

allen
stahl+
kilbourne

ROBERT C. "BO" CARPENTER
Attorney at Law
bcarpenter@asklawnc.com

September 3, 2021

VIA CERTIFIED MAIL, RETURN RECEIPT REQUESTED and EMAIL

Mr. Josh Ward
Town Manager
Town of Highlands
PO Box 460
Highlands, NC 28741
Josh.Ward@HighlandsNC.org

Mr. Patrick Taylor
Mayor
Town of Highlands
PO Box 460
Highlands, NC 28741
mayor@highland SNC.org

Re: Public Records Request

Dear Mr. Ward and Mayor Taylor,

This letter is being submitted pursuant to N.C.G.S. §132-1 *et seq.* to request that the Town of Highlands ("the Town") produce and/or permit Allen Stahl + Kilbourne to inspect and/or copy all non-privileged documents constituting public records described below. In lieu of production for inspection and copying, the Town may produce certified copies of the documents to Allen Stahl + Kilbourne at its office located at 20 Town Mountain Road Suite 100, Asheville, NC 28801 or via first class mail. Allen Stahl + Kilbourne will pay all reasonable copy costs associated with the production of the requested documents.

For purposes of these requests, please produce the following documents:

1. All meeting minutes from Board of Commissioner meetings held in 2020 and 2021.
2. The closed session meeting minutes held on August 24, 2021, pursuant to N.C. Gen. Stat. § 143-318.10(e).

20 Town Mountain Road
Suite 100
Asheville, NC 28801
originally founded by Robert Dungan (1985)

3. All meeting minutes from Planning Board meetings held in 2020-2021.
4. All meeting minutes from Land Use Committee meetings held in 2020-2021
5. All meeting minutes from the Zoning Board meetings held in 2020-2021
6. All completed short term rental registration forms submitted over the last five years.
7. The current Zoning Ordinance of the Town of Highlands (“the Zoning Ordinance”).
8. Previous versions of the Zoning Ordinance.
9. Records showing any time the Town has enforced or attempted to enforce the Zoning Ordinance for renting property in alleged violation of the Zoning Ordinance.
10. Communications to and from the Town’s zoning administrator regarding short and long rentals in the Town.
11. Records showing the amount of occupancy taxes the Town has received each year over the last 10 years.
12. For the last 24 months, all communications – whether by email, text message or other means – between the Town (including its employees, Mayor, Commissioners, Planning Board members, and/or attorney(s)) and the following persons and entities regarding short- or long-term rentals in the Town:
 - a. The UNC School of Government.
 - b. Dog Mountain HOA.
 - c. Little Bear Pen HOA.
 - d. Any other Home or Property Owners Association.
 - e. A hotel or motel as defined in Section 508 of the Zoning Ordinance.
 - f. An owner of property in the R1, R2, or R3 zoning district.
 - g. Any person or entity that rents or manages the short- and long-term rental of real property in the Town.
 - h. A member of the media.

- i. Any other person or entity.
- 13. All non-privileged communications within and between the Town and its employees, Mayor, Commissioners, Planning Board members, and/or attorney(s).
- 14. All communications between Commissioner John Dotson and anyone else regarding the sale or potential sale of the hotel commonly known as Mitchell's Lodge located at 264 Dillard Road, Highlands, NC 28741.
- 15. All records showing the amount of money – such as real estate agent commission – Commissioner John Dotson or his company would, will, or has received for the sale of the property referenced in the previous request.
- 16. All communications between Commissioner John Dotson and potential purchasers of property in the R1, R2, and the R3 zoning districts regarding short- or long-term rentals during his tenure as Commissioner.

The General Assembly has stated that “public records and public information compiled by the agencies of North Carolina government or its subdivisions are the property of the public. Therefore, it is the policy of this State that the people may obtain copies of their public records and public information free of charge or at minimal cost unless otherwise specifically provided by law.” N.C.G.S. § 132-1(b).

Please feel free to contact me at the above telephone number should you have any questions regarding this Request. In the event that, due to circumstances beyond your reasonable control, you are unable to produce and/or permit inspection and copying of the requested records before September 13, 2021, please provide any and all documents as soon as they become available and advise me of the reasons for any such delay.

I look forward to hearing from you.

Best Regards,



Robert “Bo” Carpenter

cc: Jay Coward (via email: jkcoward@chspa.com)