

CUMBERLAND COUNTY POLICY COMMITTEE
COURTHOUSE, 117 DICK STREET, 5TH FLOOR, ROOM 564
JUNE 4, 2015 – 10:30 A.M.
MINUTES

MEMBERS PRESENT: Commissioner Charles Evans
Commissioner Jimmy Keefe
Commissioner Jeannette Council

OTHER COMMISSIONERS
PRESENT:

Commissioner Kenneth Edge
Commissioner Larry Lancaster
Commissioner Marshall Faircloth

OTHERS PRESENT:

Amy Cannon, County Manager
James Lawson, Deputy County Manager
Tracy Jackson, Assistant County Manager
Melissa Cardinali, Assistant County Manager for Finance/
Administrative Services
Sally Shutt, Governmental Affairs and Public Information
Officer
Rick Moorefield, County Attorney
Rob Hasty, Assistant County Attorney
Randy Beeman, Emergency Services Director
Vicki Evans, Finance Accounting Manager
Gary Blackwell, Citizen
Tara Malik, Student
Candice White, Clerk to the Board
Kellie Beam, Deputy Clerk to the Board
Press

Commissioner Evans called the meeting to order.

1. APPROVAL OF MINUTES – MAY 7, 2015

MOTION: Commissioner Keefe moved to approve the minutes.

SECOND: Commissioner Council

VOTE: UNANIMOUS (3-0)

2. UPDATE ON WRECKER REVIEW ROTATION PROGRAM

BACKGROUND:

Robert Hasty, Assistant County Attorney, and Tracy Jackson, Assistant County Manager, met with Mr. Gary Blackwell recently regarding his concerns with the County's wrecker

rotation program. Mr. Blackwell let staff know that he had a disagreement with the deputy that was formerly in charge of the wrecker rotation program and another deputy that operates a towing service that is not on the County's wrecker rotation list. As a result of Mr. Blackwell's concerns, staff reviewed the wrecker ordinance, the wrecker rotation list, and the way in which the program is administered. Staff believes the ordinance and program are operating as intended, and that no one associated with administering the County's wrecker rotation program is operating a towing service that is dispatched through the County's wrecker rotation list.

RECOMMENDATION:

It appears that Mr. Blackwell has an ongoing disagreement with at least two Sheriff's Deputies which have colored his opinion of the County's wrecker rotation program, but staff is unable to identify any current weaknesses in the ordinance or administration of the program. Staff has no further recommendations or proposed actions at this time.

Tracy Jackson, Assistant County Manager, reviewed the background information and recommendation as recorded above.

Commissioner Keefe asked if Randy Beeman, Emergency Services Director, could go over the protocol of the wrecker rotation service and asked if there is a ledger kept of all calls. Mr. Beeman briefly explained the wrecker rotation process and stated he does have the ability to produce a report of the wrecker calls to include which wrecker company responded.

Commissioner Keefe stated he would like to request Mr. Beeman to provide a report over the past year to find out if any towing companies are being called more than others. Mr. Beeman stated he would run a report to see if any wrecker companies are getting a disproportionate amount of calls. Ms. Cannon stated she would have Mr. Beeman provide Commissioner Keefe the requested report with the information sent out for the June 15, 2015, Board of Commissioners agenda.

No action was taken.

3. CONSIDERATION OF APPROVAL OF REVISIONS TO SECTION 9.5-101 OF THE CUMBERLAND COUNTY CODE REGARDING WEAPONS POSTING

BACKGROUND

A man has entered one of the Cumberland County libraries with an open carry firearm. He also emailed library personnel stating that the posting on its website prohibiting "carrying weapons of any kind" is unlawful and enforceable as North Carolina law preempts County rules over the carrying of handguns. He further states that he will continue to open carry unless he is provided with authority under state law allowing the library to prohibit firearms, and should his rights be violated, a lawsuit may result.

Someone also visited the Historic Courthouse with a gun, and it is not known if it is the same person from the library.

The only ordinance Cumberland County appears to have on this issue is section (a) of 9.5-101 which states,

Concealed weapon posting. (a) *Posting of signs required.* The county manager is hereby ordered to post appropriate signage on each park, building or portion of a building now or hereafter owned, leased as lessee, operated, occupied, managed or controlled by Cumberland County, as well as the appurtenant premises to such buildings, indicating that concealed handguns are prohibited therein.

