professional judgment. The liaisons, resource persons, and facilitator will not participate in Committee decision making.
4. Observers are welcome at all Committee meetings. Time will be allotted at each Committee meeting for observers to address the Committee. The Committee

will not immediately answer questions or get into discussions with these speakers, although Committee members, liaisons, resource persons, and the facilitator may follow-up with speakers after the meeting, and topics of interest to the Committee may be placed on a future meeting agenda. Observers will not participate in Committee discussions unless invited by an explicit decision by the Committee. Observers will not participate in Committee decision making.

5. All of the Committee's substantive business will be conducted openly at meetings to be announced in advance by the County, so that the community can see and hear how ideas and solutions are developing in this process. As long as it does not conflict with that principle, individual committee members may communicate in-between meetings with anyone (e.g., each other, resource persons, the liaisons, the facilitator, members of the community) in order to advance their personal understanding of issues and perspectives, test tentative ideas, resolve interpersonal misunderstanding or conflict, and coordinate on Committee administrative matters.

The County Attorney, in reply to a question from Commissioner McKee, advised that no more than four of the committee members ("a half of the membership plus one") is permitted to meet privately to discuss Committee business or to forward recommendations to the Board of Commissioners.

Mr. Hunnell suggested that the facilitator's wall notes be projected from a personal computer and available to remote participants.

What is working well and what is problematic?

The facilitator prompted group members to begin learning about each other's current thinking about firearms safety in Orange County with the question, "What are you personally seeing and hearing regarding firearms safety that is working well in Orange County, and what from your own perspective is problematic?"

The first reply from a group member was that he had no idea about what the County already has in place. Several people agreed, and so the group asked Deputy Sykes to provide some factual information.

Deputy Sykes explained what the Sheriff's Office does when it gets a 9-1-1 call regarding sustained gun shots. If we do not have an exact location then we will respond to the general area and listen in an effort to identify where the reported gun shots are coming from, he said. If we can identify the location, then we will

approach without sirens or blue lights. We do it quietly because we assume that sustained gunshot reports involve some kind of target shooting. Our role is to check to see that everything is OK.

Ninety nine percent of the time our presence is received well, he said. We'll ask if the homeowner minds us taking a look at the shooting range, so we can deem whether the situation involves safe gunfire or not. We do not have a scientific formula for figuring that out. The deputy on the scene will use his or her common sense to make that determination. If it is determined that the situation is safe, then we'll clear the call and inform the complainant what we found, if that person wants to know. In probably 1% of the time the person at the scene does not want us there. If we do not see anything that constitutes a violation of the General Statutes then we don't really have a reason to be there. We don't make a big deal of it. We try to see what we can, and leave.

There are three broad categories of data that we have. There's criminal activity, which is not included in recreational shooting. Examples of that are a home invasion or a shooting where someone has been struck. Second, we have hunting, which is governed by the NC Wildlife Commission and the General Statutes. We don't really check into that, and nine times out of ten we can't find them anyway. Hunting does not involve sustained gunfire, for the most part, unless it's deer or dove season, and then the situation is apparent to us. Target shooting is where we have most of our encounters with people who are engaged in sustained shooting.

We have had a steady reduction in the number of calls involving target shooting. In 2012, we had 60 calls that we responded to and discovered safe target shooting. In 2013, we had 47. In 2014 we had 44. And in 2015 we had 28. Each year, we also found a few people who were shooting unsafely (for example, shooting in the wrong direction or – and this is not using good common sense – sighting a high powered rifle in a mobile home park). In 2012 we found 8 unsafe shooting situations, in 2013 we found 6, in 2014 we found 2, and in 2015 we found 1. If an unsafe shooting situation leads to damage to property or someone being injured then we use the General Statutes to address it on the scene.

Deputy Sykes said that his data is only for 9-1-1 calls. The low number of unsafe target shooting 9-1-1 calls might be attributed to people directly calling the Planning Department or the Commissioner's office instead of calling 9-1-1, he said. It could be one individual calling us repeatedly. Later in the meeting, Deputy Sykes added that some neighbors are talking directly to their neighbors instead of calling 9-1-1.

A lot of the sustained shooting calls to 9-1-1 are the result of disputes between neighbors, he said. My father had strict guidelines for me when I was growing up in Orange County, he said. It was about being respectful toward your neighbors. You didn't get up on Sunday morning and shoot. You didn't shoot while church was in session. And if you knew you had a sick neighbor then you would use common sense and respect them. Maybe we can attribute the low numbers to these values coming back, he said. Maybe more neighbors are resolving their complaints one-on-one rather than calling 9-1-1.

