

STATE OF NORTH CAROLINA
CHOWAN COUNTY

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
25CV000004-200

**REV. DR. JOHN SHANNON, SHERRONNE
BATTLE, STELLA BROTHERS, DEBRA
MILLER, and ROD PHILLIPS,**

vs.

**TOWN OF EDENTON, W. HACKNEY HIGH,
JR., in his official capacity as Mayor of the
Town of Edenton, BOB TURNER, in his official
capacity as a member of the Eordenton Town
Council, SAMUEL DIXON, in his official
capacity as a member of the Edenton Town
Council, AARON COSTON, in his official
capacity as a member of the Edenton Town
Council, ELTON BOND, in his official capacity
as a member of the Edenton Town Council,
CRAIG MILLER, in his official capacity as a
member of the Edenton Town Council,
PATRICK SELLERS, in his official capacity as
a member of the Edenton Town Council,
CHOWAN COUNTY, CHOWAN COUNTY
BOARD OF COMMISSIONERS, BOB KIRBY,
in his official capacity as Chairman of the
Chowan County Board of Commissioners,
LARRY MCLAUGHLIN, in his official capacity
as Vice Chairman of the Chowan County Board
of Commissioners, ELLIS LAWRENCE, in his
official capacity as a member of the Chowan
County Board of Commissioners, RON
CUMMINGS, in his official capacity as a
member of the Chowan County Board of
Commissioner, TONY SHAFFER, in his official
capacity as a member of the Chowan County
Board of Commissioner, TRAY TAYLOR, in his
official capacity as a member of the Chowan
County Board of Commissioner, and CHRIS
EVANS, in his official capacity as a member of
the Chowan County Board of Commissioner,**

Defendants.

**FIRST AMENDED COMPLAINT AND
MOTION FOR PRELIMINARY
INJUNCTION**

Plaintiffs, by and through counsel, file this Amended Complaint seeking preliminary injunctive relief pursuant to Rule 65 of the Rules of Civil Procedure and N.C.G.S. §§ 1-485 and 143-318.16; a declaratory judgment pursuant to N.C.G.S. § 1-253 *et seq.*; and an order declaring certain acts by Defendant Town of Edenton and members of its Town Council null and void pursuant to N.C.G.S. § 143-318.16A.

INTRODUCTION

1. Plaintiffs, who either live and/or work in the Town of Edenton, seek to have this Court restrain Defendants from relocating the Edenton Confederate monument to the grounds of the Chowan County Courthouse, declare null and void, and set aside, certain actions and agreements entered into by certain Defendants in violation of the North Carolina Open Meetings Law.

2. Upon information and belief, as detailed below, over a period of several weeks or months, Defendants, individually and in concert, secretly conceived, negotiated, and approved an agreement to relocate the controversial Confederate monuments—something that has been the subject of significant public debate in Edenton for years—to the grounds of the Chowan County Courthouse. In doing so, Defendants undermined public trust and transparency while violating the law.

3. Owing to Defendants’ multiple violations of the North Carolina Open Meetings Law, neither Plaintiffs nor the public knew or could have known about this secretly agreed upon transaction until November 21, 2024, when its first public notice was given. During a subsequent joint meeting held by the Edenton Town Council and Chowan County Board of Commissioners on November 25, 2024, during which no public comment was permitted, Defendants publicly endorsed the transaction that had been previously—and secretly—approved.

4. On January 3, 2025, Plaintiffs filed their original Complaint, alleging that Defendants’ actions violated, among other things, the North Carolina Open Meetings Law, and would violate the North Carolina Constitution’s guarantee of equal protection.

5. On February 24, 2025, Defendants held a joint meeting to discuss what they described as a “new” agreement to relocate the Confederate monument to the grounds of the Chowan County Courthouse. In sum and substance, the agreement was the same as before.

6. Because Defendant Town of Edenton and members of its Town Council had previously deliberated and decided how they planned to vote, all in violation of the North Carolina Open Meetings Law, they unsurprisingly again voted to endorse what they had previously decided to do in secret: relocate the monument to the Chowan County Courthouse.

(By contrast, Defendant Chowan County and members of its Board of Commissioners delayed taking a vote until the following week, when it endorsed the agreement by a 5-2 vote.)

7. The February 24, 2025, public ratification of the earlier, unlawful deliberation and decision by Defendant Town of Edenton and members of its Town Council failed to “cleanse” or “cure” its violation. Consequently, Defendant Town of Edenton’s decision to convey the Confederate monument to Chowan County and have it moved to the Chowan County Courthouse grounds should be deemed null and void.

8. Further, Defendants’ plan to move the Confederate monument onto the existing Chowan County Courthouse grounds violates the North Carolina Constitution’s guarantee of equal protection.

THE PARTIES

9. Plaintiff Rev. Dr. John R. Shannon lives in Elizabeth City, Paquotank County, North Carolina. Rev. Shannon has been pastoring Providence Missionary Baptist Church in Edenton for over 19 years. Rev. Shannon is an appointed member of the Edenton Human Relations Commission. Rev. Shannon is Black.

10. Plaintiff Sherronne Battle lives in Edenton, Chowan County, North Carolina. Ms. Battle has been a participating member of the Move the Monument Coalition Edenton-Chowan since its inception. She is a member of the Edenton-Chowan School Board, the Edenton-Chowan Educational Foundation, the Shepard Pruden Memorial Library, and the Pettigrew Regional Library. Ms. Battle is also a member of the Reconciliation Group of Edenton United Methodist Church. Ms. Battle is Black.

11. Plaintiff Stella Brothers lives in Edenton, Chowan County, North Carolina. Born and raised in Edenton, Ms. Brothers graduated from John A. Holmes High School and Elizabeth City State University. During her career, Ms. Brothers worked for Edenton-Chowan Job Link, the North Carolina Dept. of Crime Control & Public Safety, the North Carolina Dept. of Corrections, the Town of Edenton (as Community Development Director), the Edenton Housing Authority (as Director), and the Edenton-Chowan Public Schools. She also worked for years in the Chowan County Courthouse, where she was the first Black Deputy Clerk in Chowan County. Now retired, Ms. Brothers has an extensive history of civic involvement with organizations including, but not limited to, the Fannie A. Parker Woman’s Club, the Northeastern Association of Negro Women, the National Association of Colored Women, the Town of Edenton-Human Relation Commission, the Edenton-Chowan Chambers of Commerce, the SECU Advisory Board, the ECSU Alumni Association, the NAACP, the Chowan-Perquimans Habitat for

Humanity, and D.F. Walker Elementary School. Ms. Brothers is a member of the Move the Monument Coalition Edenton-Chowan. Ms. Brothers is Black.

12. Plaintiff Debra Miller lives in Edenton, Chowan County, North Carolina. Ms. Miller has lived in Edenton since 1966. After a career working in manufacturing, Ms. Miller is now retired. She is a member of the Move the Monument Coalition Edenton-Chowan. Ms. Miller is white.

13. Plaintiff Rod Phillips lives in Edenton, Chowan County, North Carolina. Born and raised in Johnston County, Mr. Phillips moved to Edenton in 2017. He has been an active member of the Move the Monument Coalition Edenton-Chowan since 2021. Mr. Phillips regularly attends Edenton Town Council meetings and participates in peaceful protests in support of moving Edenton's Confederate monument. Mr. Phillips is white.

14. Defendant Town of Edenton ("the Town" or "Edenton") is a North Carolina municipal corporation organized pursuant to N.C.G.S. Chpt. 160A and governed by the Edenton Town Council (the "Town Council"), an elected body. The Town Council is a "public body" as defined by N.C.G.S. § 143-318.10(b).

15. Defendant W. Hackney High, Jr., is the Mayor of the Town of Edenton and is being sued in his official capacity. Defendants Bob Turner, Samuel Dixon, Aaron Coston, Elton Bond, Craig Miller, and Patrick Sellers are members of the Town of Edenton's Town Council, which is the Town's governing body. These individuals are sued in their official capacities and are, collectively, referred to herein as "Defendant Town Council Members."

16. Defendant Chowan County ("the County" or "Chowan County") is a body politic and a political subdivision of the State of North Carolina, organized and existing under the laws of the State of North Carolina, including, but not limited to, N.C.G.S. Chpt. 153A.

17. Defendants Bob Kirby, Larry McLaughlin, Ellis Lawrence, Ron Cummings, Tony Shaffer, Tray Taylor, and Chris Evans are members of the Chowan County Board of Commissioners (the "Board of Commissioners"), which is the county's governing body. These individuals are sued in their official capacities.

JURISDICTION, STANDING, AND VENUE

18. This court has subject matter jurisdiction in this action pursuant to Chapter 7 of the North Carolina General Statutes, N.C.G.S. §§ 1-253, 7A-240, 132-9, 143-318.16, and 143-318.16A.

19. This court has personal jurisdiction over the parties pursuant to N.C.G.S. § 1-75.4.

20. Plaintiffs have standing to institute and pursue this action pursuant to N.C.G.S. §§ 143-318.16, 143-318.16A, and 1-253. Further, all plaintiffs have standing to bring this action pursuant to *Freeman v. Board of County Commissioners*, 217 N.C. 209, 7 S.E.2d 354 (1940), *Goldston v. North Carolina*, 361 N.C. 26, 637 S.E.2d 876 (2006), and other cases holding that taxpayers have standing to challenge unlawful or unconstitutional governmental actions.

21. Venue for this action is proper in the Superior Court of Chowan County pursuant to N.C.G.S. §§ 1-77 and 1-82.

22. The claims for relief pleaded in this action accrued no earlier than November 21, 2024, when Defendants first publicly disclosed its secret plan, memorialized in a Memorandum of Understanding, entitled “Confederate Monument Memorandum of Understanding (MOU).” The original complaint was filed within the applicable statutes of limitation, including the 45-day limitation prescribed by N.C.G.S. § 143-318.16A(b).

FACTS

23. In 1868, North Carolina enacted a new state constitution. Overriding any state law to the contrary, and repudiating the Confederacy’s contrary belief, the 1868 Constitution declares that “[w]e hold it to be self-evident that all men are created equal” and directs that “[s]lavery and involuntary servitude ... shall be, and are hereby forever prohibited within this State.” 1868 N.C. CONST. Art. 1, §§ 1, 33. It also speaks repeatedly to the necessity of supporting the Union. The opening line expresses that North Carolina is “grateful ... for the preservation of the American Union.” The text goes on to offer absolute and permanent fealty to the re-united Nation, promising “[t]hat this State shall ever remain a member of the American Union; that the people thereof are part of the American nation; that there is no right on the part of this State to secede; and that all attempts from whatever source or upon whatever pretext, to dissolve said Union, or to sever said nation, ought to be resisted with the whole power of the State. That every citizen of this State owes paramount allegiance to the Constitution and Government of the United States, and that no law or ordinance of the State in contravention or subversion thereof, can have any binding force.” 1868 N.C. CONST. Art. 1, §§ 4-5.¹

¹ All of these provisions were carried over into the North Carolina Constitution effective as of 1971 and remain operative today. The 1971 Constitution adds a provision explicitly guaranteeing equal protection as a matter of law and, separately and additionally, forbids racial discrimination: “No person shall be denied the equal protection of the laws; nor shall any be subjected to discrimination by the State because of race, color, religion, or national origin.” It also requires the expenditure of taxpayer funds only be for a “public purpose.” (Article V, Section 2 of the North Carolina State Constitution reads, “The power of taxation shall be exercised in a just and equitable manner, for public purposes only.”)

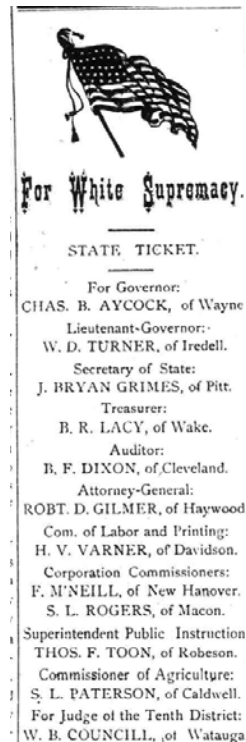
24. In 1900, the Democratic Party in North Carolina launched a campaign to establish “White Supremacy Clubs” across the state. As reported in the *The Eastern Courier* on March 15, 1900, the White Supremacy Clubs were intended to bring together white people of North Carolina in support of a proposed amendment to the North Carolina Constitution that would effectively take the right to vote away from the state’s Black citizens.

25. On May 10, 1900, *The Eastern Courier* reported on the Democratic State Convention in Raleigh, writing, “WHITE SUPREMACY IS THE SLOGAN.”

26. Later that same month, a group of citizens met at the Chowan County Courthouse, located at the corner of East King and Court Streets in Edenton. The group met at the courthouse to organize Edenton’s White Supremacy Club. Heywood C. Privott, director of the Edenton Cotton Mill, the town’s largest employer, was elected the Edenton White Supremacy Club’s president. C.H. Horton, editor and publisher of *The Eastern Courier*, was elected vice-president. One of the town’s former mayors, William Dossey Pruden, was made secretary.

27. As *The Eastern Courier* reported, Edenton’s White Supremacy Club was open to “[e]very white man and every white woman who believes in the supremacy of the white race.”

28. On June 7, 1900, *The Eastern Courier* reported on the Democratic party’s “state ticket” for the upcoming general election. Adorned with the slogan, “For White Supremacy,” the statewide ticket included Charles B. Aycock for Governor, W.D. Turner for Lieutenant-Governor, and J. Bryan Grimes for Secretary of State.



29. The general election campaign of 1900 featured a pro-Democratic paramilitary force known as Red Shirts. The Democratic party openly stoked racial animosity and threatened violence and promised a willingness to rule by force to ensure Black disenfranchisement.

30. The 1900 North Carolina gubernatorial election was held on August 2, 1900. Charles Aycock was elected governor. J. Bryan Grimes was elected Secretary of State.

31. In 1900, Chowan County's population was approximately 10,258 people, of which 56 percent were Black. The last reported public event for Edenton's White Supremacy Club before the general election in 1900 said that approximately 1,500 white citizens were in attendance—or approximately one-third of Edenton's white population.

32. In 1901, fundraising began for a Confederate monument to be erected in Edenton.

33. According to the American Historical Association's Statement on Confederate Monuments issued in August 2017: "The bulk of the [Confederate] monument building took place not in the immediate aftermath of the Civil War but from the close of the 19th century into the second decade of the 20th ... [These] [m]emorials to the Confederacy were intended, in part, to obscure the terrorism required to overthrow Reconstruction, and to intimidate African Americans politically and isolate them from the mainstream of public life."

34. By 1904, enough funds had been secured to erect the cornerstone and shaft for Edenton's Confederate monument on the square in front of the Chowan County Courthouse. Upon information and belief, reproduced below is a true and accurate photograph of the cornerstone and shaft in 1904.



35. The cornerstone and base for Edenton's Confederate monument were laid on June 3, 1904. According to reporting by *The Chowan Herald*, the principal address was made by Judge Francis D. Winston from Bertie County.

36. Judge Winston was a prominent eastern North Carolina lawyer and former state legislator. Originally a Republican, Winston became a leading Democrat after objecting to the inclusion of Blacks in the political alliance between Republicans and Populist. After switching his party affiliation to Democrat, Winston helped lead the Democrats' white supremacy campaigns in 1898 and 1900. In fact, the constitutional amendment to effectively take the right to vote away from the state's Black citizens, referenced above, was introduced by Winston. Winston has been described by historians as a "white supremacy" orator, campaigner, and advocate. HELEN G. EDMONDS, *THE NEGRO AND FUSION POLITICS IN NORTH CAROLINA: 1894-1901* 179 (1951).

37. Edenton's Confederate monument was unveiled on May 10, 1909. J. Bryan Grimes, the North Carolina Secretary of State who ran on the explicit "White Supremacy" ticket in 1900, offered remarks as the town's invited guest. Upon information and belief, reproduced below is a true and accurate image of the Confederate monument as it stood in front of the Chowan County Courthouse in 1909.



38. Edenton's Confederate monument has a granite shaft measuring 19 feet tall, with a bas-relief image of the Confederate flag unfurled on its pole. The bronze figure depicting a Confederate soldier is seven feet high and originally faced toward the courthouse. One inscription on the statue reads: "OUR CONFEDERATE DEAD / 1861-1865," while another reads: "GASHED WITH HONORABLE SCARS, LOW IN GLORYS LAP THEY LIE,

THOUGH THEY FELL, THEY FELL LIKE STARS, STREAMING SPLENDOUR THROUGH THE SKY.”

39. The Confederate monument sat facing the Chowan County Courthouse Green until 1961. Upon information and belief, reproduced below is a true and accurate photograph of the Confederate monument as it stood in front of the Chowan County Courthouse in or near 1961.



40. On March 6 and May 16, 1961, the Board of Commissioners of Chowan County authorized and adopted plans to move the monument from the Chowan County Courthouse Green to the south end of Edenton’s Broad Street.

41. On June 1, 1961, the monument was moved from the Chowan County Courthouse Green to the middle of the fifth block of Edenton’s South Broad Street. Upon information and belief, reproduced below is a true and accurate photograph of the Confederate monument relocated to South Broad Street in or near 1961.



42. The monument’s location on South Broad Street in Edenton, just off of Water Street, is where Edenton’s market for buying, selling, and leasing enslaved Black people was previously located.

43. On June 9, 2020, the Town of Edenton, through its then-mayor and then-constituted Town Council, adopted a “Statement of Solidarity” calling for the end to “systematic racism and the resulting violence against Black citizens,” and for increased local efforts to make Edenton “a more equitable and just community.” Included in the statement was the establishment of a Human Relations Commission to address issues of justice and equality, including concerns related to the Confederate monument. (A copy of this statement by the Town of Edenton is attached hereto as Exhibit 1.)

44. On December 8, 2020, the Edenton Human Relations Commission was formalized to, among other things, “[p]rovid[e] a forum in which residents can raise issues related to racial equity concerns in a safe, respectful environment.” (A true and accurate copy of the Edenton Human Relations Commission’s statement and objectives is attached hereto as Exhibit 2.)

45. On January 20, 2021, Edenton’s Human Relations Commission (“HRC”) conducted its first meeting with 12 appointed members and two alternates. The HRC was tasked with addressing “issues of justice and equality, including concerns related to the Confederate Monument.” (A true and accurate copy of the meeting minutes is attached hereto as Exhibit 3.)

46. On June 19, 2021—Juneteenth, which commemorates the final enforcement of the Emancipation Proclamation in 1865, nearly two-and-a-half years after it had been issued by President Lincoln—Andrean Clarke Heath sat in front of the Confederate monument in Edenton in silent protest of the monument and the fact that it honors Confederate soldiers who waged war against the United States to maintain the enslavement of Black people.

47. On August 16, 2021, the Edenton HRC issued its Recommendation to the Mayor and Council Members. Concerning the location of the Confederate statue, the recommendation was “to move the monument to Sixth Street, on green space that is part of the Town’s property, which includes the Water Treatment Plant and Beaver Hill Cemetery.” (A true and accurate copy of the Edenton HRC’s recommendation is attached hereto as Exhibit 4.)

48. On October 25, 2021, then-Council member, current-Mayor W. Hackney High, Jr., emailed members of the Town Council with information about a development in the legal case involving the proposed move of a Confederate monument in Pasquotank County. Mr. High wrote, in part:

I have spoken with Mayor Stallings and [Town Manager] Corey Gooden and they agreed that we need to hear from our attorney about what this order means for us as we [*i.e.*, the Town Council] move forward on this issue. Corey Gooden and I have both spoken with our attorney and the first meeting he would be able to discuss the ramifications of Judge Tillett's order would be at our regular November session.

I have discussed the agenda item with the Mayor and Corey and we believe it is best to advise full council and the public of this legal development and to let everyone know we will be meeting with our attorney at our November meeting before we would take any action. In the meantime, we can all work towards building some consensus on what our decision will be.

It is extremely important to note that this email is being sent for informational purposes only and is not intended to be an invitation for us to discuss the monument issue via email. It would not be appropriate for us to discuss the issue via an email chain of which we are all a part of as that may be considered a violation of the open meetings law.

(emphasis in original) (A true and accurate copy of this communication is attached hereto as Exhibit 5.)

49. On December 25, 2021, a coalition of people calling themselves members of the "Move the Monument Coalition Edenton-Chowan" ("the Coalition") stood vigil at the Confederate monument to protest it. Since that date, the Coalition has peacefully and steadfastly voiced its desire for the Confederate monument to be removed from Edenton's historic waterfront.

50. On February 8, 2022, the Town Council held an open meeting during which there was public comment about the Confederate monument. During the open meeting, the Town Council received comment from multiple people who offered opinions about the Confederate monument, including, but not limited to, where it should be located. (A true and accurate copy of the meeting minutes is attached hereto as Exhibit 6.)

51. On May 10, 2022, the Town Council received public comment, including opposition, about whether to transfer ownership of the Confederate monument to Chowan County as the first step in relocating it to Veterans Memorial Park at East Queen Street and Court Street in Edenton. (A true and accurate copy of the meeting minutes is attached hereto as Exhibit 7.)

52. Upon information and belief, during August 2022, members and/or agents of the Town Council and the County Commission considered, generated, and exchanged drafts of a deed to facilitate the potential transfer of the Confederate monument from the Town of Edenton to the County of Chowan.

53. Upon information and belief, in or around November 2022, the Town Council acknowledged that Chowan County was not interested in accepting the monument.

54. On December 2, 2022, three plaintiffs, self-identified as the United Daughters of the Confederacy, North Carolina Division, Inc., North Carolina Division of The Sons of Confederate Veterans, Inc., and The Colonel William F. Martin Camp 1521 of The Sons of Confederate Veterans (the “Confederate Plaintiffs”), filed a civil action in Chowan County Superior Court against the Town of Edenton to stop the relocation of the Confederate statue.

55. The Complaint filed by the United Daughters of the Confederacy, North Carolina Division, Inc., North Carolina Division of The Sons of Confederate Veterans, Inc., and The Colonel William F. Martin Camp 1521 of The Sons of Confederate Veterans, asserted that the Town of Edenton’s plans to relocate the Confederate monument (i) violated their substantive and procedural rights under the First and Fourteenth Amendments to the U.S. Constitution, as well as Article I, Sections 2, 12, 14, 18, and 19 of the North Carolina Constitution; (ii) violated N.C.G.S. § 100-2.1; and (iii) violated N.C.G.S. § 160A-4. The lawsuit also asked the court to “quiet title” with respect to the ownership of the Confederate statue. The lawsuit is known as *United Daughters of the Confederacy, et al. v. Town of Edenton*, 22 CVS 198, and is referred to herein as the “Confederate Plaintiffs Lawsuit.”

56. Upon information and belief, in or around December 2022, the Town Council formed a subcommittee to study a new site for the monument.

57. On February 6, 2023, the Town of Edenton filed its Answer to the Confederate Plaintiffs Lawsuit. The Town included a motion to dismiss the lawsuit, arguing that, among other things, the Confederate Plaintiffs had no standing to bring its complaint.

58. On March 3, 2023, the Confederate Plaintiffs filed an *Emergency Request for Temporary Restraining Order*, asserting that “it is inappropriate for the Town Council to seek relocation while litigation is ongoing.” The Confederate Plaintiffs further asserted that “it is appropriate to expedite this matter for the purpose of temporarily restraining Defendant Town from taking any further action pending further proceedings which would include the presentation of evidence and full arguments of counsel.”

59. On March 14, 2023, the Town Council unanimously voted to relocate the Confederate monument to Hollowell Park in Edenton. The Town Council also voted to appropriate funding for the relocation. (A true and accurate copy of the meeting minutes is attached hereto as Exhibit 8.)

60. On March 17, 2023, following a teleconference between the attorney for the Town of Edenton and the attorney for the Confederate Plaintiffs, the Hon. Judge Jerry Tillett indefinitely enjoined the Town of Edenton from following through on its decision to relocate the Confederate monument to Hollowell Park.

61. In his written Restraining Order, which was filed with the Court on March 30, 2023, Judge Tillett determined that the order was “necessary to maintain the status quo and protect the [Confederate Plaintiffs] until their standing and rights have been determined” through a hearing on the merits and until such time as further guidance could be provided from the North Carolina Supreme Court, which at the time was considering “a similar monument/memorial case” known as *The Society for the Preservation of the Twenty-Sixth North Carolina Troops, Inc. v. City of Asheville, et al*, Case No 123PA22 (*i.e.*, the “Vance Monument Case”).”

62. Upon information and belief, after the issuance of the Restraining Order, the Confederate Plaintiffs never moved for a preliminary injunction, and no preliminary injunction has ever been issued in the Lawsuit.

63. On September 8, 2023, two legal organizations, Emancipate NC and Southern Coalition for Social Justice, sent a letter on behalf of the Move the Monument Coalition to the Edenton Town Attorney and the Town Manager. In the letter, the organizations urged the Town of Edenton to seek a hearing in the Confederate Plaintiffs Lawsuit pursuant to Rule 56 of the Civil Rules of Procedure. (A true and accurate copy of this letter is attached hereto as Exhibit 9.)

64. On March 12, 2024, the Edenton Town Council held a regular meeting during which the Town Manager provided an update on the Confederate monument. The report was that “a decision is expected soon in the Vance Monument case in Asheville, from the North Carolina Supreme Court.” (A true and accurate copy of the meeting summary is attached hereto as Exhibit 10.)

65. On March 22, 2024, the Supreme Court of North Carolina issued its written decision in the Vance Monument case. The Supreme Court unanimously held that the plaintiff, the Society for the Historical Preservation of the Twenty-Sixth N.C. Troops, Inc., a pro-confederacy organization similar to the United Daughters of the Confederacy, failed to assert any standing grounds to contest the removal of a Confederate monument in Asheville, NC. The Court held that the plaintiffs in that lawsuit failed to “allege the infringement of a legal right” by

“alleging an ownership, contractual, or other cognizable interest” in the Vance Monument. *See Society for the Historical Preservation of the Twenty-Sixth N.C. Troops, Inc. v. City of Asheville*, 385 N.C. 744, 898 S.E.2d 760 (2024).

66. On March 25, 2024, the Edenton Town Council held a regular meeting during which Town Attorney Hood Ellis “brought an update on the Confederate Monument in downtown Edenton. Mr. Ellis stated that Superior Court Judge Jerry Tillett indicated in 2023 that he was awaiting a decision from the Vance Monument case in Asheville. The North Carolina Supreme Court recently reaffirmed in a unanimous vote that the plaintiffs did not have standing to challenge the relocation of the Vance Monument in Asheville. Mr. Ellis is currently seeking a hearing with Judge Tillett to discuss dissolving the temporary restraining order in place [in the Confederate Plaintiffs Lawsuit]. No date has been set for this hearing as of this council meeting.” (A true and accurate copy of the meeting summary is attached hereto as Exhibit 11.)

67. On April 9, 2024, the Edenton Town Council held a regular meeting during which the Town Manager stated that there was “nothing new to report” with regard to the Confederate monument litigation. (A true and accurate copy of the meeting minutes is attached hereto as Exhibit 12.)

68. On June 11, 2024, the Edenton Town Council held a regular meeting during which the Town Manager stated that there was “no update” with regard to the Confederate monument litigation. (A true and accurate copy of the meeting minutes is attached hereto as Exhibit 13.)

69. On or about July 26, 2024, the Town Council received a letter and proposal sent by attorney T.C. Morphis, Jr., stating that his unnamed clients sought to purchase Edenton’s Confederate monument for \$50,000 and move it to a site designated by a committee of Edenton citizens. The letter said the offer was being made on behalf of “clients who wish to remain anonymous but are dedicated to the well-being of the people of Edenton.” Further, the letter cited a similar remedy used in Pitt County regarding its Confederate monument and stated a belief “that the majority of the town will support this proposal, which promises to end the waste of resources and time without progress.” (A true and accurate copy of the letter and proposal is attached hereto as Exhibit 14.)

70. On August 13, 2024, during an open meeting before the Town Council, Mr. Morphis reiterated his clients’ proposal. (A true and accurate copy of the meeting minutes is attached hereto as Exhibit 15.)

71. The Town Council, through its Town Manager, asserted publicly that it could not engage in any negotiations with Mr. Morphis and his clients because of the pending Confederate

Plaintiffs Lawsuit. As reported in the *Chowan Herald* on September 19, 2024, Town Manager Gooden stated, in sum and substance: “The town cannot consider the proposal because it (the proposal) does not acknowledge the lawsuit and/or the restraining order prohibiting the monument’s relocation. Any consideration of the proposal would have to consider the plaintiffs in the lawsuit and the court’s pending order.” (A true and accurate copy of the *Chowan Herald* article from September 19, 2024 is attached hereto as Exhibit 16.)

72. On August 19, 2024, the Edenton Town Council convened a Special Meeting. According to the minutes of the meeting, the Town Council justified going into “Closed Session” under N.C.G.S. § 143-318-11(a)(3), in order to “consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body.” (A true and accurate copy of the meeting agenda is attached hereto as Exhibit 17.)

73. By letter dated September 17, 2024, Mr. Morphis withdrew his clients’ offer to buy the Confederate monument. The letter stated that since July 26, 2024, Mr. Morphis had “heard nothing further from the Town,” and, “[g]iven the apparent lack of interest from the Town,” Mr. Morphis’ client withdrew the offer. (A true and accurate copy of the letter is attached hereto as Exhibit 18.)

74. On September 23, 2024, the Edenton Town Council went into closed session. According to the minutes, “Council entered into a closed session to consult with the Town Attorney regarding NCGS 100-2.1(b) Protection of Monuments; and NCGS 143.318.11(3) for preservation of attorney-client privilege. (A true and accurate copy of the meeting summary is attached hereto as Exhibit 19.)

75. On October 8, 2024, the Edenton Town Council went into closed session. According to the minutes, “[t]he agenda item for the closed session was to consult with the Town Attorney regarding NCGS 100-2.1(b) Protection of Monuments; and NCGS 143.318.11(3) for preservation of attorney-client privilege.” (A true and accurate copy of the meeting minutes is attached hereto as Exhibit 20.)

76. On October 28, 2024, the Edenton Town Council went into closed session. According to the minutes, “[t]he Town Council had discussions with the Town Attorney regarding the Confederate Monument lawsuit.” (A true and accurate copy of the meeting minutes is attached hereto as Exhibit 21.)

77. On November 12, 2024, the Edenton Town Council went into closed session. According to the meeting minutes, the Town Council “consult[ed] with the Town Attorney regarding NCGS 100-2.1(b) Protection of Monuments; and NCGS 143.318.11(3) for

preservation of attorney-client privilege.” (A true and accurate copy of the meeting agenda is attached hereto as Exhibit 22.)

78. According to the Master Calendar of Superior Courts issued by the NC Administrative Office of the Courts, there was a Civil Session of the Chowan County Superior Court the week of August 19, 2024. Upon information and belief, the Town of Edenton made no effort to schedule a hearing on the Confederate Plaintiffs Lawsuit Restraining Order during the week of August 19, 2024.

79. Upon information and belief, it is well-established custom and practice in the NC First Judicial District, which includes Camden, Chowan, Currituck, Dare, Gates, Pasquotank, and Perquimans Counties, that hearings pending in any one county in the judicial district may be heard in any other county within the district, provided that all parties consent to the hearing location.

80. Upon information and belief, and according to the Master Calendar of Superior Courts issued by the NC Administrative Office of the Courts, from the week of March 18, 2024 to the week of June 24, 2024, Judge Tillett was assigned to hold court in the First Judicial District.

81. Upon information and belief, the Town of Edenton made no effort to schedule any hearing on the Confederate Plaintiffs Lawsuit Restraining Order in front Judge Tillett while he was presiding over court in the First Judicial District from the week of March 18, 2024 to the week of June 24, 2024.

82. The Master Calendar of Superior Courts further indicates that Judge Tillett was scheduled to hold a Civil Session of Superior Court in Dare County the week of May 27, 2024. Upon information and belief, the Town of Edenton made no effort to schedule a hearing on the Confederate Plaintiffs Lawsuit Restraining Order during this week either.

83. The Master Calendar of Superior Courts indicates that in the time between March 22, 2024 when the NC Supreme Court issued its opinion in the Vance Monument case, and October 28, 2024, there were fourteen (14) Civil Sessions of Superior Court scheduled in the First Judicial District. Upon information and belief, the Town of Edenton made no formal effort whatsoever to schedule any hearing on the Confederate Plaintiffs Lawsuit Restraining Order during any of these Civil Sessions in front of Judge Tillett or any other Superior Court Judge.

84. Upon information and belief, and according to the Master Calendar of Superior Courts issued by the NC Administrative Office of the Courts,, from the week of July 8, 2024 to

the week of October 28, 2024, Judge Tillett was assigned to hold court in the Second Judicial District.

85. On November 18, 2024, an administrative hearing was scheduled in the Confederate Plaintiffs Lawsuit before Judge Tillett in Tyrell County, which is part of the Second Judicial District. Upon information and belief, the hearing was moved to Pasquotank County. The Master Calendar of Superior Courts indicates that the November 18, 2024 Superior Court Session in Tyrell County was a Criminal Session of the Court, and the calendar further indicates that there was no court Superior Court scheduled at all for Pasquotank County the week of November 18, 2024.

86. Upon information and belief, as of the date of this filing, no written order has yet been issued as a result of the November 18, 2024 hearing.

87. On November 21, 2024, the Chowan County Board of Commissioners and the Edenton Town Council gave public notice that both bodies would host a joint special meeting on November 25, 2024. The published agenda included: “Confederate Monument Memorandum of Understanding (MOU).”

88. The unsigned Memorandum of Understanding (“MOU”) published by the Board of Commissioners and Town Council on November 21, 2024, indicated that an understanding had been reached between Town of Edenton and the Confederate Plaintiffs to, among other things, resolve the pending Confederate Plaintiffs Lawsuit against the Town of Edenton; convey or sell the Confederate monument to Chowan County; and relocate the Confederate monument to the grounds of the existing Chowan County Courthouse. (A true and accurate copy of the unsigned MOU is attached hereto as Exhibit 23.)

89. Upon information and belief, at no point prior to November 21, 2024, had the above-referenced terms and conditions of the MOU been shared with the public.

90. The current Chowan County Courthouse, located at 101 S. Broad Street in Edenton, adjudicates criminal, civil, juvenile, family, traffic, and other legal matters. The judges who preside at the Chowan County Courthouse each take an oath to support and maintain the state and federal constitutions, uphold the law, and bear true allegiance to the State of North Carolina.

91. Upon information and belief, on Saturday, November 23, 2024, at least four members of the Town Council had a non-public meeting to discuss the propriety, merits, and logistics involved with agreeing to convey or sell the Confederate monument to Chowan County.

92. Under N.C.G.S. § 143-318.10(d), an “official meeting” of a public body happens when there is a meeting of a majority of the body. This is not the same as there being a quorum pursuant to N.C.G.S. § 160A-74.

93. On November 25, 2024, in the span of less than 10 minutes, the Edenton Town Council voted unanimously to pass ownership of the Confederate monument to Chowan County and move it to the grounds of the Chowan County Courthouse; and the Chowan Board of Commissioners voted unanimously to adopt the MOU and accept ownership of the Confederate monument from the Town of Edenton.

94. The joint session on November 25, 2024, was the first time that the terms of the MOU were discussed publicly.

95. No public comments were permitted during the joint session on November 25, 2024.

96. Upon information and belief, on multiple occasions prior to November 21, 2024, when the MOU was first made public, at least a majority of the Edenton Town Council engaged in secret, non-public meetings about the propriety, merits, and logistics involved with selling and/or conveying of the Confederate statue to Chowan County in order to facilitate its relocation to the grounds of the Chowan County Courthouse. Upon information and belief, those meetings occurred on some or all, although not necessarily limited to, the following dates: August 19, 2024; September 23, 2024; October 8, 2024; October 28, 2024; November 12, 2024; and November 23, 2024.

97. Upon information and belief, on multiple occasions prior to November 21, 2024, when the MOU was first made public, the Board of Commissioners engaged in secret, non-public meetings about the propriety, merits, and logistics involved with agreeing to transact with the Town of Edenton in order to facilitate the relocation of the Confederate monument to the grounds of the Chowan County Courthouse. Upon information and belief, those meetings occurred on some or all, although not necessarily limited to, the following dates:

- a. November 4, 2024, when the Chowan County Board of Commissioners held a special meeting to discuss attorney-client matters pursuant to N.C.G.S. § 143-318-11(a)(3); and
- b. November 18, 2024, when the Chowan County Board of Commissioners held a special meeting to discuss attorney-client matters pursuant to N.C.G.S. § 143-318-11(a)(3).

(A true and accurate copy of the Chowan County Board of Commissioners' meeting agenda packets from the above-referenced dates is attached hereto as Exhibit 24 and Exhibit 25.)

98. On January 3, 2025, Plaintiffs filed their original lawsuit against Defendants, alleging unlawful conduct in their conceiving, negotiating, and agreeing upon their deal to relocate the Confederate monument to the grounds Chowan County Courthouse.

99. On January 27, 2025, the Edenton Town Council went into closed session to confer with the Town Attorney about Plaintiffs' lawsuit, as well as the Confederate monument litigation. (A true and accurate copy of the meeting agenda is attached hereto as Exhibit 26.)

100. On February 10, 2025, counsel for the Town of Edenton filed a Notice of Hearing in the Confederate Plaintiffs' lawsuit. That hearing, scheduled for April 21, 2025, would be about the Town of Edenton's motion to dismiss the Confederate Plaintiffs' lawsuit for lack of standing, among other defenses. (A true and accurate copy of the Notice of Hearing is attached hereto as Exhibit 27.)

101. On February 17, 2025, Defendants announced the scheduling of a joint meeting to be held on February 24, 2025. Included in the agenda packet was a slightly edited Memorandum of Understanding ("New MOU") that, in sum and substance, tracked the previously approved MOU referenced above. The New MOU, like the original MOU, had been conceived and drafted in private. (A true and accurate copy of the meeting agenda and New MOU is attached hereto as Exhibit 28.)

102. After the February 24, 2025, meeting was called to order, Defendants noted that they could not move forward with the original MOU because a condition precedent—agreement by all Confederate Plaintiffs to move the monument to the grounds of the county courthouse—could not be met.²

103. After voting to terminate the original MOU, Defendants allowed for public comments from attendees.

104. Following the public comments, Defendant Mayor High noted that the New MOU was modified to change the underlying triggering event (namely, consent by the Confederate Plaintiffs).

