



Stanly County Board of Adjustment  
February 23, 2022 - Meeting Minutes

Before Chair Fish called the meeting to order Mr. Remsburg shared the following with the crowd

“Any of you here are welcome to speak. Primarily those speaking should be the ones with standing. Think of this as a court case in a way. The Board of Adjustment serves as judge and jury in this case so they will listen to your arguments or evidence as you present it and then they will consider the evidence. They have to find four standards true that the Special Use Permit would meet. You will hear this as we go through and get past the testimony and those who have signed up will be called forward along with myself to be sworn in. That way you're saying you are going to tell them the truth. Again, the evidence you present should be factual. Just because you think something, that does not necessarily count. You have to know something. You can be cross examined if you do speak.”

**Call to Order** Chair Cindy Fish called the meeting to order on February 23, 2022 at 6:30 p.m. in the Gene McIntyre meeting room at 1000 N. First Street, Albemarle, North Carolina. Bob Remsburg served as Clerk of the meeting.

**Stanly County Board of Adjustment Members attending** Brenda Farmer, Billy Franklin Lee, Richard Cosgrove, Michael Fleming, Cindy Fish, Michael Efird, Devron Furr

**Absent:** Shannon Maynard & Rick Johnson (Rick Johnson was excused for being absent)

**Stanly County Planning Staff Attending** Bob Remsburg, Planning Director; Bailey Emrich, Planner 2, & Tim Swaringen, Code Enforcement Officer; Jenny Furr, Stanly County Attorney

**Others Present:** Leonard & Donna Harvell, Felicia Whitley, Crystal Simpson, Dana Goinn, Courtney Little, Sue Barbee, Shannon Howell, Jeff Harvell, Chuck Covach, Kathy Trombley and Kelly Mullen. Other members of the community were present as well.

Chair Fish stated “We will now review the minutes of our previous meeting which was held on September 13, 2021. Do I have a motion to approve the minutes? All those in favor say “aye”.

**Motion:** Richard Cosgrove

**Second:** Michael Efird

**Passed:** 7-0

Chair Fish shared the following:

Tonight the Board will hear and decide on one case, item number SUP 22-01. A request by Christopher Barbee for a Special Use Permit to operate recreational and entertainment activities at 22987 Alonzo Road in Oakboro which is zoned RA, Residential Agricultural. The evidentiary hearing on this matter

is quasi-judicial in nature and will be conducted in accordance with special due process safeguards.

All persons who wish to testify in this case should have signed up on the Attendee Sign-In Sheet for this hearing. If you have not signed and wish to speak please sign now. Persons wishing to speak should have standing in the case. Those with standing are generally those living nearby or somehow directly affected by the proposed uses. All those audience members and staff wishing to testify please proceed to the front of the room to be sworn in.

The Stanly County Board of Adjustment is a quasi-judicial board. Therefore, the North Carolina State Statutes, requires that the board base its decisions only on testimony given under oath. Any person who, while under oath during this proceeding, willfully swears falsely, is guilty of a Class 1 misdemeanor. If anyone refuses to be sworn, your statements will not be treated as evidence on which to base a decision but merely as arguments.

I'm going to ask you to repeat each phrase after me. If you are able, please raise your right hand.

I, \_\_\_\_\_, HEREBY SWEAR, TO TELL THE TRUTH, AS A WITNESS,  
BEFORE THE STANLY COUNTY BOARD OF ADJUSTMENT.

Thank you, you may return to your seats.

Before opening the hearing, I'd like to give Board members a chance to reveal any possible conflicts that you may have and withdraw from these proceedings if necessary.

Cindy Fish stated "I do have some knowledge of this matter. I go to church with someone who has a family member interested in this but I do not think it is going to impact my ability to vote."

Brenda Farmer stated "I received a phone call and I told them that I could not have a discussion and gave them the time of the meeting."

Chair Fish asked Brenda Farmer "Do you think you can rule fairly and impartially or do you wish to withdraw?"

Brenda Farmer stated "No, I am good."

Cindy Fish stated "same for me."

Chair Fish shared the following:

"Any Board members who have any information or special knowledge about the case that may not come out at the hearing tonight, please describe that information for the record so that interested persons will know and can respond if needed." No members spoke.

"The Order of Business for this hearing will be as follows:

First we will hear from the Planning Staff, then we will hear from the Applicant and their Witnesses, then we will hear from the Opponents to the request.

Parties may cross-examine witnesses after the witness testifies when questions are called for. If you want the Board to see written evidence such as reports and maps or exhibits, the witness who is familiar with the evidence should ask that it be introduced during or at the end of his/her testimony. The Board cannot accept reports from persons who are not here to testify. Attorneys who speak should not give factual testimony but may summarize their client's case. Before you begin your testimony, please clearly identify yourself for the record.

I now open the evidentiary hearing on Item SUP 22-01 and ask for testimony from the County Staff."

Bob Remsburg shared the following:

"Good Evening Board, good to see you. We will proceed with the report which of course, in full disclosure to the folks behind me, the Board does receive a full memo from me basically outlining this and I am pretty much going to read that through at this point.