Mr. Tesoro said that years ago a deputy had asked him to inform the Sheriff's Office in advance of his target shooting, just so the Office would know in case anyone called in a report. He wondered if that practice could be a reason why there has been a reduction in 9-1-1 sustained shooting calls. Deputy Sykes said that some people still do inform the Sheriff's Office in advance, but these days that might happen maybe once or twice per month. It helps us out, he said, so that when we get the 9-1-1 call we know what we are responding to.

Deputy Sykes added that a report of sustained gunfire is very likely to be a target shooting situation. Less predictable for us, he said, is when we get a 9-1-1 call about gunshots in an area. We'll get to an area and the shooting has stopped. We classify that as "unfounded." In 2012 we had 262 reports where we could not find the cause of the firing. In 2013, we had 92. In 2014 we had 143. In 2015 we had 200. To date in 2016 we are at 96. It is hard to gauge anything from those numbers because they vary so much, he said.

In reply to a question, Deputy Sykes said that he did not have data with him at the time on property damage or personal injury resulting from errant gunfire. When an errant round strikes a vehicle or a residence it is coded differently from when we get a call about sustained gunfire. It might take a lot of work but I can get the data for the Committee. However, in preparation for this meeting he talked with people who have been in the Sheriff's Office for a number of years. We collectively could recall only one or two instances where someone's property was damaged in the context of target shooting, he said.

I know we have had a few instances over the last couple of years where we had errant rounds from hunting striking a house, he added. I wish Forrest Orr were here tonight from the Wildlife Commission to speak to that.

Dr. Arvik then recounted an experience that took place about two weeks prior to his applying to serve on this Committee, when he had called 9-1-1 for assistance in dealing with a person shooting unsafely. He did not consider it unusual or problematic to hear gunshots on a Saturday afternoon in May – a neighbor of his has a range and that is OK -- but in this instance the shots were coming from another direction than the neighbor's range, on private property just across Old NC 10, about 400 feet from Dr. Arvik's back porch.

He witnessed a man with a .22 caliber pistol shooting at a piece of 18-inch square plywood about 5/8-inch thick that was leaning against a tree on a crushed rock background. The man was shooting toward Dr. Arvik's neighborhood where several pre-teens were riding bicycles. There was no way to predict where those bullets were going to go with that set up.

Dr. Arvik called 9-1-1 as he had been instructed to do earlier by the Sheriff's Office. After waiting longer than seemed appropriate for a deputy to arrive, John called 9-1-1 again and insisted that a deputy be dispatched immediately. A cruiser arrived after a few minutes, but instead of going to where the shooter was located the deputy went to Dr. Arvik's home. The deputy rang the doorbell but Dr. Arvik did not hear it because he was out back watching the shooter, so the deputy left.

Dr. Arvik then saw a deputy arriving at the shooter's location. The deputy inspected the piece of board being used by the shooter, and left. The Sheriff's Office received at least three calls in May about this one instance because Dr. Arvik then called 9-1-1 again. He insisted that an officer return to the scene. He then saw the shooter with an AR-15 5.56 which, although it is a .22 caliber rifle, uses a high powered, military style, 4,000 foot per second copper bullet. After talking with the deputy, the shooter agreed to put away the AR-15. The deputy then came to Dr. Arvik's home to tell him that there was no violation with which the deputy could charge the shooter. I could suggest a change of behavior to the shooter, the deputy explained, but that is all because the shooter is on private property. Dr. Arvik learned from the deputy that the shooter was practicing for a target competition to be held the next day.

The competitive shooter should have known about gun safety, Dr. Arvik said, but he wasn't following it. If there is nothing the Sheriff's Office can do about that, then surely we have a problem, he said. The longest ricochet from this shooter would have been 800 feet into our community. Every shot he fired was in the direction of our community. The problem was, first, that there was nothing law enforcement could do in an obviously unsafe situation because he was on private

property. Second, because he is a competitive shooter, he was knowingly and willingly violating safe firearms use. That's unacceptable to those of us who are hunters, he said.

Mr. Tilley then told about a neighbor who liked to purchase large amounts of ammunition after pay day, and shoot for long periods of time on the property next door. Mr. Tilley approached him directly and explained how the shooting was disturbing him. After a nice conversation, Mr. Tilley said, it never happened again.

Dr. Arvik said that he appreciates the benefit of having a conversation with a neighbor, and he was planning on taking that approach, but the Sheriff's Office had advised the Neighborhood Watch to call 9-1-1 rather than approach suspicious strangers directly.