² Defendant Town of Edenton has the video from the February 24, 2025, joint meeting available on its website. See Joint Meeting of Town Council & Chowan County Commissioners February 24, 2025, available at <https://www.youtube.com/watch?v=RVC6dOVvP5o> (last checked March 31, 2025).

105. No further discussion or debate occurred among Defendant Town of Edenton or Defendant Town Council Members before Defendant Mayor High entertained a motion to adopt the New MOU by Defendant Bond. That motion was seconded by Defendant Miller. The motion carried unanimously without any further comments or questions by members of the Edenton Town Council.

106. Members of the Chowan County Board of Commissioners then engaged in a discussion about whether to adopt the New MOU.

107. Defendant Chairman Kirby stated, in pertinent part, “I think in the public forum that we’re in now, we really need to consider, however, in this public forum, so that it ... so that we are able to indicate, and I think it’s true that we want to indicate to the public, that we’ve heard their comments and are considering their comments.”³

108. Chowan County, through its Board of Commissioners, decided that it needed additional time to go through the New MOU. Accordingly, the Board of Commissioners agreed to table further consideration to allow commissioners to review the New MOU at a subsequent Board of County Commissioners meeting.

109. After Chowan County Board of Commissioners voted to take additional time to consider the New MOU, Defendant Coston, a member of the Edenton Town Council, stated, in pertinent part:

I’m going to be honest: I’m not mad at the decision [by the Chowan County Board of Commissioners] at all. I wasn’t privy to this until, I don’t know, whenever it was first presented not too long ago, so I didn’t have enough time to kind of digest it myself, until here recently, so I would love for us to have open dialogue with each other about any concerns that you guys may have; that way we can move forward from there.⁴

110. Following Defendant Coston’s comments, Defendant Mayor High stated, in pertinent part:

And I agree with that. And what I recommend is that, um, once you guys [Chowan County Commissioners] meet and communicate back to us what your position is; we’ll discuss that, we need the opportunity to discuss that as a separate body, ourselves, then with hopefully the goal of coming back and having a joint meeting so that we can look each other in the eye and talk about it.⁵

³ *Id.* at 1:27:52-1:28:16.

⁴ *Id.* at 1:36:32-1:36:50 (emphasis added).

⁵ *Id.* at 1:36:51-1:37:14.

111. Defendant Chairman Kirby can be heard voicing his agreement with Defendant Mayor High's comments.

112. Despite Defendant Coston's own admission, neither he nor any other Town of Edenton Defendant revisited their earlier decision to move ahead with the transfer of the Confederate monument.

113. Despite Defendant Mayor High's statement that the Edenton Town Council would receive the position of the Chowan County Board of Commissioners in order to consider that and then have a joint meeting to "talk about it," that never happened.

114. The North Carolina Open Meetings Law articulates the strong public policy that the public's business be conducted in public view:

Whereas the public bodies that administer the legislative, policymaking, quasi-judicial, administrative, and advisory functions of North Carolina and its political subdivisions exist solely to conduct the people's business, it is the public policy of North Carolina that the hearings, deliberations, and actions of these bodies be conducted openly.

N.C.G.S. § 143-318.9.

115. As the North Carolina Court of Appeals has explained, "the legislature's purpose for N.C. Gen. Stat. § 143-318.10 ["All official meetings of public bodies open to the public"] is to ensure that public bodies receive public input regarding the substance of the public body's actions, that the public has the opportunity to have knowledge and understanding of the public body's deliberations and actions, and that public bodies to act in good faith in making provision for the public's knowledge and participation in its meetings." *Garlock v. Wake County Bd. of Educ.*, 211 N.C. App. 200, 222, 712 S.E.2d 158, 174 (2011)

116. The Open Meetings Law defines official meetings broadly:

"Official meeting" means a meeting, assembly, or gathering together at any time or place or the simultaneous communication by conference telephone or other electronic means of a majority of the members of a public body for the purpose of conducting hearings, participating in deliberations, or voting upon or otherwise transacting the public business within the jurisdiction, real or apparent, of the public body. However, a social meeting or other informal assembly or gathering together of the members of a public body does not constitute an official meeting unless called or held to evade the spirit and purposes of this Article.

N.C.G.S. § 143-318.10(d).

117. The Open Meetings Law prescribes the notice public bodies must give of official meetings:

a. Regular meetings – If a public body has established a schedule of regular meetings, the body may post the schedule and need not provide additional notice for regular meetings. N.C.G.S. § 143-318.12(a).

b. Emergency meetings – If a body must meet due to an emergency, the body must provide notice to media organizations that have requested to be notified of emergency meetings. This notice must be made immediately after the public body is notified of the need for a meeting. N.C.G.S. § 143-318.12(b)(3).

c. Special meetings – If a body meets for a non-regular, nonemergency meeting, the body must provide 48 hours notice to media organizations that have requested to be notified of special meetings. The public body also shall cause written notice of the meeting stating its purpose (i) to be posted on the principal bulletin board of the public body or, if the public body has no such bulletin board, at the door of its usual meeting room. N.C.G.S. § 143-318.12(b)(2).

118. In addition to providing notice, the Open Meetings Law requires public bodies to allow the public to attend:

Except as provided in G.S. 143-318.11, 143-318.14A, and 143-318.18, each official meeting of a public body shall be open to the public, and any person is entitled to attend such a meeting. Remote meetings conducted in accordance with G.S. 166A-19.24 shall comply with this subsection even if all members of the public body are participating remotely.

N.C.G.S. § 143-318.10(a).

119. The Open Meetings Law allows an exception so that “[a] public body may hold a closed session and exclude the public” in order to do the following:

To consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body, which privilege is hereby acknowledged. General policy matters may not be discussed in a closed session and nothing herein shall be construed to permit a public body to close a meeting that otherwise would be open merely because an attorney employed or retained by the public body is a participant. The public body may consider and give instructions to an attorney

concerning the handling or settlement of a claim, judicial action, mediation, arbitration, or administrative procedure. If the public body has approved or considered a settlement, other than a malpractice settlement by or on behalf of a hospital, in closed session, the terms of that settlement shall be reported to the public body and entered into its minutes as soon as possible within a reasonable time after the settlement is concluded.

N.C.G.S. § 143-318.11(a)(3).

120. If a public body meets in closed session under the above-referenced provision in order to receive advice about an existing lawsuit, the motion to go into closed session must identify the parties to the lawsuit. Because the basis for this exception to the open meetings law is to preserve the attorney–client privilege, the meeting cannot legally include any person who is not within that privilege.

121. North Carolina law holds that “as soon as discussions move beyond legal technicalities and into the propriety and merits of proposed enactments, the legal justification for closing the session ends.” *Multimedia Publ’g of N.C., Inc. v. Henderson County*, 136 N.C. App. 567, 371, 525 S.E.2d 786, 792 (2000).

122. Further, although N.C.G.S. § 143-318.11(a)(5) allows a public body to meet in closed session to discuss the “acquisition of real property,” the law does not allow the discussion of the sale, donation, or any other type of conveyance of real property, fixtures, or other personal property in closed session.

123. Upon information and belief, on multiple occasions and under the false pretense of an attorney-client communication about the pending lawsuit filed by the Confederate Plaintiffs against the Town of Edenton, all Defendants, individually and in concert, secretly conceived, negotiated, and approved a transaction by and between one another concerning the relocation of the Confederate monument.

124. Upon information and belief, after the North Carolina Supreme Court ruled in the *Vance* Monument case, the Town intentionally declined to seek to have the Confederate Plaintiffs Lawsuit Restraining Order dissolved and the Confederate Plaintiffs Lawsuit finally resolved, while it secretly negotiated the conveyance of the Confederate monument to Chowan County.

125. Upon information and belief, had the Town of Edenton promptly sought to have the Confederate Plaintiffs Lawsuit dismissed after the North Carolina Supreme Court ruled in the *Vance* Monument case, the Town of Edenton would have faced renewed pressure to carry through with its original plan to relocate the Confederate monument to Hollowell Park.

126. Upon information and belief, with the Confederate Plaintiffs Lawsuit pending, the Town of Edenton was able to argue publicly that it could neither not lawfully relocate the Confederate monument nor even lawfully discuss the \$50,000 offer to purchase the monument made by Mr. Morphis' clients.

CLAIMS FOR RELIEF

CLAIM I

Violation of North Carolina Open Meetings Law

(Defendants Town of Edenton, High, Turner, Dixon, Coston, Bond, Miller, Sellers)

127. Plaintiffs reallege and incorporate by reference all preceding paragraphs of this Amended Complaint.

128. “[I]t is the public policy of North Carolina that the hearings, deliberations, and actions” of public bodies be conducted openly. N.C.G.S. § 143-318.9. As the North Carolina Department of Justice states, “Government employees and elected officials have a responsibility to obey and respect the law, act ethically and conduct their work in an open manner,” and “[p]ublic bodies must conduct business in public.”⁶

129. Defendant Town of Edenton and Defendant Town Council Members’ actions, as described herein, violate the North Carolina Open Meetings Law. As alleged herein, they unlawfully conceived, deliberated, and decided to convey the Confederate monument to Chowan County prior to the creation of the original MOU.

130. The actions taken by Defendant Town of Edenton and Defendant Town Council Members after Plaintiffs filed their original complaint on January 3, 2025, failed to remedy their Open Meetings Law violations. Those actions did not reasonably provide the public, including Plaintiffs, with the “knowledge and understanding of the public body’s deliberations and actions” regarding their decisions, as required in *Garlock*, 211 N.C. App. at 222, 712 S.E.2d at 174. Among other things, Defendant Town of Edenton and Defendant Town Council Members failed to provide “knowledge and understanding” about:

- Their rationale for abandoning the Edenton Town Council's unanimous March 14, 2023, decision to relocate the Confederate monument to Hollowell Park;
- Why, if they contend the Confederate Plaintiffs lack standing to bring their civil lawsuit, the Town of Edenton engaged Chowan County as a third party to relocate the monument

⁶ North Carolina Department of Justice, Open Government, at <https://ncdoj.gov/public-protection/open-government/> (last visited Apr. 3, 2025).

to the County Courthouse grounds—ostensibly to resolve the very lawsuit they argue should be dismissed; and

- Why, after failing to secure agreement from all Confederate Plaintiffs to the original MOU (described during the February 24, 2025, meeting as a "condition precedent"), the Town persisted with its plan for County Courthouse relocation rather than reverting to its unanimous March 14, 2023, decision for Hollowell Park placement.

131. The minutes of the closed sessions kept by Defendant Town of Edenton and Defendant Town Council Members were insufficient to give someone not in attendance “a reasonable understanding of what transpired,” as required by law. As a result, these defendants failed to meet their respective obligations to create a “general account.” *Multimedia Publ’g of N.C., Inc. v. Henderson County*, 145 N.C. App. 365, 372-73, 550 S.E.2d 846, 851 (2001).

132. To the extent that Defendant Town of Edenton and Defendant Town Council Members met in closed session to discuss procedure or process, those reasons do not fall under any of the exceptions to the law. *See Knight v. Higgs*, 189 N.C. 696 659 S.E.2d 742 (2008).

133. Further and to the extent that Defendant Town of Edenton and Defendant Town Council Members met in closed session to discuss the conveyance of the Confederate monument pursuant to N.C.G.S. § 143-318.11(a)(5), the Edenton Town Council met in closed session unlawfully.

The public has a vested interest in the discussions surrounding the Confederate monument. Shielding such discussions from public scrutiny undermines public trust and violates the law. Merely convening a public forum to allow for public comment does not, in and of itself, cure an earlier Open Meetings Law violation. It is well established that “a legal nullity may be challenged at any time.”

Boseman v. Jarrell, 364 N.C. 537, 547, 704 S.E.2d 494, 501 (2010) (citations omitted).

134. Pursuant to N.C.G.S. § 143-318.16(a), this Court is authorized to enter a judgment declaring that the actions taken by Defendant Town of Edenton and Defendant Town Council Members were in violation of the Open Meetings Law. Additionally, under the same statute, this Court is empowered to declare any action taken, considered, discussed, or deliberated in violation of the Open Meetings Law to be null and void.

135. The North Carolina Open Meetings Law further authorizes this Court to grant injunctive relief to prevent the recurrence of similar violations, including any future closed session or non-public discussion about the future of the Confederate monument. The Court must

act to ensure that Defendant Town of Edenton and Defendant Town Council Members adhere to the law and maintain transparency.

136. Defendant Town of Edenton and Defendant Town Council Members' violations of the North Carolina Open Meetings Law have significantly impaired the public's knowledge and understanding of matters of significant public interest. The public's right to know about these matters is fundamental to democratic governance and accountability.

137. Irreparable injury to Plaintiffs and the North Carolina public will ensue if Defendant Town of Edenton and Defendant Town Council Members are not enjoined from continuing their unlawful conduct, further impairing the public's right to be informed about the future of the Confederate monument.

138. Pursuant to N.C.G.S. § 143-318.16B, the Court is authorized to award attorney's fees and costs to Plaintiffs upon prevailing in this action. Defendant Town of Edenton and Defendant Town Council Members' blatant disregard for the law warrants such an award to ensure accountability and adherence to transparency statutes.

139. The pattern of behavior demonstrated by Defendant Town of Edenton and Defendant Town Council Members indicates a systemic disregard for the Open Meetings Law on matters of public importance. This Court's intervention is necessary to prevent ongoing and future violations, ensuring that public business is conducted openly and transparently as mandated by law.

CLAIM II

Writ of Mandamus

(Defendants Town of Edenton, High, Turner, Dixon, Coston, Bond, Miller, Sellers)

140. Plaintiffs reallege and incorporate by reference all preceding paragraphs of this Amended Complaint.

141. Plaintiffs seek a writ of mandamus to compel Defendant Town of Edenton and Defendant Town Council Members to comply with the requirements of the Open Meetings Law.

142. Defendant Town of Edenton and Defendant Town Council Members have a clear legal duty to conduct their meetings in compliance with these statutes, and their failure to do so constitutes a violation of this duty.

143. Plaintiffs and the public have no adequate remedy at law to ensure compliance with this law, making mandamus relief necessary and appropriate.

CLAIM III
Unlawful Conveyance of Governmental Property
(Defendants Town of Edenton, High, Turner, Dixon, Coston, Bond, Miller, Sellers)

144. Plaintiffs reallege and incorporate by reference all preceding paragraphs of this Amended Complaint.

145. Both North Carolina municipalities and North Carolina counties are required to dispose of real and personal property in compliance with the North Carolina General Statutes, including, but not limited, to N.C. Gen. Stat. Chpt. 160A, Art. 12, “Sale and Disposition of Property.” Although Article 12 is located in the General Statutes chapter that applies to municipalities, N.C. Gen. Stat. § 153A-176, applies the requirements and limitations of the article to counties.

146. N.C. Gen. Stat. § 160A-274 authorizes one unit of local government to “exchange,” “lease,” or “sell” real property and personal property, “with or without consideration,” to another unit of local government, but the statute does not authorize real or personal property to be conveyed as a gift from unit of local government to another.

147. Section 2 of the New MOU states that, “Upon the date of delivery of the Confederate Monument to its new location on the County’s grounds at the existing Chowan County Courthouse, the Town will deliver a bill of sale or similar document transferring and conveying all right, title and interest the Town may have in the Confederate Monument to the County. By accepting the bill of sale or similar document the County agrees to keep and maintain the Confederate Monument in compliance with all federal and state laws and regulations.”

148. Nothing in the New MOU, however, indicates that the Town will be exchanging, leasing, or selling the Confederate statue to the County, and thus, N.C.G.S. § 160A-274 does not authorize the conveyance of the statue.

149. Upon information and belief, the Town and County did not follow and do not intend to follow any other method authorized by Article 12 to convey title to the Confederate statue to the County.

150. For these reasons, the proposed conveyance of the Confederate statue is unlawful and should be restrained and the New MOU to be void and of no effect.

CLAIM IV
Violation of the Equal Protection Clause of the North Carolina Constitution
(All Defendants)

151. Plaintiffs Shannon, Battle, and Brothers reallege and incorporate by reference all preceding paragraphs of this Amended Complaint.

152. Central to our state constitution are the declarations that “all persons are created equal” and that [n]o person shall be denied the equal protection of the laws.” N.C. CONST. art. 1, §§ 1, 19. Placing the Confederate monument on the grounds of the Chowan County Courthouse violates the North Carolina Constitution’s equal protection clause. See N.C. CONST. art. 1, § 19 (“No person shall be denied the equal protection of the laws; nor shall any person be subjected to discrimination by the State because of race[.]”).

153. The Supreme Court of North Carolina has held that the state constitution is the “fundamental law of this State” and “that individual rights protected under the Declaration of Rights from violation by the State are constitutional rights. Such constitutional rights are a part of the supreme law of the State.” *Craig v. New Hanover County Board of Education*, 363 N.C. 334, 339, 678 S.E.2d 351, 355 (2009).

154. Before entering upon the duties of serving on the Edenton Town Council and the Chowan County Board of Commissioners, each member takes the oath of office prescribed in Article VI, § 7 of the North Carolina Constitution. That sworn or affirmed oath includes a commitment to “support and maintain the Constitution and laws of the United States, and the Constitution and laws of North Carolina not inconsistent therewith.”

155. Plaintiffs have alleged herein that, under the totality of the circumstances, discriminatory intent or purpose is at least one motivating factor underlying the offending conduct. See *Holmes v. Moore*, 270 N.C. App. 7, 19, 840 S.E.2d 244, 256 (2020). It need not be the only motivation. See *Vill. of Arlington Heights v. Metro. Hous. Corp.*, 429 U.S. 252 (1977). The following non-exhaustive list of factors can be evidence of discriminatory intent: (1) “[t]he historical background of the [challenged] decision”; (2) “[t]he specific sequence of events leading up to the challenged decision” and “[d]epartures from normal procedural sequence”; and (3) the disproportionate “impact of the official action—whether it bears more heavily on one race than another.” *Holmes*, 270 N.C. App. at 17, 840 S.E.2d at 255 (quoting *Arlington*, 429 U.S. at 266-67).

156. As the North Carolina Court of Appeals has explained, “Courts traditionally have employed a two-tiered scheme of analysis when evaluating equal protection claims. The upper tier of equal protection analysis requiring strict scrutiny of a governmental classification applies

only when the classification impermissibly interferes with the exercise of a fundamental right or *operates to the peculiar disadvantage of a suspect class.*” *Dobrowolska v. Wall*, 138 N.C. App. 1, 14, 530 S.E.2d 590, 600 (2000) (emphasis added). And, as the Supreme Court has noted, a “traditional indicia of suspectness” is being “subjected to [] a history of purposeful unequal treatment.” *White v. Pate*, 308 N.C. 759, 768, 304 S.E.2d 199, 205 (1983). More recently, the Court explained: “After the Civil War and Reconstruction, [] racism and legal segregation remained rampant in North Carolina and across the South The same racially oppressive beliefs that fueled segregation manifested themselves through public lynchings, the disproportionate application of the death penalty against African-American Defendants, and the exclusion of African-Americans from juries.” *State v. Robinson* 375 N.C. 173, 177-78, 846 S.E.2d 711, 716 (2020). “[R]acially oppressive practices and beliefs[] permeated every level of American society during the Jim Crow era.” *Id.* One such manifestation of these racially oppressive practices was the installation of Confederate monuments, including the one in question in Edenton. Indeed, as described herein, the Confederate monument in question was dedicated in 1909 by North Carolina Secretary of State J. Bryan Grimes, who secured his seat by running on the “White Supremacy” ticket.

157. Defendants seek to install the Confederate monument on the very grounds of the Chowan County Courthouse where justice is supposed to be impartially meted out in adherence to the state constitution. By way of an Administrative Order in 2020, the North Carolina Supreme Court recognized the harms imposed by the placement of imagery associated with white supremacy in and around our courts when it decided to remove a portrait of a former Chief Justice “in light of his pro slavery views and his active participation in the slave industry.” As former North Carolina Supreme Court Chief Justice Beasley stated: “[i]t is important that our courtroom spaces convey the highest ideals of justice and that people who come before our Court feel comfortable knowing that they will be treated fairly.”⁷ Indeed, for justice to be administered fairly, “[a] judge must avoid even the appearance of bias.” *In re Inquiry Concerning Badgett*, 362 N.C. 482, 488, 666 S.E.2d 743, 747 (2008); *see Commonwealth Coatings Corp. v. Cont’l Cas. Co.*, 393 U.S. 145, 150 (1968) (recognizing the “premise that any tribunal permitted by law to try cases and controversies not only must be unbiased but also must avoid even the appearance of bias”).

158. The U.S. Supreme Court has held that “history shows that ‘[g]overnments have long used monuments to speak to the public.’” *Walker v. Tex. Div., Sons of Confederate Veterans, Inc.*, 576 U.S. 200, 209 (2015) (quoting *Pleasant Grove City, Utah v. Sumnum*, 555 U.S. 460, 470 (2009)). Further, the Court “observed that ‘[w]hen a government entity arranges for the

⁷ North Carolina Supreme Court, Press Release (Dec. 22, 2020), available at <https://www.nccourts.gov/news/tag/press-release/supreme-court-to-remove-portrait-of-chief-justice-thomas-ruffin-from-its-courtroom> (last visited Apr. 3, 2025).

construction of a monument, it does so because it wishes to convey some thought or instill some feeling in those who see the structure.” *Id.* at 209-210 (quoting *Summun*, 555 U.S. at 470).

159. Further, placement of the Confederate monument on the grounds of the Chowan County Courthouse conveys the appearance of judicial prejudice because it broadcasts officially sanctioned racial degradation to “knowledgeable observers.” *In re Crutchfield*, 298 N.C. 597, 603, 223 S.E.2d 822, 826 (1975). The Confederate monument’s location and orientation at the Chowan County Courthouse would give it an “official character” to all litigants and observers that necessarily heightens its impact on decisionmaking. *See Parker v. Gladden*, 385 U.S. 363, 365 (1966) (holding that statements by the bailiff to jurors violated the Due Process Clause, noting that “the official character of the bailiff – as an officer of the court as well as the State – beyond question carries great weight”).

160. As the U.S. Court of Appeals for the Fourth Circuit has held:

It is the sincerely held view of many Americans, of all races, that the confederate flag is a symbol of racial separation and oppression. And, unfortunately, as uncomfortable as it is to admit, there are still those today who affirm allegiance to the confederate flag precisely because, for them, that flag is identified with racial separation. Because there are citizens who not only continue to hold separatist views, but who revere the confederate flag precisely for its symbolism of those views, it is not an irrational inference that one who displays the confederate flag *may* harbor racial bias against African-Americans.

United States v. Blanding, 250 F.3d 858, 861 (4th Cir. 2001).

161. In *Blanding*, the Fourth Circuit held that that a prospective juror’s response on a questionnaire that he had three bumper stickers that concerned “southern heritage and/or the Confederate flag” was a justifiable reason for peremptorily striking the juror “because of the significant risk that this juror held interests adverse to [the Black defendant] and may possibly have been biased against African-Americans.” *Id.* at 860 (internal citation omitted).

162. The placement of the Confederate monument on the grounds of the Chowan County Courthouse amounts to an ongoing violation of Plaintiffs’ rights to equal protection under the North Carolina Constitution.

163. Accordingly, Plaintiffs seek an order granting injunctive relief and enjoining Defendants from carrying out their agreement to relocate the monument to the grounds of the Chowan County Courthouse. *See Seaboard Air Line R.R. Co. v. Atlantic Coast Line R.R. Co.*, 237 N.C. 88, 94, 74 S.E.2d 430, 434 (1953) (a court of equity “may, by its mandate, compel the undoing of those acts that have been illegally done, as well as it may, by its prohibitive powers,

restrain the doing of illegal acts A mandatory injunction based on sufficient allegations of wrongful invasion of an apparent right may be issued to restore the original situation.”).

MOTION FOR PRELIMINARY INJUNCTION

164. Pursuant to Rule 65 of the North Carolina Rules of Civil Procedure and N.C.G.S. § 1-485, Plaintiffs move this Court for a Preliminary Injunction to enjoin and preliminarily restrain Defendants from relocating the Confederate monument to the grounds of the Chowan County Courthouse.

165. Plaintiffs reallege and incorporate by reference all preceding paragraphs of this Complaint.

166. As set forth more fully above, Defendants’ planned relocation was secretly conceived, negotiated, and approved by Defendants, individually and in concert, in direct violation of North Carolina’s Open Meetings Law.

167. As a result of the actions of Defendants as herein alleged and those actions which Defendants have threatened to undertake in the very near future, Plaintiffs have been, and will continue to be, seriously and irreparably harmed unless an injunction is issued; issuance is “necessary for the protection of [their] rights during the course of the litigation.” *Setzer v. Annas*, 286 N.C. 534, 537, 212 S.E.2d 154, 156 (1975).

168. Further, Plaintiffs have demonstrated a likelihood of success on the merits of each of their claims for relief.

169. Plaintiffs have no adequate remedy at law and irreparable harm will continue without an order from this Court enjoining Defendants’ unlawful acts.

WHEREFORE, Plaintiffs pray as follows:

1. For an entry of preliminary injunctive relief with respect to all claims.
2. For a judgment declaring that any and all closed sessions, meetings, or discussions conducted by Defendant Town of Edenton and its council members, individually and/or jointly, in violation of the North Carolina Open Meetings Law are null and void, including any actions taken, considered, discussed, or deliberated in such sessions.
3. For a declaratory judgment affirming that Defendant Town of Edenton and its council members' actions in holding closed, non-public meetings to conceive, deliberate, and decide about transacting the Confederate monument violate the North Carolina Open Meetings Law.
4. For a judgment, under the Open Meetings Law ordering Defendant Town of Edenton and its council members to disclose the full, unredacted minutes of any closed, non-public meeting that occurred in violation of the Open Meetings Law.
5. For a declaratory judgment that the Defendant Town of Edenton and its council members also violated the North Carolina Open Meetings law by improperly discussing the conveyance of the Confederate monument in closed session pursuant to N.C.G.S. § 143-318.11(a)(5).
6. For a declaratory judgment that the Defendants violated the requirements N.C.G.S. Chpt. 160A, Art 12, "Sale and Disposition of Property," by unlawfully conveying or proposing to convey the Confederate monument in violation of Article 12.
7. For a writ of mandamus or, in the alternative, temporary, preliminary, and permanent injunctions enjoining Defendant Town of Edenton and its council members from holding closed sessions and excluding the public for any purpose not permitted under N.C.G.S. § 143-318.11.
8. For an order declaring that Defendants violated one or more provisions of the North Carolina Constitution as set forth above.
9. For an award of attorney's fees and costs incurred in securing the requested relief, as authorized by N.C.G.S. §§ 132-9 and 143-318.16B.
10. For an award of reasonable attorney's fees and costs pursuant to N.C.G.S. § 6-21.7

11. For such other and further relief as the Court may deem just and proper.

This 3rd day of April, 2025.



Jacob H. Sussman
N.C. Bar No. 31821

SOUTHERN COALITION FOR SOCIAL JUSTICE
P.O. Box 51280
Durham, NC 27717
Tel: 704-277-3962
jsussman@scsj.org

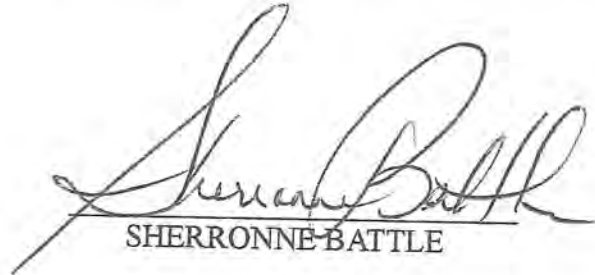
Counsel for Plaintiffs

NORTH CAROLINA
CHOWAN COUNTY

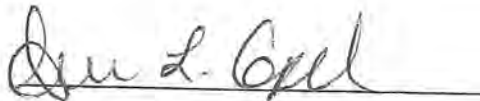
VERIFICATION

I, Sherronne Battle, being first duly sworn, depose and says that I am a plaintiff in the above-captioned matter, that I have read the foregoing Amended Complaint, and know the contents thereof; that the same is true of my own knowledge, except as to those matters and things stated therein upon information and belief, as to those I believe them to be true.

This 15th day of April, 2025


SHERRONNE BATTLE

Sworn to subscribed before me
this 15th day of April, 2025



Notary Public

My commission expires: 1-4-2026



NORTH CAROLINA
CHOWAN COUNTY

VERIFICATION

I, Stella Brothers, being first duly sworn, depose and says that I am a plaintiff in the above-captioned matter, that I have read the foregoing Amended Complaint, and know the contents thereof; that the same is true of my own knowledge, except as to those matters and things stated therein upon information and belief, as to those I believe them to be true.

This 1st day of April, 2025

Stella Brothers
STELLA BROTHERS

Sworn to subscribed before me

this 1st day of April, 2025

Carolyn Jackson

Notary Public

My commission expires: 3-4-2029

NORTH CAROLINA
CHOWAN COUNTY

VERIFICATION

I, Debra Miller, being first duly sworn, depose and says that I am a plaintiff in the above-captioned matter, that I have read the foregoing Amended Complaint, and know the contents thereof; that the same is true of my own knowledge, except as to those matters and things stated therein upon information and belief, as to those I believe them to be true.

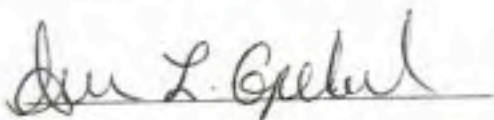
This 1st day of April, 2025



DEBRA MILLER

Sworn to subscribed before me

this 1st day of April, 2025



Notary Public

My commission expires: 1-4-2026



NORTH CAROLINA
CHOWAN COUNTY

VERIFICATION

I, ROD PHILLIPS, being first duly sworn, depose and says that I am a plaintiff in the above-captioned matter, that I have read the foregoing Amended Complaint, and know the contents thereof; that the same is true of my own knowledge, except as to those matters and things stated therein upon information and belief, as to those I believe them to be true.

This 31 day of ~~April~~^{MARCH}, 2025

Rod Phillips
ROD PHILLIPS

Sworn to subscribed before me
this 31 day of ~~April~~^{MARCH}, 2025

Kirstina D. Copeland

Notary Public

My commission expires: 1/29/2026



NORTH CAROLINA
PASQUOTANK COUNTY

VERIFICATION

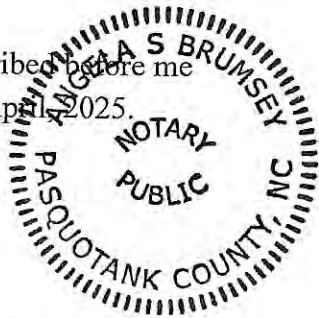
I, Rev. Dr. John Shannon, being first duly sworn, depose and says that I am a plaintiff in above-captioned matter, that I have read the foregoing Amended Complaint, and know the contents thereof; that the same is true of my own knowledge, except as to those matters and things stated therein upon information and belief, as to those I believe them to be true.

This 1st day of April, 2025.



REV. DR. JOHN SHANNON

Sworn to and subscribed before me
This 1st day of April, 2025.





Notary Public

My commission expires: February 5, 2027

Exhibits

1. June 9, 2020 – Edenton Resolution
2. December 8, 2020 – Edenton HRC Formation Resolution
3. January 20, 2021 – HRC Meeting Minutes
4. August 16, 2021 – HRC Resolution
5. October 25, 2021 – Hackney High Email
6. February 8, 2022 – Edenton Town Council Meeting Minutes
7. May 10, 2022 – Edenton Town Council Meeting Minutes
8. March 14, 2023 – Edenton Town Council Meeting Minutes
9. September 8, 2023 – Southern Coalition for Social Justice & Emancipate NC Letter
10. March 12, 2024 – Edenton Town Council Meeting Summary
11. March 25, 2024 – Edenton Town Council Meeting Summary
12. April 9, 2024 – Edenton Town Council Meeting Minutes
13. June 11, 2024 – Edenton Town Council Meeting Minutes
14. July 26, 2024 – Brough Law Firm Letter & Proposal
15. August 13, 2024 – Edenton Town Council Meeting Minutes
16. September 19, 2024 – Chowan Herald article
17. August 19, 2024 – Edenton Town Council Special Meeting Minutes
18. September 17, 2024 – Brough Law Firm Withdrawal Letter
19. September 23, 2024 – Edenton Town Council Meeting Summary
20. October 8, 2024 – Edenton Town Council Closed Session Meeting Minutes
21. October 28, 2024 – Edenton Town Council Closed Session Meeting Minutes
22. November 12, 2024 – Edenton Town Council Meeting Agenda
23. Memorandum of Understanding (“MOU”) (unsigned)
24. November 4, 2024 – Chowan County BOC Agenda Packet
25. November 18, 2024 – Chowan County BOC Agenda Packet
26. January 27, 2025 – Edenton Town Council Closed Session Meeting Minutes
27. February 10, 2025 – Notice of Hearing
28. February 24, 2025 – Meeting Agenda & “New” MOU

EXHIBIT 1



June 9 2020

Dear Citizens of Edenton,

The past week we all have seen much pain, outrage, fear and grief throughout our country in response to the horrific murder of George Floyd. The cruelty and disregard for human life displayed in that video was the result of systematic racism, proof that the biases, whether implicit or explicit, that we carry as individuals and as a society have grave consequences for Black citizens. What happened to George Floyd, Breonna Taylor and Ahmaud Arbery were tragedies whose publicity has called attention to their regular occurrence and we utterly condemn these unspeakable acts of violence.

However, unlike most unforeseeable tragedies that we carry ourselves through by means of our faith and resiliency, these deaths exemplify why we **must** grow and change as a society. What has shocked and disgusted so many White citizens is a reality that our Black colleagues, Black friends, Black friend's children and loved ones face every day.

Systematic racism and the resulting violence against Black citizens must be spoken of, must be acknowledged and must be dismantled. North Carolina Mayors of small towns & large cities, including our Mayor, have signed a letter pledging to make every effort within their power to fight systemic racism within our police forces, cities, in this nation and within ourselves. We, as a governing body, collectively affirm this pledge as well. And collectively, all of us, this Council and every citizen must all work to be a better Edenton, a more equitable and just community. As an initial step, the Mayor and Town Council pledge to establish a Human Relations Commission to assist our community in addressing issues of justice and equality, including concerns expressed to us this week and in the recent past related to the Confederate Monument. We also commit to redouble our support of Police Chief Henry King's efforts to build meaningful relationships between law enforcement and the community.

As Dr. Martin Luther King Jr. so eloquently stated, "the ultimate measure of a man is not where he stands in moments of comfort and convenience, but where he stands at times of challenge and controversy." There are challenges in Edenton that we know will generate controversy. But all of us must be brave enough at this moment in time to recognize the need for change.

Mayor Jimmy E. Stallings

Mayor Pro Tem Elton Bond, Jr.

Councilman Roger Coleman

Councilman Samuel Dixon

Councilman Hackney High, Jr.

Councilman Craig Miller

Councilman Roscoe Poole, Jr.

EXHIBIT 2

THE EDENTON HUMAN RELATIONS COMMISSION
December 8, 2020

Introduction

As a major priority for 2020, the Edenton Town Council approved the creation of a Human Relations Commission to address racial reconciliation by developing greater inclusiveness, equity and harmony within our community.

An initial step by the Town Council in this commitment to racial equality is found in the Edenton 2020 Vision Statement. The desire to speak about and dismantle systemic racism finds fuller expression in the Statement of Solidarity unanimously adapted by the Town Council on June 9, 2020 following the brutal murder of George Floyd.

These two statements are attached to highlight both the commitment and the need for the Edenton Human Relations Commission.

Mission

It is the mission of the Edenton Human Relations Commission to strengthen our community by promoting racial equality through activities and policies that foster mutual respect, inclusiveness and harmony among all of our citizens.

Philosophy

We believe that a strong community is one that values all its citizens without regard to race, religion, gender, age or sexual orientation. We acknowledge that discrimination undermines the growth of Edenton by limiting individual potential and by preventing residents from contributing fully to our community. Discrimination also frustrates, degrades and embitters people creating a lack of trust and a further lack of involvement. In response, the Edenton Human Relations Commission is dedicated to promoting mutual understanding and equitable treatment among all its citizens.

Objectives

The Edenton Human Relations Commission seeks to fulfill its mission in the following ways:

- Studying problems and concerns related to local racial relationships including ways to create better communication between races.
- Creating educational opportunities through workshops and programs that enhance understanding, respect and goodwill among its citizens.
- Providing a forum in which residents can raise issues related to racial equity concerns in a safe, respectful environment.
- Promoting interpretations of history that value the contributions of African Americans and encourage recognition of such contributions.

- Promoting equality of opportunity and participation with a focus on town staff positions, town boards and commissions, and town supported organizations.
- Encouraging greater African American participation in the arts and in cultural activities.
- Examining housing and police policies as well as town infrastructure priorities for equity of treatment and use of town resources.

Organization

The Edenton Human Relations Commission shall include 12-members with representatives appointed by the Mayor for four-year terms and a maximum of two consecutive terms. Half of the members should represent the African American community. The Commission shall name its own Co-Chairs and develop sub-committees as needed Two alternate members shall also be appointed by Mayor. Alternate members participate and contribute to discussions but shall not have a vote. It is anticipated that as vacancies occurs, Alternate members will be appointed to fill unexpired terms.

The Commission shall name its own Co-Chairs and develop sub-committees as needed.

Recommendations for events, educational opportunities and town policy changes shall be presented to the Town Council for approval. The Mayor shall appoint a member of the Town Council to serve as Council Liaison to the Commission.

TOWN OF EDENTON 2020 VISION STATEMENT

We see Edenton, as a Town where history, hospitality and natural beauty come together to form a community that is proud of its past and excited about its future. The Mayor and Town Council also recognize the importance of its citizenry and believe that future prosperity is rooted in relationships of equality, respect and inclusiveness that encourage preservation and celebration of Edenton's unique and diverse heritage.

EDENTON TOWN COUNCIL STATEMENT ON SOLIDARITY (June 9, 2020)

This past week we all have seen much pain, outrage, fear and grief throughout our country in response to the horrific murder of George Floyd. The cruelty and disregard for human life displayed in that video was the result of systematic racism, proof that the biases, whether implicit or explicit, that we carry as individuals and as a society have grave consequences for Black citizens. What happened to George Floyd, Breonna Taylor and Ahmaud Arbery were tragedies whose publicity has called attention to their regular occurrence and we utterly condemn these unspeakable acts of violence.

