

City Council Meeting
Special Session Agenda
Tuesday, January 8, 2019
7:00 P.M.



Meeting called to order by the Mayor
Invocation and Pledge of Allegiance

1. Consent Agenda:

- a. Approval of Minutes – December 4, 2018 Regular Session
- b. Approval of Minutes – December 12, 2018 Special Session
- c. Tax Releases & Refunds
- d. Appoint Nicki Grafos Smith to the Historical Museum Advisory Board with a term to expire June 30, 2021

2. Downtown Small Area Plan:

- a. Approve Contract with Toole Design Group

3. Main Street Program Discussion

4. Public Private Partnership (P3) – East Interstate Road Development:

- a. Approve Resolution Adopting Statement of Critical Need to Enter into A Public-Private Partnership to Develop a Spec Building On City-Owned Property in The City of Graham, North Carolina

5. Order to Demolish:

- a. Approve Ordinance to Demolish vacant house located at 323 Albright Avenue

6. Review City Attorney Proposals

7. Issues Not on Tonight's Agenda

**CITY OF GRAHAM
REGULAR SESSION
TUESDAY, DECEMBER 4, 2018
7:00 P.M.**

The City Council of the City of Graham met in regular session at 7:00 p.m. on Tuesday, December 4, 2018, in the Council Chambers of the Municipal Building located at 201 South Main Street.

Council Members Present:

Mayor Jerry Peterman
Mayor Pro Tem Lee Kimrey
Council Member Griffin McClure
Council Member Chip Turner
Council Member Melody Wiggins

Also Present:

Frankie Maness, City Manager
Aaron Holland, Assistant City Manager
Darcy Sperry, City Clerk
Keith Whited, City Attorney
Nathan Page, Planning Director
Jeff Prichard, Police Chief

Mayor Jerry Peterman called the meeting to order and presided at 7:00 p.m. Council Member Griffin McClure gave the invocation and everyone stood to recite the Pledge of Allegiance.

Consent Agenda:

- a. Approval of Minutes – November 6, 2018 Regular Session*
- b. Tax Releases*

CITY OF GRAHAM RELEASE ACCOUNTS				
DECEMBER COUNCIL MEETING				
ACCT #	YEAR	NAME	REASON FOR RELEASE	AMOUNT RELEASED
597235	2018	EDWARDS, JUSTIN COOK	JET SKI NOT IN CITY OF GRAHAM ON JAN 1	13.08
667214	2018	DBD/MONROE X LLC (PRESS)	VALUE CORRECTION-NON DEPRCIABLES	9.76
28725-1784	2018	CONCEPT BUILDERS		\$159.25
539936-8326	2018	WINDSOR INVESTMENTS LLC		\$5.58
539936-8323	2018	WINDSOR INVESTMENTS LLC	BUILDERS INVENTORY DEFERMENT REMOVED	\$5.07
660352-1457	2018	CENTRAL ALAMANCE SCENIC	& FULL VALUE BILLED TO NEW OWNER	\$6.12
660352-1466	2018	CENTRAL ALAMANCE SCENIC		\$5.71
660352-1458	2018	CENTRAL ALAMANCE SCENIC		\$5.33
660352-1482	2018	CENTRAL ALAMANCE SCENIC		\$5.25
660352-1477	2018	CENTRAL ALAMANCE SCENIC		\$4.55
660352-1480	2018	CENTRAL ALAMANCE SCENIC		\$5.42
660352-1479	2018	CENTRAL ALAMANCE SCENIC		\$4.61
33635	2018	THOMPSON, MATTIE G.	QUALIFIED FOR HOMESTEAD EXEMPTION	200.09
652020	2018	LEBERT, DONALD	QUALIFIED FOR HOMESTEAD EXEMPTION	15.93
539936	2018-8510	WINDSOR INVESTMENTS LLC		102.38
539936	2018-8511	WINDSOR INVESTMENTS LLC	BLDRS INVENTORY DEFERMENT SHOULD NOT	102.38
539936	2018-8512	WINDSOR INVESTMENTS LLC	HAVE BEEN REMOVED, RELEASE BILL	493.38
539936	2018-8513	WINDSOR INVESTMENTS LLC	CREATED ON 9/5/18 THAT WAS BILLED TO THE	102.38
539936	2018-8514	WINDSOR INVESTMENTS LLC	NEW OWNER.	102.38
539936	2018-8515	WINDSOR INVESTMENTS LLC		102.38
539936	2018-8516	WINDSOR INVESTMENTS LLC		102.38
656364	2018-4179	KEYSTONE GROUP INC	BLDRS INV DEFERMENT REMOVED, BILL NEW OWNE	91.00
486701	2018	PRO BOOKS LLC	BUSINESS CLOSED 12/31/17	5.91
8901	2018	STILES, JAMES D	QUALIFIED FOR HOMESTEAD EXEMPTION	239.19
435366	2018	GALBRAITH, ARTHUR	QUALIFIED FOR DISABLED VETERANS EXEMPT	204.75
TOTAL RELEASES				2094.26

- c. Appoint Christina Taylor to the Appearance Commission with a term to expire June 30, 2021*
- d. Approve Rescheduling the January 1, 2019 Regular Session City Council Meeting to 7:00 p.m. on Tuesday, January 8, 2019*
- e. Approve Amended Audit Contract with Stout, Stuart, McGowen & King, LLP*

Mayor Peterman asked if anyone would like to pull any items from the Consent Agenda. Mayor Pro Tem Lee Kimrey asked to pull item “e”. Council Member Chip Turner made a motion to approve items “a”, “b”, “c” and “d”, seconded by Council Member Melody Wiggins. All voted in favor of the motion.

Mayor Pro Tem Kimrey asked City Manager Frankie Maness why the audit contract needs to be amended. Mr. Maness advised the current audit contract stipulates that the audit must be completed by October 31, 2018. He added that the City, like others, is experiencing a delay in finalizing the auditing process due to a delay in receiving the City’s GASB Statement No. 75 Report of the City’s Health Care Plan. Mayor Pro Tem Kimrey made a motion to approve item “e”, seconded by Council Member McClure. All voted in favor of the motion.

Recommendations from Planning Board:

- a. **Public Hearing: Sizemore (RZ1807). Request by Joseph Sizemore to rezone property located at 105 West Moore Street/133 South Main Street from R-12 Residential District to B-2 General Business (GPIN# 8883264486, 8883265642, 8883267292, 8883268103, 8883263268, 8883267360, 8883264112, 8883265184)***

Mr. Page advised that this property is surrounded by two development types; Business District (general business) B-2 and R-12 Residential District (medium density). This request is to rezone all of these properties from R-12 to B-2. He added that several of the lots are currently undeveloped and three of the parcels are occupied by single family homes.

Following a brief discussion between Council Members and staff regarding a couple of the parcels being split zoned, Mayor Peterman opened the Public Hearing.

Mr. Joseph Sizemore of 5648 Mt. Hermon Rock Creek Road Snow Camp stepped forward to answer questions Council may have. With no questions forthcoming, Mayor Peterman closed the Public Hearing.

Mayor Pro Tem Kimrey made a motion that the application be approved, the application is consistent with The Graham 2035 Comprehensive Plan and that this action is reasonable and in the public interest for the following reason: The quantity of vehicle traffic of the Highway 87 corridor as well as the Future Land Use Map suggest that commercial uses may be better suited to this site than residential. Council Member Wiggins seconded the motion and all voted in favor of the motion.

City Attorney Succession Discussion:

Mayor Peterman advised that City Attorney Keith Whited has informed the City that he will be stepping down from his position effective February 28, 2019.

Council and staff spent a great deal of time discussing what, if any, changes need to be made to the current agreement with the City Attorney position. Staff was in agreement that they would never turn down an agreement which includes more hours. Mr. Maness advised that ultimately it is the Council's decision to determine what level of service they want for the City. Mayor Peterman asked City Clerk Darcy Sperry to create a Doodle Poll to find a date and time suitable for all to hold a special meeting by which Council can set the parameters for a search. He asked Mr. Maness to compile data for what other municipalities our size are currently doing. Lastly, he asked Council Members to start thinking of questions to ask perspective applicants.

Issues Not on Tonight's Agenda:

Mr. Whited apologized for putting Council through the search for a new City Attorney at this time.

Council Member Wiggins recognized the staff of Recreation & Parks, Police and Fire Departments for an outstanding job done on the Christmas Parade and festivities this past weekend.

Mayor Pro Tem Kimrey thanked Mr. Whited for his service to the City and stated it was his honor to have worked with him.

Mr. Maness informed those attending the Community Leaders breakfast at Alamance Community College on December 5, 2018 that carpooling would be available.

Mayor Peterman recognized and thanked those who worked on the Veteran's Day Parade.

At 7:50 p.m. Mayor Pro Tem Kimrey made a motion to adjourn, seconded by Council Member Turner. All voted in favor of the motion.

Darcy Sperry, City Clerk

**CITY OF GRAHAM
SPECIAL SESSION
WEDNESDAY, DECEMBER 12, 2018
10:00 A.M.**

The City Council of the City of Graham met in special session at 10:00 a.m. on Wednesday, December 12, 2018, in the Council Chambers of the Municipal Building located at 201 South Main Street.

Council Members Present:

Mayor Jerry Peterman
Mayor Pro Tem Lee Kimrey
Council Member Griffin McClure
Council Member Chip Turner
Council Member Melody Wiggins

Also Present:

Frankie Maness, City Manager
Aaron Holland, Assistant City Manager
Darcy Sperry, City Clerk
Keith Whited, City Attorney

Mayor Jerry Peterman called the meeting to order and presided at 10:00 a.m.

City Attorney Succession Plan:

Mayor Peterman informed those in attendance that this meeting was to discuss the parameters of the search for a new City Attorney. He asked City Manager Frankie Maness for a brief background of the state statute pertaining to City Attorney's. Mr. Maness read the state statute as well as the language included in the City's charter.

Council and staff spent time discussing the current needs of the City while being mindful of future needs. Consideration was given to keeping the same arrangement as the City has now, increasing the number of hours included in the arrangement or contracting legal services. Mr. Maness advised that the City is prepared to do whatever the Council wishes, but stated that he would prefer a fixed cost arrangement.

By consensus, Council agreed the best way to proceed would be via a Request for Proposals and Qualifications from firms or individuals. Mayor Peterman recessed the meeting at 10:41 a.m. so that Mr. Maness could draft a proposal that could be voted on at this meeting. At 11:02 a.m., Mayor Peterman reconvened the meeting.

Council Members read, briefly discussed and made changes to the proposed draft. The proposal includes a minimum of 16 hours of legal services based at City Hall per week and a fixed annual contract price. Council Member Melody Wiggins made a motion to accept this terminology as our advertisement for the City Attorney, seconded by Council Member Griffin McClure. All voted in favor of the motion.

At 11:08 a.m. Council Member Chip Turner made a motion to adjourn, seconded by Mayor Pro Tem Lee Kimrey. All voted in favor of the motion.

Darcy Sperry, City Clerk

**CITY OF GRAHAM
RELEASE ACCOUNTS**

JANUARY COUNCIL MEETING

<u>ACCT #</u>	<u>YEAR</u>	<u>NAME</u>	<u>REASON FOR RELEASE</u>	<u>AMOUNT RELEASED</u>
670920	2018	FORKS OF ALAMANCE HOMEOWNERS	COMMON AREA - ALLOCATED TO HOMEOWNERS	693.88
600535	2011	FLORES, ANTONIO CHAVARRIOS	SOLD MOBILE HOME	30.11
600535	2012	FLORES, ANTONIO CHAVARRIOS	SOLD MOBILE HOME	\$28.07
614337	2018	DEAN, JOEL ALAN	NO LONGER IN THE CITY LIMITS	\$58.73
665817	2018	LIDL US OPERATIONS LLC	BUSINESS PERSONAL PROPERTY CODED WRONG & SOME EQUIPMENT EXEMPT	\$4,514.53

TOTAL RELEASES **5325.32**

**CITY OF GRAHAM
REFUNDS**

JANUARY COUNCIL MEETING

<u>ACCT #</u>	<u>YEAR</u>	<u>NAME</u>	<u>REASON FOR REFUND</u>	<u>REFUND AMOUNT</u>
622323	2018	L & E ENTERPRISES I LLP	COMMON AREA	8.87

TOTAL REFUNDS **8.87**

City of Graham

Volunteer Board and Commission Application

The following application is used by the City Council to screen individuals interested in serving on a City advisory board or commission. To ensure that your application will receive full consideration, please answer all questions completely. For more information and details about each board, visit www.cityofgraham.com/government/boards



Name Nicki Grafos Smith

Email Address nectariagrafos@gmail.com

Home Address 402 South Maple Street

Mailing Address 402 South Maple Street

City, State, Zip Graham, NC 27253

City, State, Zip Graham, NC 27253

Home Phone 336-639-8369

Alternate Phone 919-428-0425

Do you live inside the city limits of Graham? ☒ Yes ☐ No

Are you applying for reappointment to a board of commission on which you are currently serving?

☐ Yes ☒ No

If yes, for which board or commission are applying for reappointment:

For new appointments, select the board(s) and/or commission(s) for which you would like to be considered (you may select more than one):

- | | |
|--------------------------------------------------------------------------------|-------------------------------------------------------------------------|
| <input type="checkbox"/> Alamance County Library Committee (2 years) | <input type="checkbox"/> Graham Sports Hall of Fame Committee (6 years) |
| <input type="checkbox"/> Alcohol Beverage Control (3 years) | <input type="checkbox"/> Historic Resources Commission (4 years) |
| <input checked="" type="checkbox"/> Appearance Commission (3 years) | <input type="checkbox"/> Planning Board/Board of Adjustment (3 years) |
| <input type="checkbox"/> Canine Review Board (3 years) | <input type="checkbox"/> Recreation Commission (3 years) |
| <input checked="" type="checkbox"/> Historical Museum Advisory Board (3 years) | <input type="checkbox"/> Tree Board (3 years) |
| <input type="checkbox"/> Graham Housing Authority (5 years) | |

Why do you wish to serve the City in this capacity? Describe the experience, skills, and abilities that you would contribute:

The fillable form would not accept all my information so please see the attached page for the answer to this question.

RECEIVED

DEC 03 2018

**CITY OF
GRAHAM**

Employment

Employer/Company Name YMCA of the Triangle Area - Chapel Hill-Carrboro YMCA Branch

Address 980 MLK Jr. BLVD,

City, State, Zip Chapel Hill, NC 27514

Job Title and Description of Responsibilities

Civic Involvement

Please list the names of civic and volunteer organizations in which you currently hold membership and your position with that organization.

When I worked in town at the Alamance County YMCA I was involved with the ARC of Alamance County, Red Cross and SAFE Kids. I am not currently not involved with any civic group other than volunteering for YBAC Competitive Swim Team as needed. In addition I am a Sunday School Teacher at my Church in Greensboro.

Thank you for your interest in the City of Graham's advisory boards and commissions. Submit this application by email to: dsperry@cityofgraham.com, in person to: City Clerk's Office at 201 South Main Street, or by mail to: Attn: City Clerk P.O. Drawer 357, Graham, NC 27253

Applications will be kept on file for 3 years

Nicki Smith**Job Title-Responsibility**

Associate Executive Director - Healthy Living Programs - responsible for a budget of over 1.5 M; I lead 4 full time staff who are responsible for program deliverables for the areas of membership, aquatics, wellness and group exercise our branch of the YMCA of the Triangle Area. In addition, as part of the branch leadership team I help shape staff culture in the areas of safety and risk and leadership development of full time and part time staff. In my time at the Y, I have been able to lead volunteer teams to raise over Please see attached resume for additional information.

Why do you wish to serve the City in this capacity? Describe the experience, skills, and abilities that you would contribute:

I have worked for the YMCA in Alamance County, and currently work for the YMCA of the Triangle Area. I have worked with leading teams of part time and full time people for over 20 years in the areas of aquatics, wellness, and operations. I have a keen desire to understand context, investigate all aspects of an idea or issue in order to be able to make decisions that are realistic and sensitive to the greater good. My operational experiences in facilities management has given me the opportunity to hone my skills in logistics in order to meet goals and deadlines related to people engagement or preventative building maintenance projects. In have highly developed skills in Listen First, problems solving and relationship building.

NECTARIA GRAFOS SMITH

Graham, NC 27253
 Home: 336.639.8369
 Cell: 919.428.0425

nectariagrafos@gmail.com

Leadership Professional with over 15 years of experience in representing a charitable organization in the community, leading and coaching others, effective recruiting and training of staff, and proven accountability to budget. Deeply dedicated to organization initiatives with the skills necessary to develop and support key initiatives and create positive and lasting community relationships.

Professional Experience**YMCA of the Triangle, Chapel Hill-Carrboro YMCA Branch**

July 2014-Present

Associate Executive Director-Healthy Living

- Responsible for a \$1.5 M budget
- Lead full time staff in development, maintenance and evaluation of program quality with particular focus on the member experience
- Lead staff teams in identifying and providing sustainable solutions operational flow
- Lead community outreach initiatives that has led to success in raising over \$500,000 in funds for the organization's annual campaign
- Assist staff in following safety and risk protocols and practices
- Participate in cross functional learning cohorts and teams that influence and shape the organization's future vision and goals

Chapel Hill-Carrboro YMCA/YMCA at Meadowmont, Chapel Hill, North Carolina

Aquatics Program Director/Branch Director/Senior Program Director

June 2006-June 2014

- Budget development and fiscal responsibility of \$750,000 in revenues
- Direct supervision and mentoring of 3 full time staff
- Develop partnerships with community organizations focused on community outreach drowning prevention summer series with Town of Chapel Hill
- Managed day-to-day operations including program development and project management, facility safety and risk management, community awareness
- Managed marketing and advertising
- Successfully recruited, hired and trained staff

Alamance County Community YMCA, Burlington, North Carolina

Program Director, Aquatics

August 1999 – June 2006

- Responsible for budget development and administration and increased revenue 300% over 7 years
- Responsible for recruiting, hiring and training staff
- Represented the Y in the community by participating on committees and in health fairs

Alamance Community College, Graham, North Carolina

Instructor, Anthropology, Huskins Program at Graham High School

Education**Wilfrid Laurier University, Waterloo, Ontario, Canada**

Master of Arts, Religion and Culture, October 1997

University of Windsor, Windsor, Ontario, Canada

Bachelor of Arts, Anthropology, June 1995

Community Involvement

- Safe Kids Orange County, Vice Chair, 2012, current member
- The ARC of Alamance County; Board Member, 2005 – 2011
- Alamance County American Red Cross, Volunteer, 2001 – 2005
- Safe Kids Coalition of Alamance County, Vice Chair, 2001 – 2002
- Alamance County Special Olympics, Volunteer Coach, Aquatics Program 2000 – 2004
- International Archaeologist, Volunteer, 1995 – 1996



STAFF REPORT

SUBJECT:	DOWNTOWN SMALL AREA PLAN
PREPARED BY:	NATHAN PAGE, PLANNING DIRECTOR

REQUESTED ACTION:

Approve the contract with Toole Design Group for the Downtown Small Area Plan.

BACKGROUND/SUMMARY:

In their 2018/2019 budget year, the Graham City Council funded their match portion of a Small Area Plan. While Graham allocated \$50,000, BGMPO and NCDOT also submitted \$50,000 to this plan bringing the total budget to \$150,000. In September, the City released a Request for Qualifications to the NCPLAN listserv, as well as on our website. Out of a total of 11 responses, staff narrowed the pool to three interviewees. Subsequent to the interviews, staff recommended Toole Design Group as the preferred design firm.

The Small Area Plan will allow the City of Graham to inventory our downtown infrastructure and create estimates for renewing the lifespan of the sewer, water, and stormwater infrastructure. At the same time, we anticipate looking at potential updates to the streetscape, street trees, parking, and transportation.

FISCAL IMPACT:

The City of Graham has already budgeted their portion of the funds for this plan. However, it is likely that the outcome will have cost estimates for expensive underground infrastructure, some of which has been in service beyond what can be assumed to be a reasonable lifecycle. For example the fire suppression system downtown which is hooked to a waterline which is at least 100 years old.

STAFF RECOMMENDATION:

Approval. Infrastructure underground in the downtown is in need of evaluation and potentially replacement in the near term. This plan will help us spend the least amount of money with the largest impact.

SUGGESTED MOTION(S):

I move we approve the contract with Toole Design Group for our Downtown Small Area Plan.

December 7, 2018

Nathan Page, City Planner
City of Graham, NC
201 South Main Street
PO BOX Drawer 357
Graham, NC 27253

RE: Graham Downtown Master Plan Summary Scope and Fee

Dear Mr. Page,

Thank you for the opportunity to interview and further discuss this critical project for the legacy of Downtown Graham. We enjoyed visiting with you and the entire selection committee to present Toole Design's "People First" approach to downtown redevelopment, focusing on the public realm and what the City of Graham can control. Per your request, a summary scope and fee of our proposed process is included below. We are happy to provide greater detail, if desired. Based on our discussions with City staff during the interview, we have refined the task order and deliverables from our original proposal to better meet your needs and budget.

