Caldwell County
North Carolina
Board of Commissioners Meeting

November 3, 2025, at 6:00 PM
City-County Chambers
905 West Avenue NW, Lenoir

MINUTES

Attendance

Randy T. Church, Chairman
Mike LaBrose, Vice Chairman
Jeff Branch, Commissioner
Donnie Potter, Commissioner
Patrick Starnes, Commissioner
Wayne Rash, Interim County Manager
William Sparks, County Attorney
Iris Whitt, Interim County Clerk

Call to Order

Chairman Church called the November 3, 2025, Board of Commissioners Meeting to order at 6:00 PM.

Public Comment Period

Lisa Wallace was the first to come to the podium. She discussed her concerns with the racetrack. She stated that barriers were promised by the Board at the racetrack, but that never happened. She would hope to bring balance for citizens and the racetrack.

Keith Toney was the next individual to come to the podium. He spoke to the Board about an amendment to the Nuisance Ordinance. He has neighbors discharging firearms close to his residence. The current ordinance doesn't state a specific distance to shoot away from a residence. He would like the Board to consider changing the ordinance to create a safe zone to at least 600–800 feet from a residence.

Joel Whitworth was the next individual to come to the podium. He spoke about his studies that prove converters cause global warming. He left information about his research.

Invocation

Chairman Church resumed regular session at 6:13 PM.

Pastor James Wilfong with Highway to Hedges Ministry led the invocation for those in attendance.

Pledge of Allegiance
Commissioner Jeff Branch led the Pledge of Allegiance for those in attendance.

Agenda Amendments from the Board, Manager & Public
There were no amendments to the agenda.
Vice Chairman LaBrose made the motion to adopt the agenda as presented. The motion carried unanimously.

Agenda Items

1. **Approval of Golden LEAF Foundation Grant Acknowledgment and Agreement**

   Ashley Bolick came to the podium to request the approval of the Golden LEAF Foundation Grant Acknowledgement and Agreement for site preparation at Evergreene Industrial Park. She gave some information about the Golden LEAF Foundation. On October 2, 2025, the Golden Leaf Board of Directors approved funding this project in the amount of $1,067,623.00, The total grant amount raised for this project is just over $1,600,000.00. She gave a rough preliminary design of Evergreene Park. She mentioned this is a non-matching fund grant. The awards funded will specifically be used for due diligence studies and site preparation of approximately 9-acres of the 34-acre park. The project is expected to result in the creation of full-time jobs with annual wages at or above the county's private sector wage, which today is $50,083.00. This project would also generate private capital investment. The grant term is 24 months, beginning October 2, 2025. Golden LEAF funds may not be used for real property acquisition or administrative costs. The only costs associated with this grant are administrative costs paid to the Western Piedmont Council of Governments. She said this is a consent agenda item in the amount of $50,839.00 which would be paid from the already budgeted sales tax reinvestment fund. The staff respectfully asks that you consider approving the enclosed Grantee Acknowledgement and Agreement with the Golden LEAF Foundation for this project. Chairman Church asked if construction had already started since the preliminary drawing was attached. She stated construction hadn't started-that was just a picture from the internet. Commissioner Branch made a motion to approve the Grantee Acknowledgement and Agreement with the Golden LEAF Foundation for the Evergreene Industrial Park grading project and authorize the county manager to execute the agreement and any related documents on behalf of Caldwell County. The motion carried unanimously.

2. **Amendment to Racetrack Ordinance**

   Interim County Manager Wayne Rash provided background about the amendment to the Racetrack Ordinance. The racetrack has asked for some expanded ability to do some testing events. Interim Manager Rash stated they had gone back and forth. The racetrack has used a couple of their event provisions this year. The racetrack is getting a lot of requests from NASCAR teams like Toyota, and GM wanting to test at the track. Instead of having to come to the Board to use the special events times, the recommendation is that we approve some test and tune events that they would be able to use. The only change to the ordinance is to allow test and tune events during the months of regular operation of the racetrack. This would include the months of March through the first weekend in November. This would include up to six test and tune events per month on weekdays, Monday through Thursday, between the hours of 10:00 AM and 4:00 PM. Chairman Church stated after hearing the recommendation from Interim County Manager Wayne Rash-what is the pleasure of the Board? Commissioner Branch made a motion to adopt the ordinance as presented by

