

STATE OF NORTH CAROLINA

COUNTY OF CHATHAM

IN THE GENERAL COURT OF JUSTICE  
SUPERIOR COURT DIVISION

18 CVS 809

BARBARA CLARK PUGH; GENE  
TERRELL BROOKS; THOMAS HENRY  
CLEGG; THE WINNIE DAVIS CHAPTER  
259 OF THE UNITED DAUGHTERS OF  
THE CONFEDERACY,

Plaintiffs,

vs.

KAREN HOWARD; MIKE DASHER;  
DIANNA HALES; JIM CRAWFORD; and  
ANDY WILKIE, in their official capacities as  
members of the Board of County  
Commissioners of Chatham County, North  
Carolina,

Defendant.

**NOTICE OF HEARING ON  
DEFENDANTS' AMENDED MOTION  
TO DISMISS**

PLEASE TAKE NOTICE that Defendants Karen Howard, Mike Dasher, Dianna Hales, Jim Crawford, and Andy Wilkie, in their official capacities as members of the Board of County Commissioners of Chatham County, North Carolina ("Defendants"), by and through the undersigned counsel, will bring Defendants' Amended Motion to Dismiss before the Superior Court Division, in Orange County, North Carolina, on November 12, 2019 at 10:00 a.m., or as soon thereafter as the matter may be heard, or as otherwise directed by the presiding judge.

This the 5th<sup>th</sup> day of November, 2019.

**POYNER SPRUILL LLP**

By: 

J. Nicholas Ellis  
N.C. State Bar No. 13484  
jnellis@poynerspruill.com  
Post Office Box 353  
Rocky Mount, NC 27802-0353  
Tel: 252.446.2341  
Fax: 919.783.1075  
*Attorneys for Defendants*

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies, pursuant to Rule 5 of the North Carolina Rules of Civil Procedure, that on this date a copy of the foregoing was served by facsimile and e-mail addressed to the following:

James A. Davis  
301 North Main Street, Suite 2452  
Winston-Salem, NC 27101  
Fax: 336-760-3421


Cabell J. Regan  
Post Office Box 1595  
Pittsboro, NC 27312  
(No Fax)  
cabelljregan@earthlink.net  
*Attorney for Plaintiffs*

This the 5th day of November, 2019.

**POYNER SPRUILL LLP**

By: 

J. Nicholas Ellis  
N.C. State Bar No. 13484  
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*Attorneys for Defendants*

FILED  
2019 NOV -5 P 1:59  
CHATHAM CO., C.S.C.  
BY 

FILED

STATE OF NORTH CAROLINA

CHATHAM COUNTY

BARBARA CLARK PUGH; GENE  
TERRELL BROOKS; THOMAS HENRY  
CLEGG; THE WINNIE DAVIS CHAPTER  
259 OF THE UNITED DAUGHTERS OF  
THE CONFEDERACY,  
Plaintiffs

vs.

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DIANNA HALES; JIM CRAWFORD; AND,  
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members of the Board or County  
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Carolina,  
Defendants

IN THE GENERAL COURT OF JUSTICE  
2019 NOV - 5 SUPERIOR COURT DIVISION  
19-CVS-809

CHATHAM CO., C.S.C.

**DEFENDANTS' AMENDED MOTION TO  
DISMISS**

Defendants Karen Howard, Mike Dasher, Dianna Hales, Jim Crawford and Andy Wilkie, in their official capacities as members of the Chatham County Board of Commissioners ("Defendants"), hereby move the Court pursuant to NC Rule of Civil Procedure 12(b)(1, 6) to dismiss this action as the Court lacks subject matter jurisdiction and the Complaint fails to state a claim upon which relief can be granted. In support of this motion, Defendants show the Court as follows:

1. Defendants are members of the Chatham County Board of Commissioners ("Chatham County Board of Commissioners").

2. On July 8, 1907, the Chatham County Board of Commissioners issued a license to the Winnie Davis Chapter of the United Daughters of the Confederacy ("UDC") authorizing and permitting the UDC to erect on the court-house square a monument (the "Monument" which refers

to the statue and its pedestal) to Chatham County's Confederate soldiers. (Exhibit A is a copy of the "Monument License"). The Monument License further expressly stated the Monument would remain in the care and keeping of the UDC.