PROPOSED SCOPE OF SERVICES

Task 1: Project Management and Kick-Off Meeting

- Kick-Off Meeting
- Coordination

Task 2: Survey Main Street and Downtown

- Land Survey/Utility Survey/Right-of-Way Survey
 - Main Street from Interstate 40 to Market Street and Downtown Project Study Area
 - Ensure Accurate Planning and Conceptual Design to Tee Up Recommendations for Implementation

Task 3: Inventory and Analysis

- Site-Walk with Staff and Key Stakeholders
- Inventory of:
 - Physical Characteristics
 - Existing Facilities
 - Streetscape Elements
 - Streets
 - Transportation
 - Key Properties/Sites

Task 4: Public Participation and Visioning Workshop

- Stakeholder Group (Graham and Alamance County Tourism, NCDOT, Parks and Recreation, Community College, Duke Energy, Alamance Arts, Historical Society, etc.)
- Public Open House and Pop-Up Events
- Two Part Workshop – Visioning Workshop & Design Workshop

Task 5: Downtown Master Plan Recommendations

- Focus on at a Minimum:
 - Retention of Small Town Atmosphere
 - Enhance Historic Nature
 - Court Square
 - Great Streets Solutions
 - Streetscape Guidelines
 - Pedestrian Plazas, Pocket Parks, and Alleyway Activation
 - Improved Connectivity
 - Visioning for Catalyst Sites/Buildings
 - Regulatory Review and Recommendations
 - Stormwater and Utility Placement
 - Phasing, Cost Estimates, and Implementation

Task 6: Hwy 86 Corridor Study

- Interstate 40 to Market Street
- Focus on at a Minimum:
 - Rendered Concept Design
 - Intersection Improvements
 - Wayfinding Guidance
 - Streetscape and Multimodal Transportation
 - Gateway Treatments
 - Design Overlay Recommendations

Task 7: Stormwater and Utility Additional Services

- Inventory – Geolocate and Photos
- Inlet Location Analysis
- Capacity Analysis for Catalyst Sites and Existing Conditions
- Outfall Analysis
- Sewer Capacity Study for areas of Development and areas with known deficiencies

Summary Lump Sum Fee Proposal

	Task	Fee
Task 1	Project Management and Kick-Off Meeting	\$4,600.00
Task 2	Survey Main Street and Downtown	\$20,000.00
Task 3	Inventory and Analysis	\$4,000.00
Task 4	Public Participation and Visioning Workshop	\$33,500.00
Task 5	Downtown Master Plan Recommendations	\$44,300.00
Task 6	Hwy 86 Corridor Study	\$30,000.00
Task 7	Stormwater and Utility Additional Services	\$13,600.00
	Total Lump Sum Cost*	\$150,000.00

* Lump sum cost is inclusive of labor, overhead, profit, and expenses.

Thank you for your consideration of Toole Design for this extremely important project. If you have any questions or comments, please do not hesitate to call or email me at 864.336.2276 x178 or clambka@tooledesign.com.

Sincerely,

Christopher Lambka | Senior Landscape Architect I Associate

TOOLE DESIGN



STAFF REPORT

SUBJECT:	MAIN STREET PROGRAM DISCUSSION
PREPARED BY:	MARY FAUCETTE, DOWNTOWN DEVELOPMENT COORDINATOR & ALEXA POWELL, PLANNER

REQUESTED ACTION:

Discuss the North Carolina Main Street & Rural Planning Center's program

BACKGROUND/SUMMARY:

Since the NC Main Street program began in 1980, participating communities have experienced tremendous economic success with over 2.5 billion in public/private investment, a net gain of over 22,400 full and part-time jobs, 5,833 building renovations, and a net gain of 5,570 businesses. Statewide, there are currently 90 active communities participating in this program including: Burlington, Elon, Fuquay-Varina, Morganton, and Wilson to name a few.

In 2015, the NC Department of Commerce, Main Street and Rural Planning Center, created the Downtown Associate Community (DAC) program as a pre-requisite to becoming a North Carolina Main Street. The DAC program is designed to better prepare communities and is based on the National Main Street Center's downtown revitalization model founded on the philosophy of "economic development within the context of historic preservation."

FISCAL IMPACT:

Undetermined. The City shall commit a minimum of \$5,000 annually for up to three years when making an application to the Downtown Associate Community program.

STAFF RECOMMENDATION:

Staff's recommendation is to continue researching the Downtown Associate Community program. Continued research includes data collection to support a future application to the program depending on the Council's interest in moving forward with this opportunity.

SUGGESTED MOTION(S):

I move to direct City Staff to continue research into the Downtown Community Associate (DAC) program and collect data to support a future application.



ROY COOPER
Governor

ANTHONY M. COPELAND
Secretary

Benefits and Requirements of the Downtown Associate Community Program

Benefits of the Program.

- Partnership with the NC Main Street and Rural Planning Center:
 - North Carolina cities are selected through a competitive process to participate in the DAC program therefore;
 - Selected communities become partners with the North Carolina Department of Commerce, Rural Economic Development Division, and the NC Main Street & Rural Planning Center in a long-term economic development effort that has a proven positive impact on investment and job creation.
 - Downtown Associate Community programs (DAC) are limited in number and therefore receive focused and personal attention from the Center's staff.
 - Investment: The State of North Carolina invests approximately \$50,000 in on-site visits, training and technical assistance within the first three years of participation in a local DAC program. After the initial start-up phase, the community may be eligible to move up to the Main Street program for continued assistance.
- Training:
 - Selected communities are eligible to attend and participate in the NC Main Street Conference, Main Street Basic Training, Board and Committee Training, Main Street Orientation, Main Street Managers' Meetings and Bi-Annual Regional Meetings.
- Technical Assistance:
 - The North Carolina Main Street and Rural Planning Center's staff guides selected communities through:
 - Identifying community assets
 - Identifying economic drivers
 - Stakeholder and Partner identification
 - Strength, Weaknesses, Opportunities and Threats
 - A Vision Forum leading to creating an organizational structure to implement a downtown vision, downtown economic implementation strategies and downtown implementation plans.
 - Volunteer development
 - Provides guidance and support to communities on ways to find and develop financial resources
 - Extensive experience: The NC Main Street & Rural Planning Center has extensive experience in organizational development and nonprofit management, architecture, historic preservation, planning, building rehabilitation, investment tax credits, incentive programs, marketing, image and special event development. Also in communications and a range of other pertinent areas.

- Staff is among the nation's leading authorities on downtown development.
- The NC Main Street & Rural Planning Center's staff conducts an annual program assessment including collecting of statistical data for review and analysis.
- Network:
 - Participating DAC programs are able to take advantage of and participate in a special network of Main Street cities statewide from which they learn best practices, techniques and strategies for downtown development and share and receive information through our Main Street listserv.

Requirements of the Program:

The designee of the Downtown Associate Community (DAC) program is the local city or town government. The Chief elected official is notified of this selection. A town or city government determines who will administer the Downtown Associate Community program at the local level and communicates that information to the NC Main Street and Rural Planning Center.

The following outlines the requirements that all applicants must understand before completing this application.

1. The applicant must be an incorporated North Carolina municipality with an identifiable, traditional downtown business district. This typically means a central business district with contiguous buildings and a mix of retail and service businesses.
2. A certified population of less than 50,000 as reported by the NC Office of State Budget and Management: https://ncosbm.s3.amazonaws.com/s3fs-public/demog/muniestbymuni_2015.html
3. If selected, the applicant must sign an annual agreement with the NC Main Street & Rural Planning Center, for a period of up to three years, outlining the following requirements and/or agreements for partnership in the Downtown Associate Community (DAC) program with the Center.
 - a. Participate in all services provided by the NC Main Street & Rural Planning Center when staff is in town.
 - b. Designate a DAC program coordinator (paid or volunteer) dedicated to the downtown for a minimum of 20 hours/week who will coordinate and facilitate the work of the program.
 - c. The DAC program must be designated as either a department of the local municipal government or obtain a 501(c) non-profit status.
 - d. Establish strong broad-based support for the commercial district revitalization process from both the public and private sectors.
 - e. Establish and maintain an active Board of Directors or an Advisory Board (if a city/town designated program) and Committees using the Main Street Four-Point Approach®.
 - f. Establish an annual work plan/planning process for downtown.
 - g. Adopt and exhibit a historic preservation ethic and design management program.
 - h. Demonstrate an established vision for downtown and a mission that defines the role of the organization that will manage the downtown initiative.
 - i. DAC program coordinator must attend training including, but not limited to: Main Street Basic Training, Main Street Manager's Meeting, annual NC Main Street Conference, bi-annual regional meetings.
 - j. Fund the DAC program through both public and private partnerships at a level allowing for full operation of the program, based on the adopted work plan.
 - k. Submit on time annual statistical data, budget and salary information and program assessment reports as requested by the Center.

- l. Maintain an annual membership with the National Main Street Center at the Standard Level. IF community moves up to Main Street designation the level goes up to Designated Level.
 - m. Reimbursement of the NC Main Street & Rural Planning Center's travel expenses at the IRS rate plus meals at the state per diem rate.
 - n. Must meet the requirements of the Main Street program by the end of year three in order to move up to Main Street® designation. Participating communities operating a DAC program that may move more quickly through the strategic planning process will be considered for full Main Street designation in less than three years.
 - o. Until a DAC community is officially designated as a Main Street® community they are prohibited from using the Main Street logo or calling themselves a Main Street® community. Being designated comes with specific rights and privileges that are not granted to DAC programs.
 - p. DAC programs are not eligible to nominate projects for NC Main Street or Small Town Main Street awards and are not eligible to nominate Main Street Champions until they move up to full NC Main Street designation nor can DAC programs apply for Main Street Solutions Fund grants unless they meet the definition of a micropolitan (10,000-50,000 in population), per legislative language for the Main Street Solutions Fund. In addition, DAC programs are not eligible for Downtown Redevelopment Funds.
4. An applicant's community selection to the Downtown Associate Community program is predicated upon:
- a. An understanding and a basic acceptance of the Main Street® philosophy, *"economic development within the context of historic preservation."*
 - b. A commitment from city/town officials and staff to a long-term and incremental revitalization program and the willingness to implement the Main Street Four-Point Approach®: organization, promotion, design and economic vitality.
 - c. Demonstration that the community has the ability to move to Main Street® designation and meet the requirements within three years of selection into the Downtown Associate program.
 - d. Interest and commitment from private and public sectors both financially and organizationally.
 - e. Evidence of past and present economic development efforts in particular the downtown district.
 - f. Indications of private or public reinvestment in downtown within the last five years or intent to do so in the near future.
 - g. The need for and value of the Downtown Associate Community Program to your community.
 - h. Presence of both intact historical and architectural resources and of cultural resource features or special qualities in particular within the downtown district. These would include, but not be limited to: architecturally significant buildings, homes, historical sites, culturally or historically significant events that had an impact on your community and are so noted with monuments, markers or sites dedicated to these events within your community.
 - i. The City Council signing the attached Resolution to Participate in the Downtown Associate Community program if selected.



STAFF REPORT

SUBJECT:	PUBLIC PRIVATE PARTNERSHIP (P3) – E. INTERSTATE RD. DEVELOPMENT
PREPARED BY:	ALEXA POWELL, PLANNER

REQUESTED ACTION:

Discuss developing an industrial spec building on a City-owned parcel located on E. Interstate Rd. in Graham through a Public Private Partnership (P3). Consider adopting the critical need statement to begin the P3 process.

BACKGROUND/SUMMARY:

In 2009, the City of Graham acquired a 5.5 Acre parcel of land on E. Interstate Rd. in Graham. Thus far, the City has about \$335,000 invested in the property. The tax value of the property is currently listed at \$250,000 and has been on the market for nine years. Since putting the property up for sale, the City has received only one offer in the amount of \$175,000 in 2014 for the property to be used for surface parking. City Council rejected this offer as the price was well below market value. Given the lack of interest in the property in its current form, the City of Graham has an opportunity to try a different approach.



In order to realize the full value of the property on E. Interstate Rd. the City of Graham may wish to consider developing an industrial spec building on the site through a Public Private Partnership (P3). Developing an industrial building on this property is a proactive approach with the potential to deliver long-term financial, strategic, and economic community benefits in line with the goals of the 2035 Comprehensive Plan.

FISCAL IMPACT:

Undetermined. The total cost of the project will not be known until after the development agreement has been signed with the developer selected through the Request for Qualifications (RFQ) process. Through the P3 process the developer would be required to contribute at least 50% of the total project cost.

STAFF RECOMMENDATION:

Approval.

SUGGESTED MOTION(S):

I move to adopt the Resolution Adopting Statement of Critical Need to Enter into a Public-Private Partnership to Develop a Spec Building on City-Owned Property in The City of Graham, North Carolina.

**RESOLUTION ADOPTING STATEMENT OF CRITICAL NEED TO ENTER INTO A PUBLIC-PRIVATE PARTNERSHIP TO
DEVELOP A SPEC BUILDING ON CITY-OWNED PROPERTY IN THE CITY OF GRAHAM, NORTH CAROLINA**

Whereas, a 5.5 Acre industrial parcel located at East Interstate Road, Graham NC (GPIN: 8884402904), is owned by the City of Graham; and

Whereas, the General Assembly of North Carolina has authorized local municipalities to enter into Public Private Partnerships (P3) and otherwise has sanctioned appropriations for economic development purposes by the passage of HB 857 G.S. 143-64.31 and G.S. 158-7.1; and

Whereas, economic development within the City of Graham is a critical public purpose, the City Council recognizes a need to develop the above industrial parcel, in order to support the economic well-being of the community, attract new business prospects, maximize the use of existing public infrastructure, monetize underutilized public assets, increase the tax base, attract jobs, diversify the economy, and demonstrate sustainable growth; and

Whereas, it is determined by North Carolina Department of Commerce officials that a very high percentage of companies which consider locating in the State initially require an existing building as one of the criteria for localities which they will consider; and

Whereas, the City Council has chosen to enter into a Public Private Partnership instead of a traditional Design-Bid-Build method for the construction of the project in order to accelerate the timeline, maximize project cost-efficiency, share the financial risk, and engage technical experts to handle the complexities of this project; and

Whereas, the development of the above parcel is consistent with the adopted 2035 Comprehensive Plan and is in the public interest to diversify the local economy; and

Whereas, the Graham City Council has made a recommendation to pursue drafting language to publish a Request for Qualifications (RFQ) to enter into a Public-Private Partnership in order to develop an industrial building on the above property for the purpose of economic development; and

Adopted this, the 8th day of January, 2019 by the City Council of the City of Graham, North Carolina.

Gerald R. Peterman, Mayor

Darcy L. Sperry, City Clerk

Additional Materials

What is a Public-Private Partnership?

In 2013, the North Carolina General Assembly passed HB 857 authorizing local municipalities to enter into Public Private Partnerships (P3), an alternative procurement method, in which a government agency partners with a private-sector developer to achieve a key public objective. A public-private project is defined under G.S. 143-128.1C as a “capital improvement project undertaken for the benefit of a government entity and private developer pursuant to a development contract that includes construction of a public facility or other improvements including paving, grading, utilities, infrastructure, reconstruction, or repair and may include both public and private facilities.” One important advantage of the P3 project delivery method is the private developer must contribute at least 50% of the financing for the total cost necessary to deliver the capital improvement project and by sharing the expense the City limits its financial risk.

Public-Private Partnership Steps

In terms of the process there are a few steps involved in creating a Public Private Partnership (P3). To begin the P3 process, the City of Graham must make written findings that it has a critical need for the Project. After approving the use of the P3 method, the City of Graham determines its programming requirements for the facilities to be constructed under the P3 contract which forms the basis of the Request for Qualifications (RFQ).

The City then publishes an RFQ in which applicants must submit evidence of financial stability, experience with similar projects, project team selection, and a statement of availability along with a project timeline for completion. State statute requires government agencies to “select firms qualified to provide [design-build services and public-private partnership construction services] on the basis of demonstrated competence and qualification for the type of professional services required without regard to fee other than unit price information and thereafter to negotiate a contract for those services at a fair and reasonable fee with the best qualified firm”. The City evaluates the responses and may negotiate with one or more respondents during the evaluation process.

After evaluation the City may award the development contract to the private developer it determines is best qualified and must publish the terms of the contract with at least 30 days of public notice prior to review by the City Council to approve the contract. At a minimum the Development Contract must address:

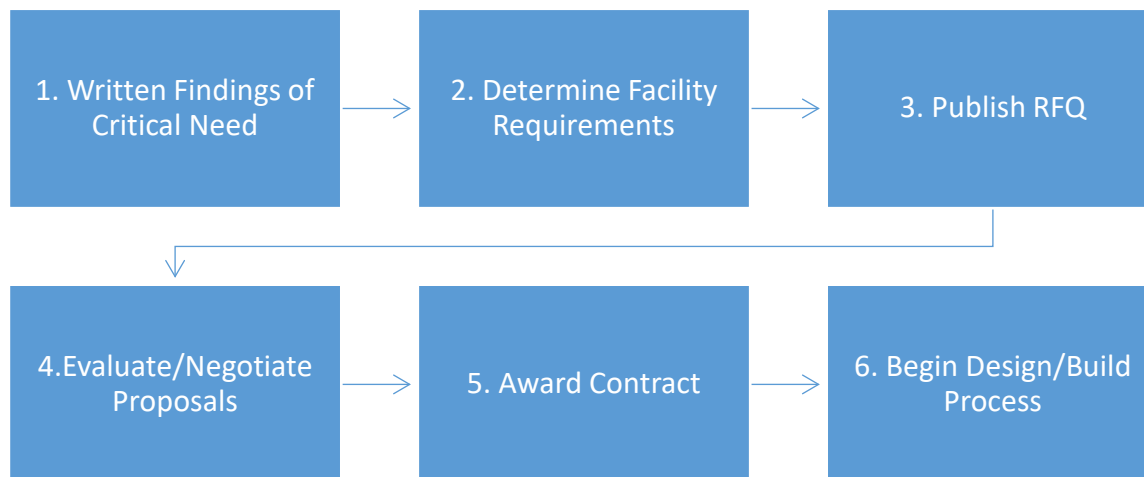
- 1) Property interests of the City and the Private Developer
- 2) Development responsibilities of the City and the Private Developer
- 3) Financing responsibilities (Private Developer must contribute at least 50% of total project cost)
- 4) The Developer makes good faith efforts to comply with Historically Underutilized Businesses (HUB) participation requirements

Once the contract has been signed the developer is then responsible for the design and buildout of the project thru to completion.

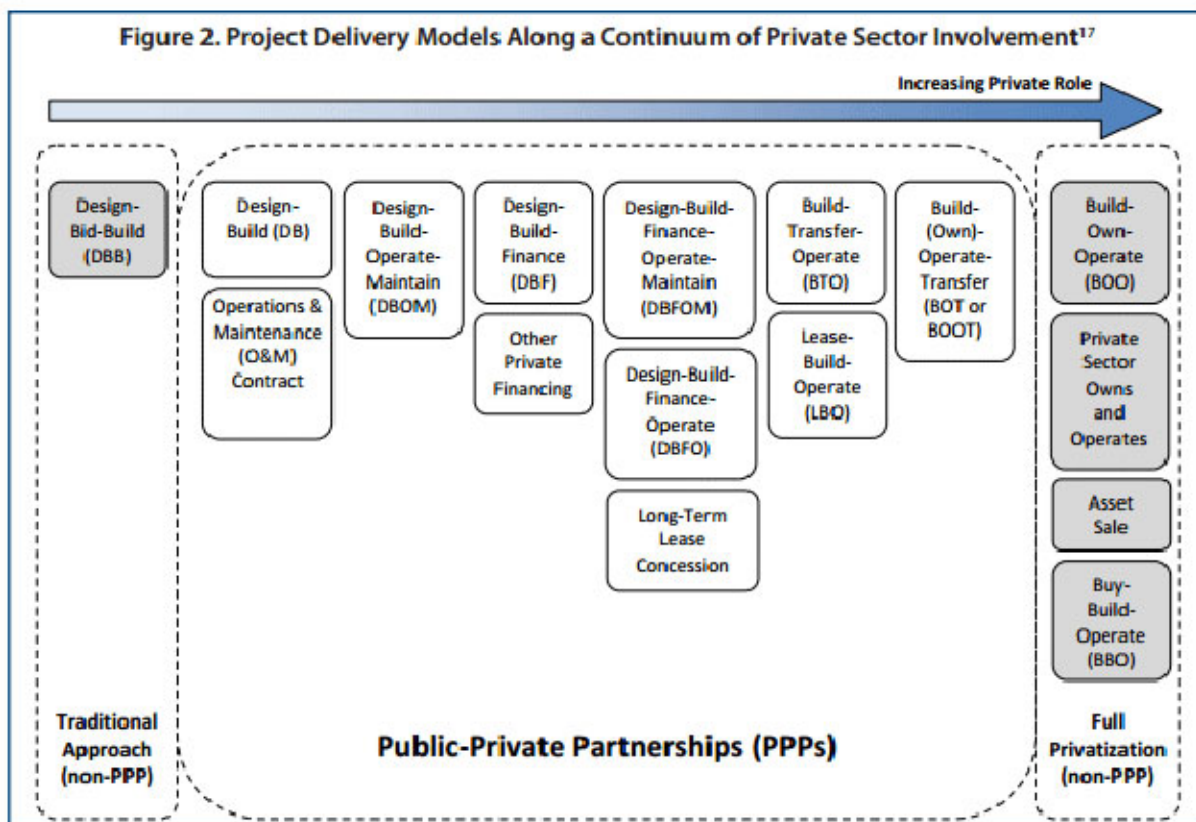
Comparable Properties

By comparison, another property in the area with an existing 65,000 sq. ft. industrial building is currently on the market. The combined land and building tax appraised value of this comparable property is \$1.1 Million. The property owners are asking \$1.47 Million or \$370,000 above the tax appraised value. Presumably the presence of a building on the lot is increasing the valuation and thus is commanding a premium in this market.

Public-Private Partnership Steps



Project Delivery Models



Reasons to Consider

This project has the potential to help the City in terms of liquidating a public asset, providing for future economic development, and achieving several of the goals outlined in the Graham 2035 Comprehensive Plan.

Financial

The first reason for consideration of this proposal is financial. There is a lack of interest in the city-owned property in its current form. Developing an industrial building on the city-owned property has the potential to increase the property's marketability as well as fair market value and help the City realize a stronger return on investment.

According to the North Carolina Department of Commerce a very high percentage of companies which consider locating in the State initially require an existing building as one of the criteria for localities which they will consider. Therefore, having a business-ready building to market to potential buyers may substantially increase the City's ability to monetize this asset and return it to the tax books as an income producing property.

Growth – Economic Development

Further, initiating the development of an industrial building on this property has the potential to provide for future economic growth. This project demonstrates leadership to the development community by modeling the land use efficiency the City of Graham wants to encourage in order to maximize the use of public infrastructure. Once built the project has the potential to attract a new employer to the area diversifying the job market and providing new employment opportunities for citizens.

Consistent with 2035 Comprehensive Plan

Finally, this project would help the City of Graham achieve several of the goals identified in the 2035 Comprehensive Plan including:

Policy 2.1.7 Partnerships

Graham will continue to develop opportunities for public-private partnerships to coordinate investment strategies and nurture leadership in the community.