Deputy Sykes reiterated that unless there is damage to property or personal injury then there is nothing law enforcement can do against an unsafe shooter on private property.

Mr. Kirkland said that one thing that appears to be working well is the low amount of property damage in relationship to the amount of calls being made to 9-1-1, especially in an increasingly populous county. On the other hand, he said, a situation such as the one Dr. Arvik recounted is an example of something not working well.

Mr. Kirland said that he is constantly having people he does not know shooting on a large tract that he owns off of University Station Road. I'm out in my woods cutting logs or on my tractor somewhere, he said, and I don't know what they are doing or where those rounds are going. That's another example of something not working so well, he said. You can call law enforcement against people shooting on another person's property without permission, but nine times out of ten the shooter will be gone before law enforcement arrives. And the property owner might not be home all the time.

I've had people ask me why we even need to have this possible ordinance, he added. They ask, what's the problem, where have the injuries been, where did someone get shot, where are the bullets hitting the house? Well, we know that in some cases there has been that problem. I'm sure that everyone here is a responsible firearms enthusiast. We have a duty to make sure everyone around us is safe. That's part of the game. We were taught from our granddads when we were little kids that you must know where that round is going, to respect your

neighbors. Ninety-nine percent of the folks engaged in shooting are this type of person. The question for me is how we address that remaining 1%, the loose cannons.

Mr. Hunnell said that he wished Forrest Orr were present to talk about what is working and not working well with regards to hunting. In Pennsylvania, he said, heavily populated areas such as Bucks County have restrictions, such as you can only use a shotgun for deer hunting, but otherwise all across the state – which is probably representative of the density of our community here -- on the opening day of deer season you have almost a million people out hunting in the woods and you almost never have people getting shot out in woods. That's a statistic that can be looked up. Most people are responsible when they are hunting.

Mr. Tesoro said that what's working well is that responsible gun owners are responsible. We know this because according to the 9-1-1 data there is not a lot of errant rounds. An errant round is mine until it stops, he added. If my errant round hits someone else's house then that's my responsibility. Is there already a law in place to reinforce this? That must be working well too, he said, shooters taking responsibility for their errant rounds.

Ms. Conti asked how that responsibility is determined, how someone can know to whom an errant round belongs. Mr. Tesoro said that others might not, but that the responsible gun owner will know where his bullets have ended up.

Ms. Conti then explained her situation. For years, she said, she has been living next to a shooting range located behind her property on Ford Road in Bingham Township. I'm hearing 1500 rounds over the course of a weekend, she said. I don't know how many people are shooting back there, but it's a lot. Apparently the property owner, Mr. Butch Klein, has opened the range to whoever in his trailer park wants to shoot. It's too many people for it to be just this man and his family, she said. I thought surely this ammunition is expensive and it's got to come to an end, but it doesn't. It happens at 8:00 on Sunday mornings, in spite of the traditional stopping time for church that people here have described. That's not working in our neighborhood. My grandchildren are out there, they're terrified and I'm terrified for them. And there are all different kinds of weapons. So, who knows what's safe?

As I gather, she said, there are no regulations in place by which Orange County can govern the operation of this shooting range -- and I'm not sure about this – unless it were public. We've not been able to come up with a solution to this situation. I

liked the idea of having a neighborhood chat, but that did not work. I appreciate the information that Deputy Sykes has shared today, she said, but I don't even call 9-1-1 anymore because it's completely futile. Former Sheriff Lindy Pendergrass gave me his cell number, she said, but even he couldn't do anything about it and now he's gone.

In reply to a question from Mr. Hunnell, Ms. Conti said she had not directly inspected the shooting range to determine if the setup is safe, if the bullets were being disbursed into a backdrop of some sort. I would not know what I was looking at, she said. My husband has spent a lot of time with other neighbors back there on that property, and he would be able to say more. There have been a lot of eyes on that property by well-informed people. I believe that we are not safe with that gun range behind our house.

John Roberts, County Attorney, said that the County has gun range regulations in place. However, they were only enacted last year and the State preempts the County from regulating any sports shooting range operated and maintained for target practice, whether private or commercial, that existed before the County regulations were enacted. Going forward, the County can regulate any new shooting ranges that might be constructed, but the existing ranges are all grandfathered in. I don't know if Mr. Klein's range is a sports shooting range, he said. I'm not familiar with that particular location or what it is. The State's definition is very broad; it could be that a 3-foot high berm being maintained for the purpose of target shooting is sufficient. You never know until it is tested in court.

