

**Camden County Planning Board**  
**Minutes**  
**March 18, 2009, 7:00pm**  
Historic Courtroom  
Camden County Courthouse Complex

Members Present: Chairman Rodney Needham,  
Vice Chairman Terri Griffin,  
Fletcher Harris, Ray Albertson,  
Calvin Leary, Michael Etheridge

Absent: John Aydlett

**Call to Order & Welcome**

Chairman Rodney Needham called to order the March 18, 2009 meeting at 7:00 PM.

**Others Present at Meeting**

Present were staff members Dan Porter, Director of Planning, Dave Parks, Flood Administrator and Permit Officer, Tommy Burk, GIS Technician, and Amy Barnett, Planning Board Clerk. Present for purposes of presenting information relevant to their Request for amending their Conditional Use Permit were several persons representing E & J Holdings / Xe aka Blackwater USA. Those persons being: 2 Range Masters (training officers), Jim Sorosky, Katherine McKenzie, and Eddie Hyman (of Hyman and Robey). Also present were several members of the community, here to speak about the aforementioned request for amendment of Conditional Use Permit. Those speakers names and town of residence for the record are: Mike Hall (Moyock, NC), Holly Kanowitz (Camden, NC), Sherry Motes (Moyock, NC), Troy Breathwaite (Moyock, NC), Sheryl Frasier (Camden, NC), Juanita Krauss (Moyock, NC), Sheriff Tony Perry (Camden, NC), and Larry Johnson (Camden, NC).

**Consideration of Agenda**

Chairman Rodney Needham called for the consideration of the agenda. Calvin Leary made a motion to approve the agenda. Ray Albertson seconded the motion. The motion was approved with Chairman Rodney Needham, Vice Chairman Terri Griffin, Members Fletcher Harris, Ray Albertson, Calvin Leary, and Michael Etheridge voting aye; none voting no; 1 absent; none not voting.

## **Consideration of the Minutes- February 18, 2009**

Chairman Rodney Needham called for the consideration of the minutes from the February 18, 2009 meeting. Vice Chairman Terri Griffin made a motion to approve the minutes from the February 18, 2009 meeting as written. Calvin Leary seconded the motion. The motion was approved with Chairman Rodney Needham, Vice Chairman Terri Griffin, Members Fletcher Harris, Ray Albertson, Calvin Leary, and Michael Etheridge voting aye; none voting no; 1 absent; none not voting.

## **Comments from the Public.**

Although there were many members of the community present at this evenings meeting, they were all here to speak in regard to the request made by E & J Holdings / Xe aka Blackwater USA to amend their Conditional Use Permit to allow extended hours of operation, and use of concussion type explosives.

No member of the community present at this evenings meeting spoke during the 'Comments from the Public' section of the meeting.

## **Old Business**

None.

## **New Business**

### ***Item #1 Presentation from Tommy Burk (GIS Technician) on Highway 158 Corridor***

Tommy Burk made a presentation showcasing what could possibly be developed along US Hwy 158 for the future of Camden County. His presentation took into account the Hwy 158 widening project.

### ***Item #2 Amendment to 151.232-Design Standards and Criteria for Major Subdivisions***

Dave Parks described this issue: This proposed ordinance amendment has to do with design standards for developments, for state road acceptance. Right now there are about 6 or 7 developments with roads that have not been accepted by the state, those developments have petitioned the state for acceptance... Planning Staff is submitting proposed ordinance changes pertaining to road acceptance by NCDOT:

New ordinance language (changes) under (A) Streets and Roads, paragraph (5) Construction Standards, proposed change: once the development meets the minimum housing requirements for state road acceptance, the developer petitions NCDOT for state road acceptance. After NCDOT has inspected and approved the road for acceptance, the developer has 12 months to turn over the road to the state.

Rodney Needham asked what the minimum number of homes in regard to minimum housing requirements that would be required for NCDOT road acceptance was. Dave Parks and Eddie Hyman of Hyman and Robey both spoke to answer this question saying that the minimum number of homes was 4. Dave Parks said that it would also apply to housing projects that are in phases, they can't move on to their next phase until the roads are accepted.

