

VILLAGE OF WESLEY CHAPEL
PUBLIC HEARING
MINUTES
April 1, 2008 – 7:00 P. M.

The Council of the Village of Wesley Chapel, North Carolina, met in the Fellowship Hall of the Wesley Chapel United Methodist Church at 120 Potter Road South, Wesley Chapel, North Carolina, with Mayor Tracey Clinton presiding.

Present: Mayor Clinton, Mayor Pro-tem Croffut, Council Members Bradford, Horvath, Pierce

Others Present:

Village Clerk/Finance Officer: Cheryl Bennett

Planning/Zoning Administrator: Justin Krieg

Village Attorney: George Sistrunk

Concerned citizens: Carol Mullis, Julie Brown, John Famolari, Mike Moore, Brian Crump, Winston D. Patterson, Dixie Patterson, Tony Patterson, Kathy Patterson, Mike Patterson, Royce Harmon, Ray Davis, Roxian Andrews, Jim Andrews, Kate Rosenblum, Wendi Lincoln, Evelyn Maben-Hall, Melinda Harmon, Roxane Kolar, David (illegible), Maria Land, Michael R. Land, M.D., Dan Horner, Butch & Becky Plyler, Carol (illegible), Chuck & Gayla Adams, Charles Rohland, F.W. Carden, Jay & Julie Puckett, David Wick, Joseph A. Hall, Gayle & Rich Sebastian, Stephen Keeney, Horace Deese, Sear Parker, Larry Bowman, P.E. Sperry, B Deicis, Buxton Brosch, Lance Brosch, Bill Cooper, Pat Stitt, Alice Redwine, Bill Redwine, Stanley Schwartz, Julie Gibson, Mark DiBiasio, Wm. Scott Ives, Emily Snapp, Tom Green, Richard Rile, Reid Davis, Chris Mangano, Jim Snyder, Xavier Peredu

Meeting was called to order at 7:00 PM and a quorum was present.

Mayor Clinton led the pledge, and Croffut did the invocation.

Mayor Clinton set out the ground rules; each speaker has 3 minutes of time, if you represent an organized group you can have 5 minutes. Please state your name and address. We will alternate between speakers pro and con. This public hearing is about a firearms ordinance, and please do not refer to specific people or situations. Do not react verbally to anyone's comments in the interest of time.

PUBLIC COMMENTS

1. Tom Terrell, an attorney from Greensboro representing several homeowners here, said he has represented local governments and businesses for 20 years. He noted towns incorporate due to population growth; concentrations of people require services and protections, and commonly ordinances are adopted. Royce Harmon handed out G.S. 160A-189, and Mr. Terrell read from it. Mr. Terrell said there are firearms ordinances all over the state, and he read our draft ordinance, and found it to be simple, common and effective.

2. Brian Crump, 1141 Woodwinds Drive, commented on the indiscriminate act of gunfire. He said this would prohibit firing of high powered rifles for hunters. He suggested it would be easier to adopt Mecklenburg County's ordinance. He had concern for his own children, but didn't want to harm rights to hunt.
3. Royce Harmon, 1405 Willow Ridge Lane, said he lived here five years, and represents Citizens for Safer Neighborhoods. He said the ordinance is greatly needed and establishes where and when residents can discharge firearms. He and his wife enjoy the outdoors, and the first time they heard the loud gunfire, called the Sheriff, and they said there was nothing they could do. Our village has grown 79% since 2000, and other safety features have been added on roads, and feel the ordinance is another safety measure. He turned in pages of petitions signed in favor of the firearms ordinance.
4. David Funderburk – passed.
5. Dr. Land – gave his time to Kate Rosenblum, 703 Chambwood Road, said she purchased 60 acres to train dogs, and if they can't use guns to train dogs, they can't train them. They never have had any problems. Also there is skeet shooting at her house, and she wants to teach how to use guns correctly. She suggested people respect what was here before you came; we need to get along, and be respectful.
6. Wendi Lincoln, 1809 Crestgate Drive, thanked Council for addressing concerns, and noted children can't enjoy the out of doors due to the gunfire; and fully supports the ordinance.
7. Frederick Carden, 1401 Bloomsbury Lane, said he was the first resident to build on Bloomsbury Lane, and said he has no problem with Mike shooting, because he feels it is safe and there was no danger. He said there is no reason for an ordinance, and he can barely hear it at Shannon Road. He said there are loud noises in Stonegate that are more annoying. He said he has seen what has been done to improve the safety of the range.
8. Mike Patterson, 1418 Bloomsbury Lane, lives with his family on property the family owned since the 1970's. He has lived here all his life and supports the ordinance. He brought pictures from last summer of a tree on his property with a fresh bullet, and the bullet was found at the base of the tree. The bullets came from outside his property. For the last 211 days, they have noted gunfire 132 days. He has heard gunfire after dusk, in pouring rain, sleet, and snow, when there were strong wind advisories. This ordinance acts to provide more protection, and brings it up to par with other municipalities. Now people living outside Wesley Chapel can come here to shoot their guns.
9. Robert Nichols, 1608 Waxhaw Indian Trail Road, said he is one quarter mile from Dr. Land, and this is not about a gun ordinance it is to stop Dr. Land. The berm is so tall, he can't shoot it to his left. If we stop shooting in Wesley Chapel, bullets can still come from outside Wesley Chapel.
10. Roxane Kolar, from Chapel Hill, representing North Carolinians Against Gun Violence. They work with communities and recommend this ordinance. Wesley Chapel has grown almost 80% since 2000, and will continue to grow. The ordinance doesn't stop people from owning or defending their property, or hunting. The ordinance is for prevention and safety; it is fair and common