3. The Monument License did not convey ownership of the Monument to Chatham County. This instrument merely granted a license to the UDC to erect a monument on the courthouse square.

4. Plaintiffs claim to be members of the UDC, which they allege is an unincorporated association. However, "The United Daughters of the Confederacy – North Carolina Division, Inc." ("UDC, Inc."), a nonprofit corporation created by the filing of Articles of Incorporation with the N.C. Secretary of State on September 16, 1992, filed an "Assumed Business Name Certificate" pursuant to NC. Gen. Stat. § 66-71.5 ("DBA Certificate") (Exhibit B is a copy of the DBA Certificate and the corporate filings for UDC, Inc.) As such, the allegations in the Complaint that UDC is an unincorporated association is false as UDC, Inc. filed the DBA Certificate, which was signed by Plaintiff Barbara Pugh, declaring that the UDC is nothing more than an assumed name of UDC, Inc, which is a corporation registered with the N.C. Secretary of State. Therefore, the individual plaintiffs lack standing and the UDC, a purported unincorporated association, lacks standing as the UDC is nothing more than a DBA for UDC, Inc.

5. Plaintiffs allege they are taxpayers and residents of Chatham County and as such, have the right to bring this action. However, Plaintiffs lack standing to bring this action. A taxpayer may have standing to sue a local government if the case involves "[A] tax levied upon him is for an unconstitutional, illegal or unauthorized purpose [;] that the carrying out of [a] challenged provision will cause him to sustain personally, a direct and irreparable injury [;] or that



he is a member of the class prejudiced by the operation of [a] statute.” Fuller v. Easley, 145 N.C.App. 391, 395, 553 S.E.2d 43, 46-47 (2001) *quoting* TexFi Industries v. City of Fayetteville, 44 N.C.App. 268, 270, 261 S.E.2d 21, 23 (1979) (brackets in original.) None of the above exceptions is applicable to the case at hand.

6. The Complaint purports to assert a claim under N.C. Gen. Stat. § 100-2.1. However, by its express language, that statute creates no private right of action to challenge the County’s decision to revoke the license or remove a public trespass from county property. Because the statute upon which Plaintiffs rely does not provide a cause of action, this Court has no jurisdiction to consider the matter or provide a remedy. Even if the Court were to find that Plaintiffs had a legal interest in the Monument, the complaint should be dismissed for lack of subject matter jurisdiction because Plaintiffs have no claim under N.C. Gen. Stat. § 100-2.1.

7. NC. Gen. Stat. § 153A-12 reads as follows:

Except as otherwise directed by law, each power, right, duty, function, privilege and immunity of the corporation shall be exercised by the board of commissioners. A power, right, duty, function, privilege, or immunity shall be carried into execution as provided by the laws of the State; a power, right, duty, function, privilege, or immunity that is conferred or imposed by law without direction or restriction as to how it is to be exercised or performed shall be carried into execution as provided by ordinance or resolution of the board of commissioners.

8. NC. Gen. Stat. § 153A-158 reads as follows:

A county may acquire, by gift, grant, devise, exchange, purchase, lease, or any other lawful method, the fee or any lesser interest in real or personal property for use by the county or any department, board, commission, or agency of the county. In exercising the power of eminent domain a county shall use the procedures of Chapter 40A.

9. The Chatham County Board of Commissioners has never exercised any power, right, duty, function or privilege to acquire by gift, grant, devise, exchange, purchase, lease or by

any other lawful method ownership of the Monument. Nor has the Chatham County Board of Commissioners ever adopted or passed a resolution exercising any power, right, duty, function or privilege to acquire by gift, grant, devise, exchange, purchase, lease or by any other lawful method ownership of the Monument.

10. The Chatham County Board of Commissioners adopted and passed a motion on August 19, 2019 terminating the Monument License and advising the UDC that it had until October 1, 2019 to communicate to the county manager in writing its plan for the final disposition of the Monument (the “License Termination Motion”; See Exhibit C).

11. Pursuant to the License Termination Motion, if no plan was duly and timely submitted by the UDC to remove the Monument, then the Monument’s continued presence on the courthouse property would be declared a public trespass and the Monument would be removed. No such plan has ever been submitted by the UDC.

12. A motion was made and passed at the October 21, 2019 meeting of the Chatham County Board of Commissioners recognizing that the License Termination Motion had been passed, that no plan for the Monument’s removal had been submitted by the UDC and therefore, the Monument would be considered a public trespass and that the county manager was authorized and ordered to safely and respectfully have the Monument removed and securely preserved and stored until such time as the UDC takes possession of it.