Rodney Needham questioned why 12 months is being given to turn over the roads to the state. Dave Parks said this was to give them time to address the paving, construction, etc, so the roads can be brought up to NCDOT standards.

Rodney Needham further asked: "If the developer has met all the requirements that the state requires of it for accepting the roads, why wouldn't the state accept the roads at that point, then the maintenance be given to the state at that point?" Dave Parks responded saying that the developer puts up a bond equal to 30% of the construction costs for the paving portion and maintenance of the roads, which are private at that point until they meet state standards and are accepted by NCDOT. Dan Porter added that there might be a little confusion on this and offered clarification. He said that once the development meets the standards for minimum housing standards (number of houses), NCDOT at that point does not accept the roads, what they do is they come out and inspect the roadway, determine, and notify the developer of what needs to be done to drainage ditches, culverts, any bad spots on the roads, etc, to bring the road up to NCDOT standards. This all takes time for the developer to engineer it and undergo any needed construction to correct any bad spots or changes as required by NCDOT prior to road acceptance.

Calvin Leary asked who is responsible for maintaining roads until they are accepted by the NCDOT, the homeowner or developer? Dave Parks responded saying that the developer is responsible for upkeep on the roads until acceptance.

The other issue with proposed changes is boundary requirements. The intent of this change is to segregate commercial and agricultural uses from residential uses. Planning Staff is submitting proposed ordinance changes pertaining to boundary requirements:

Under (N) Buffer Strips, the ordinance language changed is so that a 50 foot buffer is provided along all property lines that abut non-residential uses.

Chairman Needham asked if there were any more comments or questions from the board on this issue, hearing none he called for a motion. Calvin Leary made a motion to approve the proposed ordinance changes as submitted by Planning Staff and submit it to the Board of Commissioners for their consideration. Ray Albertson seconded the motion. The motion was approved with Chairman Rodney Needham, Vice Chairman Terri Griffin, Members Fletcher Harris, Ray Albertson, Calvin Leary, and Michael Etheridge voting aye; none voting no; 1 absent; none not voting.

***Item #3 Amendment to Article 151.347(S) (Specific Standards for Firing Ranges) to the Camden County Code of Ordinances***

Dave Parks gave a brief description of this agenda item. E & J Holdings dba Xe (aka Blackwater) has requested several ordinance amendments to expand specific standards for firing ranges. Mr. Parks went over each requested change, noting the line numbers. Regarding line 46 of the proposed ordinance text amendments, Mr. Parks noted that a lot of the firing ranges belonging to Xe were built to NRA standards, therefore the proposed strikethrough of the language "or superseded or the National Rifle Association Range Manual, as amended" would be removed and the language would stand as is without any modification.

Terri Griffin asked why was it even suggested to remove that section initially and what the difference was between the two handbooks, (NRA and Military handbook standards). Dan Porter answered saying that Xe came back and had no problem with the NRA standards, but would also like to be able to utilize Military standards as well if that is a possibility. As to the question of the difference between the two, Mr. Porter mentioned that Mr. Eddie Hyman, present tonight, would be able to explain the differences between the two and will show some drawings of the differences between the two safety zones. At this time, Mr. Eddie Hyman explained the differences to the board. There are some minor differences in the Military handbook in regards to the impact zones and distances, caliber projections, and range type construction. When Xe initially went into business 10 or so years ago, some of the ranges were built to NRA standards, some were built with Military safety zones in place. Some ranges will meet 1 standard, some will meet both standards. This is the reason to have both standards in the ordinance. The Military will come in and inspect for their standards, NRA inspects for their standards.

Terri Griffin asked if there was an opinion on which standard was more stringent. Mr. Hyman responded with a comparison of a 5.56 military caliber weapon that they train with, and a civilian 2.23 Remington rifle. They both use the same type of ammunition. Out of a civilian gun using this round, it travels about 300 yards further than military, so the impact and safety zone for military handbook classification is less than the NRA impact and safety zones. This indicates that the NRA standard is more stringent.

Mr. Hyman then showed maps depicting locations of ranges, with range safety zones mapped out. He explained the zones and what type of weapon each safety zone related to. These zones match the current County Ordinance which maps out (in writing) the specific standards for the downrange safety zones. He then stated that Xe wants the ordinance amended such that the downrange safety zones correlate to the maximum range of the type of firearm being used for each type of range.