Craig Benedict, County Planning Director, said it's problematic that people do not have the information they need. When complaints are made, he said, it is hard for both the complainants and the people conducting these activities to know how they fit with the existing County ordinances. The line has been blurred over the past five years about what's a private activity and what's a public activity. Mr. Benedict added that the best resource person to make the differentiation between land use and zoning issues in the County is Michael Harvey [who was observing the meeting]. He lives and breathes the complaints from neighbors in Orange County, and he works with the Sheriff's Office to determine how to approach these situations; it's difficult in some cases to figure this out. As the Committee continues to meet and have questions, Michael and I will continue to try to help with these definitions, making them as clear as possible, he said.

Mr. Kirkland suggested that it might be helpful to define “sustained shooting.” What should the hour be or how long the activity in order for us to refer to it as “sustained shooting?” If you have someone shooting all day long on a Saturday or a Sunday that would indicate to me that maybe there is some kind of commercial activity taking place, he said, because you can spend a lot of money real fast if you’re expending so many rounds for that long. When we’re hearing shots, he asked, is it a guy taking ten minutes to zero-in a rifle for deer hunting, or is it lasting for eight hours in a day?

Mr. Tesoro asked if there really was no line between private and commercial, for example, fifty people shooting all day. Mr. Benedict said that there is no time limit and no limit on the amount of rounds that go off to use in determining that an individual and his family members shooting on a rural piece of land is a commercial operation. There is some criteria, he said, but if a property owner is not charging and not advertising, or there is no business sign on the property, then the owner can invite people to bring, say, their go-carts over and that is in many cases a private use. They can come over and play horseshoes all night and all day. They might even have a tournament over there. It can range quite liberally on what is considered to be private use on private property. We have had cases over the years where we have tried to show that something is a commercial operation, and it has been very difficult.

Commissioner Jacobs said that the Sheriff [who was observing the meeting] had sent to him the Sports Shooting Range Protection Act of 1997, which contains definitions, for example of “a person,” and “a sports shooting range.” It looks like there is a possibility under the Act that there could be valid complaints against sports shooting ranges based on noise or noise pollution, but if the range was in place before the ordinance then you are out of luck. It appears that noise control ordinances can apply if they are in place at the time a sports shooting range begins operation, but otherwise they do not.

Ms. Conti said that, in her opinion, the definition of a “sport“ gun in the context of the Sports Shooting Range Protection Act, “would not include these AR...AK...the things that are so dangerous...that’s not a sport weapon, that’s an assault weapon.” Dr. Arvik disagreed. I don’t know about different types of guns, she continued, except that some of them are a lot louder than others and a lot faster while they are being loud. I don’t know what a sport weapon is, but maybe how one defines “sport” would be a good place for us to start, if that is subject to regulation, she said. Mr. Tesoro said that he didn’t think that was part of the Committee’s conversation at all.

Mr. Hunnell encouraged Ms. Conti to talk further with Deputy Sykes to address her concerns about safety. You need to make sure those rounds are being discharged safely and if they are not then they can take appropriate action, he said.

Dr. Arvik asked Deputy Sykes if the officers have a training program for learning how to determine whether a range is safe or not. Deputy Sykes said that there is no standardized training to enable deputies to make good, consistent determinations. Mr. Tilley said that most safe shooting is common sense. Deputies should be able to see what someone is doing and determine whether it's questionable or not, he said, using common sense. Dr. Arvik said that the deputy who assessed the situation that he was involved with in May had determined that the shooter had a backstop and therefore was safe, even though the shooter was using an AR-15 to shoot into a 5/8-inch thick piece of plywood 18-inches square set up against a tree surrounded by gravel. Deputy Sykes said that he agreed that most safe shooting is common sense, and that the arrangement described by Dr. Arvik was not safe.

In reply to a question from the facilitator, several Committee members said it was problematic that law enforcement training does not have all it needs – or at least guidelines -- to determine what is safe or not in this context.

