

Greg Edds, Chairman
Jim Greene, Vice- Chairman
Mike Caskey
Judy Klusman
Craig Pierce



Aaron Church, County Manager
Sarah Pack, Clerk to the Board
John W. Dees, II, County Attorney

Rowan County Board of Commissioners

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MINUTES OF THE MEETING OF THE ROWAN COUNTY BOARD OF COMMISSIONERS

April 17, 2023 – 6:00 PM

J. NEWTON COHEN, SR. ROOM

J. NEWTON COHEN, SR. ROWAN COUNTY ADMINISTRATION BUILDING

PRESENT:

Greg Edds, Chairman
Jim Greene, Vice-Chairman
Mike Caskey, Commissioner
Craig Pierce, Commissioner

ABSENT:

Judy Klusman, Commissioner

County Manager Aaron Church, Clerk to the Board Sarah Pack, County Attorney Jay Dees, and Finance Director Anna Bumgarner were also present.

Call to Order

Chairman Edds called the meeting to order at 6:00 p.m. Chaplain Michael Taylor provided the invocation. Chairman Edds lead the Pledge of Allegiance.

Consider Additions to the Agenda

There were no additions to the agenda.

Consider Deletions From the Agenda

There were no deletions from the agenda.

Consider Approval of the Agenda

On motion of Pierce, seconded by Greene, the Board voted 4-0 to approve the agenda as presented.

Consider Approval of the Consent Agenda

On motion of Pierce, seconded by Greene, the Board voted 4-0 to approve the Consent Agenda as presented, as follows:

- A. Proclamation for National Library Week*
- B. Airport Houses for Locke Fire Department Training*
- C. Mid-Carolina Regional Airport Titan Fuel Truck Lease 1st Amendment*
- D. Donation of surplus half partition for vehicle to Town of Cleveland*
- E. Rowan County Public Health - 2022 State of the County Health Report*

- F. *GRANT APPLICATION: Rowan Transit Section 5310 Funding Program Application*
 G. *Petition for Road Addition - Adoption Way*
 H. *Budget Amendments, as follows:*

<i>Health</i>	<i>To budget for Mariam and Robert Hayes Charitable Trust (Cannon Grant)</i>	<i>\$40,000</i>
<i>Grant</i>	<i>To budget for the North Carolina Grant for Rowan Cabarrus Community College and Spencer</i>	<i>\$500,000</i>
<i>Airport</i>	<i>To increase Airport Fuel Revenue and Sales Tax Expense</i>	<i>\$13,000</i>
<i>Health</i>	<i>To align the budget with awarded funding for Vital Strategies Grant</i>	<i>\$69,995</i>
<i>Rowan Transit Service</i>	<i>To adjust budget from Federal fiscal year 2022 Grant – Federal Transit Administration Section 5310</i>	<i>\$10,000</i>

- I. *Tax Refunds for Approval*
 J. *2023 Principal Expense Report Form—Zero Expense Report Form*
 K. *Revised Wharton Smith Office Lease at West End Plaza*
 L. *Schedule Public Hearing for Special Nonresidential Intensity Allocation 01-23: Doug Foley, for May 1, 2023*
 M. *Centralina Workforce Development Consortium Articles of Association*
 N. *GRANT APPLICATION: Social Services request to enter Memorandum of Agreement with Cabarrus Health Alliance*
 O. *Consider Approval of the Minutes from April 3, 2023*
 P. *School Resource Officer (SRO) at Faith Academy Charter School*
 Q. *Chaplin Contract for Sheriff Office*
 R. *Schedule Public Hearing for Macy's Incentive Agreement for May 1, 2023*

Special Recognition

Chairman Edds recognized the following Governor's Volunteer Service Award winners and presented them each with a certificate and pin on behalf of the State of North Carolina and Rowan County:

- Shannon Corriher
- Patricia Ricks
- Ric Hodge
- Matthew Marsh

Chairman Edds recognized Mollie Ruf, Marketing and Communications Manager for the Rowan Economic Development Corporation, and the representatives who were present from the Young Professional's group. He presented the group with a Proclamation Recognizing 2023 as "Year of the Young Professional" in Rowan County and read the proclamation into record.

On motion of Edds, seconded by Pierce, the Board voted 4-0 to approve a Proclamation Recognizing 2023 as "Year of the Young Professional" in Rowan County, as follows:

A PROCLAMATION RECOGNIZING 2023 AS “YEAR OF THE YOUNG PROFESSIONAL” IN ROWAN COUNTY

WHEREAS, the Chairman and Board Commissioners of the County of Rowan, as a representative, public entity, acknowledges the importance of championing young professionals, age 45 and younger, that live and/or work in Rowan County as essential in securing Rowan County’s future prosperity; and

WHEREAS, recruiting and retaining young professional talent is a fundamental component of ensuring the best and brightest will be a part of Rowan County’s workforce; and

WHEREAS, these young professionals will become the future leaders throughout the communities of Rowan County, whether serving in such a role as part of an organization/business and/or on a committee or board within local government; and

WHEREAS, the young professionals program of the Rowan Chamber of Commerce serves as the welcoming group to young professional newcomers to our area; and

WHEREAS, the priorities and goals of the young professionals program of the Rowan Chamber of Commerce should be heard and taken into consideration by our community as a whole; and

NOW, THEREFORE, the Chairman and Board of Commissioners of the County of Rowan, firmly and unanimously adopt this proclamation recognizing "THE YEAR OF THE YOUNG PROFESSIONAL" in Rowan County, North Carolina for the year of 2023 and encourages all citizens to participate in activities and programs presented by the Rowan Chamber of Commerce’s Young Professionals program.

Vice-Chairman Greene recognized the Salisbury High School Girls Basketball team for their accomplishments during their 2022/2023 season and presented a Proclamation Honoring the 2022-2023 Salisbury High School Girls Basketball Team. He congratulated Head Coach Lakai Brice and recognized individual team members for their accomplishments.

On motion of Greene, seconded by Pierce, the Board voted 4-0 to approve a Proclamation Honoring the 2022-2023 West Rowan High School Girls Basketball Team, as follows:

PROCLAMATION HONORING THE 2022-2023 SALISBURY HIGH SCHOOL GIRLS BASKETBALL TEAM

WHEREAS, the Salisbury High School Girls Basketball Team, under Head Coach Lakai Brice, is hereby recognized and honored for their 2022-2023 victorious basketball season and back to back State Championship wins; and

WHEREAS, by their extraordinary efforts, the following members of this dynamic and talented team are to be congratulated for their remarkable and triumphant season: Haley Dalton, Shamyia Arnold, Makayla Noble, Icesis Nwafor, Kyla Bryant, Tristian Myers, Mariana Zapata, Torese Evans, Mary Morgan, Keaira Spruill, and Jaliyah McNeely; and

WHEREAS, due to hard work, dedication, and their exceptional chemistry, this outstanding group of Hornets finished out their 90% winning rate 2022-2023 season by defending their 2A State Championship title and claiming the win for

the second year in a row with a 12-game winning streak and zero losses in the Conference tournament on March 11, 2023, with an overall record of 27-3; and

WHEREAS, the individual contributions from each team member were crucial to the successful season; and the tremendous commitment and excellent performance of these young Rowan County women, along with their coaching staff, have proven to be a source of admiration and inspiration to the citizens of Rowan County.

NOW, THEREFORE BE IT PROCLAIMED, that the Rowan County Board of Commissioners does hereby honor and congratulate the Salisbury High School 2022-2023 Girls Basketball Team and Coaching Staff for their incredible achievements and commends them for their display of sportsmanship and leadership as they represented Rowan County.

Public Comment

There were no public comments.

Zoning Text Amendment (ZTA) 01-23 Update: Agritourism Text

Ed Muire, Planning and Development Director, said ZTA 01-23 is a text amendment request submitted by Rowan County Tourism Development Authority's (TDA) Attorney Andy Abramson on behalf of the TDA. The request suggests the County review its zoning ordinance and consider amending its policies applicable to drinking places, such as "bars," at agritourism sites.

Although the request from TDA requested alcohol on-site sales and consumption at agritourism sites, Staff has expanded this amendment to include some customary retail trade and service businesses that may provide additional revenue related opportunities for agritourism sites.

Mr. Muire defined and described agritourism and requirements for a property or structure to be considered a bona fide farm. He reviewed pertinent statutes describing requirements of bona fide farms and the present use value tax program. He reviewed parcels that participate in the present use value tax program which includes 43% of the county's land area but only 5% of the parcels in the county. He described the process of the rezoning that is associated with the proposed text amendments.

As defined in the County's zoning ordinance, drinking places are "an establishment whose principal purpose is to derive income from the sale of alcoholic beverages that are consumed on premise." Likewise, drinking places do not provide food preparation and service consistent with the ordinance definition of an eating place, such as a restaurant which does allow the sale and on-site consumption of alcohol as an accessory use.

Drinking places are a type of retail trade business subject to special use permitting in the Commercial, Business, Industrial (CBI) district and a permitted use in the Industrial (IND) district. The lone, special use permit specific standard requires a minimum separation distance of one thousand feet from an existing church, school, day care, public park, or other drinking place.

North Carolina General Statute (NCGS) 160D-903 exempts bona fide farms from county zoning regulations but does provide that “use of farm property for nonfarm purposes” may be subject to zoning regulation. Crop production and structures used to house livestock, feed and equipment are a relatively safe administrative determination as “exempt from zoning per ag use”, but the use of farm property for certain events, new buildings, or using existing structures for what seems (in the opinion of Staff) to be a “non-farm” activity tends to be uncertain as to whether the use/activity is exempt.

In these situations when Staff doesn’t feel comfortable rendering an exempt determination because the use is not defined or referenced by statute, the landowner can typically pursue another course of action such as rezoning or a text amendment. Specific to this text amendment case, Staff and the County Attorney, remain of the opinion that serving beer and wine not produced on site is a non-farm activity occurring on a farm. As such, the activity is regulated by County zoning; hence the request from the TDA.