However, unlike most unforeseeable tragedies that we carry ourselves through by means of our faith and resiliency, these deaths exemplify why we must grow and change as a society. What has shocked and disgusted so many White citizens is a reality that our Black colleagues, Black friends, Black friend's children and loved ones face every day.

Systematic racism and the resulting violence against Black citizens must be spoken of, must be acknowledged and must be dismantled. North Carolina Mayors of small towns and large cities, including our Mayor, have signed a letter pledging to make every effort within their power to fight systemic racism within our police forces, cities, in this nation and within ourselves. We, as a governing body, collectively affirm this pledge as well. And collectively, all of us, this Council and every citizen must all work to be a better Edenton, a more equitable and just community. As an initial step, the Mayor and Town Council pledge to establish a Human Relations Commission to assist our community in addressing issues of justice and equality, including concerns expressed to us this week and in the recent past related to the Confederate Monument.

As Dr. Martin Luther King Jr. so eloquently stated, "the ultimate measure of a man is not where he stands in moments of comfort and convenience, but where he stands at times of challenge and controversy." There are challenges in Edenton that we know will generate controversy. But all of us must be brave enough at this moment in time to recognize the need for change.

EXHIBIT 3

Edenton Human Relations Commission Meeting Minutes
January 20, 2021

The Edenton Human Relations Commission met in regular session on Wednesday, January 20, 2021 at 5:30 pm in the Council Chambers. The following members were present: Sally Blount, Stella Simpson-Brothers, Jim Chesson, Miles Coxe, Percy Foxwell, Missie Harrell, Rebecca Hearn, Marshall Jordan, Jr., Rev. John Shannon, Darnell White, Patricia White and Cynthia Herlong. Absent was Dr. Emma Bonner. Also present were Mayor Pro Tem Elton Bond, Jr., Anne Marie Knighton, Dr. Val Batts and Barbara Davis with Visions, Inc.

Mayor Pro Tem Bond welcomed everyone to the first meeting of the Edenton Human Relations Commission and expressed appreciation on behalf of the Mayor and Town Council for members willingness to serve. Reverend Shannon delivered the invocation.

Members briefly introduce themselves and shared thoughts about being selected to serve as a member of the Inaugural Commission.

Val Batts and Barbara Davis with Visions, Inc. refreshed and reviewed the key points from the October 2020 Training Workshop: Guidelines for authentic conversations; enhancing racial harmony, bridging racial gaps; addressing Edenton's past in all its dimensions including the role of old fashion racism; and learning how to identify and challenge modern racism.

The Commission reached consensus on short-term meeting schedule: meet the 2nd and 4th Wednesday in February, March & April, and then consider meeting once a month going forward in May. It was the consensus to also meet at 5:30 pm try to conclude meetings no later than 7:30 pm.

Mayor Pro Tem Bond asked the group to be thinking a process to select Co-Chairs to help lead the Commission and preside over future meetings. Anne Marie Knighton suggested a future session include an overview of NC Open Meetings Statutes and Governance.

Ms. Knighton reviewed concept of including educational sessions or educational components as part of future meetings.

Ms. Knighton suggested that for the next meeting, commission members identify three short-term goals or initiatives for the Commission to consider undertaking. Members were asked to either write down goals and turn in to Ms. Knighton that evening or to email their goals/initiatives to Ms. Knighton. All of the initiatives will be put into one document and shared with Commission Members to begin reviewing at subsequent meetings.

Dr. Batts and Ms. Davis reviewed the Visions, Inc. tool for use when concluding meetings – members expressed appreciation and regrets each experienced from this meeting.

There being no further items of discussion, the meeting was adjourned.

EXHIBIT 4

Edenton Human Relations Commission

Strengthening our community by promoting racial equality through activities & policies that foster mutual respect, inclusiveness and harmony among all of our citizens

Commission Core Values

Honesty & Integrity; Truth Seeking; Faith & Love; Diversity, Unity & Community; Compassion & Empathy.

August 16, 2021

Mayor Jimmy E. Stallings
Mayor Pro Tem Elton Bond, Jr.
Councilman Roger Coleman
Councilman Sam Dixon
Councilman Hackney High, Jr.
Councilman Craig Miller
Councilman Roscoe Poole, Jr.

Dear Mayor and Council Members:

Below please find the Recommendation from the Human Relations Commission concerning the Confederate Memorial Monument located on South Broad Street. We respectfully request you review the report in its entirety, including the appendices, which include electronic links to research, data and information the Commission reviewed and took under consideration during our extensive deliberations.

Since early January 2021, when the Human Relations Commission was appointed by the Mayor and Town Council, the commission members have spent most of their meeting time focused on the Confederate Monument, specifically whether it should remain on Broad Street or be re-located. The Commission learned together as they were made aware of the current North Carolina legal statutes on the protection of monuments and memorials. They also were given insight into the significant historical facts regarding the Jim Crow era (1910s) when the monument was erected. This background information was extremely helpful and necessary to fully process what the Commission was attempting to determine, that is, should the statue remain or be re-located. (Appendix A includes list of resources Commission members reviewed and or shared & Appendix B includes description of training members received from Visions, Inc.).

The members discussed at length the significance the monument held for them personally. Some felt it represents racism and division, grounded not only in the slavery of the Civil War era, but that it also serves as a reminder of their own pain experienced as citizens of Edenton. These members expressed the need for healing, which they felt could not begin until the monument is removed.

Others acknowledged that the monument does represent a dark time in American history, but felt that there is a need to preserve that history in order to learn more of the truth of what actually occurred and to move forward in unity and restoration. It was suggested that the existing monument plot could be added to, perhaps with a statue of equal significance, as well as some type of communication that would tell the story of Edenton residents as they seek to heal. The hope expressed was that there could be a way to balance and complete Edenton's local history, striving for equity and respect for all citizens.

After months of very respectful deliberation and many personal reflections concerning this difficult issue, a vote was taken on June 23, 2021. It should be noted that one member was not able to be present for any of the studies and discussions and that the two alternate members did not have a vote. There was question about whether one of the alternates should be able to vote due to the consistent absence of one member and which alternate might be allowed to vote. That generated more discussion and eventually consensus was to have the votes of the two alternates recorded. This resulted in a seven to six vote with the removal of the monument the majority vote. The Human Relations Commission presents to the Mayor and the Edenton Town Council the recommendation to remove the Confederate Monument from its current location on South Broad Street and have it re-located to an appropriate place.

The recommendation to the Town Council is to move the monument to Sixth Street, on green space that is part of the Town's property which includes the Water Treatment Plant and Beaver Hill Cemetery. Limitations to its relocation include that it must remain inside Edenton's city limits and also that, according to N. C. Gen. Stat. Sec. 100-2(b), "An object of remembrance may not be relocated to a museum, cemetery or mausoleum unless it was originally placed there". Recognizing this statute, the Human Relations Commission proposes that the Edenton Town Council consider subdividing the mentioned property adjacent to the water treatment plant so that the monument be moved to the subdivided stand-alone green space which will then no longer be included in the same tract as Beaver Hill Cemetery. It is the desire of the Commission for this area to become a memorial park where there may be other information regarding not only the history of the Civil War era, but how the community seeks to continue to grow in unity. The Commission acknowledges that our story has changed and will continue to evolve as future generations learn from mistakes made which can lead to healing and restoration of all citizens. The Commission recommends that the Town Council reach out to historical experts such as the North Carolina Department of Natural & Cultural Resources, Historic Edenton State Historic Site, Edenton Historical Commission, and the Shepard-Pruden Memorial Library to assist in a long-range plan to develop the proposed memorial park as well as the public space at the foot of Broad Street which would become vacant after the monument is removed. Both locations could become places of personal reflection and historic instruction for residents and visitors alike.

Respectfully submitted,

Human Relations Commission

Marshall I. Jordan, Jr., Co-Chair

Cynthia Herlong, Co-Chair, alternate member

Sally Blount

Dr. Emma Bonner, Ed.D, alternate member

Stella Simpson-Brothers

Jim Chesson

Miles B. Coxe

Percy Foxwell

Missie Harrell

Rebecca Hearn

John Morehead

Rev. John R. Shannon

Darnell E. White

Patricia White

Appendix A

1. Research compiled as part of a project the Shepard-Pruden Memorial Library did in 2017 for the celebration of the 350th anniversary of Chowan County entitled “365 days of Black History in Edenton & Chowan County”: Link here to Edenton African American History Google Drive:
<https://drive.google.com/drive/folders/16ABcHSsE-I9S6trkbND3 WiXDpXAjpuw>

Google Drive Folders include information about the following:
Edenton during Reconstruction;
Port of Roanoke Records;
Lynching of Thomas Earley 1902;
Harriet Jacobs Articles;
The Edenton Movement;
The Confederate Monument 1950 & beyond;
The Confederate Monument 1900 – 1915;
Civil War Life and Laws; and Census Data.

2. Webinar: Balancing Scales of Justice <https://nccred.org/> July 2020 by the North Carolina Commission on Racial & Ethnic Disparities in the Criminal Justice System
3. Dr. Henry Lewis Gates PBS documentary of African Americans (2013): Many Rivers to Cross; <https://www.pbs.org/wnet/african-americans-many-rivers-to-cross/>
4. Cold Mountain movie about the Civil War based on NC author Charles Frazier’s 1997 book.
5. Book: Long time Coming: Reckoning with Race in America by Michael Dyson, 2020.
6. Museum of the Albemarle and NC Dept of Natural & Cultural Resources on-line educational series “Under Both Flags: Civil War in the Albemarle” and other on-line resources that showed that NC was a very divided state regarding the Civil War. Link here:
<http://underbothflags.ncdcr.gov/exhibit.html>
7. Book: Divided Allegiances- Bertie County during the Civil War by Gerald W. Thomas, 2018.
8. <https://cwnc.omeka.chass.ncsu.edu/exhibits/show/chowan/chowancounty>
9. <https://www.battlefields.org/learn/articles/north-carolina-civil-war>

10. <https://southernsky1861.wordpress.com/soldiers/>
(scroll and click on Chowan County)
11. <https://www.archives.gov/education/lessons/blacks-civil-war>
12. https://www.dailyadvance.com/news/local/panel-keep-perquimans-confederate-monument-at-courthouse-add-signage/article_2e1e8f24-f547-5d20-906f-5add570658e0.html
13. "The Lesser-Known History of Edenton", a series of lectures sponsored by the Edenton Historic Commission, Shephard-Pruden Memorial Library and the Edenton Reconciliation Group: <https://ehcnc.org/events/lkhe/>
14. "Racial Reconciliation group wants statue removed", Chowan Herald, 10-4-2017:
<https://documentcloud.adobe.com/link/track?uri=urn:aaid:scds:US:46d734e0-a403-4293-9e08-dfb60f4dd6ee>
15. Video of recommended site for Confederate Monument to be relocated in to be created memorial park at end of Beaver Street.
https://www.dropbox.com/s/e67cgy3tza3iiw3/20210805_123841.mp4?dl=0
16. Map of proposed memorial park where Confederate Monument is recommended to be relocated to, at the end of Beaver Street.
<https://documentcloud.adobe.com/link/track?uri=urn:aaid:scds:US:9f438f2c-6ed5-4d3d-b526-560cf0aaa6bc>
17. Link to Human Relations Commission Meeting Agendas (January 20, 2021 – August 11, 20210):
<https://documentcloud.adobe.com/link/track?uri=urn:aaid:scds:US:a1d09178-1016-425d-883b-f95c2ddeb42a>
18. Link to Human Relations Commission Meeting Minutes (January 20, 2021 – July 14, 2021)
<https://documentcloud.adobe.com/link/track?uri=urn:aaid:scds:US:0d2696dc-7368-462a-94d6-66f10eb66bc9>

Appendix B

Edenton Human Relations Commission

Strengthening our community by promoting racial equality through activities and policies that foster mutual respect, inclusiveness and harmony among all of our citizens

One of the seven objectives of the Edenton Human Relation Commission to fulfil its mission is -

- Creating educational opportunities through workshops and programs that enhance understanding, respect and goodwill among its citizens.

Town Council provided the Commission with training through **Visions Inc.** – Taking Diversity and Inclusion to the Next Level.

Dr. Val Batts and Ms. Barbara Davis with **Visions, Inc.** reviewed workshop goals below with newly formed Commission:

- Guidelines for authentic conversations
- Enhancing racial harmony, bridging racial gaps
- Addressing Edenton’s past in all its dimensions, including the role of old fashion racism
- Learning how to identify and challenge modern racism.

In the workshop, **Levels of Oppression and Change** and *Focus of Change strategies* were discussed:

Institutional – *Identify structural barriers; create policies, practices, programs and processes which support equitable outcomes*

Personal – *Change thoughts and feelings; increase awareness and openness to learning*

Interpersonal – *Enhance skills and communication patterns; impact behavior and relationships*

Cultural – *Create environments representative of and welcoming to the organization’s diversity; celebrate and utilize differences*

The Commission identified and reviewed 27 goals/initiatives suggested by members. This of course included the discussion of the Monument/Statue. As a result of this training, the initiatives were align with the **Levels of Oppression and Change** described above.

In addition to initiatives, members identified the following Group Values Check List that we use in governing ourselves:

1. Honesty/Integrity
2. Truth Seeking
3. Faith/Love
4. Diversity; Unity/Community
5. Compassion/Empathy

Diversity refers to differences, the who we are; it is a descriptive term used to refer to a broad range of differences; it is often used to describe the different cultural groups represented in the community and/or workplace (e.g. women, men, whites, people of color, young, old, religion, disability)

Inclusion represents the end result of recognizing, understanding, appreciating, and leveraging differences at the personal, interpersonal, institutional and culture levels. It invites an on-going and organization-wide willingness to learn how to create and sustain an inclusive environment.

EXHIBIT 5

From: Marianne <ecumiller@mchsi.com>

Sent: Oct 25, 2021 12:33:29.000000000 UTC

Subject: [External] Re: Confederate Monument agenda item

To: W. Hackney High, Jr <whigh@highandcrowe.com>

Cc: Bond, Elton ; Poole, Roscoe ; Sam Dixon <samueldixon.attorney@gmail.com>; Sam Dixon <councilmandixon@icloud.com>; Coleman, Roger ; Stallings, Jimmy ; GOODEN, COREY

CAUTION: External email. Do not click links or open attachments unless you verify. Send all suspicious email as an attachment to [Report Spam](#).

Hack, Thank you for notifying us of this latest legal update! Craig

Sent from my iPhone

On Oct 25, 2021, at 8:00 AM, W. Hackney High, Jr <whigh@highandcrowe.com> wrote:

I have been informed that an order has been entered in the legal case involving the proposed move of the Pasquotank County Confederate monument. Judge Jerry Tillett has ruled that the monument cannot be moved until the North Carolina Supreme Court rules on the Forsyth County monument case which is pending before that court. Judge Tillett, who is the Chief Resident Superior Court Judge for our district, commented during his ruling on the Pasquotank monument case that until the Supreme Court rules, he would not allow any movements of monuments.

I have spoken with Mayor Stallings and Corey Gooden and they agreed that we need to hear from our attorney about what this order means for us as we move forward on this issue. Corey Gooden and I have both spoken with our attorney and the first meeting he would be able to discuss the ramifications of Judge Tillett's order would be at our regular November session.

I have discussed the agenda item with the Mayor and Corey and we believe it is best to advise full council and the public of this legal development and to let everyone know we will be meeting with our attorney at our November meeting before we would take any action. In the meantime, we can all work towards building some consensus on what our decision will be.

It is extremely important to note that this email is being sent for informational purposes only and is not intended to be an invitation for us to discuss the monument issue via email. It would not be appropriate for us to discuss the issue via an email chain of which we are all a part of as that may be considered a violation of the open meetings law.

W. Hackney High, Jr.

High & Crowe, LLP

PO Box 92

216 S. Broad Street, 1st Floor

Edenton, North Carolina 27932

P: (252)-482-4422

F: (252)-482-4423

<image003.png>

CONFIDENTIALITY STATEMENT: This electronic message contains privileged and confidential information from the law firm of High & Crowe, LLP. The information contained herein is intended solely for the use of recipient named above. If you are not the recipient named above, be advised that any disclosure, copying, distribution or use of the contents of this electronic message is strictly prohibited. If you have received this electronic message in error, please notify us immediately by e-mail or by telephone at 252-482-4422 or (252) 482-4423 fax

EXHIBIT 6

Edenton Town Council Minutes
February 8, 2022

The Edenton Town Council met in regular session on Tuesday, February 8, 2022 at 6:00 p.m. in the Council Chambers. The following members were present: Mayor Jimmy Stallings, Councilman Elton Bond, Councilman Roger Coleman, Councilman Samuel Dixon, Councilman Hackney High and Councilman Craig Miller and Councilman Roscoe Poole.

Mayor Jimmy Stallings called the meeting to order.

All present stood and recited the Pledge of Allegiance. Councilman Roscoe Poole gave the invocation.

The minutes from the regular meeting of January 11, 2022 and special meeting of January 24, 2022 were presented for approval. Councilman Bond made a motion to approve the minutes as presented. Councilman Miller seconded the motion. The motion carried unanimously.

Next on the agenda were presentations.

The first presentation was for Small Town America Civic Volunteer Award presented to Attorney John Morehead. Mayor Stallings made this presentation to John Morehead.

The second presentation was for the FY 2020/21 Audit. Greg Adams with Thompson, Price, Scott, Adams & Co. Pa was present via Zoom to give the presentation to the Town Council.

Mr. Adams stated that there was one finding on the FY 2020/21 audit related to the Segregation of Duties within the Finance Department. It was noted that this finding was corrected during the FY21/22 timeframe with the addition of one (1) new staff member to the billing and collections group and with the creation of the Assistant Finance Director position.

Mr. Adams stated also that there was one change for the Town from previous audits in that it is no longer the auditor's responsibility to report to the LGC corrective actions as Council recommends but up to the individual municipality. A corrective action plan was included in the agenda packet for the Town Council to approve. The corrective action plan will be uploaded into the LGC portal by Virginia Smith, Finance Director.

Next on the agenda was public hearings.

The first item was the rezoning request for 110 Old Hertford Road.

Elizabeth Bryant, Planner was present to review the rezoning request with the Town Council. She explained that the request was for rezoning from CU-CH, Conditional Use Highway Commercial to R-5, Residential. She noted that the applicant seeks the rezoning for the purpose of selling this property for use as a single family residential property. The property is currently zoned CUCH, Conditional Use Highway Commercial and does not allow for residential use of the existing brick home, although the building was originally constructed and used for residential purposes.

Ms. Bryant stated that the Edenton Planning Board met on January 10, 2022 and unanimously recommended approval of this rezoning request. She reminded the Town Council that when adopting

or rejecting any zoning text or map amendment, the Town Council shall approve a brief statement describing whether its action is consistent or inconsistent with an adopted comprehensive plan and When adopting or rejecting any petition for a zoning map amendment, a statement analyzing the reasonableness of the proposed rezoning shall be approved by the Town Council. The statement of reasonableness and the plan consistency statement required by this section may be approved as a single statement.

Mayor Stallings opened the floor for public comment.

Susan Inglis asked what was the definition of R-5 district.

Ms. Bryant stated that it was a low density residential zoning.

Mayor Stallings closed the public hearing.

Councilman Miller made a motion to approve the rezoning request and to approve the statement of reasonableness and the plan consistency. Councilman Dixon seconded the motion. The motion carried unanimously.

The second public hearing was for 803 North Oakum Street.

Elizabeth Bryant, Planner stated that the request was to rezone the aforementioned parcels from R-5, Residential to CN, Neighborhood Commercial. The applicant seeks this rezoning to for the purpose of using the existing block building for office/commercial purposes. The property is currently zoned R-5, Residential and does not allow for commercial use of the existing block building, although the building was originally constructed and used for commercial purposes.

Ms. Bryant stated that the Edenton Planning Board met on January 10, 2022 and unanimously recommended approval of this rezoning request.

Councilman Coleman stated that he had concerns with the property being rezoned CN.

Mayor Stallings opened the floor for public comment.

There being no comments the public hearing was closed.

Councilman Miller made a motion to approve the rezoning request and to approve the statement of reasonableness and the plan consistency. Councilman Dixon seconded the motion. The motion carried unanimously.

The final public hearing was for the Confederate Monument Resolution Draft.

Councilman High reviewed the draft resolution with the Town Council.

Mayor Stallings opened the floor for public comment.

John Mitchener, resident of West Queen Street, stated that he wanted to see the monument relocated, an appropriate replacement be considered for the location such as a nice water fountain. He stated that

an architect should not be hired but to involve the community with ideas for relocation. He stated that these changes would enhance the Town's waterfront.

Ellen Colondney, resident of 301 Court Street, reviewed history of the monument and white supremacy, she stated that the monument has a negative impact on the community and business owners. She asked the Council to consider the negative impact this monument has on the community.

Ted Stricker, resident of 106 Cypress Drive, stated that the monument represents a time in history where people died in wars for their country and that you cannot erase history but explain the history.

Susan Inglis, resident of 101 East Water Street, asked that the statement from John Collins be included in the official record. She stated in those comments it states that the statue has no specific relevance to Edenton and there is an opportunity to use this space for specific relevance to Edenton. Something that is celebratory of healing would be more appropriate for the times.

Jessie Rivers, resident of Hawthorne Road, stated that she wanted to reflect that she has been a member of the Edenton Reconciliation Group and emphasize that even though there were not many of her African American friends present to speak but do not think the current location is appropriate. She felt that it should not be destroyed but relocated to another location and that she felt so strongly that that the monument should be moved and will personally pay for the removal.

There being no further comments from the public, the Mayor closed the public hearing.

Next on the agenda was committee reports.

The Administrative Committee had two items on the agenda.

Councilman High stated that the first item was the Housing Authority Candidate Appointee.

Councilman High stated that Annie Nofsinger has requested to serve another five-year term on The New Edenton Housing Authority Board.

Councilman Bond made a motion to appoint Annie Nofsinger to The New Edenton Housing Authority Board. Councilman Miller seconded the motion. The motion carried unanimously.

Councilman High stated that the second item was the Confederate Monument Resolution draft.

Councilman High stated that prior to December 2021 the Town Council discussed individually what the thoughts were on the issue and then at the regular meeting in December, Councilman Coleman requested that the Town Council start the procedure of voting on the matter.

Councilman High stated that Councilman Coleman requested that the item be placed on an upcoming agenda for a vote which was done at the January committee meetings and now was on the current agenda for a full council vote. He stated that a resolution has been drafted for the Town Council approval.

Councilman Coleman made a motion to approve the resolution as written. Councilman Miller seconded the motion. The motion carried unanimously.

Councilman Bond stated that the Utilities Committee had one item on the agenda, the Electric Rider CG1, Customers with solar update.

Corey Gooden, Town Manager reviewed this update to the Electric Rider with the Town Council. The update was needed because it referred to old technology in the language of the rider.

Councilman High made a motion to approve the Electric Rider. Councilman Miller seconded the motion. The motion carried unanimously.

Councilman Dixon stated that the Finance Committee had two items on the agenda. He stated that the first item was a budget amendment for the CARES Grant Airport Phase III.

Councilman Dixon made a motion to approve the budget amendment. Councilman Bond seconded the motion. The motion carried unanimously.

Councilman Dixon stated that the second item was the budget amendment for Queen Anne Bulkhead Project.

Councilman Dixon made a motion to approve the budget amendment. Councilman Bond seconded the motion. The motion carried unanimously.

Next on the agenda was new business.

The first item was the approval of FY20/21 Audit.

Councilman Bond made a motion to approve the audit. Councilman Miller seconded the motion. The motion carried unanimously.

The second item was the underground service installation charges.

Corey Gooden, Town Manager, stated that currently the Town charges a flat rate for installation of underground electric. He stated that with the increase costs in materials this rate needed to be increased. Currently the Town is charging customers \$ 300 for the 1st 100' & \$ 2.85/ft over the 100'. The proposed change would be Up to 100' = \$ 600, anything Over 100' Will be calculated @ an additional \$ 5.85/ft.

Councilman Miller made a motion to approve the underground service installation charges. Councilman Bond seconded the motion. The motion carried unanimously.

The third item was the UNC School of Government Lead Application.

Corey Gooden, Town Manager reported that he submitted an application to the UNC School of Government for the NC Fellows program.

This item required no action.

The last item was the Josephine Napoleon Leary Proclamation.

Clara Stage, Chair of the Edenton Historical Commission was present and read the proclamation to the Town Council.

Councilman Miller made a motion to approve the proclamation and designate February 22 at Josephine Napoleon Learn Day. Councilman Dixon seconded the motion. The motion carried unanimously.

Next on the agenda was items considered timely and important.

Councilman Miller asked staff about citizens being able to receive the Town Council packet information.

Corey Gooden, Town Manager stated that redaction was needed to be completed on Town Council Packets and staff was working through this process so that future packets can be shared with interested citizens.

Councilman Bond asked for an updated on grocery store recruitment.

Mayor Stallings stated there was no new information to report on this item.

Councilman Coleman reported that N95 masks were received and will be distributed to citizens who are interested.

Councilman Coleman thanked everyone who spoke at the meeting in regards to the monument.

Next on the agenda was public comment.

There were no comments from the public.

Elizabeth Bryant gave an update on the Bicycle and Pedestrian Walkway Plan.

There being no further items on the agenda, the meeting was adjourned.

EXHIBIT 7

Edenton Town Council Minutes
May 10, 2022

The Edenton Town Council met in regular session on Tuesday, May 10, 2022 at 6:00 p.m. in the Council Chambers. The following members were present: Mayor Jimmy Stallings, Councilman Elton Bond, Councilman Roger Coleman, Councilman Craig Miller and Councilman Roscoe Poole. Absent was Councilman Samuel Dixon and Councilman Hackney High.

Mayor Jimmy Stallings called the meeting to order.

All present stood and recited the Pledge of Allegiance. Councilman Roscoe Poole gave the invocation.

The minutes from the regular meeting of April 12, 2022 and the special meeting of April 25, 2022 were presented for approval.

Councilman Bond made a motion to approve the minutes as presented. Councilman Miller seconded the motion. The motion carried unanimously.

Next on the agenda was a presentation of the annual update from the Edenton-Chowan Chamber of Commerce. Susan Creed, Executive Director was present and gave the update to the Town Council.

Next on the agenda was Committee Reports.

The Administrative Committee had four items on the agenda.

Town Manager Corey Gooden stated that the first item was the NCDEQ Financial Assistance Agreement for the Harbor Town Ferry Project.

Councilman Bond made a motion to approve the financial assistance agreement. Councilman Miller seconded the motion. The motion carried unanimously.

Town Manager Corey Gooden stated that the second item was the Talbert & Bright Work Authorization 18-02 Amendment No. 2 for the Parallel Taxiway.

Councilman Miller made a motion to approve the amendment No. 2 for the Parallel Taxiway. Councilman Bond seconded the motion. The motion carried unanimously.

Town Manager Corey Gooden stated that the third item was the Commercial Pedal Vehicle/Trolley Pub Ordinance and Application.

This item was tabled so that staff can address concerns that have been submitted by citizens.

Town Manager Corey Gooden stated that the last item was the resolution to transfer ownership of the Confederate Monument to Chowan County.

Councilman Miller made a motion to approve the resolution. Councilman Bond seconded the motion. The motion carried unanimously.

Next on the agenda was the Finance Committee.

Town Manager Corey Gooden stated that there was one item on the agenda, the budget amendment for the Parallel Taxiway Grant from NCDOT DOA.

Councilman Bond made a motion to approve the budget amendment. Councilman Miller seconded the motion. The motion carried unanimously.

Next on the agenda was the Utilities Committee.

Councilman Bond stated that there was one item on the agenda, the budget amendment for the Bolton's Bridge Utility Line Relocation.

Councilman Bond made a motion to approve the budget amendment. Councilman Miller seconded the motion. The motion carried unanimously.

The Public Works Committee had one item on the agenda.

Councilman Miller stated that the item for approval was the Landfill/Solid Waste Fee Increase.

Councilman Miller made a motion to approve the fee increase. Councilman Coleman seconded the motion. The motion carried unanimously.

Next on the agenda was new business.

Town Manager Corey Gooden stated that the first item was the CDBG Grant Administration Resolutions, Policy & Plans approval.

Assistant Town Manager & Planner Dewayne Whealton stated that Insight Planning and Development created 15 policies/plans to be approved and adopted in order to remain compliant with the CDBG-NR grant. The policies/plans include: Project Budget Ordinance, Financial Management Resolution, Housing Assistance Policy, Housing Construction Contract Award Policy, Citizen Participation Plan, Residential Anti-displacement and Relocation Assistance Plan, Local Jobs Initiative (Section 3) Plan, Temporary Relocation Policy, Code of Conduct, Fair Housing Policy, Excessive Force Policy, Procurement Standards Policy/Plan, Equal Opportunity Plan, Language Assistance Plan (Providing Meaningful Communication with Persons with Limited English Proficiency), Recipient's Plan to Further Fair Housing.

Councilman Bond made a motion to approve the plans/policies as presented. Councilman Miller seconded the motion. The motion carried unanimously.

Town Manager Corey Gooden stated that the second item was a budget amendment for the record of insurance proceeds from a police vehicle.

Finance Officer Virginia Smith stated that Town of Edenton Police Department was in vehicle accident that resulted in the total loss of a 2008 Ford Crown Victoria. The vehicle was valued at \$5,672.00 and the budget amendment was needed to recognize the insurance proceeds from the Police vehicle accident involving town owned vehicles and private citizens. This vehicle was deemed a total loss due to age of vehicle, amount of damage, and cost to repair.

Councilman Miller made a motion to approve the budget amendment. Councilman Bond seconded the motion. The motion carried unanimously.

Town Manager Corey Gooden stated that the next item was a budget amendment for the record of insurance proceeds from landscaping vehicle.

Finance Officer Virginia Smith stated that the Town of Edenton Public Works Department was in vehicle accident that resulted in the total loss of a 1997 Ford F-150 Pickup Truck. The vehicle was valued at \$6,259.56 and the budget amendment was needed to recognize the insurance proceeds from the vehicle accident involving a town owned vehicle and private citizen(s). This vehicle was deemed a total loss due to age of vehicle, amount of damage, and cost to repair. The budget amendment \$6,238.06, was reduced by \$21.50 due to the lack of title.

Councilman Miller made a motion to approve the budget amendment. Councilman Bond seconded the motion. The motion carried unanimously.

Town Manager Corey Gooden stated that the next item was the budget amendment for the purchase of 2022 Ford F-150 for the Police Department.

Finance Officer Virginia Smith stated that the budget amendment was needed to purchase a new vehicle for the Police Department. The vehicle will be a 2022 Ford F-150 similar to the current Truck within the Police fleet. She stated that the Department is currently down a total of four (4) vehicles due to accidents over the last 2 years. She stated that quotes were received and included in the packet show pricing for three (3) trucks and outfitting three (3) trucks, there would only be one vehicle purchased at this time.

Town Manager Corey Gooden stated that the last item was the 2022 Arbor Day Proclamation.

Assistant Town Manager & Planner Dewayne Whealton stated that the Arbor Day Celebration will be held on Friday, May 13, 2022 at the Boys and Girls Club from 4 – 5 p.m.

Councilman Miller made a motion to approve the proclamation. Councilman Coleman seconded the motion. The motion carried unanimously.

Next on the agenda was items considered timely and important.

Councilman Miller requested an update on the Hotel Hinton project.

Town Manager Corey Gooden stated that staff is awaiting on appraisal information and plat for the property. He stated that once the sale is negotiated hopefully the project will move forward.

Councilman Miller asked for an update on applications received for Boards and Commissions Vacancies.

Assistant Town Manager and Planner Dewayne Whealton stated that an advertisement for applications was recently placed in the Chowan Herald and reposted on the Town of Edenton website.

Councilman Bond stated that he had received complaints on the drainage on Cabarrus and Johnston Streets after heavy rains.

Town Manager Corey Gooden stated that he would have the Public Works Department follow up on this item.

Next on the agenda was public comment. The Mayor reminded all those who wanted to speak that there was a three-minute limit on comments.

Jessie Rivers, resident of Hawthorne Road, thanked the Town Council for the willingness to relocate the Confederate Statue and stated that she is not thrilled with the location that is chosen for the placement of the statue. She was concerned that local Veteran's may become upset that it is placed at the same location of the Veteran's monument war memorial.

John Mitchener, resident of West Queen Street, stated that he did not agree with the Town Council not allowing comments before the vote on the resolution for the transfer of ownership for the confederate monument. He hoped that Chowan County will reject the offer. He did not agree with proposed relocation at the Veteran's Memorial.

Sam McCloud, Jr., resident of Old Hertford Road, stated that he has an issue with potholes on Old Hertford Road and wanted to know who can fix those.

Town Manager Corey Gooden stated that some paving improvements were scheduled for Old Hertford Road but he would get the Public Works Department to check if repairs could be made immediately.

William Miller, resident of Blount Street, stated that he was disappointed with the transfer of ownership for the Confederate Statue and that the same problems will still exist at the new location.

Virginia Tan, resident of the Edenton Cotton Mill Village has expressed concerns over the trolley pub proposal and sent the following email to the Town Manager:

Dear Manager Gooden,

I would very much appreciate your taking into consideration of the town's residents regarding this proposal.

Even though my home is not on the proposed route, it does impact the areas I frequent to enjoy the serenity and beauty of our town, the very essence of why I chose to live here.

I very much enjoy sharing that with our visitors and enjoy participating in food and wine/beer/liquor with friends in appropriate locations. And I enjoy the public events which allow drinking and dancing in the streets as a special occasion. I just can't stand the thought of all season, all around town drinking.

The rules and regulations point out exactly the pitfalls.

Since I came here in 2011, the town has improved the number of places where tourists can enjoy open-air dining and drink. I think that should be enough. We are proud of the beauty, peacefulness and history of our little town; it is not Virginia Beach or Myrtle Beach and I don't want to appeal to their crowds. And our existing trolley and boat tours are respectful of our privacy, let's continue to support those.

Thanking you for your consideration, I am

Virginia Tan

Cotton Mill Village resident

Mayor Stallings asked Town Manager Corey Gooden to review with the public regarding the transfer of ownership for the Confederate Monument.

He stated that he felt like the Town Council abided by NC General Statutes that confine the movement of the statute within the Town Limits. The Administrative Committee and the Chowan County staff all understood that this had to be moved within the city limits. Concerns received by Chowan County was lack of title of ownership for the statue, that was one of the items requested when considering the resolution.

There being no further items on the agenda, the meeting was adjourned.

DRAFT

EXHIBIT 8

Edenton Town Council Minutes
March 14, 2023

The Edenton Town Council met in regular session on Tuesday, March 14, 2023 at 6:00 p.m. in the Council Chambers. The following members were present: Mayor Jimmy Stallings, Councilman Elton Bond, Councilman Roger Coleman, Councilman Aaron Coston, Councilman Samuel Dixon, Councilman Hackney High and Councilman Craig Miller

Mayor Jimmy Stallings called the meeting to order.

All present stood and recited the Pledge of Allegiance. Councilman Coleman gave the invocation.

The following minutes were presented for approval: Regular Meeting of February 14, 2023, Closed Session of February 14, 2023 and Special Meeting of February 27, 2023.

Councilman Miller made a motion to approve the minutes as presented. Councilman Bond seconded the motion. The motion carried unanimously.

Committee Reports

Administrative Committee

Confederate Monument Update

Councilman High gave an update stating that there was consensus amongst the Town Council members to relocate the monument to Hollowell Park and called for a motion.

Councilman Bond made a motion to relocate the Confederate Monument to Hollowell Park. Councilman Coleman seconded the motion. The motion carried unanimously.

Finance Committee

Resolution-Approval of Sale-Water and Sewer Pumps

Councilman Dixon made a motion to approve the sale of the water and sewer pumps as discussed. Councilman Bond seconded the motion. The motion carried unanimously.

Resolution-Fire Department Air Packs and Radio Loan-Southern Bank

Councilman Dixon made a motion to approve the loan for the 7-year term with Southern Bank. Councilman Coston seconded the motion. The motion carried unanimously.

Budget Amendment-Fire Department Air Packs and Radio Loan Proceeds

Councilman Dixon made a motion to approve the budget amendment. Councilman Bond seconded the motion. The motion carried unanimously.

Budget Amendment-Streets Resurfacing

Streets included in this round of paving will include Woodard, East Freemason (from railroad track to North Oakum), Wood (from Church to East Queen), Elliott, West Church (from dead end to Moseley), Walker, Albania, Phillips, and Valentine.

Councilman Dixon made a motion to approve the budget amendment. Councilman Miller seconded the motion. The motion carried unanimously.

Utilities Committee

Underground Service Charge

Increase in fees are as follows \$900 for 200-amp and \$1000 for 400-amp. This increase would raise the recovery rate from $\frac{1}{4}$ the total cost to $\frac{1}{2}$ the total cost.

Councilman Bond made a motion to approve the underground service charge rate. Councilman Miller seconded the motion. The motion carried unanimously.

Public Works Committee

Land Acquisition-806 West Queen Street Unit B-Westover Lift Station

The additional land needed was determined to be roughly 7,500 sq. ft. and appraised valued at \$30,000 \$4/sq. ft. This acquisition will allow for the Public Works Department to perform all needed repairs, equipment maneuvering, and remove setback concerns - that have been challenging (near impossible) over the recent past. This will allow the Town to permanently correct all easement and right of way concerns with surrounding property owners.

Councilman Miller made a motion to approve the land acquisition as presented. Councilman Bond seconded the motion. The motion carried unanimously.

New Business

Budget Amendment-Department of Commerce Building Reuse Grant-Regulator Marine-Town Manager

Corey Gooden, Town Manager stated that at the February 14, 2023 regular meeting Council reviewed the original budget amendment and the associated grant agreement terms for the Regulator Marine building reuse grant totaling \$200,000. During the meeting, Council voted to approve the budget amendment but NO motion or second was every stated. As a technicality and meeting procedure, the approved minutes must contain this language.

Councilman Miller made a motion to approve the budget amendment. Councilman High seconded the motion. The motion carried unanimously.