13. Plaintiffs seek to impose speech of private parties on Chatham County, a local governmental body. This relief is not available to Plaintiffs. In *Pleasant Grove City v. Summum*,<sup>1</sup>

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<sup>1</sup> 555 U.S. 460 (2009).

the US Supreme Court determined in a 9-0 ruling that that the Free Speech Clause of the First Amendment did not entitle a private group to insist that a municipality permit it to place a permanent monument in a city park. The decision to allow or reject the placement of a permanent monument on public land is “government speech” and not subject to the Free Speech Clause and as such, a local government cannot be compelled to display a permanent monument which it has rejected. 555 U.S. at p. 481. (*Walker v. Texas Division, Sons of Confederate Veterans, Inc.*, 135 S. Ct. 2239, 2245 (2015) citing *Pleasant Grove*, 555 U.S. at 467–68 concerned a similar issue with license plates issued by the State of Texas and held that the state could not be compelled to issue a specialty license plate with a Confederate battle flag.)

14. Plaintiffs’ Complaint should be dismissed as the claims it seeks violate the 14<sup>th</sup> Amendment of the U.S. Constitution and similar provisions of the N.C. Constitution.

WHEREFORE, Defendants respectfully request that their Motion to Dismiss be granted and that Plaintiff’s Complaint be dismissed with prejudice.

This the 5th day of November, 2019.

**POYNER SPRUILL LLP**

By: 

J. Nicholas Ellis  
N.C. State Bar No. 13484  
jnellis@poynerspruill.com  
Dylan J. Castellino  
N.C. State Bar No. 49123  
dcastellino@poynerspruill.com  
Post Office Box 353  
Rocky Mount, NC 27802-0353  
Tel: 252.446.2341  
Fax: 919.783.1075  
*Attorneys for Defendants*

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies, pursuant to Rule 5 of the North Carolina Rules of Civil Procedure, that on this date a copy of the foregoing was served by facsimile and e-mail addressed to the following:

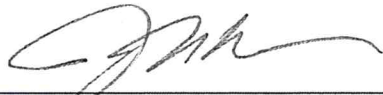
James A. Davis  
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Cabell J. Regan  
Post Office Box 1595  
Pittsboro, N.C. 27312  
(No Fax)  
cabelljregan@earthlink.net  
*Attorney for Plaintiffs*

This 5th day of November 2019.

**POYNER SPRUILL LLP**

By: \_\_\_\_\_

  
J. Nicholas Ellis  
N.C. State Bar No. 13484  
jnellis@poynerspruill.com  
Dylan J. Castellino  
N.C. State Bar No. 49123  
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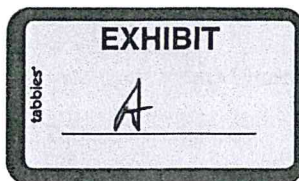
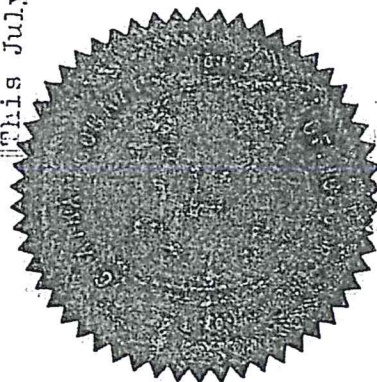


Office of the Board of County Commis-  
sioners of Chatham County, N. C.

ORDERED, That the Winnie Davis Chapter of the Daughters of the Confederacy are hereby authorized and permitted to erect on the court-house square and in front of the court-house a monument to Chatham's Confederate soldiers, and to cut down the shade tree in front of the court-house near to the place proposed for said monument; and the said monument may remain in the care and keeping of the said Daughters of the Confederacy and such person or persons as they may hereafter designate.

This July 8th. 1907.

*Edw. H. Harrington*  
Chairman of Board.



FILED	May 08, 2019
AT	04:13:24 pm
BOOK	02043
START PAGE	0959
END PAGE	0959
INSTRUMENT #	04415
EXCISE TAX	(None)

**ASSUMED BUSINESS NAME CERTIFICATE (NCGS §66-71.5)***Please print legibly.*

1. The assumed business name is:

Winnie Davis Chapter #259

(You may include no more than five (5) assumed business names on this form.)