Although the request from TDA requested alcohol on-site sales and consumption at agritourism sites, Staff has expanded this amendment to include some customary retail trade and service businesses that may provide additional revenue related opportunities for agritourism sites. As a whole, bars and these additional uses are proposed for inclusion in the Agricultural Overlay district.

The permitted uses in Section 21-33(3)(a) are closely related to agricultural production and farming services; the ancillary category (21-33(3)b) tends to focus on retail and recreation-oriented uses that have some correlation to farming or its rural setting; and the special requirement uses (21-33(3)c) may lend themselves to events or locations on the farm which are appropriate based on type farming activity or setting. Regardless, if the farm obtains the AO designation each of the uses would be reviewed administratively.

Although there is a close relationship between these uses and the notion of “agritourism”, there is no definitive exemption for them statutorily and therefore, the decision whether to apply zoning requirements resides with the County. Assuming the proposed amendment is approved in some capacity, these uses may be permitted from a zoning perspective, but would also be subject to building code, environmental health and others such as alcohol law enforcement permitting.

Commissioner Pierce asked how turkey shoots will be affected during the autumn season. Mr. Muire said he does not believe turkey shoots will be affected. Turkey shoot events are exempted under zoning regulations. Commissioner Pierce asked for more information regarding alcohol at turkey shoots.

County Attorney Jay Dees said this applies to the sale for onsite consumption for a regularly operating business.

Chairman Edds said the alcohol is already at these events and the host is requesting a permit for each event. He rhetorically asked if this is something new for the County before saying it is not a new concept. Farms are doing creative things to stay in business.

Chairman Edds asked to schedule a Public Hearing to consider ZTA 01-23 for May 1, 2023. The Board supported this request by consensus.

Quasi-Judicial Hearing – Special Use Permit 01-23 - Jeremy Burnett/Millbridge Speedway

At 7:07 p.m. Chairman Edds read the Chairman's Speech (Exhibit A) and declared the public hearing for Special Use Permit (SUP) 01-23 to be in session. Chairman Edds said the hearing would focus on an application submitted by Jeremy Burnett to bring an existing structure and spectator bleacher into compliance at Millbridge Speedway on Tax Parcel 768-021 located at 6670 Mooresville Road.

The Clerk swore in all parties who wished to testify in the case.

Shane Stewart, Planning and Development Assistant Director, 402 North Main Street, Salisbury, gave a PowerPoint presentation showing photographs of the site, the site plan, SUP requirements, SUP evaluation criteria, West Area Land Use Plan, a list of adjacent property owners who were notified, typical Findings of Fact, and procedures for approving, denying, or tabling SUP 01-23 (Exhibit B).

Vice-Chairman Greene asked for clarification regarding the location of the bleachers. Mr. Stewart said this set of the bleachers is the first set that is visible, and they are fixed facing the track. Bleachers require a plan review. Vice-Chairman Greene clarified what areas are being considered.

The aerial photograph of the site (Exhibit B, page 7) shows the original bleachers to be 64 feet long with four rows, and the new bleachers to have fourteen rows that are 47 feet wide. The zoning ordinance does not specify a seat width measurement, but 18 inches is considered a fair standard. The Zoning ordinance requires one parking space for every four seats. There is a difference of 67 additional parking spaces, which will need to be contained on site and not in the additional area that is separate from this request.

Mr. Stewart showed a site plan of Millbridge Speedway with the bleachers and tech shed labelled (Exhibit B, page 8).

The applicant submitted six responses to the evaluation criteria, as follows:

1. Adequate transportation access to the site exists.
2. The use will not significantly detract from the character of the surrounding area.
3. Hazardous safety conditions will not result.
4. The use will not generate significant noise, odor, glare, or dust.
5. Excessive traffic or parking problems will not result.
6. Use will not create significant visual impacts for adjoining properties or passersby.

Mr. Stewart reviewed the West Area Land Use Plan and said that the east area plan contains the consensus "Proposals for expansion of existing businesses that minimize conflict with surrounding residential uses through design standards or impact mitigation techniques are encouraged in the planning area."

The last three slides of Mr. Stewart's presentation included a list of adjacent property owners that were notified of the hearing, typical finding of fact statements (examples were not included), and a brief review of procedures required to approve, deny, or table SUP 01-23.

Chairman Edds said a few citations have been issued to the owners of the Millbridge Speedway, with the most recent being issued in November of 2022, regarding the expanded area for spectator and racer parking. He asked if those areas are supposed to be used currently Mr. Stewart said no.

Vice-Chairman Greene asked if there were permits on the original buildings and Mr. Stewart said he does not know.

Mark Hamblin, Attorney with Grimes Yeoman PLLC (Professional Limited Liability Company), 119 Grove Park Drive, Mooresville, represents the property owner. He said that the hearing is only regarding the "tech shed" and bleachers, not parking. He asked for the opportunity to prove property owner Jeremy Burnett as an expert witness.

Jeremy Burnett, 6670 Mooresville Road, Salisbury, approached the stand.

Mr. Hamblin asked him to explain his background and experience with racetracks.

Mr. Burnett said he has lease Millbridge since 2011 and purchased it in 2014. Prior to that, he ran a two-ring series and promoted several events in five or six states, including promoting events at racetracks. Mr. Burnett currently operates Millbridge Speedway.

Mr. Hamblin asked Mr. Burnett what information he reviewed to prepare for his testimony.

Mr. Burnett said he has reviewed relevant ordinances and all the documents provided by the Planning Department.

Mr. Hamblin asked if, based on his experience operating racetracks, Mr. Burnett's testimony would be helpful in assisting the Board in understanding the facts of the case and Mr. Burnett said yes. Mr. Hamblin asked to tender Mr. Burnett as not only the applicant but also as an expert in racetrack operations.

Mr. Hamblin asked the Board if Mr. Burnett can be recognized as an expert in racetrack operations.

Chairman Edds said he cannot agree as he does not know.

Mr. Hamblin asked Mr. Burnett to describe the basic operations of Millbridge Speedway as compared to other tracks he has operated or promoted at.

Mr. Burnett said Millbridge is similar. He has promoted races in Virginia, Indiana, Illinois, Missouri, Iowa, and Wisconsin since 2009, and Millbridge is similar to tracks in those places. He has promoted close to one thousand events since 2009.

Mr. Hamblin asked Mr. Burnett what his typical responsibilities included during a typical promotion or operation. Mr. Burnett said he has been responsible for announcing, setup, racetrack preparations, parking, directing the race, and technical inspections.

Based upon this information Mr. Hamblin asked if Mr. Burnett could be recognized as an expert witness regarding racetrack operations.

County Attorney Jay Dees asked the Board if satisfactory experience has been presented to tender Mr. Burnett as an expert witness.

Commissioner Pierce said he doesn't understand the relevance in naming Mr. Burnett as an expert witness.

Mr. Dees said testimony is given either by a layperson or an expert. The testimony is held to a higher standard when given by an expert. He explained that the Board was being asked to consider whether the testimony Mr. Burnett would give could be considered expert testimony.

Commissioner Caskey questioned whether naming the applicant as an expert witness would present a conflict of interest and Mr. Dees said no.

Chairman Edds asked if there was any concern for the County in agreeing that Mr. Burnett is an expert.

Mr. Dees asked if the Board was satisfied that sufficient evidence had been presented to name Mr. Burnett as an expert witness versus a layperson. He suggested the Board make a motion to accept or not accept Mr. Burnett as an expert in the field of racetrack operations.

On motion of Edds, seconded by Pierce, the Board voted 4-0 to accept Jeremy Burnett as an expert in the field of small speedway operations.

Mr. Hamblin asked if the Speedway had been in existence since 1989 and Mr. Burnett said yes, he moved to North Carolina in 1999, became aware of the Speedway in 2000 or 2001, and visited for the first time in 2009. He leased the property for three years before purchasing.

Mr. Hamblin asked Mr. Burnett to describe the previous (original) shed and bleachers.

Mr. Burnett described the original shed and wellhouse, both of which were dilapidated at the time of his lease and subsequent purchase. He pointed out the vehicle scales which could not be used during poor weather, as they sometimes shorted out. The new building (tech shed) covers the scales. The tech inspector is advanced in age and due to summer heat, it was necessary to provide a covered location. The original bleachers were concrete with wooden railings that were rotten, and the bottom row of bleachers were broken in half. This would have been expensive to fix. The new (current) bleachers were donated from a speedway in Florida and were transported for free. The wood needed for installation was donated. Mr. Burnett said he did not anticipate this large of a footprint, but the new bleachers didn't cost anything.

Mr. Hamblin asked Mr. Burnett to describe what is in new shed as compared to the old shed.

Mr. Burnett said the contents are basically the same. The scales are inside now rather than outside. Tires are stored in the building for security.

Mr. Hamblin asked if the construction of the bleachers and tech shed impacted the size of the operations of the Speedway and Mr. Burnett said no. Mr. Hamblin asked if the tech shed was constructed with appropriate permits and Mr. Burnett said no, it was purchased from a carport company and he was told he did not have to get it permitted because it wasn't a permanent structure. Mr. Hamblin asked Mr. Burnett if he was willing to go through the steps to get the building properly permitted and Mr. Burnett said yes. Mr. Hamblin asked if the approval of the SUP was the first step in the process and Mr. Burnett said yes.

Mr. Hamblin asked if the current tech shed was safer than what was in that location previously and Mr. Burnett said yes. Mr. Hamblin asked how the structure compared visually to the prior shed and Mr. Burnett said the current shed looks much nicer than the old shed.

Mr. Hamblin asked if the new bleachers were safer than the previous bleachers and Mr. Burnett said yes, the old bleachers were broken in half on the front row with steep steps. Mr. Hamblin asked how the new bleachers compare visually to the old ones and Mr. Burnett said they look a lot better.

