



# Gaston County

## Board of Commissioners

COURTHOUSE  
325 Dr. Martin Luther King Jr. Way  
Gastonia, NC

*Chairman Tracy L. Philbeck*  
*Vice-Chairman Jack B. Brown*  
*Chad Brown*  
*Allen R. Fraley*  
*Bob Hovis*  
*Tom Keigher*  
*Ronnie Worley*

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Monday, August 3, 2020

Meeting Agenda

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### **REVISED - Special Meeting** **- 7:45 pm -**

CALL TO ORDER  
INVOCATION  
PLEDGE OF ALLEGIANCE

*Attendees will undergo temperature screenings and a health questionnaire. Capacity in the Forum and overflow rooms will be limited to allow for social distancing and attendees will be asked to wear face coverings.*

#### **I. CITIZEN RECOGNITION (Sign up Prior to Meeting; Two Minutes per Speaker)**

#### **II. ADDED/ MOTION TO RETAIN MONUMENT**

- A. Commissioner Jack Brown - To Approve Keeping the Confederate Heroes Monument at its Current Location at the Gaston County Courthouse**

#### **III. RESOLUTION OF CONVEYANCE - CONFEDERATE MONUMENT**

- A. Commissioners Philbeck and Fraley - County Attorney - Adoption of Resolution Conveying Ownership of the Gaston County Confederate Heroes Monument Located Outside of the Gaston County Courthouse to the Sons of Confederate Veterans Charles Q. Petty Camp in Exchange for a Promise to Use the Monument for the Continued Public Purpose of Serving as a War Memorial Honoring Gaston County's Confederate Veterans.....2-5**

#### **IV. ADJOURNMENT**



# Gaston County

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Board of Commissioners  
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## Board of Commissioners

### Board Action

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**File #:** 20-368

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Commissioners Philbeck and Fraley - County Attorney - Adoption of Resolution Conveying Ownership of the Gaston County Confederate Heroes Monument Located Outside of the Gaston County Courthouse to the Sons of Confederate Veterans Charles Q. Petty Camp in Exchange for a Promise to Use the Monument for the Continued Public Purpose of Serving as a War Memorial Honoring Gaston County's Confederate Veterans

#### **STAFF CONTACT**

Jonathan L. Sink - County Attorney - 704-866-3400

#### **BUDGET IMPACT**

To Increase Fund Balance Appropriations by \$200,000.

#### **BUDGET ORDINANCE IMPACT**

General Fund Fund Balance Appropriation Increasing by \$200,000 and General Fund Expenditures increasing by \$200,000.

#### **BACKGROUND**

The Gaston County Board of Commissioners intends to convey legal title to the Gaston County Confederate Heroes Monument located outside of the Gaston County Courthouse to the Sons of Confederate Veterans Charles Q. Petty Camp. The Board intends to pay for the Monument to be relocated to private property owned by the Sons, who have six months to find and secure said private property. The proposed conveyance is predicated on the legal requirement that the Sons must use the Monument for at least two continued public purposes, including serving as a war memorial honoring Gaston County's Confederate Veterans as well as serving as an educational tool to inform members of the public about Gaston County's history, people, and role in the War Between the States.

#### **POLICY IMPACT**

N/A

#### **ATTACHMENTS**

Resolution, Budget Change Request (BCR)



**RESOLUTION TITLE: A RESOLUTION CONVEYING OWNERSHIP OF THE GASTON COUNTY CONFEDERATE HEROES MONUMENT LOCATED OUTSIDE OF THE GASTON COUNTY COURTHOUSE TO THE SONS OF CONFEDERATE VETERANS CHARLES Q. PETTY CAMP IN EXCHANGE FOR A PROMISE TO USE THE MONUMENT FOR THE CONTINUED PUBLIC PURPOSE OF SERVING AS A WAR MEMORIAL HONORING GASTON COUNTY'S CONFEDERATE VETERANS**

WHEREAS, the Gaston County Board of Commissioners (the "Board") owns the Confederate Heroes Monument (the "Monument") located outside of the Gaston County Courthouse at 325 Dr. Martin Luther King Jr., Way, Gastonia, North Carolina 28052; and,

WHEREAS, North Carolina Gen. Stat. § 160A-279 and coinciding case law authorize a city or county to convey real or personal property to a nonprofit corporation if the city or county is authorized by law to appropriate money to the nonprofit organization; and,

WHEREAS, the North Carolina Supreme Court established in 1945 that if the conveyance of property by a local political subdivision to a nonprofit organization is without monetary consideration, there must at least be consideration in the form of an enforceable promise to provide public services that benefit the taxpayers in the jurisdiction and the conveyance must be conditioned on the continued use for that purpose, reverting back to the grantor in the event that the grantee ceases to use it for a public purpose; and,

WHEREAS, the Board has negotiated with the Sons of Confederate Veterans Charles Q. Petty Camp (the "Sons") to convey the Confederate Heroes Monument to the Sons in exchange for an enforceable promise from the Sons that they will find and secure real property within Gaston County's borders to serve as the Monument's new location and to use the Monument for the continued public purpose of serving as a war memorial to Gaston County's Confederate Veterans for members of the public to visit, view, respect, and enjoy; and,

