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June 17, 2022

Mr. Josh Ward
Town Manager
Town of Highlands

c/o Jay Coward
Attorney for Highlands
VIA EMAIL (jkcoward@chspa.com)

Re: Public Records Request

Dear Jay,

As you know, the issue of regulating vacation rentals has been a prominent topic in Highlands since August of 2021. There have been many Board of Commissioner and Planning Board meetings on the topic. We know there have been many more closed door meetings, phone calls, text messages, emails, and other forms of communication that include public officials regarding the regulation of vacation rentals.

All such communications would concern the transaction of public business under N.C. Gen. Stat. § 132-1. They are therefore rightfully public records. We therefore request such documents and other public records of the Town from the time period of August 1, 2021, to the present as further specified below.

1. The closed session meeting minutes for any closed session held pursuant to N.C. Gen. Stat. § 143-318.10(e) between August 24, 2021, and the present.
2. All meeting minutes from Planning Board meetings held from August 2021 to the present.

3. All meeting minutes from the Zoning Board meetings held from August 2021 to the present.
4. All completed “Short Term Rental Zoning Compliance Permits” and “Non-Conforming Use Permits.”
5. Any contract with any newspaper for the publication of legal notices for the Town.
6. The “proper notice of the public hearing” and the “affidavit” referenced in the June 9, 2022, public statement of the Town.
7. Records indicating the amount of money paid to legal counsel from August 2021 to the present.
8. Drafts of changes to ordinances including work product of attorneys for the Town. See *McCormick v. Hanson Aggregates Se., Inc.*, 164 N.C. App. 459, 473, 596 S.E.2d 431, 439 (2004) (“work product [of City Attorney] was subject to disclosure under the [Public Records Act]” because there is no exception for attorney work product under the Public Records Act)
9. Any grant or denial of a non-conforming use permit issued by the Town.
10. Communications – whether by email, text message or other means – to and from Josh Ward or Michael Mathis and the following persons regarding short term rentals, vacation rentals, and the comprehensive land use plan.
 - a. Any owner of real property in Highlands;
 - b. Other Town employees, including among themselves;
 - c. Any public official of the Town, including, but not limited to the Mayor, members of the Board of Commissioners, and members of the Planning Board;
 - d. The Highlands Neighborhood Coalition, Highlands Neighborhood Preservation, Inc., Cathy Henson, Tom Coley, Bill Long, Lila Howland, Kelly Cochran McDuff, Charles M. Nalbhone, or legal counsel for any of these persons;
 - e. A member of the media.
11. Communications – whether by email, text message or other means – to and from the Mayor and/or Board of Commissioners and the following persons regarding short term rentals, vacation rentals, and the comprehensive land use plan.

- a. Any owner of real property in Highlands;
 - b. Any Town employee;
 - c. Any other public official of the Town, including, but not limited to the Mayor, members of the Board of Commissioners, and members of the Planning Board;
 - d. The Highlands Neighborhood Coalition, Highlands Neighborhood Preservation, Inc., Cathy Henson, Tom Coley, Bill Long, Lila Howland, Kelly Cochran McDuff, Charles M. Nalbhone, or legal counsel for any of these persons;
 - e. A member of the media.
12. Phone records of Josh Ward, Mayor Patrick Taylor, John Dotson, Amy Patterson, Brian Stiehler, and Eric Pierson (since Mr. Pierson has been in office) showing any phone calls or text messages made with the persons listed in Request 11 and any records that identify the phone numbers and phone carrier (e.g. Verizon, AT&T, etc.) of these individuals.
13. Meeting notes, calendar entries, and other similar documents regarding any meeting of the subcommittee of the Board of Commissioners formed to consider changes to the UDO.
14. Meeting notes, calendar entries, and other similar documents regarding any meeting held or conversation between the Mayor and/or Board of Commissioners and those persons listed in Request 11.
15. Communications – whether by email, text message or other means – to and from members of the Planning Board and the following persons regarding short term rentals, vacation rentals, and the comprehensive land use plan.
- a. Any owner of real property in Highlands;
 - b. Any Town employee;
 - c. Any other public official of the Town, including, but not limited to the Mayor, members of the Board of Commissioners, and members of the Planning Board;
 - d. The Highlands Neighborhood Coalition, Highlands Neighborhood Preservation, Inc., Cathy Henson, Tom Coley, Bill Long, Lila Howland, Kelly Cochran McDuff, Charles M. Nalbhone, or legal counsel for any of these persons;

- e. A member of the media.
- 16. Meeting notes, calendar entries, and other similar documents regarding any meeting held or conversation between the members of the Planning Board and those persons listed in Request 15.
- 17. All non-privileged communications within and between the Town and its employees, Mayor, Board of Commissioners, Planning Board members, and/or attorney(s) not otherwise requested herein and regarding short term rentals, vacation rentals, and the comprehensive land use plan.
- 18. Documents showing the rental history of property owned by Commissioner John Dotson in Highlands, including calendars of previous and prospective stays and any rental contract used by John Dotson for the rental of said property.
- 19. Documents showing the income John Dotson received from the rental of property he owns in Highlands.
- 20. Communications between John Dotson and any future or current tenant of his property regarding the rental of his property.

We understand that searching for and compiling the communications, in particular, may take time. You may therefore produce requests 1-9 as soon as possible and then produce the other requests once compiled. We do request that everything be produced within 30 days. Please keep me apprised of the Town's ability to meet this timeline.

Best Regards,



Robert "Bo" Carpenter

cc: Craig Justus (via email: cjustus@vwlawfirm.com)