2. The real name of the person or entity engaging in business under the assumed business name is:

The United Daughters of the Confederacy - North  
Carolina Division, Inc.  
SOSID 0312991(Corporations, LLC's, limited partnerships must provide the exact name registered with the NC Secretary of State's office and the SOSID number assigned at the time of formation. Go to [www.sosnc.gov/br/search](http://www.sosnc.gov/br/search) to look up your information.)

3. The nature/type of the business is:
- patriotic, benevolent, educational, historical,
- 
- memorial

4. The street address of the principal place of business is: (PO Boxes are not acceptable)

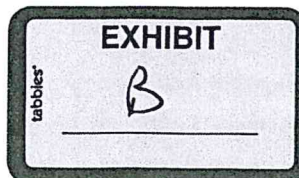
5332 NC Hwy 87 North, Pittsboro, NC 27312

5. The mailing address, if different from the street address, is:

6. The counties where the assumed business name will be used to engage in business are:

☒ All 100 North Carolina countiesmainly Chatham County BCPThis certificate is signed by the owner/legal representative of the person or entity named above,  
this 7<sup>th</sup> day of May, 2019.Signature: Barbara C. PughPrinted/Typed Name: Barbara C. PughTitle: President, Winnie Davis Chapter #259

(See instructions for who must sign for various business entity types.)





92 259 5037

ARTICLES OF INCORPORATION

OF

THE UNITED DAUGHTERS OF THE CONFEDERACY -  
NORTH CAROLINA DIVISION, INC.

0-0312991  
**FILED**  
SEP 16 1992

RUFUS L EDMISTEN  
SECRETARY OF STATE  
NORTH CAROLINA

I, the undersigned natural person of the age of eighteen years or more, acting as incorporator for the purpose of creating a nonprofit corporation under the laws of the State of North Carolina, as contained in Chapter 55A of the General Statutes of North Carolina entitled "nonprofit Corporation Act," and the several amendments thereto, do hereby set forth:

1. Name. The name of the corporation is The United Daughters Of The Confederacy - North Carolina Division, Inc.

2. Duration. The period of duration of the corporation is perpetual.

3. Purposes. The purposes for which the corporation is organized are to achieve the objectives of the United Daughters of the Confederacy, which include historical, benevolent, memorial, educational and patriotic programs, plans events and scholarships by members who are lineal or collateral descendants of men and women who served the cause of the Confederate States of America.

G. To establish a fiscal system to receive charitable donations, trusts, etc., and to carry out charitable trusts and trusts for benevolent and philanthropic purposes in line with the above stated objectives.

H. To engage in any lawful act or activity for which a non-profit organization may be organized under Chapter 55A of the General Statutes of North Carolina.

I. Notwithstanding any other provisions of these Articles, the purposes for which the corporation is organized are exclusively charitable, literary and educational within the meaning of Section 501(c)(3) of the Internal Revenue Code of 1986 or the corresponding provision of any future United States Internal Revenue Law.

4. Members. The corporation shall have members, received by application in a manner provided in the By-laws.

5. Election of Directors. The directors of the corporation shall be elected in the manner provided in the By-Laws.

6. Address. The address of the initial registered office of the corporation is 302 North Blount Street, Raleigh, NC, Wake County, North Carolina and the initial registered agent at such address is Mrs. E. Thomas Drake.

7. Initial Directors. The number of directors constituting the initial board of directors shall be nine (9), and the names and addresses of the persons who are to serve as directors until the first meeting of the corporation or until their successors are elected and qualified are as follows:

Mrs. E. Thomas Drake  
358 Brevard Road  
Asheville, NC 28806

Mrs. C. Knox Council, Jr.  
314 Country Club Drive  
Jacksonville, NC 28546

Mrs. Benjamin Tart  
Rt. 2, Box 317  
Ramseur, NC 27316

Mrs. Kenneth L. Money  
3532 Kirby Smith Drive  
Wilmington, NC 28409

Pamela Carter Foy  
Rt. 21, Box 1490  
Lexington, NC 27292

Mrs. Roderick A. Molinare  
3789 Kirklees Road  
Winston-Salem, NC 27104

Mrs. Annette MacRae  
P. O. Box 940  
Bethel, NC 27812

Mrs. Don R. Averitte  
420 Olde Shannon Road  
Red Springs, NC 28377

Mrs. Jesse F. Grimes  
Rt. 3, Box 230  
Pikeville, NC 27863

8. Incorporator. The name and address of the incorporator is:

A. Frank Johns  
P. O. Box 3585  
Greensboro, NC 27402

9. Powers. Notwithstanding any other provisions of these Articles, this corporation will not carry on any other activities not permitted to be carried on by (a) a corporation exempt from federal income tax under Section 501(c)(3) of the Internal Revenue Code of 1986 or the corresponding provision of any future United States Internal Revenue Law or (b) a corporation, contributions to which are deductible under Section 170(c)(2) of the Internal Revenue Code of 1986 or any other corresponding provision of any future United States Internal Revenue Law.

10. Dissolution. In the event of dissolution, the residual assets of the corporation will be turned over to one or more organizations which themselves are exempt as organizations described in Section 501(c)(3) and Section 170(c)(2) of the Internal Revenue Code of 1986 or corresponding Sections of any prior or future law, or to the federal, state or local government for exclusive public purpose.



IN WITNESS WHEREOF, I have hereunto set my hand this the 10<sup>th</sup> day of September, 1992.

*A. Frank Johns* (SEAL)

NORTH CAROLINA

GUILFORD COUNTY

I, Denise Y. Willis, a Notary Public for said County and State, do hereby certify that A. Frank Johns personally appeared before me this day and acknowledged the due execution of the foregoing Articles of Incorporation for the purposes therein expressed.

WITNESS my hand and notarial seal this the 10<sup>th</sup> day of September, 1992.

*Denise Y. Willis*  
Notary Public

My Commission Expires:

9/4/96

DENISE Y. WILLIS  
NOTARY PUBLIC  
GUILFORD COUNTY, NC  
Commission Expires 9-4-96

State of North Carolina  
Department of the Secretary of State  
ARTICLES OF AMENDMENT  
NONPROFIT CORPORATION

0-0312951

FILED  
9:00 AM

FEB 10 1993

93 040 5144

The undersigned nonprofit corporation, for the purpose of amending its articles of incorporation, in accordance with the provisions of Section 55A-36 of the North Carolina Nonprofit Corporation Act, hereby sets forth:

THE UNITED DAUGHTERS OF THE CONFEDERACY -  
NORTH CAROLINA DIVISION, INC.

1. The name of the corporation is: \_\_\_\_\_
2. The text of each amendment adopted is as follows: (State below or attach)

SEE ATTACHED

3. (Check applicable paragraph)

\_\_\_\_ The corporation has members with voting rights. At a regularly convened meeting of the members of the corporation held on the \_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, the amendment was adopted. A quorum was present at the meeting held on the above date and the said amendment received at least two-thirds of the votes entitled to be cast by members present or represented by proxy at such meeting.

✓ There are no members of the corporation having voting rights. At a regularly convened meeting of the directors of the corporation held on the 15<sup>th</sup> day of January, 1993, the amendment was adopted. The amendment received the affirmative vote of a majority of the directors in office

In testimony whereof, the corporation has caused these articles of amendment to be executed in its name by its ✓ President and ✓ Secretary this 15<sup>th</sup> day of January, 1993.

THE UNITED DAUGHTERS OF THE CONFEDERACY - NORTH CAROLINA DIVISION, INC.

Name of Corporation

Betty Carolyn H. Molinare

President or Vice President

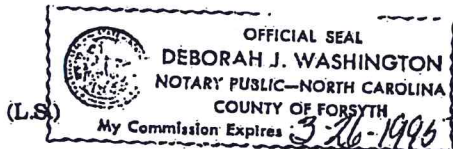
Melanie B. Hart

Secretary or Assistant Secretary

State of

County of

This is to certify that on this the 27<sup>th</sup> day of January, 1993, personally appeared Betty Carolyn H. Molinare and Melanie B. Hart, each of whom, being by me first duly sworn, stated that he signed the foregoing Articles of Amendment in the capacity indicated, that he was authorized to sign, and that the statements therein contained are true and correct.



Thomas J. Washington  
Notary Signature

My commission expires March 26, 1995

NOTES: Filing fee is \$10. One executed original and one exact or conformed copy of these articles must be filed with the Secretary of State.