Terri Griffin asked what would happen to the land if it was sold and ceased being a firing range for military, and became a different kind of range. With the ordinance in place set up for military standards, it would not be in compliance for civilian type guns. Mr. Hyman restated that the civilian type rifles shoot ammunition further than the military issue rifles, so yes if the range is set up for military, and land was sold and the range was converted into a civilian shooting range, it would not be in compliance with the downrange safety zones for civilian ranges. Mr. Hyman went on to say that Xe wants to limit the types of weapons used on ranges so that the downrange safety zone is based on the distance/range of the weapon that the firing range is approved for.

Calvin Leary asked Mr. Hyman if only the Military handbook was being used for section (8) of the ordinance. Mr. Hyman responded saying that Xe would like for both the NRA and Military handbooks to apply. Dave Parks stated that there was language that would be added in. He then read the language: "For those ranges constructed in accordance with the NRA range manual, the downrange safety area shall not apply, but the permit holder shall provide documentation on approval of said ranges by the NRA sponsored team of inspectors annually."

Terri Griffin asked Mr. Hyman to explain what Mr. Parks read. Mr. Hyman indicated that NRA ranges are designed for full containment, in that they are built with hills to absorb the impact of whatever type of ammunition is being used at the range. This way the dirt of the hill will keep the ammunition from traveling outside of the range itself.

At this time, Mr. Parks went over the rest of the ordinance changes. He noted the following:

In section (11), the proposed change to 200 feet for setbacks for backstops from any property line is being rolled back to the original 900 feet, and no change will be made to section (11).

Section (13) refers to section (19) which requires a special use permit. Section 13 limits the types of weapons used at a firing range, unless set as a condition of a special use permit. The proposed removal of the reference to the NRA Range Manual is being rolled back such that the reference to the NRA manual will stay in the ordinance.

Section (14) refers to section (19) which requires a special use permit. Section 14 prohibits the use of concussion explosives unless set as a condition of a special use permit.

Section (15) also refers to section (19) and lists prohibited training types, unless set as a condition of a special use permit.

Section (17) adds that the overnight or temporary storage of explosives must meet the Bureau of Alcohol, Tobacco, Firearms, and Explosives (BATFE) storage and stand-off safety standards. This section also changes the agency reference from the Department of Defense to the BATFE wherein the standards reside.

Section (18) is a new section and states that each firing range be posted stating the type of firearm and caliber allowed for use at that range.

Section (19) changes the prohibition such that conditions can be set for special use permits to allow other types of activities.

At this time Ms. Kate McKenzie, associate counsel for E & J Holdings dba Xe Services (aka Blackwater) spoke. She read a statement of the history, goals, etc., of Xe, which describes their training facilities and operations. Following the brief statement, she indicated that Xe wanted to add a request to add to the language of section (13) to address and allow for demonstrations of weapons by properly licensed and trained vendors. She further went on to indicate that in section (15), Xe doesn't participate in any of the training types except military and law enforcement, and she supported deleting all but the aforementioned training types from the ordinance.

Terri Griffin questioned what Ms. McKenzie said in regards to section (15). Ms. Griffin indicated that the ordinance should not apply to just one agency. Dan Porter responded to this saying that the ordinance is across the board and that all the training types should be left intact, since the ordinance applies to everyone, not just Xe.

At this time, Chairman Rodney Needham asked the public present at tonight's meeting if they had any questions.

Mr. Michael Hall of Moyock, NC spoke. He was concerned about the hours of Xe, caliber of weapons used at Xe, etc. He was mistakenly referring to the ordinance asking why these things were not in the ordinance, Ms. Terri Griffin informed him that the ordinance is not where those items are set... those items are addressed in a special use permit. The ordinance applies to everyone equally, not just Xe. Dan Porter added that all firing ranges in the county are required to come before the Planning Board, and then the Board of Commissioners to obtain a special use permit for the operation of a firing range. Mr. Hall also suggested that when showing an ordinance on a projector screen, it would be helpful if the changes were color coded so that the public present could more readily understand what those changes are.