Strategy 2.3.2 Prepare Development Strategies for Interchange Areas

Prepare and implement strategies to promote business development around the City's three interstate interchanges.

Strategy 2.4.2 Promote Industrial Redevelopment

Encourage reinvestment and intensification at existing industrial sites. Encourage redevelopment of existing buildings and infrastructure for industrial growth.

Strategy 2.4.3 Freight Corridors

Encourage freight-oriented industrial development to locate where it can maximize access to major freight routes, including I-40/85 and state highways

Other P3 Examples

Dorchester County Public/Private Speculative Building Program

Rockingham County Project Shell Building

Craven County Industrial Park

Mebane - North Carolina Industrial Center (NCIC)



As with most development projects, there are risks associated with entering into a public-private partnership. Private developers will require some financial incentive in exchange for the risk they are taking on by developing the property thus reducing the potential return on investment for the City and generating private profits. Further, project oversight is limited to the benchmarks placed in the development agreement as negotiated with the Developer that is selected for the contract. In addition, the Developer selected may not be the lowest bid since the RFQ process aims to select the best qualified candidate rather than solely based on pricing. Finally, there is the potential for the property to not be immediately purchased or leased (depending on the terms of the Development Agreement).

Cost Estimate

After speaking with a local developer the average cost for an Industrial Spec Building in Alamance County is between \$40-\$50 per square foot (depending on site work). For a building ranging from 100,000-150,000 square feet the cost on the low end is in the range of \$4,000,000-\$6,000,000 or on the high end \$5,000,000 to \$7,500,000.



STAFF REPORT

SUBJECT:	ORDINANCE TO DEMOLISH- 323 ALBRIGHT AVE.
PREPARED BY:	AARON HOLLAND, ASSISTANT CITY MANAGER

REQUESTED ACTION:

Approval of Ordinance from City Council to demolish vacant house at 323 Albright Avenue.

BACKGROUND/SUMMARY:

City of Graham staff is seeking authorization to proceed with the demolition of a vacant house located at 323 Albright Avenue. According to Alamance County tax records, the property is owned by James K. & Annie S. Jernigan, C/O Kay Hall and the structure is approximately 1680 SF. As seen in the attached exhibits, the property owner was originally contacted by the Inspections and Zoning department on October 25, 2017 by mail based on a complaint that a dilapidated house was located on the property. Staff maintained communication with the property owner over the next several months to monitor the status of the abatement.

After further deterioration and a lack of progress, the property owner was given a timeframe to have the structure demolished. After several attempts to remedy the complaint were unsuccessful, it was determined by the Chief Building Inspector that an Order to Demolish be issued.



FISCAL IMPACT:

The estimated cost from contractors to demolish the structure is approximately \$7,000.

STAFF RECOMMENDATION:

Approval. This structure has been inspected and deemed unfit for human habitation and poses a health risk to the community.

SUGGESTED MOTION(S):

I move to approve the Ordinance authorizing City staff to proceed with the demolition of the vacant structure located at 323 Albright Avenue.

AN ORDINANCE REQUIRING DEMOLITION OF A CERTAIN DWELLING OWNED BY JAMES K & ANNIE S JERNIGAN, C/O KAY HALL, AND PERSONS WITH INTEREST IN THE DWELLING LOCATED AT 323 ALBRIGHT AVE, GPIN 8884352683, GRAHAM, ALAMANCE COUNTY, NORTH CAROLINA

BE IT ORDAINED by the Governing Body of the City of Graham, Alamance County, North Carolina as follows:

Pursuant to North Carolina General Statute 160A-441 et. seq. and the General Ordinances of the City of Graham, Alamance County, North Carolina, Chapter 3 Division 1 et. seq., the Chief Code Enforcement Officer for the City of Graham, Alamance County, North Carolina, as authorized by the Governing Body of the City of Graham, Alamance County, North Carolina, has determined that a certain dwelling owned by James K. & Annie S. Jernigan, C/O Kay Hall and persons with interest in the dwelling located at 323 Albright Avenue in the City of Graham, does not meet the minimum housing code of the State of North Carolina and the City of Graham, North Carolina, and, therefore, said dwelling, pursuant to the laws of the State of North Carolina and the General Ordinances of the City of Graham, North Carolina, should be demolished. That dwelling is described as the dwelling located at 323 Albright Avenue in the City of Graham, and further described and identified as that dwelling located on Parcel ID 146518 and GPIN 8884352683, in the records Alamance County Tax Office.

The findings of the Chief Code Enforcement Officer, James L. Lloyd, duly authorized Building Inspector for the City of Graham, Alamance County, North Carolina, herein referred to as the "Public Officer" and other related correspondence regarding disposition of this dwelling is attached hereto as Exhibits "A through N", and incorporated herein by reference.

NOW, THEREFORE, inasmuch as James L. Lloyd, duly authorized Chief Code Enforcement Officer for the City of Graham, Alamance County, North Carolina, has determined that the dwelling in question is unfit for human habitation, the "Public Officer" is hereby authorized by the City Council of the City of Graham, Alamance County, North Carolina to proceed by causing said dwelling to be demolished and removed from the premises.

IT IS FURTHER ORDERED, that a copy of the Ordinance be recorded in the Office of the Register of Deeds of Alamance County, North Carolina and be indexed in the name of James K. & Annie S. Jernigan, C/O Kay Hall, in the grantor index.

IT IS FURTHER ORDERED that the amount of the cost of demolition and removal of the dwelling by the "Public Officer" shall be a lien against the real property upon which the cost was incurred, which lien shall be filed, have the same priority, and be collected as a lien for special assessments as provided in Article 10 of North Carolina General Statute 160A.

This the 8th day of January, 2019 at 7:00 p.m.

Gerald R. Peterman, Mayor

Attest:

Darcy L. Sperry, City Clerk

NORTH CAROLINA

ALAMANCE COUNTY

I, _____, a Notary Public, do hereby certify that
_____, City Clerk, personally appeared before me this day and acknowledged the due
execution of the foregoing certification, for the purposes therein expressed.

WITNESS my hand and notarial seal this _____ day of _____, 2019.

Notary Public

My Commission Expires: _____

Owner: James K & Annie S Jernigan
C/O Kay Hall
108 Wilson St
Graham, NC 27253

Property Address: 323 Albright Ave

Actions Taken

- 1-16-2009 Water was disconnected.
- 10-18-2017 received first complaint from neighbor (David Mays) he thinks that the house at 323 Albright Ave should be demolished.
- 10-19-17 Kevin Pugh (Building Inspector) and myself Jenni Bost (Zoning Enforcement Officer) went to the above address. The house is vacant. Backdoor was wide open and you could see a light was on inside the house. There were holes in the floor that you could see, when standing at the entrance to the backdoor. The kitchen ceiling was falling in. Exterior wall of the house was leaning out. Roof has several holes in it. Kevin's determination was this house at 323 Albright Ave met several of the qualifications that are required for a house to be condemn.
- 10-25-17 First Contact, mailed "Notice of Condemnation" letter.
- 10-30-17 Ms Kay Hall called the Inspections Office and spoke with Jenni about the letter.
- 11-21-17 I rec'd a call from Ms Kay Hall asking for an extension, Jimmy said no.
- 11-22-17 Mailed certified letter to Ms Kay Hall, letting her know we had schedule a hearing for 12-7-17 at 3pm.
- 11-27-17 received "signature confirmation" back from post office showing that Kay Hall had signed for the certified letter.
- 12-7-17 Hearing was held. Ms Kay Hall was present. Staff present: Jimmy Lloyd, Aaron Holland, and Jenni Bost.
- 3-1-18 I called Ms Kay Hall and left her a message saying that the house still needs to come down.
- 4-17-18 left another message for Ms Hall to call me back.
- 4-19-18 left another message for Ms Hall to call me back.
- 4-25-18 left another message.
- 5-4-18 left another message.
- 6-19-18 received email from Jimmy to schedule and send certified letter about Final Notice Hearing for 6-28-18 at 10:00am.
- 6-20-18 left another message.
- 6-21-18 mailed certified letter for Final Hearing scheduled for 6-28-18 at 10:00am.
- 6-28-18 Hearing at 10:00am: persons present- Jimmy Lloyd, Jenni Bost and Kay Hall. Jimmy gave 30 days from 6-28-18 for Ms Hall to have the house torn down or we would present this condemnation to council in August or September.



Alamance County Government

TAX ADMINISTRATION RECORD SEARCH

Select Search:
[Real Property Record Search](#)
[Tax Bill Search](#)
[County Homepage](#)
[Alamance Homepage](#)

[Account](#) | [Buildings](#) | [Land](#) | [Sketch](#) | [Deeds](#) | [Sales](#) | [Tax Bill](#) | [Map](#)

Account Details for JERNIGAN JAMES K & ANNIE S

New Search

Property Owner as of January 1st JERNIGAN JAMES K & ANNIE S		Owner's Mailing Address 108 WILSON ST GRAHAM, NC 27253		Property Location Address 323 ALBRIGHT AVE	
Administrative Data		Administrative Data		Valuation Information	
Parcel ID No.	146518	Legal Desc	HL ALBRIGHT AVE	Tax Value \$37,412	
GPIN	8884352683				
OLD Tax ID	176-709-23				
Owner ID	18212	Deed Year	1979	Tax Value - Land and all permanent improvements, if any, effective valuation date January 1, 2017, date of County's most recent General Reappraisal	
Tax District	11 - CITY OF GRAHAM	Deed Bk/Pg	446 / 840		
		Plat Bk/Pg	/		
Land Use Code	010	Sales Information (most recent transaction with a value)		Assessed Value \$ 37,412	
Land Use Desc	SINGLE FAMILY	Grantor	JERNIGAN JAMES K & ANNIE S		
Exemption Code					
Neighborhood	06040	Sold Date	08/15/1979	If Assessed Value does not equal Market Value, then the parcel may be in a tax deferment program, be split by the county line, or be overridden to match an alternative valuation approach.	
		Sold Amount \$	\$0.00		
Sales History - 1 Previous Sales Found for Parcel number 146518					
Parcel ID No	Date Sold	Name	Stamps	Book / Page	Sale Price
1	08/15/1979	JERNIGAN JAMES K & ANNIE S	.00	446 / 840	\$0.00

Back to Results

Print This Property Record Card

New Search

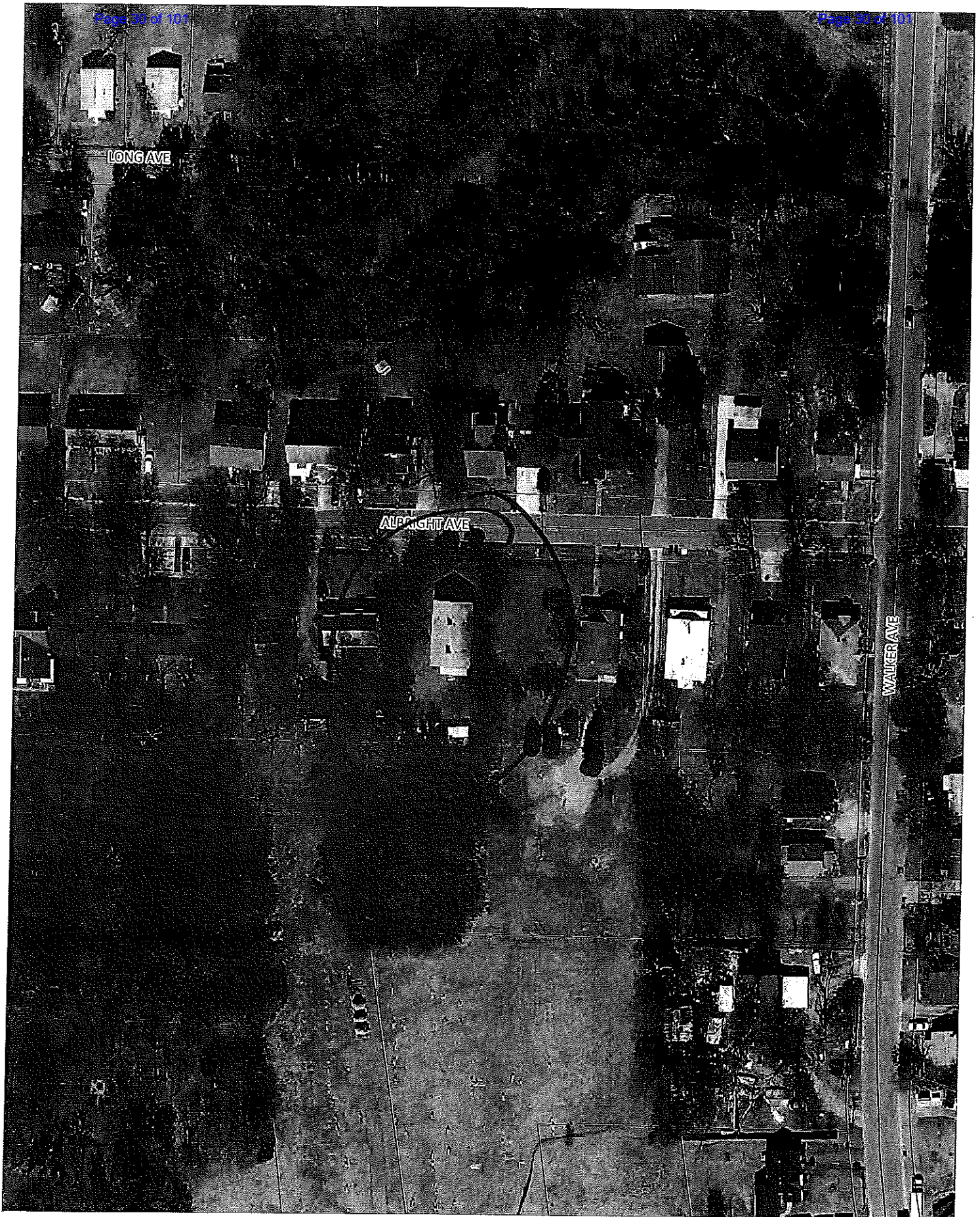
Data Disclaimer: All data shown here is from other primary data sources and is public information. Users of this data are hereby notified that the aforementioned public information sources should be consulted for verification of the information contained on this website. While efforts have been made to use the most current and accurate data, Alamance County, NC and Data Providers assume no legal responsibility for the use of the information contained herein.

Please direct any questions or comments about the data displayed here to tax.help@alamance-nc.com

This application was developed for Alamance County by NexGen Digital Document Solutions
www.ustaxdata.com

ustaxdata® OneSEARCH

C



323 Albright

D

Utility Management - Account Console

Customers Assets Collections Adjustments Readings Billing Reports Help

X

Manage

Manage

Manage

Calendar

Manage

Accounts

Svc Apps

Service Orders

Arrangements

Tools

Account Info History Deposits Services Location Service Orders Mapping Comments Attachments Payment Arrangements Contacts

Account Information

7440
74520.00 98
JERNIGAN, J K
323 ALBRIGHT AVE
GRAHAM, NC

Status

Status: FB-ZERO BAL
Activity: NO PENDING
Start: 10/14/1986
Cut-Off: 01/19/2009

Billing

Balance: \$0.00
Due Date: 01/18/2009
Budget Bill Date:
Cycler: FB
Rev-Class:
Deposits: \$0.00

Services

WA GA RC SW ST
Trans From: None
Trans To: None

Contact Information

Full Name: JERNIGAN, J K

Customize Name: ☐

First Name: J

Middle Name: K

Last Name: JERNIGAN

Home Phone: (336) 570-1248

Work Phone: ()

Email: Send email

SSN: ***-**-0000

Drivers License:

Employer:

Birth Date: [REDACTED]

Address 1:

Address 2:

City:

State:

Zip Code:

Carrier Route:

DPBC:

E

REQUEST FOR INSPECTION
GRAHAM, N.C.☐

APPROVED

☐

REJECTED

PERMIT NO. _____ DATE: 10-18-17

INSPECTOR: _____ TIME: _____

COMPLETE TIME: _____ DATE: _____

OWNER: _____

ADDRESS: 323 Albright Ave

CONTRACTOR: _____

REQUIRED INSPECTIONS

BUILDING

- () SLAB
() FOOTINGS ☐ TEMP PWR
() FOUNDATION
() FRAMING
() FINAL
() OTHER () INSUL

MECHANICAL

- () ROUGH ☐ TEMP PWR
() VENTING
() GAS PIPE
() FINAL
() OTHER

ELECTRICAL

- () SLAB
() SAW SERVICE ☐ TEMP PWR
() ROUGH
() FINAL
() OTHER

PLUMBING

- () SLAB
() WATER () SEWER
() ROUGH
() FINAL
() OTHER

RE-INSPECTION FEE ☐REMARKS: complaint that house needs to
be demo from neighbor - David Mays

10-19-17 Kevin + I went to house
backdoor not secured. We could
see a light was on. Holes in
floor (you could see from open
back door). Ceiling was falling
in, in the kitchen. ~~But~~ Exterior
wall of house is ~~leaning~~ leaning
out. Roof has several holes
in it. Kevin suggested demo.

City of Graham
P.O. Drawer 357
201 South Main Street
Graham, North Carolina 27253
Tel: (336) 570-6700 / Fax: (336) 570-6703

OCTOBER 25, 2017

JAMES K JERNIGAN
ANNIE S JERNIGAN
C/O KAY HALL
108 WILSON ST
GRAHAM NC 27253

NOTICE OF CONDEMNATION

This notice to contact is concerning nuisance and ordinance violations at 323 Albright Ave in Graham NC. Alamance County Tax Parcel # 146518 records show you as the owner(s) of this property.

The following ordinance violations are present;

- **Sec. 6-34. - Defects in building corrected** - *Whenever the inspector finds any defects in any building, or finds that said building is not being constructed or has not been constructed in accordance with the provisions of law and this article, or that a building because of its condition is dangerous or likely to cause a fire, it shall be his duty to notify the owner or occupant of the building of the defects, hazardous conditions or failure to comply with law, and the owner or occupant shall each immediately remedy the defects, hazardous conditions or violations of law in the property he owns. The owner or occupant may appeal from the decision of the inspector to the state commissioner of insurance.*

This notice concerns the property located at 323 Albright Ave in Graham NC. As the property owner you will have 30 days to contact us to discuss dilapidated construction and plans to correct damaged portion of the dwelling or demolition of the dwelling. Please contact the Inspections Department by before November 24, 2017.

Please contact me with any questions at (336)570-6705 or by email at jbost@cityofgraham.com.

Sincerely,

Jenni Bost
Zoning Enforcement Officer
City of Graham

H

On 10-30-17 I was returning Kay Hall phone call from Friday 336-570-1248. She did not answer, I left her a message to call me back.

10-30-17 Mrs Hall did call me back. I explained her options to her. I told her we could provide names of contractors that demo houses. She was asking about an extension and I said we weren't close to the deadline, so I couldn't justify an extension and I didn't know if my boss would get one. She will consider her options and call me back.

On 11-21-17 I had a voice mail from Kay Hall (I was not in the office on 11-20-17). I called her back at 336-570-1248. She is asking for an extension, because she wants to get some more things out of the house- and she is trying to get some people together to help her. (I asked Jimmy about an extension and he said no ---- he said tell her we are scheduling a hearing for this case on December 7, 2017 at 3pm) I told Ms Hall what the date was and this meeting would be for discussing her demo the house or the city demo the house. Jimmy also said send Kay Hall a certified letter, letting her know about the hearing.

I

**CITY OF GRAHAM
NORTH CAROLINA**

DEPARTMENT OF INSPECTIONS

IN THE MATTER OF SUB-STANDARD HOUSING

LOCATED AT: **323 ALBRIGHT AVE** **) COMPLAINT AND**
 GRAHAM, NC 27253 **) NOTICE OF HEARING**

DATE OF ISSUE: **NOVEMBER 22, 2017**

TO: **KAY HALL**
 108 WILSON ST
 GRAHAM NC 27253

THE CITY OF GRAHAM ALLEGES:

- (1) That the building(s) located at 323 Albright Ave have been duly inspected and investigated by the Department of Inspections of the City of Graham.
- (2) That it is determined by the Inspector that the above mentioned building(s) appear to be dangerous, unsafe and unfit for human habitation, below the minimum standards and therefore should be vacated immediately.
- (3) That pursuant to the requirements of Chapter 6, Article III of the Code of Ordinances a hearing will be held before the Inspector on Thursday, December 7th, 2017 at 3:00 p.m. in the Municipal Building, 201 South Main Street, Graham, North Carolina, to hear evidence and to make a final determination regarding the condition of this building.

Department of Inspections

Chief Code Enforcement Officer
City of Graham, N.C.