CORPORATIONS DIVISION

300 N. SALISBURY ST.

RALEIGH, NC 27603-5909

State of North Carolina  
County of Nash

This is to certify that on this the 5 day of February, 1993,  
personally appeared before me Melanie B. Galt,  
being by me first duly sworn, stated that she signed the foregoing  
Articles of Amendment in the capacity indicated, that she was  
authorized to sign, and that the statements therein contained  
are true and correct.

Leggy C. Strickland  
Notary Signature

My commission expires: 4-20-93

ADMENDMENT TO THE

ARTICLES OF INCORPORATION OF THE UNITED DAUGHTERS OF THE  
CONFEDERACY - NORTH CAROLINA DIVISION, INC.

AMEND AS FOLLOWS:

Section 9. Powers.

Insert an additional paragraph after the existing paragraph  
to read as follows:

No part of the net earnings of the organization shall  
inure to the benefit of its members, directors, officers  
or other persons except that the organization shall be  
authorized and empowered to reimburse reasonable  
expenses incurred for services rendered and to make  
payments and distributions in furtherance of the exempt  
purposes of the organization.





# Chatham County, NC

## Meeting Minutes

### Board of Commissioners

Monday, August 19, 2019

6:00 PM

Historic Courthouse Courtroom

#### Rollcall

**Present:** 5 - Chair Mike Dasher, Vice Chair Diana Hales, Commissioner Jim Crawford, Commissioner Karen Howard and Commissioner Andy Wilkie

#### Work Session - 3:00 PM - Historic Courthouse Courtroom

#### PUBLIC INPUT SESSION

#### BOARD PRIORITIES

19-3195

Receive request from the Chatham Arts Council for \$55,000 in funding for FY 2019-2020.

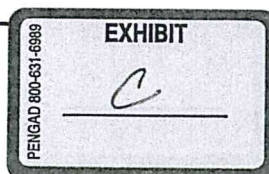
**Attachments:** 2019-0228 CAC Chatham County Grant Application FY20 Part 1 Artists-in-Schools FINAL  
2019-0228 CAC Chatham County Grant Application FY20 Part 2 Meet This Artist Go See This FINAL  
2019-0801 CAC AIS Board of Commissioners Powerpoint Presentation FINAL

*Taylor Hobbs, President of Chatham Arts Council, addressed the Board. The Chatham Arts Council is requesting \$55,000 in funding for two programs. Executive Director Cheryl Chamblee gave a presentation to the Board. (Presentation attached)*

*Commissioner Wilkie asked why this request is not going to the Board of Education. Ms. Chamblee stated the Chatham Arts Council has made a commitment to finding the funding outside what the schools are already stretched to fund. When they go to other funding sources, it helps to have a strong statement from local government, especially at the state level.*

*Chair Dasher asked staff if the County is funding any other arts organizations. The County Manager stated the Chatham Arts Council is the only arts organization currently receiving funding from the County.*

**A motion was made by Commissioner Howard, seconded by Vice Chair Hales, to approve \$55,000 of funding for FY19-20 for the Chatham Arts Council. The motion carried by the following vote:**



*of slavery economics. Congressional allocation of districts counted, not just free persons, but also counted all non-free persons...slaves...as 3/5 a person. By 1860 the US slave population was 3.9 million. The Congressional discourse over expansion of slavery into new western territories raised both moral and constitutional issues leading up to the Civil War. The direct cause of the Civil War was the south firing on the federal installation at Fort Sumter, South Carolina.*

*Another story about the Confederacy is that this monument represents all those who died, so that they can be venerated and remembered. The County courthouse was the center of government, which is why it was selected by the Daughters of the Confederacy. The monument positioned the soldier facing north, toward the aggressors who destroyed the southern slave economy. We all know the horrors both north and south of this war and the still-standing record of thousands of lives lost in battles and to starvation and disease. It is worth commemorating and retelling the stories of people who died fighting for their country.*

*But, the monument speaks to more than dead soldiers. It reflects the reality of early 1900's America where millions of freed slaves were trying to sort out how and where to live and feed their families, and get an education, which had been denied to them by law. In the southern states, reaction to the loss of property and weakening of white entitlement resulted in new laws and practices of Jim Crow. The enemy was easy to identify... and could be manipulated by fear. That is what the monument represented then and now, 150 years later. It is not exclusively homage to the soldiers who died, but a constant reminder of the brutality, second-class status, and political power the white population has and can exercise over our citizen neighbors with dark skin.*