Ms. Holly Kanowitz, of Camden, spoke next. She asked for clarification regarding the difference between the ordinance itself and the need for a special use permit. Dave Parks explained to her that the ordinance applies to everyone as a guideline for, among other things, applications for special use permits wherein specific issues relating to requests of the applicant are addressed.

Vice Chairman Terri Griffin spoke to the public present, saying that the Planning Board is still on Agenda Item #3 which relates to the ordinance. Most of the public present were here for Item #4, which is the agenda item relating to the request by Xe (formerly Blackwater).

Ms. Sherry Motes, of Moyock NC, spoke next. She asked why Xe was speaking on this matter if the ordinance applies to everyone across the board. Dan Porter explained that if the Planning Department had addressed Xe's initial request the way they requested it, there would be a whole number of items to address. And so the Planning Department is addressing their request as a request to change portions of the *ordinance*, and presenting those recommended *ordinance* changes to the Planning Board. The only other item has to do with the change in the ordinance regarding safety zones, which were requested by Xe, that were mentioned by Mr. Hyman. The Planning Department is in agreement with Xe regarding the requested safety zone ordinance changes, that is the reason why they are partly involved in the general discussion of the ordinances for firing ranges.

Mr. Troy D Breathwaite, of Moyock, spoke next with a few comments. He mentioned that there was a similar ordinance change that has recently been undertaken in Currituck. Also, he mentioned that the 'downrange safety zones', as presented by Mr. Hyman, do extend into Currituck County. Dan Porter responded to these comments and is quoted as follows:

"We have been in touch with the Planning Department over in Currituck, and I've talked a couple of different times with Ben Woody, their Planning Director. I have actually received a copy of the actions they took about a week or two ago. The range safety zones are similar, I think they are exactly the same, Mr. Hyman may be able to talk to that, but I believe that they are exactly the same as what was approved over in Currituck County. One of the biggest differences, and Currituck County is just now beginning to address this, when we had to address the issue of firing ranges for Blackwater back in 1997, so we addressed it as a firing range. Obviously, their activities have grown. And as they have grown, they have come before this board and the Board of Commissioners for a couple of different special use permits. And we have amended their special use permit and this ordinance to some degree over a period of years. When Currituck addressed this, they basically established a whole new zoning category for, and I don't know exactly what it is called, but it is a training type of facility, so while we piecemealed a number of different permits to allow them to do a number of different things, Currituck had the experience of seeing how it had grown, and been able to draw its zoning classification specifically for a training facility of this nature. So there are some differences in that manner. What we have done, again we didn't have the luxury of knowing what was there before we drew up our ordinance, so we addressed the firing range activities as a firing range. When they expanded and did some of their other activities, they actually came in and got special use permits for those specific activities. But those are not related to the firing range."

At this time, Chairman Rodney Needham asked if there were any other questions or comments. Hearing none he called for a motion. Calvin Leary made a motion to adopt the amendments to 151.347(s) (specific standards for firing ranges) to the Camden County Code of Ordinances as proposed by the Planning Department. Fletcher Harris seconded the motion. The motion was approved with Chairman Rodney Needham, Vice Chairman Terri Griffin, Members Fletcher Harris, Ray Albertson, Calvin Leary, and Michael Etheridge voting aye; none voting no; 1 absent; none not voting.

***Item #4 Request from E&J Holdings to amend Conditional Use Permit for their Firing Range Facility***

Dave Parks gave a brief description of the request made by E&J Holdings dba Xe (formerly Blackwater). Mr. Parks read the conditions of the proposed re-adopted special use permit indicating which conditions were new and which were prior conditions of the original Conditional Use Permit, issued back in 1997. Those conditions are as follows:

1. The applicant must strictly abide by all requirements of the Unified Development Ordinance of Camden County, North Carolina, and must also strictly comply with all other local, state, and federal ordinances, laws, rules, and regulations as one or more ordinances, laws, rules, and regulations may apply to this development. (New - Standard condition on all permits - was not on original Conditional Use Permit)
2. Reputable firm designing the facility. (Old)
3. Camden County FFA and law enforcement agencies to use these facilities free of charge. (Old)
4. There shall be no dogs used for hunting. (Old)
5. Designed in accordance with all Camden County, State of North Carolina and Federal Building Codes. (Old)
6. Weapons type restrictions shall include machine guns subject to the physical constraints of the property, for use only by any law enforcement, military, or federal agency group duly authorized to use these style weapons. (New)
7. Permitted up to 60 ranges and that any future requests shall be addressed in blocks of ten (10). (Old)
8. Paintball activities authorized for Federal and Governmental agencies only. (Old - Amended in 2002 by BOC to include Paintball activities)
9. No business access through George Wood Farms, Inc. property (where the present right of way exists). (Old)
10. Military, para-military or militia type activities or maneuvers, including but not limited to hand-to-hand combat training, maritime training, swamp, or guerrilla warfare techniques, incendiary type firings, infiltration course type training, shall be permitted for use by law enforcement, military or federal agency groups only. (New - Xe wants to strike out phrases '*para-military or militia*' and '*hand-to-hand combat training, maritime training, swamp, or guerrilla warfare techniques*'.)
11. No unit tactics shall be taught to civilian groups. (Old)
12. No training or fire arms use shall be taught to convicted felons. (Old)
13. Hours of operations shall be from 7:00 AM to 10:00 PM daily. (Old)



Mr. Parks then read the request by E&J Holdings dba Xe wherein they requested amendments on the types of explosives they may use, and the allowed hours of operation for their facilities. Mr. Parks indicated that, based on information gathered from Xe and from Currituck County, the Planning Department is in favor of approval of inclusion of concussion type explosives as indicated below as a condition of the special use permit. The language of both requests appears below:

Explosives type request:

"Concussion type explosives shall be permitted for use by law enforcement, military or federal agency group duly authorized to use these types of explosives. The maximum amount of explosives on-site at any one time shall not exceed 100 pounds stored and 10 pounds utilized during any one evolution."

Hours of operations request:

"During the months of Eastern Standard Time, no firing or explosive training activities shall occur prior to 7:00 AM or after 10:00 PM daily Monday through Saturday and on Sundays prior to 9:00 AM or after 10:00 PM. During the months of Daylight Savings Time, no firing or explosive training activities shall occur prior to 7:00 AM or after 12:00 AM daily Monday through Saturday and on Sundays prior to 9:00 AM or after 10:00 PM. No firing or explosive training activities shall occur on Christmas Day."

At this time, Mr. Parks asked Ms. Katherine McKenzie to step up to the podium and explain their need for extended hours of operation. Ms. McKenzie said that most law enforcement activities (swat team, drug enforcement) occur at night, as such their training and certification must also occur at night. She mentioned that during daylight savings time there is more daylight during the night time hours leading up to 10:00 PM, and so to maximize the amount of after dark training available to their clients, they want to extend their hours to Mid-Night during daylight savings time.

Calvin Leary asked Ms. McKenzie why Xe is requesting an extension of 2 hours when daylight savings time only affects 1 hour. Ms. McKenzie re-iterated that there is more daylight during the night time hours leading up to 10:00 PM, and wants to maximize the amount of after dark training available to their clients. Also, one of the range masters from Xe mentioned that during the winter months it gets darker sooner, but during the summer months it stays light outside up until 9:30 PM, which only gives 1/2 hour of night training. Extending only 1 hour would still only give 1-1/2 hour of training, so that is the reason for asking for the 2 hour extension on operational time during daylight savings time.

Vice Chairman Terri Griffin asked Ms. McKenzie if Xe had been operating contractually under the 10:00 PM closing time. Ms. McKenzie said they had. Mr. Jim Sorosky, Vice President for Training Operations for Xe Services, said they had been cooperating with the Virginia Beach Police Department in their training to try to keep it around 10:00 PM. Dave Parks asked what the time frame for 1 training evolution was. Mr. Sorosky responded that it depends on how many officers they have training at any one given time. Range Master Randy [??? last name not able to be understood on recording] said that it could take 30 minutes if training only a few persons or it could be up to 2-3 hours if training a whole group (20-30 persons) or more than 1 group.

