

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

130 West Innes Street • Salisbury, NC 28144
Telephone 704-216-8181 • Fax 704-216-8195

MINUTES OF THE MEETING OF THE ROWAN COUNTY BOARD OF COMMISSIONERS

October 7, 2024 – 3:00 PM

J. NEWTON COHEN, SR. ROOM

J. NEWTON COHEN, SR. ROWAN COUNTY ADMINISTRATION BUILDING

PRESENT:

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

ABSENT:

Mike Caskey, 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 3:00 p.m. Chaplain Michael Taylor provided a solemnizing prayer. Chairman Edds lead the Pledge of Allegiance.

Consider Additions to the Agenda

Chairman Edds said there was an addition regarding extra duty pay that would be added to the active agenda as Regular Item A1:

- Extra duty pay for the Rowan County Sheriff's Office for Hurricane Helene recovery assistance, extra duty pay for Rowan County employees for Hurricane Helene recovery assistance, and pay for employees of the Sheriff's Office working Autumn Jubilee.

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 Klusman, the Board voted 4-0 to approve the Consent Agenda as presented, as follows:

- Consider Approval of the Minutes*
- Sale of Surplus Personal Property*

C. Budget Amendments, as follows:

Finance	To allocate FY 24 restricted sales tax for capital improvements for RSS and KCS	\$8,320,690
Finance	To correct reserved funds from FY 24 for Rowan Transit Systems	\$4
Finance	Transfer funds to cover contract not keyed in FY24 for TDA Railwalk Project- contract will be keyed in FY25	\$750,000
Finance	Transfer reserved funds for Repairs and Maintenance grant for public school building capital FY 24 to FY 25	\$42,641
Parks & Rec	Transfer additional revenue to concessions supplies to cover expenses for FY 25	\$1,465
Sheriff's Department	To record county portion of awarded grant for GrayKey software	\$5,500
Social Services	To record funding received from the state for children services- Promoting Safe & Stable families	\$11,850
Finance	To recognize reserved FY24 funds for It's Public Education Grant for restricted purpose	\$5,196
Finance	To move funds to fund 3314 to cover design of new auto building for RCCCC	\$5,000,000
Finance	To record revenue and expenses for VTC grant for Veterans department	\$546,000
Finance	To record awarded funds from the city of concord for carry over balance for section 5310 with match	\$266,022
Finance	Reallocation of FY24 5310 awarded funds from the city of concord to correct project code for tracking	\$101,250
Animal Services	Transfer funds to recognize revenue donation to purchase cat combo tests	\$440
Finance	To recognize reserved FY24 funds for Sheriff for restricted purpose	\$2,343
Finance	To fund agreement with Design Services for the Health Department Project	\$107,100

D. GOVERNMENT RELATIONS: Approve Quarterly Lobbying Report

E. Approve Purchase - Atmax

F. Recommendation for the Rowan Community Child Protection Team

G. Sole Source - Cellebrite USA, Inc. FY25

H. Extra Duty Pay for Detention Center

I. WEP/RCC Health Dept. Building Project - ADW Architects - Furniture Design Services

J. WEP Ag Building Project - Additional Work Storefronts - GMC Glass

K. Change Order #22 - Wharton Smith - WEP

- L. Sole - Source Priority Dispatch FY25*
- M. Authorize Satisfaction for HOME Deeds of Trust*
- N. Policy for Surplus Personal Property Under \$30,000*
- O. Sole-Source National Cinemedia Agreement - FY25*
- P. Change Order #4 - Randolph & Son Builders, Inc - Transit Building*
- Q. GRANTS: Approve FY25 State Aid for Public Libraries Grant Application*
- R. Schedule Legislative Hearing for SNIA 04-24; NMD Property, for October 21, 2024*
- S. Town of East Spencer Requesting Transfer of Ownership of Parcel 024-187*
- T. Increased Number of EAP Visits for Employees*
- U. PT Legal Assistant Position for DSS*
- V. Food Trucks at Rowan Community Center*
- W. Authorize the County Manager to grant a Utility Easement to Duke Energy Carolina, LLC across PIN # 5658-02-95-5448 and PIN # 5658-02-95-1830*

Public Comment Period

Chairman Edds opened the floor for Public Comment and closed it after everyone wishing to speak had done so.

Bobby Kemp said he is concerned about seniors, veterans, and the disabled. He is trying to help these community members.

Amy Dunn read her comments into record (Attachment A). She distributed additional documents to Board members (Attachment B).

Scott Dunn said the noise from the nearby Reaper's Realm haunted trail has been keeping him awake at night. The police have been involved. This disturbance is affecting his health. Right now, the events occur on weekends, but activity will increase as it gets closer to Halloween.

Chairman Edds said this is a difficult situation related to the State and agrotourism.

Michael Dunn grew up on Woodlaef Road and said his family has contributed quite a bit to the community in Rowan County. The Reaper's Realm haunted trail is a constant disturbance, and his parents (Amy and Scott Dunn) have been subjected to relentless noise. His parents' health has been negatively affected by the activity at Reaper's Realm and threats from the owner. He asked for a commonsense noise ordinance like other nearby counties.

Legislative Hearing for ZTA 02-24: Mooresville Motorsports Complex LLC

Ed Muire, Planning and Development Director said the Board of Commissioners approved ZTA 04-23 in March 2024 which established specific conditional district (CD) standards for a "motorsports racing complex" in the Commercial, Business, Industrial (CBI) district. This ordinance change provided a legislative option other than the quasi-judicial process (i.e. Special Use Permit) for racetracks, go-karts and dragstrips in the CBI and Industrial (IND) districts. Furthermore, it created the concept of a motorsports racing complex to accommodate different types of racetracks and racing vehicles at one (1) venue. The ZTA 04-23 text amendment was

submitted by owners of the Mooresville Dragstrip which had proposed to expand racing activities at their facility on 1175 Wilkinson Road.

