

# PUBLIC COMMENT SIGNUP SHEET

1/7/2013

Pursuant to N.C. Gen. Stat. §153A-52.1, the Henderson County welcomes public comment at its meetings. Please note that each speaker is limited to three (3) minutes, unless a different time limit is announced. Also, the Board may adopt rules limiting the number of persons speaking taking the same position on a given issue, and other rules regarding the maintenance of good order.

Each speaker should be aware and by their signatures hereto they agree that their comments may be recorded (by audio-visual recordings, photography or other means), and may be (but are not required to be) broadcast by the County as a part of the broadcast of this meeting, or as a part of the County's programming on its local video channel(s). By their signature they further agree that Henderson County is and will be the sole owner of all rights in and to such programming. The undersigned hereby indemnifies Henderson County, its employees and agents, against any and all claims, damages, liabilities, costs and expenses arising out of the use of the undersigned's images and words in connection therewith.

1. ✓ Ken Kinnett  
PRINTED NAME  
57 Half Timber Ln  
Flat Rock NC 28731  
MAILING ADDRESS  
Ken Kinnett  
SIGNATURE  
Banning Assault Wpons  
Topic

2. ✓ Patricia (Pam) Danz  
PRINTED NAME  
102 Mossridge CT  
Flat Rock, NC 28731  
MAILING ADDRESS  
P.A. Danz  
SIGNATURE  
gun control vs "people" control  
Topic

3. ✓ LOYD KINNETT  
PRINTED NAME  
57 HALFTIMBER LN  
FLAT ROCK, NC 28731  
MAILING ADDRESS  
Loyd Kinnett  
SIGNATURE  
Assault weapons  
Topic

4. ✓ Kitty Herrott  
PRINTED NAME  
512 Kinyrest Dr  
Flat Rock, NC 28731  
MAILING ADDRESS  
Kitty R. Herrott  
SIGNATURE  
gun control  
Topic

5. ✓ Digne Swift  
PRINTED NAME  
208 Newah Dr  
Hendersonville  
MAILING ADDRESS

Digne Swift  
SIGNATURE  
Gun control / Assault weapons  
Topic

6. ✓ Robert Miller  
PRINTED NAME  
Narah Dr  
~~208 Hendersonville~~  
Hendersonville 28739  
MAILING ADDRESS

~~Robert Miller~~  
SIGNATURE  
Gun control / gun violence  
Topic

7. ✓ DONALD GOLDSTEIN  
PRINTED NAME  
215 FALLEN TIMBER  
HENDERSONVILLE  
MAILING ADDRESS

Donald Goldstein  
SIGNATURE  
BRIGHT WATER City,  
Topic

8. ✓ James Harvey  
PRINTED NAME  
317 Wood Dale Dr Hendersonville  
NC 28791  
MAILING ADDRESS

James Harvey  
SIGNATURE  
Gun control  
Topic

9. ✓ JACK PRATHER  
PRINTED NAME  
828 Spangburg Ter.  
H'ville NC 28791  
MAILING ADDRESS

Jack Prather  
SIGNATURE  
Assault Rifle Ban (!)  
Topic

10. ✓ Jane Bilello  
PRINTED NAME  
218 Vincent Pl  
H'ville NC 28739  
MAILING ADDRESS

Jane C. Bilello  
SIGNATURE  
Banning Assault  
Weapons  
Topic

11. ✓ Julie Gordon  
PRINTED NAME  
9 TAMARAC TER  
Hills, NC  
MAILING ADDRESS

Julie Gordon  
SIGNATURE  
Resolution to BAN Assault Weapons  
Topic

12. ✓ MARTHA SACHS  
PRINTED NAME  
626 NORTH RUGBY RD.  
Hills 28791  
MAILING ADDRESS

SIGNATURE  
Assault Weapons  
Topic

13. ~~Erick J. Cropp~~  
PRINTED NAME  
~~99 Shaws Creek Ln  
Hendersonville NC 28739  
MAILING ADDRESS~~