Mr. Barksdale asked Dr. Arvik why he did not speak directly to the unsafe shooter that he had encountered last May. Dr. Arvik said that in general the suggestion to speak directly to another person is an excellent one, but that in his particular case the Sheriff's Office had earlier come to the neighborhood in response to consistent break-ins and attempted break-ins, and helped to set up a Community Watch program. One of the first rules they teach you in Community Watch, he said, was not to get involved if you see something wrong; instead to call 9-1-1. Mr. Tilley said that he would agree with that advice for a break-in, but that an experienced hunter and target shooter who sees a person target shooting in an unsafe way might also first try to have a conversation. Communication can solve a lot of problems, he said. Ms. Barksdale said that she both agrees with that philosophy and finds it problematic. She explained that a person who loved to get intoxicated used to target shoot in her semi-rural area near Grady Brown school when her daughter was small several years ago. The only option we had was to pull the children indoors. As the population in Orange County becomes more dense, she said, the rights of the people who don't want to pull their children indoors must also be considered. I would not have wanted to talk to that man, she said, while he was standing there intoxicated with a gun. We would call 9-1-1, but that would not end it.

Commissioner McKee said that he was hearing a difference in understanding among Committee members about what an assault weapon is and what a hunting weapon is. He asked if it would be worthwhile, if the Sheriff's Office has access to an AR-15 and, say, a .223 hunting rifle, to bring those guns in for Committee members to develop a shared understanding about what they have in common and how they are different. They are effectively the same caliber and effectively have the same rapidity of fire, he said, but they don't look the same. The AR-15 is a "fancier up" and dangerous looking hunting rifle, he said. They fire basically the same bullet and can be fired just as fast as each other. It would give us a better context for what an assault weapon is, he said. I think that when people say "AR-15" they are actually thinking M16's or a fully automatic machine gun. But they are not the same thing. It would help the Committee to define a shared base line of what an AR-15 is, because when you read in the paper about an assault rifle it is used interchangeably with AR-15. Deputy Sykes said that he does have access to those weapons and could bring them in.

Ms. Conti appreciated the idea. I don't know an assault weapon from a pop gun, she said. I just know that I don't think the shooting range behind my house is safe. She offered to retract what she said about the type of weapons being used on that range. There was a vigorous response by the group that she not do that, that she feel free to say out loud whatever it is that she is thinking and feeling. I gather that it is a sport thing going on over there, she said; people are practicing with their sporting and hunting weapons. Commissioner McKee said that Ms. Conti has a valid concern about her safety, and suggested that the group would benefit from seeing the two types of guns side by side, because they look radically different but are in effect the same machine.

Mr. Tilley said that he would not want to be hearing as much shooting as Ms. Conti says she is hearing from her neighbor's range. I'm a shooter, but I have more respect for folks than that. You have a valid complaint and something needs to be checked out about it. I'm sure Jamie can help you with that, he said.

Mr. Hunnell said that one thing that is working for firearms safety is that young people in order to get a hunting license have to take a state course in hunter safety. It is teaching individuals to know what they should and should not fire into.

Second, he said, we should develop the understanding together on this Committee about the difference in hazard posed by a pistol, a rifle, and a shotgun. I have data I can share on this later, he said. The bullet from a pistol does not go very far. If you

are a hundred yards away from a pistol, then the bullet will go into the ground before it gets to you; the same thing with a shotgun.

A rifle is a very different concern. When I was about ten years old I was on a pistol team that met downstairs in a police barracks. One of the demonstrations we saw involved shooting a .22 into a 1-inch pine board. The bullet went right through. They successively put a second and third and fourth board behind the first one, to show that the pistol's power was sufficient to propel the bullet through. Then they took a one-inch piece of meat to show you what happens if you shoot a human or a cow. It doesn't go through, he said, because the flexibility of the tissue contains the bullet.

Mr. Kirkland said that "assault" is an act. From that perspective, he said, a shotgun could be an assault weapon. It's irrelevant whether a gun is an assault weapon or a sports weapon. What we need to concentrate on is safety, and on keeping the rounds on the shooters' properties, on making sure rounds are contained and that shooters are responsible about making sure where their rounds are going. He said that he understands Ms. Conti's aggravation at hearing her neighbor's shooting for eight hours a day. Please don't be sorry to say anything, he said to Ms. Conti, because if it's a learning experience then everybody in here can learn something from it. That's why this Committee is here: so we can get input from everyone and make good, sensible solutions for what we're facing.

Ms. Barksdale said that it's important to understand the dangers posed even by semi-automatic weapons. There were two semi-automatic handguns used by the mass murderer at Virginia Tech. He shot 50 people, each of them no less than three times, in about ten minutes. My daughter was a student there at the time, she said, and it was very, very distressing. She had friends killed and wounded, and I went up and spent a week there. It lowered my immune system and I developed transverse myelitis. We have outcomes from these things that spin out, other than being shot. Even a semi-automatic weapon can be bad.