J

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
 Domestic Mail Only

For delivery information, visit our website at www.usps.com®

OFFICIAL USE

Certified Mail Fee \$
 Extra Services & Fees (check box, and fee is appropriate)
☐ Return Receipt (hardcopy)
☐ Return Receipt (electronic)
☐ Certified Mail Restricted Delivery \$
☐ Adult Signature Required \$
☐ Adult Signature Restricted Delivery \$
 Postage \$
 Total Postage and Fees \$
 Sent To
 Street and Apt. No., or PO Box No.
 City, State, ZIP+4®
 PS Form 3800, April 2015 PSN 7530-02-000-9034 See Reverse for Instructions

7015 1520 0000 6467 9034

NOV 22 2011

323 Albright Ave

Kay Hall

108 Wilson St

Graham NC 27253

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<p>■ Complete items 1, 2, and 3.</p> <p>■ Print your name and address on the reverse so that we can return the card to you.</p> <p>■ Attach this card to the back of the mailpiece, or on the front if space permits.</p> <p>1. Article Addressed to:</p> <p>Kay Hall 108 Wilson St Graham NC 27253</p> <p>9590 9403 0293 5155 9507 93</p> <p>2. Article Number (Transfer from service label)</p> <p>7015 1520 0000 6467 9034</p> <p>PS Form 3811, April 2015 PSN 7530-02-000-9053</p>	<p>A. Signature <input checked="" type="checkbox"/> X <i>Kay Hall</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) <i>Kay Hall</i></p> <p>C. Date of Delivery NOV 27 2011</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If YES, enter delivery address below:</p> <p>3. Service Type</p> <p><input type="checkbox"/> Adult Signature <input type="checkbox"/> Priority Mail Express® <input type="checkbox"/> Adult Signature Restricted Delivery <input type="checkbox"/> Registered Mail™ <input checked="" type="checkbox"/> Certified Mail® <input type="checkbox"/> Registered Mail Restricted Delivery <input type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Collect on Delivery <input checked="" type="checkbox"/> Signature Confirmation™ <input type="checkbox"/> Collect on Delivery Restricted Delivery <input type="checkbox"/> Signature Confirmation Restricted Delivery <input type="checkbox"/> Insured Mail <input type="checkbox"/> Mail Restricted Delivery (500)</p> <p>Domestic Return Receipt</p>

Notice of Hearing 11-22-17

K

HEARING
KAY HALL
323 ALBRIGHT AVE
DECEMBER 7, 2017
3:00PM

Kay Hall did attend the hearing. Aaron Holland, James Lloyd and Jenni Bost were the City Staff that were present. Mr Lloyd explained that the house at 323 Albright Ave needs, to be demolished. The house is unfit for human habitation and poses a health risk to the community. Ms Hall did not disagree with the previous statement. City Staff discussed with Ms Hall three different things:

- 1) She could sale the property and let the new owner demolish the house
- 2) She could demolish the house herself
- 3) Or at some point the City is going to demolish the house and bill her for the cost of demo and administrative fees

City Staff told Ms Hall we would give her some time to decide what she wanted to do and we would be back in touch with her.

**CITY OF GRAHAM
NORTH CAROLINA**

**DEPARTMENT OF INSPECTIONS
FINAL HEARING**

IN THE MATTER OF SUB-STANDARD HOUSING

LOCATED AT: **323 ALBRIGHT AVE** **) COMPLAINT AND**
 GRAHAM, NC 27253 **) NOTICE OF HEARING**

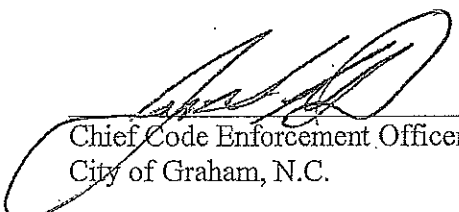
DATE OF ISSUE: **JUNE 20, 2018**

TO: **KAY HALL**
 108 WILSON ST
 GRAHAM NC 27253

THE CITY OF GRAHAM ALLEGES:

- (1) That the building(s) located at 323 Albright Ave have been duly inspected and investigated by the Department of Inspections of the City of Graham.
- (2) That it is determined by the Inspector that the above mentioned building(s) appear to be dangerous, unsafe and unfit for human habitation, below the minimum standards and therefore should be vacated immediately.
- (3) That pursuant to the requirements of Chapter 6, Article III of the Code of Ordinances a hearing will be held before the Inspector on Thursday, June 28th, 2018 at 10:00 a.m. in the Municipal Building, 201 South Main Street, Graham, North Carolina, to hear evidence and to make a final determination regarding the condition of this building.

Department of Inspections



Chief Code Enforcement Officer
City of Graham, N.C.

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
 Domestic Mail Only

For delivery information, visit our website at www.usps.com®

OFFICIAL USE

Certified Mail Fee \$ 3.45

Extra Services & Fees (check box, add fee as appropriate)

☐ Return Receipt (hardcopy) \$ 2.75

☐ Return Receipt (electronic) \$ 0.00

☐ Certified Mail Restricted Delivery \$ 0.00

☐ Adult Signature Required \$ 0.00

☐ Adult Signature Restricted Delivery \$ 0.00

Postage \$ 3.00

Total Postage and Fees \$ 6.45

Sent To Kay Hall

Street and Apt. No., or PO Box No. 108 Wilson St

City, State, ZIP+4® Graham NC 27253

PS Form 3800, April 2015 PSN 7530-02-000-9053 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<p>■ Complete items 1, 2, and 3.</p> <p>■ Print your name and address on the reverse so that we can return the card to you.</p> <p>■ Attach this card to the back of the mailpiece, or on the front if space permits.</p> <p>1. Article Addressed to:</p> <p><u>Kay Hall</u> <u>108 Wilson St</u> <u>Graham NC 27253</u></p> <p>9590 9403 0293 5155 9510 11</p> <p>2. Article Number (Transfer from service label)</p> <p><u>7015 1520 0000 6467 9256</u></p>	<p>A. Signature</p> <p><u>Kay Hall</u> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name)</p> <p><u>KAYE HALL</u></p> <p>C. Date of Delivery</p> <p><u>JUN 26 2018</u></p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If YES, enter delivery address below:</p> <p>3. Service Type</p> <p><input type="checkbox"/> Adult Signature <input type="checkbox"/> Priority Mail Express®</p> <p><input type="checkbox"/> Adult Signature Restricted Delivery <input type="checkbox"/> Registered Mail®</p> <p><input checked="" type="checkbox"/> Certified Mail® <input type="checkbox"/> Registered Mail Restricted Delivery</p> <p><input type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Signature Confirmation™</p> <p><input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Signature Confirmation Restricted Delivery</p> <p><input type="checkbox"/> Collect on Delivery Restricted Delivery <input type="checkbox"/> Signature Confirmation Restricted Delivery</p>

PS Form 3811, April 2015 PSN 7530-02-000-9053 Domestic Return Receipt

Final Hearing 6-20-18

N



James K & Annie S Jernigan
C/O Kay Hall
108 Wilson St
Graham NC 27253

Property Address: 323 Albright Ave
Parcel ID# 146518

October 24, 2018

ORDER TO DEMOLISH

This is an order to demolish the house and any other structures located at 323 Albright Ave in Graham, NC. On June 28, 2018 at 10:00a.m. A hearing was held at the City of Graham Inspections Department at 201 S Main St in Graham, NC to discuss the plans for 323 Albright Ave. Ms. Kay Hall, city staff- James Lloyd and Jenni Bost were present during the meeting. Mr. Lloyd advised the property was dilapidated and needed to be demolished as it was unfit for human habitation.

Since the June 28, 2018 hearing nothing has been done to the house / structure nor have we heard from Ms. Hall. The house / structure at 323 Albright Ave. has since further deteriorated becoming unsafe and needs to be demolished. You will be given thirty (30) days until November 25, 2018 to have the house and all other structure(s) demolished with applicable permits. If the house / structure(s) at the property are not demolished by this date the property will be taken to the December 2018 Graham City Council meeting for approval to demolish. The cost of the demolition and any administrative fees will be placed against the property as a special lien on the property by the City Of Graham.

Sincerely,

James Lloyd
Chief Building Inspector
City of Graham

Attorney Proposal Summary

Number	Firm/Individual	Hours per week	Annual Rate	Notes
1	The Brough Law Firm Proposal #1	16	\$ 105,000	
2	The Brough Law Firm Proposal #2	as needed at \$190.00 per hour	\$ 100,000	Not to exceed \$100,000
3	Robert C. Giles	16	\$ 79,040	
4	Sara M. Farnsworth (Initial)	10-40	\$ 56,920	Rate based on 40 hours plus benefits but excludes supervising attorney
5	Sara M. Farnsworth (Final)	40	\$ 85,000	Includes benefits but excludes 2-year salary review
6	Ward-Coleman	16	\$ 78,000	
7	Thomas D. Carruthers	20	\$ 120,000	Minimum of 20 hours and Maximum cost of \$120,000 that includes benefits
8	Amelia M. Knauff	16	\$ 76,800	Beyond 16 hours at \$120 per hour
9	Jeffrey A. Taylor	undisclosed	undisclosed	

THE BROUGH LAW FIRM, PLLC

1526 E. FRANKLIN STREET • SUITE 200
POST OFFICE BOX 2388
CHAPEL HILL, NORTH CAROLINA 27514
TEL 919.929.3905 • FAX 919.942.5742

G. NICHOLAS HERMAN
ROBERT E. HORNİK, JR.
T.C. MORPHIS, JR.
ALBERT M. BENSHOFF
S. ELLIS HANKINS
KEVIN R. HORNİK
BRADY N. HERMAN

herman@broughlawfirm.com
hornik@broughlawfirm.com
morphis@broughlawfirm.com
benshoff@broughlawfirm.com
hankins@broughlawfirm.com
khornik@broughlawfirm.com
bherman@broughlawfirm.com

December 21, 2018

Via First Class Mail and Email to dsperry@cityofgraham.com

City of Graham
c/o Ms. Darcy Sperry, City Clerk
P.O. Drawer 357
Graham, NC 27253

Re: Graham City Attorney Proposal

Dear Mayor and Members of the City Council:

The Brough Law Firm is pleased to submit this proposal to serve as the Graham City Attorneys.

Our firm consists of seven lawyers, all of whom focus on local government representation. We serve as general counsel for twenty North Carolina municipalities, including Aberdeen, Cameron, Carrboro, Carthage, Creedmoor, Foxfire Village, Hamlet, Hillsborough, Hoffman, Mocksville, Oakboro, Pinebluff, Princeville, Robbins, Roxboro, Spring Lake, Stanfield, Stem, Vass, and Whispering Pines.

We have extensive experience, individually and collectively, in all aspects of municipal law, including zoning and land use law, ordinance drafting, contracts, public finance, employment law, and litigation in state and federal trial and appellate courts. The only local government matters we do not handle are specialized bond counsel work and real property transactions. We typically ask local real estate attorneys to conduct title searches and closings because they can do so on a more cost effective basis.

The firm also provides special litigation services for the Town of Cary, the City of Concord, Brunswick County, Cabarrus County, Currituck County, Robeson County, and Rockingham County. For example, members of our firm have argued numerous cases in the N.C. Court of Appeals and N.C. Supreme Court on behalf of local governments. In addition to litigation, we frequently assist numerous other cities and counties throughout the State in matters ranging from special ordinance drafting to serving as outside counsel for board of adjustment cases.

Attached is a copy of our Firm Brochure, which provides a further summary of our practice and experience, along with biographies of our attorneys.

We typically designate two attorneys to serve each municipality we represent. One of them acts as the primary counsel and principal contact, and the other serves in close coordination with the primary attorney and as an additional contact. In addition, all seven of our attorneys, with their specialized knowledge, are drawn upon to work together as a "team" to meet the needs of our clients. This arrangement ensures that each of our municipal clients has full and immediate access to our services not only during normal business hours but on a "24/7" basis, which includes evenings and weekends as needed. Our representation typically takes the form of regular and pre-arranged on-site meetings and extensive telephone and email communications through a combination that maximizes efficiency and best fits the particular needs of the municipality. For Graham, we are offering Kevin Hornik as primary counsel and Nick Herman as additional counsel.

We have prepared two fee proposals. While either proposal would be acceptable to us, we believe the second proposal will provide greater flexibility and significant savings to the City.

Proposal 1 is that we charge a flat retainer of \$8,750.00 per month, for which the City would receive up to sixty-four hours per month (i.e. sixteen hours per week for four weeks) of legal services. Any services performed beyond sixty-four hours would be billed at our usual hourly rate for municipal representation of \$190.00 per hour. Assuming no services beyond the sixteen hours per week, the total annual fee would be \$105,000.00

Proposal 2 is to bill the City for services at our usual municipal rate of \$190.00 per hour, with a \$100,000.00 annual fee cap. In other words, the City would pay no more than \$100,000.00 per year, and it might pay much less. Litigation and significant ordinance drafting projects (such as a major redraft of the Development Ordinance) would not be included in the fee cap and would be billed separately. We are making this proposal because we have found that communities the size of Graham typically pay between \$60,000.00 and \$90,000.00 for legal services each year. We propose this arrangement for the first year of our services for the City, after which the arrangement can be revisited based on the track record of legal services rendered during the first year.

With either proposal, we are flexible as to how attorney work hours are structured. As mentioned above, our municipal clients typically utilize our services through a combination of on-site meetings and extensive telephone and email communications as best fits the particular legal services to be performed and the needs of the municipality. On-site meetings are not problematic because our Chapel Hill office is in close proximity to Graham.

We recognize that the Council likely will consider other firms, and it is a fair to ask why the City should select our firm rather than other good attorneys. The short answer is experience and the concerted "team approach" we utilize through all of our lawyers in our representation. Local government representation is what we do, and we have been doing it for a long time. The Mayor, City Council, and staff will have the opportunity to work with our attorneys who not only have broad and deep experience with local government law but who also understand the practical and political realities of governance. We value public service, and we believe our job is to help our municipal clients anticipate legal issues and to avoid or resolve them. To us, the representation

of a municipality is uniquely important and meaningful because it is, in essence, the representation of an entire citizenry acting through the Council and served by all of the City's staff.

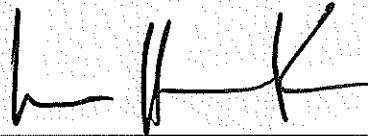
Attached is a partial listing of references from various municipalities we represent. You should feel free to talk with any of these persons about our services.

We would be pleased to attend a Council meeting to further discuss our firm's possible representation of the City and the terms under which that representation would best serve the City in an effective and affordable way. In the interim, please let us know if additional information would be helpful.

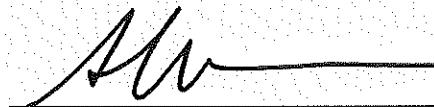
Thank you for your consideration.

Sincerely,

THE BROUGH LAW FIRM, PLLC

A handwritten signature in black ink, appearing to read 'KH', written over a horizontal line.

Kevin Hornik

A handwritten signature in black ink, appearing to read 'NH', written over a horizontal line.

Nick Herman

KRH/GNH:las
Enclosures

Brough Law Firm—Partial Reference List

You should feel free to contact any of the municipalities we represent. Below are specific references from five of our municipal clients:

City of Roxboro

Brooks Lockhart, City Manager
(336) 599-3116
blockhart@cityofroxboro.com

Town of Carrboro

David Andrews, Manager
(919) 918-7309
dandrews@townofcarrboro.org

Town of Hillsborough

Eric Peterson, Manager
(919) 732-2104
eric.peterson@hillsboroughnc.org

Town of Aberdeen

Paul Sabiston, Manager
(910) 944-1115
psabiston@townofaberdeen.net

City of Creedmoor

Korena Weichel, Interim City Manager
(919) 764-1009
kweichel@cityofcreedmoor.org

THE BROUGH LAW FIRM, PLLC
Chapel Hill, Concord, and Raleigh North Carolina

1526 E. Franklin Street, Suite 200
Chapel Hill, North Carolina 27514
Chapel Hill Tel: (919) 929-3905
Concord Tel: (980) 622-6440
Raleigh Tel: (919) 349-8988
Website: www.broughlawfirm.com

G. Nicholas (Nick) Herman

Robert (Bob) E. Hornik, Jr.

T.C. Morphis, Jr.

Albert (Al) M. Benshoff

S. Ellis Hankins

Kevin R. Hornik

Brady N. Herman

Lori Stuart (Office Administrator)

herman@broughlawfirm.com

hornik@broughlawfirm.com

morphis@broughlawfirm.com

benshoff@broughlawfirm.com

hankins@broughlawfirm.com

khornik@broughlawfirm.com

bherman@broughlawfirm.com

office@broughlawfirm.com

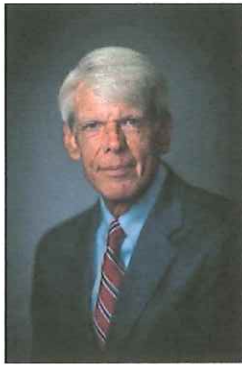
Michael B. Brough (now retired) founded the Brough Law Firm in 1988 in Chapel Hill, North Carolina. Today, the Principals of the firm are G. Nicholas (Nick) Herman, Robert E. (Bob) Hornik, Jr., and T.C. Morphis, Jr. The other attorneys in the firm are Albert M. Benshoff, S. Ellis Hankins, Kevin R. Hornik, and Brady N. Herman. With offices in Chapel Hill, Concord, and Raleigh, North Carolina, the firm has a statewide practice primarily devoted to land use and local government work.

The firm regularly assists developers in obtaining zoning and other land use entitlements, and we also represent individuals, citizen groups, businesses, and other corporations in a broad range of capacities relating to planning, zoning and land-use related matters. We regularly assist clients with rezonings, variances, special and conditional use permits, annexations, condemnations, vested rights, subdivision development, historic district designations, and regulations under the N.C. Coastal Area Management Act, as well as other State and federal land use and environmental laws.

The firm also has a robust local government practice. We serve as general counsel to 20 North Carolina municipalities, including Aberdeen, Cameron, Carrboro, Carthage, Creedmoor, Foxfire Village, Hamlet, Hillsborough, Hoffman, Mocksville, Oakboro, Pinebluff, Princeville, Robbins, Roxboro, Spring Lake, Stanfield, Stem, Vass, and Whispering Pines. The firm also provides special litigation services for the Town of Cary, City of Concord, Currituck County, Rockingham County, Cabarrus County, Robeson County, and Brunswick County, and regularly assists numerous other cities and counties throughout the State in matters ranging from ordinance drafting to litigation.

The members of the firm have extensive expertise in litigation and appellate matters, and they have argued over 135 cases in the N.C. Supreme Court, N.C. Court of Appeals, and the United States Court of Appeals for the Fourth Circuit. In addition, members of the firm have taught on the adjunct faculties at the University of North Carolina School of Law, North Carolina Central University School of Law, Duke University School of Law, Campbell University School of Law, North Carolina State University, Elon University, National Institute for Trial Advocacy, and at the School of Government in Chapel Hill. Collectively, the members of the firm have published 13 books and monographs, and over 100 articles (including Continuing Legal Education papers) on various areas of law in which the firm practices.

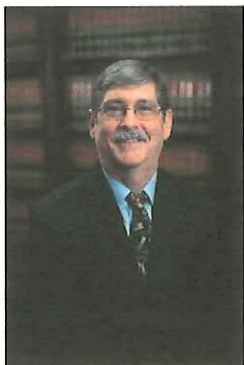
G. NICHOLAS (NICK) HERMAN



Nick Herman received his Bachelor of Arts degree from the University of North Carolina at Chapel Hill as a Morehead-Cain Scholar and his law degree from Duke University School of Law. He has extensive litigation experience in state and federal court in a wide variety of areas of law, including municipal and county defense, zoning issues, constitutional law, civil rights, eminent domain, and employment law. He has also argued over 40 cases in the North Carolina Supreme Court, North Carolina Court of Appeals, and the United States Court of Appeals for the Fourth District.

Mr. Herman is also an Adjunct Professor at North Carolina Central University School of Law, Campbell Law School, and Elon University, and he has taught on the adjunct faculties at Duke Law School and UNC-CH Law School. He teaches courses in trial practice, the law of evidence, legal counseling and negotiating, arbitration, appellate advocacy, civil procedure, alternative dispute resolution, and pretrial litigation, among other courses. He has also taught on the faculty of the National Institute of Trial Advocacy in trial practice, negotiation and mediation, and deposition-taking skills. He is the author of six law books: *North Carolina Civil Trial Practice* (Juris Publishing, Inc. 2012); *Navigating the First Year of Law School* (Carolina Academic Press 2016); *Practical Evidence: The Law, Foundations, and Trial Techniques* (2d ed. West Group 1999); *Plea Bargaining* (4th ed. Juris Publishing Inc. 2017); *Legal Counseling, Negotiating & Mediating: A Practical Approach* (Carolina Academic Press 2009); and *A Practical Approach to Client Interviewing, Counseling, and Decision-Making: For Clinical Programs and Practical-skills Courses* (Carolina Academic Press 2009). He has also written over 60 articles on various subjects of law, litigation, and appeals.

Mr. Herman has been a lecturer at numerous Continuing Legal Education programs on topics such as land-use regulation powers, civil litigation and trial advocacy, eminent domain, the law of damages, witness preparation, disability law, and ethical considerations in civil litigation and appellate practice. He now serves as general counsel to the Town of Carrboro and the City of Roxboro. He has served as special litigation counsel for Cabarrus County, Rockingham County, Brunswick County, Chatham County, Currituck County, Robeson County, the City of Concord, the City of Wilmington, the Town of Unionville, and the Town of Garner. His practice is otherwise primarily devoted to general representation and complex litigation and appeals involving areas such as county and municipal law, zoning issues, land use regulation, condemnation cases, nuisance abatement, constitutional law, employment law, disability law, and business litigation.

ROBERT E. (BOB) HORNIK, JR.

Bob Hornik received his Bachelor of Arts degree, with honors, in Political Science from LeMoyne College in Syracuse, New York, and his law degree from The Washington & Lee University School of Law in Lexington, Virginia. Before becoming a principal in the Brough Law Firm, he engaged in the private practice of law in Syracuse, New York, representing local governments and real estate developers.

Mr. Hornik's practice emphasizes municipal law, zoning and land use law, litigation, and ordinance drafting. He serves as general counsel to the Towns of Hillsborough, Hoffman, Pinebluff, and Stem, and supports others in the firm in their capacities as counsel for the Firm's other municipal clients. Mr. Hornik has represented and advised municipalities in New York and North Carolina on issues including local finance, employment, annexation, zoning, planning and environmental law, and private developers in administrative and judicial proceedings at the State and Federal levels.

Mr. Hornik has extensive litigation experience in municipal, land use, and annexation matters in trial and appellate courts, including the North Carolina Supreme Court and the United States Supreme Court. He has also counseled clients in various commercial real estate transactions, including site acquisition, leasing and financing of multi-million-dollar commercial, retail and office ventures, and large scale residential subdivisions. Mr. Hornik's practice has included representation of several regional and national wireless telecommunication providers in the site acquisition and permitting processes for wireless telecommunications facilities, including State and Federal court actions brought under the Telecommunications Act.

Mr. Hornik is admitted to practice not only in North Carolina and New York, but also in the federal courts in the Northern and Western Districts of New York, in the Eastern, Middle and Western Districts of North Carolina, in the United States Circuit Court for the Fourth Circuit, and in the United States Supreme Court. He is a member of the North Carolina, New York and American Bar Associations. Mr. Hornik is active in the North Carolina Bar Association's Zoning, Planning, and Land Use Section, having served as a member of the Section's first Section Council. He served two terms as Chairman of the Section's Continuing Legal Education Committee, and has presented continuing legal education programs for municipal attorneys and newly admitted attorneys on numerous occasions.