~~Erick J Cropp  
SIGNATURE  
Rezoning R2012-05  
Topic~~

14. ✓ George Danz  
PRINTED NAME  
MAILING ADDRESS

George Danz  
SIGNATURE  
gun ct.  
Topic

15. ✓ George Six  
PRINTED NAME  
HS 28742  
MAILING ADDRESS

SIGNATURE  
GWS  
Topic

16. ✓ JAMES KEESSE  
PRINTED NAME  
MAILING ADDRESS

SIGNATURE  
GWS  
Topic

# 5:30 P.M. PUBLIC HEARING

Sign-up Sheet

Rezoning Application #R-2012-04

January 7, 2013

## **Please Print**

Name:

Address:

1. Jay Rogers 15 Hickory Court LN H'ville
2. Evelyn Vanden Dolder 3116 Magnolia Dr., H'ville.
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# 5:30 P.M. PUBLIC HEARING

Sign-up Sheet

Rezoning Application #R-2012-05

January 7, 2013

**Please Print**

Name:

Address:

1. ~~Ken Kinnett~~ 57 Half Timber Ln, FR 28151
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Handout #1

ASSAULT WEAPON TYPE AR 15 SEMI-AUTOMATIC



IS THIS WHAT YOU WANT AROUND YOUR CHILDREN or GRANDCHILDREN?

**Assault Weapons and large Gun magazines proposed ban**

There are six gun stores in Henderson County that refuse to carry Assault Weapons, but there are at least seventeen gun stores that will continue to sell Assault Weapons, posing a potential risk to our citizens, especially children. Therefore, be it resolved that sales and purchases of semi-automatic Assault Weapons, commonly known as AR 15s, and gun magazine clips over 10 shells will no longer be permitted in Henderson County.

**And Adopt a New County Ordinance:**

No person shall possess, use or carry any firearm, gun, rifle, pistol, air rifle, spring gun or compressed air rifle or pistol, or other similar device or weapon which impels or discharges with force any bullet, shot or pellet of any kind, including arrows with metallic tips or sharp tips of any nature, designated to penetrate and propelled by a bow or spring device, in any park or other county-owned facility. Further, no person shall possess, use or carry any knife, other than an ordinary pocket knife, which means a small knife, designed for carrying in a pocket or purse and which has a cutting edge and point entirely enclosed by its handle and that may not be opened by throwing, explosive or spring action, or a kitchen knife, when it is not used or intended to be used for its ordinary purposes, in any park or other county-owned facility.

*Submitted to County Commissioners Jan 7, 2013 by The Rev. Ken Kinnett,  
Peace & Nonviolence Advocates of Henderson County*

#8  
Handout

# 01 07 13 Not On Our Watch

<http://www.zombie-slayer.com/neal/?p=910>

Neal Ross

6 Jan 2013

With a large percentage of the public behind them, lawmakers across the country are waging all out war upon the Second Amendment.

Just last Thursday the Providence City Council passed a resolution banning all semi-automatic firearms in the city. The Illinois State Legislature is now working on a bill which would ban all semi-automatic rifles, and certain semi-automatic pistols as well. Not to be outdone, Senator Diane Feinstein, of California, is planning on introducing a beefed up version of the 1994 federal firearms ban on semi-automatic firearms, which would also include certain types of semi-automatic pistols as well.

With a great deal of public support, and a spineless neutered GOP to oppose her, Senator Feinstein might actually succeed in ramming this unconstitutional law through Congress, and you can bet your backside that Barack Obama will willingly sign it. But just because they have the majority to do a thing, with the support of much of the public behind them, does it mean they have the authority to do it? And if they do enact this law, what are the implications for **we the people?**

Before I begin discussing the above mentioned points, I want you to understand something, and understand it fully. **We DO NOT** have a democracy in this country.

In a pure democracy there are no limits to what those in power can do as long as they have the support of the majority. We, on the other hand, live under a Constitutional republic, a limited form of democracy where the Constitution limits the power of those sitting in our government. Upon leaving the Constitutional Convention Ben Franklin was asked what kind of government did they give us? To which he replied, "A Republic if you can keep it."

In drafting our Constitution, the Founders had created a Republic, not a democracy. Now, upon entering office, those elected to represent us ALL swear an oath to support and defend the document which created the system of government they have been elected to represent us under.