Mr. Hamblin asked what capacity for the new bleachers was at a normal race and Mr. Burnett said probably the same as the number that sat in the old bleachers. The majority of spectators sit in the front stretch near concessions and restrooms. The bleachers in question are called the pit grandstand. Since they are the closest to the pit area, most of the people who sit there are pit people. On a normal Tuesday or Wednesday, this would equal approximately 50-75 people. Mr. Hamblin asked how this spectator quantity would compare to the old bleachers. Mr. Burnett said the number of people sitting there would be the same amount.

Mr. Hamblin said the width of a typical seat is eighteen inches. Mr. Burnett said the front seats from Charlotte Motor Speedway are twenty-one inches. Mr. Hamblin asked if additional parking is needed as a result of the new bleachers and Mr. Burnett said no. Mr. Hamblin asked if additional parking is needed, can more spaces be provided on the site as it is, and Mr. Burnett said yes. Mr. Hamblin asked if the new bleachers show an expansion of the racetrack's operation and Mr. Burnett said no. Mr. Hamblin asked if the Board asked Mr. Burnett to modify or remove seating, would he be willing, and Mr. Burnett answered yes.

Mr. Hamblin asked if there would be an increase in the operational area of the track and Mr. Burnett said no. Mr. Hamblin asked if the tech shed and bleachers would create non-conformity and Mr. Burnett said no. Mr. Hamblin asked Mr. Burnett if he believed there would be a significant adverse impact created by the new bleachers and tech shed and Mr. Burnett said no. Mr. Hamblin asked if adequate transportation access exists to the site. Mr. Burnett needed clarification before answering yes. Mr. Hamblin confirmed that there was adequate transportation access and Mr. Burnett said yes. Mr. Hamblin asked if there were hazardous

conditions, glare, or dust caused by the current use, excessive traffic or parking problems, or a large visual impact and Mr. Burnett answered no to each of these questions. Mr. Hamblin asked if there was any endangerment to public health and Mr. Burnett said no. Mr. Hamblin asked if the site exists in general harmony with the area and Mr. Burnett said yes.

Commissioner Pierce asked what type of vehicles race at the track. Mr. Burnett said mostly go-karts with a roll cage and wing.

Vice-Chairman Greene asked if these vehicles make the same noise as a standard go-kart and Mr. Burnett said yes, the noise is usually the same, but it depends on which class vehicles are racing. The noise could vary.

Commissioner Pierce asked the standard hours of operation for the track. Mr. Burnett said usually 6:00 p.m. until 10:00 p.m., but sometimes later if there is a vehicle accident or rain that delays the races.

Vice-Chairman Green asked how many nights per week races are held. Mr. Burnett it usually varies between one and three times per week. There are 55 event days per year. Most vehicle classes are quiet.

Chairman Edds asked which nights each week races are held. Mr. Burnett said usually Tuesday, Wednesday, and Saturday. Chairman Edds asked if races are ever held on Friday or Sunday. Mr. Burnett said typically no, races were held on these days in the past but there have not been events on these days in several years. Sometimes races are held on Monday nights, but they are quieter. There are practices held at the Speedway every now and then. Chairman Edds asked Mr. Burnett to elaborate on how the practices work. Mr. Burnett said they are held from 6:00 p.m. until 9:00 p.m. Individuals can rent the track and practice any night of the week.

Commissioner Pierce asked if any complaints about the track had been received. Mr. Burnett said there have been a handful of complaints.

Mr. Hamblin said the track been in this location for over 30 years. Litigation went to the court of appeals, and a non-conforming permit was issued to continued operating. There is no current curfew for the track itself. The Rowan County noise curfew is 11:00 p.m. and operations end before curfew most of the time. Due to the non-conforming use, the noise curfew is not necessarily applicable but Mr. Burnett said they do their best to abide by it.

Vice-Chairman Greene said there is a noise ordinance. When considering the 1998 ordinance and the track's non-conforming use, he asked if the 1998 ordinance would apply to the track as recognized non-conforming use. The applicant is seeking to bring the tech shed and bleachers into allowance. He questioned whether the replacement of buildings on a non-conforming lot is allowed. Step one in the process is to get building permits corrected.

Mr. Dees said the Board accepted Mr. Burnett as a track operations expert but questioned whether this first tender covered Mr. Burnett's safety testimony regarding the bleachers. He said is was not sure if the Board would accept this portion as expert testimony. Mr. Hamblin said Mr.

Burnett is also testifying as the owner of property and giving his opinion after visually seeing the condition of both sets of bleachers.

Don Horton Jr., 1094 Landis Court, China Grove, shared his background as a construction manager for Lakeside Park and as a buyer's agent on property issues. Mr. Hamblin what licenses and how long and Mr. Horton listed his credentials. Mr. Horton testified as an expert witness on a watershed case in Mooresville. Mr. Hamblin asked if Mr. Horton was experienced in locating land and determining values and Mr. Horton said yes. Mr. Hamblin asked what information Mr. Horton reviewed in order to prepare his testimony. Mr. Horton said he reviewed the packet of information provided by Planning and Development. Mr. Hamblin requested that Mr. Horton be accepted as an expert witness in real estate.

On motion of Edds, seconded by Pierce, the Board voted 4-0 to accept Don Horton Jr. as an expert witness in real estate.

Mr. Hamblin described the process generally used when a client is searching for property. He asked if Mr. Horton executes due diligence on properties being considered and Mr. Horton said yes. Mr. Hamblin asked how this process was carried out. Mr. Horton said he studies everything he can find regarding the property and provides it to the client. Mr. Hamblin asked if all data would be presented to the client whether it was good or bad and Mr. Horton said yes.

Mr. Hamblin asked Mr. Horton if he was familiar with Millbridge Speedway and Mr. Horton said yes. Mr. Horton lives approximately five and one quarter miles away "as the crow flies." He has known about the track since it was built. Mr. Hamblin asked if the Speedway would be identified during the due diligence process and Mr. Horton said yes, as well as Lazy 5 exotic animal farm. Mr. Horton said he has obligation to tell the client.

Mr. Hamblin asked if Mr. Horton had reviewed photographs of the Speedway and Mr. Horton said yes. Mr. Hamblin asked Mr. Horton for any comments regarding the new bleachers or tech shed. Mr. Horton declined to answer and stated that he was not a safety expert.

Mr. Hamblin asked if the new structures generally exist in same location as the previous and Mr. Horton said they appear to. Mr. Hamblin asked if the bleachers or tech shed appear to be an eyesore that impacts adjoining real estate values and Mr. Horton said no.

Mr. Hamblin asked Mr. Horton if he had been involved in other projects in motorsports and Mr. Horton said yes, he had been involved with the Nascar Technical Institute, Catawba Point, and Lakeside Park. Mr. Hamblin asked what activities occur in those locations and Mr. Horton said retail operations. Mr. Hamblin asked if there were loud noises and Mr. Horton said yes. Mr. Hamblin asked if those projects negatively impact adjoining property values and Mr. Horton said no. Mr. Hamblin asked if the non-conforming aspects have a negative impact on adjoining properties and Mr. Horton said no. Mr. Hamblin asked if the new structures had a negative impact and Mr. Horton said no, there was no change. Mr. Hamblin asked if there was significant visual impact and Mr. Horton said no. Mr. Hamblin asked if the current use, including the new structures, exists in general harmony with the community and Mr. Horton said yes.

Vice-Chairman Greene asked if Mr. Horton had worked on previous projects involved with actual racing. Mr. Horton said he had worked with race teams and the race support industry, including engine building and wind tunnels.

Commissioner Caskey asked for clarification regarding the noise and noise ordinance. Mr. Hamblin said this hearing is specifically for tech shed and bleachers, not the noise. The current activities fall within the same realm of activities that have been occurring on site since 1989. The tech shed and bleachers are the focus of the hearing and are not resulting in value decrease for adjoining properties.

Commissioner Caskey asked if there is amplified sound. Mr. Hamblin said when he visited, he didn't find the noise to be too loud, but Mr. Burnett could speak to that further. Commissioner Caskey asked if there was a speaker system and Mr. Hamblin said yes. Commissioner Caskey questioned if this falls under the amplified sound ordinance. Mr. Dees said the general noise ordinance applies to any amplified sound.

Mr. Hamblin asked if he was able cross examine witnesses. Mr. Dees said yes but anyone could cross examine witnesses. Mr. Hamblin reminded the Board that the SUP was for the tech shed and bleachers, not about anything else. It was not about property expansion, Mr. Hamblin said, and asked that testimony be limited to the bleachers and tech shed.

Chairman Edds asked what testimony is limited to and does conversation beyond these limits have to be stopped. Mr. Dees said the Board can accept anything they'd like to hear, but the relevant issues are the petition for the bleachers and the tech shed. There are other implications, such as is this as expansion of non-conforming use. The final decision should only be based on relevant testimony of the relevant issues. Public hearings are for people to say what they want to say.

At 8:11 p.m. Chairman Edds opened the floor for sworn testimony.

Brian Shaw, 6328 Mooresville Road, Salisbury, said that Mr. Burnett should be an expert witness and should know the ordinances involved with operating a racetrack. He said the reason for the hearing because Mr. Burnett either wasn't aware of the relevant ordinances or he was and chose to ignore. He read a letter to the Board (Exhibit C) and showed photographs of the site to support his claims (Exhibit D).

Owen Crater, 6008 Mooresville Road, Salisbury, said Mr. Burnett has no expertise in dealing with neighbors or the community. There will be a party when the speedway closes. The disregard for the process is symbolic. It is normal for the Speedway to run past 11:00 p.m. and he can hear the noise in his house half a mile away. Mr. Crater compared the experience to a home invasion and said a total stranger is dictating the television sound, where neighbors sleep, if neighbors can sleep. The whole thing is detrimental to trying to live life. He said a person's home should be a refuge but somebody half a mile away is invading the neighbors' privacy.