WHEREAS, the Board and the Sons have negotiated that the Monument will be conveyed to the Sons once 10 days have passed from the date that public notice (summarizing this Resolution) is posted or otherwise published in accordance with State law; and,

WHEREAS, the Board and the Sons have negotiated that the Sons will be afforded a reasonable period of six months to find and secure real property to which the Monument shall be moved; and,

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**DO NOT TYPE BELOW THIS LINE**

I, Donna S. Buff, Clerk to the County Commission, do hereby certify that the above is a true and correct copy of action taken by the Board of Commissioners as follows:

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A RESOLUTION CONVEYING OWNERSHIP OF THE GASTON COUNTY CONFEDERATE HEROES MONUMENT LOCATED OUTSIDE OF THE GASTON COUNTY COURTHOUSE TO THE SONS OF CONFEDERATE VETERANS CHARLES Q. PETTY CAMP IN EXCHANGE FOR A PROMISE TO USE THE MONUMENT FOR THE CONTINUED PUBLIC PURPOSE OF SERVING AS A WAR MEMORIAL HONORING GASTON COUNTY'S CONFEDERATE VETERANS

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WHEREAS, the Gaston County Board of Commissioners intends to pay for and complete the Monument's relocation and secured re-erection at no cost to the Sons; and,

WHEREAS, the continued public use of the Monument will benefit citizens of all ages in Gaston County by continuing to serve as a war memorial to the Confederate Veterans, while also serving as an educational tool for the public to learn about the causes for which so many brave young soldiers throughout Gaston County left their families to fight for North Carolina in the War Between the States.

NOW, THEREFORE, BE IT RESOLVED that the Gaston County Board of Commissioners resolves that:

1. The Chairman of the Gaston County Board of Commissioners, after 10 days have passed from the date of public notice being published, is authorized to execute all documents necessary to convey title to the Confederate Heroes Monument located outside of the Gaston County Courthouse at 325 Dr. Martin Luther King Jr., Way, Gastonia, North Carolina 28052 to the Sons of Confederate Veterans Charles Q. Petty Camp.
2. The County Manager is authorized to solicit bids for the Monument's relocation at a total appropriated amount not to exceed \$200,000, any leftover funds of which shall revert to the County's general fund.
3. Legal consideration for the conveyance of the Monument consists of the following set of conditions, covenants, and restrictions, which shall be incorporated in the deed of conveyance given by the County to the Sons:
  - a) The Sons shall find and secure real property within Gaston County to serve as the Monument's new location.
  - b) The Sons shall use the Monument for the continued public purpose of serving as a war memorial to honor all of Gaston County's Confederate Veterans.
  - c) The Sons shall use the Monument as an educational tool for citizens of all ages who come to visit, view, and/or learn about Gaston County's history and role in the War Between the States.
  - d) If the Monument ceases to be used by the Sons for the public purposes detailed herein, the Monument shall revert to Gaston County as County-owned property in accordance with State law.
4. The County Clerk shall publish a public notice summarizing the contents of this signed Resolution as soon as reasonably possible, and the Monument shall be legally conveyed to the Sons at any time after 10 days have passed from the date said notice has been posted or otherwise published.

Adopted this the 3<sup>rd</sup> day of August, 2020.

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Tracy L. Philbeck, Chairman  
Gaston County Board of Commissioners

Attest:

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Donna S. Buff, Clerk to the Board

SEAL

## GASTON COUNTY BUDGET CHANGE REQUEST

TO: Dr. Kim S. Eagle COUNTY MANAGER

FROM: 4131 Budget & Management Services

Dept. # Department Name

Janet Schafer 7/31/2020

Department Director's Name Date

### TYPE OF REQUEST:

☐ Line Item Transfer Within Department & Fund

☐ Line Item Transfer Between Funds \*

☐ Project Transfer Within Department & Fund

☒ Additional Appropriation of Funds \*

☐ Line Item Transfer Between Departments\*

\* Requires resolution by the Board of Commissioners

ACCOUNT DESCRIPTION (As it appears in the budget)	ACCOUNT NUMBER	AMOUNT
	Fund - Function - Dept - Division - Object - Project	Whole Dollars Only
	xxx - xx - xxxx - xxxx - xxxxx - xxxxxx	(See Note Below)
Fund Balance Appropriated	010-99-9900-0000-490000	[\$200,000]
County Manager Special Projects	010-01-4131-0000-560000-190004	\$200,000

### JUSTIFICATION FOR REQUEST:

To authorize the County Manager or her designee to solicit bids for the relocation of the Confederate Monument and to give the Monument to the Sons of Confederate Veterans. The Board will also replace the Monument with a Monument that will honor all veterans of Gaston County from all branches of the military. The relocation and installation of a new Monument are not to exceed the cost of \$200,000.

Note: Decreases in expenditures & increases in revenue accounts require brackets. Increases in expenditures & decreases in revenue do not require brackets. Please note that transfers between funds require interfund transfer accounts.