Supreme Court Justice Joseph Story says this about that Oath of Office, "That all those, who are entrusted with the execution of the powers of the national government, should be bound by some solemn obligation to the due execution of the trusts reposed in them, and to support the constitution, would seem to be a proposition too clear to render any reasoning necessary to support it. It results from the plain right of society to require some guaranty from every officer, that he will be conscientious in the discharge of his duty."

When you are called to be a witness in a jury trial you are asked to take an oath that you will tell the truth during your testimony. And if you lie while under that oath, you are guilty of having committed a CRIME, perjury. It is a crime to violate an oath, be it an oath to tell the truth during testimony in court, or be it to uphold the Constitution.

And while I'm on the subject of oaths let me take a moment or two to talk about the Pledge of Allegiance. The pledge of



Allegiance states, "I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one Nation, under God, indivisible, with liberty and justice for all." How many times have you repeated that pledge during your lifetime, hundreds, possibly thousands? Indirectly, by reciting the Pledge of Allegiance, you too are swearing that YOU will uphold the Constitution.

But getting back to our elected representatives, when they take that oath they are swearing to us, to each other, and to God, that they will support and defend the Constitution. If they violate that oath, they are guilty of a crime. The Constitution provides a means by which they can be brought to justice, by way of impeachment. Now impeachment is often thought of as something the Congress does to a sitting president.

That is NOT the only instance in which impeachment may be used. Once again, according to Justice Story, "All officers of the United States, therefore, who hold their appointments under the national government, whether their duties are executive or judicial, in the highest or in the lowest departments of the government, with the exception of officers in the army and navy, are properly civil officers within the meaning of the constitution, and liable to impeachment." Members of Congress may also be impeached, as well as judges, and anyone else who has taken an oath to support and defend the Constitution, other than military members who are tried under the Uniform Code of Military Justice.

Now, let's get back to the issue at hand, the all out attack upon the Second Amendment to the Constitution. The Second

Amendment states that the right of the people to keep and bear Arms, shall not be infringed. Of that there can be no argument because that is the actual wording of the amendment itself. What is under discussion is the type of arms the Second Amendment would allow us to keep and bear.

It would seem that the vast majority of the public, and our elected representatives, are of the belief that we should not be allowed to own any weapon that is capable of being fired more than once without having to reload. But, is that what was intended when the Founder's added the Second Amendment?

Thomas Jefferson once said, "On every question of construction (of the Constitution) let us carry our selves back to the time when the Constitution was adopted, recollect the spirit manifested in the debates, and instead of trying what meaning may be squeezed out of the text, or invented against it, conform to the probable one in which it was passed."

This is a concept that was upheld by the Supreme Court in 1969 when they ruled, "The values of the Framers of the Constitution must be applied in any case construing the Constitution. Inferences from the text and history of the Constitution should be given great weight in discerning the original understanding and in determining the intentions of those who ratified the constitution." *Powell v. McCormack*

Furthermore, Chief Justice Warren E. Burger, in 1987, said, "Judges...rule on the basis of law, not public opinion, and

should be totally indifferent to pressures of the times." If judges should only rule on the basis of law, and be indifferent to the pressure of times, then shouldn't our legislators legislate according to the law which binds their actions, and shouldn't they be indifferent to the pressures of the times as well?

In jurisprudence, [the philosophy, or science of law], there is something known as precedents. A precedent, as it applies to law, is an action or decision that has been rendered in the past that can be used to justify a similar decision in the future.

In the 1949 case of *Bell v. Hood*, the court ruled that "History is clear that the first ten amendments to the Constitution were adopted to secure certain common law rights of the people, against invasion by the Federal Government."

Or, as Albert Gallatin, of the New York Historical Society in 1789 said, "The whole of the Bill (of Rights) is a declaration of the right of the people at large or considered as individuals.... It establishes some rights of the individual as unalienable and which consequently, **no majority has a right to deprive them of.**"

The question I most often hear amongst those who would see limitations imposed upon the Second Amendment's protection of the right to keep and bear arms is this, that for what reason do the people need these semi-automatic assault rifles, (a fabricated name to instill fear into the minds of people), so that they can hunt or protect their homes? Sure, hunting, target practicing, and self defense are all things that are benefits of the Second Amendment, but they

**ARE NOT** the primary reason why our Founder's felt it necessary to protect the right of the people to keep and bear arms. The PRIMARY reason why the Second Amendment exists is so that the people would never be found lacking in arms should tyranny arise under the system of government they established.