*The soldiers should be remembered and their stories recounted, but the monument should be relocated to an appropriate commemorative site. This historic Chatham Courthouse is our front doorstep and everyone deserves respect.*

*Commissioner Crawford made a motion to approve to terminate the 1907 order granting the Winnie Davis chapter of the United Daughters of the Confederacy the right to maintain and keep their monument within the courthouse circle. By October 1, 2019 the United Daughters of the Confederacy, Winnie Davis chapter, shall communicate in writing to the county manager their plan for the final disposition of the monument (the statue and its pedestal). The county manager shall make a good faith effort to assist in the implementation of the local UDC's plan, according the monument and its custodians their due respect. If no plan for the disposition of the monument is received by the manager's office by October 1st, 2019, then the statue and its pedestal shall be declared a public trespass on November, 1st, 2019. The monument represents government speech that at one time was consistent with the ruling values of the county, but now its message is inconsistent with the ruling values of the county.*

*Commissioner Howard seconded the motion. She stated the members of the Board have never advocated for destroying the statue. They have advocated to have the statue moved to a more appropriate location. She proposed that the community look into having some sort of reconciliation panel so people can walk through these difficult issues.*

**A motion was made by Commissioner Crawford, seconded by Commissioner Howard, A motion to approve to terminate the 1907 order granting the Winnie Davis chapter of the United Daughters of the Confederacy the right to maintain and keep their monument within the courthouse circle. By October 1, 2019 the United Daughters of the Confederacy, Winnie Davis chapter, shall communicate in writing to the county manager their plan for the final**



disposition of the monument (the statue and its pedestal). The county manager shall make a good faith effort to assist in the implementation of the local UDC's plan, according the monument and its custodians their due respect. If no plan for the disposition of the monument is received by the manager's office by October 1st, 2019, then the statue and its pedestal shall be declared a public trespass on November, 1st, 2019. The monument represents government speech that at one time was consistent with the ruling values of the county, but now its message is inconsistent with the ruling values of the county. The motion carried by the following vote:

Aye: 4 - Chair Dasher, Vice Chair Hales, Commissioner Crawford and Commissioner Howard

No: 1 - Commissioner Wilkie

### **MANAGER' S REPORTS**

*Mr. LaMontagne distributed documents with the nominations for EDC Board seats on behalf of the EDC Director Alyssa Byrd, who was unable to attend the meeting. They have adjusted the terms of the Board and Taylor Hobbs is up for reappointment by the Board of Commissioners by October 31. He would like to be reappointed. If the BOC would like him to continue to serve, they can reappoint him. If not, the position can be advertised. Vice Chair Hales recommended that the EDC Board take another look at the new terms. She would like it to be made clearer when the appointments would occur. She requested the item be revisited in September, Mr. LaMontagne said this would not be a problem. Chair Dasher said that Mr. Hobbs still has the support of the BOC, even if the reappointment is not formalized yet.*

*Ms. Lindsay Ray, the Clerk to the Board of Commissioners, took a moment to wish Commissioner Howard an early happy birthday.*

### **COMMISSIONERS' REPORTS**

*Commissioner Howard had one update from the DCHC MPO. They are looking at having more meetings with other regional groups while considering transportation options. Work on the traffic circle on Mt. Carmel Road has generated a lot of talk in the Northeastern part of the county; it's taking a lot time. It will not be done until spring of next year so the disruption will continue through the winter. Upon completion, these improvements will help to alleviate the traffic that backs up onto 15-501. She has her last executive District Director meeting this upcoming Wednesday and will not be here for the Leadership Academy graduation. She will be attending the annual commissioners' conference with Commissioner Crawford, Vice Chair Hales, the Clerk to the Board and the County Manager as well.*

*Vice Chair Hales asked who would be attending the Leadership Graduation at 2:30 on Thursday. She said it is a very special event because it honors staff leadership training.*

*Commissioner Wilkie was pleased to tell the Board that the Town of Pittsboro gave tax credits to 48 units for affordable housing. Vice Chair Hales asked where the units were and, after some discussion, the commissioners determined they are behind the post office.*

*Vice Chair Hales is glad that everyone will be at Leadership. She asked if anyone else would be attending the Chatham Development Briefing hosted by the Chamber of*