Budget Amendment-Trash Truck Motor and Transmission Replacement-Public Works

Corey Gooden, Town Manager reported that the motor and transmission for the trash collection truck (Truck 102) went out. The truck was taken out of service and both the engine and transmission were pulled from the vehicle. Quotes were received for replacement parts estimating \$20,000+. This amendment is to allow the fleet maintenance shop to replace the motor, transmission, and accessory parts in the truck (2014 model).

Staff recommends increasing the interest earned on investments account as the revenue is currently at \$100,508 or \$71,508 over project budget. The increase in the interest earned is primarily due to the inflation factor & interest rates set by the Federal Reserve.

It was also noted that the Public Works Director has received a quote for a replacement truck that was included in the packet and that staff will send out RFP's for financing.

Councilman Coston made a motion to approve the budget amendment. Councilman Miller seconded the motion. The motion carried unanimously.

Budget Amendment-Hollowell Park Monument Relocation-Town Manager

Corey Gooden, Town Manager stated that the budget amendment will increase the Maintenance Repair of Parks & Playground line item by \$40,000. The funds are part of the additional \$71,508 over initial revenue budget projects. This should cover all monument relocation and park improvement cost.

Councilman High reminded the Town Council members that during one of the public comments section of a meeting that there was an individual who committed to paying for the relocation of the monument and encouraged staff to contact this person.

Councilman Coston made a motion to approve the budget amendment. Councilman Miller seconded the motion. The motion carried unanimously.

Audit Response Letter-Finance Director

Virginia Smith, Finance Officer reviewed the list of performance indicators from the LGC that staff and Council needed to address. She developed the corrective action plan (CAP) that the administration recommends sending to the LGC.

Councilman Miller made a motion to approve the audit response letter. Councilman Bond seconded the motion. The motion carried unanimously.

North Carolina Resilient Coastal Communities Program (RCCP)-Dewayne Whealton

Corey Gooden, Town Manager stated that the Town of Edenton has been selected to participate in the 2023-2024 round of Phases 1 and 2. Phase 1 includes community engagement and risk and vulnerability assessment. Phase 2 includes planning, project Selection, and prioritization. The N.C. RCCP aims to facilitate a community-driven process for setting coastal resilience goals, assessing existing and needed local capacity, and identifying and prioritizing projects to enhance community resilience to coastal hazards. The Town of Edenton will walk through a framework leading to the development of "shovel-ready" projects. For technical assistance in completing Phases 1 and 2 of the RCCP, The Division of Coastal management has proposed to match the Town with WSP USA.

This was a no action item, information only.

Items Considered Timely and Important

Councilman Miller asked for update on the Hotel Hinton project, he stated that SAGA has contracted with Edenton Construction to electrical repairs, painting, window blinds, fence repairs.

Corey Gooden, Town Manager stated that a public meeting was going to be held on site to answer questions but he did not know when that public meeting would be held.

Councilman Bond asked for any update on the shopping center.

Corey Gooden, Town Manager stated that he would reach out to the firm/bank who is handling that.

Councilman Coleman asked about interviews for the Public Information Officer position.

Corey Gooden, Town Manager stated that the interview process had started to fill this position.

Councilman High asked about the parking study.

Corey Gooden, Town Manager stated that he had received information from DOT and wanted to share that with the Town Council.

Mayor Stallings asked why the small parking lot on Broad Street remains closed.

Corey Gooden, Town Manager stated that it had recently changed ownership and that the property owner is keeping it closed.

Councilman Coston asked if the lights were installed at Griffith Park.

Corey Gooden, Town Manager stated yes.

Public Comment

Jason Kent: Recommended to the Town Council that the Confederate Monument be removed and placed into storage and place in new location with the proper context.

Lorrie Dablow: spoke regarding SAGA and the Hotel Hinton and that they would host the public information meeting on Saturday, March 25

Susan Inglis: Thanked the Town Council for voting to relocate the statue but did not feel quite heard from the group of citizens that want the statue removed.

There being no further items on the agenda, the meeting was adjourned.

EXHIBIT 9



1415 W. Hwy 54, Suite 101, Durham, NC 27707
919-323-3380 | southerncoalition.org

115 Market St # 204, Durham, NC 27701
919-682-1149 | emancipatenc.org

VIA U.S. MAIL & ELECTRONIC MAIL

September 8, 2023

Re: United Daughters of the Confederacy v. Town of Edenton, Case No. 22-CVS-198

Dear Mayor Stallings, Town Manager Gooden, and Council Members:

Our organizations have been consulting with Move the Monument Coalition Edenton-Chowan (the “Coalition”) about the ongoing efforts to relocate the Confederate soldier monument currently located in Edenton’s historic waterfront. As you are well aware, the Coalition has been a driving force behind efforts to move this monument. Their direct and immediate interest in having the monument relocated is undisputed. That interest has also been frustrated by the specious legal claims put forward by the United Daughters of the Confederacy (UDC) in their ongoing litigation against the Town of Edenton. Nearly six months after that litigation was put on hold by an Emergency Temporary Restraining Order, we believe that it is incumbent upon the Council to seek the hearing it is due in order to fully confront the plaintiffs’ claims without further delay. The absence of any such effort, we believe, would constitute a continuing failure to adequately represent the interests of the Coalition and, indeed, the town itself.

For a matter of such significant public interest and importance, which has been the subject of open hearings and debates, you can surely appreciate the frustration and concern felt by the Coalition and so many others about the manner in which this litigation has unfolded. The Temporary Restraining Order (TRO) currently in place followed a March 17, 2023, “emergency” teleconference involving H. Edward Phillips III, attorney for the UDC, and M.H. Hood Ellis, the town’s attorney. We understand that only the attorneys were notified about this hearing; only the attorneys were present; and the hearing was neither transcribed nor otherwise recorded.

As you know, a Temporary Restraining Order (TRO) is supposed to precede a full hearing on a preliminary injunction and serves the same function. While a preliminary injunction is an “extraordinary measure” to preserve the *status quo* until a trial can be had on the merits of a case,

Southern Coalition for Social Justice partners with communities of color and economically disadvantaged communities in the South to defend and advance their political, social, and economic rights through the combination of legal advocacy, research, organizing, and communications.



Emancipate NC was founded on the knowledge that mass incarceration and structural racism harm all of us. Prison is state-sponsored violence. We are all complicit in its harms. As an organization, we are dedicated to shifting the narrative on racialized mass incarceration through community education and mobilization. The mainstream narrative that criminalizes Black and Brown people must be transformed—so that we can all get free.



A.E.P. Industries, Inc. v. McClure, 308 N.C. 393, 401 (1983), a TRO is *even more* extraordinary. A TRO is supposed to last for a *very short* duration and used *only* where the need is immediate and the moving party’s harm irreparable. See *Lambe v. Smith*, 11 N.C. App. 580, 582 (1971).¹ Respectfully, none of those elements exist here. Yet the current TRO, entered as it was, has remained in effect since March 2023—a remarkable fact that has thwarted the democratic process and the will of the people.

Plaintiffs’ Various Factual and Legal Claims are Unsupported, Misguided, and/or Wrong

As the UDC has done in other litigation across the state, here they advance a series of arguments that are either unsupported by their own pleadings, misguided as to the appropriate legal standard, or simply wrong.² For example, their “emergency” request for a TRO filed in March, 2023, fails to meet the legal requirements needed for such extraordinary relief. Their claims of “immediate and irreparable injury, loss, or damage” due to the planned relocation are grossly overblown, exaggerated, and simply unsupported by anything in the court record. Indeed, the Council’s unequivocal commitment to ensuring the safekeeping of the statue during its relocation through its unanimous approval of a \$40,000 budget amendment starkly belies the plaintiffs’ claims. Those arguments will not withstand scrutiny if and when a fair and full hearing is held.

Essential to plaintiffs’ arguments in this litigation is that they somehow possess standing to bring their lawsuit in the first place. As they should well know and understand, since it was recently addressed by the North Carolina Supreme Court in *United Daughters of the Confederacy v. City of Winston-Salem by and through Joines*, 383 N.C. 612 (2022), these plaintiffs do not have standing to disrupt the Town’s reasoned decision to relocate the monument. As was the case in *United Daughters of the Confederacy*, the plaintiffs’ arguments in this matter “rest upon a fundamental misunderstanding of the law of standing.” 383 N.C. at 629. This is not surprising given that the failed lawsuit filed against the City of Winston-Salem involved essentially the same lineup of parties and same counsel. As the North Carolina Supreme Court explained in that case, “In essence, plaintiff appears to believe that by simply filing a declaratory action and

¹ Under Rule 65 of the North Carolina Rules of Civil Procedure, a temporary restraining order “shall expire by its terms within such time after entry, not to exceed 10 days, as the judge fixes, unless within the time so fixed the order, for good cause shown, is extended for a like period or unless the party against whom the order is directed consents that it may be extended for a longer period.”

² The North Carolina Supreme Court recently and quite forcefully rejected a number of similar claims and arguments made by the UDC and their counsel in *United Daughters of the Confederacy v. City of Winston-Salem by and through Joines*, 383 N.C. 612 (2022). The Court’s criticisms of UDC’s assertions were varied and pointed. See, e.g., *id.* at 626 (“plaintiff has, in some instances, conflated its standing-related arguments with its arguments regarding the legally and conceptually distinct issue of whether the City’s actions were authorized under the various state and federal laws cited by plaintiff”); *id.* at 629 (“Plaintiff’s arguments rest upon a fundamental misunderstanding of the law of standing.”); *id.* (“plaintiff has failed to identify any legal right conferred by the common law, state or federal statute, or the state or federal constitutions of which they have been deprived by defendants’ conduct”); *id.* at 631 (“plaintiff’s amended complaint simply does not make a valid claim of taxpayer standing in the manner required by this Court’s precedent”); *id.* at 632 (rejecting plaintiffs’ organizational standing argument, noting that “plaintiff has cited no authority to support its position”); *id.* at 633 (rejecting “plaintiff’s assertion that it has standing because it [has] the right to defend itself in a court of law when it was the recipient of a clear and unequivocal attack” because that assertion “finds no support in the law or the facts of this case”); *id.* at 637 (“plaintiff has completely failed to explain how the City’s actions ‘denied plaintiff due process of law’”).



asserting that there was an ‘actual controversy between the parties’ relating to the identity of the monument's owner, it has made a sufficient showing to establish standing.” *Id.* The Court fully and decisively rejected those standing arguments. Unsurprisingly, a few weeks ago, the Court of Appeals similarly rejected a standing argument made by a different chapter of the UDC in a case from Louisburg, North Carolina. There, as here, the UDC did not allege facts to suggest it had any proprietary or contractual interest in the monument. The Court of Appeals rightly upheld the trial court’s granting of summary judgment in favor of the Town of Louisburg. *See Edwards v. Town of Louisburg*, No. COA22-688, 2023 WL 5208776 (Aug. 15, 2023).

Here, as in the UDC’s failed lawsuit filed against the City of Winston-Salem, and its affiliate’s suit against the City of Louisburg, the plaintiffs have “failed to identify any legal right conferred by the common law, state or federal statute, or the state or federal constitutions of which they have been deprived by defendants’ conduct.” *United Daughters of the Confederacy*, 383 N.C. at 629. To be clear, the plaintiffs’ lawsuit here makes no claim of ownership in the monument or any sort of contractual or property interest in it. *See* Complaint ¶ 7 (asserting that “Bell Battery,” *rather than any named plaintiff*, initiated a fundraising campaign to support the “design, construction, and installation of the monument in 1901”). The plaintiffs do, however, concede that the Town of Edenton and Chowan County have been in full and total control of the monument, without controversy, since it was first erected in the early 1900s.

The plaintiffs’ own lawyer has previously conceded—in another case—that “[a] generalized interest in a monument without a specific and tangible connection to the subject of the litigation itself is insufficient to establish standing.” Reply Brief of Appellant at 27, *The Soc’y for the Hist. Pres. of the Twenty-Sixth N.C. Troops, Inc. v. City of Asheville*, 123PA22 (filed Feb. 16, 2023). Yet that is precisely what is happening here: UDC has expressed a “generalized interest” in what happens with the Confederate soldier statute, yet has not—and cannot—allege any facts sufficient to establish a *legal* basis for their claims.³ Rather, at its core, this is a lawsuit about a “disagree[ment] with the policy decisions of government officials,” which does not satisfy North Carolina’s well-established taxpayer standing requirements. *Goldston*, 361 N.C. at 33, 637 S.E.2d at 881. “The mere filing of a declaratory judgment is not sufficient, on its own, to grant a plaintiff standing.” *United Daughters of the Confederacy*, 383 N.C. at 629. Unfortunately, in the absence of an actual hearing to hold the plaintiffs to their burden of proof, this “generalized interest” has been sufficient to stop the Town of Edenton from carrying out its democratically-reached decision to relocate the statue.

³ The mere fact that the plaintiffs are organizations, individually and collectively, interested in “honoring and remembering the sacrifices made by those who served in the armed forces of the Confederate States of America,” Complaint ¶ 17, and want to “defend the Confederate soldier’s good name,” Complaint ¶ 20, is insufficient to establish standing. *See United Daughters of the Confederacy*, 383 N.C. at 629-630. The plaintiffs’ suggestion that they have “representational standing” because they are “direct descendants of individuals who lived in Chowan County during the Civil War and who fought in such conflict,” was flatly rejected by the North Carolina Supreme Court this past December in *United Daughters of the Confederacy*. Similarly, the plaintiffs’ claim of “taxpayer” standing also fails. The Complaint does not contain a single allegation about any “unlawful use of public funds to [plaintiffs’] injury,” *Goldston v. State*, 361 N.C. 26, 33, 637 S.E.2d 876, 881 (2006), or that the Town Council has ever been asked to take the steps to protect the asserted interests of the named plaintiffs, and has neglected or refused to do so. *See Branch v. Bd. of Ed. of Robeson Cnty.*, 233 N.C. 623, 626, 65 S.E.2d 124, 127 (1951).



While the plaintiffs also invoke N.C.G.S. § 100-2.1 as a reason for thwarting the Town from relocating the statue, the Supreme Court made plain in *United Daughters of the Confederacy* that § 100-2.1 does not “explicitly authorize [] the assertion of a private cause of action for the purpose of enforcing that statutory provision.” *Id.* at 638, 881 S.E.2d at 52 (“Even if N.C.G.S. § 100-2.1 applies in the set of circumstances that is before us in this case, we are unable to conclude that it confers any legal rights upon plaintiff sufficient to give rise to any sort of due process claim or other valid legal claim.”). Moreover, even if the statute *implicitly* authorized a private right of action, an argument that lacks legal support, the plaintiffs’ allegations, like those in *United Daughters of the Confederacy*, are inadequate to support the argument that these plaintiffs “would be in the class of persons on which the statute confers the right.” *Id.* (citation and internal quotation marks omitted); *see also Charles Stores Co. v. Tucker*, 263 N.C. 710, 717, 140 S.E.2d 370, 375 (1965) (“Only one who is in immediate danger of sustaining a direct injury from legislative action may assail the validity of such action. It is not sufficient that he has merely a general interest common to all members of the public.”). Here, the plaintiffs merely alleged a general interest in lawful government action—an interest common to all members of the public. *See Pugh v. Howard*, No. COA20-533, 2023 WL 3185061, at *7 (N.C. Ct. App. May 2, 2023).

Lastly, the plaintiffs’ attempt to “quiet title” under N.C.G.S. § 41-10 is a completely inappropriate claim with no likelihood of success on the merits. *See Complaint* ¶¶ 32-33. As was recently addressed by the North Carolina Court of Appeals in *Edwards v. Town of Louisburg*, simply asserting that the ownership of the Confederate statue may be a disputed issue—when plaintiffs themselves fail to assert any ownership claim—does not create standing, much less make out a cognizable legal claim. No. COA22-688, 2023 WL 5208776, at *3 (Aug. 15, 2023). The plaintiffs have failed to allege any possible right of ownership in the monument, thus § 41-10 has no application here.

We understand that the plaintiffs have argued that resolution of the plaintiffs’ claims should wait for the North Carolina Supreme Court to rule in the Vance Monument case from Buncombe County.⁴ This basis for further delay is yet another red herring.⁵ The controlling law is clear with respect to the facts alleged here; the recent decision in *Edwards v. Town of Louisburg* lays this bare.

⁴ Mr. Ellis confirmed this when undersigned counsel reached out to him on July 17, 2023, to ask about what the Town of Edenton was planning to do in the face of this unusual procedural posture. The Vance Monument case was recently calendared for oral argument on November 1, 2023. This means, among other things, that a decision from the Supreme Court will not be forthcoming until sometime in 2024, and well after the November 2023 municipal elections.

⁵ Plaintiffs’ counsel has used similar-such delay arguments in other Confederate monument cases. For example, in the Vance Monument case, Mr. Phillips argued for a stay of those proceedings pending the decision of *United Daughters of the Confederacy*. That request was rejected by Judge Thornburg in Buncombe County, whose decision was later affirmed by the high court. Subsequently, on appeal, they *conceded* that the Vance County case was, indeed, “fundamentally different” from *United Daughters* because of the contract between that plaintiff and City of Asheville. Reply Brief of Appellant at 4-5, *The Soc’y for the Hist. Pres. of the Twenty-Sixth N.C. Troops, Inc. v. City of Asheville*, COA21-429 (filed Nov. 12, 2021). There is no contract at issue in the present case, making it, like *United Daughters*, “fundamentally different” the Vance Monument case pending before the North Carolina Supreme Court.



We appreciate that although we have reviewed the entire court record, there may yet be information we are unaware of—for example, anything that may have been discussed during the non-recorded, non-public “emergency” hearing on March 17, 2023, that was not otherwise memorialized in Judge Tillett’s order. That said, based on the available record, the unusual nature of the existing TRO, the strong public interest in this matter, and the recent decision by the Court of Appeals *Edwards v. Town of Louisburg*, we believe there is more than sufficient good cause to seek a full hearing under Rule 65 without further delay. In the interests of the Coalition and other citizens of Edenton, we hope you take such action.

We stand ready to assist in the hope that your interests in relocating this monument, with its unpatriotic spirit of secession, are vindicated without further delay.

Sincerely,



Jaelyn Miller
Community Lawyering Fellow
Emancipate NC
jaelyn@emancipatenc.org



Jake Sussman
Interim Chief Counsel, Justice System Reform
Southern Coalition for Social Justice
jsussman@scsj.org



EXHIBIT 10



Edenton Town Council - Meeting Summary Tuesday, March 12, 2024

The purpose of this notice is to summarize items from the meetings and is not comprehensive. This summary does not replace the official minutes. Go to the Town of Edenton's YouTube Channel for a video of the full meeting, or our website for the official minutes.

Present: Mayor W. Hackney High Jr, Bob Turner, Aaron Coston, Elton Bond, Craig Miller, Patrick Sellers, and Town Manager Corey Gooden.

Special Presentation - Nexgrid AMR Overview

- Mr. Costa Apostolakis, CEO of Nexgrid, and Hunter Chamberlain, Electric Director, presented to the council an overview of the Nexgrid AMR system, which would provide smart grid electric metering for Edenton Electric customers. This could allow meters to be read much faster and automatically, as meters are currently read individually and manually. **No action was taken by the council at this time.**

Administrative Committee

Edenton Harbor Camera

- **Council approved this item unanimously.** At the prior committee meeting in February, a public access, four-directional webcam was proposed for public access. This camera would allow staff and the general public to observe weather conditions (including storms, flooding, winds), sunrises/sunsets, large events at Colonial Park, and the harbor area/Barker House area for boater and pedestrian security and safety.
- Talks originated when news channel WITN proposed a waterfront webcam to staff, one that would be shown on television. However, staff decided to pursue a significantly cheaper and Town-owned camera (not leased) from security company Verkada, priced around \$8,000 for a five-year lifespan and will be pulled from waterfront landscaping funds. Multiple other waterfront towns in North Carolina utilize public webcams. Install is expected in April.

Mayor's Task Force Appointments

- Mayor Hackney High appointed Tom Brennan and Mary Ellen Hill to the Mayor's Task Force on Litter, Recycling and the Environment, as recommended by staff at the February committee meeting.

New Business

Budget Amendment – Hangar & Taxiway Project (Northeastern Regional Airport)

- **Council unanimously approved this item.** This budget amendment is to receive funding from the North Carolina Department of Aviation, to allow Talbert & Bright (engineering consultants) to continue to provide services to the Town of Edenton for required permitting and required FAA documents. Part of the funding will also help to oversee bidding process for the project's construction

Board & Committees Conflict of Interest Form & Training

- **Council unanimously approved this item.** Councilmembers are required to undergo ethics training upon election. Staff have put together a new form with language recommended by the N.C. League of Municipalities that oversees code of conduct and conflicts of interest for Town of Edenton board and committee members.

Manager's Report

Town Manager Corey Gooden reviewed the following items:

- The three-laning plan for Broad Street was supported by town council via vote in February. This plan does not include bike lanes and wider main lanes.
- Preliminary shoulder work for paving on Broad Street is expected to begin in the spring.
- Future bike lanes will be considered in the future throughout the town, but nothing is on the table at this time.
- The owners of the Hotel Hinton responded to the code violation notice and made improvements within the timeframe. Staff will continue to work with the owners on potential ordinance violations in the future. A meeting was scheduled for March 13 between the town manager, county officials and property owners.
- Utility departments within the Town of Edenton (Public Works, Electric), oversee and maintain all points of contact with contractors performing special work in town, but this does not always include subcontractors, which are managed by general contractors. 811 notices are received by Town crews, but they are sometimes open for 30 to 90 days, so it may not always be known exactly when contractors perform work in town within that window, but communication has been improving with outside contractors.
- An update on the Confederate Monument: a decision is expected soon in the Vance Monument case in Asheville, from the North Carolina Supreme Court.
- Staff are always seeking grant funding for stormwater improvements, given recent public comments about future flooding around the historic Kadesh Church and Swain Auditorium.
- The Town Manager and Destination Downtown Edenton Director will be on-site in Charlotte to connect with retail developers in search of possible future opportunities in Edenton.

- A May 1 launch date for the Harbor Towns Ferry project is expected.
- Granville Street utility patching will take place over the end of March and into early April, before NCDOT's contractor, Barnhill, fully repaves the street later in April.

Items Considered Timely & Important

- **Councilman Coston** had no issues to bring forward.
- **Mayor High** extended condolences to Tammy Woodley, Assistant to the Town Manager, after the recent passing of her father, and instructed the council to attend a service later in the week and asked that the Town of Edenton send flowers.
- **Councilman Bond** extended his condolences to Tammy Woodley as well.
- **Councilman Miller** has thanked Public Works and Brad Overton for the work being completed on Granville Street to improve infrastructure.
- **Councilman Sellers** asked if Granville Street will be fully repaved by NCDOT in April.
 - **Manager Gooden:** It is currently slated to begin in April.
- **Councilman Turner** asked about recycling and statistics to show increases week over week. He asked about the current scheduling.
 - **Manager Gooden:** Staff can review tonnage data to find any increases. When recycling was first implemented in Edenton (before it ceased in 2020), the tonnage data was utilized to implement scheduling. 10 or less tons a week was received at that time, and a municipality would need more than 20 tons a week to warrant weekly pickups.

EXHIBIT 11



**Edenton Town Council - Meeting Summary
Monday, March 25, 2024**

The purpose of this notice is to summarize items from the meetings and is not comprehensive. This summary does not replace the official minutes. Go to the Town of Edenton's YouTube Channel for a video of the full meeting, or our website for the official minutes.

Present: Mayor W. Hackney High Jr, Bob Turner, Aaron Coston, Elton Bond, Craig Miller, Patrick Sellers, and Town Manager Corey Gooden.

Special Presentation - Social District Six Month Update

- Assistant Town Manager/Town Planner Dewayne Whealton provided a six month update on the status of the Downtown Edenton Social District.
 - **Zero** negative incidents have been reported to the police department.
 - **Twenty businesses** participate currently (via green/yellow stickers)
 - Downtown Ambassadors recommend larger signage, and increased communication between event planners and their unit. They have also noticed less activity after 5:00 p.m. on Sundays compared to other days.
 - Staff recommends that the district be allowed to continue, with a one-year update being provided to the council in the fall.

Special Presentation - Downtown Edenton Economic Update

- Destination Downtown Edenton Executive Director Ches Chesson provided a downtown Edenton economic update to the council. \$3.2 million in private and public investment was recorded downtown in 2022; 2023 numbers are still being gathered. This investment resulted in 3 net new businesses, 4 historic buildings rehabbed, and 58 net new jobs.

Town of Edenton Tree Committee - 2024 Arbor Day Proclamation

- **Mayor High entered this proclamation into the record**, which acknowledges Arbor Day 2024 and recognizes Edenton's status as a Tree City USA for 45 years straight. The Town of Edenton is one of three communities in North Carolina to be a Tree City USA for 45 plus years, since the program's inception in the state.

Administrative Committee

Confederate Monument Update

- Town Attorney Hood Ellis brought an update on the Confederate Monument in downtown Edenton. Mr. Ellis stated that Superior Court Judge Jerry Tillett indicated in 2023 that he was awaiting a decision from the Vance Monument case in Asheville. The North Carolina Supreme Court recently reaffirmed in a unanimous vote that the plaintiffs did not have standing to challenge the relocation of the Vance Monument in Asheville.
- Mr. Ellis is currently seeking a hearing with Judge Tillett to discuss dissolving the temporary restraining order in place. No date has been set for this hearing as of this council meeting.

Finance Committee

2024 City Vision Conference

- **Council forwarded this item to the next regular meeting in April.** Councilman Aaron Coston and Town Manager Corey Gooden requested that council approve travel costs for their trip to Winston-Salem in April for the 2024 CityVision Conference, the North Carolina League of Municipalities' annual conference for all members. Travel costs are \$1,591.65 for Councilman Coston and \$1,291.65 for Manager Gooden.

Closed Session

- The council entered into a closed session per NCGS 143-318.11(a)(5) to establish, or to instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease.

EXHIBIT 12

Edenton Town Council Minutes
April 9, 2024

The Edenton Town Council met in regular session on Tuesday, April 9, 2024 at 6:00 p.m. in the Council Chambers. The following members were present: Mayor Hackney High, Councilman Elton Bond, Councilman Aaron Coston, Councilman Samuel Dixon, Councilman Craig Miller, Councilman Patrick Sellers and Councilman Bob Turner.

Mayor High called the meeting to order.

All present stood and recited the Pledge of Allegiance. Councilman Bond gave the invocation.

The minutes from the regular meeting of March 12, 2024, special meeting of March 25, 2024 and closed session of March 25, 2024 were presented for approval.

Councilman Miller made a motion to approve the minutes as presented. Councilman Coston seconded the motion. The motion carried unanimously.

Public Comment

John Mitchener – spoke to the Town Council regarding the vacant house next to Southern Bank on West Queen Street. He stated that this property could be renovated to provide housing that is needed by the community.

John Grant – spoke to the Town Council regarding the contractors and sub-contractors that are in town installing the fiber optic cable throughout town and there is a need for better oversight from the town on this.

Mr. Grant also talked about the protests that are occurring at the monument on the weekends and all the signage that is being put up by the groups.

Special Presentation

Robert Leath, Executive Director of Edenton Historical Commission gave an update to the Town Council on the operations of the Barker House, Cupola House and project updates for the preservation efforts at the Kadesh A.M.E. Zion Church and Hayes Farm.

Committee Meetings

Administrative Committee

Confederate Monument Update

There was no update to report at this time.

Finance Committee

2024 City Vision Conference Attendance

It was noted that Councilman Coston and Town Manager Gooden would be attending the City Vision Conference April 23 – 26, 2024 in Winston Salem, North Carolina.

Councilman Dixon made a motion to approve the travel requests. Councilman Miller seconded the motion. The motion carried unanimously.

New Business

Request for Qualifications (RFQ) – Projects AIA-W-ARP-0004 and AIA-W-ARP-0024-Sewer AIA Phase(s) 1 & 2

Corey Gooden, Town Manager stated that David Myers, Public Works Director was requesting approval for the request for qualifications (RFQ) for Engineering Services for two (2) asset inventory and assessment (AIA) sewer collection projects. The projects individual awards are \$200,000 (for AIA-W-ARP-0004) and \$400,000 (AIA-W-ARP-0024), which totals \$600,000 in services for inspection, administration, engineering, and GIS services from prospective ES groups. Both projects were awarded 100% ARPA grant funding by the NCDEQ-DWI for fall 2021 and spring 2022 applications submittals. Both projects will focus on the overall condition assessment of the Town’s sewer collection system and lift stations. Both projects will work in conjunction with one another to help identify the current conditions, any future repairs/maintenance, a sewer rate study, a 10-year capital improvement plans (CIP), and field GIS applications.

He noted that applicants will have until May 1, 2024 @ 5:00pm to provide RFQ proposals for Town staff to review. Once the reviews are completed, all applicants will be scored and the Town Staff will make work authorization (WA) recommendations at the May 14th Council meeting.

Councilman Coston made a motion to approve the RFQ as presented. Councilman Bond seconded the motion. The motion carried unanimously.

Work Authorization – No. 22-02 – Amendment No. 2- Hanger Taxilanes (Design) – Northeastern Regional Airport

Corey Gooden, Town Manager stated that it was requested that Council approve the work authorization (WA) of the Northeastern Regional Airport’s No. 22-02 Amendment No. 2 of the Hanger Taxilanes Design project. The work authorization is a continuation of the hanger and taxilane design project. The project funding is 100% part of the State DOA NPE funding’s and totals \$93,980 in cost. If approved, the formal budget amendment for the project will be presented at the April 22, 2024 Council meeting.

Councilman Bond made a motion to approve the work authorization as presented. Councilman Miller seconded the motion. The motion carried unanimously.

Manager’s Report

Hotel Hinton – Town and County staff held virtual meetings in February and March with the developers and are awaiting applications for site development review. No applications have been received to date and that a follow up call will be made with the developers soon to answer questions.

Grocery Store- The Town and DDE continue to work with shopping center owners and property owners to recruit a second grocery store but nothing has been finalized at this time.

Confederate Monument – Attorney provided update in March and a court date was requested for case review. Nothing new to report.

Sidewalks – sidewalk inventory data has been received and contractors have been solicited for pricing.

Recycling tonnage – 61,520 pounds have been recycled from four trips.

Items Considered Timely and Important

Councilman Bond stated that residents of East Hicks Street called him with concerns regarding the gate being opened and Coastal Concrete using East Hicks Street to haul materials. They are concerned about the safety of the residents and can the town do anything to restrict this use.

Corey Gooden, Town Manager stated that staff has been researching if there were any restrictions placed on the use of the road by Coastal Concrete and nothing has been found. He did reach out to the owner of the concrete plant and he reports that materials are being hauled to the site where solar windmills are being installed and this would be temporary.

Councilman Miller – asked if there were any new developments with the parking lot adjacent to Creswell Furniture.

Corey Gooden, Town Manager stated nothing new to report.

Councilman Coston – talked about concerns regarding the park bathrooms not being open during business hours.

Corey Gooden, Town Manager stated that the bathrooms are to be open during daylight hours and that he would follow up with Public Works on this issue.

There being no further items on the regular meeting agenda, the meeting was adjourned.

EXHIBIT 13

Edenton Town Council Minutes
June 11, 2024

The Edenton Town Council met in regular session on Tuesday, June 11, 2024 at 6:00 p.m. in the Council Chambers. The following members were present: Mayor Hackney High, Jr., Councilman Elton Bond, Councilman Aaron Coston, Councilman Samuel Dixon, Councilman Craig Miller, Councilman Patrick Sellers and Councilman Bob Turner.

Mayor Hackney High, Jr. called the meeting to order.

All present stood and recited the Pledge of Allegiance. Councilman Bond gave the invocation.

Approval of Minutes

The following minutes were presented for approval: Regular Meeting of May 14, 2024, Special Meeting of May 28, 2024 and Closed Sessions of May 14, 2024 and May 28, 2024.

Councilman Miller made a motion to approve the minutes as presented. Councilman Coston seconded the motion. The motion carried unanimously.

Public Comment

John Mitchener asked if there were funds included in the 2024/25 budget to improve lighting for streets and parking lots around Edenton.

JD Grant expressed concern about the installation of a street light in the Cotton Mill Village neighborhood. He also spoke about the grass ordinance that was included on the agenda and stated that it needed to include reference to the existing ordinances and that sidewalks be included in the ordinance. He also spoke about an upcoming meeting with SAGA representatives and stated that performance bonds should be required.

Lorrie Dablow encouraged the Town Council to conduct a Google search of properties owned by SAGA Construction and read the results.

Bill Whichard spoke about the Hotel Hinton project and encouraged the Town Council to conduct research on the lawsuits that SAGA currently has and that Edenton keep the pressure on the developers.

Special Presentation

Susan Creed, Executive Director of the Edenton Chowan Chamber of Commerce, gave a yearly update to the Town Council on the events and accomplishments of the Chamber of Commerce.

Committee Meetings

Administrative Committee

Electric Purchasing Agent Job Description and Salary Classification

Councilman Miller stated that Hunter Chamberlain, Electric Director is requesting that the Administrative Committee consider that an Electric Purchasing Agent job description be added to the Town of Edenton classification schedule and placed in the salary grade 21. This request is in light of the retirement of former the Purchasing Agent and Special Projects Manager (Bud Powell) and is part of the succession planning from that retirement.

It was noted that this new job classification is intended to more accurately represent the core job responsibilities for the position. It was also noted that the special projects responsibilities were removed and these responsibilities are intended to be handled internally by each specific department head. The new position will also include the additional field inventory management of the Town's electric grid (i.e., GIS and 811 locate).

It was noted that this new role would replace the current Purchasing Agent/Special Projects Coordinator and focus on managing all Electric Department specific warehouse inventories as well as all field grid inventories.

It was noted that if approved, the changes would be effective July 1, 2024.

Councilman Miller made a motion to approve the creation Electric Purchasing Agent job classification and that it be classified as Grade 21. Councilman Turner seconded the motion. The motion carried unanimously.

Finance Committee

FY 24/25 Annual Budget Update

Councilman Dixon stated that the FY 2024/25 budget has been submitted to the Town Council and encouraged the public to review and if they have concerns or comments to please let the Town Council or staff know. A final vote will be scheduled for the June 24, 2024 Town Council meeting.

Utilities Committee

Street Light Request

Corey Gooden, Town Manager stated that the Electric Department received a request for a new street light at the intersection of McMullen Avenue and Cotton Mill Circle. The light was requested by the residents of the Cotton Mill townhomes as this would be at the main entrance. McMullen Avenue is equipped with lighting; however, there is approximately a 225-foot gap between the nearest lights and a 110-foot distance from the driveway to the closest light. The project will require three workers for a duration of three hours, with an estimated expense of approximately \$300.

Councilman Coston made a motion to approve the installation of the street light as requested. Councilman Miller seconded the motion. The motion carried unanimously.

Public Works Committee

Grass, Grass Clippings and Other Yard Debris Ordinance

Councilman Coston stated that Pursuant to N.C.G.S. Section 160A-174 and in conjunction with the Town of Edenton Ordinance Chapter 94 "Health and Sanitation; Nuisances," § 94.026 Grass, Grass Clippings and Other Yard Debris is was requested by town staff to be added to the town's code of ordinance for better regulation of placement for grass, leaves, and/or other yard debris and to prohibit blowing yard debris onto town streets. Town staff believes it is in the public interest and, if properly regulated, will promote the public health, safety and welfare of the town's citizens. Town staff also believes it is necessary to address storm water concerns and to help alleviate potential localized flooding from blocked storm water drainage basins.

Councilman Coston made a motion to approve the ordinance as presented to include sidewalks. Councilman Dixon seconded the motion. The motion carried unanimously.

Councilman Dixon left the meeting.

New Business

Board and Commission Reappointments

Corey Gooden, Town Manager stated that Dewayne Whealton, Assistant Town Manager and Planner requested that the Town Council reappoint board and commission members whose terms are expiring and eligible to serve another term.

He noted that each member has expressed an interest in remaining on their respective board.

Re-appointments are as follows

Each board and the respective reappointments are shown below:

- Preservation Commission
 - Lisa Baker for a third term
 - Francis Maffitt for a first term

- Planning Board
 - Randy Naylor for a second term

- Board of Adjustments
 - John Grant for a first term

- Tree Committee
 - Susan Inglis
 - William Ahearn

Mayor High approved and affirmed the appointments as noted.

Town Manager's Report

Accessibility to Meetings Request

Mr. Goodman stated that at a recent meeting there was an individual who spoke regarding accessibility to meetings for the hearing impaired residents. It was noted that the Public Information Officer was researching programs that can be used for the closed caption accessibility. It was also noted that videos viewed on YouTube can have closed captioning if the viewer turns on the feature.

Mr. Goodman noted that staff will continue to research options for accessibility and would report back to the Town Council at a later date.

Mr. Mitchener-vacant house on West Queen Street-Southern Bank

Mr. Gooden reported that he is continuing to have conversations and work with Southern Bank on the vacant house that is adjacent to the property on use for the property.

Susan Inglis- Confederate Monument Update

Mr. Gooden stated there is no update on hearing date for the Confederate Monument.

Councilman Bond - Cemetery Concerns

Mr. Gooden, spoke with contractor on concerns and provided list of holidays to make sure the cemeteries look their best.

Councilman Coston - Driveway for Vine Oak

Mr. Gooden will look for historical maps and work on getting property surveyed to determine options for vehicular traffic.

Mayor High – Railroad

Mr. Gooden stated there has been no progress with contacts at the railroad.

Councilman Miller – Hotel Hinton Update

Mr. Gooden stated that Saga Developers will be meeting with staff in the upcoming weeks and that staff will express concerns. He stated that a formal application has been received from SAGA and will be scheduled for Planning Board review July 1, 2024. Depending on the outcome of that meeting it will be scheduled for Town Council review either July 9 or July 22, 2024.

Parks Update

Mr. Gooden stated that picnic shelters construction is in progress at the parks.

Items Considered Timely and Important

Mayor High discussed the Hotel Hinton application and reminded the Town Council and public that when it comes time for review by Town Council that the Special Use Permit process allows for the Town Council to set conditions and restrictions on the permit.

Councilman Miller asked Ches Chesson, DDE Director if there was any update on tenants for the Edenton Village Shopping Center.