T.C. MORPHIS, JR.



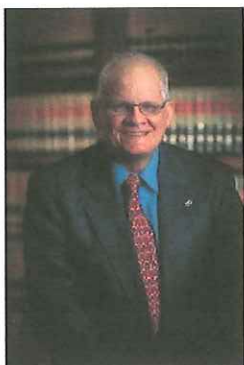
T.C. Morphis grew up in Hickory, North Carolina. He received a Bachelor of Arts in Philosophy and History from UNC-Chapel Hill and his Law Degree and a Master's Degree in City and Regional Planning from UNC-Chapel Hill.

Mr. Morphis' primary practice areas include municipal, zoning, land use, employment, code enforcement, environmental, and coastal area management law. He provides general legal counsel for the Cities of Creedmoor and Hamlet and the Towns of Aberdeen, Cameron, Carthage, Pinebluff, Princeville, Robbins and Vass. He also serves as outside counsel to the Concord and Chatham County Boards of Adjustment, and regularly represents citizen groups and other private clients in land-use litigation throughout North Carolina. Mr. Morphis has experience at all stages of litigation, from quasi-judicial hearings before local boards to trial court work and appellate advocacy before the North Carolina Court of Appeals and North Carolina Supreme Court. Mr. Morphis also regularly advises local government clients on code enforcement and board governance issues.

Early in his career, Mr. Morphis served as a clerk with the Charlotte City Attorney's Office and as an extern for the Honorable Judge Linda McGee of the North Carolina Court of Appeals. Mr. Morphis' Masters-Degree Project compared land trusts and resource conservation efforts in North Carolina with forest conservation in India, and he was a recipient of a U.S. Department of Education Foreign Language Area Studies scholarship for the study of Hindi and Urdu. Mr. Morphis also received, at UNC-CH Law School, the Gressman-Pollitt Award for Oral Advocacy, the Best Overall award in the UNC Environmental Negotiation Competition, and recognition as a finalist in the Merhige National Environmental Negotiation Competition.

Mr. Morphis is admitted to practice in the State courts in North Carolina and in the United States District Court, Middle District of North Carolina. He is a member of the North Carolina Bar Association, and has previously served as the Chair of the North Carolina Bar Association's Zoning, Planning and Land Use Section Council. He has also previously served as the Co-Editor of the North Carolina Bar Association's *Land Use Law Quarterly*. He also previously served on the Triangle Land Conservancy's Land Protection Committee and as the Chairman of the Advisory Committee to the City of Durham's Community and Family Life Center at Lyon Park.

ALBERT M. BENSHOFF



Al Benshoff graduated from the University of Michigan with a Bachelor of Science in Natural Resources. He briefly worked as a contractor for the U.S. Department of the Interior, Bureau of Outdoor Recreation (now the National Park Service) before working in environmental compliance for National Steel Corp. He later received a Master's Degree in Regional Planning from the University of Michigan.

For many years, he worked as a planner, first for the Beaufort County, S.C. Planning Commission, and then for the City of Cary, N.C. where he oversaw the adoption of the first Unified Development Ordinance, the construction of the first five miles of greenway, and several comprehensive plans. While working in Cary, he attended the evening law program at N.C. Central University School of Law, in Durham, NC.

After receiving his law degree, Mr. Benshoff became the City Attorney for Lumberton, N.C. and then served as the City Attorney for Concord, N.C. Some of his accomplishments in Concord include litigating a major zoning challenge to the new Cabarrus County jail, re-writing the Concord Development Ordinance, obtaining and defending Inter-Basin Transfer Permits from the Yadkin and Catawba Rivers to Concord and Kannapolis, assisting with the redevelopment of "Brownfield" sites, and organizing community development and the construction of the joint Albemarle-Concord- Kannapolis water pipeline.

Mr. Benshoff provides general legal counsel to the Towns of Oakboro, Mocksville and Stanfield, as well as the City of Sanford Board of Adjustment and Historic Preservation Commission. He has worked with other local government clients, including the Towns of Aberdeen, Carthage, Carrboro, Creedmoor, Selma, Holly Springs, Pinebluff, Robbins, the Lumberton Convention and Visitors Bureau, the Cities of Kannapolis and Roxboro, and the Village of Pinehurst. He practices in the areas of real estate development, code enforcement, contracts, economic development, annexation, land use and zoning, eminent domain, housing authorities, personnel, and community development, including U.S. Housing and Urban Development programs.

Mr. Benshoff is licensed in the North Carolina state courts and U.S. District Courts of the Eastern, Middle and Western Districts of North Carolina, as well as the U.S. Fourth Circuit Court of Appeals. He is a member of the North Carolina Bar Association, where he is a member of the Zoning, Planning and Land Use section and on the Board of Directors of the Government & Public Sector section. He also serves as the President of the Board of Directors of two non-profit corporations providing housing to low income seniors in Cabarrus County, the Methodist Episcopal Senior Housing, Inc. and Housing Episcopal Methodist Presbyterian, Inc.

S. ELLIS HANKINS



Ellis Hankins earned his B.A., Master of Regional Planning and Law degrees from UNC-Chapel Hill. As an attorney with the firm based in Raleigh, his practice focuses primarily on local government representation and appellate advocacy.

Mr. Hankins provides general legal counsel to the Town of Spring Lake. He also teaches as a visiting professor in graduate public policy and management programs at UNC-Chapel Hill, NC State, and Duke University, in the areas of state and local government, tax policy and public finance, public law and ethics, and intergovernmental relations. He also has assisted cities, counties, public risk pools, state municipal leagues, and county associations with executive searches and other management needs, as a member of a nationwide public sector consulting firm.

Mr. Hankins served as Executive Director of the North Carolina League of Municipalities, the statewide municipal association, and previously as the League's General Counsel and chief state legislative lobbyist. He has represented municipalities and other public and private sector entities and associations in state and federal trial and appellate courts and before congressional committees, as a member of the League staff and in private law practice. He is licensed to practice law in North Carolina and is admitted to practice before the U.S. District Court for the Eastern District of North Carolina and the U.S. Court of Appeals for the Fourth Circuit.

He is a former member of the National League of Cities Board of Directors; the NLC Mutual Insurance Company Board of Directors and Executive Committee (reinsurance company); the NCLM Risk Management Services Board of Trustees; the UNC School of Government Foundation Board of Directors; and the Wake County Parks and Recreation Commission. He assisted with the transition of North Carolina Governor-Elect Roy Cooper, leading the assessment team that evaluated the Governor's Office, Department of Administration and Office of State Human Resources.

Mr. Hankins is a lifetime honorary member of the NC Municipal Attorneys Association and the NC City-County Management Association, and he received the Grainger Barrett Award for Excellence from the NC Bar Association Government and Public Sector Section. He is a member of the Order of the Long Leaf Pine, bestowed by Governor McCrory for exemplary service to the State of North Carolina.

KEVIN R. HORNIK

Kevin Hornik received his Bachelor of Arts degree, with honors, in History from Queens University of Charlotte in Charlotte, North Carolina in 2013. He received his law degree in 2016, and was admitted to practice in in all courts of this State in 2017.

While in law school, Mr. Hornik worked as a legal writing consultant and instructor, assisting and advising students on their legal writing assignments. He also worked as an intern at the school's Community and Economic Development Clinic, providing pro bono legal services to non-profit and community and economic development organizations in the Charlotte area and in the surrounding communities. He also was a member of the World Affairs Council of Charlotte, participating in and attending lecture series in the greater Charlotte area through both law school and The Magellan Society.

Mr. Hornik's experience includes local government and municipal land use matters, as well as non-profit and community economic development work. He practices with the firm by counseling the firm's numerous local government clients in land-use, regulatory, and employment matters, including all operational and transactional aspects of those local governments. In addition, he provides integral legal research, and litigation representation and support for cases litigated by the firm on behalf of local governments. This includes counsel and representation in administrative matters, quasi-judicial proceedings, trial proceedings, and appellate cases brought on behalf of the local governments represented by the firm in the N.C. Court of Appeals, N.C. Supreme Court, the federal district courts of North Carolina, and the Fourth Circuit Court of Appeals.

BRADY N. HERMAN

Brady Herman received his B.A. degree from Elon University and his J.D. degree from Campbell University School of Law. While in law school, he concentrated his studies in litigation. He was also a named contributor to *Navigating the First Year of Law School*, a nationally-distributed book published by Carolina Academic Press.

His practice is devoted to assisting private clients obtain zoning and land use entitlements and advising local government clients in a wide range of areas, zoning and planning matters, code-enforcement, quasi-judicial functions, ordinance drafting and interpretation, police and fire functions, storm water and other public-utility matters, employment matters, and contract and other transactional matters for local governments. Mr. Herman also provides legal research and litigation representation and support for cases litigated by the firm. This includes counsel and representation in negotiation and mediation, administrative matters, quasi-judicial proceedings, trial proceedings, and appellate cases brought on behalf of the local governments represented by the firm in the North Carolina and federal courts.

Brady is a contributing author to the regular updates for *North Carolina Civil Trial Practice—With Application of the N.C. Rules of Evidence*—which is North Carolina’s leading trial-practice treatise published by Juris Publishing Company. He is admitted to practice in all North Carolina courts.

Appellate Cases by Firm Members

Adoption of P.E.P., 100 N.C. App. 191, 395 S.E.2d 133 (1990), rev'd, 329 N.C. 692, 407 S.E.2d 505 (1991)

Albright v. Nash County, 222 N.C. App. 634, 731 S.E.2d 276 (2012) (unpublished)

Allen v. City of Burlington Bd. of Adjustment, 100 N.C. App. 615, 397 S.E.2d 657 (1990)

Amward Homes v. Town of Cary, 365 N.C. 305, 716 S.E.2d (2011)

Angell v. City of Sanford, 106 N.C. App. 90, 415 S.E.2d 589 (1992)

Anthony v. City of Shelby, 152 N.C. App. 144, 567 S.E. 2d 222 (2002)

Ashby v. Town of Cary, 161 N.C. App. 499, 588 S.E.2d 572 (2003)

Ashley v. The City of Lexington, 209 N.C. App. 1, 704 S.E.2d 529 (2011)

Barnett v. Karpinos, 119 N.C. App. 719, 460 S.E.2d 208 (1995)

Batch v. Town of Chapel Hill, 92 N.C. App. 601 (1989), 376 S.E.2d 22, rev'd, 326 N.C. 1, 387 S.E. 2d 655 (1990)

Bradley Co. v. Town of Chapel Hill, 112 N.C. App. 135, 435 S.E.2d 375 (1993)

Capricorn Equity Corp. v. Town of Chapel Hill Bd. of Adjustment, 106 N.C. App. 134, 415 S.E.2d 752 (1992), rev'd, 334 N.C. 132, 431 S.E.2d 183 (1993)

Casella v. Alden, 200 N.C. App. 24, 682 S.E.2d 455 (2009)

Caswell County v. Town of Yanceyville, 170 N.C. App. 124, 611 S.E.2d 451 (2005)

Chapel Hill Title v. Chapel Hill, 362 N.C. 649, 669 S.E.2d 286 (2008)

Chapel Hill Title & Abstract v. Chapel Hill, 178 N.C. App. 561, 631 S.E.2d 893 (2006)

City of Concord v. Duke Power, 346 N.C. 211, 485 S.E.2d 278 (1997)

City of Lumberton v. U.S. Cold Storage, Inc., 178 N.C. App. 305, 631 S.E.2d 165 (2006)

City of Hillsboro v. Hughes, 140 N.C. App. 714, 538 S.E.2d 586, rev. denied, 353 N.C. 370, 547 S.E.2d 4 (2000)

County of Durham v. Roberts, 145 N.C. App. 665, 551 S.E.2d 494 (2001)

Clark v. Red Bird Cab Co., 114 N.C. App. 400, 442 S.E.2d 75 (1994)

Coleman v. Town of Hillsborough, 173 N.C. App. 560, 619 S.E.2d 555 (2005)

Coucoulas/Knight Prop. v. Town of Hillsborough, 364 N.C. 127, 691 S.E.2d 411 (2010)

Craig v. County of Chatham, 356 N.C. 40, 565 S.E.2d 173 (2000)

Danaher v. Joffe, 184 N.C. App. 642, 646 S.E.2d 783 (2007)

Davis v. Taylor, 81 N.C. App. 42, 344 S.E.2d 19 (1986)

Dempsey v. Silver Creek, 185 N.C. App. 158, 647 S.E.2d 689 (2007)

Dixon v. Taylor, 169 N.C. App. 455, 612 S.E.2d 448 (2005) (unpublished)

Duggins v. Town of Walnut Cove, 63 N.C. App. 684, 306 S.E.2d 186 (1983)

Edmonson v. The City of Rocky Mount, 213 N.C. App. 422, 714 S.E.2d 275 (N.C. App. 2011)

Environmental Management Commission, In the Matter of, 53 N.C. App. 135, 280 S.E.2d 520 (1981)

Evergreen Constr. Co. v. Kinston, 194 N.C. App. 371, 671 S.E.2d 596 (2008)

Fairway Outdoor Advertising, Inc. v. City of Salisbury, N.C., 124 N.C. App. 666, 478 S.E.2d 674 (1996)

Fairway Outdoor Advertising, LLC v. Town of Cary, 225 N.C. App. 676, 739 S.E.2d 579 (2013)

Fehrenbacher v. City of Durham, 239 N.C. App. 141, 768 S.E.2d 186 (2015)

Fischell v. Rosenberg, 90 N.C. App. 254, 368 S.E.2d 11 (1988)

Flowerree v. City of Concord, 93 N.C. App. 483, 378 S.E.2d 188 (1989)

Fowler v. Valencourt, 108 N.C. App. 106, 423 S.E.2d 785 (1992), rev'd in part, 334 N.C. 345,

435 S.E.2d 530 (1993)

Gates Four Homeowners v. City of Fayetteville, 170 N.C. App. 688, 613 S.E.2d 55 (2005)

Good Neighbors of Oregon Hill Protecting Property Rights v. County of Rockingham, 242 N.C. App. 280, 121, 774 S.E.2d 902 (2015)

Griffin v. Town of Unionville, 338 Fed. Appx. 320 (4th Cir. 2009)

Habitat for Humanity v. Brd. of Commrs, 187 N.C. App. 764, 653 S.E.2d 886 (2007)

Hayes v. Fowler, 123 N.C. App. 400, 473 S.E.2d 442 (1996)

Hemphill-Nolan v. Town of Weddington, 153 N.C. App. 144, 568 S.E.2d 887 (2002)

Hirschman v. Chatham County, 792 S.E.2d 211 (N.C. App. 2016)

City of Hillsborough v. Hughes, 140 N.C. App. 714, 538 S.E.2d 586, rev. denied, 353 N.C. 370, 547 S.E.2d 4 (2000)

Karp v. University of North Carolina, 78 N.C. App. 214, 336 S.E.2d 640 (1985); 88 N.C. App. 282, 362 S.E.2d 825 (1987)

Kegley v. City of Fayetteville, 170 N.C. App. 656, 613 S.E.2d 696 (2005)

Keith v. Town of Knightdale, 139 F.3d 890 (4th Cir. 1998)

Kentallen, Inc. V. Town of Hillsborough, 110 N.C. App. 767, 431 S.E.2d 231 (1993)

Kirkpatrick v. Town of Aberdeen, 171 N.C. App. 365, 615 S.E.2d 435 (2005)

Kirkpatrick v. Town of Nags Head, 213 N.C. App. 132, 713 S.E.2d 151 (2011)

Krauss v. Wayne County Dept. of Social Services, 345 N.C. 642, 483 S.E.2d 709 (1997)

Lanvale Properties v. County of Cabarrus, 366 N.C. 142, 731 S.E.2d 800 (2012)

Law Building of Asheboro, Inc. v. City of Asheboro, Inc., 108 N.C. App. 182, 423 S.E.2d 93 (1992)

Leete v. County of Warren, 114 N.C. App. 755, 443 S.E.2d 98 (1994), rev'd, 341 NC 116, 462 S.E.2d 476 (1995)

Lloyd v. Chapel Hill, 127 N.C. App. 347, 489 S.E.2d 898 (1997)

Lumberton v. U.S. Cold Storage, 178 N.C. App. 305, 631 S.E.2d 165 (2006)

Maffei v. Alert Cable TV of North Carolina, Inc., 75 N.C. App. 473, 331 S.E.2d 188 (1985), rev'd, 316 N.C. 615, 342 S.E.2d 867 (1986)

Magnolia MFG of N.C. v. Erie Ins. Exch., 361 N.C. 213, 639 S.E.2d 443 (2007)

Mallas v. United States, 993 F.2d 1111 (4th Cir. 1993)

March v. Town of Kill Devil Hills, 125 N.C. App. 151, 479 S.E.2d 252 (1997)

McDonald v. City of Concord, 188 N.C. App. 278, 655 S.E.2d 455 (2008)

McDowell v. Randolph County, 205 N.C. App. 468, 698 S.E.2d 202 (2010)

McDowell v. Randolph County, 186 N.C. 17, 649 S.E.2d 920 (2008)

McCraun v. Village of Pinehurst, 216 N.C. App. 291, 716 S.E.2d 667 (2011)

Messer v. Town of Chapel Hill, 59 N.C. App. 57, 479 S.E.2d 221 (1997)

Moody v. Town of Carrboro, 301 N.C. 318, 271 S.E.2d 265 (1980)

Morgan v. Nash County, 224 N.C. App. 60, 735 S.E.2d 615 (2012)

Murdock v. Chatham Cty., 198 N.C. App. 309, 679 S.E.2d 850 (2009)

Musi v. The Town of Shallotte, 200 N.C. App. 379, 684 S.E.2d 892 (2009)

Myers v. Town of Plymouth, 352 N.C. 670, 535 S.E.2d 355 (1999) *Nello*

L. Teer Co. v. Orange County, 810 F. Supp. 679 (4th Cir. 1993) *Nolan v.*

Village of Marvin, 360 N.C. 256, 624 S.E.2d 305 (2006)

Nolan v. Town of Weddington, 182 N.C. App. 486, 642 S.E.2d 261 (2007)

Nolan v. Town of Weddington, 157 N.C. App. 364, 578 S.E.2d 710 (2003)

Norris, et.al. v. Wilmington, 110 F.3d 60 (4th Cir. 1997)

Northeast Concerned Citizens v. Hickory, 143 N.C. App. 272, 545 S.E.2d 768 (2001)

Northwest Prop. Grp. v. Town of Carrboro, 201 N.C. App. 449, 687 S.E.2d 1 (2009)
Northwood Homeowners Ass'n, Inc. v. Town of Chapel Hill, 112 N.C. App. 630, 436 S.E.2d 282 (1993)
Northwestern Financial Group, Inc. v. County of Gaston, 110 N.C. App. 531, 430 S.E.2d 689 (1993)
Orange Cty. v. Dubeau, 175 N.C. App. 592, 624 S.E.2d 433 (2006)
Orange County v. Town of Hillsborough, 219 N.C. App. 127, 724 S.E.2d 560 (2012)
Orange Water and Sewer Authority v. Town of Carrboro, 58 N.C. App. 676, 294 S.E.2d 757 (1982)
Oxford House, Inc. v. City of Wilmington, North Carolina, No. 7:07-CV-61-F (E.D. N.C. 2010)
Parish v. Town of Hillsborough, 502 S.E.2d 637, 130 N.C. App. 195, rev'd, 350 N.C. 231, 513 S.E.2d 547 (1999)
Parkwood Ass'n, Inc. v. City of Durham, 124 N.C. App. 603, 478 S.E.2d 204 (1996)
Patmore v. Town of Chapel Hill, North Carolina, 233 N.C. App. 133, 757 S.E.2d 302 (April 1, 2014)
PBK Holdings, LLC v. County of Rockingham, 233 N.C. App. 353, 756 S.E.2d 821 (2014)
Phelps v. Duke Power Co., 76 N.C. App. 222, 332 S.E.2d 715 (1985), appeal after remand, 86 N.C. App. 455, 358 S.E.2d 89 (1987), rev'd and remanded, 324 N.C. 72, 376 S.E.2d 238 (1989)
Piland v. Hertford County Bd. of Com'rs, 141 N.C. App. 293, 539 S.E.2d 669 (2000)
Pinewild Project P'ship v. Village of Pinehurst, 198 N.C. App. 347, 679 S.E.2d 424 (2009)
Rakestraw v. Town of Knightdale, 188 N.C. App. 129, 652 S.E.2d 825 (2008)
River Birch Associates v. City of Raleigh, 326 N.C. 100, 388 S.E.2d 538 (1990)
Roberts v. Schweiker, 667 F.2d 1143 (4th Cir. 1981)
Robinette v. Barriger, 116 N.C. App. 197, 447 S.E.2d 498 (1994)
Russell v. Guilford County, 100 N.C. App. 541, 397 S.E.2d 335 (1990)
Sandhills Association of Realtors, Inc. v. Village of Pinehurst, No. 1:98-CV-00303 (M.D.N.C. 1999)
Schaefer v. Town of Hillsborough, 213 N.C. App. 212, 712 S.E.2d 727 (2011)
Sidden v. Mailman, 150 N.C. App. 373, 563 S.E.2d 55 (2002)
Smith v. Forsyth Cty. Bd. of Adjust., 186 N.C. App. 651, 652 S.E.2d 355 (2007)
Snow v. County of Dare, 177 N.C. App. 564, 629 S.E.2d 620 (2006)
Sofran Corp. v. City of Greensboro, 327 N.C. 125, 393 S.E.2d 767 (1990)
State v. Turner, 98 N.C. App. 442, 391 S.E.2d 524 (1990)
Stealth Properties v. Pinebluff Bd. of Adjustment, 183 N.C. App. 461, 645 S.E.2d 144 (2007)
Summey Outdoor Advertising, Inc. v. County of Henderson, 96 N.C. App. 533, 386 S.E.2d 439 (1989)
Swan Beach Corolla, LLC v. County of Currituck, 805 S.E.2d 743 (N.C. App. 2017)
Templeton Properties, L.P. v. Town of Boone, 219 N.C. App. 266, 724 S.E.2d 604, (2012)
Templeton Properties, L.P. v. Town of Boone, 368 N.C. 82, 772 S.E.2d 239 (2015)
Terrell v. Chatham Cty, 177 N.C. App. 567, 629 S.E.2d 620 (2006)
Thrush v. Jones, 227 N.C. App. 228, 741 S.E.2d 927 (2013) (unpublished)
Tonter Investments, Inc. v. Pasquotank County, 199 N.C. App. 579, 681 S.E.2d 536 (2009)
Town of Ayden v. Town of Winterville, 143 N.C. App. 136, 544 S.E.2d 821 (2001)
Town of Cameron v. Woodell, 150 N.C. App. 174, 563 S.E.2d 198 (2002)
Town of Hillsborough v. Crabtree, 143 N.C. App. 707, 547 S.E.2d 139 (2001)
Town of Pinebluff v. Marts, 195 N.C. App. 659, 673 S.E.2d 740 (2009)
United States v. Baker, 985 F.2d 1248 (4th Cir. 1993)
United States v. Blackwell, 946 F. 2d 1049 (4th Cir. 1991)

