



CITY MANAGER  
W. LANE BAILEY

CITY OF LENOIR  
NORTH CAROLINA

MAYOR  
JOSEPH L. GIBBONS

February 11, 2014

The Honorable Andrew Brock  
The Honorable Chuck McGrady  
North Carolina General Assembly  
16 West Jones Street  
Raleigh, NC 27601

CITY COUNCIL  
T. H. PERDUE  
J. I. PERKINS  
T. J. ROHR  
D. F. STEVENS  
R. R. STILWELL  
C. D. THOMAS  
B. K. WILLIS

Dear Honorable Senator Brock and Honorable Representative McGrady:

Thank you for the opportunity to submit comment related to State Legislation 2013-413, Section 10.2. Since that law became effective in August, the City of Lenoir has become subject to the provisions of Section 10.2(a) when considering a hunting ordinance. The restriction in that section required a unanimous vote of the City Council in order to pass the ordinance, which the Council obtained. However, the requirement posed difficulties for the Council decision, as explained below.

The City developed this ordinance proposal in response to a request by a large landowner whose property lies mostly, though not exclusively, within City limits. This landowner raised cattle and experienced herd loss due to coyote attacks. Because the previous City ordinance prohibited the discharge of firearms within City limits for the purposes of hunting, the City leadership sought a change to the local code to allow property owners to discharge firearms for the purpose of reducing the coyote threat within the City's jurisdiction. However, because the North Carolina Wildlife Resources Commission "regulates the field" of hunting, the City Council vote became subject to the unanimous vote requirement of State Legislation 2013-413, Section 10.2. That requirement delayed the vote while the Council sought consensus on the issue. In that time, the landowner suffered additional herd loss and the City received other reports of other domestic animals dying within City limits.

We understand this provision in state law originated from advocates in the development community. While the City works hard to encourage development and not impose environment-based ordinances on developers that exceed the regulatory permit requirements to which the City is subject, we suspect the broad brush used in State Legislation 2013-413, Section 10.2, significantly exceeds the concerns of the development community. Certainly, in our hunting ordinance example, the motivation behind passage of that ordinance was directed at a non-development situation, yet the City was bound by the unanimous vote requirement in that statute.



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We respectfully request that you recommend an immediate repeal of the unanimous vote provision contained in State Legislation 2013-413, Section 10.2(a). Thank you for your consideration of our request.

Sincerely,

CITY OF LENOIR

A handwritten signature in black ink, appearing to read 'W. Lane Bailey', with a stylized flourish at the end.

W. Lane Bailey  
City Manager

cc: Joseph Gibbons, Mayor & Lenoir City Councilmembers  
Edgar Starnes, N. C. House of Representatives