As a component of their CD application, the applicant shared its noise study for Staff review and comment. A conceptual site plan depicting the existing drag strip and proposed additional racetrack locations for a dirt drag strip, ATV track, and go-kart track was included as an element of the study. In addition to questions and comments about the noise study, Staff offered its interpretation the site did not contain sufficient acreage to accommodate the existing and proposed racetrack types. The acreage shortfall was due in part to the way the existing drag strip and proposed dirt drag strip acreages are used to calculate the minimum lot size for the motorsports complex. In an attempt to align the text with their development proposal, the applicant has submitted a proposed amendment, “To clarify that two racing activity tracks of the same type (e.g. paved and dirt) within the same complex do not require additional acreage to establish the minimum lot size for the complex.”

The ZTA 04-23 amendment which created Section 21-64(f)(2) of the Rowan County Zoning Ordinance (RCZO) states: 2. Lot size. The resulting complex shall consist of one (1) parcel and its minimum lot size will be calculated based on two (2) of the racing activity track types proposed for the complex using the acreages in the table below. For the purposes of determining required acreage, when more than one (1) type of racing activity occur on a single track, the higher tier group shall control.

Tier Racing Activity Track Minimum Acreage 1 Motor Speedway 50 acres Drag Strip 50 acres 2 Go-Kart 20 acres Motorcycle / ATV 20 acres All other motorized vehicles 20 acres 3 Bicycles and animals 10 acres

Complexes may reduce the required minimum acreage by fifty percent (50%) for each additional different type racing activity identified as Tier 2 or 3 only when combined with a Tier 1 racing activity track. For example, a motor speedway and ATV racing track must have a minimum lot size of at least sixty (60) acres; a drag strip, go-kart and motorcycle track must have a minimum lot size of seventy (70) acres. Combinations of tier group 1 or tier groups 2 / 3 are not afforded the 50% reduction. To wit, a motor speedway and drag strip complex must have at least one hundred (100) acres; a go-kart and motorcycle complex must have at least forty (40) acres.

Based on this, Staff’s interpretation of this particular standard is that a drag strip (paved or dirt) is a Tier 1 facility and one drag strip in a complex requires fifty (50) acres and a second drag strip also requires 50 acres – minimum acreage reductions only apply to Tier 2/3 facilities in combination with Tier 1. At best, a favorable interpretation would be the second drag strip receives a fifty percent (50%) reduction to twenty-five (25) acres when Tier 2/3 is part of the complex. This interpretation is further supported by the fact that a combination of Tier 1 facilities (motor speedway and drag strip) requires one hundred (100) acres; similarly, when two (2) tracks of the same type, i.e. drag strip, are in a complex the minimum acreage is interpreted to be 100 acres. Furthermore, as additional racing activity tracks are added to the complex, the required minimum acreage to calculate the lot size increases. There is no suggestion in the text that a track (existing or proposed) not be counted toward calculating the minimum lot size.

Although the Tier 2 racetracks proposed for the Mooresville facility would reduce minimum Tier 2 acreages by 50%, it would not outright eliminate the acreage requirement for a second drag strip – it must be counted toward the aggregate acreage total. Likewise, the existing drag strip may be vested from some of the amended text’s provisions, but it is not exempt from being counted toward the complex’s minimum acreage. In the Mooresville scenario, Staff calculated the required minimum acreage as: existing drag strip (50 acres) + the dirt drag strip (25 acres) + ATV track (10 acres) + Go-Kart track (10 acres) = 95 acres. Only the dirt drag strip, ATV track and go-kart track received a 50% reduction. Given this interpretation and fact that the Mooresville site is 82.24 acres, the applicant has requested consideration of an amendment to this standard.

The proposed addition of “complex” to drag strip within the lot size table is somewhat superfluous as this RCZO conditional district section is applicable only to a motorsports complex, which by definition, must be more than one (1) type of racing activity track. The text proposes that when two (2) racing activity tracks of the same type are in a complex, only one (1) counts toward the minimum acreage. Using this proposal, the Mooresville scenario has an existing drag strip and proposes a dirt drag strip which would result in a fifty (50) acre minimum lot, but as their proposal also includes an ATV track (10 acres) and go-kart track (10 acres) increases the minimum lot size to seventy (70) acres. The proposed amendment would similarly allow them to site a second ATV track (0 acres) and go-kart track (0 acres) without having to increase the acreage. However, if the complex can accommodate the additional tracks without additional acreage and still comply with all conditional district standards especially those for setbacks, muffled race vehicles, parking and noise then perhaps the amendment is warranted.

Following its August 26, 2024 Courtesy Hearing, the Planning Board unanimously recommends ZTA 02-24 supported by the following statement: ZTA 02-24 is reasonable, appropriate, and necessary to meet the development needs of Rowan County not previously envisioned by the East and West Land Use Plans and reasonable/appropriate based on the following: 1. This is a new zoning type. 2. There is potential for other similar development in the county. Furthermore, the adoption of ZTA 02-24 is deemed an amendment to the East and West Land Use Plans.

Cindy Reid, Attorney, Irvin Law Group, said the dirt track had been consistently discussed in conjunction with the asphalt track and they have been considered as one track with two different surfaces. The noise ordinance treated the dirt track as a separate track. They are asking for this text amendment to clarify the use of the dirt track with a condition that the dirt and asphalt track will not run at the same time. She asked if the number of tracks truly matters as long as the site is in compliance. The dirt track is crucial to the operation of this racetrack. A rezoning request has been submitted. There is a 100-page traffic impact study and a 100-page noise study that was completed. She addressed the violation that was issued and said the event could not be stopped because people were coming from as far as Texas. The rezoning is an opportunity to put more rules into action on the site.