United States v. Blackwell, 900 F.2d 742 (4th Cir. 1990)
United States v. Clarke, 7 F.3d 227 (4th Cir. 1993)
United States v. Town of Garner, 720 F. Supp.2d 721 (E.D.N.C. 2010)
United States v. Giunta, 925 F.2d 758 (4th Cir. 1991)
United States v. Gomez, 838 F.2d 468 (4th Cir. 1987)
United States v. Hargas, 908 F.2d 968 (4th Cir. 1990)
United States v. \$10,694.00 U.S. Currency, 828 F.2d 233 (4th Cir. 1987)
University of North Carolina, In the Matter of Appeal, 300 N.C. 563, 268 S.E.2d 472 (1980)
U.S. Cold Storage, Inc. v. City of Lumberton, 156 N.C. App. 327, 576 S.E.2d 415 (2003)
U.S. Cold Storage, Inc. v. City of Lumberton, 170 N.C. App. 411, 612 S.E.2d 415 (2005)
Varner v. Bryan v. County of Henderson, 113 N.C. App. 697, 440 S.E.2d 295 (1994)
Village Creek Property Owners Association v. Town of Edenton, 135 N.C. App. 482, 520 S.E.2d 793 (1999)
Wake County Hospital System, Inc. v. National Casualty Co., 804 F. Supp. 768 (E.D.N.C.), *aff'd*, 996 F.2d 1213 (4th Cir. 1993)
Wallace v. Town of Chapel Hill, 93 N.C. App. 422, 378 S.E.2d 225 (1989)
Wally v. The City of Kannapolis, 365 N.C. 449, 722 S.E.2d 481 (2012)
Wally v. The City of Kannapolis, COA13-1425, 768 S.E.2d 200 (2014) (unpublished opinion), *pet. for disc. rev. denied*, 776 S.E.2d 193 (2015)
Walton North Carolina, LLC v. City of Concord, 809 S.E.2d 164 (N.C. App. 2017)
Watauga County Bd. of Educ. v. Town of Boone, 106 N.C. App. 270, 416 S.E.2d 411 (1992)
Weeks v. Town of Nags Head, 177 N.C. App. 464, 628 S.E.2d 867 (2006)
Wenco Management Co. v. Town of Carrboro, 53 N.C. App. 480, 281 S.E.2d 74 (1981)
WFGCC v. Town of Wake Forest, 212 N.C. App. 632, 711 S.E.2d 816 (2011)
White Oak Properties, Inc. v. Town of Carrboro, 71 N.C. App. 360, 322 S.E.2d 400 (1984), *rev'd*, 313 N.C. 306, 327 S.E.2d 882 (1985), *on remand*, 74 N.C. App. 605, 328 S.E.2d 907 (1985)
Wiles v. Concord Zoning Bd. of Adjust., 195 N.C. App. 598, 673 S.E.2d 799 (2009)
Winding Ridge Homeowners Association v. Joffe, 362 N.C. 225, 657 S.E.2d 356 (2008)

Publications by Firm Members

Books & Monographs

Navigating The First Year of Law School (Carolina Academic Press 2016).

North Carolina Civil Trial Practice (Juris Publishing, Inc 2012-present)

Legal Counseling, Negotiating & Mediating: A Practical Approach (Carolina Academic Press 2009)

The Nonconforming Use in North Carolina Zoning Law: Text and Model Ordinance, (Institute of Government 1976)

North Carolina Volunteer Fire Department Journal (1995 to present)

The Order Of The Golden Fleece At Chapel Hill, 1904-2004: America's First Honor Society For University Leaders (The University of North Carolina at Chapel Hill Library 2005).

Plea Bargaining (4th ed. Juris Publishing, Inc. 2017)

A Practical Approach to Client Interviewing, Counseling, and Decision-Making: For Clinical Programs and Practical-skills Courses (Carolina Academic Press 2009)

Practical Evidence: The Law, Foundations, and Trial Techniques (2d ed. West Group 1999).

Preparing Ordinances Regulating Mobile Homes and Mobile Home Parks in North Carolina: A Guidebook (Institute of Government 1976)

Selected Major Issues in North Carolina Zoning and Land Use Law (1986)

A Unified Development Ordinance (American Planning Association 1985)

The Zoning Board of Adjustment in North Carolina (Institute of Government 2d. ed. 1984)

Articles

“The Future of Impact Fees in Light of *Quality Built Homes, Inc. v. Town of Carthage*, 789 S.E.2d 454 (N.C. 2016),” N.C. Bar Association, 2017 Zoning Planning & Land Use Section Annual Meeting (April 6, 2017).

Op-ed article: Gorsuch on the Supreme Court Will Not Cause the Sky to Fall, THE HERALD SUN (February 10, 2017).

“Illegal Fees and Attorneys’ Fees, N.C. Bar Association, 2016 Zoning, Planning & Land Use Section

Annual Meeting (March 18, 2016).

Op-ed article: When Politics Becomes a Team Sport, We All Lose, THE NEWS & OBSERVER, (February 2, 2016).

“Arguing For a Broad Construction of the Zoning Power,” N.C. Association of County Attorneys Winter Conference (UNC School of Government, February 6, 2015).

“The Current Scope of Local Government Land-Use Regulation Powers: Have We Turned Back to the 1870s?,” 18 *The North Carolina State Bar Journal*, No. 4 at 8-12 (Winter 2013).

“Legal Talking Points for Interpreting Lanvale Contextually,” N.C. Municipal Attorneys Winter Conference (UNC School of Government, March 14-15, 2013).

“Major Overhaul of Annexation Statutes: What Does It Mean for Land Use Practitioners?,” Land Use Law Quarterly (NC Bar Association January, 2012)

“New Statute Makes Important Changes to the Statute of Limitations Applicable to Challenges to Zoning Ordinances,” Land Use Law Quarterly (NC Bar Association October, 2011).

“An Introduction to Form-Based Zoning,” Land Use Law Quarterly (NC Bar Association April, 2010).

“Land Use Options for Protecting Downtown as a Retail Destination,” Land Use Law Quarterly (NC Bar Association, December, 2009).

“Effective Advocacy in Mediation,” 11 *The North Carolina State Bar Journal*, No. 2 at 16 (Summer 2006); reprinted in *Civil Trial From Start to Finish* at 54-58 (National Business Institute, Eau Claire, Wisconsin, July 2006); reprinted in *General Practice Plus* at 3 (Virginia State Bar, General Practice Section, Spring 2007).

“How to Value a Case for Negotiation and Settlement,” 10 THE NORTH CAROLINA STATE BAR JOURNAL, No. 2 at 32 (Summer 2005); reprinted in 31 THE MONTANA LAWYER, No. 3 (November, 2005).

“10 Tools for Mediation Caucuses,” 41 TRIAL, No. 5 at 66 (May, 2005).

“Getting the Most Out of Your Appraiser (Updated),” CLE International Eminent Domain Conference (August 14-15 2003).

“Local Regulation of Intensive Livestock Operations After *Craig v. County of Chatham*,” North Carolina Bar Association CLE Program (October 4, 2002).

“The Law of Depositions in North Carolina,” North Carolina Academy of Trial Lawyers CLE Program (January 11, 2002).

“Fighting Crime Through Nuisance Abatement,” 19 *Campbell Law Observer* No. 19, at 1 (January 1998).

“Appendices: Practice Pointers for Brief Writing, and Practice Pointers for Oral Argument,” in Duncan & Solari, *North Carolina Appellate Advocacy*, (The Harrison Co., 1995 Supplement).

“What’s New About Punitive Damages,” 43 *The North Carolina State Bar Quarterly*, No. 2, at 6 (Spring, 1996).

“Enter Opening Statement: Staging the Case,” 31 *Trial* No. 7, at 57 (July, 1995); reprinted for the Women Lawyers Assoc. of Los Angeles 2nd Annual Women Litigators Forum, Nov. 11, 1995, and the Philadelphia Bar Association Annual Education Conference on “Effective Trial Advocacy,” December 4, 1996.

“How to Master Direct Examination: Practical Perspectives,” 31 *Trial* No. 4, at 70 (April, 1995); reprinted in 41 *The Trial Lawyers Guide*, No. 2 (Summer 1997); reprinted by the Pennsylvania Bar Institute, Continuing Legal Education (1997).

“Chapter 15: Local Government Administrative Issues,” *The North Carolina Administrative Law Guide* (1996).

“Oral Deposition Taking,” Chapter 6 in *Civil Discovery Practice in North Carolina* (Law Practice Handbooks, Inc. 1995).

“Out of Focus: The Fuzzy Line Between Regulatory ‘Takings’ and Valid Zoning-Related ‘Exactions’ in North Carolina and Federal Jurisprudence,” 16 *Campbell L. Rev.* 3 (1994).

“Taking a Deposition Under North Carolina Law,” 21 *N.C. Central Univ. Law Journal* No. 2, at 215 (1995).

“A Practical System for Legal Research,” 21 *N.C. Central Univ. Law Journal*, No. 1, at 85 (1994).

“The New Amendments to the Federal Rules of Civil Procedure,” 41 *The North Carolina State Bar Quarterly*, No. 2, at 26 (Spring, 1994).

“Preserving the Record for Appeal Under North Carolina Law,” 40 *The North Carolina State Bar Quarterly*, No. 4, at 32 (Fall 1993).

“Preserving the Trial Record for Appeal,” 29 *Trial*, No. 10, at 45 (1993).

“Effective Appellate Oral Argument,” 16 *The Champion*, No. 10, at 43 (December, 1992).

“The Case for Submitting Written Instructions to the Jury,” 39 *The North Carolina State Bar Quarterly*, No. 4, at 14 (Fall, 1992).

“Practice Pointers for Appellate Oral Argument,” 28 *Trial*, No. 10, at 64 (October, 1992);

reprinted in Brinkos, Janet L., *Course Book on: "The Woman Advocate '94"* (Seminars sponsored by Prentice Hall Law & Business and the Section of Litigation of the American Bar Association, April 14-15, 1994 in New York City; May 5-6, 1994 in Chicago; and May 19-20, 1994 in San Francisco); reprinted for the *King Hall Civil Rights Clinic Student Manual*, University of California School of Law at Davis (1996); reprinted for the Federal Public Defender, District of New Mexico seminar on "How to Do a Federal Criminal Appeal," February 27, 1998 in Las Cruces, New Mexico; reprinted for St. John's University School of Law (summer course, 1999); reprinted for the Honorable Rhonda Reid Winston, Superior Court of the District of Columbia, presentation at the Charlotte E. Ray Inn of Court meeting, October 23, 2003.

"How to Do a Federal Criminal Appeal," February 27, 1998 in Las Cruces, New Mexico.

"Practice Pointers for Appellate Brief Writing," 28 *Trial*, No. 9, at 122 (September, 1992); reprinted for the Federal Public Defender, District of New Mexico seminar on

"Effective Appellate Brief Writing," 16 *The Champion*, No. 7, at 35 (August, 1992).

"Appellate Oral Argument in Epitome," 39 *The North Carolina State Bar Quarterly*, No. 3, at 8 (Summer, 1992).

"Appellate Brief Writing in Epitome," 39 *The North Carolina State Bar Quarterly*, No. 2, at 6 (Spring, 1992).

"The North Carolina Supreme Court's New Frivolous Appeal Rule," 36 *The North Carolina State Bar Quarterly*, No. 3, at 16 (Summer, 1989).

"A Comparative Summary of Current State Drug-Testing Legislation," 3 *Employee Testing & the Law*, No. 6, at 1 (June 1988).

"Limiting Litigation Over Land Use Decisions," *Public Risk*, (Public Risk Management Association, Sept./Oct. 1988).

"Is North Carolina's Frivolous Appeal Rule Frivolous?," 9 *Campbell Law Observer*, Nos. 3 and 4 (April & May, 1988). (Effective July 1, 1989 the N.C. Supreme Court adopted a new Appellate Rule 34 as proposed in this article).

"Negligence in Employee Drug Testing," 92 *Case & Comment*, No. 4, at 3 (July-Aug. 1987); reprinted in 1 *Employee Testing & the Law*, No. 4, at 1 (Dec. 1986), and 19 *Trial Briefs*, No. 3, at 27 (1987).

"Intentional Infliction of Emotional Distress in Employee Drug Testing," 2 *Employee Testing & the Law*, No. 3, at 1 (1987).

"Double Criminality and Complex Crimes," Chapter 12 in Nanda & Bassiouni, *International Criminal Law--A Guide to U.S. Practice and Procedure*, (Practicing Law Institute, 1987), at 365; reprinted for the National Association of Criminal Defense Lawyers Seminar, Feb. 12-16,

1986, Acapulco, Mexico.

“The Fourth Circuit Construes the Inscrutable Comprehensive Forfeiture Act of 1984 in *United States v. Harvey*,” 4 *Inside Drug Law*, No. 4, at 1 (May/June 1987).

“International Extradition in Drug Cases,” 10 *N.C. Journal of International Law & Commercial Regulation*, No. 2, at 353 (Spring, 1985); reprinted in the Advanced Criminal Practitioners Seminars, National Association of Criminal Defense Lawyers, Fourth Annual Hawaii Seminar, Maui, May 10-17, 1985.

“Fending off Forfeiture,” 21 *Trial*, No. 12, at 70 (Dec. 1985).

“International Extradition in CCE and RICO Cases,” 9 *Inside Drug Law*, No. 2, at 5 (Nov., 1985).

“Protecting Innocent Owners from Drug-Related Forfeiture,” 2 *Inside Drug Law*, No. 2, at 1 (March, 1985).

“Problems of Double Criminality,” 21 *Trial*, No. 1, at 58 (January 1985).

“Legal Implications of Human In Vitro Fertilization for the Practicing Physician in North Carolina,” 6 *Campbell Law Review*, at 5 (Spring, 1984).

“Saving Your Client’s Ox: Some Fundamental Considerations and Defenses to Forfeiture Under 21 U.S.C. 881,” 8 *The Champion*, No. 1, at 11 (Jan./Feb., 1984; reprinted in 15 *Trial Briefs*, No. 1 (1984).

“Flexibility Without Arbitrariness in the Zoning System: Observations on North Carolina Special Exception and Zoning Amendment Cases,” 53 *N.C. Law Review* 925-958 (1975).

Presentations by Firm Members

Faculty Presenter, “Local Government Compliance With the “Reasonable Accommodation” Requirement of the FHA, ADA, and RA,” N.C. Municipal Attorney’s Association Summer Conference, August 2-4, 2018

“Quasi-Judicial Procedure: Evidence and Building a Record,” City of Creedmoor Board of Adjustment (July 12, 2018)

“Code Enforcement,” North Carolina Municipal Attorney’s Conference (UNC-School of Government, March 23, 2018)

“Wireless Telecommunication Zoning after H.B. 310,” N.C. Association of Zoning Officials (February 19, 2018)

“Wireless Telecommunications Workshop,” sponsored by the Town of Carthage and The Brough Law Firm (N.C. Chapter of the American Planning Association, December 12, 2017)

“Reexamining Checks and Balances: Legislative Changes to State and Local Government,” Government and Public Sector Section (N.C. Bar Association, November 17, 2017)

Telecommunication and Public Rights-of-Way Ordinances, Town of Carthage Board of Commissioners and Planning Board (August 23, 2017)

“The Future of Water and Sewer Impact Fees,” Zoning, Planning & Land Use Law Section Annual Meeting (N.C. Bar Association, April 6, 2017)

“Local Government Overview,” City of Creedmoor Board of Commissioners (May 17, 2016)

“Illegal Fees and Attorneys’ Fees,” Zoning, Planning & Land Use Section Annual Meeting (N.C. Bar Association, March 18, 2016)

“Trial Advocacy Tips,” Campbell Law School Trial Advocacy Program (Campbell Law School, March 25, 2015)

“Professionalism Issues for Local Government Counsel,” Professionalism for New Attorneys Program (N.C. Bar Association, October 14, 2015)

“Protecting Endangered Properties - Prevention of Demolition by Neglect and Other Preservation Tools,” Preservation North Carolina Annual Conference. (Salisbury, NC, September 17, 2015)

“A Reluctant Acceptance of Public Private Partnerships in North Carolina,” Zoning Planning and Land Use Law Section Annual Meeting (N.C. Bar Association, March 27, 2015)

“A Discussion of *Lanvale Properties v. County of Cabarrus*,” N.C. Association of County Attorneys Winter Conference (U.N.C.-School of Government, February 6, 2015)

“Quasi-Judicial Procedures,” Town of Aberdeen Planning Board and Historic Preservation Commission (January 15, 2015)

“Fair Housing and Local Government Land-use Regulations Affecting Persons with Disabilities,” Town of Cary Board of Adjustment (October 6, 2014)

“Fair Housing and Reasonable Accommodations by Local Governments,” 2014 North Carolina Planning Conference (October 2, 2014)

“Managing the Attorney-client Relationship and Organization of a Legal Department,” Professionalism for New Admittees Program (N.C. Bar Association, May 15, 2014)

“The State of Local Government Powers after *Lanvale Properties, LLC v. Cabarrus County* and into the Future,” Joint Zoning, Planning & Land Use Section and Government/Public Sector Section C.L.E. Program (N.C. Bar Association, March 28, 2014)

“The Aberdeen Board of Commissioners,” Town of Aberdeen Board of Commissioners (February 27, 2014)

“The Aberdeen Planning Board: An Introduction,” Town of Aberdeen Planning Board (October 17, 2013)

“Quasi-Judicial Procedure,” City of Concord Board of Adjustment (August 28, 2012)

“*Lanvale Properties, LLC v. Cabarrus County and the City of Locust* and Its Implications,” N.C. Municipal Attorneys Winter Conference (U.N.C.-School of Government, March 14-15, 2013)

“Quasi-Judicial Procedure,” Town of Cary Board of Adjustment (March 22, 2011)

“Town of Aberdeen Historic Preservation Commission,” Town of Aberdeen Historic Preservation Commission (March 21, 2011)

Lecture on “Litigation in Real Estate Development Process” course at Kenan-Flagler School of Business (U.N.C.-Chapel Hill, January 27, 2011)

Testimony on behalf of the National League of Cities, National Association of Counties, National Sheriffs Association, National School Boards Association, International City-County Management Association, International Public Management Association for Human Resources, et. al. in Opposition to H.R. 413, Public Safety Employer-Employee Cooperation Act of 2009, before the U.S. House of Representatives Subcommittee on Health, Employment, Labor and Pensions, 111th Congress (March 10, 2010)

“With a Little Help From My Friends—Negotiation Techniques,” N.C. Bar Association C.L.E., “We Can Work It Out—15th Dispute Resolution Section Annual Meeting,” (April 11, 2008)

Leadership Lecture (Elon University Center for Leadership, March 12, 2008)

“Constitution Day,” Lecture to Elon University, College of Arts & Sciences: “Exploring Some Common Constitutional Myths” (September 19, 2007)

“The Legal Responsibilities of the Landlord Under N.C. Law,” Housing Workshop (City of Roxboro, N.C., July 23, 2007)

“Professionalism in Your Practice” (Orange County Bar Association C.L.E. Second Celebration of Professionalism, January 26, 2006)

“Law Students and Lawyers in Professionalism” (Orange County Bar Association C.L.E. on Professionalism, February 12, 2004)

“Update on the City of Hickory Unified Development Ordinance” (Catawba County Bar Association meeting, June 12, 2009)

“Development Agreements and Conditional Zoning in North Carolina” (Moore County Planning Retreat, August 15, 2008)

“Origin, History, And Status Of Bill Dealing With Quasi-Judicial Land Use Decisions” (Law Seminars International Two-Day Conference, July 24-25, 2008)

“Senate Bill 212: Land-Use Permit Appeals” (N.C. Bar Foundation, May 3, 2007)

“Governmental Immunity” (U.N.C.-Chapel Hill School of Government, October 27, 2005)

“Judicial Review of Quasi-Judicial Zoning Decisions” (N.C. Bar Foundation, May 7-8, 2004)

“Getting the Most Out of Your Appraiser (Updated)” (C.L.E. International Eminent Domain Conference August 14-15, 2003)

“Local Regulation of Intensive Livestock Operations After *Craig v. County of Chatham*” (N.C. Bar Association C.L.E. Program October 4, 2002)

“Getting the Most Out of Your Appraiser” (C.L.E. International Eminent Domain Conference June 27-28, 2002)

“Neither Fish Nor Fowl: Conditional Use Zoning” (N.C. Bar Foundation, 2002)

“The Law of Depositions in North Carolina” (N.C. Academy of Trial Lawyers CLE Program January 11, 2002)

“A Proposed Statute Dealing With Appeals of Quasi-Judicial Land Use Decisions” (N.C. Bar Foundation 2001)

“How Land Use Regulations Can Affect Property Values” (N.C. Bar Foundation 1999) “Appealing to and From the Board of Adjustment” (N.C. Bar Foundation 1997)

“Update in Telecommunications Law with an Emphasis on Cell Tower Permitting” (N.C. Municipal Attorneys’ Conference, August, 1997)

“Enforceability of Manager Employment Agreements,” N.C. City-County Management Association Winter Conference (Chapel Hill, February 9, 1996)

“Overview of the Telecommunications Act of 1996,” N.C. Association of Municipal Attorneys Summer Conference (Pinchurst, August 3, 1996)

“Rate Regulation and Other Issues Affecting NC Municipalities in the Cable Television Consumer Protection and Competition Act of 1992 and FCC Regulations and Rulings,” N.C. League of Municipalities Annual Convention (Asheville, October 18, 1994)

“Dolan vs. Tigard: The Supreme Court Advances Taking Law” (N.C. Bar Foundation 1994)

“Legal Issues in Obtaining Development Permission for Your Client Under Local Zoning and Subdivision Ordinances” (Wake Forest C.L.E. 1992)

“Liability of Local Governments for Damages for Unlawful Land Use Decisions” (N.C. Bar Foundation 1991)

“Recent Developments in N.C. Land Use Law” (National Business Institute, Inc. 1990)

“Legal Issues in Obtaining Development Permission for Your Client Under Local Zoning and Subdivision Ordinances” (Wake Forest C.L.E. 1990)

“Local Watershed Protection Programs,” Water Rights Resources and Quality (N.C. Bar Foundation and Environmental & Natural Resources Law Section, N.C. Bar Association 1990)

“Land Use Litigation Procedural Issues,” Land Use Regulation and Planning (N.C. Bar Foundation and Real Estate Section, N.C. Bar Association 1988)

“Vested Rights,” Land Use Litigation Seminar (N.C. Academy of Trial Lawyers 1987)

“Punitive Damages,” Seventh Annual Festival of Legal Learning (U.N.C. Law School CLE 1997)

“Ethics of Witness Preparation” (U.N.C. Law School CLE 1996)

“Ethical Considerations in Civil Litigation & Appellate Practice” (N.C.C.U. Law School C.L.E. 1990)

Organizational Affiliations of Firm Members

North Carolina Bar Association, Zoning, Planning, Land Use Law Section
North Carolina Bar Association, Real Property Section
North Carolina Bar Association, Government and Public Sector Section
North Carolina Association of Municipal Attorneys
Scribes - The American Society of Writers on Legal Subjects

Bar Memberships for Firm Members

North Carolina State Bar
U.S. District Court, Eastern District, N.C.
U.S. District Court, Middle District, N.C.
U.S. District Court, Western District, N.C.
U.S. Court of Appeals for the Fourth Circuit
United States Supreme Court



CHAMPION & GILES, P.A.
ATTORNEYS AT LAW

December 31, 2018

VIA E-MAIL: dsperry@cityofgraham.com

Darcy Sperry
City Clerk – City of Graham
Post Office Drawer 357
201 South Main Street
Graham, NC 27253

Dear Ms. Sperry:

Thank you for the opportunity of responding to the proposal for City Attorney Services for the City of Graham, North Carolina. Enclosed you will find a copy of my resume and proposed fee schedule.