Jackie Shaw, 6330 Mooresville Road, Salisbury, read her comments to the Board (Exhibit E).

Luann Grambow, 225 Lillian Circle, Salisbury, said she lives several miles away. She bought her home to have a quiet country living experience. Her quality of life has been destroyed by the track reopening. The noise is so loud that people cannot have a conversation. She can hear noise from the practicing a mile and a half past her home. The noise issue is destroying her quality of life. The situation represents the property owner's disregard for the county. The Speedway is destroying lives. She said she can hear noise in her home after 11:00 p.m. She played a recording of race noise on her phone over the microphone, and it could be heard throughout the board room. She said there must be rules about noise. This business is destroying people's quality of life. She has heard the noise on afternoons and evenings including Sundays.

Rob Roberson, 6250 Mooresville Road, Salisbury, said he lives half a mile from the track. When there are no sanctioned races, the track can be rented for practice. These practices can range from early morning until late at night. The vehicles that are raced used to be small engines that sound like a lawn mower, which was no problem. Now the Outlaw Sprint Cars that are used have engines like the Legends Series cars raced at Charlotte Motor Speedway. He compared the sound to millions of angry bees swarming at all hours of day and night. He can't sleep when they are running. It doesn't matter how well insulated the house is. He said he cannot have a conversation in the house because of the noise. He suggested the Board visit the track and listen to the noise. They are not go-karts, they are race cars.

Mr. Hamblin said that Mr. Burnett said the track doesn't run that late. Mr. Hamblin said his previous comments were not trying to prevent neighbors from speaking, but were pointing out that the SUP is for the tech shed and bleachers. Other items brought up will fall under another topic.

At 8:43 p.m., Chairman Edds closed the hearing after hearing no further sworn testimony.

Chairman Edds said this hearing was for two simple issues, but that is hard to divorce from the bigger known issues. He was at track last week and met with the applicant. Mr. Burneet is working hard to clean the track up. Board is pro-business. Chairman Edds contacted the Shaws and spoke with them. He went to their home at 9:00 p.m. on a Wednesday and stood in the backyard of the Shaw's home and was not prepared for what he heard. The sound was ten times worse than what he thought he would hear. Chairman Edds clarified that the noise is not what the hearing is about but it's all linked. He left the Shaw's home and went to the Speedway and there was a great crowd. He was surprised to see so many trucks and race trailers lined up in an area that Mr. Burnett had been sent a notice of violation about and wasn't to be used. He was not surprised at the noise.

Chairman Edds said visiting the track was an exhilarating experience. He told the applicant what he wants to see is for the community and applicant to come together and find a middle ground. He hasn't heard anyone say they want the track closed down. The facility is valued by racers. It's getting bigger and better for racers but bigger and worse for residents. The amplified sound system is loud. He said he could hear every word inside the Shaw's house. The track was

in the area first but they weren't having races like this. He spoke with a caller who supported racing but didn't know it would turn into this.

Chairman Edds played a recording of sound on his phone over the microphone, and it could be heard throughout the board room. He said he is not against the track, but the issues need to be resolved. He is both pro-business and pro-private property rights. Private property rights go for everybody. A person cannot infringe on the rights of others. As the community grows there will be more of this. Chairman Edds asked Mr. Shaw why he still lives there, and noted that when he visited, the noise was so loud they had to scream to each other.

Chairman Edds said Mr. Hamblin wants the issues at hand approved before other things happen. Chairman Edds wants the parties to come together and figure out a middle ground outside of county government. There have been conflicting statements regarding end times. He said he understand the mechanics of the track operations, letting kids race first and adults later. Chairman Edds left the track at 10:42. He said he can't imagine having kids near that level of noise. He said he tried to concentrate on the community but sensed that the track noise is pouring out and reverberating for miles. He had no idea how loud this was.

Chairman Edds said he would not be approving anything until the parties can come together to agree on a solution. He doesn't know what that solution might look like. Maybe the track should only operate on certain days or at certain times with no exceptions. This is a nightmare for the Board. There are opposing citizens, but there are also fans that enjoy the business.

Chairman Edds suggested tabling the issue. The matter at hand is about allowing the applicant to apply for building permits and inspections for the new shed and bleachers. Noise doesn't have anything to do with the structures, but it's part of the same issue. Chairman Edds said he will not vote to approve the SUP until the applicant and community have come up with some middle ground. Concessions will have to be made.

Commissioner Caskey agreed with Chairman Edds. Citizens can work things out better than government. Both sides need to try to work something out. He asked the property owners and applicant to come together and be good neighbors. He is willing to let them work it out.

Vice-Chairman Greene said he believes in property rights. There is a problem any time someone asks to be considered an expert, but ignores the permits required and ignores letters from the County about parking. Any businessperson that is going to expand generally tries to find out what's required by the County. He is concerned because that wasn't done. There is a noise ordinance that's at the center of all this. He said he doesn't have answers but is willing to table the issue so something can get worked out.

Commissioner Pierce said he was upset that the racetrack expert doesn't know that permit is required. Somebody that's supposed to be an expert but doesn't know these things is a problem. He suggested that a permit wasn't requested because electricity was already at the location. He said the issue needs to be tabled but he wants restrictions on the business and bleachers since they are not in compliance. The property owner needs to have an incentive to do something to

fix the issue. He also suggested speaking with the Sheriff to determine why deputies aren't addressing violations.

Chairman Edds asked Mr. Dees to clarify the ordinance regarding amplified sound. Mr. Dees said as the ordinance is written, it covers just the amplified sound, not vehicle sound.

Mr. Steward agreed. The Sheriff's Office is tasked with enforcement of the ordinance. There is some protection for noise from the track as a sporting event. The Planning Department doesn't enforce the noise ordinance. Permits to exceed the noise ordinance are typically for parties, bands, et cetera. The noise standards that exist do not address tonight's issue.

Chairman Edds asked if there is anything neighbors can do. He questioned if the County has the authority to regulate decibel level.

Commissioner Caskey said amplified sound isn't a problem, it's the cars which don't fall under the ordinance.

Chairman Edds said people are bothered by amplified sound but the ordinance excludes this provision because it's a sporting event. Mr. Dees said amplified sound has to be sustained for a period of time and sporting events don't typically have that.

On motion of Edds, seconded by Pierce, the Board voted 4-0 to table SUP 01-23 and require that the Millbridge Speedway facilities not be used until an agreement with the adjoining property owners is struck.

Mr. Dees reminded the Board and public that they cannot talk about this matter until it is heard again.

At 9:08 p.m. discussion regarding SUP 01-23 ceased.

Public Hearing – Z 01-23: Rockwell Extra Territorial Jurisdiction (ETJ) Release

Shane Stewart, Planning and Development Assistant Director, said on March 13, 2023, the Rockwell Town Board voted to release all or a portion of seventeen parcels from their ETJ. These areas are either all or a portion of property generally lying on the eastern side of Troxler, Sides, and Johnson Dairy Roads noted below. Resulting jurisdiction boundaries would run concurrent with these roads in keeping with NCGS 160D-202(e) which specifies "Boundaries shall be defined, to the extent feasible, in terms of geographical features identifiable on the ground. Boundaries may follow parcel ownership boundaries." Rockwell's zoning ordinance will apply for up to sixty days unless zoned by the county prior to the expiration. He presented a report and showed a map of the ETJ area.

At 9:14 p.m. Chairman Edds opened the public hearing and closed it after no one wished to speak.

On motion of Edds, seconded by Pierce, the Board voted 5-0 that “Z 01-23 is reasonable, appropriate, and necessary to meet the development needs of Rowan County not previously envisioned by the East Land Use Plan based on the following: 1) At the time of adoption of the East Rowan Land Use Plan the parcels in question were part of the Rockwell ETJ; 2) Based on comparison uses between Rowan and Rockwell, the zoning uses are consistent; and 3) The boundaries would run concurrent with state roads per NCGS 160D-202(e) and the process and evaluation is consistent with the counties obligation under NCGS 160D-202(h).

On motion of Pierce, seconded by Greene, the Board voted 5-0 to approve Z 01-23.

Public Hearing – Economic Development Proposed Incentive Policy Revision

Rod Crider, President of the Rowan Economic Development Corporation (EDC), presented the CiCi award for Macys. He gave a brief overview of the request and introduced Scott Shelton, Vice President of the Rowan EDC.

Mr. Shelton presented a request for revisions to the County’s Incentive Policy. He said that Rowan County adopted a policy in 2005 that established a framework for considering incentive requests from companies seeking to expand their existing facilities or to establish new ones. The policy has served the County well over the past 18 years. However, the EDC feels that this policy needs an update to better reflect the County’s goals while remaining competitive for attracting new investment and job growth. Below is a summary of the current County policy as well as revisions we are proposing for the Board’s consideration:

Current County Policy

The current incentive policy uses minimum project investment amounts to determine eligibility for grant levels. Depending on the level, a company can qualify for a five-year grant equivalent to a specified percentage of the value of the real and personal property tax revenue anticipated to be generated by their project.

Grant Category	Minimum Taxable Investment Required	Percentage of the Value of Real and Personal Property Taxes Paid
Level 1 Grant	\$5 Million	75%
Level 2 Grant	\$50 Million	80%
Level 3 Grant	\$100 Million	85%

Proposed County Policy

While the amount of investment is certainly important, our proposed policy revisions would use a scoring system that weighs additional factors such as job creation numbers, the average salary of the new jobs, employee health insurance coverage, and industry sector when determining incentive eligibility and grant levels. Each of the three grant levels would require a minimum number of points scored. To better reward existing Rowan County employers, these companies would receive an additional point in the proposed scoring system, which is outlined in Addendum B of the revised policy.