Eric Yost is one of the owners and general manager of Mooresville Motorsports. He said there was a lot of support from the community and local businesses for the event that was held,

and it was too late to cancel. He apologized to the Board for the way the event and resulting citation occurred. He said they are willing to do whatever is needed.

Ms. Reid said it is not possible to add fifty acres to this tract.

Chairman Edds said a member of the public notified the Planning Department and a letter was sent advising the cancellation of the event. He asked if the letter was ignored. Ms. Reid said she spoke with Mr. Muire, and it was too late to cancel the event. They don't want to jeopardize their rezoning. Mr. Yost said the dragstrip has to run solely on its own for safety purposes.

Chairman Edds said there are similar issues in the county at other locations and he was under the impression that there was a positive relationship with the Mooresville Motorsports Complex. He said it seemed like the Complex ignored the letter and the County cannot operate like that. Violating laws and ordinance knowingly, even if people are traveling a long way to get there, is unacceptable. He said the Board is disappointed in this situation.

Ms. Reid said the asphalt track and dirt track cannot run at the same time due to safety issues. Without the dirt track, the Complex can't be competitive. There is no possibility to add fifty acres. The violation was a misunderstanding. Nothing will be scheduled before the rezoning, and they are willing to add a condition that the asphalt track and dirt track cannot run at the same time. She apologized for the misunderstanding.

Mr. Yost said he thought the Complex would be compliance and vendor/competitor commitments were made. Mooresville Motorsports Complex is the oldest running dragstrip in North Carolina. Management is trying to update it into one of the nicer tracks in the state.

Chairman Edds said the Board members are county citizens but situations like this have real consequences. He understands there was a misunderstanding in the beginning, but there could be no misunderstanding when a letter from Planning was sent and subsequently disregarded. He said he is not prepared to make a decision on any new rules.

Commissioner Klusman asked for clarification regarding the fifty acres mentioned and Chairman Edds explained the fifty-acre requirement for tracks and how adding tracks affects the needed acres.

Mr. Muire said the two impact studies are a part of the Complex's rezoning application. If the text amendment is adopted, it would allow for application for rezoning. They cannot apply for rezoning until the text amendment is adopted. These impact studies shouldn't impact the nature of the application.

Commissioner Pierce asked for a copy of the impact studies. Attorney Jay Dees advised against it due to a potential future quasi-judicial hearing.

Chairman Edds asked for a soft copy of the impact studies to be distributed to Planning.

On motion of Edds, seconded by Klusman, the Board voted 4-0 to table ZTA 02-24.

Chairman Edds said this motion was made in order to work with staff to address boundaries and direction.

Agenda Addition: Extra Duty Pay for Employees

Chairman Edds said there are a lot of Rowan County employees who are assisting with the Hurricane Helene disaster in western North Carolina. The County is contributing in a number of ways.

County Manager Aaron Church said law enforcement, rescue, administrative, and other support is currently being provided by Rowan County employees in western North Carolina counties. Supplies have been provided by the county to help with rescue, provisions, medication storage, and cleanup efforts. He explained additional support that will be provided in the future to help with the rebuild and reorganization processes. He praised departments and employees for their selfless acts of support during this disaster.

He explained the three requests provided.

Mr. Church said there was an error on the Autumn Jubilee memo and the rate should be \$45 an hour. *(**Clerk's Note: It was later determined that the incorrect memo was sent. The request will be revised on the Oct. 21 agenda**)*

Vice-Chairman Greene asked who is supervising County employees who are assisting with the disaster and Mr. Church explained how mission numbers and supervision works.

Sheriff Travis Allen explained the mutual aid agreements established with other counties and how supervision works through other departments. There have been very few captains who have worked any disaster overtime. There is a daily briefing at the Emergency Operations Center (EOC) headquarters where assignments are given. He explained some of the missions that deputies were involved in.

Mr. Church said the County will ask for Federal Emergency Management Agency (FEMA) reimbursement. A new payroll code has been created so that time can be tracked for reimbursement.

Sheriff Allen said the County's costs have been very minimal.

Commissioner Klusman asked if there was a rotation for assistance. Sheriff Allen explained the county's involvement and gave an example of how Avery County is being supported. Right now, there is only a four-man response team that is deployed. He wants to offer support in additional ways but doesn't want to compromise response in Rowan County.

Sheriff Allen thanked the board for their investment into the VIPER radio system; it was vital for communications during disaster response.

On motion of Pierce, seconded by Klusman, the board voted 4-0 to authorize the approval of the extra duty pay for all Rowan County Sheriff's Office Law Enforcement, at the rank of Captain and below, at a rate of time and one-half of their regular hourly rate for each hour worked over their normal working schedule providing mutual aid agreement assistance for Hurricane Helene Recovery outside of normal hours irrespective of time taken off during their normal work schedule, retroactive to September 28, 2024, and until further notice; and to authorize the approval of the extra duty pay for all Rowan County non-law enforcement non-exempt employees at a rate of time and one-half of their regular hourly rate for each hour worked under mutual aid agreement assistance outside of normal hours irrespective of time taken off during their normal work schedule, effective September 28, 2024, and until further notice.

Chairman Edds asked if working Autumn Jubilee can be integrated into the year's regular working schedule. Vice-Chairman Greene said this year a deputy will be assigned. There are so many visitors that the request is made annually for safety purposes. Chairman Edds asked if this event could be worked into deputies' regular schedule. Sheriff Allen said in order to do this, employees would have to be taken from somewhere else. There are numerous reasons now why reserves can't be used, so to have 14 people working the event, that is 14 people that have to be taken away from their regular jobs. In order to get the interest from deputies, the pay has to be premium.

