

ADOPTED

OCT 27 2020

Gaston County Board
of Commissioners

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GASTON COUNTY

COMMISSIONER'S COURT

NORTH CAROLINA

AUGUST 3, 2020

The Gaston County Board of Commissioners (BOC) met in Special Session on August 3, 2020 at 7:45 pm, in The Harley B. Gaston, Jr. Public Forum, Gaston County Courthouse.

Chairman Tracy L. Philbeck presided with Commissioners Jack B. Brown, Vice-Chairman; Chad Brown, Allen R. Fraley, Bob Hovis, Tom Keigher and Ronnie Worley in attendance.

Others present included Dr. Kim S. Eagle, County Manager; Jonathan L. Sink, County Attorney; and Donna S. Buff, Clerk to the Board.

Upon request of Chairman Philbeck, Pastor Tim McCarn, CORE Church, Mount Holly, NC led those assembled in the Invocation and Commissioner Chad Brown led in the Pledge of Allegiance.

Citizen Recognition

Chairman Philbeck advised the original Agenda item was proposed by the Chairman and Commissioner Fraley but the Agenda is not set until BOC arrives at its meeting place; nothing can be added to Agenda unless it is unanimous; any Commissioner is allowed to add anything to the Agenda prior to the meeting; Commissioner Jack Brown has added an item to keep the Confederate Heroes Monument at its current location.

Chairman Philbeck explained the procedures to be used and called for the first four speakers.

The following individuals spoke in support of relocating the Confederate Monument from in front of the Courthouse: Reverend Raymond Johnson; Ms. Jocelyn Williams, Charlotte; Mr. Caluos Vaughn; Mr. Scotty T. Reid, Mount Holly; Reverend (Thomas) T. S. Gillespie and Mayor Pro Tem of City of Lowell; Ms. D'Amber Clark; Mr. Giovanni Messori, Gastonia; Mr. Ro'shawn McClendon; Ms. Fen D. Head; Reverend Richard Boyce, Belmont and representing Gaston Citizens Clergy Coalition; Ms. Delores Green; Mr. Dylan Gossett, Gastonia; Mr. Keith Primas, Charlotte; Mr. Wil Neumann, Cramerton; Mr. Kelvin Atkinson, Gastonia; Mr. T.J. Solomon, II, 3431 Clydesdale Ct., Gastonia; Mr. Jamal Gillespie, Gaston County Freedom Fighters Co-Founder; Ms. Ashley Rivera, Gastonia; Mr. Mark Gillming, 2464 Kinmere Dr., Gastonia; Pastor Tim McCarn; Dr. Benjamin Hinton, Gastonia; Reverend John McCullough; Reverend Pierre Crawford, Gastonia; (Pastor) Ray Hardee, Gastonia; Ms. Cindy Buckley, Gastonia; Ms. Sierra Hall, County resident, Gaston County Freedom Fighters member and Unified Sacrifice member; Ms. Adrian Williams; Dr. Amy McCarthy Sifford, Gastonia; Pastor Austin Rammell, Lowell; Mr. Jeff Trepel, Gastonia; Ms. Kailey Reid; Mr. Deonte Smith; Mr. Robert Kellogg, Gastonia and City of Gastonia Councilman; Ms. Rachel Pickard, Gastonia; Mr. Benjamin Moreno; Mr. Lamar McCorkle, Gastonia; Mr. Shane White, Gastonia; Mr. Shane Fogarty, Gastonia; Ms. Abbey Fogarty, Gastonia; Mr. Markus Thomas; Ms. Kimberly Hallas, Gastonia; Ms. Emily Parker, Gastonia and Gaston County Freedom Fighters member; Reverend Theodore Armstrong; Mr. William Manning, Gastonia; Mr. Rashawn Stephens; Mr. Toren Gordon, President of PUSH (People United to Stop Hate).

Ms. Jennifer Hollmer spoke on racial and ethnic health disparities and what is the measurable actionable plan to address racism within Gaston County.

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The following individuals spoke in support of keeping the Confederate Monument in front of the Courthouse: Mr. Ron Withers, Gastonia; Mr. Josh Meeks; Mr. Bruce Cloninger; Mr. Charles Roseberry, Dallas; Mr. Kenneth Ballard, Gastonia; Mr. William Carter; Ms. Clara Harkins, Belmont; Mr. Eric Riley, Gastonia; Mr. Bill Starnes; Ms. Robin Ramsey; Ms. Amber Burns, Charlotte.