Calvin Leary asked why they didn't just reduce the number of applicants training in any one given session. Mr. Sorosky answered saying that those training were not what he referred to as open-enrollment customers, rather they are the law enforcement community who need to train and receive certification qualifications. Mr. Leary then asked about groups of 20, and asked if they only took the group of 20 one time, or do they train several times. Vice Chairman Terri Griffin asked how often do they have groups of 20. Mr. Sorosky answered that they have groups of 20 quite often.

Ms. Griffin then asked how long had Xe been in a contract with Virginia Beach. Mr. Sorosky answered saying they have been in a contract with Virginia Beach since 2005. Ms. Griffin asked why the time has just now become an issue. Ms. McKenzie answered saying that they have asked for a time extension 2 other times, but ultimately withdrew their requests because of public opposition. Ms. McKenzie indicated that their operations are getting to the point that they feel they need the time extension now. She added that since they were proposing other changes to their permit, that now would be the time to request the time extension as well.

Ms. Griffin asked who the competitors were for the types of services that Xe provides. Mr. Sorosky answered and listed a few of them. Ms. Griffin then asked if there were any time restrictions on them. Mr. Sorosky answered saying he did not know. Mr. Eddie Hyman spoke saying he had a map of the locations of the surrounding ranges. Ms. Griffin said that the Planning Board was mainly concerned with the hours of operation of the other ranges and how that would impact Xe competitively. Mr. Sorosky responded saying that it was indeed a very competitive market, and said that things like this could send their customers to the competition.

Ms. Sheryl Frasier, of Camden NC, asked why Xe wanted extended hours for all of the daylight savings time months when the summer months are the only months they need. Summer months have the longest daylight days, spring and fall have much shorter daylight days. It didn't make sense for Xe to request all of daylight savings months, when they only need summer months.

Ms. Griffin added to Ms. Frasier's comments, saying that since daylight savings time was adjusted on both ends, the laws effectively gave an extra month on each end. Ms. Griffin indicated that if the Planning Board were to approve a change in hours because of daylight savings time, then if the laws changed again so that daylight savings time were 12 months out of the year, Xe would effectively have a permanent closing time of Midnight due to daylight savings time.

Mr. Troy Breathwaite spoke next saying that he as well did not see any need for the extended hours during all of daylight savings time months, when there are only 2 months out of the year that have less than 2 hours between sunset and 10:00 PM. He mentioned a chart he obtained which shows the sunrise and sunset times for the entire year.

(As an aside: after the meeting, Mr. Breathwaite gave a copy of the chart to the Planning Board Clerk, also the chart can be obtained online from a US Navy website at the following webpage: [http://aa.usno.navy.mil/data/docs/RS\\_OneYear.php](http://aa.usno.navy.mil/data/docs/RS_OneYear.php).)

After Mr. Breathwaite's comments, Ms. McKenzie spoke saying that on behalf of Xe, she wanted to modify the request for extension of time such that 'for the months of June, July, and August' would be added to the language of the request instead of all of daylight savings time. Also, Ms. McKenzie pointed out that there was a typo in the request, it should have read in part 'prior to 12 PM on Sunday' such that no activities would take place prior to noon on Sunday.

Next, Ms. Juanita Krauss of Moyock NC spoke. She praised Xe / Blackwater as being the best operation of any on the East Coast with regards to hours of operation in that it stays open the longest in order to serve it's clientele. She said that most ranges have hours of 'dawn till dusk'. She questioned the explosives being allowed to take place at night time hours. She was concerned about the request which if granted would allow explosives right up until midnight. In her opinion, explosives should stop at 8:00 PM, but shooting could continue until closing. She expressed her concern that the geographical area wherein Xe / Blackwater resides is a large area and has a large amount of residential neighbors. She wants the right regulations to be in place such that there could be good relations between Xe / Blackwater and their neighbors.

Next, Sheriff Tony Perry of Camden County spoke. He passed out a map and copy of complaint details listing 10 Currituck County Communications complaints, 1 Pasquotank/Camden Communications complaint, and 2 Camden County Sheriffs Department complaints against Blackwater. The map showed the number of miles between the complainant and Xe / Blackwater. These complaints were dated between March of 2007 and January of 2009. He pointed out one of the complaints which stated gunfire after 2:00 AM, when according to the conditions of the Conditional Use Permit, activities should have ceased at 10:00 PM. Another complaint was on a Sunday and a church pastor had to stop morning worship services due to the noise created by explosions. Sheriff Perry said he spoke with Gary Jackson who said he would take care of this. Other complaints were of loud explosions that made windows shake, houses rattle, walls vibrate, etc.