Mr. Webster said that the people in his community have told him that what's problematic is that gunfire is loud and sounds dangerous. I explained to them that that's a noise ordinance violation, he said. Maybe the County needs to look at the noise ordinance and adjust it. It's also tough to train all the deputies on what it is that would make a shooting range safe. Yes, it's common sense and they learn a little in basic law enforcement training and through their field training officer program and through the years of their service. I agree that it's not safe to shoot into a block of wood leaning up against a tree with a bunch of rocks behind it; it

should have been stopped somehow if the Sheriff's Office had something to work off of. Getting the deputies trained will take time and money; it can be done if the time were allotted for that. We need to come up with something to assist the County Commissioners that will fit the majority in our community.

The group returned to its conversation after taking a brief stretch break.

Mr. Tilley said that if we have to have an ordinance for addressing the firearms safety situation in Orange County then the best one already has been presented by the Sheriff: the Lenoir County ordinance. I don't have a clue as to why it has not been adopted, he said. It addresses the issues that were brought up to the Board. In my opinion, it is the Sheriff Department's duty to enforce whatever it is that we come up with, so if they say that this ordinance fits us well then we should recommend it. We might have a solution here right in front of our eyes.

Sheriff Blackwood had been observing the meeting, and at this point asked the Committee if he could make a comment. The Committee allowed it. Sheriff Blackwood said that he is not an advocate of the Lenoir County ordinance being in any way pushed forward, or not. This is your task force, he said, your chance to come forward with what you want to come forward with to present to the County Commissioners, for them to discuss what they are going to push forward. I don't want anybody in this room to think that I am advocating anything other than you guys doing what you feel is appropriate in addressing the problem. I appreciate what Greg has said, he said. I have read the ordinance. It is a good ordinance for Lenoir County. We have to decide what is good for Orange County. I don't want anyone on this Committee to think that I want the Lenoir County ordinance.

Mr. Tilley encouraged Committee members to read the Lenoir County ordinance, and reiterated that from his own perspective it addresses almost everything that the Committee will be trying to address. It could save us a lot of time and effort and hassle.

Mr. Roberts then shared a handout titled, County Regulatory Authority. On one side of the page there is a chart listing six areas of authority relevant to firearms safety and showing whether for each area the County has full, limited, or no authority. Limitations on the County's authority (citations to State statutes) are explained on the reverse side.

Mr. Roberts explained that for the most part the State of North Carolina has pre-empted County regulation of firearms. The County has full regulatory authority

over no firearms issue, he said. No regulatory authority over the ownership, manufacture, or sale of firearms or ammunition. It has limited authority over possession, public display and discharge of firearms. Currently, the County regulates possession; if not to the maximum extent allowed by the State then it is very close. That relates primarily to prohibiting firearms on County property. We cannot regulate firearms on private property. Although counties may regulate the public display of firearms on roads, sidewalks, alleys and other public property, the County does not have such regulations. I would not recommend the Board do so, he said, because this is addressed adequately by State law. The primary area that the County may regulate firearms is through discharge. Most counties that do this do so either through noise or distance limitations. For example, Cabarrus County regulates through distance. Orange County has a noise ordinance; firearms discharge is not covered by that ordinance. The County cannot regulate firearms discharge for lawful hunting or in the defense of person or property.

Commissioner Jacobs asked whether the County has authority to enforce against someone using a firearm while intoxicated on their own property. Mr. Roberts said the County regulates hunting while intoxicated and, since the statute says that a county may regulate discharge “at any time or place,” he would consider a county regulation against someone using a firearm while intoxicated to be lawful, at least until a court strikes it down, perhaps if at all on Constitutional grounds.

Commissioner Jacobs recalled that in order for Orange County to adopt a regulation against intoxicated hunting, based on a Caswell County ordinance, the County needed special authority from the General Assembly. Mr. Roberts deferred to the Sheriff’s Office in reply to a question from Commissioner Jacobs regarding how a prohibition against intoxicated shooting would be enforced; we could work with the Sheriff’s Office on that to develop standards for implementation, he said.

In reply to a question from Mr. Tesoro, Deputy Sykes explained that an intoxicated shooter on private property is not in and of itself enough for the Sheriff’s Office to act upon; there has to be a criminal act. Mr. Roberts added that if the County did pass an ordinance to prohibit intoxicated shooting then it would be a Class-3 misdemeanor, the lowest level of misdemeanor.

