

MINUTES

RANDOLPH COUNTY PLANNING BOARD

June 4, 2013

The Randolph County Planning Board met at 6:30 p.m., on Tuesday, June 4, 2013, in the 2nd Floor Meeting Room, Randolph County Historic Courthouse, 145 Worth Street, Asheboro, North Carolina.

1. **Chairman Reid Pell** called to order the Randolph County Planning Board meeting at 6:30 p.m.
2. **Hal Johnson**, Planning Director, called roll of the members: **Reid Pell**, Chairman, present; **Wayne Joyce**, Vice Chairman, present; **Chris McLeod**, absent; **Phil Ridge**, present; **Jim Rains**, absent; **Kemp Davis**, absent; and **Larry Brown**, absent. County Attorney **Ben Morgan** was also present.
3. **Joyce** made the motion, seconded by **Davis**, to **approve** the Minutes of the May 7, 2013 and January 31, 2013, Randolph County Planning Board meetings. The motion passed unanimously.
4. **ROAD NAME CHANGE:**

JESSE HILL, Trinity, North Carolina, is requesting that private road, Marvin Hill Place, located off Finch Farm Road, Trinity Township, be renamed **Barbara Lane**.

Jesse Hill was present and explained that his father was Marvin Hill and he died in 1965. Hill said that he and his wife were married in 1960 and have lived here since that time. Hill said that his wife passed away a little of a year ago. He said that this drive is on his property. His brother used the road until this year, and he now has a new drive from Finch Farm Road. Currently the road is only used by himself and two daughters. Hill said that he paved the drive and would like to dedicate the private drive to the memory of his wife. They all are in agreement with the name change and realize they would be required to change their addresses.

Randy Yates explained that they are in agreement with the change.

There was no one present in opposition to this request.

Joyce made the motion, seconded by **Ridge**, to recommend to the Commissioners that this request be **approved**. The motion passed unanimously.

5. **SPECIAL USE PERMIT REQUEST:**

Swearing in of the Witnesses - "Do you swear or affirm that the information you are about to give is the truth, the whole truth, and nothing but the truth, so help you God."

5 citizens took this Oath.

CHRISTOPHER ALEXANDER, Trinity, North Carolina, is requesting a Special Use Permit for a Rural Family Occupation to provide "conceal-carry permit" training from his residence with proposed outdoor handgun range and possible future rifle range (as per site plan) located at 1649 Ross Wood Road, on 33.19 acres, Tabernacle Township, Tax ID# 6792316833.

Alexander was present and explained he and his wife own Carolina Training & Advisory Group. He said through this company they would like to provide National Rifle Association (NRA) certified training such as Basic Pistol Shooting, Personal Protection Inside the Home, Refuse to be a Victim, and the N.C. Dept. of Justice's Carry Concealed Handgun course. Alexander said that he is a certified instructor of all these classes as well as a NRA Certified Range Safety Officer. Their current range has a berm 50 ft. long, 5 ft. tall, and 8 ft. deep and composed of red clay dirt. Alexander said that directly behind the berm is piled brush and concrete and the side of an ascending mountain/hill composed of large rocks, trees, brush and vegetation. The hill ascends to a pinnacle of over 500 ft. He said he approached the neighbor that lives at the top of this pinnacle, and invited her and her husband to meet with him and see the range. They have not accepted this invitation. He said that he does his best to get along with everyone he meets, but he has learned that if someone wants to hate you, there is nothing you can do to change their mind or win them over. He said he believes the issue here is more personal hatred than about the facts of the request at hand.

Alexander said he was advised that some clarification was requested about roughly how long there would be shooting, per class. In the Carry Concealed Handgun course each student is required to qualify proficiency with 10 rounds at the 3 yard-line, 5 yard-line, and 7 yard-line (total of 30 rounds). There will be 2 students shooting at a time. Each student is given 1 minute to complete each distance, for a total of 3 minutes of shooting. For a class of 15 students (maximum class size) there will be 24 minutes of shooting per class. He said this is not sustained fire and large caliber handguns such as .50 cal Desert Eagles would not be allowed. In the Basic Pistol Shooting course some students have never shoot before, therefore the range time is longer. Each time an individual student shoots they are under the supervision of a certified instructor. Each student must load an individual bullet between each shot, for a total of five rounds, first from a sitting position and then from a standing position. The shooting is from the 3 yard-line. This course has no time limits and is taught strictly with a .22 caliber handgun.