Chris Barbee requests a Special Use Permit to allow for the use of an agricultural fairground or recreational activity event location which will hold tractor pulls, mud pit, grudge pulls, demolition derbies and other outdoor activities. This parcel is located in the RA - Residential Agricultural Zoning District which does require a Special Use Permit to operate 'agricultural fairs, recreational and entertainment activities' per section 601.2 of the Stanly County Zoning Ordinance. The parcel is located at 22987 Alonzo Road, Oakboro, NC and contains 31.8 acres which extends onto both sides of Alonzo Road. The events would be taking place on the north side of the property where Mr. Barbee's residence is located and public parking would be on both the south side and north side of the property. They do plan to have stadium lights, bleachers, a weigh-in station, vendors and 10 acres of public parking. Mr. Barbee has proposed sound barrier walls along Alonzo Road and the West side of his property to manage the noise along with first responders being present on the scene at every event. This parcel is located in a Growth Area per the 2010 Stanly County Land-Use Plan. NCDOT traffic counts on Alonzo Road near Food Lion was 200 vehicles per day in 2020 and on Hazard Road south of this location the count was 150 vehicles per day in 2020.

Section 601.2 of the Stanly County zoning ordinance requires that Mr. Barbee provides the 'proposed location, intended activities, operation schedule, site plan layout, or any other information deemed necessary to evaluate impact on the neighborhood or community in general'. The Board of Adjustment 'may allow, conditionally allow, or disallow proposed activities, regulate the use and location of proposed buildings, set time of operations, or specify other conditions necessary to assure protection to the neighborhood or community in general'. Mr. Barbee would need to agree to any additional or specific requirements prior to approving the Special Use Permit.

Of course, you have in front of you just a slightly revised list of conditions Mr. Barbee has seen most of this but we did have an NCDOT question that came up at the end so there is just a slight

change in that (list of conditions) from what was originally sent in your packets to you as board members.

The following four standards must be met for approval:

Standard #1 - That the project will not materially endanger public health or safety; if located where proposed, and if developed and operated according to the plan submitted

Mr. Barbee has proposed for EMT and other safety personnel to be present at all events. He also has planned to build a "stop pit" to prevent any vehicle in competition from leaving the premises. Some barrier walls and buffers are also proposed.

Standard #2 – That the project will not substantially injure the value of adjoining property. Most proof for this should come from a certified appraiser with comparisons to similar properties if they can be found.

Standard #3 – That the project will be in harmony with or compatible with its neighbors and is generally consistent with the latest Stanly County Land-Use Plan. The Stanly County Land-Use Plan encourages economic development in appropriate areas and calls for the preservation of natural and agricultural lands where possible. I did include in your packets the 9 Land-Use Principles from the current Land-Use Plan. You could use those to consider whether the proposed use has a high or low impact on the neighbors and whether the use is 'in harmony with or compatible' with the existing uses in the neighborhood.

Standard #4 – That the project meets all other required conditions and specifications. Mr. Barbee would need to comply with the proposed conditions and any others which the Board of Adjustment may choose to require. Mr. Barbee would need to agree to all conditions for the Special Use Permit to be approved.

Again, I am sorry the projection system is not working because I would have shown you slides that display the property but the Board members do have those images. All of the property nearby is zoned RA and there is one small lot south on Hazard Road that is zoned light industrial but it is no longer in operation and a little bit west, that is Oakboro's zoning jurisdiction and those areas are also zoned RA until you get more into town towards Food Lion."

Chair Fish asked if there were any questions for Mr. Remsburg from the Board  
There were none

Chair Fish asked if anyone in the audience had a question for Mr. Remsburg  
Community member asked "Will the specifications and conditions be portrayed tonight?  
Mr. Remsburg stated "Normally I would have projected them but I do have a sheet with them listed that can be shared or passed around."

Mr. Remsburg passed out the list of conditions to the community.

Billy Franklin Lee asked "How far is this site from Oakboro Food Lion?"  
Bob Remsburg stated "Around a mile and a half."

There were no further questions for Mr. Remsburg

Chair Fish invited those speaking in favor of the request to come forward and share testimony. She invited any attorney present to represent a client to go first.

Chris Barbee shared the following:



"My name is Chris Barbee and I am here for the Special Use Permit. I am presenting a roughly 6 acre event park for Oakboro, NC . What I am presenting is and will be the only event park within a three hour radius from Stanly County. Big Lick is no more, they have sold. I am presenting to bring back the Stanly County Demolition Derby pit, I am presenting to bring back the Oakboro burn out pit that quit 5 years ago, I am presenting to have tractor pulls and truck pulls. Have any of you ever been to Z-Max in Concord? We are presenting a dirt version of it where it is in a controlled environment with barriers, sound barriers, work trucks for dirt and dust, fenced in area and secure. We will make sure that it does not affect other properties and that our neighbors are taken care of and also we will take care of the noise and safety protocol."

Mr. Barbee presented the Board a map showing the current site plan.

"This plan shows right now what I am wanting to do. I own thirty two acres at that location and we are presenting to use just six acres, which is not permanent. At any time during the off season the park, the barriers, everything can be taken down and still farmed so nothing is permanent. I spoke with the gentleman who does my farming now and he will continue farming my land. I will take down the park during the off season, we will only be operating eight months out of the year and forecasting only two events a month. We are scheduling our time frames to start for set-up around 12 and 2 o'clock and events starting at 4 and 5 o'clock on Fridays and Saturdays if we have a two day event or just a one day event. We are not looking to do this during the week, we are not looking to do this every weekend, we are looking to do this just once or twice a month for families and kids to come out. I have spoken with EMT, Oakboro Police and Fire about having them on site at all events and having them show up early and leaving late. We have discussed with Bob that our events start at 4 and end at about 10 or 10:30 so we make sure we are not going to that 11 o'clock protocol. On this scale that I showed you, you will see the six foot stands and then in front of that you will see the concrete pad. That will be utilized by Carolina Grudge for the back-to-back truck pulls that we have seen at Big Lick, Stanly County Fairgrounds, Galloways and we want to call them another home.