Commissioner Jacobs recognized Michael Harvey, Current Planning Supervisor, who is responsible for enforcing the County’s zoning ordinance, sitting with the observers. Commissioner Jacobs said that a lot of the problems regarding firearms brought to the Board of Commissioners by the public have to do with noise, in addition to safety. The Commissioners have talked about whether to change the County’s noise ordinance, he said, but we have not grappled with it very much so

this group might want to talk about that. For example, we might talk about the usefulness of a deputy taking decibel readings at a property line, or the need for new equipment. Deputy Sykes added that the Sheriff's Office is slated to acquire a new noise meter to address enforcement of the existing noise ordinance, but currently the noise ordinance does not address gunfire at all. Commissioner Jacobs said that the Committee could address the question of whether it would be helpful to address gunfire through an amended noise ordinance, at least to understand what it is and what it is not in order to understand whether it can have any effect on any of the concerns of neighbors who cannot talk successfully with their neighbors.

Mr. Kirkland said that some people have asked about how the size of the parcel on which someone is shooting affects the impact of the activity upon their neighbors. A very small lot is less likely to contain a projectile, for example, he said. Looking through some other counties' ordinances, Hoke and Mecklenburg, for example, I've seen restrictions on lot sizes. I don't know if that might help us in addressing noise concerns, given the close proximity of some people living on very small lots.

Mr. Tesoro asked what the difference is between the 2015 ordinance and the 1997 law that had been referenced earlier in the meeting. Mr. Roberts explained that the 1997 law is a State law, and that the County adopted a land use ordinance for shooting ranges in 2015. Mr. Roberts offered to distribute copies of both to the Committee. Commissioner McKee asked Mr. Roberts to distribute the sport shooting range protection act that Commissioner Jacobs had referred to earlier, and any other ordinance or state law that might be good information for the Committee to have.

The following ideas were noted by the facilitator on flip chart paper over the course of the discussion:

What is working well?

- Neighbors speaking to neighbors.
- The number of calls to the Sheriff's Office complaining about gun fire is down while the county population is up.
- Responsible gun owners are acting responsibly, as evidenced by the Sheriff's data that there are not a lot of complaints about errant rounds.
- The younger generation is participating in hunter safety courses.

What is problematic?

- We do not all know what firearms safety regulations and practices already are in place.
- People with firearms creating unsafe situations on private property, resulting in damage to property or injury.
- People shooting without permission on other's private property.
- "Loose cannons"
- No regulations for enforcing against unsafe practices on a non-commercial shooting range operating on private property in Orange County.
- People don't have the information they need when they encounter other's unsafe shooting practices, because the lines between commercial and non-commercial activity can be blurred.
- Unclear definition of "sustained shooting."
- Law enforcement doesn't have all it needs (e.g., guidelines) to determine what is safe or not.
- When shooting on private property is loud and sounds dangerous.
- Deputies are not trained to assess safe/unsafe situations beyond common sense.

Committee Process from Here Forward

Dates for the next two meetings were confirmed: Wednesday, July 20 and Monday, August 1. The meeting time and location for these meetings will continue to be 7:00 pm to 9:30 pm at the Government Services Center in the downstairs meeting room.

Mr. Hunnell asked that if Mr. Orr is not able to attend the next meeting that the NC Wildlife Commission be asked to send a substitute so that the Committee can get the information it needs with regarding to hunting. Commissioner McKee said that he as Chair of the Board of County Commissioners would make a formal request that Mr. Orr be here.

There was no objection to the facilitator's suggestion that the group's general process be to reach agreement on any problems that it will want to address before attempting to reach agreement on solutions. Mr. Tesoro asked and the facilitator confirmed that the Committee has not yet agreed on the problem.

The facilitator said that the goal is to wrap up the Committee's work before Thanksgiving, and there was no objection. In July the facilitator will solicit for late-August, September, and October meeting dates.

The group was then invited by the facilitator to evaluate the meeting. Committee members said:

- We established a good ground floor or starting point
- We were respectful to one another
- We are hearing everyone's concerns
- Don't change anything!
- Serve barbeque
- Facilitator doing a great job

Comments from Observers

Observers were then invited to address the Committee.