Alexander said that last month a neighbor cited several incidents involving handgun related fatalities and he didn't feel they had anything to do with his range. He said he was also threatened with being turned in to OSHA. He introduced the National Shooting Sports Foundation's 2011-12 Industry Intelligence Report (page 8) as evidence. He said the report states firearm related fatalities in the U.S. have been decreasing consistently since record keeping began in 1903, and by 33% in the last decade. This decline is attributed to a number of factors, including educational efforts by groups such as the National Shooting Sports Foundation, NRA, and State hunter education programs. Firearms are involved in fewer than 1% of all unintentional fatalities in the U.S. In 2008, there were 13 unintentional firearm related fatalities in N.C. out of a population of 9,247,134. He said a person is 58.8 times likely to be involved in an unintentional fatality with a motor vehicles than a firearm. He said people who attend such classes, want to be responsible gun owners and value their 2nd Amendment Rights. He said all students will follow the range safety rules or they will face potentially being asked to leave the premises. He said as for OSHA, he contacted John Bogner of the regional OSHA Consultation Project in Raleigh and discussed his proposal. He was told that they have no interest in his range as long as he had no employees that complained over health issues.

Alexander said he would have no more than 2 classes per month on weekends. He said they would basically only be shooting on Saturdays. He said a typical handgun bullet is designed to penetrate on average, 12-18 inches of solid matter. He reminded the Board that his berm is 8 ft. deep and a would have to penetrate the berm, brush/concrete pile, countless trees/vegetation, elevate itself 50 ft. and travel at least another 600 ft. before it could reach a residence. He said that he would be willing to modify the range or address safety concerns of his neighbors, but only one neighbor has met with him to discuss the issues. The neighbor said that they had received a letter from another neighbor urging them to come and vote "no" against the range. Alexander thanked that neighbor.

Alexander said that after the meeting last month, he was met with comments more surrounding him personally than about the range. He said that he found personal resentment for him based largely on him having purchased someone's family home, while only one or two told him that all they wanted was for it to be safe. He was also told by a neighbor that night that he had a buddy that taught Carry Concealed Handgun courses at a local fire department's range. I checked with the chief at that fire department who said embarrassingly that they didn't really have a range.

Alexander said that he has taught 2 Carry Concealed Handgun classes since the last meeting and took his students to Triple Target Range in Sophia to qualify his students. He said that range was nice, but the biggest difference is that is open to the public and this range will only be used in their business. He said they would have established NRA protocols, no more than 2 shooters at a time on the firing line per instructor, and no long guns. This will just be handgun training. The range is marked at 3, 5, 7 yards and safety will be paramount. There will be a 1 to 2 ratio used for instructor/students in each class.

There will be no automatic guns or explosives allowed. No shooting for paid purposes will be allowed on Sundays. During the time the range is being used, there will be a range flag posted at the top of the property with a sign indicating live range and a phone number for contact purposes. The automatic gate near the road will be closed when the range is active. The local EMS and fire department will be contacted and advised on the location of the range as well as operation times. Prior to business shooting, the berm will be increased from 5 ft. tall to 8 ft. tall. Lateral barriers will be created on the left and right (of the range), 15 ft. long and 5 ft. tall to help alleviate traveling noise as well as provide a further barrier for projectiles. He said these changes would cost approximately \$1000 and would be installed if the request is approved.

Alexander showed the Board a 3-minute video of the entrance to the range and the range itself

Ridge asked if the shooting range would only be used by the classes. **Alexander** said that no shooting would be allowed unless an instructor is present.

Rains asked berm size. **Alexander** said it will be 8 ft. tall and 12 ft. deep and the sides would be 15 ft. deep and 5 ft. high.

Kerry Brooks said he would like to speak in support. Brooks said that he has a renewed interest in the “right to bear arms.” Brooks said that he met Alexander and found it interesting that there are several concealed weapons classes. He said that Alexander teaches an 8-hour gun safety class first and after that class there is a concealed weapons class. Brooks said that he was impressed with Alexander’s credentials and since taking the classes he feels that he is more knowledgeable about handgun safety. He said that Alexander’s first priority is to keep people safe (in his classes). Brooks said he has been an educator for 27+ years and feels that Alexander does a wonderful job in teaching gun safety.