The sled lane is 450 foot by 80. It is scheduled to be 80 foot wide for a 15 foot increment that will have barricades going down it for when we have dirt tracks, four wheel drag racing, also for tractor pulls and truck shows. We also will have the secondary stands that can be moved by a skid steer and they are not permanent so they can be moved when we take down the park for farming. We have the scales, competition, competitor parking, and the demo-derby pit. I know Stanly County Fairgrounds no longer does it but we want to bring it back. We have heard a lot of positive feedback from the community, county and surrounding area because the Stanly County fairgrounds used to host it and a lot of Stanly County members used to get involved in it . They would go all year. We are also talking about an RC park, the gas ones and diesel ones. They are not loud, they are quiet but it's a big thing for the younger crowd to keep them off the streets.

I know Stanly County statistics show that we do have an issue with crime, violence and drugs. Right now, in Stanly County on a Friday night what is there to do other than the footloose rink on 52? Where are we giving outlets to our kids? This right here could be something for our kids to do on a Friday and Saturday night. As far as I am understanding, what we are here for today is I'm asking for a Special Use Permit for the events that I hold at the park. The park is going to fall under a bona fide farm. I am here to plead my case today for my events. This right here, when we hold an event on Friday night is for kids, families and any of y'all to come. A safe environment to come, spend time and go home. At the end of the day I talked to several of my neighbors. Their concern was dust, their concern was trash, their concern was noise. I have been in contact with several fence companies, one out of Nevada called sound barrier is used in Downtown Charlotte when they are jack-hammering. So when all of that noise is vibrating off of the rock when they are jack-hammering this barrier they put up absorbs 75% of the sound. That is what we are presenting to put down Alonzo and what we are presenting to put down the West side of the

property. Everything else from public parking to around the property will be fully fenced in. Signage and all around the yard for safety and concerns of the public and us in general. I think Bob said it, I have put out there a very long list of requirements and regulations that I am willing to abide by. I went through and skimmed some of the Special Use Permits that have been applied for and some of the regulations you all have implemented on the properties and I have put in several that I believe would meet yalls standards for this request already. Do you have any questions for me?

Cindy Fish asked “What is a demo derby pit?”

Chris Barbee stated “So, you spend all year taking any kind of old school car and you put a roll cage in it and you make it where if it takes a hit, you’ll survive. Bumper cars? Make it bigger. Instead of bumper cars at Carowinds, it is a bigger version in a controlled environment.”

Cindy Fish asked “What kind of ground is this happening on? Is there any way to address leakage out of these vehicles?”

Chris Barbee stated “Yes, we also have OSHA standards on site, that is what I do for a living. I am in the telecom industry. So I deal with OSHA, DOT, NCDOT everyday. We know the protocol for sandbags, sandpits and everything like that if there is any leak and putting the spill kit on them. That would be for any event.”

Cindy Fish asked “What is an RC park?”

Chris Barbee stated “An RC park is like when you were a kid did you ever have a remote control car? Same aspect. They have electrical ones, gas ones, diesel ones, there are tracks built with jumps.”

Michael Fleming asked “Just to tag onto your question about the toxicity, you mentioned that the land will still be farmed in the off-season? So my question is the measures you are proposing for the event venue, are you also proposing that for all of the parking areas? Because you can't determine if someone's radiator is leaking or transmission is leaking...that may affect the viability of your farm.”

Chris Barbee stated “So what I am presenting is we currently own 16 acres on each side of the road, to keep my bonafide farm status I have to farm at least 10.1 acres. My first area of parking on the drawing is to the left of 22987 Alonzo Road. If we have an overfill they will be parked at the front of public parking even if I dont farm my public parking I still have the necessary 10.1 acres to continue farming it.”

Michael Fleming asked “So there is no mitigation anticipated for the public parking except to exclude 10 acres?”

Chris Barbee stated “I am currently excluding up to 15 acres for public parking.”

Michael Fleming stated “10 acres for farming, so there is no mitigation for the public parking?”

Chris Barbee stated “No sir.”

Devron Furr asked “Seeing some folks, having a good time. We know how things go. You are talking about putting folks out there with the truck pulls and stuff, do you have plenty of insurance?”

Chris Barbee stated “Yes sir, our park itself will be completely insured. Every event that we deal with and the vendors we spoke to have insurance but the park itself will be insured. We are also not allowing alcohol.”

Richard Cosgrove asked “What about bathrooms?”

Chris Barbee stated "Currently for the stage 1, with the approval, we will be doing porta-jons like Big Lick did and then after our first successful season, we will be putting in a facility to have restrooms. Which when I spoke in the first meeting with Carol Almond, I would have to get a meeting with environmental once that takes place."

Brenda Farmer asked "How many vehicles and people are you anticipating?"

Chris Barbee stated "Anticipating, per event, 500 cars. NCDOT rules and regulations on Vehicle traffic extends anywhere from 1,500 to 15,000 is when they start doing studies. Right now, with an average of 16 events total we calculate 500 cars, you're thinking 8,000 cars in eight months. A thousand cars when you have two events a month.

Brenda Farmer asked "What was that current traffic count now?"

Bob Remsburg stated "200 per day on Alonzo near Food Lion and 150 on Hazard."

Chris Barbee stated "So the average it would increase per day is 33 cars. If you take 8 months and 220 cars, that is 16,000 cars for 8 months, I am looking at increasing it to a thousand cars a month."