Neal Galloway – Orange County clay is excellent material as a backstop. A shovel and a wheelbarrow is all you need to make for safe shooting. It is not rocket science. The bigger the backstop the better, but when the deputies are called they really need to be looking for Orange County clay. If they see someone shooting unsafely, then they should turn a negative into a positive through education and encouragement to do the right thing. The Lenoir County ordinance addresses the question of where these projectiles go. You can trap those projectiles in a pile of clay every time. The focus of the Committee's work should be where the projectiles end up. It won't take a lot of training for deputies to learn what Orange County clay is, and where projectiles are supposed to be going. Appreciate that the Sheriff's Department was here tonight to answer questions right away about the statistics on gun safety problems in Orange County, whether property damage, personal injury, or fatalities. I would recommend that when the Wildlife Commission officer is here that he compare his statistics to boating safety and bicycle safety in Orange County. Insurance statistics show that you are far safer spending an hour shooting than you are on a bicycle or in a boat. I'm impressed with the way this meeting is going, everyone is getting their say, there is a lot of respect here, and it's a good chance to get to know some of your Orange County neighbors.

Matt Moore – Was appalled by some of the distance restrictions and earthwork volumes proposed for the berms, some of the construction stuff, in the previous proposed ordinance. Agreed with previous speaker regarding the use of clay. Depending on what you are doing, a few wheelbarrows of clay will be sufficient if you are shooting close. By the same token, if you are shooting a thousand yard rifle then it would be easy for your projectile to sail over a 15-foot high stop if you are

not conscientious. Please don't have people who are not conversant in land measurement or the technical aspects of firearms setting technical standards. The guts of what we are trying to do is contain the projectile so that it doesn't get onto other people's property.

Ashley DeSena – In late February/early March I took it upon myself, with other citizens of Orange County, to circulate a petition that says if we have to have an additional ordinance then we would like it to be modeled on the Lenoir County ordinance. I would like to submit the petition, all the signatures we have collected on it, and an attachment that is an edited version of the Lenoir County ordinance in which I have substituted “Orange” for “Lenoir” to show people what the ordinance would look like here. We collected hundreds of signatures in a week, without that much effort and so quickly that I did not even get my husband's signature; we could have gotten more. A few hundred if not several hundred people who could not be here tonight know of and are in favor of this type of ordinance, which tries to address all the public safety issues. The only thing I did not see in the Lenoir County ordinance that Committee members have said they are concerned about is intoxicated shooting. There might be language already in here that could be interpreted to address that, but I think it would be perfectly reasonable if you want to work that into the ordinance.

Linda Galloway – Asked why “reckless endangerment” would not be a sufficient existing principle to use to enforce against intoxicated shooting. If someone is on their own property but acting in a way that would endanger someone off of their property then why would that not be enough for a deputy to arrest them? I have problems with drunks in our area, too. Also, lots of people on social media are concerned about how much the facilitator is being paid. The amount -- \$125/hour – saddens me. We have soldiers in Afghanistan; I have friends who are fighting there. I'm blown away that this Committee is willing to sit here for two and a half hours, and saddened that all you all think that that is acceptable. I'm very disappointed in the County for doing this. She also asked Commissioner McKee to remind Committee members that when they were picked to serve on the Committee they were obligated to attend every meeting.

Lindsay Tapp– This looks like more of a noise problem than it is a gun problem. It's already illegal to shoot on someone else's property without their permission. If the projectile does not leave your property then it is not a safety problem, it is only a noise problem. What difference does it make if the noise comes from a gun, a chain saw, or a boom box? Seems to me we should be looking at this like it's a noise problem, not a gun problem.

Wilson Lamm – Sympathized with Ms. Galloway. Monty Python comes to mind, he said: we came in here with no agenda, although obviously a hidden agenda because you're force feeding questions about things that might be happening. We're hearing personal complaints, trespass issues – surely there are enough laws about trespass already. My neighbor has signs all around his property so I don't go over there; there's something that works. It's all noise. Doesn't poor safety lead to injuries? Where are the injuries? Assault rifle talk is not relevant. Mass murder talk is not relevant. Law enforcement is not in my opinion around to keep things from happening; they are supposed to go out after the fact. It bothers me to hear that a deputy would invite himself onto your property, chat with you in a friendly way, and then look for criminal behavior. I don't think that would fly in court, and I don't think we need it. There are plenty of things to work on: speeding on the highway, for example. We have people who walk on the wrong side of the road, and that is far more dangerous than our shooting. Bicycles on Orange Grove Road. Mental health services are in shambles. Roads really need work. And the homeless people that I see going up and down the highway. We got a lot better things to do than this. You also need to put more time for the audience on your agenda. You had at one point 13 people, you left 21 minutes for them to talk at 3 minutes each.

No other observers asked to speak to the Committee.

After Commissioner McKee checked to ensure that the audio support was sufficient for the Committee (it was after the volume was turned up) and Commissioner Jacobs checked to ensure that all Committee members had contact information for each other (they did), the meeting was adjourned at approximately 9:25 pm