They wanted the people to be on equal footing with any army the government might raise to oppress them.

So of course the government, especially one with a track record of violating our rights and usurping unconstitutional powers, would love to see the people disarmed. And of course they will always tell us it is in our best interests that they are doing it. But Daniel Webster, another founding father, once said, "Good intentions will always be pleaded for every assumption of authority. It is hardly too strong to say that the Constitution was made to guard the people against the tyranny of good intentions."

And how could the people possibly resist an army, funded and equipped by the government? Well, they could do so by the use of the militia. Oh, but when people hear the word militia it conjures up images of bearded men playing war games in the woods, with the intent of overthrowing the government. That simply is not true. While there may be some anarchists who believe that, for the most part the members of local militias ONLY want the government to limit its actions to the specifically enumerated powers found within the Constitution. If the government would do that, then they would have nothing to fear from any militia. What exactly is the militia and what is its purpose? In the debates of the Virginia Convention on the ratification of the

Constitution, George Mason declared, "I ask sir, what is the militia? It is the whole people, except for a few public officials." In fact, title 10 of the United States Code, which covers the composition of the militia, says this:

(a) The militia of the United States consists of all able-bodied males at least 17 years of age and, except as provided in section 313 of title 32, under 45 years of age who are, or who have made a declaration of intention to become, citizens of the United States and of female citizens of the United States who are members of the National Guard.

(b) The classes of the militia are-

(1) the organized militia, which consists of the National Guard and the Naval Militia; and

(2) the unorganized militia, which consists of the members of the militia who are not members of the National Guard or the Naval Militia.

You may have been told that the National Guard has replaced the militia, but the LAW states that all males, 17 and older, unless serving in an organized militia, ARE the unorganized militia, and they can, at any time, be called into service for the defense of their country...even if in defending it they must fight against a tyrannical government.

But, what does this have to do with impending bans upon certain type firearms?

Well, let's see what the Founders said about the militia and the right of the people to keep and bear arms.

Elbridge Gerry, signer of the Declaration of Independence and Vice President under James Madison, declared, "What, Sir, is the use of a militia? It is to prevent the establishment of a standing army, the bane of liberty. ...Whenever Governments mean to invade the rights and liberties of the people, they always attempt to destroy the militia, in order to raise an army upon their ruins."

To most Americans, the name Tench Coxe may be unfamiliar, but nonetheless he was an outspoken member of the Pennsylvania delegation to the Constitutional Convention. Mr. Coxe once said, "The militia of these free commonwealths, entitled and accustomed to their arms, when compared with any possible army, must be tremendous and irresistible.

Who are the militia?

Are they not ourselves? Is it feared, then, that we shall turn our arms each man against his own bosom. Congress have no power to disarm the militia. Their swords, **and every other terrible implement of the soldier**, are the birth-right of an American ... the unlimited power of the sword is not in the hands of **either the federal or state governments**, but, where I trust in God it will ever remain, in the hands of the people"

**Every other terrible implement of the soldier**, doesn't that sound like he means that whatever weapons might be carried by a regular soldier may also be carried by members of the militia?

Mr. Coxe also said, "The militia, who are in fact the effective part of the people at large, will render many troops quite

unnecessary. They will form a powerful check upon the regular troops, and will generally be sufficient to over-awe them." Now, how might that be possible if we are only equipped with single shot rifles and pistols while they are equipped with the most modern weapons known to man?

In the case of *Nunn vs. State*, the court ruled, "'The right of the people to keep and bear arms shall not be infringed.' The right of the whole people, old and young, men, women and boys, and not militia only, to keep and bear arms of every description, and not such merely as are used by the militia, shall not be infringed, curtailed, or broken in upon, in the smallest degree; and all this for the important end to be attained: the rearing up and qualifying a well-regulated militia, so vitally necessary to the security of a free State. Our opinion is that any law, State or Federal, is repugnant to the Constitution, and void, which contravenes this right." This was in 1846, before Diane Feinstein was even a glimmer in her father's eye, therefore it is a precedent to which she has sworn an oath to uphold. That alone qualifies her for removal from office.