Chairman Philbeck announced Ms. Burns was the last speaker signed up on the list to speak; asked if anyone else wanted to speak that had not signed up.

The following came forward and spoke in support of relocating the Confederate Monument from in front of the Courthouse: Mr. Rayfield Reid, Lincolnton; Pastor Ranjae Crump, Gastonia; Mr. Phillip Burton, Gastonia and Vice-Chair of The Young Adults of Gastonia Leadership Council.

Chairman Philbeck asked Mr. Charles Roseberry and Mr. Shane White to provide their documentation to the Clerk to the Board.

Hearing no further citizen comments, Chairman Philbeck called for a recess at 10:05 pm.

Chairman Philbeck reconvened the meeting at 10:29 pm.

Chairman Philbeck advised that each Commissioner will have an opportunity to speak on the matter. He noted that since 1998, people in the African-American and Clergy communities have reached out to Commissioners and asked about relocating the monument. He explained the current Board did not put the monument where it is; did not move it in 1998, and did not create the laws that surround it. However, the issue is now before this Board for a decision. He recalled that Commissioner Keigher initiated the creation of the Council of Understanding (COU) to study the matter. Chairman Keigher chaired the council and each Commissioner appointed members. The COU brought a recommendation back to the Commission for consideration. He expressed his opinion that the public at large should have a right to vote on it because it is such a divisive issue. He noted that he talked to the NC Senate General Counsel and was advised the State could allow a referendum but some State officials wanted the BOC to deal with it and to make any final decision in the matter. He concluded that the BOC made a commitment that if a vote was held, every citizen who desired to speak would have an opportunity to do so.

Chairman Philbeck called for a motion to accept the documents presented by Mr. Charles Roseberry and Mr. Shane White as information.

On motion introduced by Commissioner Hovis and seconded by Commissioner Chad Brown, the BOC unanimously accepted the documents as information.

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

Chairman Philbeck called for a motion to approve.

Commissioner Jack Brown introduced a motion to approve and Commissioner Chad Brown provided the second.

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Chairman Philbeck called for discussion.

Commissioner Jack Brown clarified he is not a racist by any stretch of the imagination and is not stepping down, contrary to some comments that have circulated. He stated he has received many calls, letters and visitors that want to keep the monument at its current location. He noted his agreement with the Chairman that allowing the citizens to vote on the issue would have been the wisest decision; however, since that is not going to be possible, he has brought forth this motion to keep the statue at its current location.

Commissioner Chad Brown, provided the following statement: *"Few men are willing to brave the disapproval of their peers, the censure of their colleagues, the wrath of their society. Moral courage is a rarer commodity than bravery in battle or great intelligence. Yet it is the one essential, vital quality for those who seek to change the world which yields most painfully to change."* (John F. Kennedy). This is what our square is -- with true active listening and equitable perspectives one learns and builds upon our history. This good, the bad, the injustice and the just. Strong leaders from our past have laid an educational path for us. Humanitarians like Martin Luther King, Robert Kennedy, Frederick Douglass and Abraham Lincoln. Now that it is later in our history, the life cycle, we can show empathy and compassion for all thinking about it. Looking it up and remembering have been constant since day one. I believe the war memorials and honoring soldiers who lost their lives in battle should stay exactly where it is. We have a culture today where people are trying to change history and remove some of the landmarks that our forefathers have placed upon us.

Commissioner Hovis stated he is proud of the way the conversation occurred tonight; the tone and demeanor of all speakers was straight forward, honest and from the heart. He noted it upsets him to know that anybody is offended by something the County put in front of them. He also noted that moving the statue does not change or erase history. He is a lifelong resident of the County and has many friends of color and those relationships are important to him. Being a Republican has nothing to do with his relationships, by any measure or means. He is proud of this County, of the conversations this Board has had openly with the public on this issue, and for taking it further than it has gone in past conversations. He stated that today is 2020 – not 1912 or 1965 – and the world has moved a long way and we must keep pace. Moving a statue will not be an inroad for Antifa, Marxism, etc., coming into the County because this Board, and "the people", will not stand for it. He concluded that he appreciates Commissioners Jack Brown and Chad Brown's positions, but he personally feels the direction the BOC was headed, when this meeting was scheduled, is the correct decision and he stands by that.