the Interim County Manager. Commissioner Potter stated he had received a couple calls over the weekend. He wasn't getting a lot of push back over the test and tunes. The concern was having it Monday through Thursday, and then you race on Fridays. This would allow race teams out there for a full week. The other concern was that starting in March was so early. Commissioner Potter wanted to share those concerns and feedback from citizens with the Board. Commissioner LaBrose clarified, it was six times a month. So, they could potentially use all their times in one week. Commissioner Potter stated that with this addition, they could run Monday through Saturday. The concerned citizens were asking for consideration on running for six straight days. Commissioner LaBrose stated his thoughts were that they could split them up and not use them consecutively. Commissioner LaBrose said his hope was they would not test on Wednesday, which is a church night. Commissioner Potter said to be fair and transparent, he didn't think any of them had thought about it potentially going Monday through Saturday. Commissioner Branch stated if you go six days in a row, you will have three weeks of nothing. County Attorney William Sparks advised the Board that this being the first reading, it would need to be a unanimous vote. If it's not a unanimous vote, the Board will have 100 days to vote again. Commissioner Potter asked the Board's thoughts on cutting some back during the week so they can't go that long at one time. Commissioner Branch stated he didn't see them going for a full week. Commissioner Church stated that a year ago they changed to four days. They didn't pull a weeklong in that time, and they could have. Chairman Church said they were just trying to reach a compromise and balance. Chairman Church stated the test and tune stops at 4:00 PM so not to interfere with church night. Commissioner Potter asked the Track Manager, Crate Payne, what their typical requests were for tests and tunes. Mr.Payne came to the podium. Mr. Payne stated it depends on the teams and what is best for them. Mr. Payne said the scenario of going six days a week would never happen. Chairman Church thanked Crate for being there. Commissioner Potter clarified that test and tunes would be Monday through Thursday and not allowed Friday through Saturday. Commissioner LaBrose suggested they put no more than two days a week to test and tune. This would potentially eliminate the problem of having it all week long. Commissioner Potter asked the attorney if this could be amended tonight or would it have to be taken to another meeting. Commissioner Branch stated there was already a motion on the floor. The County Attorney asked for clarification as to what the change would be. Commissioner LaBrose stated the change would be amended to say six tests and tunes with no more than two being used in any given week. Commissioner LaBrose asked the county attorney if that could be added as a friendly amendment to Commissioner Branch's motion. With the new county manager coming onboard, Commissioner Starnes suggested monitoring the test and tunes and if it becomes a problem, the Board can stop it. County Attorney William Sparks said to clarify that the Board can make an oral motion to adopt an amendment, but if it's not a unanimous vote, the Board would have to come back in 100 days. Commissioner Branch calls for a vote on his motion. This is six tests and tunes per month, Monday through Thursday from 10:00 AM to 4:00 PM. Chairman Church called to question all that was presented this evening. The vote carried unanimously.

Consent

3. **Approval of Agreement with WPCOG for Golden LEAF Grant Administration Services**

   The agreement with Western Piedmont Council of Governments for administrative assistance related to the Golden LEAF Foundation grant for the Evergreene Industrial Park Grading Project and authorizes the County Manager to execute the agreement on behalf of Caldwell County.

4. **Interdepartmental Transfer Policy**
   The Interdepartmental Transfer Policy would require County Manager approval prior to any interdepartmental transfer of personnel.

5. **Donation of Items to the 4H Program**
   The approval of the NRA Foundation State Fund Grant Program donating items to the 4H Program.

6. **Approval of Minutes from October 27, 2025, meeting.**
   The approval of October 27, 2025, meeting minutes were requested.

   Commissioner LaBrose made a motion to accept the consent agenda as presented. The motion carried unanimously.

Closed Session Pursuant to NCGS 143-318.11(a)(4)
Chairman Church made the motion to enter closed session pursuant to G.S. 143-318.11(a)(4) to discuss a matter related to economic development at 6:55 PM. The motion carried unanimously.

Adjourn
With there being no more business to attend to. Commissioner Potter made the motion to adjourn at 7:56 P.M. The motion carried unanimously.

BK 2149 PG 583 - 586 (4)
This document presented and filed:
11/05/2025 12:48:51 PM

Fee $0.00
10112645

Caldwell County North Carolina
Wayne L. Rash, Register of Deeds

CHAPTER 12 RACETRACKS AND DRAG STRIPS

SECTION 1. AUTHORITY

Pursuant to NCGS Chapters 130A and 153A, Caldwell County hereby establishes this Ordinance.

SECTION 2. DEFINITIONS

The following words, terms, and phrases, when used in this Chapter, shall have the meanings ascribed to them in this Chapter, except where the context clearly indicates a different meaning:

Board means the Caldwell County Board of Commissioners.

County means Caldwell County, North Carolina.

NCGS means the North Carolina General Statutes.

Person means any individual person, corporation, partnership, association, or legal entity.

Race Vehicle means any motorized vehicle, including but not limited to, cars, trucks, motorcycles, or go-carts, used for racing.

Racetrack means a track for racing Race Vehicles.

Drag Strip means a straight track or section of road for racing.