In addition to shifting toward a scoring system, the other significant change we are proposing is a reduction in each grant level's percentage value. Under the current policy, an eligible project could receive a grant equivalent to up to 85% of the value of the new property taxes paid. Under the proposed policy, an eligible project could receive a grant up to only 50% of the new property taxes paid.

Grant Category (Proposed)	Minimum Points Needed (Proposed)	Percentage of the Value of Real and Personal Property Taxes Paid
Level 1 Grant	3 to 5 Points	40%
Level 2 Grant	6 to 8 Points	45%
Level 3 Grant	9 to 12 Points	50%

Other changes to the policy include classifying advanced manufacturing, life sciences and healthcare, distribution, financial and professional services, and information technology as targeted industries for the County. Additionally, the policy would state that speculative building projects are not eligible for incentives.

Chairman Edds said the driving force behind this policy is attraction of new business. The County has come a long way and there is lots of attention on Rowan County. If the County continues to give land away to attract business, the Board can't predict how the market will react. If people move to Rowan County, there will be a need for additional revenue for infrastructure and improvement. There is no incentive if the average wage is below the community's average wage. When competing with other communities, the North Carolina Department of Commerce won't contribute dollars to attract business if the wage is below county's average wage. The Board doesn't want to lower the average wage. He suggested updating the point system to reflect that any business with an average wage lower than the county's average wage gets zero points, any businesses where the average wage is 100% to 110% of the county's average wage get one point, and business with an average wage over 110% of the county's average wage gets two points.

Commissioner Caskey thanked the EDC for their work and said the County is in a good place to change policy. The county needs businesses here to bring in revenue.

At 9:36 p.m., Chairman Edds opened the Public Hearing and closed it after no one wished to speak.

On motion of Pierce, seconded by Greene the Board voted 5-0 to approve the revised Incentive Policy with the following revisions to the points system: any business with an average wage lower than the county's average wage gets zero points, any businesses where the average wage is 100% to 110% of the county's average wage get one point, and business with an average wage over 110% of the county's average wage gets two points.

Financial Reports

Chairman Edds asked the Board to consider postponing the financial report until the next meeting and the Board agreed by consensus.

Adjournment

At 9:37 p.m., on motion of Pierce, seconded by Greene, the Board voted 4-0 to adjourn.

Sarah Pack, NCCCC
Clerk to the Board

Greg Edds, Chairman

SUP 01-23 CHAIRMAN'S SPEECH

The hearing for consideration of SUP 01-23 is now in session and will focus on an application submitted by Jeremy Burnett to bring an existing structure and spectator bleacher into compliance at Millbridge Speedway on Tax Parcel 768-021 located at 6670 Mooresville Road.

If you feel that any member of the Board may have a conflict of interest in hearing the case, please address the Board now prior to any testimony or information being presented.

When the Board enters into deliberations to decide the case, no further testimony may be presented. The Board will render one of the following three decisions:

1. Approve the permit as requested or with additional conditions;
2. Continue the request; or
3. Deny the request.

All parties who plan to testify in this case may come forward and be sworn in. Those who testify must state their name and address at the podium for the benefit of the Board's Clerk. All material presented must be given to the Clerk and will become part of the record. This Board can only accept **sworn** testimony. **No** hearsay evidence is admissible.

Shane Stewart will present the case for the County.

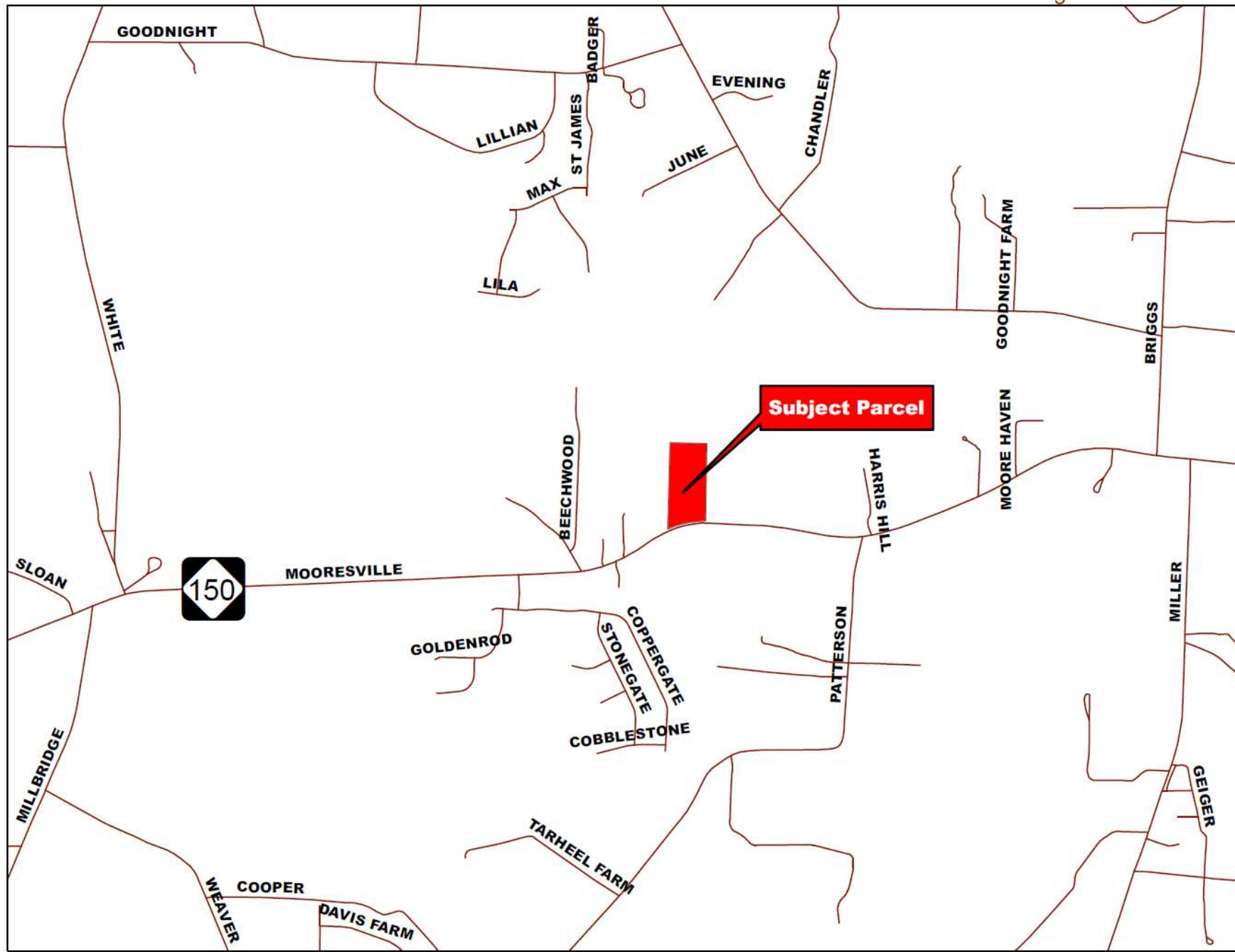
Quasi-judicial Hearing SUP 01-23



APRIL 17, 2023

Owner / Applicant: Jeremy Burnett

**6670 Mooresville Rd.
Tax Parcel 768-021**





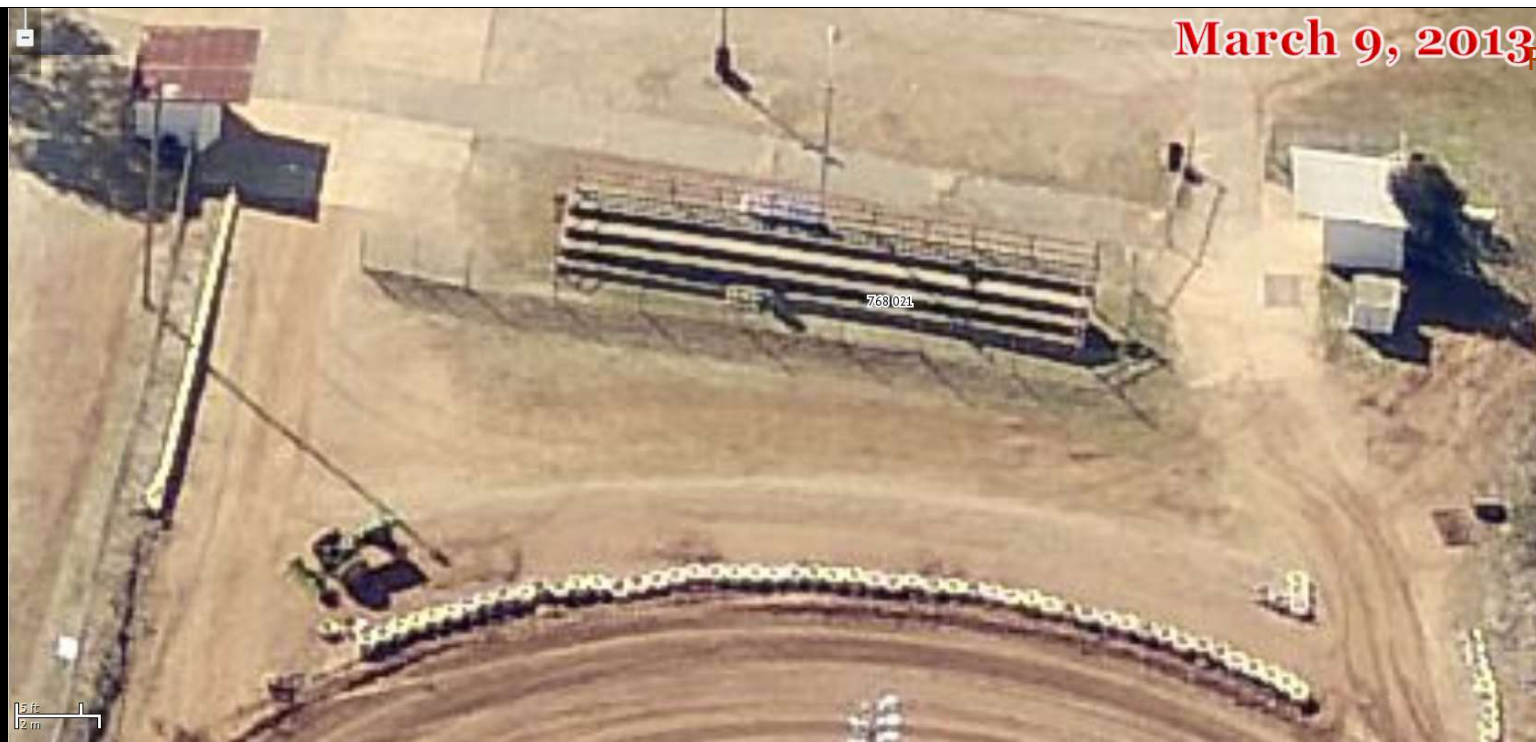


- 1. There is no increase in the operational area existing on the effective date of this ordinance.**
- 2. There is no greater non-conformity with respect to dimensional restrictions such as setback requirements, height limitations, or density requirements or other requirements such as parking, loading and landscaping requirements.**
- 3. There is no significant adverse impact on surrounding properties or the public health or safety including but not limited to no increase in the level of noise, dust, odor, glare, or other nuisances.**