Mr. Church suggested adding this to the annual budget ordinance.

On motion of Pierce, seconded by Greene, the board voted 4-0 to authorize the County Manager to pay \$45 per hour for Sheriff's Office employees who worked Autumn Jubilee.

Board Appointments

On motion of Pierce, seconded by Greene, the Board voted 4-0 to make the following appointments:

- *to appoint Charles Lawson to the At Large Seat on the Planning Board*
- *to appoint Charles Lawson to the At Large Seat on the Board of Adjustment*
- *to appoint Deidra Helms to the At Large Seat on the Historic Landmark Commission*
- *to appoint Hattie Johnson to the At Large Seat on the Housing Authority*

Adjournment

At 4:05 p.m., on motion of Pierce, seconded by Klusman, the Board voted 4-0 to adjourn.

Sarah Pack, NCCCC
Clerk to the Board

My name is Amy Dunn, and I am a semi-retired CPA here in Salisbury. I live on Woodleaf Rd on Dunn family land that has been in the family for hundreds of years. We own 30 acres on Woodleaf Rd. My husband retired in 2021 with multiple health risks including 3 previous strokes and high blood pressure and heart issues. We have worked well over 45 years in this community.

In October of 2021, Reapers Realms Haunted Trail opened a haunted trail that runs along our property line near to our house which sits off the road. The noise and torment we have experienced for now 4 years is no longer bearable. My husband and I have contacted Commissioner Pierce and Edds on multiple occasions concerning the intolerable noise we have to endure every year. I was told it was up to the State, so I wrote letters to my NC senators and Congressmen, and they said it was in the County's jurisdiction to handle county matters. We cannot go out of our house at all and turn up the television in our house to attempt to drown out the noise.

The Rowan County noise ordinance states that its purpose is to preserve and promote the aesthetic quality of life in the county, achieve an environment for ALL citizens free from unreasonably loud noise that jeopardizes their health or welfare and recognize the right of individuals to obtain information and derive pleasure by listening to radio and other such derives, and the right of the public to a peaceful and healthful environment. The unbearable noise from the haunted trail beside us violates all these purposes. This haunted trail has put our health at risk due to the extreme stress levels brought by this noise from our neighbors.

The regulation standards say that is shall be unlawful for any person, group, event or business to play, use or otherwise operate any sound amplification equipment emitting sound that is unreasonable, frequent and continued with such volume at any time on any given day of the week, in a manner which may annoy or disturb the quiet, comfort or repose of the general public. This provision will be applicable when the source of the noise is plainly audible to the responding law enforcement officer at a distance of 100 feet.

The Sheriff's department has come out to investigate several times over the years after our calls. They say the noise is not "amplified noise" but will not come down on our property to listen to the noise. They are NEVER within 100 feet of the noise.

I was informed that my family was the only one complaining about this haunted trail in our community. I have spoken to several neighbors, and they are in fear of retribution from Mr. and Mrs. Jenkins. Mr. Jenkins threatened to cut down every tree on the border of his property connected to ours where are house is located and start a hog farm.

This is a peaceful residential community and if you or any of your family members had to endure this noise as we have, you would change your noise policy of "amplified sound" and enforce the purposes of the noise ordinance as stated.

I am requesting that you modify the noise ordinance to a level not to exceed 55dB in a residential area between of hours of 7:00 am to 10:00 pm as called by the NC General Statue for Noise Ordinances. The level should set at less decibels form 10:00 pm to 7:00 am. This should be for all noise not just "amplified sound".

I have the written noise ordinances for Rowan and surrounding Counties for you to review. I also have the letter I sent to Senator Carl ford in August of 2023 requesting his help and my statement today for your review.

Thank you for your time and attention to this matter.

August 21, 2023

To the Honorable Carl Ford
300 N. Salisbury Street, Rm. 625
Raleigh, NC 27603

Dear Senator Ford,

My name is Amy Dunn and I live at 5750 Woodlief Rd. in Salisbury, NC. I am writing to request your desperately needed help in dealing with our new neighbors who purchased the property right beside us recently.

My husband and I have lived on our family-owned property for 36 years where we have successfully raised four children. The Dunn family has owned this property for over 175 years. My husband retired last June after working as a self-employed plumbing contractor for over 40 years and I am still working as a CPA but recently retired from my firm after 39 years in public accounting. We were just beginning to enjoy our retirement until last Fall when the haunted trail opened for business. My husband has recently had open heart surgery and has had 3 strokes in the past 7 years. This establishment has put our health at a greater risk.

What has opened next to our property is a haunted trail called Reapers Realm Haunted House, LLC. I have included the NC Secretary of State articles of organization for your review. These same owners, Mr. Jenkins, and his wife Angie, previously operated the same haunted trail in China Grove, NC. It was closed by Rowan County due a shooting that occurred without adequate entrances and exits for their customers. They have built several haunted trail buildings at the new location with, among other materials, pallets, and have not been required to have building inspections even though they are open to the general public. We have contacted the Rowan County Town Manager and several Rowan County commissioners and the Sheriff's Department to discuss the problems we are experiencing with the haunted trail. It is located directly on our side and back property lines, not off at a distance, but directly at our home. The issues we have include extreme noises including loud booms which rattle the windows in our home, excessive loudspeakers with workers performing scary haunts, loud shouting and patrons screaming until early morning hours which keep us awake all hours of the night. Traffic is also an issue because they are located right at the bridge to a large creek.