Ches Chesson reported three tenants were secured but they are waiting for anchor store to be secured before moving forward.

Councilman Turner asked about paving schedule.

Corey Gooden, Town Manager stated that contracts were opened in February with an 18 month completion date.

Councilman Sellers spoke about the protesters that are around the Confederate Monument on Saturdays. He stated that this activity is not very inviting and has heard from residents and visitors that they are afraid to walk through the area. He asked if something can be done to tone it down so it's not intimidating to the public and better for the Town.

Corey Gooden, Town Manager stated that permits are issued on a monthly increment.

Mayor High stated that he and other Town Council members share the same concerns and that staff has asked the Town Attorney to review sign ordinances and first amendment rights to see if there are restrictions that can be put in place.

Councilman Bond asked how someone can tell the Town of Edenton what to do with their property.

Mayor High stated that a judge has that authority.

Councilman Coston inquired about the dog park that was discussed previously, he asked if that was something that was still be considered.

Corey Gooden, Town Manager stated that there are no plans at this time to construct a dog park. Funds are currently being used to update existing parks. He stated that this was still a priority of the Town Council but there are no plans at this time.

Councilman Bond expressed that he hoped funds were included in the upcoming budget for sidewalks and curbing in neighborhoods that citizens have been requesting for years.

Corey Gooden, Town Manager stated yes there are funds included to put in sidewalks and curbing in areas where it is needed.

There being no further items on the agenda, the regular meeting was adjourned and Town Council went into a closed session.

EXHIBIT 14



| | |
|-----------------------|----------------------------|
| G. Nicholas Herman | herman@broughlawfirm.com |
| Robert E. Hornik, Jr. | hornik@broughlawfirm.com |
| T.C. Morphis, Jr. | morphis@broughlawfirm.com |
| Albert M. Benshoff | benshoff@broughlawfirm.com |
| S. Ellis Hankins | hankins@broughlawfirm.com |
| Kevin R. Hornik | khornik@broughlawfirm.com |
| Brady N. Herman | bherman@broughlawfirm.com |
| Lydia E. Lavelle | lavelle@broughlawfirm.com |

July 26, 2024

**Via First Class Mail and Via Email to corey.gooden@edenton.nc.gov;
hackney.high@edenton.nc.gov; patrick.sellers@edenton.nc.gov;
craig.miller@edenton.nc.gov; elton.bond@edenton.nc.gov;
councilmandixon@icloud.com; aaron.coston@edenton.nc.gov**

Town of Edenton, NC
c/o Corey Gooden, Town Manager
400 South Broad Street
Edenton, NC 27932

Dear Mr. Gooden,

We are writing on behalf of clients who wish to remain anonymous but are dedicated to the well-being of the people of Edenton. We have attached a proposal aimed at addressing a critical issue in Edenton through a creative solution recently proven effective in Pitt County. We believe that the majority of the town will support this proposal, which promises to end the waste of resources and time without progress. Most importantly, if the Town Council acts swiftly, it will result in a significant philanthropic donation to local charities serving unmet needs of town residents. We hope that the Edenton Town Council will consider this proposal with the seriousness it deserves in light of the current situation and potential future outcomes.

In January 2021, the Town Council appointed a Human Relations Commission. This Commission spent many months researching and deliberating the history, legal statutes, and public needs concerning the Confederate Statue at the foot of Broad Street. Ultimately, the Commission voted to recommend that the statue be moved to a new location. However, more than three years later, the statue remains in the same location, accompanied by a controversial Confederate flag flying at the same level as the flags of North Carolina and the United States of America. The Town of Edenton has since expended tens of thousands of dollars and countless hours on legal reviews, lawsuits, public comments, weekly protests, and more, resulting in lost reputation, controversial news coverage, highly visible billboards and newspaper ads, and most importantly, a risk to the personal safety of residents. Clearly, a new approach and creative solution are needed. The business owners on the front page of this week's Chowan Herald are correct that downtown Edenton should be welcoming to all and celebrated. There is only one way for this to happen.

If the Town of Edenton follows through on the attached proposal, a donation of \$50,000 will be made to the Chowan County Community Fund (“CCCF”), which provides annual support to local charities. As background, the CCCF provided 2024 grants to the following charity organizations: Albemarle Commission Senior Nutrition Program for Chowan Meals on Wheels, American Red Cross for disaster cycle services, Boys & Girls Club of the Albemarle, Children’s Cancer Partners of the Carolinas for Chowan County Childhood Cancer Safety Net, Chowan Arts Council, Chowan/Perquimans Smart Start Partnership for Reach Out and Read, Dream Hunt & Fishing Program, Edenton Farmers Market for Continuing Healthy Living and Community Togetherness, Edenton Historical Commission for Edenton Tea Party Exhibit, Make-A-Wish Eastern North Carolina, NC Agricultural Foundation, Inc. for Chowan County 4-H Camp Program, The Salvation Army of Elizabeth City for emergency social services, The Sisters of Strength Edenton NC for REFRESH (Reaching Every Family to Renew and Enhance Student Health and Hygiene), and Special Olympics North Carolina for Special Olympics North Carolina – Chowan.

We respectfully ask that the Edenton Town Council consider our proposal at its earliest opportunity. Thank you for considering this proposal. We look forward to your positive response and to working together for the betterment of Edenton.

Sincerely,

THE BROUGH LAW FIRM, PLLC

T.C. Morphis, Jr.

T.C. Morphis, Jr.

TCM:las

Enclosures: Monument Purchase Proposal

Cc: Client File

Corey Gooden, Town Manager

Hackney High, Mayor

Town Council (Patrick Sellers, Bob Turner, Craig Miller, Elton Bond,
Samuel Dixon, Aaron Coston)



| | |
|-----------------------|----------------------------|
| G. Nicholas Herman | herman@broughlawfirm.com |
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July 26, 2024

Via First Class Mail and Via Email to corey.gooden@edenton.nc.gov;
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craig.miller@edenton.nc.gov; elton.bond@edenton.nc.gov;
councilmandixon@icloud.com; aaron.coston@edenton.nc.gov

Town of Edenton, NC
c/o Corey Gooden, Town Manager
400 South Broad Street
Edenton, NC 27932

***RE: Proposal for the Transfer of Ownership of the Chowan County
Confederate Dead Monument to Chowan Reconciliation Group***

Dear Mr. Gooden,

Please let this letter serve as an expression of intent outlining the basic terms under which the **Chowan Reconciliation Group** (the “CRG”) proposes to purchase from the **Town of Edenton, a North Carolina Municipal Corporation** (the “Town”) the **Chowan County Confederate Dead monument** (the “Monument”) currently located on South Broad Street in the Town of Edenton. CRG proposes to the Town the following terms and conditions for the transfer of ownership of the Monument:

1. **CONSIDERATION:**

In consideration of the ownership transfer, CRG shall make a donation in the amount of FIFTY THOUSAND and xx/100 DOLLARS (\$50,000.00) to the Chowan Community Funds Foundation, which said funds shall be transferred within thirty (30) days after the completion of the removal of the Monument from its present location and no more than ninety (90) days after the signing of this letter of intent.

2. **RELOCATION OF MONUMENT:**

A representative group of residents of the Town may select a new location for the Monument at a future date, as is consistent with N.C.G.S. § 100-2.1(c)(2). CRG proposes that members of the representative group be selected from the Town of Edenton Human Relations Commission and/or the Town of Edenton Reconciliation Group.

3. TIMING & MANNER OF TRANSFER:

- a. Transfer of Ownership of the Monument shall be completed on or before August 31st, 2024.
- b. Transfer of Ownership of the Monument shall be achieved by the execution of a formal Transfer of Ownership Agreement and Bill of Sale between the Town and CRG, the final terms of which shall be determined by the parties hereto upon additional consultation and negotiation.

4. CONDITION OF MONUMENT; WARRANTIES OF OWNERSHIP:

- a. CRG acknowledges that the Monument shall be sold and transferred in its “as-is” condition, without any warranties or guarantees except as may be agreed upon by the parties hereto in their final Transfer of Ownership Agreement and Bill of Sale.
- b. Town shall make no warranties, either express or implied, as to the ownership of the monument. Notwithstanding the foregoing, Town acknowledges that, after a good-faith investigation of the available public records relating to the Monument, the Town maintains its belief that it is the lawful owner of the Monument as of the date hereof.

5. PUBLIC ANNOUNCEMENT:

Town agrees that, upon Town’s adoption of a resolution affirming the terms of this proposal, which said terms may be modified upon the express, written agreement of the parties hereto, Town shall participate in a joint press release with CRG to announce the proposed transfer of ownership, the proposed positive contributions to the Chowan Community Funds Foundation, and an end to the weekly protests concerning the Monument.

6. EXCLUSIVE OPPORTUNITY:

Following the execution of this proposal, the Town will not negotiate or enter discussions with any other party or offer the Monument or any direct or indirect interest therein for sale or transfer to any other party until the date that a formal Transfer of Ownership Agreement is executed by CRG and Town for the Monument.

7. NON-BINDING:

This proposal (except for the “Exclusive Opportunity” paragraph) does not create a binding contract and will not be enforceable against either party. Neither party shall be bound nor have obligations of any kind (except under the “Exclusive Opportunity” paragraph), unless and until a formal Transfer of Ownership Agreement is hereafter signed and delivered upon the parties. The terms of the “Exclusive Opportunity”

paragraphs hereof are binding and enforceable against the parties to this proposal.

If the foregoing is acceptable, please execute and return a copy of this proposal to the undersigned. Once this proposal is executed, the CRG and Town will immediately begin work on the formal Transfer of Ownership Agreement.

Sincerely,

THE BROUGH LAW FIRM, PLLC

T.C. Morphis, Jr.

T.C. Morphis, Jr.

TCM:las

Cc: Client File
Corey Gooden, Town Manager
Hackney High, Mayor
Town Council (Patrick Sellers, Bob Turner, Craig Miller, Elton Bond,
Samuel Dixon, Aaron Coston)

EXHIBIT 15

Edenton Town Council Minutes
August 13, 2024

The Edenton Town Council met in regular session on Tuesday, August 13, 2024 at 6:00 p.m. in the Council Chambers. The following members were present: Mayor Hackney High, Councilman Elton Bond, Councilman Aaron Coston, Councilman Samuel Dixon, Councilman Craig Miller, Councilman Patrick Sellers and Councilman Bob Turner.

Mayor Hackney High called the meeting to order.

Mayor High welcomed Interim Police Chief George Robinson to the meeting. Mr. Robinson thanked the Town Council for the opportunity to serve as Interim Chief for the Town of Edenton.

All present stood and recited the Pledge of Allegiance. Councilman Bond gave the invocation.

Approval of Minutes

The following minutes were presented for approval: Regular Meeting of July 9, 2024; Special Meeting of July 22, 2024 and Closed Session of July 9, 2024

Councilman Coston made a motion to approve the minutes as presented. Councilman Miller seconded the motion. The motion carried unanimously.

Public Comment

T C Morphis: Stated that he was present speaking on behalf of the Chowan Reconciliation Group. He requested that the Town Council finish the work of moving the Confederate Monument to another location. He stated that there is \$50,000 that has been placed in a trust account that can be used to pay expenses to move the monument.

Michael Dean: Spoke about the confederate monument, he read a letter that he wrote to the editor.

Jessie Rivers: Thanked the Town Council for approving the construction of the picnic shelters in the neighborhood parks. She asked for the Town Council to move the confederate statue from its present location.

Debra Miller: Requested that the Town Council move the confederate statue and that it's an embarrassment for the Town.

Gil Burroughs: Spoke in regards to the landscaping plan that was submitted for the new high school construction. He stated that the approved plan does not meet the UDO guidelines.

Hal Murray: Requested information on when the parking lot next to Creswell Furniture will be opened for public use since it has been recently purchased by DDE.

Patrick Dablow: Stated that he attended the recent Planning Board meeting in regards to the Hotel Hinton project and stated that he was not impressed. He raised concerns about the information that was presented and the developers.

Lorrie Dablow: Spoke in regards to the community meeting scheduled and encouraged all Town Council members to attend and answer questions.

John Grant: Stated that he sent an email to the Town Council members in regards to the Hotel Hinton application. Mr. Grant also thanked the Police Department for their recent response at their business during a recent disturbance.

Special Presentation

Allison Platt with consultant for Harbortowns, Inc. was present to give a presentation on the Colonial Park site plans.

Ms. Platt, of Regeneration by Design, presented the preliminary site design for the Colonial Park improvements along Edenton's waterfront which showed the initial design improvements which are focused on accommodating passengers for the Harbortown ferries and the paddle boat. These improvements include the necessary breakwater repairs, seating/waiting pavilion, public parking improvements and the addition of a new park attendant/dockmaster building. The plans do include future improvements (such as greenspace, walkways, boardwalks, etc.) that the Town could implement after the initial utility needs are met for the boating infrastructure.

Committee Meetings

Administrative Committee – Mural Application Forms

Councilman Miller stated that new application forms have been created for mural applications on private and public properties within the Town's Historic District.

Councilman Miller made a motion to approve the mural application forms. Councilman Turner seconded the motion. The motion carried unanimously.

Administrative Committee - Electric Utility Line Clearance Worker Job Description

Councilman Miller stated that the Electric Director requested the creation of this job that will be responsible for clearing overgrown trees and brush near the utility lines.

Councilman Miller made a motion to approve the creation of the Electric Utility Line Clearance Worker job description. Councilman Bond seconded the motion.

Councilman Coston asked for clarification on the duties for this position.

Town Manager Corey Gooden explained the job duties and requirements.

The motion carried unanimously.

Administrative Committee - Updated Salary Schedule

Councilman Miller stated that it is requested that the Utility Line Clearance Worker job classification be a Grade 18.

Councilman Miller made a motion to approve the job classification as Grade 18. Councilman Sellers seconded the motion.

Councilman Coston asked to have further discussion on the Grade 18 classification since the job duties are not solely a second class lineman. He felt that since lineman is not the primary role that they should not be paid the grade 18 salary.

Councilman Sellers stated that he also had the same concerns regarding the classification of the job as grade 18.

Councilman Miller made a motion to table the agenda item for further discussion. Councilman Bond seconded the motion. The motion carried unanimously.

New Business

Resolution – NC Governor’s Highway Safety Program

Mayor High stated at the June 24, 2024 meeting the Edenton Town Council approved a budget amendment total \$10,000 for a grant that Officer Corby Bunch had secured for the Police Department for additional funds to assist with overtime cost. The grant was awarded from the North Carolina Governors Highway Safety Program. Following approval of the budget amendment, a formal resolution was required for the Town of Edenton to accept these funds. In the original resolution that staff submitted there were two small clerical errors that needed revisions. The resolution as presented, addresses those corrections and will allow the Town to meet the requirements of the program.

Councilman Miller made a motion to approve the corrected resolution. Councilman Bond seconded the motion. The motion carried unanimously.

Budget Amendment-NC Associations of Chiefs of Police – Performance and Wellness Grant

Mayor High stated that the budget amendment is for the Town of Edenton to accept \$2,216.00 in funding from the North Carolina Associations of Police Chiefs (NCACP) for their performance and wellness grant. The grant was offered state wide and the funds are intended to be used for the purchase of the Essential Personnel software to help the department improve its ability to manage personnel records, track performance metrics, and maintain up-to-date training records. The tool will assist staff in managing talent, career development, fitness & wellness, and training.

Councilman Miller made a motion to approve the budget amendment. Councilman Dixon seconded the motion. The motion carried unanimously.

Harbortowns-Site Design Approval

Mayor High stated that the Town Council needed to take an official vote that shows the Council’s support for the initial utility improvements associated with the Harbortowns Inc. site plans for Colonial Park and the waterfront area. This support will allow the Town and Harbortowns to continue to work towards developing the final pricing associated with these improvements. The Town Manager Corey Gooden recommended that Council approve the initial site plans and development of the associated

cost, with the contingency that any final approval will require all the necessary board and/or commission's approval.

A motion was made by Councilman Dixon to approve the conceptual site design approval. The motion was seconded by Councilman Coston. The motion carried unanimously.

Town Manager's Report

Corey Gooden, Town Manager gave his Manager's report.

He reported that the accolades given at a recent meeting to the Public Works Department were shared with the department and appreciated.

He stated that the park improvements are ongoing and the first phase has been completed. A public event was held at the MLK park to receive input from the neighborhood. He hoped to soon receive notification if a Parks and Recreation Trust Fund grant was received for Morgan Park improvements.

He stated that questions were asked regarding the next round of paving and he provided a report to the Town Council.

Items Considered Timely and Important

Councilman Bond asked when the sidewalk and curbing work would begin in his ward.

Corey Gooden, Town Manager stated that he hoped that work would begin soon. He stated that staff is waiting on quotes to be received and approved by Town Council.

Councilman Bond asked about police enforcement and sign installation at the neighborhood parks.

Corey Gooden, Town Manager stated that patrols have been increased and the signs were ordered.

Councilman Miller asked for an update on Granville Street paving.

Corey Gooden, Town Manager stated that the contract time was running out so he hoped to see paving begin soon.

Councilman Coston asked for the updated notes from the Council planning session.

Corey Gooden, Town Manager stated that he would send out to the Town Council.

Councilman Coston asked about items that were requested in the surveys for the park improvements which included wifi access and gaga ball. Councilman Coston suggested working with Tyler Newman, PIO to put together a timeline that can be put on social media for the park improvements.

There being no further items on the agenda, the meeting was adjourned.

EXHIBIT 16

https://www.dailyadvance.com/news/local/law-firm-client-withdraws-offer-to-buy-edentons-confederate-monument-cites-towns-lack-of-interest/article_647ea142-767c-11ef-ab28-f75c926352ad.html

Law firm client withdraws offer to buy Edenton's Confederate monument, cites town's 'lack of interest' in offer

From staff reports
Sep 19, 2024



A client of a Chapel Hill law firm that approached the town of Edenton with a proposal to purchase the town’s Confederate monument for a \$50,000 contribution to a local charity, has withdrawn the offer, citing the town’s lack of interest in the proposal.

Submitted photo

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EDENTON — The unnamed entity that approached Edenton about purchasing its Confederate monument in exchange for a \$50,000 contribution to a Chowan County charity has withdrawn its offer, citing the town’s lack of interest in the proposal.

T.C. Morphis Jr., an attorney with the Chapel Hill-based Brough Law Firm, advised Town Manager Corey Gooden by letter Tuesday, Sept. 17, that his unnamed client is withdrawing its offer to have the Edenton Racial Reconciliation Group donate \$50,000 to the Chowan Community Funds Foundation in exchange for ownership of the monument.

Morphis had emailed the monument-purchase proposal to the town in a July 26 letter, saying the offer was being made on behalf of “clients who wish to remain anonymous but are dedicated to the well-being of the people of Edenton.”

Under the original proposal, Edenton would transfer ownership of the monument to the Edenton Racial Reconciliation Group in exchange for a \$50,000 contribution to the Chowan Community Funds Foundation. Morphis’ letter said the group, which provides funding to nonprofits like the Albemarle Commission Senior Nutrition Program for Chowan Meals on Wheels, the American Red Cross, and Boys & Girls Club of the Albemarle, helps “serve unmet needs of town residents.”

The monument then would be moved from its current site on South Broad Street to a new location selected by a committee chosen either by the town’s Human Relations Commission, the reconciliation group or both. Both groups have been supporters of moving the monument.

Morphis said a similar “creative solution” was used in Pitt County once its Confederate monument had been taken down and stored. The Pitt monument was transferred to a group called Commemorating Honor, which said it wanted to restore it and then put it on private property.

Morphis said in his letter that it had been “more than a month” since he appeared before Edenton Town Council to publicly announce the monument-purchase proposal, noting that his client “contemplated the transfer of ownership” would be completed on or before Aug. 31.

But since then, Morphis said he had heard nothing further from the town. Citing what he described as the town’s “apparent lack of interest” in the proposal, Morphis said his client was withdrawing its offer.

“It is disappointing, to say the least, that the Town of Edenton has refused to even consider a solution that would resolve this long-running issue and provide significant funds to a worthy local cause,” Morphis’ Tuesday letter reads. “If the Town wishes to reconsider its position in the future, please do not hesitate to contact me.”

A spokesman for Edenton said Tuesday the town would have no comment on Morphis' latest letter.

But following Morphis’ first letter, Town Manager Gooden told the Chowan Herald that the town couldn’t consider the law firm client’s proposal because it didn’t take into account the current legal restrictions on the town that prevent the monument from being moved.

“The town cannot consider the proposal because it (the proposal) does not acknowledge the lawsuit and/or the restraining order prohibiting the monument’s relocation,” he said. “Any consideration of the proposal would have to consider the plaintiffs in the lawsuit and the court’s pending order.”

Gooden was referring to the lawsuit filed in December 2022 by three groups with ties to the Confederacy to block the town’s efforts to move the Confederate monument from South Broad Street to Hollowell Park, and a Superior Court judge’s March 2023 injunction on the move until questions about a 2015 state law limiting the movement of “objects of remembrance” like Confederate monuments are resolved. The town has requested a hearing before Chief Resident Superior Court Judge Jerry Tillett on lifting the injunction; however, no date for a hearing has been publicly announced.

Gooden said the mayor and town council intend to follow current state law and court rulings.

“The mayor and Town Council have been very careful to follow the applicable law, and the monument will not be relocated until the mayor and council are reasonably certain by agreement or otherwise that the relocation site meets the letter and spirit of the applicable law,” Gooden said.

Asked about Edenton's position that the judge's injunction restricts the town's efforts to move the monument, Morphis said in an email that the lawsuit would not restrict the transfer of monument's ownership to his clients.

"I think the town raises a valid point about the lawsuit complicating the transfer of ownership of the statue, but as I said to the Town Council on August 13th, the lawsuit does not prevent the town from entering into a contract that is contingent on the outcome of the case (i.e. they could give title to my client, if allowed by the court)," he said. "To date, however, the town has declined to even discuss the proposal with us."

Asked if his client would also have been restrained under the state's "object of remembrance" law from moving Edenton's monument if it had taken possession of it, Morphis said he doesn't believe it would have.

"There is an exception in the statute for, '(a)n object of remembrance owned by a private party that is located on public property and that is the subject of a legal agreement between the private party and the State or a political subdivision of the State governing

the removal or relocation of the object," he said, quoting the law. "If the town conveyed title to my client, we believe this exception would apply" to my client.

Julian Eure

Editor

EXHIBIT 17



**Edenton Town Council Special Meeting
Monday August 19th, 2024 at
5:30pm Town Council Chambers**

AGENDA

- I. Call Meeting to Order: Mayor W. Hackney High, Jr.
- II. Closed Session - Per NCGS 143-318-11 (a)(3) To consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body
- III. Adjournment

EXHIBIT 18



| | |
|-----------------------|----------------------------|
| G. Nicholas Herman | herman@broughlawfirm.com |
| Robert E. Hornik, Jr. | hornik@broughlawfirm.com |
| T.C. Morphis, Jr. | morphis@broughlawfirm.com |
| Albert M. Benshoff | benshoff@broughlawfirm.com |
| S. Ellis Hankins | hankins@broughlawfirm.com |
| Kevin R. Hornik | khornik@broughlawfirm.com |
| Brady N. Herman | bherman@broughlawfirm.com |
| Lydia E. Lavelle | lavelle@broughlawfirm.com |

September 17, 2024

Via First Class Mail and Via Email to corey.gooden@edenton.nc.gov;
hackney.high@edenton.nc.gov; patrick.sellers@edenton.nc.gov;
craig.miller@edenton.nc.gov; elton.bond@edenton.nc.gov;
councilmandixon@icloud.com; aaron.coston@edenton.nc.gov

Town of Edenton, NC
c/o Corey Gooden, Town Manager
400 South Broad Street
Edenton, NC 27932

***Re: Proposal for the Transfer of Ownership of the Chowan County
Confederate Dead Monument to Chowan Reconciliation Group***

Dear Mr. Gooden,

I am writing to follow up on the letter and offer my office sent the Town on July 26, 2024. It has been more than a month since I appeared in person before the Edenton Town Council to publicly announce the Chowan Reconciliation Group's offer to contribute \$50,000.00 to the Chowan Community Funds Foundation in exchange for transfer of ownership and relocation of the Chowan County Confederate Dead Monument. My client's proposal contemplated that the transfer of ownership would be completed on or before August 31, 2024. Since that time, I have heard nothing further from the Town. Given the apparent lack of interest from the Town, my client hereby withdraws its offer.

It is disappointing, to say the least, that the Town of Edenton has refused to even consider a solution that would resolve this long-running issue and provide significant funds to a worthy local cause. If the Town wishes to reconsider its position in the future, please do not hesitate to contact me.

Sincerely,

THE BROUGH LAW FIRM, PLLC

T.C. Morphis, Jr.

T.C. Morphis, Jr.

TCM:las

Enclosures: Monument Purchase Proposal

Cc: Client File

Corey Gooden, Town Manager

Hackney High, Mayor

Town Council (Patrick Sellers, Bob Turner, Craig Miller, Elton Bond,
Samuel Dixon, Aaron Coston)

EXHIBIT 19



**Edenton Town Council - Meeting Summary
Monday, September 23, 2024**

The purpose of this notice is to summarize items from the meetings and is not comprehensive. This summary does not replace the official minutes. Go to the Town of Edenton's YouTube Channel for a video of the full meeting, or our website for the official minutes.

Present: Mayor W. Hackney High Jr, Bob Turner, Samuel Dixon, Aaron Coston, Elton Bond, Craig Miller, Patrick Sellers, and Town Manager Corey Gooden.

Special Meetings

Loan Proposals & Resolution - Sanitation 18-Wheeler

- **Council approved a financing proposal with Truist Bank unanimously.** As part of the FY24/25 budget, Council approved the purchase of an International LT625 Semi Day Cab for the Sanitation Department with loan proceeds. The Town received three (3) proposals for financing from Navistar Financial, Southern Bank & Trust and Truist Bank. First Citizens declined to submit a proposal.

| | |
|-----------------------|--|
| Navistar Financial | \$200,751.32 (\$29,038.84 interest, \$171,712.48 principal) |
| Southern Bank & Trust | \$213,970.28 (\$42,257.80 interest, \$171,712.48 principal) |
| Truist Bank | \$200,995.67 (\$29,283.19 interest, \$171,712.48) principal |

- The bank proposal summary shows that the interest on the life of the loan from Navistar Financial is approximately \$244 less, however, they proposed that the first debt service payment be made in January 2025, while the other financial institutions required the first payment be made in November 2025, which is in a different budget year. This payment was not accounted for in the FY24/25 budget, so staff recommended that the Council accept the Truist offer for 7 years at a 4.096% interest rate.

Professional Services Agreement – AIA-W-ARP-0004

- **Council approved this item unanimously.** The Town of Edenton was awarded \$200,000 for the Assets Inventory and Assessment (AIA) from the NCDEQ DWI in spring of 2023. This funding is 100% grant funded. The agreement is for project number AIA-W-ARP-0004 and would include Smoke Testing, Pump Station Inspection, Manhole

Inspection, and the Funding Administration for the wastewater collection system. This project would be in parallel to project AIA-W-ARP-0024 for the secondary needs of the assessment.

Professional Services Agreement - AIA-W-ARP-0024

- **Council approved this item unanimously.** The Town of Edenton was awarded \$400,000 for the Assets Inventory and Assessment (AIA) from the NCDEQ DWI in spring of 2023. This funding is 100% grant funded. The agreement is for project number AIA-W-ARP-0024 and would include CCTV of the collection system, flow monitoring, hydraulic modeling, asset management plan w/capital improvement plan (CIP), a wastewater rate study, and the funding administration. This project would be in parallel to project AIA-W-ARP-0004 for the primary needs of the assessment.

Utilities Committee Meeting

Nexgrid Professional Services & Support Agreement and Limited Warranty Agreement

- **This item was forwarded to an upcoming regular meeting for a vote.** As part of the FY24/25 budget Council approved the annual service pricing for professional services (totaling \$397,824) with the Nexgrid group to implement the smart system for the electric utilities grid for the Town of Edenton. This program would launch the rollout of the Nexgrid user interface software platform for staff and residents and replace all electric meters with an Advanced Metering Infrastructure (AMI) smart network.
- The agreement and warranty would be for a 10-year service and warranty term. The annual pricing would include a 5-year rate of \$397,824 and second 5-year rate of \$53,028 during the 10-year term. Electric Director Hunter Chamberlain and Town Manager Corey Gooden have shared both agreements with the Town Attorney and received his initial comments on these agreement(s). At this time, the staff is recommending that the Utilities Committee send the agreements to Full Council for consideration, with the one contingency that the legal items in question be addressed with Nexgrid before a final vote is considered.

Closed Session

Council entered into a closed session to consult with the Town Attorney regarding NCGS 100-2.1(b) Protection of Monuments; and NCGS 143.318.11(3) for preservation of attorney-client privilege.

EXHIBIT 20

Edenton Town Council Minutes
Closed Session
October 8, 2024

The Edenton Town Council met in closed session on Tuesday, October 8th, 2024 in the Town Council Chambers. The following members were present: Mayor Hackney High, Councilman Elton Bond, Councilman Bob Turner, Councilman Aaron Coston, Councilman Samuel Dixon, Councilman Patrick Sellers, and Councilman Craig Miller.

Also present was Town Attorney Hood Ellis.

The agenda item for the closed session was to consult with the Town Attorney regarding NCGS 100-2.1(b) Protection of Monuments; and NCGS 143.318.11(3) for preservation of attorney-client privilege.

A motion was made to go into closed session by Councilman Bond and seconded by Councilman Turner. The motion carried unanimously. Councilman Bond made a motion to exit the closed session and the motion was seconded by Councilman Sellers. The motion carried unanimously.

There being no further items of business, the meeting was adjourned.

EXHIBIT 21

Edenton Town Council Minutes
October 28, 2024

The Edenton Town Council met in closed session on Monday, October 28, 2024 at 6:00 p.m. in the Council Chambers. The following members were present: Mayor W. Hackney High, Jr. , Councilman Elton Bond, Councilman Robert Turner, Councilman Aaron Coston, Councilman Samuel Dixon, Councilman Patrick Sellers and Councilman Craig Miller.

Also present was Town Attorney Hood Ellis.

Mayor W. Hackney High, Jr. called the meeting to order.

Councilman Coston made a motion to enter closed session. Councilman Bond seconded the motion.

Closed Session to consult with Town Attorney regarding NCGS 100-2.1(b) Protection of Monuments and NCGS 143.318.11 (3) for preservation of attorney client privilege.

The Town Council had discussions with the Town Attorney regarding the Confederate Monument lawsuit.

Councilman Coston made a motion to exit closed session. Councilman Bond seconded the motion. The motion carried unanimously.

EXHIBIT 22



Edenton Town Council
Regular Meeting
Tuesday, November 12th, 2024
6:00 p.m.

Meeting will be held in the Council Chambers, 504 S. Broad Street.
Remote Video Access Available via
<https://us02web.zoom.us/j/2524822155?pwd=TONFUEJ0MXlnV3B2UFA1S0R0ajgzUT09>
Meeting ID: 252 482 2155 Passcode: 458434
Dial in Option: 301-715-8592 (Meeting ID & Password same)

AGENDA

- I. **Call Meeting to Order**: Mayor W. Hackney High, Jr.
- II. **Pledge of Allegiance**
- III. **Invocation**: Councilman Elton Bond, Jr.
- IV. **Approval of Minutes**: Regular Meeting of October 8th, 2024, the Special Meeting of October 28th, 2024, and the Closed Session meeting of October 8th & 28th, 2024.
- V. **Public Comment**: Public Comments are limited to 3 minutes per speaker
- VI. **Committee Meetings**
 - A. **Administrative Committee**
 1. Social District Ordinance Review
- VII. **New Business**
 - A. Nexgrid Professional Services & Support Agreement and Limited Warranty Agreement – Corey Gooden
 - B. Financing Proposals and Budget Resolution for Purchase of Electric Digger Truck – Virginia Smith
 - C. Financing Proposals and Budget Resolution for Purchase of Electric Bucket Truck – Virginia Smith
 - D. PARTF Accessibility Grant Agreement – Dewayne Whealton
 - E. Memorial Bench Request – 413 S. Broad Street – Dewayne Whealton

VIII. **Town Manager's Report**

IX. **Items Considered Timely and Important**

X. **Closed Session** - To consult with the Town Attorney regarding NCGS 100-2.1(b) Protection of Monuments; and NCGS 143.318.11(3) for preservation of attorney-client privilege; and Per NCGS 143-318-11 (a)(6) to consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee

XI. **Adjournment**

EXHIBIT 23



Edenton Town Council & Chowan County Board of Commissioners
Joint Special Meeting
November 25th, 2024
5:30 p.m.

Council Chambers, 504 S. Broad Street

*Meeting will be held in the Council Chambers, 504 S. Broad Street. Remote Video Access Available via
<https://us02web.zoom.us/j/2524822155?pwd=TONFUEJOMXlnV3B2UFA1S0R0ajgzUT09>*

Meeting ID: 252 482 2155 Passcode: 458434

Dial in Option: 301-715-8592 (Meeting ID & Password same)

AGENDA

- I. Call Meeting to Order: Mayor W. Hackney High, Jr. & Chowan County Chairman Bob Kirby
- II. Confederate Monument Memorandum of Understanding (MOU)
- III. Adjournment

STATE of NORTH CAROLINA

COUNTY of CHOWAN

MEMORANDUM OF UNDERSTANDING & AGREEMENT

THIS MEMORANDUM OF UNDERSTANDING & AGREEMENT, made and entered into this 25th day of November, 2024 by and between the **Town of Edenton**, a municipal corporation of North Carolina (hereinafter “the Town”), and the **County of Chowan**, a political subdivision of North Carolina (hereinafter “the County”)

WITNESSETH

That whereas the monument and memorial to the Confederate Dead from Chowan County who fought and died in the Civil War (hereinafter “the Confederate Monument”) was erected in 1904 near the north end of, the Chowan County Courthouse Green, as depicted on that plat of a "Survey for Chowan County Courthouse Property and Green," of September 24 & 25, 1997, by Mark D. Pruden, R.L.S., of record in Plat Cabinet 1 at slide 152-A in the Chowan County Registry, and

Whereas in 1932 there was erected on the Courthouse Green the Joseph Hewes monument in honor of Joseph Hewes who was one of the original signers of the Declaration of Independence and by 1961 the Edenton Woman's Club desired to complete the restoration of the Courthouse Green congruent to the 18th-century Courthouse; and

Whereas, of record in Minutes Book 6, the Chowan County Commissioners on March 6 and May 16, 1961, accepted and authorized plans and granted permission to carry out the plans, funded by the proceeds of the 1961 spring Biennial Pilgrimage, submitted for the historic re-landscaping and terracing of the Courthouse Green, and relocation of the Confederate Monument from the Green to the south end of the Town’s Broad Street; and

Whereas, on June 1, 1961 the Confederate Monument was moved from the Courthouse Green to the middle of the fifth block of the Town's South Broad Street where it has remained ever since; and

Whereas, on February 8, 2022 the Edenton Town Council unanimously accepted the recommendation of the Human Relations Commission previously appointed by the Town and voted to relocate the Confederate Monument in compliance with N.C. General Statute Section 100-2.1”Protction of Monuments, Memorials and Works of Art;” and

Whereas, the United Daughters of the Confederacy and others initiated a civil action in Chowan County Superior Court against the Town to restrain the Town from relocating the Confederate Monument and on March 23, 2023 the Senior Resident Judge entered a Restraining Order enjoining the Town from relocating the Confederate Monument pending further hearing and order of the Court; and

Whereas, subject to the terms and conditions of this Memorandum of Understanding and Agreement, the County has agreed to accept the Confederate Monument and permit it to be relocated to the grounds of the current Chowan County Courthouse as more particularly described herein; and

Whereas, the Town desires to transfer and relocate the Confederate Monument to the described location which satisfies the statutory requirements that the Confederate Monument be relocated to a site of similar prominence, honor, visibility, availability and access within the boundaries of the Town and permit the Town to proceed with its Waterfront Master Plan which includes the area presently occupied by the Confederate Monument; and

Whereas, United Daughters of the Confederacy and other Plaintiffs in the civil action now pending against the Town have approved this Memorandum of Understanding & Agreement and agreed to enter into a Consent Judgment with the Town concluding the pending action on the basis of this Memorandum of Understanding & Agreement without any further claims or relief:

NOW THEREFORE the Town, acting through its Mayor and Town Council, and the County, acting through its Chairman and Board of Commissioners, do hereby covenant and agree as follows:

1. Within thirty (30) days of the entry of a Consent Judgment in the civil action (file 22-CVS-98 Chowan County Superior Court *United Daughters of the Confederacy v. Town of Edenton*) dissolving and removing the existing Restraining Order on the basis of this Memorandum of Understanding & Agreement, acknowledging the relocation, its purpose and the site to which the Confederate Monument will be relocated fully comply with N.C. General Statute Section 100-2.1, and in all respects concluding the case and dismissing any other claims, the Town, at its expense, will remove the Confederate Monument to include the bronze statute and pedestal, the tripartite carved stone shaft, the muti-tiered carved stone base, its existing foundation, surrounding brick square, four flag-poles and ground lighting from its present location on South Broad Street, relocate same to its new location on the grounds of the existing Chowan County Courthouse in the open space between the Chowan County Jail Building and the War Memorial as identified by the County on Exhibit A hereto (outlined in blue highlight), and re-erect same at its new location in accordance with the presentation/placement plan determined by the County.
2. Upon the date of delivery of the Confederate Monument to its new location on the County's grounds at the existing Chowan County Courthouse, the Town will deliver a bill of sale or similar document transferring and conveying all right, title and interest the Town may have in the Confederate Monument to the County. By accepting the bill of sale or similar document the County agrees to keep and maintain the Confederate Monument in compliance with all federal and state laws and regulations.
3. Once delivered and re-erected by the Town as agreed herein, the County assumes any and all obligations with respect to the maintenance and landscaping of the Confederate Monument.
4. This is the complete Memorandum of Understanding & Agreement between the Town and the County. This Memorandum of Understanding & Agreement may not be modified or amended except in writing signed by the Town and the County.

[Signatures on following pages]

By authority of its Town Council, the Town has caused these presents to be by its proper officers signed in its corporate name and attested and its corporate seal to be hereunto affixed, this day and year first above written.