Commissioner Fraley read Galatians 13:3. He expressed his belief that removing monuments and destroying history would do nothing to mend our County or heal the sins of the past and it will not change hearts. The change, the ability to forgive and the affirmative act of forgiveness, comes only from Christ. He stated he came tonight conflicted and with the intention of voting to leave it in its current location. But after listening to everyone talk, and seeing the Clergy arm-in-arm, his heart was changed. He stated it has been the most difficult decision he has made in the sixteen years he has been on the Board.

Commissioner Worley advised he respects that the BOC voted to ask the State to hold a referendum, but noted that we are a representative republic, and in both the republic and

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democracy, citizens are empowered to participate in the process, as was done tonight. In a pure democracy, laws are made by the voting majority, leaving the rights of the minority unprotected; in a republic (which we are), laws are made by representatives, chosen by the people, and must comply with the Constitution that specifically protects the right of the minority. That is why he feels it is the Board's decision to put this to rest. He concluded that he does not want to erase history or destroy the monument, but honor it and he appreciates the Sons of the Confederate Veterans (SCV) agreeing to take it and protect it for future generations. It is time for it to leave the grounds of the Courthouse.

Commissioner Keigher stated he appreciates everyone's decision, no matter which way each member votes. He added that this has not only been a legal decision, but a moral decision for him. He had many sleepless nights while chairing the COU, but was able to rest once he made his decision. This is one of the toughest issues the BOC has dealt with over the years. He thanked everyone for their input and acknowledged that he received 400 to 500 emails, texts, voice messages, but was not able to contact everyone. He thanked the BOC for all the work they put in, regardless of how the vote goes.

Chairman Philbeck called for the vote which failed to carry as follows:

Ayes: Commissioners Jack Brown, Chad Brown

Nays: Commissioners Hovis, Fraley, Keigher, Philbeck, Worley

2020-203 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

Commissioner Philbeck introduced the motion to approve and Commissioner Fraley provided the second.

Chairman Philbeck called for discussion.

Commissioner Worley advised he appreciates the BOC for taking time to consider this issue; thanked the citizens in attendance - those that attended previous meetings, and those he spoke to on telephone on both sides of the issue. He noted with this action, the Board will still honor history while moving the County forward for the good of its citizens.

Chairman Philbeck reported he received a letter from the SCV expressing their interest in taking the monument in the event the BOC decided to relocate it. He expressed his belief that while it doesn't please everyone, it is the best option and will bring the most people together. He commented on an "extreme element of individuals" that would like to get rid of anything American and stated he would personally never bow down to that type of pressure. There are good people in our community that have spoken out for years who would like to see it relocated and good citizens in our community that would like to preserve it. Most citizens on both sides of the issue do not want it destroyed or torn down, and moving a monument from one location to another does

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not erase history. He pointed out that his decision to work on this issue was based solely on listening to individuals, on both sides of the issue, that work, live and contribute to our community, such as John McCullough, Bill Starnes, Charles Roseberry, Eric Riley, Dickie Spargo and other individuals. He concluded that he believes the Board should support erecting a war memorial in its place to honor all soldiers that fought in any war.

Hearing no further discussion, Chairman Philbeck called for the vote, and the BOC approved Resolution **2020-203** as follows:

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,

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:

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- 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 3rd day of August, 2020.

and per Budget Change Request:

Account Description	Account Number	Amount
Fund Balance Appropriated	010-99-9900-0000-490000	[\$200,000]
County Manager Special Projects	010-01-4131-0000-560000-190004	\$200,000

The vote carried as follows:

Ayes: Commissioners Jack Brown, Fraley, Hovis, Keigher, Philbeck, Worley

Nay: Commissioner Chad Brown

Adjournment

Chairman Philbeck called for a motion to adjourn the Special Meeting.

On motion introduced by Commissioner Hovis and seconded by Commissioner Keigher, the BOC unanimously adjourned the Special Meeting of August 3, 2020 at 10:55 pm.

(All aforementioned documents are on file with the Clerk to the Board.)

Tracy L. Philbeck, Chairman
Gaston County Board of Commissioners

Donna S. Buff
Clerk to the Board

SEAL