We were told that the County has tried, including hiring a specialized attorney, to close this horrible addition to our neighborhood to no avail. They said their hands were tied due to the state of NC designating this business as "Agritourism". They explained that this designation allows this establishment to build buildings without any safety permits etc. and terrorizes us and our community because there are no noise or nuisance ordinances to enforce in this situation. Let me be frank. This is NOT agritourism. Please look at their website at Reapersrealmnc.com to see what they are offering in the way of agriculture. This IS a haunted trail that isn't even open until dark, letting thousands of people travel along our property lines with no ordinances to protect us or our neighbors. We have a great quiet neighborhood with many multi-generation owners living here.

I grew up on a farm in Rowan County, NC. We have attended several true agritourism businesses with our children over the years and enjoyed them. It is an outrage to include this establishment in this definition because there is nothing representing agricultural events but an unruly, disturbing place residing in a quiet neighborhood and terrorizing this community with offensive loud booms and screaming so that no one can escape or enjoy their own property. They put a pig in one building and a few chickens in another to satisfy this agricultural designation which is a joke.

I have no problem with the Jenkins family living and building their home here but will have to try to sell our Dunn family property due to the health risks to my husband and myself imposed on us if this trail is allowed to operate and stay open. Your next response may be that we should sell our 35 acres and 2 homes on our multi-generational property but obviously this "agritourism business" has seriously devalued our property because no one would want to live or raise a family beside this nightmare come true. Also, my son who is currently enrolled in the UNC School of Medicine had planned to move back to our family home and practice medicine here in Rowan County but this "agritourism business" has made his dreams of doing this unlikely to happen.

I am a CPA and have tried unsuccessfully to contact the NC Department of Revenue concerning whether Reaper's Realm Haunted House, LLC is properly reporting and remitting sales tax on the admission revenue. I would appreciate it if you and your office investigated if they are meeting the sales tax requirements. As shown on their website, they only accept cash so my concerns about them properly reporting and remitting sales tax and even income taxes I feel are justified.

I believe that a change in the NC state law is warranted and should be adopted to EXCLUDE haunted trails of this nature as part of the definition of agritourism. They should be required to follow the rules of any other non-agricultural business. This would include proper zoning and proper building permits and safety measures to protect not only our neighborhood but the public at large.

I can be reached at 704-202-5476 to discuss the many other details I have to offer. My husband and I cordially invite you to come to my home and sit on our back deck during the operation of the haunted trail and experience what has become a true nightmare for us and a deterrent to our son's future aspirations. I appreciate your prompt response since the trail is set to reopen next month.

Sincerely,



Amy Dunn

CA202214300830



LIMITED LIABILITY COMPANY ANNUAL REPORT

SOSID: 1633153
Date Filed: 5/23/2022
Elaine F. Marshall
North Carolina Secretary of State
CA2022 143 00830

NAME OF LIMITED LIABILITY COMPANY:

Reaper's Realm Haunted House, LLC

SECRETARY OF STATE ID NUMBER: 1633153

STATE OF FORMATION: NC

REPORT FOR THE CALENDAR YEAR: 2021



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☐ Changes

SECTION A: REGISTERED AGENT'S INFORMATION

1. NAME OF REGISTERED AGENT: Corporation Service Company

2. SIGNATURE OF THE NEW REGISTERED AGENT: _____

SIGNATURE CONSTITUTES CONSENT TO THE APPOINTMENT

3. REGISTERED AGENT OFFICE STREET ADDRESS & COUNTY

2626 Glenwood Ave Ste 550

2626 Glenwood Ave Ste 550

Raleigh, NC 27608 Wake

Raleigh, NC 27608 Wake

SECTION B: PRINCIPAL OFFICE INFORMATION

1. DESCRIPTION OF NATURE OF BUSINESS: special events

2. PRINCIPAL OFFICE PHONE NUMBER: (704) 267-0428

3. PRINCIPAL OFFICE EMAIL: _____

Privacy Redaction

4. PRINCIPAL OFFICE STREET ADDRESS

175 Shuffler Woods Rd

5. PRINCIPAL OFFICE MAILING ADDRESS:

175 Shuffler Woods Rd



China Grove, NC 28023 Rowan

China Grove, NC 28023 Rowan

6. Select one of the following if applicable. (Optional see instructions)

☐

The company is a veteran-owned small business

☐

The company is a service-disabled veteran-owned small business

SECTION C: COMPANY OFFICIALS (Enter additional company officials in Section E)

NAME: Angela Dawn Jenkins

NAME: _____

NAME: _____

TITLE: Chairman

TITLE: _____

TITLE: _____

ADDRESS: _____

ADDRESS: _____

ADDRESS: _____

175 Shuffler Woods Rd

China Grove, NC 28023 Rowan

SECTION D: CERTIFICATION OF ANNUAL REPORT

Section D must be completed in its entirety by a person/business entity.

Angela Jenkins

SIGNATURE

3-31-22

DATE

Form must be signed by a Company Official listed under Section C of this form.

Angela Dawn Jenkins

Print or Type Name of Company Official

Chairman

Print or Type Title of Company Official

SUBMIT THIS ANNUAL REPORT WITH THE REQUIRED FILING FEE OF \$200

MAIL TO: Secretary of State, Business Registration Division, Post Office Box 29525, Raleigh, NC 27626-0525

Rowan County

Footnotes:

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Editor's note— An ordinance adopted March 19, 2001, amended ch. 14 in its entirety, in effect repealing and reenacting said chapter to read as herein set out. The former ch. 14, §§ 14-1—14-4, 14-11—14-15, and 14-21—14-25, pertained to similar subject matter and derived from an ordinance adopted Oct. 7, 1996. Prior to the adoption of said ordinance, ch. 14 was derived from §§ (a) and (b) of an ordinance adopted May 25, 1977. See the Code Comparative Table for further information.

Cross reference— Animals, Ch. 5; buildings, Ch. 7; mass gatherings, Ch. 12; noise level at perimeter of mass gatherings, § 12-81.