TOWN OF EDENTON

By: _____

W. Hackney High, Jr.

Mayor

(Affix Town Seal)

Attest:

Corey Gooden

Clerk

STATE of NORTH CAROLINA

COUNTY of CHOWAN

I, _____, the undersigned Notary Public of the said State and the County of _____, do hereby certify that this day personally came before me **Corey Gooden** and acknowledged that he is Clerk to the Town of Edenton, a municipal corporation, and that by authority duly given and as the act of the corporation, the foregoing instrument was signed in its name by its Mayor, sealed with its corporate seal, and attested by himself as its Clerk:

Witness my hand and official seal this _____ day of November, 2024.

Notary Public

My Commission Expires:

(Affix Notary Stamp or Seal)

By authority of its Board of Commissioners, the County has caused these presents to be by its proper officers signed in its corporate name and attested and its corporate seal to be hereunto affixed, this day and year first above written.

CHOWAN COUNTY

By: _____

Bob Kirby.

Chairman, Board of Commissioners

(Affix County Seal)

Attest:

Susanne Stallings

Clerk

STATE of NORTH CAROLINA

COUNTY of CHOWAN

I, _____, the undersigned Notary Public of the said State and the County of _____, do hereby certify that this day personally came before me **Susanne Stallings** and acknowledged that he is Clerk to the Chowan County Board of Commissioners, a body politic, and that by authority duly given and as the act of the corporation, the foregoing instrument was signed in its name by its Chairman, sealed with its corporate seal, and attested by herself as its Clerk:

Witness my hand and official seal this _____ day of November, 2024.

Notary Public

My Commission Expires:

(Affix Notary Stamp or Seal)

EXHIBIT A

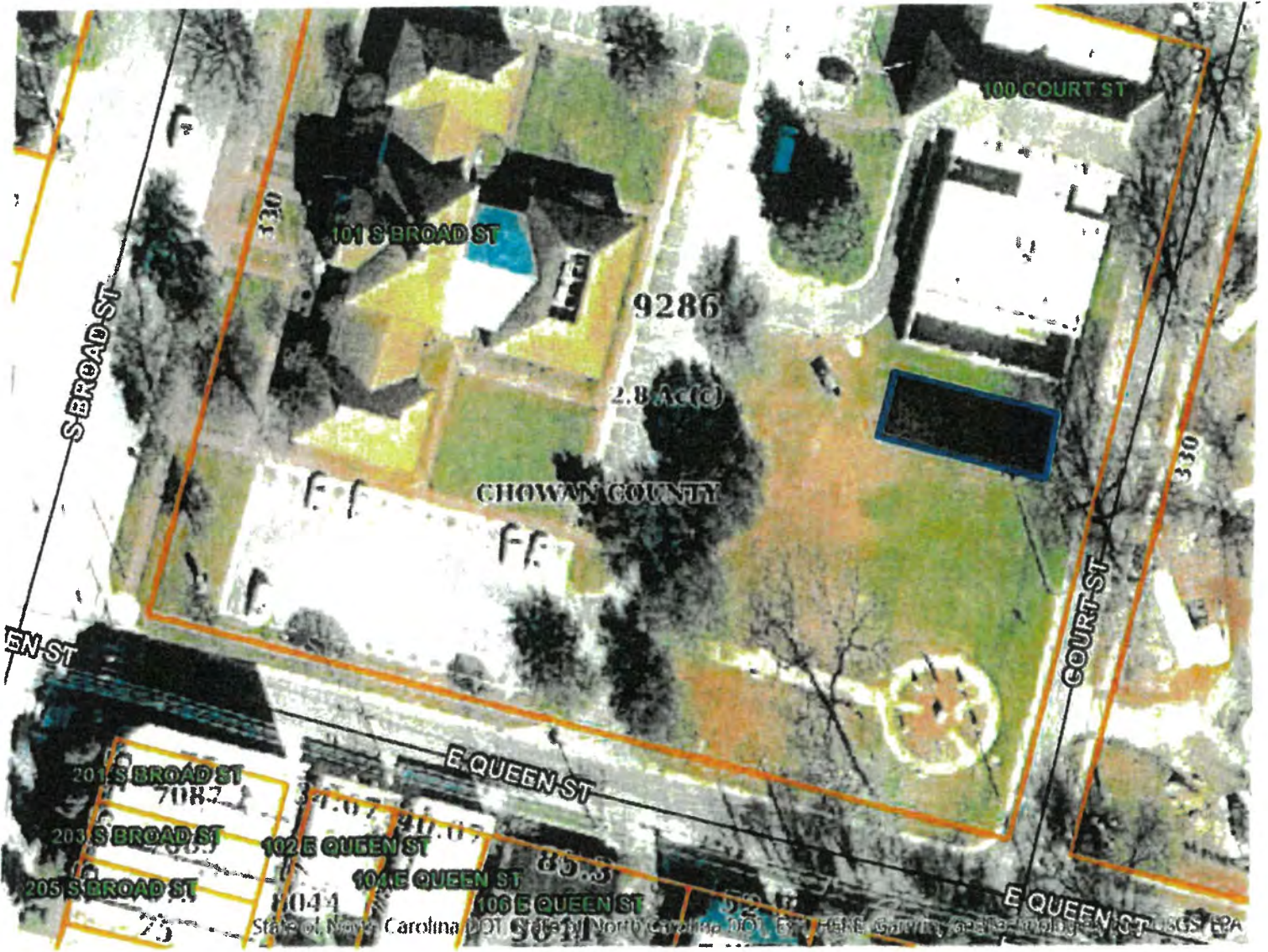


EXHIBIT 24



Chowan County Board of Commissioners

SPECIAL MEETING

Monday, November 4, 2024

Chowan County Public Safety Center

305 West Freemason Street

5:00 pm

AGENDA

The Chowan County Board of Commissioners will hold a special meeting on Monday, November 4, 2024 at 5:00 pm before the regular 6pm meeting. The special meeting at 5:00pm will be held in the Chowan County Public Safety Center (305 West Freemason St. Edenton, NC).

The purpose of this special meeting will be a closed session to meet in accordance with NCGS 143-318-11 (a) (3) attorney client. The regular meeting at 6:00pm will follow.

Chowan County Board of Commissioners

Regular Meeting

Monday, November 4, 2024

Chowan County Public Safety Center

305 West Freemason Street

6:00pm

AGENDA

Regular Meeting

- a. Call to Order
- b. Pledge
- c. Invocation Commissioner Evans

1. Approval of Draft Agenda

2. Public Comment

In accordance with NCGS 153A-52.1 The Board will allow a maximum of 3 minutes per speaker during the Public Comment Period.

3. Consent Agenda

All items on the Consent Agenda are considered to be routine and may be enacted by one motion. If a County Commissioner requests discussion on an item, the item will be removed from the Consent Agenda and considered separately.

- a. Minutes
The Board will review and consider approval of the October 21, 2024 Regular Meeting and October 28, 2024 Opioid Settlement Committee minutes.
- b. Tax Refund/Release Report
Dodson, B. \$836.62 Overpayment

4. Opioid Settlement Committee Items

The Opioid Settlement Funds Committee met on Monday, October 28, 2024. The following recommendations are for the Board's consideration:

- Recommendation for Commissioner Tray Taylor to attend the NC Summit on Reducing Overdose in Raleigh on March 18-20. Funds from the Commissioner travel budget or the settlement funds may be used to pay for attendance at this conference.
- Recommendation to make two additional appointments to the Committee. It is recommended that Edenton-Chowan School system appoint one representative to serve on the committee and that Chowan County Department of Social Services Director be appointed to serve on the committee. Julie Tunney with the North East North Carolina Partnership for Public Health has indicated interest in attending the Committee meetings. Ms. Tunney will attend committee meetings to serve as an advisory member to the Committee.

5. Annual Report

EMS Director Colin Ryan will provide the Board with the annual report from Chowan County EMS.

6. Local Reentry Council Appointment

Mr. Howard will ask if the Board wishes to appoint a County Commissioner to serve as a representative on the Hertford, Bertie, Gates, Chowan Local Reentry Council. Mr. Howard currently serves on the Committee and most participating Counties also have a Commissioner appointee serving.

7. Financial Items

Finance Officer Cathy Smith will present the following:

a. FY 2025 Budget Amendments

BA2025-021

BA2025-022

BA2025-023

b. Financial Report September 2024

Finance Officer Cathy Smith will provide the Board with financial reports for September 2024.

8. External Board/Committee Report

Board members are asked to report on the activities of the external boards to which they have been appointed.

9. Manager's Report

County Manager Kevin Howard will update the Board on any pending matters.

10. Timely and Important Matters

Upcoming Meeting - FYI

Commissioners Special Meeting – Water System Rate Study Review - November 12, 2024 – 4pm

11. Adjourn

Chowan County Board of Commissioners
Regular Meeting
Monday, October 21, 2024
Chowan County Public Safety Center
305 West Freemason Street
6:00pm

This meeting was recorded. A copy of the recording is in the meeting file labeled October 21, 2024.

Present: Vice Chairman Larry McLaughlin; Commissioners, Ron Cummings, Ellis Lawrence, Tray Taylor and Alex Kehayes.

Absent: Chairman Bob Kirby and Commissioner Chris Evans

Staff present County Manager Kevin Howard and Board Clerk Susanne Stallings and Finance Officer Cathy Smith.

Regular Meeting

Vice Chair McLaughlin called the regular meeting to order and led in the pledge.

Commissioner Kehayes then offered the invocation.

Approval of Agenda

Board Clerk Susanne Stallings presented the following requests to amend the agenda:

- Recommendation to add purchase of AED to item 8A

Commissioner Kehayes moved to approve the agenda as amended.

Vice Chair McLaughlin asked for all in favor, the motion passed unanimously (5-0).

Public Comment

Vice Chair McLaughlin opened the floor for public comment.

There was none.

Consent Agenda

- a. Minutes
The Board will review and consider approval of the October 7, 2024 Regular and Special Meeting minutes.
- b. Animal Shelter Vehicle Purchase

The Board is asked to consider approval of a van purchase in the amount of \$10,000, utilizing donation monies from the Animal Shelter budget to purchase a used van for transport of animals and supplies.

Commissioner Taylor moved to approve the consent agenda as presented. Vice Chair McLaughlin asked for all in favor, the motion passed unanimously (5-0).

Shepard Pruden Memorial Library Board Bylaw Amendment

Ms. Stallings noted that the Librarian was not able to attend the meeting due to a schedule conflict. She read a statement from the Librarian into the record:

“The Shepard-Pruden Memorial Board of Trustees have voted unanimously to amend the by-laws to leave the exact meeting time up to the Board of Trustees. The quarterly meeting schedule will stay the same, only that the time will no longer be strictly 5:30 PM but rather decided at the start of the fiscal cycle. This was decided to facilitate the schedules of Board of Trustee members, especially with new members coming onto the board at the start of the fiscal cycle. This amendment of the by-laws also allows for flexibility with regard to events at the Library and unexpected closures or delays. All the boards of the other libraries in the Pettigrew Regional Library system as well as the Regional Board of Trustees have made this change to their by-laws. We ask that the Chowan County Commissioners approve this by-law change.”

Commissioner Kehayes moved to approve the amendment as presented. Vice Chair McLaughlin asked for all in favor, the motion passed unanimously (5-0).

DSS Retention Incentive Policy Amendment

DSS Director Tyeshia Phelps presented the Board with a request from the DSS Board for an amendment to their Retention Incentive Policy. The amendment proposes exempting retirees from repaying the incentive if they choose to retire within the same fiscal year and has been employed with the agency for the last 5 years consecutively.

Board members discussed the potential payback that employees would have to pay.

Ms. Phelps noted that some employees were given a \$2,500 bonus while others received \$1,500. She stated the amount of the bonus was based on longevity. She stated the purpose of the incentive bonus was to retain employees and encourage them to stay with Chowan DSS. She noted she did not realize at the time of preparing the incentive policy that when an employee retires they are considered terminated from payroll and are responsible for payback under the current policy.

Commissioner Lawrence moved to approve the policy amendment as presented.

Vice Chair McLaughlin asked if the pay back was explained to retirees when the policy was put in place.

Ms. Phelps stated that it was not that only taxes were discussed.

Vice Chair McLaughlin asked for all in favor, the motion passed unanimously (5-0).

Jail Ice Maker Purchase

Mr. Howard presented the Board with a request to purchase a new ice maker for the jail. The current ice maker has had multiple repairs and is nearing the end of operation. Additionally, he provided a quote for \$4,995 plus a \$535 annual service agreement. He stated the current ice maker has reached its end of life. He stated that the purchase can be done using ARPA funds.

Commissioner Taylor moved to approve the purchase of the ice maker and the annual service contract.

Commissioner McLaughlin asked if any other quotes were obtained. He stated this felt like a high price for a commercial ice maker.

Mr. Howard stated the Sheriff brought the quote. He stated that that the Sheriff has indicated that if a new jail is built the ice make can be relocated to the new jail.

Commissioner Taylor asked to amend his previous motion to approve the purchase as presented along with the service contract and request that the Sheriff find additional quotes to see if a lower purchase price can be obtained.

Vice Chair McLaughlin asked for all in favor, the motion passed unanimously (5-0).

Annual Report

Extension Director Mary Morris provided the Board with a video annual report from Chowan County Center North Carolina Cooperative Extension Service. A copy of the video presentation is saved in the Clerk's digital file labeled October 21, 2024.

Ms. Morris introduced the Board to the new District Director for NC Cooperative Extension Service, Sandy Hall.

Travel Mileage Reimbursement

Commissioner Lawrence requested approval of a reimbursement request for travel to Elizabeth City for COA Board of Trustees meetings and trainings. The total reimbursement request is \$87.10. He noted that there have been two additional meetings since his initial request.

Vice Chair McLaughlin asked if this would be a reoccurring expense.

Commissioner Lawrence stated it would be for out of County meetings.

Ms. Stallings noted that previously Board members were offered a stipend from some (not all) of the Boards that they are appointed to. She noted that initially Commissioner Lawrence was required to attend various orientations, meetings and swearing ins. She noted that the meeting

schedule for the COA Board would decrease to only once per month. She also noted that Commissioner Lawrence had to attend mandatory training for the COA Board of Trustees in Asheville and COA did reimburse him for that travel expense. She stated that Board members can only be reimbursed from various Boards or Committees for their expenses or travel expense, they are not allowed to be paid a stipend for being on the Board. She stated that some Boards currently reimburse Commissioners for their travel to out of County meetings. She noted she contacted COA and they do not reimburse its Board members for the regular Board of Trustee meetings or for committee meetings.

Commissioner Kehayes noted that some of the Boards that he is appointed to, require him to travel long distances for regional meetings. He stated that these Boards do reimburse the Board members for their travel expense.

Commissioner Taylor moved to approve the travel reimbursement request from Commissioner Lawrence to cover his travel to COA Board meetings through the end of fiscal year 2024-25. Vice Chair McLaughlin asked for all in favor, the motion passed (4-1 Cummings).

Purchase of AED (Automated External Defibrillator)

EMS Director Colin Ryan provided the Board with a request to purchase AED equipment. He stated the current equipment is 19 years old. The cost of the purchase is \$21,728.43.

Mr. Howard noted that the units would be purchased using ARPA funds.

Commissioner Taylor moved to approve the purchase as presented.

Commissioner Kehayes asked what would be done with the old units.

Mr. Ryan stated that EMS would try to trade in the current units for a credit towards the purchase.

Commissioner Cummings asked about the replacement schedule for batteries.

Mr. Ryan stated that the current battery replacement is every 4 years. He stated that the battery replacement expense comes out of the building maintenance line item.

Vice Chair McLaughlin asked for all in favor, the motion passed unanimously (5-0).

Financial Items

Finance Officer Cathy Smith presented the following:

FY25 Budget Amendments

BA2025-017

| Account Number | Account Description | Revenue (Inc+/Dec-) | Expense (Inc+/Dec-) |
|--------------------------|---|------------------------|------------------------|
| Register of Deeds | | | |
| 11-3418-415-00 | *Preservation/Automation | 515.76 | |
| 11-4180-298-00 | *Dept Supplies - Auto/Pres | | 171.92 |
| 11-4180-440-00 | *Contr Svcs - Automation/Pres | | 171.92 |
| 11-4180-511-00 | *C/O - Auto / Pres | | 171.92 |
| Sheriff's Office | | | |
| 11-3431-243-00 | *KIDS & COPS | 581.00 | |
| 11-4317-443-00 | *KIDS & COPS Expense | | 581.00 |
| Animal Shelter | | | |
| 11-3438-894-00 | *Donations - Chowan | 2,399.53 | |
| 11-3438-894-01 | *Donations - Gates | 268.00 | |
| 11-3438-894-02 | *Donations - Perquimans | 540.00 | |
| 11-3438-894-03 | *Donations - Other | 484.53 | |
| 11-4381-600-00 | *Donation - Expense | | 3,692.06 |
| 11-3438-895-00 | *Adoption - Chowan | 550.00 | |
| 11-3438-895-01 | *Adoption - Gates | 550.00 | |
| 11-3438-895-02 | *Adoption - Perquimans | 350.00 | |
| 11-3438-895-03 | *Adoption - Other | 625.00 | |
| 11-4381-441-00 | *Contr Svcs - Spay/Neuter | | 2,075.00 |
| 11-3438-897-00 | *A.W.A.R.E. Reimbursement | 7,957.52 | |
| 11-4381-601-00 | *A.W.A.R.E. Reimbursement | | 7,957.52 |
| Cooperative Ext: | | | |
| 11-3495-370-00 | *AG Program Fees Discretionary | 410.00 | |
| 11-4953-440-00 | *Ag Program Fees Discretionary | | 410.00 |
| 11-3495-372-00 | *4H United Way | 2,250.00 | |
| 11-4953-445-00 | *4H United Way | | 2,250.00 |
| 11-3495-378-00 | *4-H Fees Discretionary | 30.40 | |
| 11-4953-448-00 | *4-H Fees Discretionary | | 30.40 |
| 11-3495-379-00 | *Livestock Program | 6,830.00 | |
| 11-4953-449-00 | *Livestock Program | | 6,830.00 |
| Recreation | | | |
| 11-3612-487-00 | *Recreation Donations | 777.50 | |
| 11-6130-299-01 | *Donations - Dept Supplies | | 777.50 |
| 11-3612-504-00 | *Recreation Special Events | 495.00 | |
| 11-6132-453-00 | *Recreation Special Events | | 495.00 |
| Senior Center | | | |
| 11-3616-533-00 | *Reg Fees - Trips | 2,395.50 | |
| 11-4268-312-00 | *TRIPS - Senior Citizens | | 2,395.50 |
| 11-3616-535-04 | *Silver Sneakers | 846.00 | |
| 11-3616-535-06 | *Renew Active | 624.00 | |
| 11-4268-352-02 | *Healthways | | 1,470.00 |
| 11-3616-535-01 | *Donations - Fitness | 147.75 | |
| 11-4268-352-01 | *Donations - Fitness | | 147.75 |
| DSS | | | |
| 12-3531-230-14 | *DSS Special Events | 185.00 | |
| 12-5310-450-00 | *DSS Special Events | | 185.00 |
| | | | |
| | Balanced | 29,812.49 | 29,812.49 |
| | | | |
| | Total Discretionary Income Received FYE 2025 | 97,792.60 | |
| Justification: | | | |
| | <i>To amend the 2025 budget to include Discretionary income for September 2024.</i> | | |

BA2025-018

| Account Number | Account Description | Revenue (Inc+/Dec-) | Expense (Inc+/Dec-) |
|--|-----------------------------|------------------------|------------------------|
| DSS | | | |
| 12-5310-121-00 | Salaries - Regular | | (30,000.00) |
| 12-5310-198-00 | Prof Services - Temp Agency | | 30,000.00 |
| | Balanced | - | - |
| Justification: | | | |
| <p><i>To amend the 2025 budget for Social Services to include additional staffing from Vanguard Professional Staffing. This is a transfer between line items and no additional funding is being requested.</i></p> | | | |

BA2025-019

| Account Number | Account Description | Revenue (Inc+/Dec-) | Expense (Inc+/Dec-) |
|--|------------------------------|------------------------|------------------------|
| Coop Extension | | | |
| 11-3495-386-00 | *Apex Grant - Story Walk | 5,000.00 | |
| 11-4953-456-00 | *Apex Grant - Story Walk Exp | | 5,000.00 |
| | Balanced | 5,000.00 | 5,000.00 |
| Justification: | | | |
| <p><i>To amend the 2025 budget for Cooperative Extension to include grant received from Apex Clean Energy for the Story Walk. BOCC approved grant application on 08/05/24.</i></p> | | | |

BA2025-020

| Account Number | Account Description | Revenue (Inc+/Dec-) | Expense (Inc+/Dec-) |
|---|----------------------------|------------------------|------------------------|
| EMS | | | |
| 60-3437-850-00 | Insurance Proceeds | 8,985.98 | |
| 60-4370-353-00 | Maint & Repairs - Vehicles | | 8,985.98 |
| | Balanced | 8,985.98 | 8,985.98 |
| Justification: | | | |
| <i>To amend the 2025 budget for EMS to include Insurance Proceeds for motor vehicle accident.</i> | | | |

Commissioner Cummings moved to approve the budget amendments as presented. Vice Chair McLaughlin asked for all in favor, the motion passed unanimously (5-0).

External Board/Committee Report

Commissioner Lawrence shared that the Airport airshow was a success. Additionally, he shared information on the ECSU drone

Manager’s Report

County Manager Kevin Howard provided the following updates:

- Mr. Howard noted that \$66,000 remains in ARPA funds that has to be spent by the end of the calendar year. He stated that the remaining \$195,000 has to be spent by the end of the fiscal year. He noted that monies designated for the CAB grant does not have to be used because no local match is required. He stated that staff is looking into options for use of the ARPA funds.
- Mr. Howard noted that all projects are on schedule (High School, Courthouse). He stated that a change order will soon be presented for the high school project. He stated that the change order will address an overage in the technology budget.

Timely and Important Matters

Ms. Stallings noted the following meeting dates:

Committee Meeting – Opioid Settlement Funds Committee

The committee will have its first meeting on October 28, 2024 at 4pm. Commissioner Taylor serves as this committee chair.

Commissioners Special Meeting - Joint meeting with Chowan County Planning Board to review Land Use Plan Updates - October 30, 2024 - 6pm

Commissioners Special Meeting – Water System Rate Study Review - November 12, 2024 – 4pm

Adjourn

Being no further business, Commissioner Cummings moved that the meeting be adjourned. Vice Chair McLaughlin asked for all in favor, the motion passed unanimously (5-0).

Larry McLaughlin, Vice Chair

Susanne Stallings, Clerk

Chowan County Board of Commissioners
Opioid Settlement Funds Committee
Meeting
Monday, October 28, 2024
Chowan County Public Safety Center
305 West Freemason Street
4:00pm

Present: Committee Chair Tray Taylor, County Manager Kevin Howard, Finance Officer Cathy Smith, Edenton Town Councilman Aaron Coston, Trillium Health Vice President Bobbie Lowe, EMS Director Colin Ryan and Health Department Deputy Director Amy Underhill.

Board Clerk Susanne Stallings was present.

Absent: Sheriff Edward Basnight.

Call to order

Chairman Tray Taylor called the committee meeting to order.

Review of Opioid Settlement Funds and Requirements

County Manager Kevin Howard provided the Committee with an overview of the settlement funds. He noted that Chowan County is to receive approximately \$1.3 million over an 18 year period. He provided a PowerPoint presentation that was put together by the North Carolina Association of County Commissioners to assist Counties in selection of means for spending the opioid settlement funds. A copy of the PowerPoint presentation is in the meeting file labeled October 28, 2024. Highlights from the presentation include:

- North Carolina will receive over \$1.3 billion in settlement funds from 2022 to 2038.
- Chowan County will receive \$1.3 million over this time period.
- The Memorandum of Agreement (MOA) for North Carolina Counties includes five requirements:
 - Establish and use a special revenue fund
 - Authorize spending of the funds ahead of time
 - Understand and follow the option selected (Option A or Option B)
 - Follow all reporting requirements
 - Hold an Annual Public Meeting
- The PowerPoint noted that there is a dashboard online created where each county can see a local view of the payment schedule, spending plans, past spending and many other facts on the funds.
- A resolution must be adopted by each County for spending authorization before the funds can be spent.
- The PowerPoint reviewed 12 high impact abatement strategies for Counties that select Option A.

- Collaborative Strategic Planning – A structured process to identify the best strategies for local governments to fund identified needs
 - Evidence-based addiction treatment – increase access to medications for Opioid Use Disorder (MOUD)
 - Recovery support, housing, employment and prevention
 - Recovery Housing Support (provide housing for people who use drugs, provide emergency rent and utilities assistance or provide housing to people who are unhoused)
 - Employment Support – Fund programs offering employment support services to people in treatment or recovery or persons who use drugs
 - Early Intervention – Identify risk factors, increase proactive factors and intervene on root causes
 - Naloxone Distribution – makes this medication widely available
 - Post Overdose Response – creation of a position or team that follows up with individuals post overdose and provide connections to care and referrals.
 - Syringe Services Programs
 - Criminal Legal System Diversion Programs
 - Medications for Opioid Use Disorder for persons in jail or prison.
 - Reentry Programs
- Mr. Howard reviewed the reporting requirements and noted that currently the County Finance Officer is following the reporting requirements for Chowan County Opioid Settlement Funds.
 - Mr. Howard noted that the County is currently holding one annual public meeting per year to provide updates on the County's funds received and to accept public comment.

Discussion on what other Counties are doing and where to go from here

Ms. Underhill and Ms. Lowe provided the Committee with information on what other area Counties are doing. They noted that most counties in the northeast region are in a similar position as Chowan County where they are establishing committees to form recommendations on a plan for expenditure of the funds. It was noted that Dare County has been working on these programs for several years. Most Counties are including the Regional Health Department (Albemarle Regional Health Services) as well as the Regional Mental Health Services provider (Trillium) on their committees.

The Committee discussed the benefits of partnering or regionalizing efforts in an effort to sustain the opioid funding efforts.

The Committee discussed the importance of the option selected to be both beneficial but also sustainable.

Mr. Howard noted that he would request to the Board of Commissioners that the Edenton Chowan Schools appoint a representative to the Settlement Funds Committee. He also recommended that the Board of Commissioners appoint the DSS Director to the Committee. Committee members agreed that was a good recommendation. Additionally, he noted that Julie

Tunney with North East North Carolina Partnership for Public Health has expressed interest in serving on the committee.

The Committee discussed the upcoming 2025 Opioid Summit in March. Committee members expressed interest in attending the summit. Ms. Lowe and Ms. Underhill both indicated that the conference is very informative and would be a great resource for members to attend. Chairman Taylor stated he would like to attend this conference.

Next Meeting

It was decided that the next Opioid Settlement Funds Committee Meeting would be on December 5th at 4:00pm.

Adjourn

Being no further business, Councilman Coston moved that the meeting be adjourned. Chairman Taylor asked for all in favor, the motion passed unanimously (7-0).

Tray Taylor, Chairman

Susanne Stallings, Clerk



10-24

| NAME | BILL NUMBER | PAYMENT TYPE | AMOUNT | OPER | DATE TIME |
|--|-------------|---|--------|------------|-----------------------|
| 50382 DODSON, BARBARA A DODSON, KENNETH L 101 MEADOW LARK DR Edenton, NC 27932 | 2024-4234 | RP: 780408965776 Over payment Create Bank Draft File Job 70323 REFUND RECIPIENT: | 836.62 | Bank Draft | 10/17/2024 8:24:05 AM |
| TOTAL REFUNDS PRINTED: | | | 836.62 | | |
| TOTAL VOID REFUNDS: | | | 0.00 | | |
| TOTAL: | | | 836.62 | | |



Register Today! NC Summit on Reducing Overdose

March 18-20, 2025

Raleigh Convention Center,
Wake County, NC

The North Carolina Association of County Commissioners (NCACC) is excited to announce an event that will bring together local government leaders, subject matter experts, service providers, community partners, and people with lived experience working to respond to the opioid overdose epidemic. Attendees will have the opportunity to learn from experts and each other at this two and a half day conference in Wake County, NC.

REGISTRATION RATES

Early-bird registration is now open at www.ncacc.org/events/2025-nc-summit-on-reducing-overdose.

\$225 – Early-Bird Rate
(Registration is open!)

\$275 – Regular Rate
(Beginning January 2025)

\$40 – Scholarship Rate
(People with Lived Experience)

Deadline to register for the Summit is Tuesday, March 11, 2025, by 11:59 p.m. If you have any questions about registration, email events@ncacc.org.

AGENDA

Programming is tentatively scheduled for:

Tuesday (March 18, 2025): 1-5 p.m.

- Reception/Community Service Activity from 5-7 p.m.

Wednesday (March 19, 2025): 8 a.m. – 5 p.m.

- Reception/Evening Program from 5-8 p.m.

Thursday (March 20, 2025): 8 a.m. – 3 p.m.

The agenda programming tracks include:

- NC Opioid Settlements
- Prevention / Early Intervention
- Harm Reduction
- Treatment
- Recovery

WHY ATTEND?

The Summit is a timely opportunity to share ideas and lessons learned about planning, implementing, evaluating, and reporting on strategies to reduce opioid overdose. At the 2023 NC Summit on Reducing Overdose, attendees loved the incorporation of stories and opportunities to network. Summit attendees were able to make lasting connections with others also engaged in similar work.

MEALS INCLUDED

- Tuesday: Afternoon snack
- Wednesday: Morning snack, lunch, and reception appetizers
- Thursday: Continental breakfast and lunch

HOTELS NEARBY

- AC Hotel (9 Glenwood Avenue, Raleigh)
- Marriott City Center (500 Fayetteville St., Raleigh)
- Residence Inn by Marriott Raleigh Downtown (616 S. Salisbury Street, Raleigh)
- Sheraton Raleigh Hotel (421 S. Salisbury Street, Raleigh)
- Opening December 2024: Homewood Suites by Hilton Raleigh Downtown (200 West Davie St. Suite A, Raleigh)
- Opening December 2024: Tempo by Hilton Raleigh Downtown (200 West Davie St., Raleigh)

Chowan County BUDGET AMENDMENT

To: Board of County Commissioners

BA #: 2025-021

From: Cathy Smith, *Finance Officer*

Date: October 22, 2024

RE: Animal Shelter

Please authorize the finance officer to amend the 2025 budget for **Animal Shelter** as follows:

| Account Number | Account Description | Revenue (Inc+/Dec-) | Expense (Inc+/Dec-) |
|-----------------------|---------------------------|------------------------|------------------------|
| Animal Shelter | | | |
| 11-4381-550-00 | Capital outlay - Vehicles | | 9,500.00 |
| 11-4380-600-00 | *Donations | | (9,500.00) |
| | Balanced | - | - |

Justification:

*To amend the 2025 budget for Animal Shelter to include purchase of 2006 van.
The van will be purchased using Animal Shelter Donations and this was
approved by the BOC on the consent agenda on 10/21/24.*

Approval Date: _____

Bd. Clerk's Init: _____

Initials: _____

Batch #: _____

Date: _____

Chowan County
MANAGEMENT BUDGET AMENDMENT

To: FYI - Board of County Commissioners

MBA #: 2025-022

From: Cathy Smith, *Finance Officer*

Date: October 30, 2024

RE: JCPC Funding

Please authorize the finance officer to amend the 2025 budget as follows:

| Account Number | Account Description | Revenue (Inc+/Dec-) | Expense (Inc+/Dec-) |
|------------------------------|------------------------------|------------------------|------------------------|
| Intensive Supervision | | | |
| 11-3523-003-00 | Intensive Supervision - Rev | 1,001.00 | |
| 11-5230-442-00 | Intensive Supervision - Exp | | 1,001.00 |
| 11-3523-004-00 | JCPC Council -Rev | 1,200.00 | |
| 11-5230-443-00 | JCPC Council -Exp | | 1,200.00 |
| After School | | | |
| 11-6131-126-00 | Salaries - PT | | (2,015.00) |
| 11-6131-181-00 | Fica | | (92.00) |
| 11-6131-261-00 | Office Supplies | | 500.00 |
| 11-6131-390-00 | Restitution & Other Services | | 496.00 |
| Recreation | | | |
| 11-6130-121-00 | Recreation - Salaries | | 1,111.00 |
| | Balanced | 2,201.00 | 2,201.00 |

Justification:

To amend the budget for JCPC Programs in order to reconcile county budget with JCPC budget.

Approval Date: _____

Bd. Clerk's Init: _____

Initials: _____

Batch #: _____

Date: _____

Chowan County BUDGET AMENDMENT

To: Board of County Commissioners

BA #: 2025-023

From: Cathy Smith, *Finance Officer*

Date: October 30, 2024

RE: Planning

Please authorize the finance officer to amend the 2025 budget for **Planning** as follows:

| Account Number | Account Description | Revenue (Inc+/Dec-) | Expense (Inc+/Dec-) |
|-----------------|---------------------------|------------------------|------------------------|
| Planning | | | |
| 11-4910-192-00 | Professional Services | | 25,000.00 |
| 11-3990-990-00 | Fund Balance Appropriated | 25,000.00 | |
| | Balanced | 25,000.00 | 25,000.00 |

Justification:

To amend the budget for Planning to include Ordinance update from Insight Planning. This project was budgeted in 2024 but not completed.

Approval Date: _____

Bd. Clerk's Init: _____

Initials: _____

Batch #: _____

Date: _____

Chowan County
Revenue/Expenditure Summary
General Fund
Year-to-Date through 9/30/24

| | Actual + Encumbrances | Adjusted Budget | Available Budget | % Budget Met | Prior Year Actual YTD |
|--|--------------------------|--------------------|---------------------|--------------------|--------------------------|
| Ad Valorem Taxes | | | | | |
| Tax Penalty & Interest | 48,979 | 50,000 | 1,021 | 98% | 7,539 |
| Prior Year - R&P | 43,279 | 150,000 | 106,721 | 29% | 50,485 |
| Current Year Levy - R&P | 2,754,523 | 12,098,280 | 9,343,757 | 23% | 2,476,227 |
| Prior Year - MV | 42 | - | (42) | 100% | 66 |
| Current Year Levy - MV | 265,135 | 952,150 | 687,015 | 28% | 257,579 |
| Total Ad Valorem Taxes | 3,111,958 | 13,250,430 | 10,138,472 | 23% | 2,791,896 |
| Sales Tax | | | | | |
| Article 39 Sales Tax | 184,836 | 1,784,387 | 1,599,551 | 10% | 158,607 |
| Article 40 Sales Tax | 92,242 | 1,056,604 | 964,362 | 9% | 90,854 |
| Article 42 Sales Tax | 26,692 | 148,240 | 121,548 | 18% | 15,080 |
| Article 44 Sales Tax | 28,196 | 338,465 | 310,269 | 8% | 27,380 |
| Total Sales Tax | 331,966 | 3,327,696 | 2,995,730 | 10% | 291,921 |
| Other Taxes | | | | | |
| Permits & Fees | 997 | 48,600 | 47,603 | 2% | 1,002 |
| Departmental | 117,455 | 432,024 | 314,569 | 27% | 124,419 |
| Miscellaneous | 364,558 | 925,342 | 560,784 | 39% | 394,920 |
| Fund Balance Appropriations | 214,064 | 2,025,829 | 1,811,765 | 11% | 238,846 |
| | - | 2,141,504 | 2,141,504 | 0% | - |
| Total General Fund Revenue | 4,140,999 | 22,151,425 | 18,010,426 | 19% | 3,843,004 |
| Expenditures | | | | | |
| Education Expenses | 1,294,654 | 5,539,189 | 4,244,535 | 23% | 1,253,963 |
| Governmental Expenses | 1,335,607 | 3,793,623 | 2,458,016 | 35% | 1,277,712 |
| Human Services Expenses | 567,819 | 1,842,579 | 1,274,760 | 31% | 524,159 |
| Other Expenses | 74,874 | 387,269 | 312,396 | 19% | 91,694 |
| Public Safety Expenses | 1,350,582 | 5,989,023 | 4,638,441 | 23% | 1,455,422 |
| Transfer to Social Services | - | 1,336,598 | 1,336,598 | 0% | - |
| Transfer to Re-Val | - | 95,150 | 95,150 | 0% | - |
| Transfer to Debt Service | - | 1,585,497 | 1,585,497 | 0% | - |
| Transfer to EMS | - | 1,582,496 | 1,582,496 | 0% | - |
| Total General Fund Expenditures | 4,623,536 | 22,151,425 | 17,527,889 | 21% | 4,602,950 |
| Net General Fund (11) | (482,537) | - | | | (759,946) |

Chowan County
Revenue / Expenditure Summary by Fund
Year-to-Date through 9/30/24

| | Actual + Encumbrances | Adjusted Budget | % Budget Met |
|--|--------------------------|--------------------|-----------------|
| GOVERNMENTAL FUNDS: | | | |
| General Fund (Fund 11, 12) | | | |
| Revenues | 4,596,337 | 24,871,314 | 18% |
| Expenditures | 5,450,118 | 24,871,314 | 22% |
| Net General Fund | (853,781) | - | |
| Revaluation Fund (Fund 25) | | | |
| Revenues | 1,679 | 100,000 | 2% |
| Expenditures | 96,000 | 100,000 | 96% |
| Net Revaluation Fund | (94,321) | - | |
| Debt Service Fund (30) | | | |
| Transfers In | - | 2,342,761 | 0% |
| Expenditures | 70,650 | 2,342,761 | 3% |
| Net Debt Service Fund | (70,650) | - | |
| Capital Project Fund (32) | | | |
| Revenues | - | 1,916,276 | 0% |
| Expenditures | 1,446,840 | 1,916,276 | 76% |
| Net Capital Project Fund | (1,446,840) | - | |
| Capital Reserve Fund (33) | | | |
| Revenues | 240,685 | 2,341,699 | 10% |
| Expenditures | - | 2,341,699 | 0% |
| Net Capital Reserve Fund | 240,685 | - | |
| School Capital Reserve Fund (40 and 42) | | | |
| Revenues | 124,643 | 1,379,905 | 9% |
| Expenditures | 184,577 | 1,379,905 | 13% |
| Net School Capital Reserve Fund | (59,934) | - | |
| JAHHS Replacement Fund (45) | | | |
| Revenues | 4,838,733 | 74,009,388 | 7% |
| Expenditures | 4,578,557 | 74,009,388 | 6% |
| Net JAHHS Replacement Fund | 260,176 | - | |

Chowan County
Revenue / Expenditure Summary by Fund
Year-to-Date through 9/30/24

| | Actual + Encumbrances | Adjusted Budget | % Budget Met |
|--|--------------------------|--------------------|-----------------|
| SPECIAL REVENUE FUNDS: | | | |
| Fire Districts Fund (23) | | | |
| Revenues | 193,174 | 1,188,418 | 16% |
| Expenditures | 48,498 | 1,188,418 | 4% |
| Net Fire Districts Fund | 144,676 | - | |
| E-911 Fund (24) | | | |
| Revenues | 34,226 | 239,398 | 14% |
| Expenditures | 46,409 | 239,398 | 19% |
| Net E-911 Fund | (12,184) | - | |
| ARPA Fund (27) | | | |
| Revenues | 10,223 | 333,603 | 3% |
| Expenditures | - | 333,603 | 0% |
| Net ARPA Fund | 10,223 | - | |
| Opioid Settlement Fund (28) | | | |
| Revenues | 98,370 | 93,846 | 105% |
| Expenditures | - | 93,846 | 0% |
| Net Opioid Settlement Fund | 98,370 | - | |
| ENTERPRISE FUNDS: | | | |
| Water Dev. Capital Reserve (22) | | | |
| Revenues | 9,977 | - | 100% |
| Expenditures | - | - | 0% |
| Net Water Dev Capital Reserve | 9,977 | - | |
| EMS Fund (60) | | | |
| Revenues | 260,756 | 2,509,451 | 10% |
| Expenditures | 626,601 | 2,509,451 | 25% |
| Net EMS Fund | (365,846) | - | |
| Water Fund (61) | | | |
| Revenues | 521,207 | 1,953,732 | 27% |
| Expenditures | 1,112,481 | 1,953,732 | 57% |
| Net Water Fund | (591,274) | - | |
| Solid Waste Fund (62) | | | |
| Revenues | 335,945 | 1,454,266 | 23% |
| Expenditures | 285,477 | 1,454,266 | 20% |
| Net Solid Waste Fund | 50,469 | - | |

Chowan County
Cash and Investment Summary
9/30/2024

| | <u>8/31/2024</u> | <u>9/30/2024</u> | <u>Increase / (Decrease)</u> |
|---|--------------------------|--------------------------|----------------------------------|
| Cash Accounts | | | |
| Petty Cash - General Fund | 250 | 250 | - |
| Petty Cash - Water Department | 150 | 150 | - |
| Cash on Deposit - Southern Bank | 424,772 | 245,356 | (179,417) |
| Total Cash Accounts | <u>425,172</u> | <u>245,756</u> | <u>(179,417)</u> |
| Investment Accounts | | | |
| Investment - BB&T | 504,584 | 504,604 | 21 |
| Investment - BB&T - Project Fund DF Walker (Classrooms) | 269,253 | 269,256 | 2 |
| Investment - NCCMT Portfolio | 7,814,956 | 7,847,516 | 32,559 |
| Investment - NCCMT Portfolio / School QZAB | 433,989 | 435,797 | 1,808 |
| Investment - PNC Money Market - 3652 | 53,925 | 54,040 | 115 |
| Investment - PNC Money Market - 8893 | 51,635 | 51,540 | (95) |
| Investment - Southern Bank - Certificate of Deposit | 3,180,612 | 3,194,147 | 13,535 |
| Investment - Southern Bank - Money Market | 5,973,362 | 9,205,444 | 3,232,082 |
| Investment - Southern Bank - SunEnergy | 108,000 | 108,000 | - |
| Investment - Southern Bank - SunEnergy | 100,000 | 100,000 | - |
| NCCMT Term Portfolio | 678,770 | 681,598 | 2,828 |
| Investment - PNC Money Market - 8061 (JAHHS Project Fund) | 35,286,784 | 35,022,213 | (264,571) |
| Total Investment Accounts | <u>54,455,871</u> | <u>57,474,154</u> | <u>3,018,283</u> |
| Total Cash & Investments | <u><u>54,881,043</u></u> | <u><u>57,719,910</u></u> | <u><u>2,838,866</u></u> |

***Note - Cash Increase due to grant reimbursement for JAHHS**

EXHIBIT 25



Chowan County Board of Commissioners

SPECIAL MEETING

Monday, November 18, 2024

Chowan County Public Safety Center

305 West Freemason Street

5:00 pm

AGENDA

The Chowan County Board of Commissioners will hold a special meeting on Monday, November 18, 2024 at 5:00 pm before the regular 6pm meeting. The special meeting at 5:00pm will be held in the Chowan County Public Safety Center (305 West Freemason St. Edenton, NC).