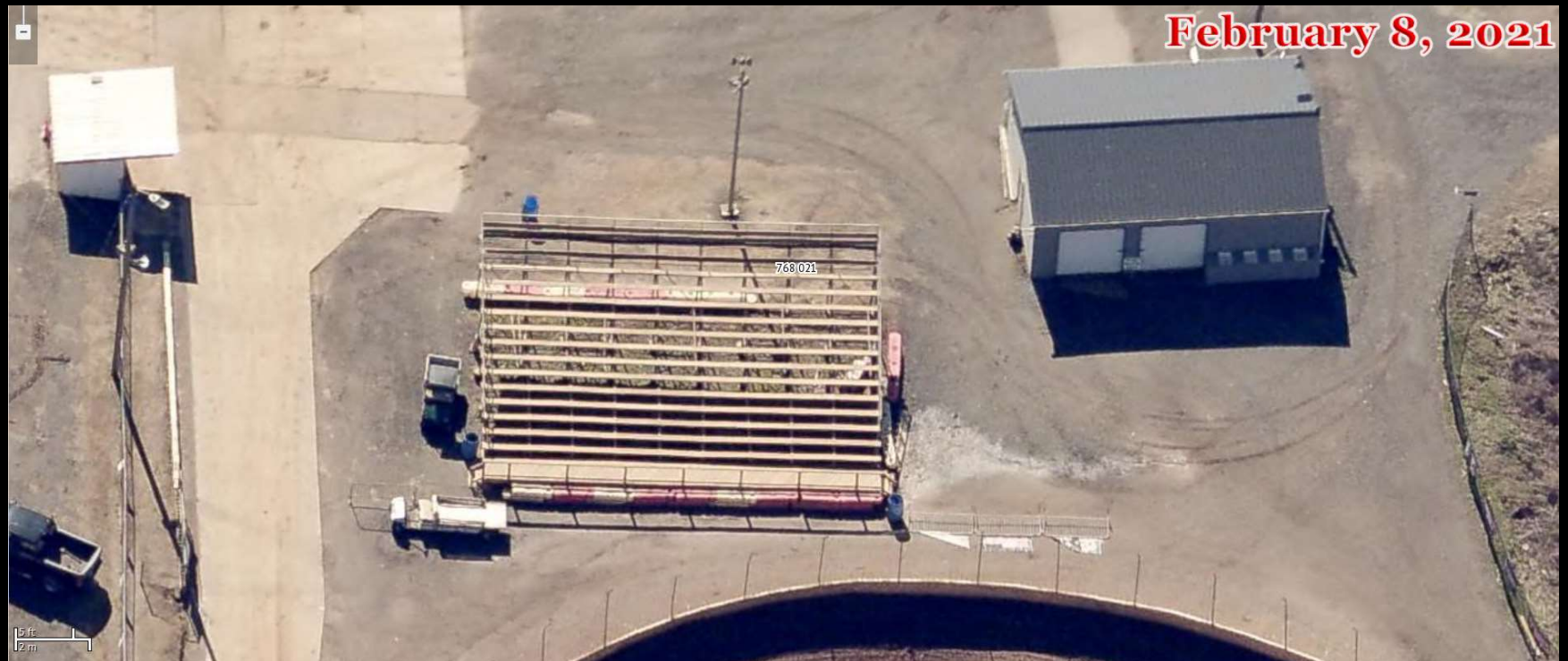


Aerial Photo Comparison

March 9, 2013



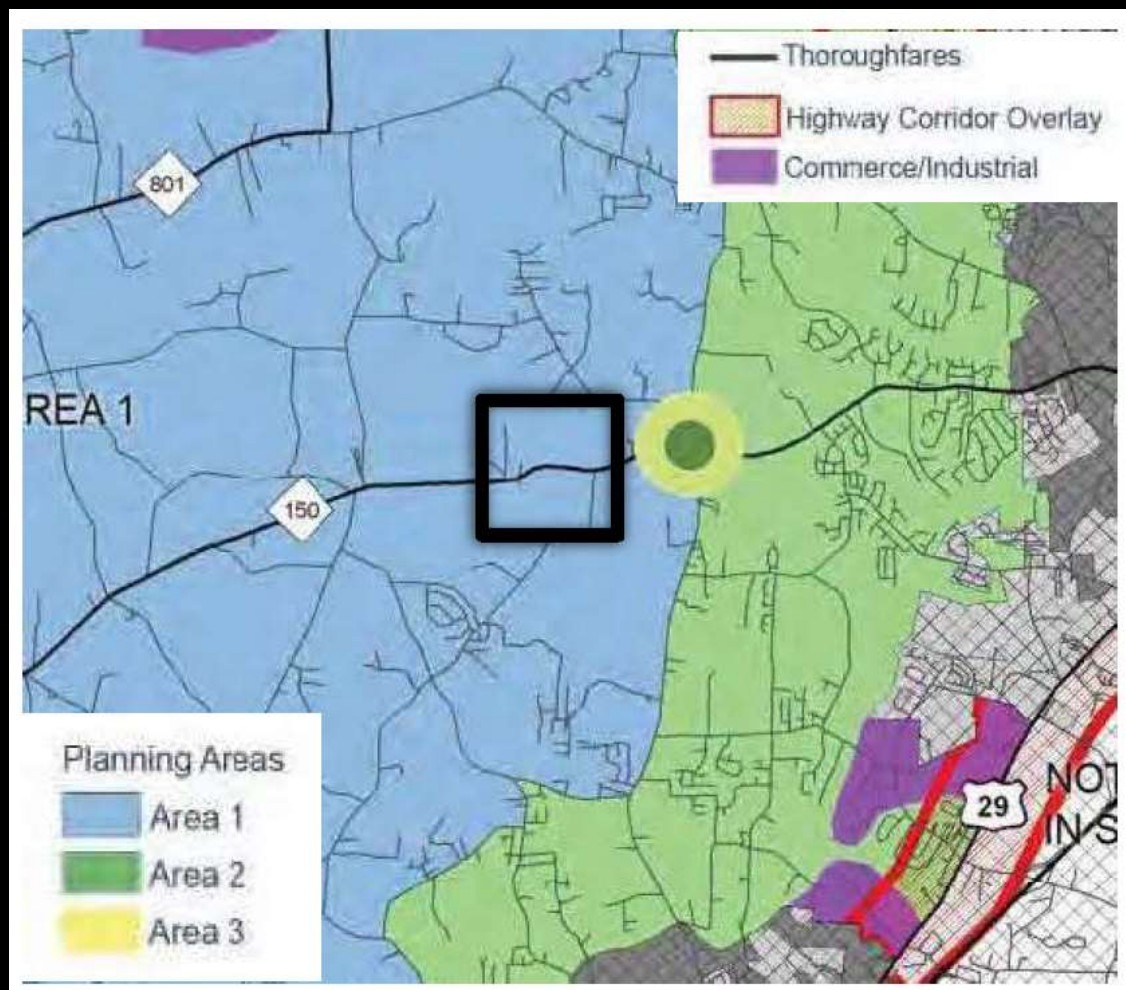
February 8, 2021



Oblique Photo Comparison



- 1. Adequate transportation access to the site exists**
- 2. The use will not significantly detract from the character of the surrounding area**
- 3. Hazardous safety conditions will not result**
- 4. The use will not generate significant noise, odor, glare, or dust**
- 5. Excessive traffic or parking problems will not result**
- 6. Use will not create significant visual impacts for adjoining properties or passersby**



- Located in Area 1.
- In general, “Highway Business” encouraged along NC Highways at identified nodes.

- While not similarly stated in the west area plan, the east area plan contains the consensus “Proposals for expansion of existing businesses that minimize conflict with surrounding residential uses through design standards or impact mitigation techniques are encouraged in the planning area”.