State Law reference— Regulation of noise by county, G.S. 153A-133.

TITLE I. - IN GENERAL

§. 14-1. - Title.

This chapter shall be known and may be cited as the Noise Ordinance of Rowan County.

Ord. of 3-19-01)

§. 14-2. - Purpose.

The purposes and objectives for which this chapter is adopted include the following:

- (1) To preserve and promote the aesthetic quality of life in the county.
- (2) To achieve an environment for all citizens free from unreasonably loud noise that jeopardizes their health or welfare.
- (3) To recognize the right of individuals to obtain information and derive pleasure by listening to radio and other such devices, and the right of the public to a peaceful and healthful environment.

Ord. of 3-19-01)

§. 14-3. - Definitions.

For the purposes of this chapter, certain words or terms used herein shall be defined as follows:

Amplified sound means any sound using amplifying equipment whose source is outside or inside, and the sound propagates to the outside through open doors or windows or other openings in the building.

Commercial or business property means all premises where sales, professional or other commercial activities are legally permitted.

Emergency work means any work performed for the purpose of preventing or alleviating physical trauma or property damage threatened or caused by an existing or imminent peril.

Holiday. The following days, for the purpose of this chapter, will be recognized as holidays for the consideration of granting permits to exceed maximum sound level: Memorial Day, Independence Day, Labor Day, Halloween and December thirty-first.

Noise means any sound which annoys or disturbs humans, or which causes, or tends to cause, an adverse psychological or physiological effect on humans.

Outdoor athletic event means any regularly scheduled exercises, sports, or games conducted in an organized competitive manner engaged in by athletes or with the aid of animals.

Person means any individual, association, partnership or corporation, and includes any officer, employee, department, agency or instrumentality of the United States, the state or any political subdivision thereof.

Plainly audible means any sound for which the information content of that sound is unambiguously communicated to the listener; such as, but not limited to, understandable speech or comprehension of musical rhythms.

Public space means any area owned, utilized or occupied by a municipal, county, state or federal agency including, but not limited to, park or recreation areas, streets and sidewalks.

leeping quarters are considered commercial uses. Hospitals, nursing homes, schools, libraries, fraternity and sorority houses and churches are considered residential uses.

Sports facility means any area primarily engaged in operating and promoting professional or amateur outdoor athletic events and having facilities dedicated or constructed for that purpose.

Unreasonable, frequent and continued noise, for the purposes of assessing complaints pursuant to this chapter, shall be any audible sound which due to its character, intensity, and duration is a nuisance to the surrounding public.

Ord. of 3-19-01)

§ 14-4. - Jurisdiction.

The county sheriff's department and any other county sanctioned law enforcement agency shall enforce this chapter outside the incorporated area of any municipality, within the county, as provided in G.S. 153A-121 and 153A-122. As provided in G.S. 18B-501, the county alcohol beverage control office may enforce this chapter at any ABC licensed premises within the county.

Ord. of 3-19-01)

§ 14-5—14-9. - Reserved.

TITLE II. - REGULATION STANDARDS

§ 14-10. - Unreasonable amplified sound.

It shall be unlawful for any person, group, event or business to play, use or otherwise operate any sound amplification equipment (to include radio, tape player, stereos, etc.) emitting sound that is unreasonable, frequent and continued with such volume at any time on any given day of the week, in a manner which may annoy or disturb the quiet, comfort or repose of the general public. This provision will be applicable when the source of the noise is plainly audible to the responding law enforcement officer at a distance of one hundred (100) feet.

Ord. of 3-19-01)

§ 14-11. - Exceptions.

The following are exempt from the provisions of this chapter:

- (1) Noise of safety signals, warning devices, emergency pressure relief valves and all church bells.
- (2) Noise resulting from parades, lawful picketing or other public demonstrations protected by the U.S. Constitution or federal law.
- (3) Noise from noisemakers and fireworks on holidays
- (4) Emergency work, as defined in section 14-3.
- (5) Noise from outdoor athletic events or sports facilities.

Ord. of 3-19-01)

§ 14-12. - Permits to exceed.

- (a) *Who may apply*. Any person or organization may apply for a "permit to exceed" provided the event is open to the public.
- (b) *Application for permit*. Applications may be made on the appropriate permit application form obtained from the planning department. All requested information shall be provided by the applicant. In the event a permit application is submitted by a group or organization, representative shall sign the application to serve as a contact.

All applications for a "permit to exceed" shall be submitted to the planning department at least three (3) calendar weeks prior to the next regularly scheduled county commission meeting; failure to comply with this requirement shall be grounds for denying the permit.

(c)

"permits to exceed", the following shall be considered in issuing or denying such permit:

- (1) The timeliness of the application.
 - (2) The nature of the requested activity.
 - (3) Previous experience with the applicant.
 - (4) The time of the event.
 - (5) Other activities in the vicinity of the proposed event.
 - (6) Frequency of the event.
 - (7) Cultural or social benefits of the proposed event.
 - (8) The effect of the activity on any adjacent residential area.
 - (9) Previous violations, if any, by the applicant.
 - (10) Adjoining property owners surrounding the location be notified by the planning department or applicant at least seventy-two (72) hours prior to consideration by the board of commissioners.
- (d) *Permit fee.* All applications for a permit to exceed shall be accompanied by a processing fee as established by the board of commissioners. This fee shall be nonrefundable except in cases of administrative error.
- (e) *Permit conditions.* "Permits to exceed" shall specify the duration for which noncompliance shall be permitted and prescribe any conditions or requirements necessary to minimize adverse effects upon the community or surrounding neighborhood.

Ord. of 3-19-01; Amend. of 3-5-12; Amend. of 11-15-21)

ss. 14-13—14-20. - Reserved.