I was born and raised in Alamance County, North Carolina and have practiced law here for the last 16 years. My office is located in Graham, North Carolina across the street from City Hall. I am in Graham every day and can make myself available to the City at its convenience. I look forward to serving the City of Graham with respect to its municipal matters.

Over the tenure of my career, I have engaged in several municipal functions including, but not limited to, contract review, litigation involving borders and infringements and employment law disputes. I have negotiated resolutions to disputes involving the Equal Employment Opportunity Commission, the U.S. Department of Labor and the North Carolina Department of Labor. I have successfully litigated multiple federal lawsuits in federal court involving employment law and breach of the Lanham Act.

I feel that my experience makes me an excellent candidate for this position. Please review my resume and proposed fee schedule. If you desire an alternate fee schedule or proposal do not hesitate to contact me. I can be flexible with both my time and billable rate.

Once again, if you have any further questions or concerns, please do not hesitate to contact me. I look forward to speaking with you regarding this position and hope to hear from you soon.

Very truly yours,

A handwritten signature in blue ink, appearing to read 'Robert C. Giles, II', written in a cursive style.

Robert C. Giles, II

Enclosures

PROPOSED FEE SCHEDULE

Weekly Rate: \$1,520 per week for 16 hours per week – additional hours will be billed at \$95 per hour;

Expenses: As incurred with any expense over \$100 submitted for preapproval.

Robert C. Giles, II, Esq.

112 S. Maple Street
Graham, North Carolina 27253
(336) 228-0501 ext. 102
(336) 269-2731 mobile
robert.giles@champgileslaw.com

EDUCATION

North Carolina Central University School of Law

Juris Doctor, *magna cum laude*, May 2002;

*North Carolina Central University Law Review

*First Place Clifton Johnson Moot Court Competition

*North Carolina Central University Moot Court Board

*North Carolina Central University Trial Advocacy Board

University of North Carolina at Chapel Hill

Bachelor of Music, *with distinction*, May 1999;

*Dean's List Six semesters

*UNC-Chapel Hill Guitar Ensemble

*UNC-Chapel Hill Men's Glee Club

WORK EXPERIENCE

Champion & Giles, P.A.

Partner June 2013 to present

*Conducted litigation including: criminal defense, personal injury, employment, real estate, will caveat and collections;

*Drafted commercial agreements, including buy-sell, asset purchase and employment agreements;

The Giles Law Firm, PLLC

Managing Member September 2010 to June 2013

*Conducted litigation including: criminal defense, personal injury, employment, real estate, collections;

*Drafted commercial agreements including buy-sell agreements and employment agreements;

Wishart, Norris, Henninger & Pittman, P.A.

Associate Attorney September 2002 to September 2010

*Conducted litigation including: personal injury/medical malpractice, employment, criminal defense, real estate, collections;

*Drafted employment agreements including termination, severance, non-competition, and confidentiality;

*Advised employers regarding federal and North Carolina employment laws;

*Represented employers in regulatory actions before the U.S. Department of Labor and EEOC;

Wishart, Norris, Henninger & Pittman, P.A.

Summer Clerk Summer, 2001

- *Assisted in corporate regulatory research projects
- *Assisted in antitrust and civil rights litigation projects

North Carolina Central University School of Law

Student Research Assistant

Winter 2000 – Spring 2001

- *Assisted with case review and faculty research projects

North Carolina Citizens for a Sound Economy

Special Projects Assistant - Raleigh, NC

Summer 1999- Winter 2000

- *Assisted in Lobbying activities at the National, State, & Local level in NC
- *Coordinated Grassroots Educational Events
- *Proofread publications involving a variety of technical economic issues
- *Authored/edited pieces dealing with Health Care, Tax, and Technology

U.S. House of Representatives

Summer Intern - Washington, DC

Office of the Honorable Richard Burr (NC-05), Summer 1999

- *Performed Federal Legislative Research using the Internet and Library of Congress
- *Responded to Constituent inquiries regarding legislative matters
- *Reviewed testimony before House Commerce Committee hearings

North Carolina Department of Cultural Resources

Tour Guide \ Historic Interpreter - Alamance, NC

Alamance Battleground State Historic Site, Summers 1996-1998

- *Greeted visitors from throughout the United States and the World
- *Interpreted both the military and domestic history of the 18th century as it pertained to Alamance Battleground and surrounding areas

HONORS/ACTIVITIES

Board of Adjustment, City of Burlington July 2014 to present
 Chair Associate Pastor Search Committee, First Presbyterian Church, Burlington, North Carolina
 Deacon, First Presbyterian Church, Burlington, North Carolina
 Board of Directors, Alamance County Meals on Wheels, Inc.
 Board of Directors, Allied Churches of Alamance County, Inc.
 United Way of Alamance County, WNHP, Company Campaign
 Leadership Alamance
 North Carolina Advocates for Justice
 American Bar Association
 North Carolina Bar Association
 Boy Scouts of America Eagle Scout Award

References Available Upon Request

SARA M. FARNSWORTH

208 Oak Tree Drive, Chapel Hill, NC 27517 • (336) 686-6240 • sarafarn@live.unc.edu

Tuesday, December 11, 2018

Dear Mayor Peterman and Esteemed Members of the City Council:

I am excited to learn that the Council is contemplating the course it might pursue upon the retirement of your trusted longtime City Attorney. I respectfully request your consideration for the role.

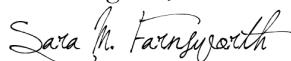
As a law student nearing graduation from UNC School of Law, I have found that I am following a different path than that of other students of my caliber. While most of my *North Carolina Law Review* colleagues have sought job offers with large law firms in large cities, my goal is to live and work in a smaller city with a higher quality of life and lower cost of living. I have a passion for government and would prefer to work on the local level where I believe “good government” can do the most good—where those representing government are able to operate out of a shared fondness for a community they each call home and to tailor governmental solutions as narrowly as possible to its particular needs.

I understand that a decision to hire a newly-minted lawyer as the City Attorney of Graham may be a novel one. My lack of experience can be balanced against the cost savings the city might enjoy by offering an entry-level salary to secure a full-time employee who could focus exclusively on protecting the interests of the city—without that role operating in tension with the time demands of private practice or the duty of loyalty to other clients or municipalities. As Graham continues its vibrant growth and development through the astute leadership of its City Council and the diligent work of its employees, the need for an attorney’s day-to-day availability will only increase. A full-time City Attorney would allow for more effective decision-making on the part of city officials that could prevent expensive legal missteps and allow the city to more efficiently pursue its interests in areas such as code enforcement, tax collection, zoning violations, and planning.

I bring to the table a substantial work history in the private sector and in the area of legal research, as well as a maturity level not shared by many entry-level attorneys. As a top-tier student attending a competitive law school on a scholarship, my particular talents lie in efficient legal research and effective communication of complex legal analysis. I learn new legal topics extremely quickly and explain them easily to others. My current job with UNC’s law library requires me to rapidly acquaint myself with an ever-changing variety of novel areas of law. My work in providing on-the-spot legal reference answers, high-stakes client support, and accessible training for technical topics puts me at ease with the role of readily answering any legal questions that come my way. I have also spent my summers during law school viewing the legal system from the inside via prestigious positions serving North Carolina judges, researching answers to complex legal quandaries that come before the courts and drafting some of their judicial opinions behind the scenes.

I would honestly consider the Graham City Attorney position to be a “dream job” and would approach it with the same passion and energy that you as a City Council have seen in the very finest of your city’s employees. I would be honored to count myself among them. I appreciate your consideration of the attached proposal and resume. Thank you for your time, and please feel welcome to contact me at any time to discuss this further.

Warm regards,



Sara M. Farnsworth

SARA M. FARNSWORTH

208 Oak Tree Drive, Chapel Hill, NC 27517 • (336) 686-6240 • sarafarn@live.unc.edu

Proposal for Employment as Legal Intern and City Attorney of Graham, North Carolina

Preliminary Legal Internship

Length of Internship: February 2019 through September 2019 (ending upon bar admission).

Desired Salary: \$20 hourly

Desired Hours: 10-20 hours per week (as elected by the City Council) from beginning of employment until July 31, 2019 (after administration of the bar exam). Beginning August 1, 2019, 10-40 hours per week (as elected by City Council).

From the commencement of employment (expected February 2019) until my admission to the State Bar of North Carolina (expected early September 2019), I would be employable by the City of Graham as a Legal Intern under state regulations codified at 27 N.C.A.C 01C .0200. The regulations would allow for me to fulfill virtually all of the capacities of an attorney as a legal intern, including giving legal advice to the city and representing the city in court and administrative hearings, provided that (1) the city consents to the representation, and (2) an active member of the North Carolina State Bar (who has practiced full-time for at least two years) serves as my supervising attorney. My hope is that Keith Whited would be open to the role of serving as my supervising attorney, and my suggestion to the City Council would be that he retain the title of City Attorney during the period of my internship and be available on a contract hourly basis to “read, approve, and personally sign” any pleadings, papers, contracts, or other documents prepared by me prior to their filing or execution. 27 N.C.A.C. 01C .0205(a)(5). It is also permissible for another practicing licensed attorney to be appointed as my supervisor.

City Attorney Appointment

Desired Starting Salary: \$65,000 yearly as a full-time employee of the City of Graham

After admission to the North Carolina State Bar (expected early September 2019), I would be eligible to represent Graham as its City Attorney. I believe that the requested salary is commensurate with entry-level salaries for many government attorney jobs in North Carolina, yet much lower than the salaries generally commanded by full-time City Attorneys in the state. I have not found a statewide compendium of City Attorney salaries, but the proposed salary is well below that of any full-time County Attorney in North Carolina according to a survey by the UNC School of Government (<https://www.sog.unc.edu/publications/reports/county-salaries-north-carolina-2018>).

I project that two years after my appointment as City Attorney, I would seek a pay raise of approximately 25% to reflect my status as an experienced City Attorney and my desire to remain in service to the City of Graham for the duration of my legal career.

SARA M. FARNSWORTH

208 Oak Tree Drive, Chapel Hill, NC 27517 • (336) 686-6240 • sarafarn@live.unc.edu

EDUCATION

University of North Carolina School of Law, Chapel Hill, North Carolina

Juris Doctor, expected May 2019

GPA: 3.64; Recipient of merit-based scholarship

Online Content Editor, *North Carolina Law Review*

Honors Writing Scholar; Academic Excellence Program Group Leader

North Carolina Central University, Durham, North Carolina

Master of Library Science, May 2012

GPA: 4.0; Summa cum Laude

University of Southern Mississippi, Hattiesburg, Mississippi

Bachelor of Arts, History, August 2007

GPA: 3.26; Honors College; Recipient of Presidential Scholarship and National Merit Scholarship

SELECTED EXPERIENCE

Kathrine R. Everett Law Library, University of North Carolina School of Law

Chapel Hill, North Carolina

Graduate Assistant, July 2018–present

- Complete advanced legal research projects for law school faculty.
- Create and maintain legal research guides in areas such as privacy and international law.
- Provide on-the-spot reference services and research assistance to students, lawyers, and others.

Honorable Benjamin Kahn, Middle District of North Carolina Bankruptcy Court

Greensboro, North Carolina

Judicial Extern, May–June 2018

- Conducted legal research, assisted with editing judgments and other documents, and prepared documents for the judge's reference during court sessions.
- Created documents and forms to help court personnel and attorneys follow court procedures.

Professor Anne Klinefelter, University of North Carolina School of Law

Chapel Hill, North Carolina

Research Assistant, June–July 2017

- Conducted and synthesized research on topics concerning privacy law.

Erdős Intellectual Property Law Firm

Winston-Salem, North Carolina

Summer Clinic Intern, May–July 2017

- Completed client projects in areas of copyright, trademark, social media, and contract law.

Honorable Lucy Inman, North Carolina Court of Appeals

Raleigh, North Carolina

Judicial Extern, May–June 2017

- Drafted and edited judicial opinions, wrote legal memoranda, and conducted legal research.

Surpass Software LLC

Greensboro, North Carolina / Orlando, Florida

Director of Training and Support, September 2003–August 2016

- Trained and supervised client support team members for a firm specializing in library software.
- Designed web-based training curriculum for clients and taught all seminars.
- Wrote and edited product documentation and training articles for technicians and end users.
- Provided direct product support to clients including IT managers, administrators, and librarians.
- Repaired and recovered client databases in the event of corruption or database malfunction.
- Developed customized software solutions to handle importing and merging of client data.
- Advised head software developer on major product design decisions based on client needs.

Cook Library, University of Southern Mississippi

Hattiesburg, Mississippi

Information Services Library Assistant, May 2002–May 2003

- Assisted library patrons with accessing library services and performing research.
- Provided accessibility services to enable patrons with disabilities to access library resources and perform independent research.
- Supervised in-library computer lab composed of dozens of computer workstations, a print server, several large network printers, and copy machines, and assisted patrons in their use.

SunBridge, Inc.

Hattiesburg, Mississippi / Windermere, Florida

Editor/Proofreader and Website Administrator, August 2002–June 2003

- Edited and proofread instructional materials and full-length books for a consultancy firm serving legal and financial professionals.
- Designed, published, and maintained company website.

Law Firm of Johnson, Tyler, and Purvis

Hattiesburg, Mississippi / Washington, DC

Researcher, Supervisor, and Recruiter, July–December 2001

- Performed research at the University of Southern Mississippi Libraries for a Washington, DC-based firm, using a systematic approach requiring fastidious organization and attention to detail.
- Recruited, trained, and led student researchers, serving as firm's sole on-campus representative.
- Periodically assembled research findings and employee records and delivered them to the firm.

PERSONAL PURSUITS

 Classical violinist • Historic preservationist • Sustainable gardener • Certified Beer Judge

**PROPOSAL.
TO
PROVIDE CITY ATTORNEY SERVICES
FOR
THE CITY OF GRAHAM
BY
Robert M. Ward, Attorney at Law
And
J. Bryan Coleman, Attorney at Law**

The following proposal is presented to the City Council of the City of Graham for consideration to provide and perform City Attorney services for the City of Graham, North Carolina:

- I. North Carolina Licensure:
 - A. Robert M. Ward, Attorney at Law, State of North Carolina. (Licensed in 1970, North Carolina State Bar Identification Number 4556.)
 - B. J. Bryan Coleman, Attorney of Law, State of North Carolina (Licensed in 1993, North Carolina State Bar Identification Number 19882.)
- II. Education:
 - A. Robert M Ward: UNC (Chapel Hill) A.B. Political Science (1967); UNC (Chapel Hill) J.D. (Juris Doctorate-1970); UNC (Chapel Hill), M.P.A. (Master of Public Administration-1984); and North Carolina State University, Ed.D. (Doctor of Education-1999).
 - B. J. Bryan Coleman: UNC (Chapel Hill) B.A. Industrial Relations (1987); North Carolina Central University J.D. (Juris Doctorate-1993).
- III. Legal Experience:
 - A. Robert M. Ward:
 - 1. Served as Staff Attorney for Burlington Industries, Inc. (1970-1972)
 - 2. Served as a full time City Attorney for the City of Burlington for 39 years (1972-2011) and performed the following duties:

General: Served as chief counsel and represented the Mayor, members of the City Council, the City Manager, department heads and employees in all city-related legal matters before all courts and administrative bodies (local, state, and federal); attended all City Council meetings; and served as legal advisor to City Boards and Commissions.

Litigation: Represented City as plaintiff's counsel and served as defense counsel for the City in cases in state and federal courts and before administrative tribunals including land condemnation cases, land use zoning cases, civil rights cases, property damage claims, contract cases including arbitration hearings, employment discrimination, and other general claims against the City.

Appellate: Prepared and argued annexation, land condemnation, land-use zoning, and other municipal law cases before the NC Court of Appeals and the North Carolina Supreme Court.

Preparation of Legal Documents and Ordinances: Drafted many types of city ordinances, laws, rules, regulations, special legislative bills, and prepared and reviewed many types of agreements and contracts (considerable number of construction/public purchasing and consulting/service contracts). Real Estate: Performed title examinations and prepared and reviewed deeds, easements, encroachment agreements, and leases in connection with City real estate transactions.

3. Served as Interim Attorney for City of Graham for several months in 2007 upon the passing of former Graham City Attorney, Joe Wheeler.
4. Currently serve as member of Burlington City Council. (2011-present).
5. Currently engage in general private practice of law from 2011-present.
6. Served as Adjunct Faculty and taught the respectively listed courses: UNC at Chapel Hill (1989-1997); UNC at Greensboro (1992-2005); NCCU Law School (1996-1998): "Local and State Government Law" and "Administrative Law"; and NCSU in Department of Adult Education (2000-2005): "Training and Legal Issues: Problems and Practices".

B. J. Bryan Coleman:

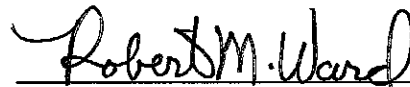
1. Private Practice from 1993 to present.
 - a. From 1993 to 1996: Practiced primarily in Criminal District Court representing indigent clients. (1994 to 1997 – General Partner with Forrest C. Hall in the Law Firm of Hall & Coleman.)
 - b. From 1997 to the present: Transactional practice focusing on real estate law. Completed thousands of real estate title searches. Additionally, coordinated and closed thousands of residential and commercial real property transactions. (1998 to 2005 General Partner with John K. Patterson in the Law Firm of Patterson and Coleman. Sole practitioner from 2006 to present.)

IV. Proposal:

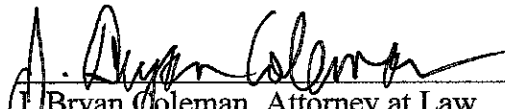
Robert M. Ward and J. Bryan Coleman propose to provide and perform City Attorney services for the City of Graham two days a week (16 hours) at the City Hall for the fixed annual contract sum of \$78,000.00 and annual membership dues to the North Carolina City Attorneys Association and continuing legal education expenses for annual conference.

We believe that our legal experience in general municipal and real estate law will effectively and efficiently serve the City of Graham. Additionally, however, we will attend legal educational programs/seminars that will keep us abreast of laws affecting municipalities. We will provide any additional details regarding legal experience at your request and would welcome an interview to discuss this opportunity to provide City Attorney legal services to the City of Graham.

Respectfully submitted this the 27th of December, 2018.



Robert M. Ward, Attorney at Law
344 Maple Avenue
Burlington, NC 27215
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Proposal and Qualifications for City Attorney Services for Graham, North Carolina

**Submitted by:
Thomas D. Carruthers
336-908-3022
tc@carruthersgso.com
December 31, 2018**

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Biography



Thomas D. Carruthers is a seasoned attorney with more than twenty years legal experience and nine years municipal experience. He has most recently served four years as the Greensboro City Attorney. He possesses extensive experience representing and advising city government, elected officials, senior administrators and multiple municipal departments.

He demonstrates experience in civil litigation, representing municipalities as plaintiffs or defendants. Carruthers provides legal oversight for city operations in support of economic development, financial and administrative services, human resources, water resources, city planning, neighborhood development, information technology, zoning, housing, contracting, collections and law enforcement. He drafts municipal ordinances and legal contracts and reviews proposals and agreements. He advises on open meetings laws and public records requests.