OWNNAME	TAXADD1	CITY	STATE	ZIPCODE
PLANTATION RIDGE	PO BOX 102	SALISBURY	NC	28145-0102
HANCOCK RICHARD D	316 N MAIN ST	SALISBURY	NC	28144-4348
BURNETT JEREMY & WF ASHLY	6670 MOORESVILLE RD	SALISBURY	NC	28147
JENKINS TONYA M	6525 MOORESVILLE RD	SALISBURY	NC	28147-0000
ALEXANDER GWENDOLYN M	1121 CHILLUM MANOR RD	HYATTSVILLE	MD	20783-3033
HOFFMAN DARRELL	214 RINEHARDT RD	MOORESVILLE	NC	28115-7980
H&S PROPERTIES OF ROWAN	2435 GOODNIGHT RD	SALISBURY	NC	28147-8523



Findings of Fact

- 1. The development of the property in accordance with the proposed conditions will not materially endanger the public health or safety.**
- 2. That the development of the property in accordance with the proposed conditions will not substantially injure the value of adjoining or abutting property, or that the development is a public necessity.**
- 3. That the location and character of the development in accordance with the proposed conditions will be in general harmony with the area in which it is located and in general conformity with any adopted county plans.**

Procedures

- ✓ **MOTION TO ADOPT FINDINGS OF FACT**
 - **THREE SEPARATE MOTIONS ON FINDINGS OF FACT**
- ✓ **MOTION TO APPROVE / DENY / TABLE**
SUP 01-23

Expert @ living
next to a race track

can find additional parking? Cars are already
parking illegally

Mr. Burnett stated
he is an

expert based
on knowledge
ordinances

we are
here because
he did not

know ordinance
on knowledge
ignored
them

Good evening! My name is Brian Shaw and I reside at 6328 Mooresville Rd. Salisbury, NC with my wife and 2 children.

There is a loose bond between the community on our stretch of Highway 150, Beechwood Rd, Briggs Rd, Castlemill Ln., Evening Dr., G. Goodnight Rd, Goldenrod Cir., Goodnight Rd, June Dr., Lillian Cir., Moore Haven Dr., Patterson Rd., St. James Way, and Yorkshire Farms Dr. Approximately From Mid March through Mid November; the prime seasons to be beautifying our lawns, working in our gardens, grilling on the back porch, enjoying an evening camp fire, swimming in a pool, lounging in a hot tub, or a walk in the unmolested woods; We endure hours at a time of the droning sound of extremely loud carts racing from about 7:30pm until about 11:30pm... Sometimes later when "special events" are being held. On top of the sound of the carts, a P.A. system is blaring so that a race announcer can be heard over the sounds of the engines.

I am here tonight because just over a year ago another concerned neighbor told me that the track, Millbridge Speedway, had built some unpermitted structure and was "getting in trouble" with the County, "Rowan County". He then went on to tell me that Millbridge Speedway was no longer able to utilize the vacant grass lot adjacent to my family's property as an overflow parking lot and that I should contact Shane Stewart, from Rowan County, if I saw any activity there. Mr. Stewart confirmed that they were not to be using that property and that Millbridge Speedway is not to extend operations beyond the original footprint from 1998. I continued to witness activity there and repeatedly notified Shane Stewart of each occurrence. Shane recommended that I notify the Sherriff's department if the unpermitted activity continued. I notified the Sherriff's department but that was to no avail as the Sherriff's deputies were hired to direct traffic into the field that was not permitted to be used for parking. When I notified the Sherriff's department, I was directed to communicate with the deputy on site. When I approached the deputy on site, he used a walkie talkie to radio to Mr. Burnett who came to check out the situation. Mr. Burnett was accompanied by Mr. Hoffman, his father-in-law. Mr. Burnett was very cordial and we were discussing the noise that the track produces and the fact that the track was not permitted to use the field for parking. Initially we were having, what I thought was a productive conversation, until I mentioned Mr. Stewart (from the County) and his confirmation the track was not able to utilize the field. At this point, Mr. Hoffman became belligerent and threatening with what "he could do" if this became an issue.

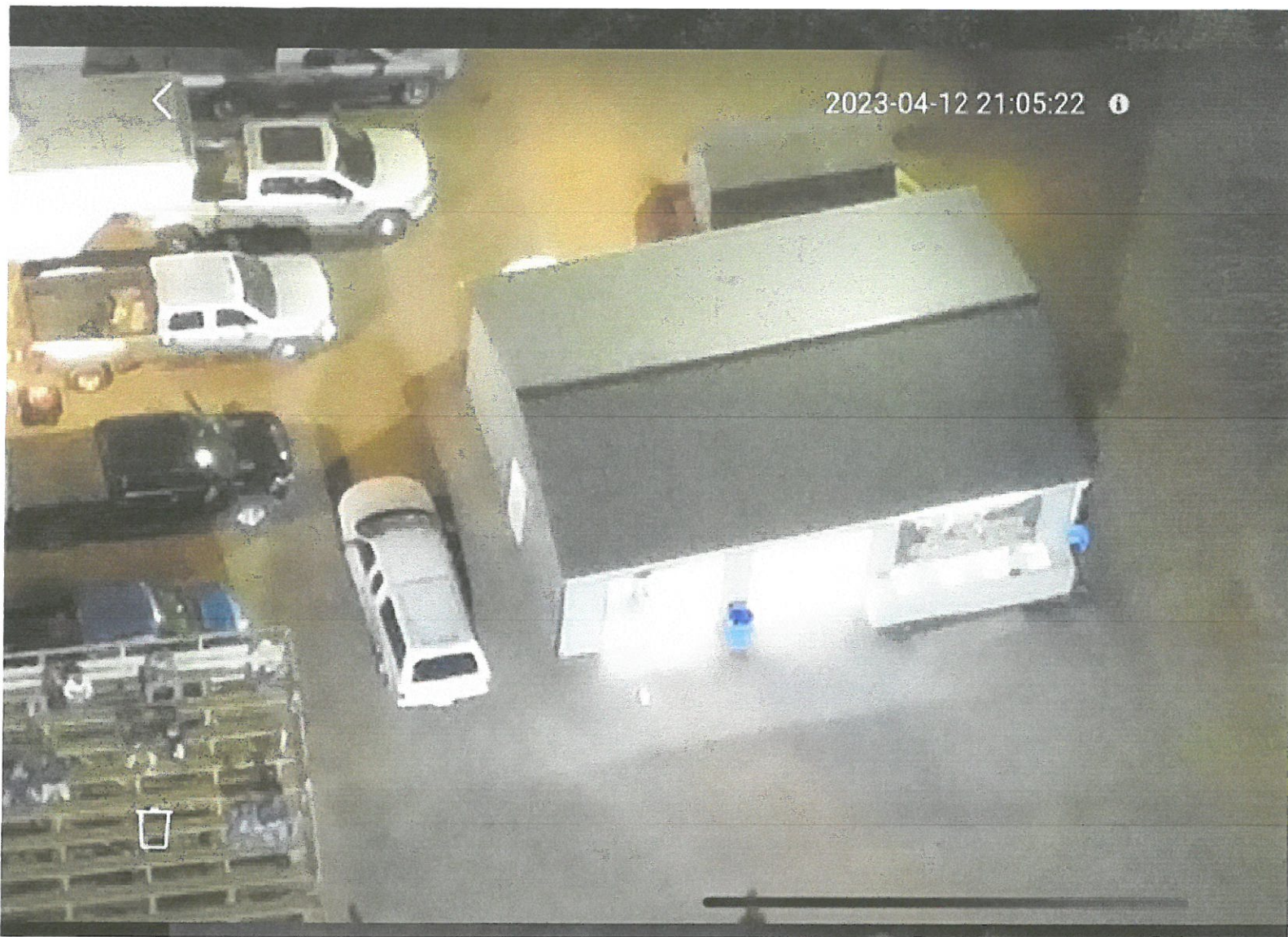
In the meantime, over the last year and a half, two properties adjacent to the race track were acquired in Mr. Hoffman's name (the track owner's father-in-law). A large portion of this property was cleared of trees and graded into additional parking with an adjoining driveway connected to the track's driveways. Again, Millbridge Speedway is NOT TO OPERATE outside of the footprint established in 1998 and has been notified of this by Mr. Stewart from the planning and development office. Now, in my backyard the trees between us are so thin I can see the track, the video screen, the bright lights and the parking lot from my back porch. It seems the already insanely loud noise has been intensified greatly as the only present obstruction for sound has been removed. ******See Photos of Property Lines******

You may ask, "Why would you buy property beside a go cart track if you don't like the go cart track?" In 1991 when my family originally purchased the property, the go cart track was a small/quirky/fun GoCART track that didn't make noise much more than a lawnmower and typically ran on Saturday afternoons. The track was actually defunct for approximately 2-2.5 years and was not supposed to be eligible to reopen. ~~The county attorney bailed/mishandled the case and allowed the~~

~~track to re-open and restart operations.~~ Now there are multiple "series" of racing taking place with carts approaching 100 horsepower. These carts are powered by engines comparable to a 500cc dirt bike with **NO MUFFLER**.

My concern today is that the track will continue to operate lawlessly with no regard for us, their neighbors, or the community that we live in. Tonight's quasi-judicial hearing is about an unpermitted building and unpermitted bleachers. The owners of the track have been notified multiple times from the Rowan County office of planning & development that they are operating in violation of county ordinances. Even as recently as this past Wednesday night, when under scrutiny of the County in preparation of this hearing, Millbridge Speedway ignored the authority of the county and continued to use the unpermitted structures and the cleared land on the adjacent property that they know they are not allowed to use. ******See photos of property being used this past Wednesday******

When facing a daunting task or a large challenge, there is a saying, "How do you eat an elephant? And the answer is "One bite at a time". I am afraid that this hearing for this unpermitted building and unpermitted bleachers is the first bite. The bleachers would be necessary to accommodate additional patrons, where will these folks be parking their cars? The truth is, there are multiple violations taking place at Millbridge Speedway and I think it would be in the community's best interest to apply the brakes and attempt to consider all of the effects of these changes prior to approving anything. The Millbridge Speedway website says it best when it says, "The track has seen a lot of changes since 2011 with no end in sight." I'm all for one's ability to grow and succeed as long as the growth is done properly and does not negatively affect as Rowan County puts it, "the aesthetic quality of life in the county." The constituents of this stretch of Western Rowan County are begging for protection from Rowan County.