Brenda Farmer stated "It is still 500 cars a day."

Chris Barbee stated "No ma'am."

Brenda Farmer stated "Not everyday but the day of the event it is still 500 cars in addition to the 200."

Cindy Fish asked if there were any questions from the audience for Mr. Barbee. The following questions were asked by the community and answered by Mr. Barbee.

Q: You mentioned that you were going to have the Oakboro cops out there, how exactly are you going to do that when you are not in the town limits?

A: Actually Oakboro Police Department serves a two mile radius outside of the limits. I have spoken to TJ Smith and several of his officers and I have gotten a rate from them of what they charge.

Q: You have described where the public parking will be and if I understand that, that is between you, where the house is now, and the ditch between you and the property to the west of you. You have also mentioned there is not going to be any mitigation or run off from those vehicles. Who is to say that type of control is not going to end up in the water drainage and end up on someone else's property?

A: I am glad you asked that question, if you look at the drawings that I submitted to the public we actually have a wall down there at the bottom already poured prior to the creek because you have to have anything built 5 feet off the creek so that wall would prevent any flow or drainage."

Q: What is the depth of that wall?

A: That wall will be placed 6 foot deep to handle any wind or water.

Q: You have also stated that some of these events will be taking place on Friday and Saturday night. Where will these people be staying and parking their vehicles at this time?

A: Any competitor parking will be excluded from the public for the simple fact of merchandise and materials, they will be parked to the right of 22987 Alonzo Road. The public parking will be on the other side and they will be staying at the stands. There will be two stands fifty foot long, two tiered bleachers on either side of the track which are moveable and bleachers can be added and removed as needed, that is where they will be standing.

Q: In other words, will these people be parking overnight and camping on the property?

A: No.

Q: You had mentioned there would be no alcohol allowed, no drugs and obviously I have been to one of the events and the smell of marijuana was evident. There was also a visible altercation between someone who was obviously very intoxicated. How do you plan to control that?

A: Lifetime Ban. If you show your rear end at an event, I am not giving you a second chance. You are done and will be added to the list and not allowed to return. I know that is losing customers and losing revenue but at the same time the safety of the public is more concerning to me than a few dollars.

Q: You had mentioned a complete take down to return the land to farming. You also mentioned the concrete pad. How are you going to be able to remove the concrete pad and continue farming?

A: The concrete pad is going to be sub-level. So, technically you are talking about a 2,000 square foot area.

Q: Is that what is labeled the sled/CC pad?

A: Look at the CC pad, it is a 2,100 square foot pad that cannot be removed but it is sub level so it can be farmed completely around. So 2,000 foot out of a six acre design, we would still be good to farm.

Q: So, this concrete pad you cannot remove it and you will have to farm around it. As these vehicles have these competitions sometimes they blow a gasket and spring a leak. How does that stay on the concrete pad and not leak onto the ground?

A: Spill Kits, OSHA approved. OSHA sells a gigantic container that if anything happens with machinery, vehicles, anything in general you can throw that kit on there and it will absorb it immediately. They make socks, blankets, kitty litter that actually works for spills.

Q: How high are the noise barriers and how are they hidden to match the current look of the area?

A: We will have a design, that is one thing I am working with Nevada SoundBoard on how to design an external look to where it matches the current environment. If I could paint a field on the exterior towards Hazard, it would look the exact same. All I have to do is take a picture and blow it up, you would never tell the difference.

Q: Are there any statistics available about how much noise these barriers block? For example, the tractor pull reaches decibels of 120, that is pretty loud.

A: So that is one thing, my biggest concerns were trash, dirt, and dust. You know how loud a jackhammer is. It puts off almost 150 decibels when you are standing 10 foot from it. If you go to SoundBoards website and I don't have the documentation with me, you can see that their sound boards get rid of 75 percent of noise. And when you can jack hammer in downtown charlotte and all those people who live in a small area and they are not raising. It tells you how they work.

Q: How do you intend to make these areas ADA compliant?

A: We will have a special entrance for them. We have actually designed where there is a path inside the parking where they are able to pull up to the front.

Q: The land will be ADA compliant where they are able to get to the vendors and bleachers?

A: I currently have begun grading. This meeting as far as speaking with Bob, this is just for the tractor pulls and event location. I started grading on the festival grounds itself. When it is down you will be able to roll straight across if you have a walker or wheelchair. We have already spoken with the ones providing the porta johns and we have 4 handicap accessible porta johns and also when we get ready to build facilities we will have a bathroom to accommodate them as well.

Q: When you were talking about the sound barriers and all, what are you going to do to help keep from when they are going up and down that road real fast, especially in that curve. My concern is that curve and these big trucks. I heard one go by Saturday morning real fast by my father in-law's house and lay on the horn. It really is a nuisance to hear that stuff and if we have to hear after the event and they are all happy and had a good time. Them going up and down the road for the safety of the people going up and down the road or the safety of our animals. That noise bothers me in the day time and just to think that at night when I have to get up early in the morning to take care of my elderly mother, am I going to get a good night's rest? The way the land is, you were talking about these sound barriers y'all are up on a hill right there and it kind of goes down all the way around.