He is a capable and confident negotiator with demonstrated success assessing and mitigating risk while enabling collaboration and cooperation between other local government entities, diverse constituent groups and individuals. Carruthers is an effective communicator and a “people person.”

Before joining the City of Greensboro, Carruthers served as an assistant district attorney with the 18th judicial district in Guilford County. He was a principal in the law firm of Alspaugh and Carruthers, LLP where he pursued a civil litigation and real estate practice. One of his first legal positions was in Graham, NC, on the square, with the law firm of Latham and Wood, P.A.

Carruthers has his law degree from Campbell University and his undergraduate degree from Duke University. He completed the UNC School of Government Municipal Administration course. He has spoken at several Wake Forest Law School and UNC SOG seminars. Carruthers serves as a member of the Board of Directors for the Association of Municipal Attorneys.

Proposal

Thomas D. Carruthers proposes to serve as the Graham City Attorney for a minimum of 20 hours per week, 1000 hours per year, for a maximum cost to the City of \$120,000.00.

Carruthers will advise the Mayor, City Council, the City Manager and other city officials with respect to legal affairs of the City. He will coordinate with the insurance defense counsel retained by the City of Graham and will also serve as a litigator, as counsel for plaintiff or defendant, for the interests of the City in appropriate circumstances. He will draft all legal documents relating to the affairs of the city and will review as to form and approve agreements, contracts, franchises and other instruments for the City. He will attend all City Council meetings and other relevant meetings of boards or commissions as directed by the Council or requested by the Manager. The City Council will retain the authority to employ other legal counsel from time to time, in addition to the City Attorney, as may be necessary to adequately handle the legal affairs of the City.

Carruthers will serve as an employee of the City. Associated employee costs in the estimated amount of 30% shall be deducted from the total maximum cost to the City and Carruthers shall be paid a salary of approximately \$80,000.00 to \$85,000.00 per year. The salary will be set after the costs of tax withholding, insurance, retirement, and related costs are deducted. He will be an exempt employee and will work in the City offices a minimum of 1000 hours annually, two to three days per week. He will make himself available to the City Council, City Manager and relevant city personnel on an "as necessary" basis and will respond in a reasonable fashion to all phone, text or email contacts by City Council and the City Manager. Total costs to the City for Carruthers' employment as City Attorney will not exceed \$120,000.00.

Qualifications of Thomas D. Carruthers

336.908.3022

Greensboro, North Carolina

TC@Carruthersgso.comwww.linkedin.com/in/thomas-carruthers-508974105/

Professional Competencies

- Advising Elected Officials, City Management
- Legal Analysis, Direction and Counsel
- Civil Litigation
- Strategic Planning and Implementation
- Legislative Lobbying
- Economic Development Enablement
- Client and Community Relations
- Intergovernmental Negotiation
- Maintaining Regulatory Compliance
- Open Meetings Law
- Public Records Management
- Public Contracting

Public Service

City Attorney
City of Greensboro

October 2014 – October 2018
 Greensboro, NC

Interim City Attorney

March 2014 – October 2014

Manager of legal affairs for the state's third-largest city. Provided critical legal guidance to the Mayor, City Council, and City Manager across numerous practice areas. Served as a key strategic planner, advisor and liaison. Coordinated closely with City Manager, senior administrators and department heads to implement the Manager's vision and directives of the City Council. Managed departmental legal resources including seven staff attorneys, five paralegals and assigned administrative staff.

Developed and implemented legal strategies for the City. Responsible for determining and overseeing best use of both in-house and outside counsel to represent the interests of the City in litigation and other legal matters. Researched complex legal issues. Drafted, analyzed, and reviewed legal opinions for City Council. Issued advisory opinions. Litigated on behalf of the City.

Acted as the City's legislative liaison, coordinating adoption of the City's legislative agenda with members of the local delegation of the North Carolina General Assembly and other members of the legislature. Provided legislative analysis to members of the City Council and City senior staff.

Accomplishments:

- Revised solicitation ordinance in compliance with the 2015 US Supreme Court decision in Reed.
- Drafted charter language for a public referendum to change length of term of office for Mayor and members of the City Council, resulting in voter endorsement of the proposed changes.
- Directed successful litigation in response to the General Assembly revising the electoral process of the City Council and redistricting the City; prevailed at trial, permitting the new terms of service for Mayor and City Council members to take effect following the 2017 election.
- Submitted and successfully lobbied for adoption of local legislation.

- Coordinated with state, county and local officials to assist in the creation of the Greensboro-Randolph Megasite. Directed multicounty condemnation efforts to deliver City water and sewer to the site.
- Drafted and implemented City's new public record policy and procedure to comply with state law, improve transparency and bolster defense of City.
- Advised on body worn camera policy for Greensboro Police Department.

Assistant City Attorney
City of Greensboro

August 2009 – March 2014
Greensboro, NC

Supported City departments in contract matters and litigation. Served as primary advisor for Greensboro Board of Adjustment, Planning Board, Zoning Commission, Fair Housing and Historic Commission.

Managed revisions to inter-local agreements with Guilford County regarding tax collection, animal control, library funding and dissolution of the City and County Water and Sewer Trust Fund.

Assistant District Attorney
18th Judicial District

February 2006 – August 2009
Guilford County, NC

Served as District Court Manager supervising five Assistant District Attorneys. Managed the District Court Domestic Violence Program, prosecuting domestic violence litigation, working with victims and witness coordinators. Secured grant funding for an additional domestic violence support staffer through the Governor's Crime Commission.

Private Practice

Associate
Henson & Henson, LLP

June 2004 – January 2006
Greensboro, NC

Litigated in personal injury and insurance defense.

Partner
Alspaugh & Carruthers, LLP *

June 1992 – May 2004
Greensboro, NC

Litigated in personal injury, worker's compensation, medical malpractice and domestic relations. Represented individuals and businesses in commercial contracts, real estate purchases, non-profit incorporation, and entertainment law. Served several non-profit corporations on a pro bono basis. Practice management activities included supervising junior attorneys, paralegals, and other support staff; maintaining billing, payroll, and accounting systems and litigation software.

*(*One of three names this partnership operated under over 12 years.)*

Associate
Latham, Wood, P.A.

March 1990 – May 1992
Graham, NC

Litigated in personal injury, domestic relations and criminal defense.

Education and Credentials

Juris Doctor

Campbell University – Buies Creek, North Carolina

Second Place in Oral Advocacy, Jessup International Law Regional Competition

Member, Moot Court Team, Delta Theta Phi Law, International Law Society

Bachelor of Arts in Political Science

Duke University – Durham, North Carolina

Member, Phi Kappa Psi

Professional Training

Municipal Administration Course, University of North Carolina School of Government

Professional Memberships

Greensboro Bar Association, 18th Judicial Bar,

The North Carolina State Bar

Member of Board of Directors for the Association of Municipal Attorneys.

Licensure

North Carolina State Bar # 13447

****Proficient in Microsoft Office and Legal Files case management software.*

Mentoring and Community Commitment

Supervised the Elon Law School Extern Development Program for City of Greensboro, which has provided academic credit for over 15 law students who worked in the City Attorney's Office.

One of the Founding members of the "Thrive Greensboro" initiative that identifies individuals who qualify for expungement of their criminal record. Coordinated with Greensboro Bar Association and the Greensboro Office of Legal Aid to train attorneys to provide pro bono legal representation for these individuals. Through this program, the office of the City Attorney assisted in 30 expungements.

Recognized by the Greensboro Bar Association on October 18, 2018 for "Outstanding Pro Bono Services."

Speaker at Wake Forest University School of Law School municipal seminars and UNC School of Government seminars.

References

Nancy Vaughan
Mayor, City of Greensboro
P.O. Box 3136 Greensboro, NC 27402-3136
336-373-2396
nancy.vaughan@greensboro-nc.gov

Yvonne Johnson
Mayor Pro Tem, City of Greensboro
P.O. Box 3136 Greensboro, NC 27402-3136
336-255-3060
yvonne.johnson@greensboro-nc.gov

Jim Westmoreland
Former Greensboro City Manager
1108 Mosley Road Greensboro, NC 27455
336-420-4411
jimwestmorelandjr@gmail.com

Michael Fox
Chairman, North Carolina Board of Transportation
Tuggle Duggins, P.A.
100 N. Greene Street, Suite 600 Greensboro, NC 27401
336-271-5244
mfox@tuggleduggins.com

Alan Duncan
North Carolina State Board of Education, District 7
Mullins Duncan Harrell & Russell, PLLC
300 N. Greene Street, Suite 200 Greensboro, NC 27401
336-645-3320
aduncan@turningpointlit.com

Jim Melvin
Joseph M. Bryan Foundation
324 W. Wendover Ave. Suite 207 Greensboro, NC 27408-8438
336-691-9803
jim.melvin@aol.com

Donald R. Vaughan
Donald R. Vaughan & Associates
612 W. Friendly Ave. Greensboro, NC 27401
336-273-1415
Don.Vaughan@Vaughanlaw.com

Letters of Recommendation

Office of the City Council
City of Greensboro



January 16, 2018

RE: Tom Carruthers, Esq.

TO WHOM IT MAY CONCERN:

I am a member of the Greensboro City Council and am writing this letter of reference for Attorney Tom Carruthers. He was the Greensboro City Attorney for the last 4 years.

I have found Tom to be effective, efficient, loyal, and a very good attorney.

I would highly recommend Tom for the position he is applying for because I know he will do an excellent job.

If I can answer any questions, please contact me at 336-255-3060.

Sincerely,

Yvonne J. Johnson
Mayor Pro Tem



November 1, 2018

To Whom It May Concern:

I am pleased to serve as Adjunct Professor of State and Local Government at Wake Forest Law School as well as Elon Law School. I have practiced in North Carolina for over thirty-five years, a great deal of which has been in the area of municipal law.

I would like to recommend Tom Carruthers to you.

Most recently, Tom was City Attorney for the City of Greensboro. Having served seven terms on the Greensboro City Council, two as Mayor Pro Tem, I believe Tom was one of the best city attorneys in Greensboro's history. I worked closely with him on municipal law cases as a private attorney and in my tenure as a North Carolina State Senator. He has been a frequent speaker in my law school classes.

Tom has the experience, temperament and legal knowledge to serve any city in North Carolina well in the role of city attorney. I am pleased to provide this reference and would be happy to speak to you by telephone. My law office number in Greensboro is 336 273-1415, ext. 201.

Sincerely,

A handwritten signature in black ink, appearing to read "Don Vaughan".

Donald R. Vaughan

DV/mp

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E.S. Melvin

November 15, 2018

To Whom It May Concern:

Re: Tom Carruthers

I have had the privilege of knowing Tom Carruthers since he was a teenager in Greensboro's Grimsley High School. I also happen to have been one of his Sunday school teachers somewhere along the way.

I have no hesitation in recommending him to you for any position that you might consider him for. Tom is a young man whose character is outstanding. His legal ability is also outstanding as he has held many senior jobs with the City of Greensboro and done those jobs with outstanding results. He has also been very active in the community on a volunteer basis. If you have any questions concerning his background or his professional capabilities, please contact me. Thank you for your consideration.

Respectfully yours,


Jim Melvin

– End of Document –

*Proposal to Provide
Legal Services for the City of
Graham, North Carolina*

Amelia M. Knauff, Esq.
Private Attorney

Ameliamknauff@gmail.com

December 31, 2018

Overview

In response to the City of Graham's request for proposals for City Attorney services, I am pleased to offer my submission. I propose that I, Amelia M. Knauff, serve as the City Attorney. I understand that the City of Graham (the "City") seeks an attorney that is both cost effective and capable. I am confident that I am able to fulfill both of these needs. In order to provide the City with unsurpassed legal services, I am prepared to leave my present position and plan to work exclusively for the City of Graham. This means the City will have my undivided time and I will be able to work on pressing matters immediately. While I have no previous involvement working as municipal attorney, I have significant trial experience and excellent communication skills. Additionally, I am adept in legal writing. I am a trustworthy, diligent and efficient employee. I learn quickly and am eager to delve into the realm of municipal law.

Background

A. Contact Information

Amelia Knauff
902 Sunset Drive
Graham, NC 27253

Phone: 336-512-4228
Email: Ameliamknauff@gmail.com

B. Experience

For fourteen years, I have been a member in good standing of the North Carolina State Bar. First, as a Prosecutor and currently, as a Magistrate Judge, I have faithfully served the citizens of this State. As a result, Criminal Law is the forum of the legal field with which I am most familiar. My time as a prosecutor accounts for most of my courtroom knowledge. In that position, I was in District Court virtually every day and handled between 50 and 400 cases daily. I became efficient at multitasking and skilled at handling negotiations with other attorneys and the general public. I was not intimidated by having trials when necessary and as a result am an accomplished litigator. Being a magistrate has given me additional experience in the criminal realm. It is a position that holds significant power and I have performed my duties with honesty, compassion and professionalism. My time as a magistrate has improved my assertiveness and enhanced my communication skills.

While limited in scope, I have experience in various other areas of legal practice. During Law School, I participated in the Juvenile Law Clinic and the Alternative Dispute Resolution (ADR) Clinic offered by North Carolina Central. The skills I learned during these clinics, in particular, those acquired through the ADR clinic will serve me well should the City of Graham choose to implement this proposal. The ADR clinic allowed me to volunteer as a mediator, to observe arbitration hearings and to practice legal negotiations with fellow students. The abilities obtained through these activities are invaluable and are ones I use not only professionally but also personally. In addition, through drafting various documents during my tenure as a prosecutor as well as by writing legal briefs for an immigration firm, I have become an excellent legal writer. I am confident the knowledge I have gained through these experiences will help me to be exceptional as the next Attorney for the City of Graham.

C. Education and Other Qualifications

- Member of the North Carolina State Bar, 2004-present: Bar Number 32786
- NCCU School of Law, Juris Doctorate, 2004
- UNC-Greensboro, Bachelor of Arts in Sociology, 2000
- 14 Years of Legal Experience: (3.5 as a Prosecutor for Alamance County, 10.5 as a Magistrate Judge for Alamance County)
- Admitted to practice in all North Carolina State Courts

Cost Submittal

The proposal request indicated that the city was seeking an attorney for approximately 16 hours per week. As I intend to leave my current employment, my proposal allows for eighty hours per month with a non-refundable monthly retainer of \$6,400.00. This is the equivalent of \$80.00 per hour for retainer work and totals \$76,800 per year. Any additional work will be billed at the rate of \$120.00 per hour. However, I do not anticipate exceeding the retainer each month. The retainer includes:

- Attendance at City Council meetings
- Providing routine legal advice, telephone and personal consultations with the City Manager and Staff
- Drafting memos, complaints and other legal documents
- Providing legal services to City agencies such as the Police Department, Fire Department and Utility Agencies
- Handling Title Examinations
- Set office hours (to be agreed upon by the City and myself)
- Litigation services (in certain instances outside counsel may need to be retained)
- Other services (to be agreed upon by the City and myself)

If this cost submittal is not satisfactory, I would be willing to discuss other arrangements that are acceptable to the City. In particular, I would consider a salaried position with benefits.

Conclusion

It would be an honor to serve the City of Graham in the capacity of City Attorney. If you require any additional information please contact me by phone (336)512-4228 or by email ameliaknauff@gmail.com. Thank you for your consideration.

References

Mrs. Candace Sappington
Shamrock Nutrition
146 S. Main Street
Graham, NC 27253
Cell (336)266-4378

Lt. Tony Velez
Graham Police Department
216 S. Maple Street
Graham, NC 27253
Cell (336)2120728

Hon. Meredith Edwards
Clerk of Court of Alamance County
1 Court Square
Graham, NC 27253
Cell (919)428-6779

Hon. Larry Brown
District Court Judge
212 West Elm Street
Graham, NC 27253
Cell (336)708-4908

Mrs. Cristina Kaplan, Esq.
Steele-Kaplan Law Offices
407 N. Lincoln Avenue
Suite 110
Loveland, Colorado 80537
Cell (985)788-6356

Mrs. Pat Thomas
1179 Noah Rd
Graham, NC 27253
Cell (336)212-0638

311-B South Cedar Street
Lincolnton, North Carolina 28092
January 1, 2019

Ms. Darcy Sperry
City Clerk
City of Graham
P. O. Drawer 357
Graham, North Carolina 27253

Re: City Attorney position
City of Graham, North Carolina

Dear Ms. Sperry:

I am a licensed North Carolina attorney with 31 years of experience, nearly 19 of which have involved primarily government practice, and I believe that I am well qualified for the position of City Attorney for the City of Graham. Such a position demands someone with varied experience in governmental practice, and as my resume (submitted herewith) indicates, I have obtained such a breadth of experience in my years of representing local government. I served as the County Attorney for Lincoln County, North Carolina, for over 12 years and as Assistant County Attorney for six years prior to that. At various times during my tenure, I have advised nearly every government board and agency in Lincoln County, and I have represented them in forums ranging from District and Superior Courts in Lincoln County to the State's appellate courts, administrative bodies such as the Office of Administrative Hearings and the EEOC, and the federal courts, including U. S. District Court and U. S. Bankruptcy Court. I also served as legal counsel to the Lincoln County Sheriff.

Although a significant portion of my government practice has consisted of personnel issues, I have successfully advised and represented government bodies in a variety of matters, including economic development, contracts, land use and environmental regulations, tax matters, elections, and public records and open meetings issues. I represented the County in the negotiations for the purchase of the land where the Lincoln County Industrial Park is now located and advised the Lincoln Economic Development Association on preparation of covenants for the park property and agreements for economic incentives with the various industries that have located in the park.

I advised the County on the drafting and implementation of a countywide zoning ordinance in the mid-1990s (and, more recently, a unified development ordinance) and have researched and drafted many codes, ordinances, policies, and regulations over the years. I have also negotiated

and drafted intergovernmental agreements and represented my client in matters such as the disputed Catawba interbasin water transfer.


Representing local government often requires application of legal principles from many areas of law outside the governmental realm. My government practice has frequently required me to draw on my experience in a great variety of other types of law, including domestic law, wills, estates, and real estate. Further, I have applied my private sector insurance defense background to negotiate successful resolutions of various types of claims, including tort and workers compensation issues.

One of the most valuable lessons that I have learned in the area of government practice is that relationships with other professionals in this field are important. Accordingly, I have actively participated in the North Carolina Association of County Attorneys during my years in that position, and I have developed a number of excellent working relationships with my fellow government attorneys and with the faculty at the UNC School of Government and have learned that they are wonderful resources when troublesome questions arise.

In addition to my work for Lincoln County, I have represented other governmental entities, including the East Lincoln County Water & Sewer District and Lincoln Charter School, and I have occasionally represented other local government entities in the area when their regular counsel had conflicts of interest and were unable to represent them in specific matters. Since I have worked as a private practice attorney and not as a full-time government employee, I have also represented private clients in a number of areas such as wills and trusts, probate, corporate practice, real estate, and general civil litigation. I have also received training as a mediator, which has given me valuable knowledge on which to draw in order to resolve legal issues for my clients.

I am very interested in this position and would welcome the opportunity to discuss the position, my qualifications, and mutually agreeable terms. Please contact me by phone at (704) 740-5643 or e-mail at jefftaylorlaw@outlook.com. I look forward to hearing from you.

Yours very truly,

A handwritten signature in black ink that reads "Jeffrey A. Taylor". The signature is written in a cursive, flowing style.

Jeffrey A. Taylor

Jeffrey A. Taylor

311-B South Cedar Street, Lincolnton, North Carolina 28092

(704) 740-5643

jefftaylorlaw@outlook.com

RELEVANT PROFESSIONAL EXPERIENCE

Solo Private Practice of Law, Lincolnton, North Carolina

Attorney (2012-present)

- Maintained general civil law practice, including wills, estates, foreclosures, and contracts
- Represented clients in government, zoning, administrative, and traffic court matters

Pendleton, Pendleton & Deaton, P. A., Lincolnton, North Carolina

Attorney (1992-2012)

- 19 years of experience as County Attorney (1998-2011) and Assistant County Attorney (1992-98) on contract basis for Lincoln County
- Represented county in various litigation, including health law matters, personnel, code enforcement, contract, animal control, personal injury, construction, planning, elections, bankruptcy, tax collection, and constitutional issues
- Advised and defended local government entities in land use (including implementation of countywide zoning) and eminent domain matters
- Advised and represented local boards on election law matters
- Researched and certified real estate titles and advised on capital finance transactions (including \$19 million bond transaction)
- Monitored compliance with Open Meetings and Public Records Law requirements
- Honored by Lincoln County Board of Commissioners for valuable service rendered during the search for a new county manager, March 2008
- Served as counsel to East Lincoln County Water & Sewer District, Lincoln Charter School, and Lincoln County ABC Board

Stott, Hollowell, Palmer & Windham, Gastonia, North Carolina

Attorney (1987-92)

- Five years of trial experience in an insurance defense practice
- Successfully defended a variety of matters including auto negligence, premises liability, and workers compensation cases

EDUCATION

Wake Forest University School of Law, Winston-Salem, North Carolina

Juris Doctor, 1987

Wake Forest University, Winston-Salem, North Carolina
Bachelor of Arts, *cum laude* (Major – Economics; Minor – History), 1984

LICENSURE AND BAR ADMISSIONS

North Carolina State Bar, 1987 – present
Admitted to practice in all State courts and administrative bodies
Admitted to practice in U. S. District Court, Western District of North Carolina

PROFESSIONAL AFFILIATIONS

North Carolina Association of County Attorneys (1998-2011) (1st Vice President 2010-11)
North Carolina Bar Association (Member, Government Practice Section)
Lincoln County and 27-B Judicial District Bar Associations
American Bar Association

COMMUNITY ACTIVITIES

Helping Hands Health Clinic, co-founder, general counsel, and board member (2002-10)
Boy Scouts of America, Heartland District Chairman & Piedmont Council Board (2006-09)
Lincoln Cultural Center Board of Directors (2007 – present) (1st Vice President 2013-present)
Leadership Lincoln graduate
Lincolnton Rotary Club (2001-13)
Lincolnton Downtown Development Association Board of Directors (1996-99)