The purpose of this special meeting will be a closed session to meet in accordance with NCGS 143-318-11 (a) (3) attorney client. The regular meeting at 6:00pm will follow.

Chowan County Board of Commissioners

Regular Meeting

Monday, November 18, 2024

Chowan County Public Safety Center

305 West Freemason Street

6:00pm

AGENDA

Regular Meeting

- a. Call to Order
- b. Pledge
- c. Invocation Commissioner Cummings

1. Approval of Draft Agenda

2. Public Comment

In accordance with NCGS 153A-52.1 The Board will allow a maximum of 3 minutes per speaker during the Public Comment Period.

3. Consent Agenda

All items on the Consent Agenda are considered to be routine and may be enacted by one motion. If a County Commissioner requests discussion on an item, the item will be removed from the Consent Agenda and considered separately.

a. Minutes

The Board will review and consider approval of the October 30, 2024 Joint Planning Board meeting and the November 4, 2023 Regular and Special Meetings

4. FY 2023-24 Audit Report

County's Auditor with Thompson, Price, Scott, Adams and Co. will formally present the FY 2023-24 Independent Audit with financial statements and answer questions from the Board.

5. Annual Report

Co-Directors Shannon Ray and Brian Chappell will provide the Board with the annual reports from Senior Center and Recreation Departments.

6. NCACC – Essentials of County Government - Commissioner Elect Shaffer

It is recommended that the Board authorize the Clerk to register Commissioner Elect Tony Shaffer for training and accommodations so that he may attend the NCACC 2025 Essentials of County Government (also known as new Commissioner Training) which will be held in New Bern in January 2025.

7. Financial Items

Finance Officer Cathy Smith will present the following:

a. FY 2025 Budget Amendments

2025-024

2025-025

b. Update on JA Holmes Highschool Project Expenses

8. External Board/Committee Report

Board members are asked to report on the activities of the external boards to which they have been appointed.

9. Manager's Report

County Manager Kevin Howard will update the Board on any pending matters.

10. Timely and Important Matters

11. Adjourn

Chowan County Board of Commissioners and Chowan County Planning Board
Special Joint Meeting
Wednesday, October 30, 2024
Chowan County Public Safety Center
305 West Freemason Street
6:00pm

This meeting was recorded. A copy of the recording is in the meeting file labeled October 30, 2024.

Commissioners Present: Chair Bob Kirby Commissioners, Ron Cummings, Larry McLaughlin, Alex Kehayes, Ellis Lawrence and Tray Taylor.

Commissioners Absent: Commissioner Chris Evans

Planning Board Members Present: Mike Williams, Haywood Bond (came in later), Brian Ward and Dwayne Goodwin.

Planning Board Members Absent: Matt Floyd and Jerry Parrish

Staff present County Manager Kevin Howard Board Clerk Susanne Stallings and Planner Brandon Shoaf.

Insight Planning and Development staff present was Austin Brinkley.

Chowan County Land Use Regulations Worksession

Chairman Bob Kirby welcomed all in attendance and called the special meeting of the Board of Commissioners to order.

Due to a lack of quorum at the time the special was called to order, the Planning Board meeting was not convened. It was decided that the Board members present would listen to the presentation from Insight Planning and Development.

Austin Brinkley, Senior Planner for Insight and Development provided an overview of the project for the update of the Chowan County Land Use Regulations. He reviewed the changes recommended for Articles 11-22 of the Ordinance. A redlined copy of the existing ordinance with recommended changes highlighted were provided to both the Planning Board and Board of Commissioners. A copy of the draft document is in the meeting file labeled October 30, 2024.

Haywood Bond joined the meeting, it was noted that quorum of Planning Board members was also present for the Special meeting.

Mr. Brinkley asked the Board for a recommendation in Article 14 on whether or not to allow multi family units in the R-15 District. Both Boards indicated their concern over permitting this in the ordinance.

No further recommendations to the draft ordinance were made.

Mr. Brinkley noted that the next step in the process to insert the Board recommendations to the draft ordinance. Then the document will go to the Planning Board for review and a recommendation that will come to the Board of Commissioners for review and final adoption. He stated that the next meeting would be in early January.

Being no further questions or comments from those in attendance, Planning Board Chairman Mike Williams declared the Planning Board meeting adjourned. Chairman Bob Kirby declared the special Board of Commissioners meeting adjourned.

Bob Kirby, Chairman

Susanne Stallings
Clerk

Special Meeting
Monday, November 4, 2024
5:00 pm
Chowan County Public Safety Center
305 West Freemason Street

Closed Session

Present: Chairman Bob Kirby, Commissioners, Ellis Lawrence, Larry McLaughlin, Chris Evans and Alex Kehayes.

Commissioners Tray Taylor and Ron Cummings were absent.

Staff present County Manager Kevin Howard, Finance Officer Cathy Smith, County Attorney Lauren Arizaga-Womble and Board Clerk Susanne Stallings.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Adjourn

Commissioner Evans moved to adjourn the special meeting. Chair Kirby asked for all in favor, the motion passed unanimously (5-0).

Bob Kirby, Chairman

Susanne Stallings, Clerk

Special Meeting
Monday November 4, 2024
5:00pm
Chowan County Public Safety Center
305 West Freemason St.
Edenton, NC

Present: Chairman Bob Kirby, Commissioners, Ellis Lawrence, Larry McLaughlin, Chris Evans and Alex Kehayes.

Commissioners Ron Cummings and Tray Taylor were absent.

Staff present County Manager Kevin Howard, Finance Officer Cathy Smith, County Attorney Lauren Arizaga-Womble and Board Clerk Susanne Stallings .

Closed Session

Commissioner Evans moved to go into closed session in accordance with NCGS 143-318-11 (a) (3) attorney client. Chair Kirby asked for all in favor, the motion passed unanimously (5-0).

The minutes of the closed session are sealed.

Commissioner Evans moved to come out of closed session. Chair Kirby asked for all in favor, the motion passed unanimously (5-0).

Adjourn

Commissioner Evans moved to adjourn. Chair Kirby asked for all in favor, the motion passed unanimously (5-0).

Bob Kirby, Chairman

Susanne Stallings
Clerk

Chowan County Board of Commissioners
Regular Meeting
Monday, November 4, 2024
Chowan County Public Safety Center
305 West Freemason Street
6:00pm

This meeting was recorded. A copy of the recording is in the meeting file labeled November 4, 2024.

Present: Chairman Bob Kirby, Commissioners, Ellis Lawrence, Chris Evans, Tray Taylor, Larry McLaughlin, and Alex Kehayes.

Absent: Commissioner Ron Cummings

Staff present County Manager Kevin Howard and Board Clerk Susanne Stallings and Finance Officer Cathy Smith.

Regular Meeting

Chair Kirby called the regular meeting to order and led in the pledge.

Commissioner Evans then offered the invocation.

Approval of Agenda

Commissioner McLaughlin moved to approve the agenda as presented.

Chair Kirby asked for all in favor, the motion passed unanimously (6-0).

Public Comment

Chair Kirby opened the floor for public comment.

Jared Jacavone spoke on behalf of Shepard Pruden Memorial Library. He thanked the Board for the recent improvements made at the Library. He thanked the Board for their support for the America's 250th celebration. He shared that the Library has received grant funds to make emergency preparedness kits for County residents. He stated a resident must live in Chowan County to receive a kit and to contact the Library for more information.

Consent Agenda

Minutes

The Board will review and consider approval of the October 21, 2024 Regular Meeting and the October 28, 2024 Opioid Settlement Committee Meeting minutes.

Tax Refund Release Report

| | | |
|------------|----------|-------------|
| Dodson, B. | \$836.62 | Overpayment |
|------------|----------|-------------|

Commissioner Taylor moved to approve the consent agenda as presented. Chair Kirby asked for all in favor, the motion passed unanimously (6-0).

Opioid Settlement Committee Items

Mr. Howard noted that the Opioid Settlement Funds Committee met on Monday, October 28, 2024. The following recommendations are for the Board's consideration:

- Recommendation for Commissioner Tray Taylor to attend the NC Summit on Reducing Overdose in Raleigh on March 18-20. Funds from the Commissioner travel budget or the settlement funds may be used to pay for attendance at this conference.

Commissioner Evans moved to approve the request as presented. Chair Kirby asked for all in favor, the motion passed unanimously (6-0).

- Recommendation to make two additional appointments to the Committee. It is recommended that Edenton-Chowan School system appoint one representative to serve on the committee and that Chowan County Department of Social Services Director be appointed to serve on the committee. Julie Tunney with the North East North Carolina Partnership for Public Health has indicated interest in attending the Committee meetings. Ms. Tunney will attend committee meetings to serve as an advisory member to the Committee.

Commissioner Lawrence moved to approve the appointments as presented. Chair Kirby asked for all in favor, the motion passed unanimously (6-0).

Board members discussed some of the options for use of the settlement funds that were discussed in the Committee meeting minutes.

Commissioner Lawrence stated he did not feel there was enough funding to solve the opioid crisis.

Commissioner McLaughlin discussed his concerns over funding for financial assistance could be seen as enabling.

Mr. Howard stated that the Committee hopes to partner with neighboring agencies to make the most impactful use of the funds. He noted that studies provided to staff and the Committee indicate that individuals who seek assistance have a higher recovery success rate.

Annual Report

EMS Director Colin Ryan provided the Board with the annual report from EMS. A copy of the Power Point presentation is in the meeting file labeled November 4, 2024.

Local Reentry Council Appointment

Mr. Howard asked if the Board wishes to appoint a County Commissioner to serve as a representative on the Hertford, Bertie, Gates, Chowan Local Reentry Council. Mr. Howard

currently serves on the Committee and most participating Counties also have a Commissioner appointee serving.

No action was taken on this matter. Board members were asked to inform Mr. Howard if there is any interest in serving on this committee.

Financial Items

Finance Officer Cathy Smith presented the following:

FY25 Budget Amendments

BA2025-021

| Account Number | Account Description | Revenue (Inc+/Dec-) | Expense (Inc+/Dec-) |
|-----------------------|--|------------------------|------------------------|
| Animal Shelter | | | |
| 11-4381-550-00 | Capital outlay - Vehicles | | 9,500.00 |
| 11-4380-600-00 | *Donations | | (9,500.00) |
| | | | |
| | Balanced | - | - |
| | | | |
| Justification: | | | |
| | <i>To amend the 2025 budget for Animal Shelter to include purchase of 2006 van. The van will be purchased using Animal Shelter Donations and this was approved by the BOC on the consent agenda on 10/21/24.</i> | | |

BA2025-022

| Account Number | Account Description | Revenue (Inc+/Dec-) | Expense (Inc+/Dec-) |
|--|------------------------------|------------------------|------------------------|
| Intensive Supervision | | | |
| 11-3523-003-00 | Intensive Supervision - Rev | 1,001.00 | |
| 11-5230-442-00 | Intensive Supervision - Exp | | 1,001.00 |
| 11-3523-004-00 | JCPC Council -Rev | 1,200.00 | |
| 11-5230-443-00 | JCPC Council -Exp | | 1,200.00 |
| After School | | | |
| 11-6131-126-00 | Salaries - PT | | (2,015.00) |
| 11-6131-181-00 | Fica | | (92.00) |
| 11-6131-261-00 | Office Supplies | | 500.00 |
| 11-6131-390-00 | Restitution & Other Services | | 496.00 |
| Recreation | | | |
| 11-6130-121-00 | Recreation - Salaries | | 1,111.00 |
| | Balanced | 2,201.00 | 2,201.00 |
| Justification: | | | |
| <i>To amend the budget for JCPC Programs in order to reconcile county budget with JCPC budget.</i> | | | |

BA2025-023

| Account Number | Account Description | Revenue (Inc+/Dec-) | Expense (Inc+/Dec-) |
|---|---------------------------|------------------------|------------------------|
| Planning | | | |
| 11-4910-192-00 | Professional Services | | 25,000.00 |
| 11-3990-990-00 | Fund Balance Appropriated | 25,000.00 | |
| | Balanced | 25,000.00 | 25,000.00 |
| Justification: | | | |
| <i>To amend the budget for Planning to include Ordinance update from Insight Planning. This project was budgeted in 2024 but not completed.</i> | | | |

Commissioner McLaughlin moved to approve the budget amendments as presented. Chair Kirby asked for all in favor, the motion passed unanimously (6-0).

Financial Report for September 2024

Ms. Smith presented the Board with the September financials. A copy of the report is in the meeting file labeled November 4, 2024.

Audit

Ms. Smith noted that the audit has been submitted and the auditor will present the final audit to the Board by December.

External Board/Committee Report

Commissioner Taylor thanked the Board for putting him on the Opioid Settlement Funds Committee and stated he hoped to learn more from the conference in March.

Manager's Report

County Manager Kevin Howard provided the following updates:

- Maintenance is working on a quote to paint the exterior of the Library
- The Courthouse renovation project is on schedule, with court resuming in the location in January 2025.
- The high school construction project is on schedule, a change order should be coming to the Commissioners soon.

Timely and Important Matters

Upcoming Meetings

Ms. Stallings noted the following meeting dates:

Commissioners Special Meeting – Water System Rate Study Review - November 12, 2024 – 4pm

Missing Road Signs

Commissioner Evans noted that there are several missing road signs in the County.

Mr. Howard stated the Water Director has recently shared that he has ordered several replacement signs.

Recreation

Commissioner Evans asked what the current advertised vacancy in Recreation is for.

Mr. Howard stated the current employee has retired and they are looking to merge some responsibilities and fill that vacant position.

Timbermill

Mr. Howard noted that he has provided the Board with a letter from Timbermill that requests that 2025 be the first grant year for the EDIG agreement.

Adjourn

Being no further business, Commissioner McLaughlin moved that the meeting be adjourned. Chair Kirby asked for all in favor, the motion passed unanimously (6-0).

Bob Kirby, Chairman

Susanne Stallings, Clerk

CHOWAN COUNTY
AUDIT PRESENTATION
FOR THE YEAR ENDED JUNE 30, 2024



Thompson, Price, Scott, Adams & Co., P.A.
4024 Oleander Drive Suite 103
Wilmington, North Carolina 28403
Telephone (910) 791-4872
Fax (910) 239-8294

CHOWAN COUNTY REQUIRED COMMUNICATIONS

Area

Comments

Responsibilities Under Generally Accepted Auditing Standards, Government Auditing Standards, OMB Uniform Guidance, and the State Single Audit Implementation Act.

Design the audit to provide reasonable assurance that the financial statements are free of material error and in compliance with government regulations.

- Accomplished. No material error noted.

Perform all planned procedures and have complete access to both management and required information.

- Completed. Our work was not limited in any way.

Communicate significant deficiencies in the internal control.

- To be discussed at end of presentation.

CHOWAN COUNTY REQUIRED COMMUNICATIONS (CONTINUED)

Area

Comments

Adoption or Change in Accounting Policies

Communicate the initial adoption of or a change in an accounting principle which had or is expected to have a significant effect on the financial statements.

- None.

Management Judgment and Accounting Estimates

Assess methodologies used and basis of evidence for matters requiring judgments and estimates.

- Methods used and evidence considered appear to have led to reasonable amounts being included in the financial statements.

Financial statement disclosures

- The financial statement disclosures are neutral, consistent, and clear.

Significant Audit Adjustments or Unrecorded Differences

Communicate significant recorded and unrecorded differences.

- None.

CHOWAN COUNTY REQUIRED COMMUNICATIONS (CONTINUED)

Area

Comments

Disagreements with Management

Communicate any disagreements on financial or reporting matters that, if not satisfactorily resolved, would cause a modification of our report.

- None.

Management Representations

- Management provided a management representation letter.

Consultation with Other Accountants

Communicate consultation that took place with other accountants.

- None to our knowledge.

Prior to Retention Issues

Communicate any major issues that management discussed with the auditor in connection with the retention of the auditor, including the application of accounting principles and auditing standards.

- None.

CHOWAN COUNTY REQUIRED COMMUNICATIONS (CONTINUED)

Area

Comments

Difficulties Encountered Performing the Audit

Any serious difficulties the auditor encountered in dealing with management such as unreasonable delays in providing needed information, unreasonable timetable set by management, or unavailability of client personnel.

- None noted.

Irregularities and Illegal Acts

Communicate the existence of any material irregularities and/or illegal acts determined during the audit.

- None noted.

CHOWAN COUNTY GENERAL FUND

Dear Board Members:

Below is a summarization of some of the key items in the audit report.

2024

| | | |
|--|----|------------|
| Total Revenues and Other Financing Sources | \$ | 24,229,508 |
|--|----|------------|

| | | |
|---|----|------------|
| Total Expenditures and Other Financing Uses | \$ | 24,376,646 |
|---|----|------------|

| | | |
|-------------------|----|-----------|
| Net Change | \$ | (147,138) |
|-------------------|----|-----------|

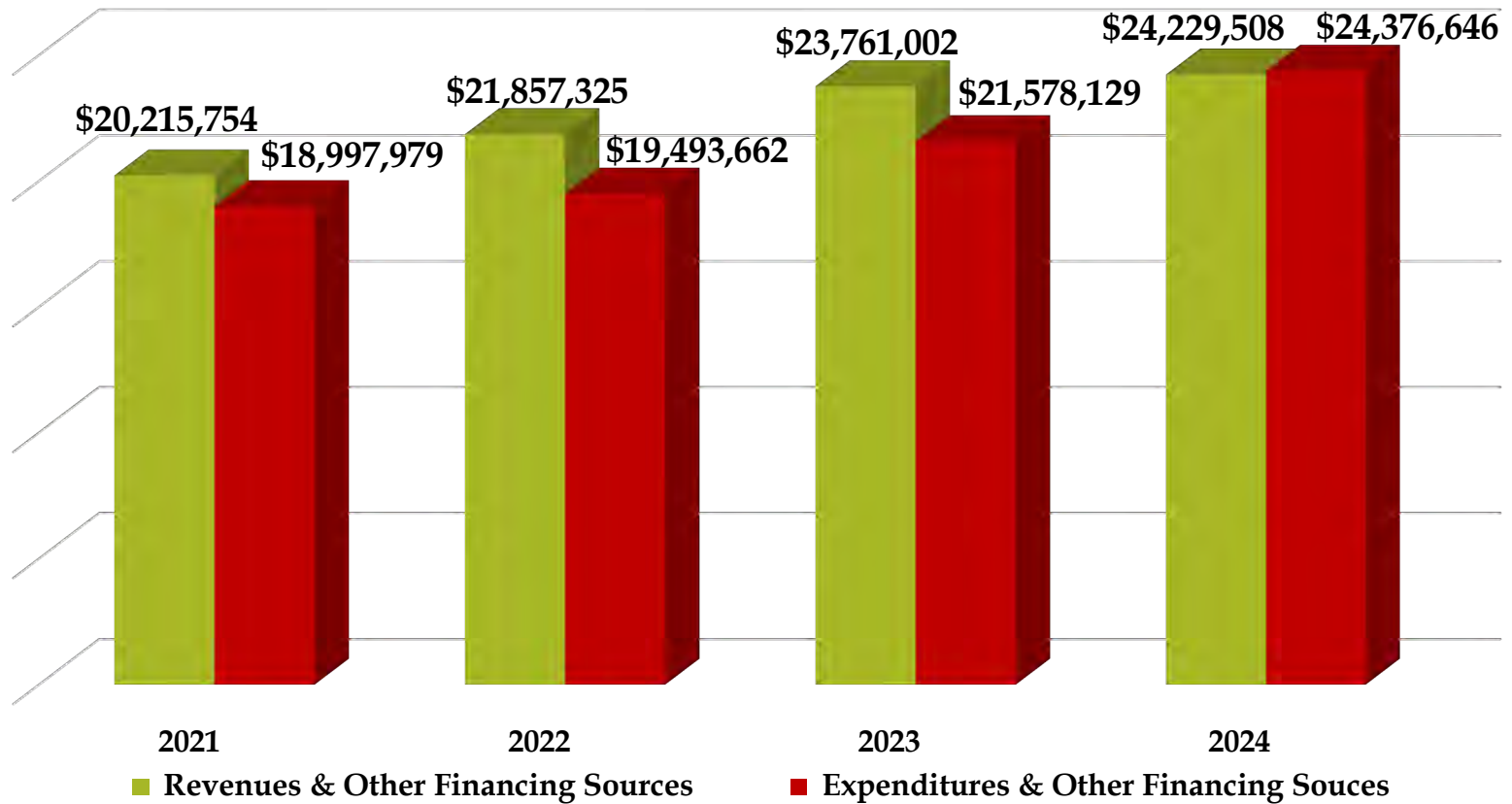
| | | |
|---|----|-----------|
| Minimum Undesignated Fund Balance as Recommended by the Local Government Commission (20% of Expenditures) | \$ | 4,875,329 |
|---|----|-----------|

| | | |
|-------------------------|----|------------|
| Unassigned Fund Balance | \$ | 10,132,265 |
|-------------------------|----|------------|

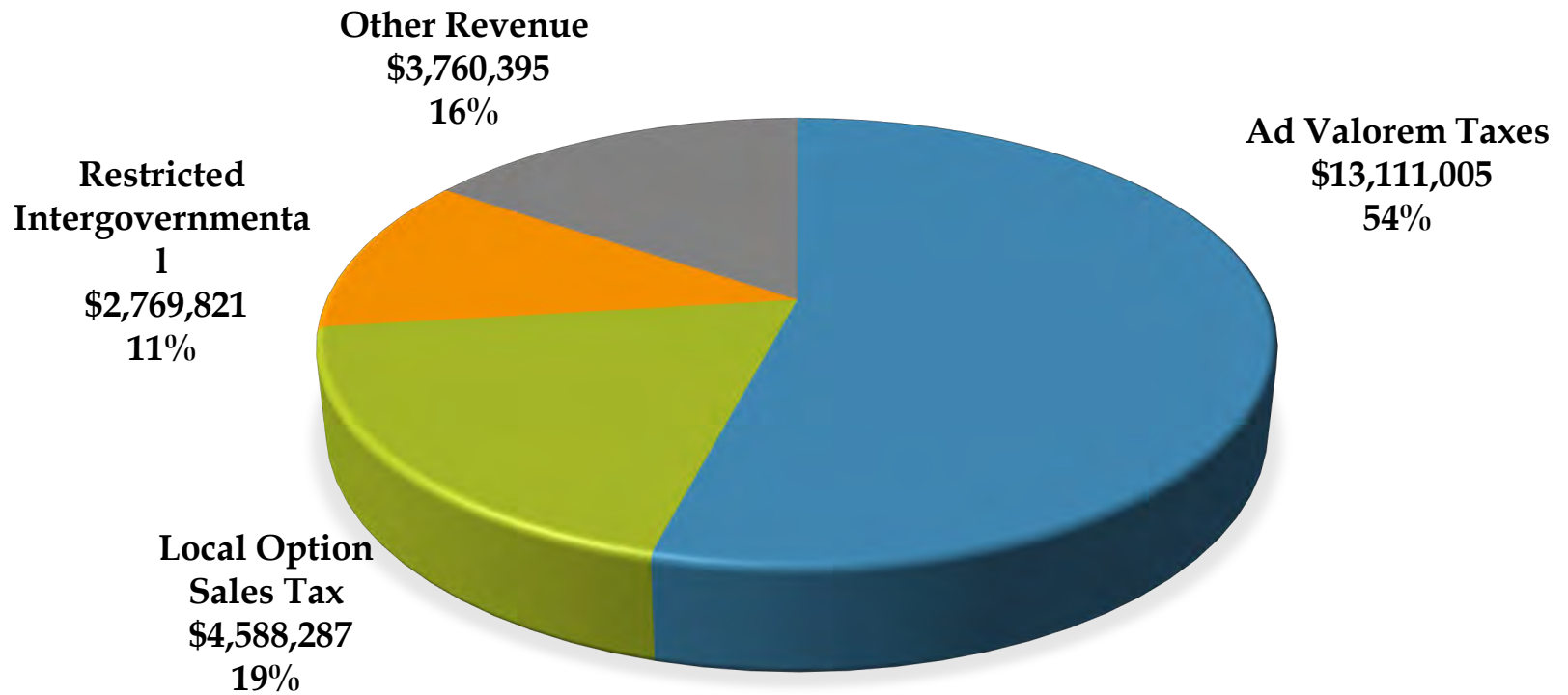
| | | |
|---|--|--------|
| Fund Balance Available as a Percentage of General Fund Expenditures | | 60.86% |
|---|--|--------|

| | | |
|---------------------|--|--------|
| Tax Collection Rate | | 98.48% |
|---------------------|--|--------|

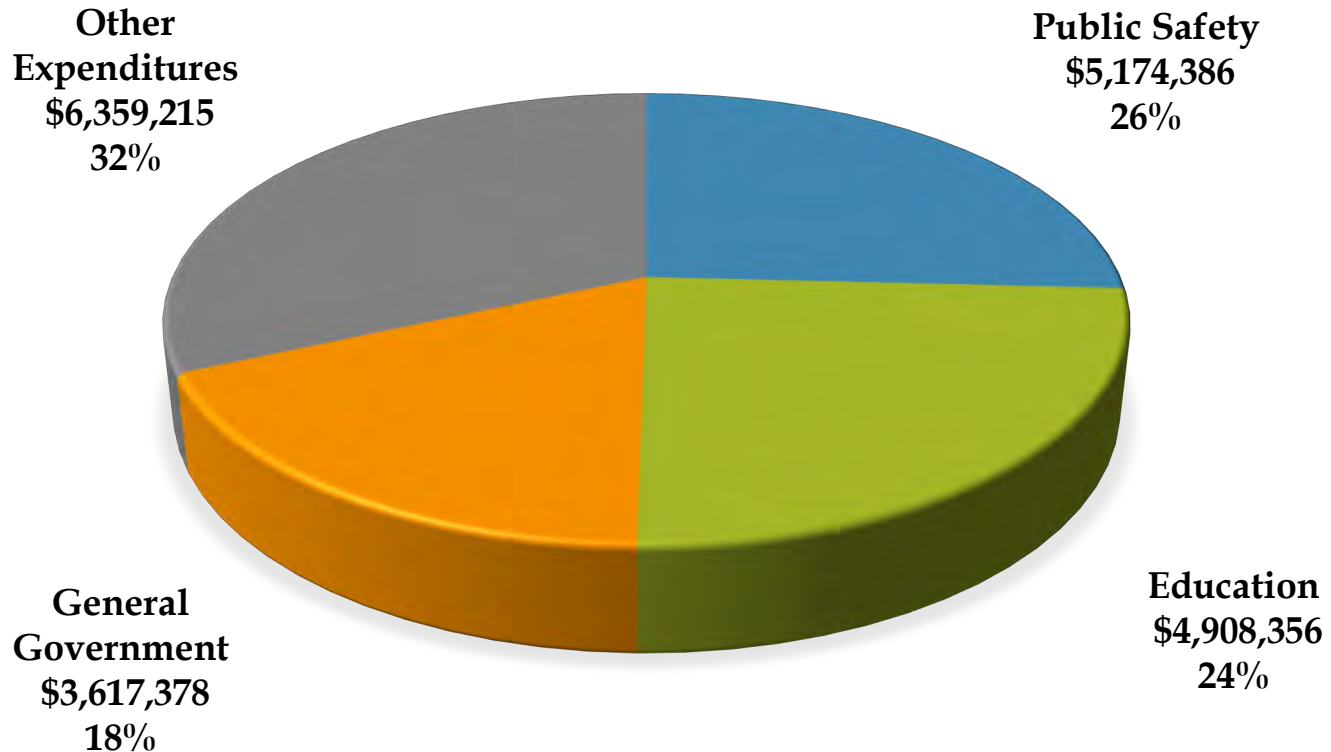
GENERAL FUND OPERATING SUMMARY



TOP 3 REVENUES: GENERAL FUND - OPERATING

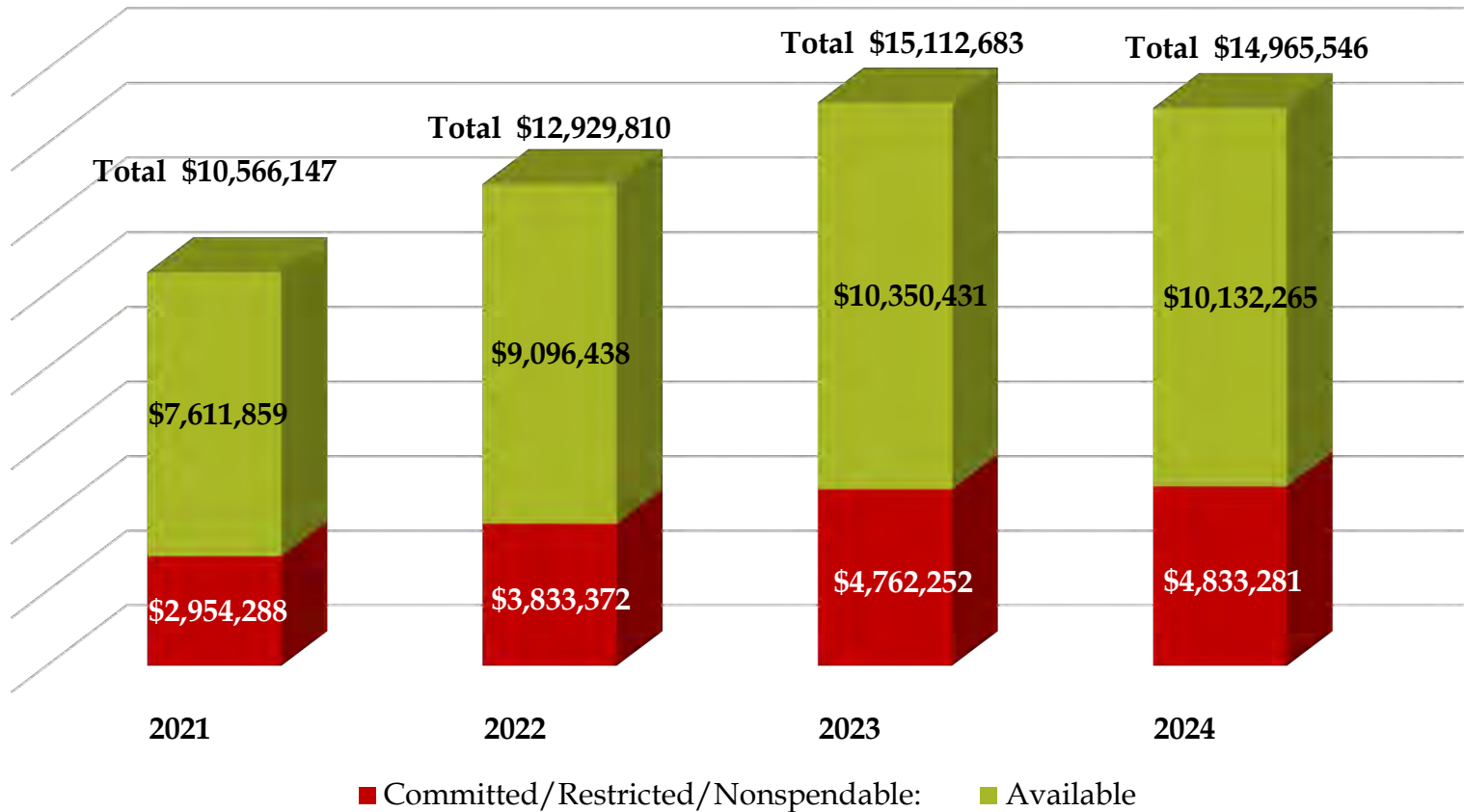


TOP 3 EXPENDITURES: GENERAL FUND - OPERATING



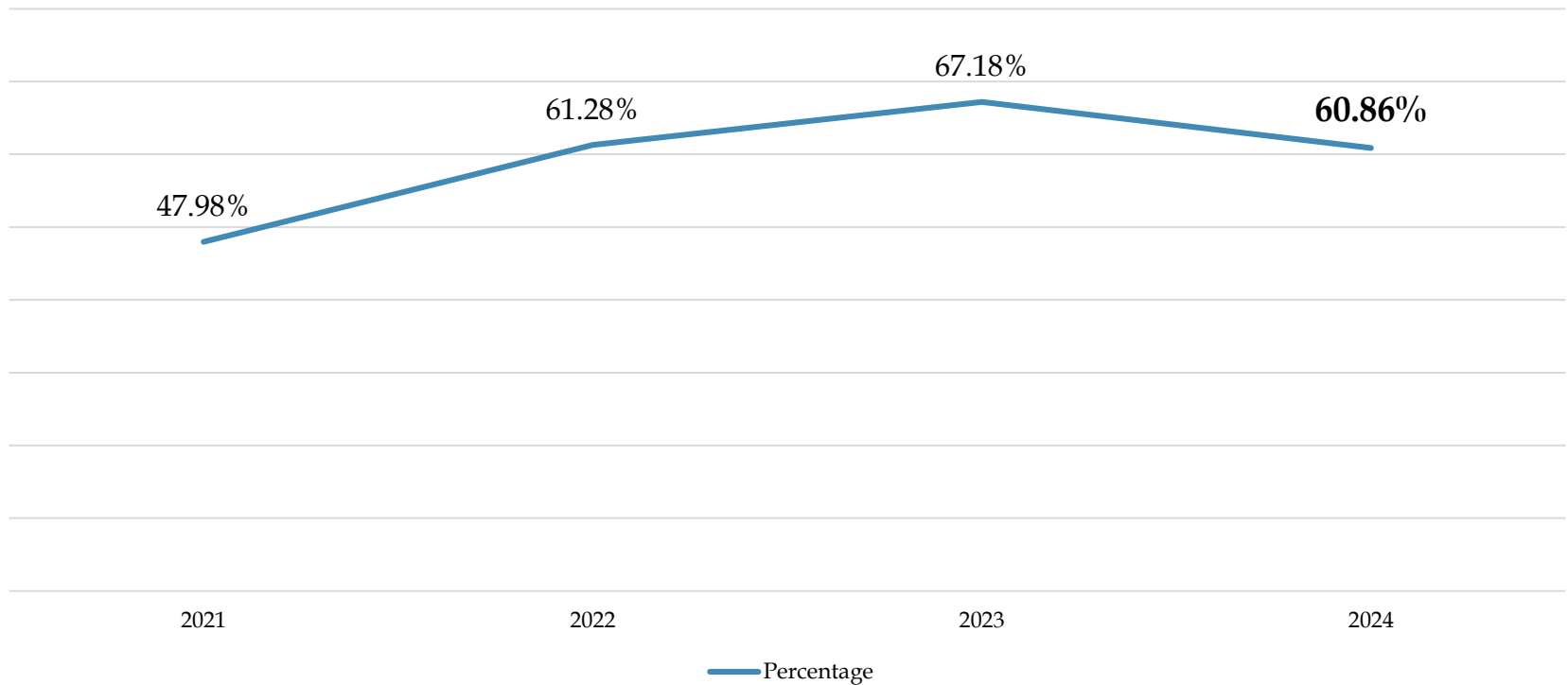
GENERAL FUND

ANALYSIS OF FUND BALANCE



CHOWAN COUNTY

Fund Balance Available as a Percentage of General Fund Expenditures



CHOWAN COUNTY DEBT SERVICE FUND

Dear Board Members:

Below is a summarization of some of the key items in the audit report.