A: You brought up a point that I am glad you did, nobody knows how to drive down Alonzo. That curve right there, everybody thinks is a racetrack. I have been sitting in the front yard at my house wondering if there is going to be one coming through my front door. Trust me, I completely understand that. I also understand that you might have one or two that leave and want to act stupid. If I find out who it is then I will handle it. They will not be allowed back. We have had several incidents on Alonzo where I go to work at 4 AM and there is someone jogging with a blinker. We are trying to work and figure that out. I live in that curve. You would not believe the amount of people who use the side of the guard. It is not going to be an event issue, it is a people issue for the simple fact people will fly from the stop sign to the curve and from the curve down Alonzo. It is a community issue and we are working to try and resolve that. When we have events and this is one thing that I have discussed with my wife and the people with Carolina Grudge we discuss with them when you come in that it is like your own home and treat it like you have sense because I want everyone to go home safe. I want everyone to have somewhere to have fun but at the same time we need to be smart about it.

Donna Harvell stated: Alonzo Road is considered an exercise road.

Q: Has the DOT approved where you are actually going to turn into this event? Is it going to be on Hazard or is it going to be on Alonzo?

A: I actually got an email today to be honest, I talked with them back in December about my vehicle estimation and my average for eight months and when I was speaking with them then with my design. There was not much feedback about having an issue with my current design. Like they said, there are 150 cars on Alonzo, 220 on Hazard, and I am looking at increasing that to an average of 33 cars. Yes, on the weekend I will increase that three fold.

Q: The congestion on Hazard is very bad as you know already. We have very many concerns about that.

A: I understand and the DOT was talking to me about the hill that is at hazard since I have been coming down that road for years has always been an issue. I am working with them to get that figured out as well now.



Q: With your parking being public parking that gives access to the police officers, would you allow them to sit there and monitor traffic on Alonzo?

A: I would pay them to do it for the fact it would bring me more pleasure and safety with my son and wife being there. Like I said it is a community issue when it comes to the traffic on Alonzo, it would not be an event park issue as of now.

Statement from the community: Why didn't you have the map on a layout so that we could see what was going to take place. I wish the board would speak up. We can't hear the questions you are asking or the answers.

Q: You stated the traffic was a community issue, but yet you have 500 potential cars each day for two days, these are not people in the community, these are people that are not familiar with these roads. Speaking of safety, I have already had four people run off Hazard Road and through my yard. I really take issue with this as a community issue, this is a road safety issue.

A: We are judging 500 people on four peoples' mistakes. If you look at my driving record, for the first eight years I was not a safe driver but if you ask me about the next eight it is different. It is all about community, the simple fact is 500 people of Stanly County are supportive of this. Yes, we will have outsiders but making the presumption that they don't know the roads and they will drive recklessly I can't agree.

Q: My recommendation would be that if you are successful in getting this permit that we would work with the Stanly County Sheriff's department to monitor the comings and goings on both roads and let people know that we are taking this seriously.

Q: I have done some of these events in the past and I have actually hired the Stanly County and Oakboro Police Department to actually block down the road and direct traffic one day just like they would in construction and they have gratefully done that. Would that be able to be done for this event and that would resolve everyone's questions here?

A: That would, yes. Talking with TJ Smith, we are going to have the cops on duty. So having two cops when everyone arrives and leaves to patrol the facility and one to direct the traffic would be beneficial.

Q: So that would be safer than no cops being there.

A: Correct.

Q: That is such a small road though.

A: It would still benefit that area greatly. What happens when you're driving down the road and there is a cop car, people think I am doing what I am supposed to. But police being there coming and going would be a lot safer.

Q: But with our road would that be able to happen without big holes being put in the road?

A: Currently Hazard Road is doing 72,000 cars a year and Alonzo Road is doing 55,000 cars. So I am looking to increase that number by 4,000 cars on Hazard and 4,000 on Alonzo. That would be roughly an eight percent increase.



Q: What are you going to do for Barbee's Grove? That traffic will back up onto Barbee's Grove Road. You take the fireworks on the Fourth of July, people coming from Food Lion will be all the way back there. So if you are bringing this many people in, what are you doing for Barbee's Grove?

A: Anyone and everyone will get instructions on how to get there and where to park. Fourth of July brings in tenfold in a day. The outlets that you have on Barbee's Grove, Alonzo, and 138, St. Martin, Hazard you will have 125 able to get out.

Q: If Hazard and Alonzo are backed up then they will come down Barbee's Grove.

A: That is why having cops out there will help direct that traffic. I have been going to events since '08 and most of the people are starting to leave. But it is not everyone at once.

Q: How many of these events have not been on an actual highway? All of the ones that I can think of in Stanly County are all on a highway. Alonzo Road is a secondary road. That road is not wide enough to fit all of these big trucks.

A: There's where the concern is and why I am working with DOT and Oakboro.

Q: So you want to put the widening of that road on the taxpayer? For your enjoyment? That is what you are saying?

A: I would like to have Alonzo repaved for the simple fact that whoever initially paved it did not do their job.

Q: I agree, but it is still a secondary road. If that is the case you are saying you want the taxpayers to pay for the road to be widened.

Cindy Fish announced "If there are questions that relate to this proposal let's listen to those. Some of these questions are not directly affecting this request."

Q: I live within a half a mile of the crossroad and Hazard Road. I feel like there will be so much smoke that I will not be able to be outside.

A: From previous experience, any event I have been to has not been pollution at head level, it is always going up and dispersing.

Q: That is my main concern.

Q: You have cleared the land across the street, how many months ago was that?

A: June

Q: Has all of that been cleaned up or is it piles laying out?

A: I actually put up with it and let people come and get free firewood because I know a lot of people in the winter do not have electric heat they heat with firewood. So, I allowed people to come and get it. Here in the next few weeks I got a burn permit and we will watch it go up in flames with s'mores.

Q: For the board's clarification, I asked that question because it has taken you this long to clean up that mess. What confidence level should I have that you will not create another mess on the other side of the road?