TITLE III. - ENFORCEMENT, PENALTIES, SEPARABILITY, EFFECTIVE DATE

ss. 14-21. - Enforcement and duties.

The county sheriff's office shall be responsible for the administration and enforcement of this chapter as provided in G.S. 153A-123. In addition the county alcohol beverage control and any other county sanctioned law enforcement agency have the authority to enforce the provisions of this chapter within their realm of jurisdiction. Duties of the county planning department shall involve the processing of permits to exceed.

Ord. of 3-19-01)

ss. 14-22. - Misdemeanors.

Any person, group, event or business found in violation of this chapter shall be guilty of a Class III misdemeanor, as provided by applicable statute. Each incident shall constitute a separate and distinct offense.

First offense	\$100.00
Second offense	\$200.00
Third and subsequent violations for same offense	\$300.00

Ord. of 3-19-01)

ss. 14-23. - Criminal process.

Cabarrus County

Footnotes:

— (2) —

State Law reference— Authority to regulate noise, G.S. 153A-133.

∴ 30-26. - Reserved.

Editor's note— Ord. No. 2021-32, § 8, adopted Dec. 20, 2021, repealed § 30-26, which pertained to penalty for violation of article and derived from Ord. of 6-7-82, § 2.

∴ 30-27. - Enumeration of prohibited acts.

- (a) Subject to the provisions of this article, the creation of any unreasonable loud, disturbing and unnecessary noise of such character as would be a detriment to public health, comfort, safety, welfare and prosperity of the residents of the county is prohibited.
 - (b) The following acts, among others, are declared to be loud, disturbing and unnecessary noises in violation of this article, but such enumeration shall not be deemed to be exclusive, namely:
 - (1) The sounding of any horn or signal device on any automobile, motorcycle, bus or other vehicle while not in motion, except as a danger signal if another vehicle is approaching apparently out of control, or if in motion only as a danger signal; the creation by means of any such signal device of any unreasonable loud or harsh sound; and the sounding of such device for an unnecessary and unreasonable period of time.
 - (2) The playing of any radio, phonograph or any musical instrument in such a manner or with such volume, particularly during hours between 11:00 p.m. and 7:00 a.m. as to annoy or disturb the quiet, comfort or repose of any person in any dwelling, hotel or other type of residence.
 - (3) The use of any automobile, motorcycle, or vehicle so out of repair, so loaded or in such manner as to create loud or unnecessary grating, grinding, rattling or other noise.
 - (4) The creation of any excessive and unreasonable noise on any street adjacent to any school, institution of learning, library or court while the same is in session, or adjacent to any hospital, or any church services, which unreasonably interferes with the working of such institution.
 - (5) The shouting and crying of peddlers, hawkers, vendors, which disturbs the quiet and peace of the neighborhood.
 - (6) The use of any drum, loudspeaker or other instrument or device for any performance, show, sale, display or advertisement of merchandise, or any other commercial or noncommercial purpose, unless a permit for sound amplification has been obtained from the sheriff's department in accordance with section 30-28 of this article.
 - (7) The display of fireworks after the hour of 9:00 p.m., Sunday through Thursday, and after the hour of 11:00 p.m., Friday and Saturday. Exception is made for New Year's Eve, when fireworks may be displayed until 12:45 a.m. on New Year's Day, and for Independence Day, when fireworks may be displayed until 11:00 p.m.
 - (c) A violation of this section is punishable as a misdemeanor.
- Ord. of 6-7-82, § 1; Ord. No. 1999-03, 5-17-99; Ord. No. 2001-01, 2-19-01; Ord. No. 2021-32, § 8, 12-20-21)

∴ 30-28. - Permits for sound amplification.

- (a) *Application.* The application for a permit for sound amplification under section 30-27 may be obtained from the sheriff's department or the clerk to the board of county commissioners. Completed applications shall be submitted to the sheriff's department at least 15 working days in advance of the planned use except in case of emergency. The applicant for a permit shall be responsible for sending a notice by certified and regular mail or by otherwise delivering the notice to the owners or occupants of each property within 500 feet of the parcel of real estate for which a permit has been applied. The notice shall state the type of event and date and hours of the event. The notice shall be sent on a form approved by the sheriff's office and shall be delivered at least 72 hours in advance of the event. The

been mailed or otherwise delivered. The applicant must attach to the affidavit a listing of the names of the owners of the properties and the street addresses of the properties notified pursuant to this section.

- (b) *Review.* The application shall be reviewed by the sheriff or the sheriff's designee. The applicant will be notified of the approval or denial of the permit within three working days from the time the application was filed. If the application is approved, the permit shall include among other things, the name or names of the individual person or persons who shall be in control of the sound amplification equipment and the date, time and nature of the event. If the permit is not granted, the reason for the denial shall be put in written form and delivered to the applicant.
- (c) *Denial; exceptional permit.* If an applicant has been denied a permit under this section and believes the denial is illegal by virtue of applicable state or federal law, he shall promptly submit a copy of the denied permit application together with a short statement of the reasons he believes he is entitled to a permit to the sheriff. The sheriff shall have the discretion to grant an exceptional permit waiving locational and time requirements, upon his determination that the applicant has made a substantial showing of legal entitlement.

Ord. No. 1999-03, 5-17-99; Ord. No. 2009-10, 6-15-09)

Footnotes:

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Editor's note— Ord. of Dec. 19, 1989, §§ 1—4, did not specifically amend the Code; hence, inclusion herein as Art. II, §§ 7.5-21—7.5-24, was at the discretion of the editor.

Sec. 7.5-21. - Authority.

This article is adopted pursuant to the authority granted to the Iredell County Board of Commissioners in North Carolina General Statute 153A-133 and for the purpose of regulating the production or emission of noises, amplified speech, music, or other sounds that tend to annoy, disturb, or affect the health and well-being of the citizens of the county.