sense, and can prevent lives from being lost. She noted statistics; in 2006 14,678 people were injured nationwide in accidental shootings and 789 killed. Five children were killed in North Carolina since January in accidental shootings. She cited individual children who were killed or injured while at play.

11. Horace Deese – lived all his life in Wesley Chapel, and said the misplaced Yankees has turned him against Wesley Chapel, and said the big money we have spent on lawyers should be spent on a speaker system so we can hear. The deputies are here with guns in church, and we are talking about a gun ordinance, and he didn't get it.
12. Dan Horner – 1705 Crestgate, said he commended the council for meeting before a tragedy happens. He said the ordinance is cut and paste, the time has come, it is reasonable; it allows hunters to still hunt. He said the ordinance is expected. Shooting is too great a risk to children, and he urged passage.
13. Betsy Lever, declined.
14. Tom Lever, 201 Plymouth Drive, said the flying bullet is a red herring; the concern is really about noise. He said you should find out what is around property before you move in. The NRA investigated the property and it is safe.
15. Julie Puckett, 6118 Lowergate Drive, said tonight on TV there was an accidental shooting in Iredell County, where a 15 year old waiting for a school bus was shot by someone trying to hit a dog. Six years ago there were two stray bullets in her backyard; they ricocheted from a neighbor's yard. The deputy was not overly concerned, and said they should be tolerant. This is an ongoing safety issue, Union County is the 7th fastest growing county; other municipalities have passed ordinances. This is not an attack on gun owners, this is a safety issue, and accidents happen.
16. Bobby Keeth – left.
17. Julia Keeth – declined to speak.
18. Braxton Brosch, 826 Potters Road South, said he really likes to shoot guns. If people don't like it, they should leave.
19. David Wick – passed.
20. Joseph Hall – passed.
21. John Famolari, 1707 Crestgate, said this is the 7th fastest growing County; other towns have ordinances, why should we be less deserving. He said Charlotte has a firearms ordinance, and Union County leaves it up to the municipalities, where the most growth is. There is no disclosure requirement for realtors. He supported the ordinance.
22. Rhonda Davis – declined to speak.
23. Reid Davis, 156 Valley Glen Dr., Weddington, said there have been crimes in Charlotte where doors were kicked in, criminals won't go to Dr. Land's home, he felt this was a safe gun range, and you shouldn't enforce your values on others.
24. John Brady, 1109 Applegate Parkway, moved here in 2001, and said for several years he didn't hear gun fire. His son went in the military three and a half years ago, and it has become more prevalent. His son sent him an e-mail

referring to being home from Iraq with his buddies, and hearing the gunfire, and causing them to react. His son, Jacob, was concerned with the gunfire in close proximity to homes. During machine gun training prior to deployment, he learned about Cook-off. When firing weapons on full auto, the chamber can reach temperatures that may cause a loaded weapon to discharge without pulling the trigger, even if the safety selector is engaged. He noted no matter how a range is designed or how much training someone receives; there is a risk of accidental discharge. John Brady said with 21 years in the military, he enjoys shooting, but noted accidents do happen, and he supported the ordinance.

25. Richard Rice, 4817 Hudson Church Road, Indian Trail, said this is taking part of gun rights away from the Second Amendment. Crime goes up when gun laws are enacted, he said.
26. Bill Gwinn, 315 Lester Davis Road, said he has been here 18 years, and was trained to shoot in the Air Force. He is a one thousand yard shooter; he hunts prairie dogs in S. Dakota. He said the ordinance is taking freedoms away; it chips away at the Second Amendment. He said he is a member of the Charlotte Rifle and Pistol Club and they have not had any incidents there.
27. Michael Lincoln – left.
28. PE Sperry – passed.
29. B Dekis – left.
30. Jay Puckett, 6118 Lowergate Dr., moved here six years ago from E. Texas, there is a process of growth, both there and here, and everyone has rights, the ordinance won't take guns away, or the right to defend, he was for the ordinance.
31. Carol (illegible) – passed.
32. Dick Raby – left.
33. Rob Gordon, 6106 Greengate Lane, said he has shot with Dr. Land, and said he is very safe in what he does. He said the range points away from the neighborhood. He said Dr. Land is a class 3 competition shooter, and he trusts his accuracy and safety; and he was against the ordinance.