A: My hospitality is why that looks the way it does. My generosity is growing up in a house that did not have central heating and air but had a wood furnace and if we did not have wood we froze. I took the generosity to the public and allowed them to come up and get it. Instead of letting money burn I let the mess sit there and people be able to come get it. Just like the rules and regulations I have put on myself today are extreme compared to the other east coast parks.

Chair Fish stated that we would now hear from those opposing this request. She stated attorneys should go first, if any.

None were present.

Leonard Harvell and Donna Harvell presented themselves and stated the following:

We live at 22819 Alonzo Road. We won the property that is adjoining the barbee property on both sides of Alonzo road. We stand in standing and in absolute opposition of this board issuing this Special Use permit for the following reasons.

Mr. Harvell presented the Board a handout.

Since this is a quasi judicial proceeding I will honor that and will stay in order. The thing that concerns me more than anything is the location of homes. If you look at the handout I gave you and the things they plan to do at this park, if you listen to Mr. Barbee tonight you would think there is nothing wrong at all. But, there are problems, there are problems with sound. I heard him say that there will be a buffer but you cannot buffer a sound that is equal to jet airplanes landing in Charlotte. The thing that really gets me is that he says this is for the kids. Are you going to take your kids somewhere that they have to put earplugs in and cannot breathe because of the dust coming out? Then the demolition derby, you wouldn't take your kids to that. It teaches you that if you keep banging on the cars around you then the last one standing is the winner. This is not for the kids. This is for the adult kids that have black marks on Alonzo Road. The same kids that get out in the field that should be bearing wheat and there is not one blade of wheat. But it is for the kids, my my my. I hope that we all know that that is not the case. So, I just want to review a couple of things with you when it comes to sound. Sound is something that affects people who are on 12 hour swing shifts in the community.

We have a truck driver who gets up at two or one in the morning. If you all approve this he will have to get out here with less sleep. Mr. Barbee says there are no problems. You cannot keep the noise or pollution away. I am here to give you facts. The neighbors have a right to live in peace. To have someone try and come in and disrupt it this way is unthinkable. There is no way you can put 500 cars on Alonzo Road. Hazard Road was named Hazard for a reason, it is a hazard. You can't put that many cars out there without running into a problem. We are a quarter of a mile from this war zone he is proposing. It is nothing more than people fighting each other for a reason and saying it is for the kids. It is interesting to hear him give this traffic study through the week but that is not how it is, this is all in two days. He is proposing to have an entrance in the worst curve. He is talking 1000 people, how will they behave? He cannot guarantee there will not be trouble or alcohol. I am a member of the Oakboro Planning and Board of Adjustment meeting. I know what due process is about and I am trying to do that. When I am in Oakboro I do my best to visit the property and learn what is best for that property. I did the same for Mr.

Barbee. I measured a quarter of a mile from his property in all directions and there were 31 dwellings in a quarter of a mile on Hazard, Alonzo, Barbees Grove and Elder Eudy. Everyone here has a right to enjoy their home and rest. Sleep deprivation is a big thing. I googled it and it tells me that it can cause memory issues, trouble thinking, mood changes, accidents, diabetes, weight gains and heart disease because you do not get enough sleep at night. I am telling you what he is proposing. If you let it come, we will not sleep well. I want to ask you tonight to ask yourself what you would do if this was in your backyard? I have neighbors who have breathing issues and they are going to speak tonight. My wife and I did a plat and I can tell you the property value will go down. This plat covers the 12 acres that we have adjoining their property. My wife has assigned all of our grandchildren a lot to build a home on. They said if this is allowed to come in, then they are not building there. I cannot prove the value of property will go down because someone may really like to buy property next to this but not me. I would like to stand for what's right.

Michael Fleming asked "Twice you have mentioned the fields Mr. Barbee has. It is your testimony that Mr. Barbee's fields are currently fallow?"

Mr. Harvell stated "It is my testimony because there is nothing growing in his fields right now. The reason I say this is not to be mean but this is the truth. He got up here saying that he is a great driver. When it was snowing he was out in the middle of the field that should have wheat growing, doing donuts. I know that is not relevant to what we are speaking about right now but I have to say that."

Mr. Harvell asked those who are opposed to stand.

Chair Fish asked if the audience had any questions for Mr. Harvell

Q: You mentioned that the park was going to be equivalent to the Charlotte Douglas Airport, where are the facts from? You mentioned Elder Eudy, is that not no longer a state maintained road? Traffic control will be there.

A: We are not talking about traffic on Elder Eudy, we are talking about the people.

Q: So you said this event is not for kids, have you ever been to a Carolina Grudge event? They actually have a power wheels class for kids and their last event they had 400 kids. I personally have a son that drives them and the last time the ratio from kids to adult was 4:10 and this is a kid friendly event. So I hope you do not speak on facts that you do not know.

A: No ma'am. I am not talking about the kids' events. I would love it if they did have kid events but you cannot call all of the things they are doing kid friendly.

Q: You said that it would bother people sleeping, however the last Carolina Grudge event ended at 6 PM.

A: There are people on swing shifts.

Q: You mentioned it being on a secondary road, have you ever been to Rowan County fairgrounds? It is on a secondary road. Have you ever been to Galloways? It is on a secondary road.

A: I was talking about the events that are not kid events. He said it was okay to bring your kids. You are going to teach them that all of this is okay?

Mr. Barbee stated "The burnout marks were for a gender reveal on a closed road. We had police out there. That in the field when it snowed, you are stating that my fields should have wheat in it when it was just farmed."