In 1859, in *Cockrum v. State*, the court ruled "The right of a citizen to bear arms, in lawful defense of himself or the State, is absolute. He does not derive it from the State government. It is one of the "high powers" delegated directly to the citizen, and `is excepted out of the general powers of government.' **A law cannot be passed to infringe upon or impair it, because it is above the law, and independent of the lawmaking power.**"

Did you get that?

It is independent of the lawmaking power. That means that they CANNOT pass a law regarding any aspect of the right to keep and bear arms.

But you say we no longer NEED a militia. Let me remind you of what Thomas Jefferson once said, "For a people who are free, and who mean to remain so, a well organized and armed militia is their best security."

In 1787 Noah Webster, from his "An Examination into the Leading Principles of the Federal Constitution", once warned, "Before a standing army can rule, the people must be disarmed; as they are in almost every kingdom of Europe. The supreme power in America cannot enforce unjust laws by the sword; because the whole body of the people are armed, and constitute a force superior to any bands of regular troops that can be, on any pretense, raised in the United States."

William Rawle, who served as U.S. District Attorney in Pennsylvania, in 1829 wrote the following about the Second Amendment,

"The prohibition is general. **No clause in the Constitution could by any rule of construction be conceived to give to Congress a power to disarm the people.** Such a flagitious attempt could only be made under some general pretense by a state legislature. But if in any blind pursuit of inordinate power, either should attempt it, this amendment may be appealed to as a restraint on both."

And do you recall that little thing I mentioned earlier, the thing about legal precedents? Well, in 1787 case of *Wilson v. the State*, the court ruled, "To prohibit a citizen from wearing or carrying a war arm . . . is an unwarranted restriction upon the constitutional right to keep and bear arms."



If it does, it will be those of us who understood our Founders intent, who exercised our right to keep and bear arms who will be fighting for those of you who didn't. We feel, as did Samuel Adams, that "The liberties of our country, the freedom of our civil Constitution, are worth defending at all hazards; and it is our duty to defend them against all attacks. We have received them as a fair inheritance from our worthy ancestors: they purchased them for us with toil and danger and expense of treasure and blood, and transmitted them to us with care and diligence. It will bring an everlasting mark of infamy on the present generation, enlightened as it is, if we should suffer them to be wrested from us by violence without a struggle, or to be cheated out of them by the artifices of false and designing men."

**While we live and breathe we will not let that happen.**

**Not on our watch we won't.**

**"If you love wealth more than liberty, the tranquility of servitude better than the animating contest of freedom, depart from us in peace. ... May your chains rest lightly upon you and may posterity forget that you were ever our countrymen."**

**Samuel Adams**

# Assault Weapons Gun Stores in Henderson County, NC

\*=Hendersonville.

Assembled by Ken Kinnett, Flat Rock

## 1. Assurance Arms

891-2904 4683 Boylston Hwy  
Mills River, NC 28750  
12/31 Will continue selling assault Weapons

## 2. B & S Gunsmithing

Samuel Thomas Summey  
103 S Gordon Dr  
Flat Rock, NC 28731  
692-5380 – 12/21 will continue selling assault weapons.

## \*3. Blue Ridge Firearms

Neal Lee Whitaker, Jr  
1135 N Clear Creek  
Hendersonville, NC 28792  
828-243-0199 12/22 Will continue selling assault weapons if can find any.

## 4. Blue Ridge Outdoor Sports Inc

2314 Spartanburg Hwy  
East Flat Rock, NC 28726  
(828) 697-3006  
blueridgeoutdoorsports.com/  
12/21 Will continue selling assault weapons.

## \*5. Carolina Ordnance Co

696-8365 Calls not returned.  
James Allen Crawford, Jr 697-5151  
41 Leatherwood Lane  
Hendersonville, NC 28739  
Sells assault weapons

## \*6. Clark's Service Center

696-8667 12/21 will continue to sell Assault weapons James Clark, 489-7665  
155 Cantrell Loop Rd  
Hendersonville, NC 28739

## \*7. Good Old Boys Guns & Knives

697-5889 12/21 will continue selling assault weapons.  
3286 Asheville Hwy, H'ville

## 8. Heritage Outdoors

3049 Hendersonville Rd  
Fletcher, NC 28732 650-9977  
12/22 Will sell assault weapons if can get them

## \*9. Hendersonville Pawn

698-5558 1317 7th Ave E  
Hendersonville, NC 28792 12/21 Will sell assault weapons when price goes up.