James Rendle, 914 Jan Dan Drive, said that he is a neighbor of Alexander’s and met with him at his residence. Rendle said that he has toured the gun range and that the two neighbors closest to the range sits at an elevation of 50 ft. and 60 ft. above the range.

Chairman Pell administered the Oath to James Hill and Arthur Beavers.

James Hill, 1721 Ross Wood Road, said that he built the house that Alexander lives in and his parents lived there and owned all the land surrounding his residence. Hill said that he has called the law on Alexander. Hill said that he was standing in a doorway of his building when a bullet hit 1 ft above his head. He said that the law went over and talked with Alexander. Not being satisfied with their response, he went over and talked to Alexander, He said that his residence is 800 ft. away from where they shoot, but they have seen bullets ricochet off his house. He said that when they went over to Alexander’s there were guys shooting in a hole and there were all types of guns there.

Hill said that Alexander told him that it was a .38 that had been shot. He said that it had enough power to bust the vinyl-siding on his building and the wood behind it and fall on the ground in front of him. Hill said that he felt like this was an unsafe property for a range.

Debra Kinley, 1613 Ross Wood Road, said that her house was across the road from this site. Kindley said that there wouldn't be a meeting today if there had not already been ricochet bullets. She said he never offered to pay for the damage and with his credentials he should have known better. She said Alexander has said that the berm is on the side of a mountain. She said she didn't know she had mountain property. She said that she didn't want a shooting range aiming toward her house and wanted to know why his range doesn't face his house. She said that the regulations need to be enforced if the range is passed and not just at the time it is installed. She said that Ben Morgan brought up the number of incidents that are brought before this Board and this Board should see that people are kept safe. Kindley said that there have been at least 2 incidents of neighboring property being hit and steps should be taken to see that this doesn't happen again. She felt the range should sit in a horseshoe shaped pattern that is 12 ft. tall and he should be required to show proof of liability insurance. She said she wants him to fire into his house and not hers.

Jamie Hill, 1721 Ross Wood Road, said that she didn't feel that anything has changed since the last meeting and this type of business should not be in a residential area. She said that their neighbors' driveway is directly behind this berm. She said that this is a residential area and no other businesses in the area. She said that they all have kids and want them protected and is not a matter of whether they like him or not. **Rains** asked how far the drive was behind the berm, and **Hill** answered twice the width of this room.

Arthur Beavers, 4373 Dunbar Bridge Road, said that if you cross down this driveway behind the berm, you will be shot at. He said that this is not the right place for this range and nothing has changed with the dirt mound being called a berm. He said that this is a safety issue with a driveway in the line of fire. This is the wrong place for this range. He said that he was speaking for his neighbor, Shane Westerberg, because he could not be here.

Joyce said that the concrete behind the berm concerns him and that any berm should be thick and compacted. Joyce said that he didn't feel this request met the 1st test.

Rains asked Hal Johnson if there were things in the Planning world for personal ranges. **Johnson** answered we don't have any in Randolph County or any other county that he was aware of. Johnson said that the only reason we are here tonight, is because Alexander wants to charge for the classes. Johnson said that if the range was on your property you could shoot all you wanted and it would be unregulated. Johnson said that he is required to have a Special Use Permit because he wants to charge for the services. Johnson said that the incidents that were talked about were unregulated shooting.

Johnson asked Alexander to address that issue.

Alexander said that it was during 2009 and a number of his friends who are Greensboro Police Officers came to shoot at his residence. He said one of his friends was shooting skeet during one incident and the next incident involved the same friend shooting a 380. Alexander said that he did apologize to the Hills and offered to pay for the damages.

Johnson said that if regulated this Board could band other activities on this property.

Davis told Alexander that he is a professional and asked him if he felt comfortable these children, walking along this driveway, 200 ft. behind the berm, are safe. **Alexander** answered yes and he would place a flag when shooting. **Davis** said that children would not see the flag.

Rains said that he is disappointed that this request is not substantially different. Rains said he felt it should have been and doesn't understand why the range was not moved. Rains said that he felt this type of business is necessary to teach safety and he felt there was opportunity on the property to not endanger the public, but he failed to do this.

Davis said he felt that there were still other problems too.

Davis made the motion, seconded by **Joyce** that this request be **denied**. The motion passed unanimously.

6. The meeting adjourned at 7:42 p.m. There were 16 citizens present for this meeting.

**NORTH CAROLINA
RANDOLPH COUNTY**

Planning Director

Date

Clerk/Secretary