Mr. Harvell stated "I am stating that I know you told your farmer that you did not want him to plant anything in those fields."

Felicia Whitley shared the following:

"I live within a quarter of a mile at 12175 Elder Eudy. I am a concerned mother, wife, neighbor and property owner. As a mother of four children who love to play outside my primary concern is for their safety. With the increased traffic vehicles and people it will put their safety in jeopardy. With my husband who works a 12 hour swing shift, he does sleep during the day a lot. He has to get up at 4 and if these events start when they propose it will affect his sleep and productivity. We have neighbors who recently moved into the community from the city. These events will end their new introduction into country living that they have enjoyed. We have neighbors that have lived there their whole life. They do not want to part with their family land but may have to because of the disturbance of their lifestyle. I am concerned this will affect my proposed way of life. We have livestock and they are known to not produce well and taste well in stressful environments. If ground pollutants are soaked into the ground it has potential to affect my water supply that I give to my children and animals. We ask this not be approved because the project is not in harmony or compatible with the area."

Crystal Simpson shared the following:

"My family lives at 12274 Hazard Road. One of my concerns is my husband who works 12 hour shifts. My family will not be able to enjoy the use of our property and be like prisoners in our own home. Please vote no."

Dana Gwynn shared the following:

"My family and I live at 12236 Hazard. I have many concerns and one is the noise pollution. My home is almost 100 years old with no insulation. Even if there is a wall or fence that will not help the increased traffic and diesel pollution. I have a history of multiple blood clots in my lungs, so

I do have concerns. Our quality of life will be greatly reduced, it will be a nuisance to me and my family. We will not be able to enjoy our property during the events.”

Courtney Little shared the following:

“My concern is my family farm. We have three chicken houses and grow for Braswell Farms. They are out of Nashville, NC. When we started growing they were concerned because mine is the furthest from all the others. Judge Braswell stuck his neck out to help us because of our egg production. I am concerned the noise will decrease our production. They can pull our farm if this is an issue and our eggs are used for Eggland's Best Eggs around North Carolina grocery companies.”

Sue Barbee shared the following:

“I live at 12310 Hazard. The venue will be directly in front of us. We are concerned about the additional traffic because it is dangerous. One of our biggest concerns is pollution. My husband has heart and lung issues, he is on oxygen during the day and at night. He is a Vietnam vet so we discussed our concerns with his doctor at the Salisbury VA. We gave her the website so she could see. She responded with a letter that I would like to read.

The letter stated Mr. Barbee's health conditions and if exposed to an increased amount of allergens that it would be in his best medical interest to avoid large motor vehicle playgrounds.

Shannon Howell shared the following:

“The amount of disrespect these people have shown this neighborhood is wrong. I am here to stand for my mom. My mom gets no rest and she does not need the traffic in the neighborhood. It is a residential space and is not the right place for this.”

Jeff Harvell shared the following:

“I live at 22797 Alonzo Road. This is a peaceful farming community so what I have to say goes to the harmony of peace in the neighborhood. We have respect for each other, there are always helping hands. It is a great place to live and raise a family and we want to keep it that way. The land in question was part of my family land and the land adjoining it is to be left to my children so I am concerned about that. We are here to stand up to our community. I was blown away by what is proposed. I have seen the land and trees destroyed since the ownership has changed. We do not want the noise or pollution, it is my sincere hope and prayer that the Barbees will realize what this is doing to the community around them. We want to be friends not enemies, but to have a good neighbor, you have to be a good neighbor.”

Chuck Covach shared the following:

“I live at 12238 Hazard Road. No one seems to know if the property values will decrease. It is not possible to ask the board to get the county tax assessor to do an assessment?”

Mr. Remsburg stated “The burden of proof would be on the opponents to hire a certified property appraiser to do that. That is not something the tax department would do.”

Kathy Trombley shared the following:

I live at 12410 Hazard. Mr. Barbee answered my questions at the beginning of the meeting but I would like to submit to you a map that shows the area mentioned that was cleared and not cleaned up along with a study.

Ms. Trombley presented to the Board maps and studies of the decibels of a tractor pull with a map of the area. Mr. Barbee has not been cleaned up, and a map of Alonzo and Hazard Roads with the curves of the road.

Kelly Mullen shared the following:

“I live at 24557 Barbee's Grove Road. I understand that there are four findings of fact that all must be met in order to obtain approval from this board. Number one, the project does not materially endanger the public health or safety. People that live here will not be able to open their windows when this is going on. Diesel fumes can enter the one and linger and do have health effects. Safety concerns...have you driven down Alonzo and saw all of the tire marks? That is proof the safety is in question, if that is occurring before the events have begun what will it look like when it starts? Alonzo Road is a secondary road which means it is not a true two lane road, it will need to be wider. Number two, the project will not substantially injure the value of adjoining properties. The initial burden of proof for this falls on the applicant. I have read all of this. If the applicant does not provide sufficient evidence the request must be denied. Section 1005 allows a petition to be sufficient evidence. Number three, the project will be in harmony with its neighbors. We have a quiet community other than the occasional farm equipment. The people in this community have chosen to live in the quiet and away from the hustle and bustle of the city for the peacefulness.