Sections (b) through (c) of this ordinance provide directions for the posting of the signage as well as exceptions for law enforcement officers and others, but these subsections are not specifically relevant to this issue.

Open Carry

It is unlawful for a person to willfully or intentionally carry a concealed pistol or gun, unless the weapon is a handgun and the person has a concealed handgun permit (there are other exceptions not relevant to this discussion). NCGS 14-269. Any person with a concealed handgun permit may carry a concealed handgun unless otherwise specifically prohibited by law. NCGS 14-415.11 (NCGS 14-415.11(c) lists specific exceptions where handguns are not allowed even with a permit to include, schools, courthouses, law enforcement facilities, and venues where alcohol is sold or admission is charged).

NCGS 14-415.23 states that “a unit of local government may adopt an ordinance to permit the posting of a prohibition against carrying a concealed handgun, in accordance with GS 14-415.11(c) on local government buildings and their appurtenant premises. Further, NCGS 14-415.23 (b) provides that a County may adopt an ordinance to prohibit, by posting, the carrying of a concealed handgun on county recreational facilities that are specifically identified by the County (interestingly, “parks” were previously specifically mentioned as areas authorized by local governments for the prohibition of concealed weapons, but the word “parks” is removed in the current version of the statute. NCGS 14-415.23(c) provides that the term “recreational facilities” includes athletic fields, swimming pools, athletic event facilities, and the appurtenant facilities of these examples. The statute states that “recreational facilities” does not include any greenway or biking/walking path or any other area not specifically described therein. Therefore, it seems that a County may not ban concealed carry handguns in County owned parks. This is further supported because concealed handguns are specifically permitted in state parks in NCGS 14-415.11(c1).

Based on the statutes discussed above, a County may prohibit the concealed carry of firearms in County buildings and their appurtenant premises as well as recreational facilities, but not County parks. The current Cumberland County ordinance on concealed weapon posting appears consistent with the statutory authority other than it allowing the posting to prohibit handguns in parks.

The ordinance may be revised with language as follows to be consistent with the statutory authority to prohibit handguns (both concealed and open carry) on County property:

Sec. 9.5-101. – ~~Concealed~~ Weapon posting.

- (a) Posting of signs required. The County manager is hereby ordered to post appropriate signage on each park, recreational facility, building or portion of a building now or hereafter owned, leased as lessee, operated, occupied, managed or controlled by Cumberland County, as well as the appurtenant premises to such buildings, indicating that **weapons, including** concealed handguns **and open carry handguns** are prohibited therein.

RECOMMENDATION/PROPOSED ACTION

The Legal Department recommends that the ordinance be revised as above or with such other language to reflect the policy of Cumberland County with regards to the prohibition of open carry and concealed handguns on County property.

Rob Hasty, Assistant County Attorney, reviewed the background information and recommendation as recorded above. Mr. Hasty stated there has been an individual going into County buildings with an open carry firearm that has disputed the County signage that he cannot have a weapon. Mr. Hasty stated unless there is an ordinance to prohibit open carry firearms he is allowed to carry it in certain County buildings. Mr. Hasty stated the current ordinance only deals with allowing the County to prohibit concealed weapons. Mr. Hasty stated the ordinance needs to be revised or a new ordinance needs to be put into place if the County desires to prohibit open carry because the state statute allows local governments to do that.

MOTION: Commissioner Council moved to recommend to the full board approval of the revised ordinance as recorded above with regards to the prohibition of open carry and concealed carry handguns on County property.

SECOND: Commissioner Evans

DISCUSSION: Commissioner Keefe stated he feels there needs to be more research done on the open carry issue to find out what other governmental units are doing to handle this issue. Commissioner Keefe stated he is not ready to recommend this ordinance as written to the full board and feels more research needs to be done.

VOTE: PASSED (2-1) (Commissioners Evans and Council voted in favor; Commissioner Keefe voted in opposition.)

4. OTHER ITEMS OF BUSINESS

No other items of business.

MEETING ADJOURNED AT 11:00 AM