Sheriff Perry voiced strong opposition to the issue of hours, and stated for the record that in his opinion the hours of operation should be from 8:00 AM until 5:00 PM Monday through Saturday (and NO SUNDAY). He also made mention of the fact that the Sheriff's Department has their own range and has not trained at Xe / Blackwater in the last 8-10 months.

Next Mr. Larry Johnson of Camden NC spoke. He spoke about the ongoing ambient noise and how it may impact the Navy's noise study for the OLF. Mr. Johnson's concern is that the Navy may see the amount of noise coming from Xe / Blackwater and question why those in opposition to the OLF are using noise as a factor in their opposition. Mr. Johnson said that he doesn't want the Navy to get the idea that residents will put up with the noise from Xe / Blackwater, and use that as leverage to place the OLF in Camden County. He added that para-military type of training or activities might be a signal to the Navy that military activities are compatible with Camden County. This is a message that those against the OLF do not want to send.

At this time, Ms. McKenzie returned to the podium to address the late night noise issues. She said that Xe / Blackwater trains about 25,000 students per year. They shoot about 21,918 rounds per day on average. From March of 2007 to January 2009 there were 13 complaints against Xe / Blackwater. She then showed to the Board a map showing training ranges, airspace bombing ranges, etc that are in use by other law enforcement agencies and the US Military. That map showed off-shore training airspace and bombing ranges which could be the source of loud explosive sounding noise. Some of those ranges include the Northwest Range, a C2 Range, offshore Navy bombing ranges off of Dam Neck and out in the ocean, Harvey Point, etc. Her reason for showing the map is to illustrate that not all of the noise is coming from Xe / Blackwater property.

Vice Chairman Terri Griffin asked if any of the complaints had been traced back to any activity happening at that time. One of the Range Masters present at the meeting answered saying that after they received the report showing the 13 incidents from Sheriff Perry, they went through their explosive logs, range boards, etc and broke down the complaints in an effort to identify the incidents. Out of the 13, only 1 fell outside of the 8:00 AM to 10:00 PM, that was at 2:07 AM. Everything else fell inside of the timeframe of the allowed hours of operations. He went on to say that not all of the incidents were related to activities at Xe. For example, there was a complaint from a person on Knotts Island. There is an offshore bombing range near Knotts Island and is probably what that person heard.

The Range Master went on to say that as for the explosions, he and 2 fellow Range Masters are the ones who light off the explosions and they do not light off after dark for safety reasons. He said that he needs to be able to see what is between himself and the charge when it is lit off, for the reason that if anything is in front of him it is a 'go or no go' situation. If there is anything or anyone in front of him, he doesn't light it off until the field in front of him is clear. He further stated that they do use what are termed door breaching charges, which are set off after dark. These are the types of charges that will open a locked or barricaded door. As stated by Ms. McKenzie earlier, the after dark activities which use explosives are SWAT team type activities, where door breaching charges would be utilized.

The Range Master also said that he had the opportunity to speak to a Shawboro complainant on the phone one day. She had asked him 'When are you all going to stop the explosions? You are driving my dogs nuts!'. He responded to her saying that Xe had not yet started any explosions for the day and asked her if she could possibly be hearing something from Harvey Point, to which she said 'What's Harvey Point?'. This illustrates that the public does not know about the other facilities where explosives training takes place.

The Range Master said that Harvey Point sets off large charges, Xe's charges are up to 4 pounds. The charges that Xe is using at night are called door breaching charges and have a net weight of 1.5 ounces, which is the maximum that can be safely used on a house door without damaging the structure. They set the charge, back off about 4 feet and set them off. They do sound loud, but door breaching charges will not be able to be heard at the distances detailed in the complaints. The Range Master then offered to set up a demonstration to show the level of noise created by a door breaching charge. This offer was not commented on by any member of the Board.