Having this is not what we signed up for when we moved. Because zoning decisions are for the public it is improbable that one landowner may purchase a piece of property expecting the right to see it as they wish. I have a study from the University of Wisconsin audiology department where the students and professors went to a tractor pull. A profesor states that a tractor pull is



one of the loudest places on earth, louder than a jet plane at take off. They ran out of ear plugs before the second event. The recommended exposure limit is 85 after 15 minutes, anything over that can cause hearing damage. As far as the land use plan, yes the property is in the growth area. Oakboro already has a place where these events take place at Big Lick Festival park. That property was for sale when they purchased the Alonzo Road property and they also went and looked at that property and chose not to purchase it. Not long after that, they filed Barbees Playground LLC. Why did they just not purchase a place where it was already allowed? Number four, the project will meet all conditions and specifications. I doubt it but I cannot argue with that. On a final note, NC ranks number two for farmland. I am sure others can attest how long this property has been farmed. Preserving farmland is important. The Harvells had direct ties to this property and they would have never sold it to them had they known that is what they were going to do.

Chris Barbee asked "Where did you find your statistics on the noise issues and the EPA laws?"  
Kelly Mullen stated "EPA.gov"

Chris Barbee asked "Where did you get your documentation that the Barbees went and visited Big Lick?"

Kelly Mullen stated "I have my sources but I am friends with the Hinsons."

Chris Barbee stated "That is interesting since I have not been there and are not friends with the Hinsons."

Chair Fish asked if staff had any further comments.

Mr. Remsburg stated "You have heard alot of testimony so as a Board please make sure you consider what is relevant and factual as you go into your deliberation at the close of the hearing. You are welcome to take a recess."

Chair Fish asked if the parties present had any further questions of staff

Michael Fleming asked "It was mentioned that Stanly County is suffering from a loss of Agricultural land. Does the Planning Department have any facts on this? It is one of our top industries.

Bob Remsburg stated "No, I do not have anything to substantiate that. The extension office does and I know that is a concern they have expressed. I can say that from the planning side we have a lot of subdivision growth so there is a loss of farmland that is happening but I do not have any statistics or percentages."

Richard Cosgrove asked "Ms. Mullen said something about property values. If we allow this to happen it will devalue our property is what they will say. Mr. Barbee will say that it won't

devalue the property. So, who is right? And who is responsible to produce evidence that it will or will not devalue the property value.”

Mr. Remsburg stated “ Part of the question that I asked Ms. Furr is who does that fall on? Our ordinance does lean one way over the other. It is irrelevant until you have documentation from a certified appraiser who has produced comps. This may be hard to find but what has happened in other areas where there are similar uses and how has it affected their property values.”

A five minute recess was taken

Chair Fish called the meeting back to order.

Mr. Remsburg stated “After deliberation, the ordinance does not specify who it falls on. Our rules to establish these standards are in the board's rules of procedure, they are not in the ordinance. They are the standards generally done through the state of North Carolian. It is a little on the unclear side since it is in the rules and procedure and not the ordinance. The rules of procedure do imply that the burden of proof would be on the applicant. But, that does not carry the force of law because it is not in the ordinance. That may be confusing. The other thing is that neither side has presented this information either way.

Attorney Furr stated “As Bob stated the ordinance does not specifically state in the Board of Adjustment section which party the burden of proof would lie. But, if you look in the rules and procedures it does state that “the project will not substantially injure the property value...” so based on the wording of that, we could infer that the burden of proof would be on the applicant to prove. As Bob stated, there has not been any certified appraiser evidence provided to show how any of the property values would be affected.

Chair Fish stated “There is a housekeeping rule that I need to address. Written evidence that was presented to the board this evening that includes any maps or studies. Is there anyone here that would like to examine it or object to it? As there are no objections the evidence is admitted.”

Chair Fish closed the public hearing.

Standard #1 - That the project will not materially endanger public health or safety; if located where proposed, and if developed and operated according to the plan submitted. Do I have a motion to find this standard true based on the evidence submitted?

**Motion: Michael Fleming made the motion to find this standard false based on non-mitigation for toxicity in the parking area and roadway design.**

**Second: Brenda Farmer**

**False: 7-0**

Standard #2 – That the project will not substantially injure the value of adjoining property.

**Motion: Brenda Farmer made the motion to find this false based on the lack of evidence presented.**

**Second: Richard Cosgrove**

**False: 7-0**

Standard #3 – That the project will be in harmony with or compatible with its neighbors and is generally consistent with the latest Stanly County Land-Use Plan.

**Motion: Michael Efird found this false based on the evidence provided by adjoining parties.**

**Second: Devron Furr**

**False: 7-0**

Standard #4 – That the project meets all other required conditions and specifications for the operation of recreational and entertainment activities in the RA Zoning District.

**Motion: Michael Fleming made the motion to find this standard true based on the assurance that Mr. Barbee will comply with the standards presented.**

**Second: Billy Franklin Lee**

**True: 7-0**

Do I have a motion to approve or deny the request?

**Motion: Richard Cosgrove made a motion to deny based on the votes for standards 1,2, and 3.**

**Second: Billy Franklin Lee**

**Denied: 7-0**

Chair Fish stated “those affected by this decision have thirty days to appeal this ruling to the Stanly County Superior Court.

Chair Fish entertained a motion to adjourn

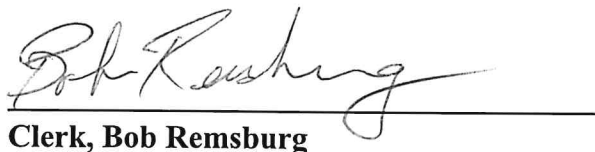
**Motion: Richard Cosgrove**

**Second: Brenda Farmer**

**Approved: 7-0**

**Time adjourned: 9:13**

  
Chair, Cindy Fish

  
Clerk, Bob Remsburg