2024

| | | |
|---|----|-----------|
| Total Revenues and Other Financing Sources (Uses) | \$ | 2,170,741 |
|---|----|-----------|

| | | |
|---|----|-----------|
| Total Expenditures and Other Financing Sources (Uses) | \$ | 1,588,477 |
|---|----|-----------|

| | | |
|-------------------|-----------|----------------|
| Net Change | \$ | 582,264 |
|-------------------|-----------|----------------|

| | | |
|-------------------------|----|-----------|
| Net Position, Beginning | \$ | 1,134,867 |
|-------------------------|----|-----------|

| | | |
|----------------------|----|-----------|
| Net Position, Ending | \$ | 1,717,131 |
|----------------------|----|-----------|

CHOWAN COUNTY AMERICAN RESCUE PLAN ACT FUND

Dear Board Members:

Below is a summarization of some of the key items in the audit report.

2024

| | | |
|---|----|-----------|
| Total Revenues and Other Financing Sources (Uses) | \$ | 1,167,222 |
|---|----|-----------|

| | | |
|---|----|-----------|
| Total Expenditures and Other Financing Sources (Uses) | \$ | 1,104,714 |
|---|----|-----------|

| | | |
|-------------------|-----------|---------------|
| Net Change | \$ | 62,508 |
|-------------------|-----------|---------------|

| | | |
|-------------------------|----|--------|
| Net Position, Beginning | \$ | 22,122 |
|-------------------------|----|--------|

| | | |
|----------------------|----|--------|
| Net Position, Ending | \$ | 84,630 |
|----------------------|----|--------|

CHOWAN COUNTY JAHHS RENOVATION PROJECT

Dear Board Members:

Below is a summarization of some of the key items in the audit report.

2024

| | | |
|---|----|------------|
| Total Revenues and Other Financing Sources (Uses) | \$ | 42,927,992 |
|---|----|------------|

| | | |
|---|----|-----------|
| Total Expenditures and Other Financing Sources (Uses) | \$ | 7,216,534 |
|---|----|-----------|

| | | |
|-------------------|-----------|-------------------|
| Net Change | \$ | 35,711,458 |
|-------------------|-----------|-------------------|

| | | |
|-------------------------|----|---|
| Net Position, Beginning | \$ | - |
|-------------------------|----|---|

| | | |
|----------------------|----|------------|
| Net Position, Ending | \$ | 35,711,458 |
|----------------------|----|------------|

CHOWAN COUNTY NON-MAJOR GOVERNMENTAL FUNDS

Dear Board Members:

Below is a summarization of some of the key items in the audit report.

2024

| | | |
|---|----|-----------|
| Total Revenues and Other Financing Sources (Uses) | \$ | 3,648,453 |
|---|----|-----------|

| | | |
|---|----|-----------|
| Total Expenditures and Other Financing Sources (Uses) | \$ | 3,853,584 |
|---|----|-----------|

| | | |
|-------------------|-----------|------------------|
| Net Change | \$ | (205,131) |
|-------------------|-----------|------------------|

| | | |
|-------------------------|----|-----------|
| Net Position, Beginning | \$ | 1,295,202 |
|-------------------------|----|-----------|

| | | |
|---------------------------|----|--------|
| Net Position, restatement | \$ | 94,936 |
|---------------------------|----|--------|

| | | |
|--------------------------------------|----|-----------|
| Net Position, beginning, as restated | \$ | 1,390,138 |
|--------------------------------------|----|-----------|

| | | |
|----------------------|----|-----------|
| Net Position, Ending | \$ | 1,185,007 |
|----------------------|----|-----------|

CHOWAN COUNTY WATER FUND

Dear Board Members:

Below is a summarization of some of the key items in the audit report.

2024

| | | |
|-------------------------------------|-----------|------------------|
| Operating and Nonoperating Revenues | \$ | 2,303,864 |
| Operating and Nonoperating Expenses | \$ | 1,931,430 |
| Capital contributions | \$ | 47,803 |
| Transfers in (out) | \$ | 710,295 |
| Net Change | \$ | 1,130,532 |
| Net Position, Beginning | \$ | 6,031,775 |
| Net Position, Ending | \$ | 7,162,307 |

CHOWAN COUNTY SOLID WASTE FUND

Dear Board Members:

Below is a summarization of some of the key items in the audit report.

| | | <u>2024</u> |
|-------------------------------------|-----------|---------------|
| Operating and Nonoperating Revenues | \$ | 1,486,169 |
| Operating and Nonoperating Expenses | \$ | 1,395,246 |
| Transfers in (out) | \$ | (25,000) |
| Net Change | \$ | 65,923 |
| Net Position, Beginning | \$ | 137,357 |
| Net Position, Ending | \$ | 203,280 |

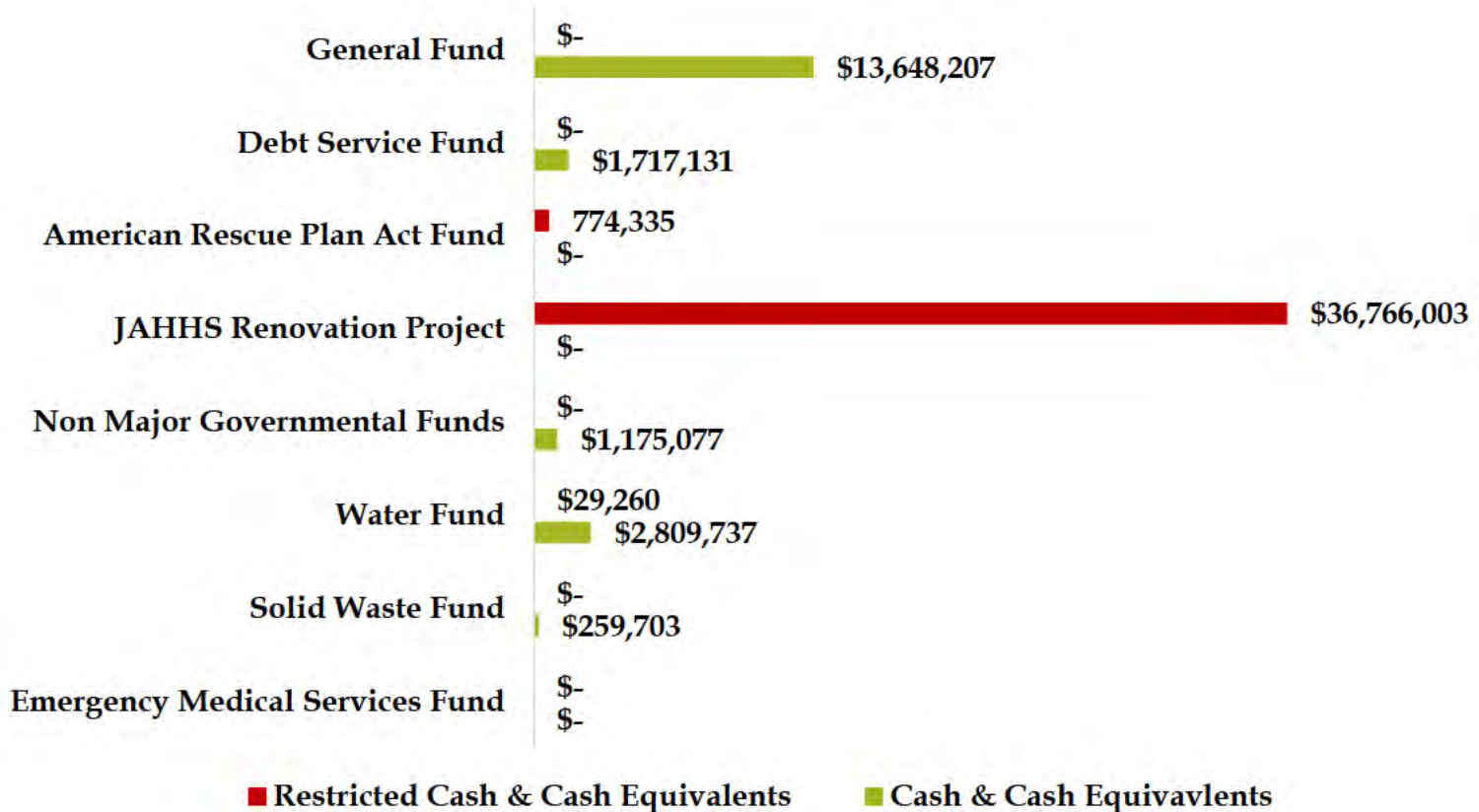
CHOWAN COUNTY EMERGENCY MEDICAL SERVICES FUND

Dear Board Members:

Below is a summarization of some of the key items in the audit report.

| | | <u>2024</u> |
|-------------------------------------|-----------|----------------|
| Operating and Nonoperating Revenues | \$ | 932,625 |
| Operating and Nonoperating Expenses | \$ | 2,086,598 |
| Transfers in | \$ | 1,146,467 |
| Net Change | \$ | (7,506) |
| Net Position, Beginning | \$ | (1,007,181) |
| Net Position, Ending | \$ | (1,014,687) |

Chowan County Analysis of Cash



Chowan County

Federal Award Finding

US Department of Health and Human Services

Passed through the NC Dept. of Health and Human Services

Program Name: Medical Assistance Program (Medicaid; Title XIX)

Assistance Listing Number: 93.778

Finding: 2024 – 001

Significant Deficiency/Noncompliance

Eligibility

Criteria: Medicaid for Aged, Blind and Disabled case records should contain documentation that verifications were done in preparation of the application and these items will agree to reports in the NC FAST system. In this process, documentation should be present and agree back to the records in the NC FAST system. Any items discovered in the process should be considered resources and explained within the documentation.

Condition: There were seven (7) technical errors discovered during our procedures that resources in the county documentation and those same resources contained in NC FAST were not the same amounts or files containing resources were not properly documented to be considered countable or non-countable. The errors were as follows: Three (3) cases lacked substantiating documentation and/or inaccurate resource calculations, three (3) cases were improperly forced, and one (1) case lacked proper verification of facts..

Questioned Costs: There was no affect to eligibility and there were no questioned costs.

Chowan County

Federal Award Finding

Context: We examined 60 Medicaid transactions out of 170,787 to re-determine eligibility Medicaid claims from the Medicaid beneficiary report provided by the NC Department of Health and Human Services. These findings were disclosed in a separately issued spreadsheet to the North Carolina Department of Health and Human Services and are being reported with the financial statement audit as it relates to Medicaid administrative cost compliance audit.

Effect: For those certifications/re-certifications there was a chance that information was not properly documented and reconciled to NC FAST which affect countable resource and a participant could have been approved for benefits that they were not eligible.

Identification of a repeat finding: This is a repeat finding from the immediate previous audit, 2023-001.

Cause: Ineffective record keeping and ineffective case review process, incomplete documentation, and incorrect application of rules for purposes of determining eligibility.

Recommendation: Files should be reviewed internally to ensure proper documentation is in place for eligibility. Workers should be retrained on what files should contain and the importance of complete and accurate record keeping. We recommend that all files include online verifications, documented resources of income and those amounts agree to information in NC FAST.

Views of responsible officials and planned corrective actions: The County agrees with the finding. Supervisors will perform second party reviews to ensure proper documentation is contained in files to support eligibility determinations. Workers will be retrained on what information should be maintained in case files, the importance of complete and accurate record keeping, and reserve calculations.

Chowan County

Federal Award Finding

US Department of Health and Human Services

Passed through the NC Dept. of Health and Human Services

Program Name: Medical Assistance Program (Medicaid; Title XIX)

Assistance Listing Number: 93.778

Finding: 2024 – 002

Significant Deficiency/Noncompliance

Eligibility

Criteria: In accordance with 42 CFR 435, documentation must be obtained as needed to determine if a recipient meets specific standards, and documentation must be maintained to support eligibility determinations. In accordance with 2 CFR 200, management should have an adequate system of internal controls procedures in place to ensure an applicant is properly determined or redetermined for benefits.

Condition: There was one error discovered during our procedures that lacked appropriate ex parte review. One applicant/beneficiary received assistance for which the recipient was not eligible.

Questioned Costs: The amount of claim paid on behalf of the above ineligibility error resulted in a questioned costs of \$282.

Context: We examined 60 out of 170,787 Medicaid applicants to re-determine eligibility. These findings were disclosed in a separately issued spreadsheet to the North Carolina Department of Health and Human Services and are being reported with the financial statement audit as it relates to Medicaid administrative cost compliance audit.

Chowan County

Federal Award Finding

Context: We examined 60 out of 170,787 Medicaid applicants to re-determine eligibility. These findings were disclosed in a separately issued spreadsheet to the North Carolina Department of Health and Human Services and are being reported with the financial statement audit as it relates to Medicaid administrative cost compliance audit.

Effect: For those certifications/re-certifications there was a chance that information was not properly documented and reconciled to NC FAST which affect countable resource and a participant could have been approved for benefits that they were not eligible.

Identification of a repeat finding: This is not a repeat finding.

Cause: Ineffective record keeping and ineffective case review process, incomplete documentation, and incorrect application of rules for purposes of determining eligibility.

Recommendation: Files should be reviewed internally to ensure proper documentation is in place for eligibility. Workers should be retrained on what files should contain and the importance of complete and accurate record keeping. We recommend that all files include online verifications, documented resources of income and those amounts agree to information in NC FAST.

Views of responsible officials and planned corrective actions: The County agrees with the finding. Supervisors will perform second party reviews to ensure proper documentation is contained in files to support eligibility determinations. Workers will be retrained on what information should be maintained in case files, the importance of complete and accurate record keeping, and reserve calculations. The County finance office will also participating in the review process.

ADDITIONAL REQUIRED COMMUNICATIONS

- Changes to the Audit Process
- The Local Government Commission (LGC) will no longer initiate communications about concerns or findings (formerly considered unit letters). They have created a spreadsheet that has to be completed and submitted with the audit report. If that worksheet identifies what they consider a "Financial Performance Indicators of Concern" (FPICs), we are required to communicate those items to the Board.
- You are required to submit a response within 60 days of the Board meeting in which the financial statements are presented. The detailed audit response should be presented to the entire Board, and signed by the entire Board, Finance Officer, and Manager.
- The following FPIC's were identified on the LGC's transmittal document that we are required to notify you about:

ADDITIONAL REQUIRED COMMUNICATIONS

PERFORMANCE INDICATORS


The self-reported information from your unit's audit report was used to generate the following trends and performance indicators. We have created this Performance Indicator tab to make these indicators available to auditors and local governments when your audit is conducted. If any unit's results are shaded red, the unit must submit a "Response to the Auditor's Findings, Recommendations, and Fiscal Matters" within 60 days from the auditor's board presentation. The response must address all performance indicators shaded in red.

| | | | |
|--------------|---------------|------------------|--------------------------------------|
| Unit Name: | Chowan County | Fiscal Year 2024 | Explanation of Performance Indicator |
| Unit Number: | 5120 | | |

In the past, units of government have been grouped by population to evaluate ratios and benchmarking (including Fund Balance Available). Beginning with fiscal year 2020, we have grouped units by General Fund expenditures for purposes of evaluating the minimum amount of fund balance a unit needs to operate. A unit's General Fund expenditures proved to be a better correlation to the amount of funds balance needed to operate, especially for units with large higher education or tourism populations. Activity from Debt Service Funds (if applicable) is included in the calculation because these funds typically originate from the General Fund and are transferred to a Debt Service Fund.

The table below lists the thresholds that are used in the analysis of your unit's fiscal health. These thresholds were determined based on an analysis of previous years general fund activity. These thresholds will be monitored and updated as applicable.

| WATER SEWER FUND: As of the publication date of this workbook, prior year self-reported numbers may not been received by the LGC staff, please contact LGC staff at lgcaudit@nctreasurer.com to have the prior year's financial data populated on this worksheet. Please include in email subject "Prior Year Financial Data." WATER SEWER FUND: | | | | Minimum Threshold | Unit Results | Note: If more than one performance indicator is identified, one proposed solution may solve all water and sewer performance indicators. |
|---|------|------|------|--|--------------|---|
| Water and Sewer Capital Assets Condition Ratio | 0.22 | 0.19 | 0.17 | Remaining useful life of asset greater than or equal to 0.50 | 0.17 | This capital assets condition ratio formula calculates the remaining useful life. A remaining useful asset value less than 0.50 may signal the need to replace the assets in the near future. |



Thank You for the
Opportunity to Work
With You!

Chowan County MANAGEMENT BUDGET AMENDMENT

To: FYI - Board of Commissioners

MBA #: 2025-024

From: Cathy Smith, *Finance Officer*

Date: November 13, 2024

RE: Discretionary Income

Please authorize the finance officer to amend the 2025 budget as follows:

| Account Number | Account Description | Revenue (Inc+/Dec-) | Expense (Inc+/Dec-) |
|--------------------------|--|------------------------|------------------------|
| Register of Deeds | | | |
| 11-3418-415-00 | *Preservation/Automation | 786.68 | |
| 11-4180-298-00 | *Dept Supplies - Auto/Pres | | 262.23 |
| 11-4180-440-00 | *Contr Svcs - Automation/Pres | | 262.23 |
| 11-4180-511-00 | *C/O - Auto / Pres | | 262.22 |
| Sheriff's Office | | | |
| 11-3431-243-00 | *KIDS & COPS | 50.00 | |
| 11-4317-443-00 | *KIDS & COPS Expense | | 50.00 |
| Animal Shelter | | | |
| 11-3438-894-00 | *Donations - Chowan | 1,046.30 | |
| 11-3438-894-02 | *Donations - Perquimans | 256.55 | |
| 11-3438-894-03 | *Donations - Other | 1,287.49 | |
| 11-4381-600-00 | *Donation - Expense | | 2,590.34 |
| 11-3438-895-00 | *Adoption - Chowan | 775.00 | |
| 11-3438-895-01 | *Adoption - Gates | 125.00 | |
| 11-3438-895-02 | *Adoption - Perquimans | 470.45 | |
| 11-3438-895-03 | *Adoption - Other | 972.45 | |
| 11-4381-441-00 | *Contr Svcs - Spay/Neuter | | 2,342.90 |
| Cooperative Ext: | | | |
| 11-3495-363-00 | *SHIIP Grant (Senior Health Insurance Information Program) | 50.00 | |
| 11-4950-600-00 | *SHIIP Grant (Senior Health Insurance Information Program) | | 50.00 |
| 11-3495-370-00 | *AG Program Fees Discretionary | 2,216.16 | |
| 11-4953-440-00 | *Ag Program Fees Discretionary | | 2,216.16 |
| 11-3495-378-00 | *4-H Fees Discretionary | 5,562.00 | |
| 11-4953-448-00 | *4-H Fees Discretionary | | 5,562.00 |
| 11-3495-380-00 | *ECA Discretionary (Extension Community Association) | 20.00 | |

| Account Number | Account Description | Revenue (Inc+/Dec-) | Expense (Inc+/Dec-) |
|----------------------|--|------------------------|------------------------|
| 11-4953-450-00 | *ECA Discretionary (Extension Community Association) | | 20.00 |
| Recreation | | | |
| 11-3612-487-00 | *Recreation Donations | 3,150.00 | |
| 11-6130-299-01 | *Donations - Dept Supplies | | 3,150.00 |
| 11-3612-504-00 | *Recreation Special Events | 900.00 | |
| 11-6132-453-00 | *Recreation Special Events | | 900.00 |
| Senior Center | | | |
| 11-3616-533-00 | *Reg Fees - Trips | 2,057.00 | |
| 11-4268-312-00 | *TRIPS - Senior Citizens | | 2,057.00 |
| 11-3616-533-01 | *Registration Fees Activities | 335.00 | |
| 11-4268-299-01 | *Activities - Dept. Supplies | | 335.00 |
| 11-3616-535-04 | *Silver Sneakers | 867.00 | |
| 11-3616-535-05 | *Silver & Fit | 168.00 | |
| 11-3616-535-06 | *Renew Active | 609.00 | |
| 11-4268-352-02 | *Healthways | | 1,644.00 |
| 11-3616-535-01 | *Donations - Fitness | 189.00 | |
| 11-4268-352-01 | *Donations - Fitness | | 189.00 |
| DSS | | | |
| 12-3531-230-14 | *DSS Special Events | 687.00 | |
| 12-5310-450-00 | *DSS Special Events | | 687.00 |
| | Balanced | 22,580.08 | 22,580.08 |

Total Discretionary Income Received FYE 2025

120,372.68

Justification:

To amend the 2025 budget to include Discretionary income for October 2024.

Approval Date: _____

Bd. Clerk's Init: _____

Initials: _____

Batch #: _____

Date: _____

Chowan County BUDGET AMENDMENT

To: Board of County Commissioners

BA #: 2025-025

From: Cathy Smith, *Finance Officer*

Date: November 13, 2024

RE: Recreation

Please authorize the finance officer to amend the 2025 budget for **Recreation** as follows:

| Account Number | Account Description | Revenue (Inc+/Dec-) | Expense (Inc+/Dec-) |
|---------------------|--|------------------------|------------------------|
| Fund Balance | | | |
| 11-3390-990-00 | Fund Balance Appropriated | 32,838.00 | |
| Recreation | | | |
| 11-3612-496-01 | PARTF Grant - Bennett's Millpond - Rev | 131,351.00 | |
| 11-6132-441-01 | PARTF Grant - Bennett's Millpond - Exp | | 164,189.00 |
| | Balanced | 164,189.00 | 164,189.00 |

Justification:

To amend the budget for Recreation to include the PARTF - Accessible Parks Project grant for Bennett's Millpond. Grant application (and local match) was approved by BOCC on 03/04/24.

Approval Date: _____

Bd. Clerk's Init: _____

Initials: _____

Batch #: _____

Date: _____

**John A Holmes High School Construction Project
Summary of Expenditures**

| Date | Description | Total Through 10/31/24 |
|---|--|-----------------------------------|
| Project Expenditures Reported 07/31/24 | | 10,990,612 |
| 9/19/2024 | LS3P | 18,400 |
| 10/17/2024 | LS3P | 16,100 |
| | Total LS3P | 34,500 |
| 8/15/2024 | S&ME (Testing & Inspections) | 9,221 |
| 9/19/2024 | S&ME (Testing & Inspections) | 10,292 |
| 10/17/2024 | S&ME (Testing & Inspections) | 20,794 |
| | Total S&ME | 40,307 |
| 8/15/2024 | MB Kahn | 2,067,339 |
| 9/19/2024 | MB Kahn | 2,334,193 |
| 10/17/2024 | MB Kahn | 2,751,140 |
| | Total MB Kahn | 7,152,672 |
| 9/6/2024 | PNC Bank (Debt Service - Net Interest) | 38,146 |
| | Total Current Expenditures | 7,265,625 |
| | Total Project Expenditures 10/31/24 | 18,256,237 |

| Date | Revenue | |
|-------------|--|-------------------|
| 6/30/2022 | Received in Grant Reimbursement | 2,430,032 |
| 3/2/2023 | Received in Grant Reimbursement | 1,052,345 |
| 10/3/2023 | Received in Grant Reimbursement | 198,914 |
| 4/4/2024 | Received in Grant Reimbursement | 639,106 |
| 5/2/2024 | Received in Grant Reimbursement | 5,240,843 |
| 6/4/2024 | Received in Grant Reimbursement | 2,020,585 |
| 9/4/2024 | Received in Grant Reimbursement | 4,831,420 |
| | Total Grant Reimbursement | 16,413,245 |
| | Submitted Reimbursement Request 11/12/24 | 1,842,992 |

EXHIBIT 26



Edenton Town Council
Special Meeting
&
Committee Meetings
January 27th, 2025
6:00 p.m.

Council Chambers, 504 S. Broad Street

*Meeting will be held in the Council Chambers, 504 S. Broad Street. Remote Video Access Available via
<https://us02web.zoom.us/j/2524822155?pwd=TONFUEJ0MXlnV3B2UFA1SOR0ajgzUT09>*

Meeting ID: 252 482 2155 Passcode: 458434

Dial in Option: 301-715-8592 (Meeting ID & Password same)

AGENDA

I. Special Meeting

- A. Public Hearing – Case No. MSUP 25-01: A Major Special Use Permit Application from Chowan County ABC Board to do a minor subdivision at 516 Virginia Road (PIN 7805-00-36-9161)
1. Presentation of Staff Reports
 2. Presentation from Applicant
 3. Public Hearing: please limit comments to 3 minutes
 4. Town Council Questions/Answers & Deliberation
 5. Town Council Consideration of Major SUP Application for minor subdivision
 - i. *Will not endanger the public health or safety;*
 - ii. *Will not injure the value of adjoining or abutting property;*
 - iii. *Will be in harmony with the area in which it is located;*
 - iv. *Will be in conformity with the Land Use Plan, thoroughfare plan, or other plan officially adopted by the Town Council;*
 - v. *Major SUP final approval.*
- B. Public Hearing – Case No. RZ 25-01: A rezoning application from Herritese, LLC, requesting to rezone a portion of the property located at 110 Whitemon Lane, from SC, Shopping Center to CH, Commercial Highway. (PIN 780500554610)
1. Presentation of Staff Reports
 2. Presentation from Applicant
 3. Public Hearing: please limit comments to 3 minutes
 4. Town Council Questions/Answers & Deliberation
 5. Town Council Consideration of Rezoning Application
 - i. *Will not endanger the public health or safety;*
 - ii. *Will not injure the value of adjoining or abutting property;*
 - iii. *Will be in harmony with the area in which it is located;*
 - iv. *Will be in conformity with the Land Use Plan, thoroughfare plan, or other plan officially adopted by the Town Council;*
 - v. *Rezoning final approval.*

- C. Public Hearing - Case No. TA 24-01: A text amendment to the Unified Development Ordinance (UDO) amending Article XII, Density and Dimensional Regulations, Minimum Lot Size in the RA, Residential Agriculture to one (1) acre and Minimum Lot Widths in the RA, Residential Agriculture to 200 feet
 - 1. Presentation of Staff Reports
 - 2. Public Hearing: please limit comments to 3 minutes
 - 3. Town Council Questions/Answers & Deliberation
 - 4. Council Consideration of Text Amendment

- D. Public Hearing - Economic Development Funding Allocation – Project Teapot
 - 1. Staff Report – Corey Gooden/Ches Chesson
 - 2. Public Hearing: please limit comments to 3 minutes
 - 3. Town Council Questions/Answers & Deliberation
 - 4. Council Consideration of Economic Development Funding Allocation

- E. Memorial Bench Request – Colonial Park

- F. Work Authorization No. 20-03 – Northeastern Regional Airport Runway 1-19 Pavement & Lighting – Corey Gooden

- G. Budget Amendment – Runway 1-19 Paving & Lighting Grant – Corey Gooden

II. Committee Meetings

- A. Administrative Committee
 - 1. Customer Service Policy Update – Section 3 - Service Order Dates

III. Closed Session

- A. To consult with the Town Attorney and thus preserve the attorney-client privilege regarding a pending lawsuit in File 22-CVS-98 Chowan County Superior Court *United Daughters of the Confederacy v. Town of Edenton*. NCGS 143.318.11(3)

- B. To consult with the Town Attorney and preserve the attorney-client privilege regarding a pending lawsuit in File 25-CV000004-200 Chowan County Superior Court *John Shannon v. Town of Edenton*. NCGS 143-318-11 (a)(3)

EXHIBIT 27

NORTH CAROLINA

IN THE GENERAL COURT OF JUSTICE

CHOWAN COUNTY

SUPERIOR COURT DIVISION

FILE NO. 22CVS000198-200

UNITED DAUGHTERS OF THE :
CONFEDERACY, North Carolina :
Division, Inc.; NORTH CAROLINA :
DIVISION OF THE SONS OF :
CONFEDERATE VETERANS, INC. and :
THE COLONEL WILLIAM F. MARTIN :
CAMP 1521 OF THE SONE OF :
CONFEDERATE VETERANS, :
Plaintiffs :

vs. :

NOTICE OF HEARING

TOWN OF EDENTON, By and Through :
Jimmy Stallings, Mayor of Edenton :
North Carolina, :
Defendant :

TO: H. EDWARD PHILLIPS III
Attorney for Plaintiffs
&
JAMES BARRETT WILSON, JR.
Attorney for Plaintiff, North Carolina Division Sons of Confederate Veterans, Inc.

PLEASE TAKE NOTICE that the undersigned will bring the Defendant’s First Defense and motion to dismiss pursuant to Rule 12(b)(1) and Rule 12(b)(6) of the North Carolina Rules of Civil Procedure as set forth in Defendant’s Answer filed February 6, 2023 on for hearing before the Court in Perquimans County Superior Court, Perquimans County Courthouse, 128 N Church Street, Hertford, N.C. 27944 on the 21st day of April, 2025 at 10 o’clock a.m., or as soon thereafter as the Court can hear it.

This is 10th day of February, 2025.

HORNTHAL, RILEY, ELLIS & MALAND, LLP

By: 

M. H. Hood Ellis
N.C. State Bar #6606
301 E. Main St.
Elizabeth City, N.C. 27909
Telephone: (252) 335-0871
Telefax: (252) 335-4223
hellis@hrem.com
Attorneys for Plaintiff

CERTIFICATE OF SERVICE


This is to certify that I have this day served a copy of the Notice of Hearing as indicated below, upon the below-named person(s):

- (X) By depositing a copy of same in the United States Mail, postage prepaid, addressed as shown below.
- (X) By electronic service at the email addresses shown below.

H. Edward Phillips, III
P.O. Box 681764
Franklin, Tennessee 37068
Email: edward@phillipslawpractice.com

Mr. James Barrett Wilson
411 Waughtown Street
Winston-Salem, N.C. 27107
Email: james@jbbwilsonlaw.com

This is 10TH day of February, 2025.



Of Counsel for Defendant

EXHIBIT 28



Edenton Town Council & Chowan County Board of Commissioners
Joint Special Meeting
February 24, 2025
5:30 p.m.

College of the Albemarle
Culinary Arts Building – 118 Blades St. Edenton, NC

AGENDA

- I. Call Meeting to Order:
Mayor W. Hackney High, Jr. & Chowan County Chairman Bob Kirby

- II. Public Hearing
The Boards will receive public comment regarding the Confederate Monument Memorandum of Understanding (MOU)

- III. Confederate Monument Memorandum of Understanding (MOU)
Both Boards will discuss and consider the County and Town entering into a new Memorandum of Understanding & Agreement regarding the relocation of the Confederate Monument from its present location on South Broad Street to property owned by Chowan County and located behind the Chowan County Courthouse in the open space between the Chowan County Detention Center and the Veterans Memorial.

- IV. Adjournment

STATE of NORTH CAROLINA
COUNTY of CHOWAN



DRAFT
2/17/25

MEMORANDUM OF UNDERSTANDING & AGREEMENT

THIS MEMORANDUM OF UNDERSTANDING & AGREEMENT, made and entered into this _____ day of February, 2025 by and between the **Town of Edenton**, a municipal corporation of North Carolina (hereinafter “the Town”), and the **County of Chowan**, a political subdivision of North Carolina (hereinafter “the County”)

WITNESSETH

That whereas the monument and memorial to the Confederate Dead from Chowan County who fought and died in the Civil War (hereinafter “the Confederate Monument”) was erected in 1904 near the north end of, the Chowan County Courthouse Green, as depicted on that plat of a "Survey for Chowan County Courthouse Property and Green," of September 24 & 25, 1997, by Mark D. Pruden, R.L.S., of record in Plat Cabinet 1 at slide 152-A in the Chowan County Registry, and

Whereas in 1932 there was erected on the Courthouse Green the Joseph Hewes monument in honor of Joseph Hewes who was one of the original signers of the Declaration of Independence and by 1961 the Edenton Woman's Club desired to complete the restoration of the Courthouse Green congruent to the 18th-century Courthouse; and

Whereas, of record in Minutes Book 6, the Chowan County Commissioners on March 6 and May 16, 1961, accepted and authorized plans and granted permission to carry out the plans, funded by the proceeds of the 1961 spring Biennial Pilgrimage, submitted for the historic re-landscaping and terracing of the Courthouse Green, and relocation of the Confederate Monument from the Green to the south end of the Town’s Broad Street; and

Whereas, on June 1, 1961 the Confederate Monument was moved from the Courthouse Green to the middle of the fifth block of the Town’s South Broad Street where it has remained ever since; and

Whereas, on February 8, 2022 the Edenton Town Council unanimously accepted the recommendation of the Human Relations Commission previously appointed by the Town and voted to relocate the Confederate Monument in compliance with N.C. General Statute Section 100-2.1 “Protection of Monuments, Memorials and Works of Art;” and

Whereas, the United Daughters of the Confederacy and others initiated a civil action in Chowan County Superior Court (File #22CVS000198-200) against the Town to restrain the Town from relocating the Confederate Monument and on March 23, 2023 the Senior Resident Judge of the First Judicial District entered a Restraining Order enjoining the Town from relocating the Confederate Monument pending further hearing and order of the Court; and

Whereas, subject to the terms and conditions of this Memorandum of Understanding and Agreement, the County has agreed to accept the Confederate Monument and permit it to be relocated to property owned by Chowan County as more particularly described herein; and

Whereas, the Town desires to transfer and relocate the Confederate Monument to the described location which satisfies the statutory requirements that the Confederate Monument be relocated to a site of similar prominence, honor, visibility, availability and access within the boundaries of the Town and permit the Town to proceed with its Waterfront Master Plan which includes the area presently occupied by the Confederate Monument; and

NOW THEREFORE the Town, acting through its Mayor and Town Council, and the County, acting through its Chairman and Board of Commissioners, do hereby covenant and agree as follows:

1. Within thirty (30) days of the dismissal or other final adjudication of the civil action (file 22CVS000198-200) Chowan County Superior Court *United Daughters of the Confederacy v. Town of Edenton*) thus dissolving and removing the existing Restraining Order, and in all respects concluding the case, the Town, at its expense, will remove the Confederate Monument to include the bronze statute and pedestal, the tripartite carved stone shaft, the muti-tiered carved stone base, its existing foundation, surrounding brick square, four flag-poles and ground lighting from its present location on South Broad Street, relocate same to its new location on property owned by Chowan County and located behind the Chowan County Courthouse in the open space between the Chowan County Detention Center and the Veterans Memorial as identified by the County on Exhibit A hereto (outlined in blue highlight), and re-erect same at its new location in accordance with the presentation/placement plan determined by the County.
2. Upon the date of delivery of the Confederate Monument to its new location on the County's grounds at the existing Chowan County Courthouse, the Town will deliver a bill of sale or similar document transferring and conveying all right, title and interest the Town may have in the Confederate Monument to the County. By accepting the bill of sale or similar document the County agrees to keep and maintain the Confederate Monument in compliance with all federal and state laws and regulations.
3. Once delivered and re-erected by the Town as agreed herein, the County assumes any and all obligations with respect to the maintenance and landscaping of the Confederate Monument.
4. This is the complete Memorandum of Understanding & Agreement between the Town and the County. This Memorandum of Understanding & Agreement may not be modified or amended except in writing signed by the Town and the County.

[Signatures on following pages]

By authority of its Town Council, the Town has caused these presents to be by its proper officers signed in its corporate name and attested and its corporate seal to be hereunto affixed, this day and year first above written.

TOWN OF EDENTON

By: _____

W. Hackney High, Jr.

Mayor

(Affix Town Seal)

Attest:

Corey Gooden

Clerk

STATE of NORTH CAROLINA

COUNTY of CHOWAN

I, _____, the undersigned Notary Public of the said State and the County of _____, do hereby certify that this day personally came before me **Corey Gooden** and acknowledged that he is Clerk to the Town of Edenton, a municipal corporation, and that by authority duly given and as the act of the corporation, the foregoing instrument was signed in its name by its Mayor, sealed with its corporate seal, and attested by himself as its Clerk:

Witness my hand and official seal this _____ day of February, 2025.

Notary Public

My Commission Expires:

(Affix Notary Stamp or Seal)

By authority of its Board of Commissioners, the County has caused these presents to be by its proper officers signed in its corporate name and attested and its corporate seal to be hereunto affixed, this day and year first above written.

CHOWAN COUNTY

By: _____

Bob Kirby.

Chairman, Board of Commissioners

(Affix County Seal)

Attest:

Susanne Stallings

Clerk

STATE of NORTH CAROLINA

COUNTY of CHOWAN

I, _____, the undersigned Notary Public of the said State and the County of _____, do hereby certify that this day personally came before me **Susanne Stallings** and acknowledged that he is Clerk to the Chowan County Board of Commissioners, a body politic, and that by authority duly given and as the act of the corporation, the foregoing instrument was signed in its name by its Chairman, sealed with its corporate seal, and attested by herself as its Clerk:

Witness my hand and official seal this _____ day of February, 2025.

Notary Public

My Commission Expires:

(Affix Notary Stamp or Seal)