Ms. McKenzie then spoke regarding the noise ordinances. She said that Xe observes 75 decibels at all times. She said that they are bound by law to observe 75 db. She stated that Xe has installed decibel meters in Currituck County, and she offered to donate decibel meters to Camden County so that readings may be taken from within Camden County.

Ms. Juanita Krauss returned to the podium to speak again. She said that if the Planning Board approves a change in the hours, it will put a strain on law enforcement in both counties (Camden and Currituck) because there will be elevated numbers of complaints from residents. She further said that she and others will want to have a letter of agreement from the county stating that there will be a hotline to call for complaints so that 911 services do not have to be utilized for this. She went on to say that in Currituck they structured a use for ranges that would end shooting at 10:00 PM. To quote Ms. Krauss, "Literally as soon as the [Currituck] ink dried, we hear about this on the other side. Its to me, its almost like we're being played. Its not right. We're just asking for some respect here, that's it. We're asking, there's a community here and we're asking for respect. And you're going to, I'm telling you, human nature is, we're going to hear it more, and your police department, your sheriff's department is going to be taxed and I don't think its a good idea."

Vice Chairman Terri Griffin asked Xe representatives if they would be willing to reconsider their request regarding the hours of operations, since they now have 2 extra months due to the recent change in daylight savings time.

Mr. Jim Sorosky spoke up and said that they could stop the explosions at dusk (the 1.5 pound explosions). Ms. Griffin reminded him that the Xe Range Master had already said they didn't do those explosions after dark anyway. After Ms. Griffin's comment, the Range Master spoke up and explained again that the types of explosives used at night are not the same as the ones used during daylight. He has to be able to see the charge and see what is between himself and the charge for safety reasons. Large explosives are not done after dark due to the safety concerns. Door breaching charges (which use 1.5 ounces of explosive material) and flash bangs, are the only explosives utilized after dark.

At this time, Chairman Rodney Needham asked if there were any other members of the public present who would like to speak.

Ms. Sherry Motes of Moyock NC stepped to the podium to speak. She said that she was one of the complainants that Sheriff Perry spoke of earlier. On 2 occasions, she called a Xe employee to inquire about incidents. Ms. Motes said that the Xe representative she spoke to admitted to Xe's involvement in the occurrence of the incidents. In one of the incidents, a swat team had been coming back after 12 AM and stopped by Xe to get in a little bit of training. Ms. Motes further stated that she spoke to representatives from Virginia Beach Police Department, who according to Xe is one of their largest contracts and is the motivation behind the request to extend their hours. Virginia Beach PD says that Xe tells them to wrap up around 9:15 so they can be done and out by 10 PM. Ms. Motes thinks Xe is misrepresenting their motives, and went on to say that in her discussions with Virginia Beach Police Officials, specifically the commanding officer in charge of training, Virginia Beach PD never requested Xe to extend their hours. Ms. Motes also said that Virginia Beach PD has said to her that there was no chance of Xe losing their contract because they have no other place to go, there is no other facility that can handle the over 800 officers that are in the employ of Virginia Beach.

Calvin Leary asked Ms. Motes if she could get a statement in writing regarding the "never requesting to extend" from the commanding officer in charge of training for Virginia Beach Police Department.

At this time, Vice Chairman Terri Griffin made a motion to table this issue pending further investigation. Calvin Leary seconded the motion. The motion was approved with Chairman Rodney Needham, Vice Chairman Terri Griffin, Members Fletcher Harris, Ray Albertson, Calvin Leary, and Michael Etheridge voting aye; none voting no; 1 absent; none not voting.

### **Information from Board and Staff**

There was no information from board and staff.

### **Consider Date of Next Meeting – April 15, 2009**

### **Adjournment**

At 9:31 PM, Calvin Leary made a motion to adjourn the meeting. Ray Albertson seconded the motion. The motion was approved with Chairman Rodney Needham, Vice Chairman Terri Griffin, Members Fletcher Harris, Ray Albertson, Calvin Leary, and Michael Etheridge voting aye; none voting no; 1 absent; none not voting.

Date: \_\_\_\_\_

Approved: \_\_\_\_\_  
Chairman Rodney Needham

Attested: \_\_\_\_\_  
Amy Barnett, Planning Clerk