## 10. Heritage Classic Guns

John Parker  
243 Rockbridge Rd  
Mills River NC 28759-3515  
684-0231 12/23 Will continue to sell assault weapons when can get them.

## \*11. Hobby House

Frederick E Lewis, Jr  
1211 Asheville Hwy  
Hendersonville, NC 28791  
692-6683 12/21 will keep selling assault weapons.

## 12. Horse Shoe Trading Co

3 Banner Farm Rd  
Mills River NC 28759  
(828) 891-9909 12/21 sold out. Will continue to sell assault weapons.

## \*13. Michael Merker Co 0.4 mi

401 S Grove St Cor. W. Barnwell  
Hendersonville, NC 28792  
698-8804 Res. 697-7727 12/21 will continue Selling assault weapons

## \*14. New Deal Pawn

2020 Asheville Hwy  
Hendersonville, NC 28791  
(828) 693-0717 12/21 Will continue selling assault weapons.

## \*15. WNC Public Safety Equipment

John Michael Campen 684-8889  
6037 Asheville, Hwy, 14 Airport Rd  
Hendersonville, NC 28791 12/31 Will continue selling assault weapons

## 16. Rex's Guns & Ammo

75 Upward Rd (2.7 mi.)  
East Flat Rock, NC 28726  
693-7408 - 12/20 will continue assault weapons.

See over

**\*17. Walmart Super Center**  
**696-8285 250 Highland Square**  
**Hendersonville, NC**

**12/31 Will continue selling assault weapons**

**THE FOLLOWING DO NOT & WILL NOT CARRY ASSAULT WEAPONS:**

**1. Bob Schultz Target Shotguns 1.67 mi**

Robert (Bob) Damian Schultz,  
R D Shultz in Zirconia - **697-7811**  
105 Michelle St  
Hendersonville, NC 28792

**(828) 674-8103 12/21 will not Carry assault weapons.**

**2. Cool Mountain Pawn & Gun**

**698-0530 12/21 Does not & will NOT**

**Carry assault rifles.**

1049 Spartanburg Hwy  
Hendersonville, NC 28792

**3. Pawn Outlet 1.3 mi**

136 Henderson Crossing Plz  
Four Seasons Blvd  
Hendersonville NC 28792

**696-9636 12/22 will NOT sell assault weapons**

**4. Silver Bullet 0.7 mi**

57 Commerce Dr Near cor Butler Bridge  
Hendersonville, NC 28791

**687-7997 12/22 Will NOT sell assault weapons.**

**5. Smokey Mountain Arms**

John L Miller **692-0113**

114 Richards Dr  
Hendersonville, NC 28792

**12/21 will NOT sell assault weapons.**

**IMPORTANTY #S CONCERNING ASSAULT WEAPONS:**

City Council, City Hall, meets Thurs. Jan 3. 5:45  
City Hall. **697-3028**. Mayor's Ofce **697-3000**  
Tammy Drake ,Clerk. Dec 31, Presented  
copies during public's time to speak.

County Commissioners, meet Jan 7, 5pm  
2<sup>nd</sup> floor Old Ct House **697-4808 ext 2**.  
1/7 Present copies during public's time on agenda.

Sheriff Charles McDonald **697-4596**

Police Chief Herbert Blake **697-3031**

Chuck McGrady, NC Legislature res: **696-0672**  
& **692-3696**.

Information on others:

**Gun Doctor**

Jah Sbh, LLC **685-2821**

329 Clear Creek Rd,  
Hendersonville, NC 28792

**12/22Repairs, does not sell guns.**

**Paragon School of Sporting**

Po Box 1276 4.0 mi.

Flat Rock, NC 28731 **693-6600**

**12/21 Shooting Instruction only**

**Buncombe County Wildlife & Skeet (in Henderson Cnty)**

287 Jackson Rd (7.3 mi.)

Fletcher, NC 28732 **687-1734**

**12/22 Does not sell guns.**