2023-04-12 21:05:22 ⓘ

Wednesday 4/12/23

Brian Shaw
Exhibit D
Page 1 of 4



Wed., April 12, 2023

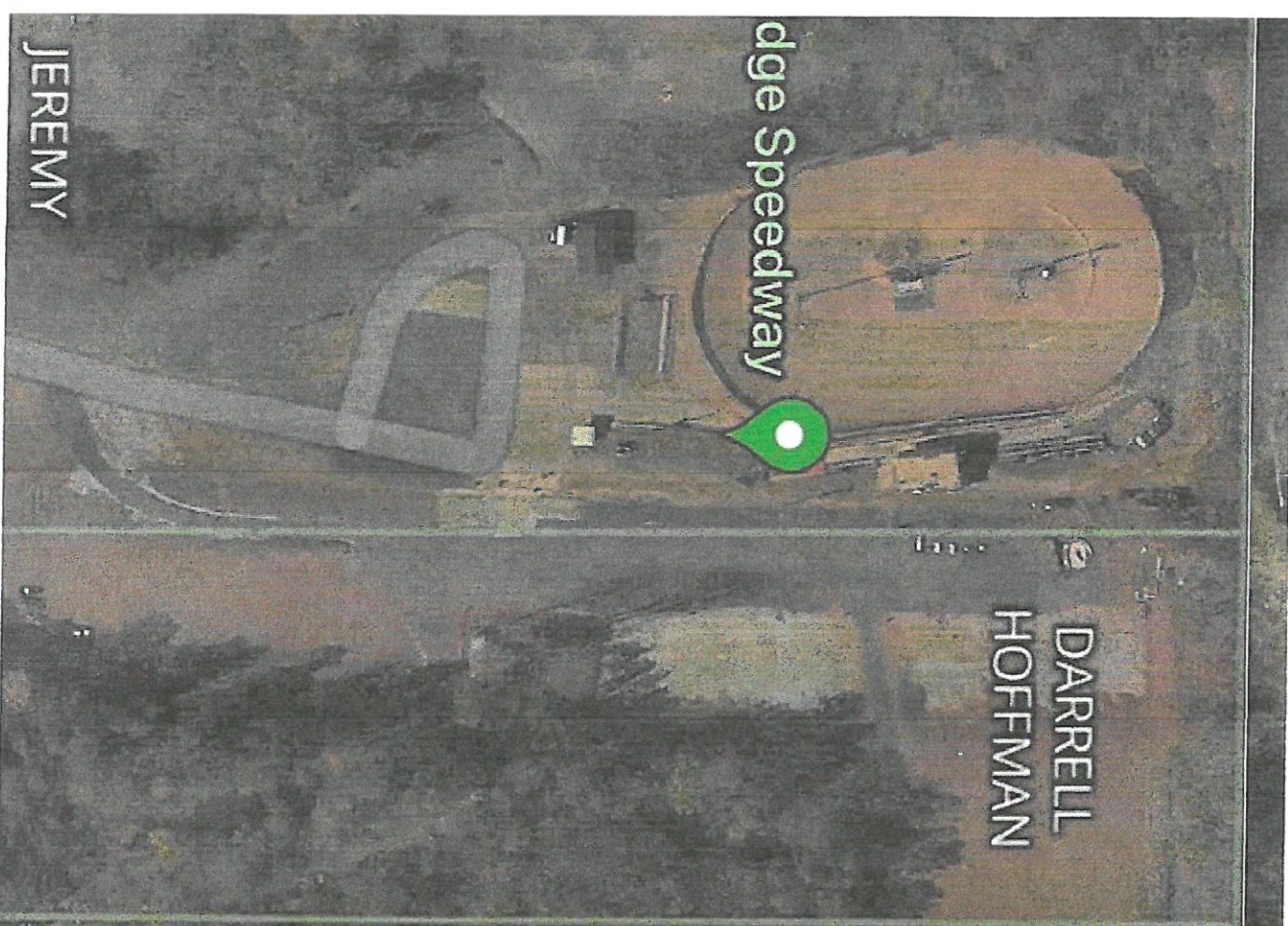
Brian Shaw
Exhibit D
Page 2 of 4

Parking on newly-acquired
lot



Wednesday, April 12, 2023

Brian Shaw
Exhibit D
Page 3 of 4



JEREMY

DARRELL
HOFFMAN



Brian Shaw
Exhibit D
Page 1 of 4

11/1/22

Sei

My name is Jacqueline Shaw and I own 20 acres on Mooresville Road (address is 6330 Mooresville Road). Parcel 768 052 (appraised at \$1.04 M) and Parcel 768 017 (appraised at \$86,878). This property was purchased in 1992.

For the past 30 years, there has been an up-and-down history regarding the go-cart track nearby. In the early years, the track hosted go-cart races on weekends. The noise was not horrible, there were not huge lights and speakers involved. Then the track was sold to an operator who seemed to lease it to different people who ran different types of vehicles (most very loud and would not fit the definition of a go-cart). Some of the operators had no regard for the surrounding countryside and would allow "practice" for hours on end. Many times the track sat abandoned and in disrepair with weeds growing up and nothing happening.

Several years ago it seems a new owner acquired the property and began holding races. These races have become progressively louder and more frequent. Several times a year the track hosts week-long events that involve parking and traffic problems—the operators have leased or borrowed property in the area to handle their parking issues, they have rented huge lights to shine in the parking areas during these events, and they evidently hire police to handle the traffic that is generated. Some of these races are run all day and until after midnight, and then sometimes they even set off fireworks after the races.

The race track operated on one parcel of land known as 6670 Mooresville Road. This area was not zoned when the track started. When zoning did begin, it is my understanding that the track was "grandfathered" in and it was allowed to continue to operate as a go-cart track on the original tract of land. The track was not to be enlarged, and if the track ceased operations for a period of time (I can't remember if that time period was 1 or 2 years), then it would no longer be "grandfathered" in and would need to apply for zoning. This did occur at one time and the neighbors attempted to have the track closed until it applied for zoning—and at that time we were told that Rowan County had a moratorium on motor sport zoning. The County officials that are here would have more knowledge about all of this than I do.

Recently it came to my attention that the track had purchased two adjoining properties. They clear-cut several acres of ground (that had been dense forest) and left orange mud that they use for a parking lot. This was not apparent from Mooresville Road or the front of the property because they left the dirt driveway and several abandoned vehicles and motorhomes—just as they had been sitting for many years. But when I walked to the back of my property, I could see all of the changes that had been made and it was obvious that they were planning to expand their business onto the recently purchased property. New tall, bright lights had been installed; and now when they run their races, the lights shine directly into my buildings and the noise of both the racing vehicles and the loud speaker boom through my walls. When I called the County Zoning Office about this expansion, I was told that the track had not obtained zoning for the expansion and that they were operating outside of the zoning laws. I am a private citizen and do not have personal knowledge what transpired between the track, their attorneys and the County, but I have been informed by the Zoning office that the track continues to operate in violation of the zoning ordinances.

At this time the track holds organized races several evenings each week (Tuesday, Wednesday, frequently Friday evenings and all day on many Saturdays and Sundays). Most races do not end before 11 p.m. and often go past midnight. They also seem to allow practice at any time—and when these vehicles practice, there is very loud noise for hours at a time. Trucks, trailers and spectators begin pouring into the track about 5:00 p.m. on the weekdays and about noon on the weekends—and the noise and commotion continue non-stop until the races finally end.

So it seems that the track operators have constructed a building and a set of bleachers without obtaining the proper permits from the County. Again, I have no personal knowledge about these buildings—only what I have been told by the Zoning office. And I understand that the track is here this evening to ask for permission to use

these structures. The unpermitted use of these structures shows the total and complete lack of regard that the track operators have for the laws of Rowan County, but these two structures are nothing compared to the zoning violations that these operators have committed by purchasing real estate and converting it to use as a race track and/or parking area. These are huge violations and have caused great misery for the surrounding property owners.

When the County officials are considering how to respond to the race track's requests, I would request that you give consideration to the following items:

1. The track has showed no consideration to the neighbors and surrounding homes and businesses by operating illegally and against common decency with respect for others. They have been instructed not to use the expansion property, but that has not deterred them from using it.
2. An unofficial representative of the track has told me that the track is exempt from the provisions of Chapter 14-Noise (known as the Noise Ordinance of Rowan County) because the track purports to be an "outdoor athletic event or sports facility". The Noise Ordinance states in Section 14-2 (1) that it's purpose is to "preserve and promote the aesthetic quality of life in the county". In Section 14-3, it defines "Noise" as "any sound which annoys or disturbs humans or which causes . . . adverse psychological or physiological effect on humans". I can assure you that the race track generates this type of noise many times each week. I believe that the crafters of the county Noise Ordinance did not intend to exempt a motor sports race track (that runs not just go-carts, but big powerful vehicles of other sorts) from the provisions of the Noise Ordinance. I believe that the Noise Ordinance was written to address just this sort of problem. The track representative indicated that if the track is not allowed to operate the way it wants to, that it will make my life a "living hell" by operating 24-7 and there won't be anything I can do about it.
3. The race track does not benefit Rowan County or its residents. Most of the participants come from outside Rowan County—and when their races are over, those participants return to the quiet neighborhoods where they live and where their counties probably protect their quality of life. The track representative likes to talk about the NASCAR drivers who bring their children to Millbridge to race—as if this somehow benefits our County. These kids will grow up and move on to bigger and better things—but the rest of us will continue trying to live next to this nightmare.
4. Hundreds of people pass through the race track each week. They are paying money for the privilege of being there. Is the County receiving sales tax or other revenue from the track? And where is the human waste going that all of these people generate?
5. No one would be crazy enough to purchase my home with this mess going on next door—and yet my real estate tax assessment does not reflect the devaluation of my biggest investment.

This is a huge issue for me and my family, and I beg the appropriate agencies of Rowan County to protect us from the whims and greed of this entity that has shown absolutely no respect for me, my neighbors or the laws of Rowan County. Thank you.

Jackie Shaw