(Ord. of 12-19-89, § 1)

Sec. 7.5-22. - Loud, disturbing and unnecessary noises prohibited.

The creation of any unreasonably loud, disturbing and unnecessary noise in Iredell County is prohibited. Noise of such character, intensity, and duration as to be detrimental to the health, safety, or welfare of any individual is prohibited.

(Ord. of 12-19-89, § 2; Ord. of 5-6-97)

Sec. 7.5-23. - Prohibited acts.

Without limiting in any way the provisions of section 7.5-22 above, the following acts, among others, are declared to be loud, disturbing and unnecessary noises in violation of this article. It is expressly provided, however, that the following enumeration shall not be considered exclusive. Specifically prohibited acts include:

- (1) *Radios, phonographs, etc.* The playing of any radio, phonograph, jukebox, piccolo, or other music recordation playing or amplification device, or any musical instrument in such manner or with such volume as to annoy or disturb any person or in such manner as to annoy or disturb the quiet, comfort, or repose of any person.
- (2) *Pets.* The keeping of any animal, bird, or other pet which, by causing frequent or long-continued noise, shall disturb the comfort or repose of any reasonable person.
- (3) *Use of vehicle.* The use of any automobile, motor-propelled boat, motorcycle, or other vehicle or motor-propelled craft so out of repair, so loaded or operated, or used as to create loud, unnecessary or disturbing noises.

- (4) *Loud language.* The use of any loud, boisterous, raucous or profane language or shouting so as to annoy or disturb the quiet, comfort, or repose of any person in the vicinity.
- (5) *Loudspeakers or amplifiers on vehicles.* The use of any mechanical loudspeaker or amplifier of any type on any automobile, truck, airplane or other vehicle for advertising or for other purposes, except by special permission from the Sheriff of Iredell County.
- (6) *Business noises near residences.* The operation of any garage, filling station, automobile sales or repair business, taxi business, plant, store, factory, or other business of any type between the hours of nine o'clock p.m. and seven o'clock a.m. in such manner as to create loud and disturbing noises of such frequency or volume as to annoy or disturb the quiet, comfort, peace, or repose of any person in any dwelling, hotel, boarding house, or other type of residence or church, or place of religious worship.
- (7) *Noises near schools, hospitals, churches, etc.* The creation of any excessive noise on any street adjacent to any school, institution of learning, library, sanatorium, hospital, or court while the same is in session, or adjacent to any church during church services or education, which interferes with work or worship in any such place or institution.

(Ord. of 5-6-97)

Sec. 7.5-24. - Reserved.

Editor's note— An Ordinance of Oct. 21, 1997, repealed former section 7.5-24 in its entirety which pertained to activities exempted from the restrictions on noise of this article and derived from an Ordinance of Dec. 19, 1909, section 4.

Sec. 7.5-25. - Enforcement.

A violation of any provision of this article shall be a misdemeanor, the punishment for which shall be a fine not to exceed five hundred dollars (\$500.00) or imprisonment not to exceed thirty (30) days, or both.

In addition, violations of this article may be enforced by any one or more of the remedies authorized by G.S. 153A-123, including, but not limited to, the following:

- (1) This article may be enforced by an appropriate equitable remedy issuing from any court of competent jurisdiction, including, but not limited to, temporary restraining orders, preliminary and permanent injunctions (both prohibitory and mandatory).
- (2) Any sworn law enforcement officer may issue to any person, group or organization violating this ordinance or to the owner of any property from which prohibited noise emanates, a ticket giving notice of the violation of Article 2 of Chapter 7.5. Tickets so issued may be delivered in person or mailed by registered or certified mail to the person charged if he cannot otherwise be readily located. Any ticket issued shall impose a civil penalty of fifty

dollars (\$50.00) for the first offense, one hundred dollars (\$100.00) for the second offense, and two hundred dollars (\$200.00) for the third and all subsequent offenses. Such penalties must be paid within twenty (20) days to the Iredell County finance officer. If the person cited in the ticket fails to appear or if the applicable penalty is not paid within the time prescribed, a criminal summons shall be issued against the violator and upon conviction the violator shall, in addition to the penalties prescribed for violation of the chapter, be punished as the court prescribes for failure to pay the civil penalties imposed hereby. In addition, failure to pay the civil penalty may subject the person cited to a civil action in the nature of debt, if the penalty is not paid within the prescribed period of time. The sheriff shall cause all tickets issued pursuant to the provisions hereof to be serially numbered, in duplicate, and shall cause records of the issuance and disposition of such tickets to be maintained so that an accounting can be made.

(Ord. of 5-6-97)

Secs. 7.5-26—7.5-40. - Reserved.

Davidson County

(A) It shall be unlawful in Davidson County to disturb the peace and if any person shall be found guilty of disturbing the peace, he shall, upon conviction, be punished as provided in this chapter.

(B) Disturbing the peace is doing any of the following in such a manner as would foreseeably disturb or alarm the public:

- (1) Engaging in a fistfight encounter;
- (2) Using any unnecessarily loud, offensive, or insulting language;
- (3) Engaging in any act in a violent and tumultuous manner by any three or more persons;
- (4) Holding of an unlawful assembly; or
- (5) Commission of any other act in such a manner as to unreasonably disturb or alarm the public.

Ord. passed 11-1-83) Penalty, see § 130.99

David County

The creation of any unreasonably loud, disturbing and unnecessary noise is prohibited. Noise of such character, intensity and duration to be detrimental to the life or health of any individual is prohibited.

Ord. passed 10-3-2016; Ord. passed 1-6-2020; Ord. passed 1-10-2022; Ord. passed 2-5-2024)