SECTION 3. LIMITED TIMES OF OPERATION

(a) Hours of Operation. It shall be unlawful for any Person to operate, or to permit or allow any other Person to operate, any Race Vehicle, whether or not the Race Vehicle is engaged in speed competition with any other Race Vehicle, and including testing, practicing or otherwise running the motor of any Race Vehicle designed to engage in racing or speed competition on the premises of any Racetrack or Drag Strip in the County, except during the following times:

1. The months of March, April, May, June, July, August, September, and October, and the first full weekend in November; and

2. Thursdays, Fridays, and Saturdays; provided, however, no Racetrack or Drag Strip may operate on more than 2 of the permitted days in any one week; and

3. Between the hours of 12:00 pm and 9:00 pm on one of the 2 permitted days of operation each week, and between the hours of 12:00 pm and 11:00 pm on the other permitted day of operation each week.

4. Test and Tune Events. "Test and Tune Event" means a race team bringing a car to the track, running laps, adjusting settings on the car, and then running more laps, with no racing, no crowd, and no money taken at the gate. The owner or operator of any raceway, racetrack, or drag strip may schedule and operate up to 6 (six) Test and Tune Events per month in the months of March, April, May, June, July, August, September, October, and up to the first full weekend in November. Any Test and Tune Event may only be scheduled and operated on weekdays Monday through Thursday, between the hours of 10:00 a.m. and 4:00 p.m.

(b) This Section is intended, and shall be construed, to apply only to commercial Racetracks and Drag Strips determined by engagement in one of more of the following practices: charging admission for spectators; awarding prizes to participants either by trophies, money or things of monetary value; selling food, drink, t-shirts, or other items; having seating for spectators; using the services of track officials; and/or intending to make money for the owner and/or operator of the Racetrack or Drag Strip. This Section is not intended, and shall not be construed, to apply to those venues constructed by, or for one or more individuals on their property consisting of circular tracks, jumps or mounds of dirt used for recreational activity such as 4-wheelers, off-road bikes and motorcycles, go carts, and other all-terrain vehicles which are used exclusively for any family members, neighbors and friends, and which do not engage in any of the activities described above.

SECTION 4. OPERATION AT TIMES NOT AUTHORIZED

The Board is authorized to grant, upon application, a permit to allow a Racetrack or Drag Strip to operate at specified date(s) and times not otherwise permitted by this Chapter, subject to the following limitations and considerations:

The application and permit must specify the date(s) and beginning and ending times of the event.

(a) Applications for all requested permits for any one year must be submitted to the Board at the same time.

(b) An application for a permit may include a requested rain date in case the event cannot be held on the primary requested date due to inclement weather.

(c) In determining whether to grant the permit, the Board may consider the following:

1. The nature of the proposed activity;

2. Previous experience with the applicant;

3. The time and duration of the proposed event;

4. Other activities in the specified geographical area at the same time as the proposed activity which could be disturbed by the proposed activity;The cultural or social benefit of the proposed activity;

5. The economic benefit to the community;

6. Any economic hardship on the applicant if the permit is denied or on others if it is allowed;

7. The effect of the activity on residential areas;

8. Any previous violations of this Chapter by the applicant; and

9. Any objections raised by neighbors potentially affected by the activity.

(d) Any violations of the conditions of an issued permit are a violation of this Chapter.

(e) Permits are subject to the following limitations:

1. No more than 4 permits will be issued in any calendar year for any Racetrack or Drag Strip.

2. 3 of the 4 permits shall be issued for 1 day only.

3. One of the 4 allowable permits may be issued to accommodate a special event for 3-4 consecutive days, as follows: It may be issued to allow practice on a Thursday and racing on Friday and Saturday. This permit may conditionally allow racing on Sunday, with no firing of engines, warm-up or racing to begin earlier than noon on Sunday, and only if all racing on either Friday or Saturday is canceled because of inclement weather.

SECTION 5. PENALTIES

(a) Criminal Penalties. Any Person(s) violating this Chapter, or any Section thereof, shall be guilty of a Class 3 misdemeanor and shall be fined not more than $500.00, or imprisoned for not more than 30 days, or both. Each occurrence of a violation shall be treated as a separate occurrence.

Civil Penalties. Any violation under the provisions of this Chapter subjects the offender to a civil penalty assessed by code enforcement. The penalty is in addition to the costs incurred by the County to correct violations of this Chapter. The penalty for a first violation of this Chapter shall be $250.00. The penalty for second and subsequent violations of this Chapter by the same Person shall be $500.00 per violation. Each occurrence of a violation shall be treated as a separate offense. Civil penalties must be paid in full within 10 days after service of the citation.

(b) Equitable Remedies. This Ordinance may be enforced by equitable remedies, including, but not limited to, those in accordance with NCGS 153A-123 and 153A-140.

The Caldwell County Board of Commissioners hereby adopts and enacts the preceding articles and sections of this Ordinance.

Adopted on the 3 day of November, 2025.

CALDWELL COUNTY 18 41 NORTH CAROLINA

Chairperson
Caldwell County Board of Commissioners

Interim/Deputy Clerk to the Board