Mayor Clinton asked again that people comment on the ordinance, not on specific people or situations.

34. Sean Parker, 6106 Lowergate Drive, said he has macro concerns; he also grew up in East Texas, and is prior military. He said he was not concerned with one person or situation. He said criminals get the same rights if we don't pass the ordinance. He said the noise doesn't bother him. He supports the Second Amendment, but we should think logically, and he supports the ordinance.
35. Drew Davis, 1607 Ambergate Lane, said he is retired from law enforcement as a counter sniper. He lives in Stonegate, and talked about the terminology in the ordinance. Section 4, firearms use by children, he felt this was covered by state law and shouldn't be included here. He suggested other alternatives, and wanted us to do it right.

36. Pat Stitt, 1507 Waxhaw Indian Trail Road, said her family has been here 36 years, and for the first 20 years or so they heard gunfire only occasionally. They stopped target practice when neighbors moved in, because they felt it was unsafe, and did it as a courtesy. High powered rifles and other guns are being shot within a half mile of the school and other property. We are no longer a rural property. One longtime resident told her he felt into longer safe to shoot here and goes elsewhere. Others come from other towns to shoot here. She is for the Second Amendment and owns a gun, but she is for the ordinance.
37. Lance Brosch – 826 S. Potter Rd., said he has been here 30 years, and doesn't feel a danger from Dr. Land; we all have to listen to it, and respectfully ask he be more considerate. Mr. Brosch said he doesn't want to restrict Second Amendment rights, but maybe there is a middle ground here. This ordinance doesn't prohibit hunting, but you can't make sure your gun is accurate, because it could be indiscriminate shooting.
38. Stanley Schwartz, 1106 Glen Verde Ct., said he owns guns, is a NRA member, and has a concealed weapons permit. He would not support something that would take away his rights; this is not about that. He lives in Silver Creek, and has found people shooting on the common area thirty feet from a house. The deputies have no ordinance to enforce.
39. Mark DiBiasio – 4708 Tom's Creek Ct., lives in a subdivision contiguous to Wesley Chapel. He said there are deer blinds on their common property, and they can't use their walking trail for fear of hunters. He said this is a safety issue, and encouraged passage of the ordinance.
40. William Scott Ives – declined.
41. Hal Wilson, 1901 Crestgate, is from rural North Carolina, and said this is about everyone's right to co-exist. It is not a safety or noise issue to him. While developers offer money to farmers, it won't stop. He thinks it is a sensible proposal, not a slippery slope. He doesn't want to give up his guns, but the demographics are changing. He appreciates the changes Dr. Land has done, and supports the Second Amendment, but thinks the ordinance is reasonable.
42. Rory Wall, 5243 Silver Creek Dr., said his son is a state champion shooter; and he is for the ordinance. He questioned whether air soft guns would be subject to the ordinance, as well as rim fire and bb guns.
43. A resident asked if the Village was financially able to take on the NRA.
44. Jim Snyder, 6314 Lowergate, asked if the Village was ready for a lawsuit if a 50 caliber weapon hit someone.

The Public Hearing was closed. A two minute recess was held.

Council deliberated on the ordinance. Mayor Clinton said we can take action tonight, or table to a future meeting.

Sonya Pierce said she is a Second Amendment supporter, and does target practice.

Rick Croffut said he grew up with guns, is a hunter, but doesn't shoot by homes because they are too close; he is also a Second Amendment supporter.

Brad Horvath said we should take a careful look at the ordinance to make it better and respond to issues heard tonight. We are going through growth, and as the community

Minutes 04.01.08

Approved 05.12.08

changes, we must change. It is all about safety. Without a law, we haven't given the deputies anything to abide by. He hopes experts will give us more details.

Sondra Bradford said she supports gun rights, her father was in the military; the ordinance is trying to provide a happy medium. Some areas don't impact others, in other areas of Wesley Chapel; it doesn't make sense to allow shooting. She wants safety, but respect for people's property rights. She heard some things that she would like to research further.

George Sistrunk, village attorney, advised that state law trumps local ordinances. Because of enforcement, there is no harm in including something in the local ordinance that may also be covered by State law.

Sonya Pierce asked for more detail on the air soft and bb's.

Council will follow up on issues; George Sistrunk will follow up with the Sheriff's Department.

Sonya Pierce made a motion to table the firearms ordinance to do further research, and put it on the agenda for April 14th. Sondra Bradford seconded the motion.

The motion passed unanimously.

Croffut made a motion to adjourn; Horvath seconded the motion.

The motion was approved unanimously.

The meeting was adjourned at approximately 9:30 pm.

Respectfully submitted,

Cheryl Bennett, Clerk

Mayor Tracey Clinton