

2 April 2026

Via Email to:

Heather Finnell, Town Clerk
Town of Holden Beach
110 Rothschild Street
Holden Beach, NC 28462
heather@hbtownhall.com

RE: Town of Holden Beach – PROPOSAL FOR TOWN ATTORNEY SERVICES

Ms. Finnell,

The Brough Law Firm, PLLC (the “Firm”) is pleased to submit this Proposal to serve as the Town of Holden Beach Town Attorneys. Although our main office is located in Chapel Hill, we have found that telephone, email, and video conferencing allow us to work effectively with local government clients throughout the state.

Distance aside, you may ask why the Town should select our Firm? The short answer is our experience, competitive rates, and our team approach. Since it was founded in 1988, our Firm has focused almost exclusively on local government and land use law, and every attorney in our Firm focuses on these practice areas, which means there will always be an attorney available to answer questions and attend meetings. The Town will have the opportunity to work with our attorneys who not only have broad and deep experience with local government law but who also understand the practical and political realities of good governance. We value public service, and we believe our job is to help our municipal clients anticipate legal issues and to avoid or resolve them.

Our Firm practices throughout North Carolina and includes eleven lawyers located in our four offices. We serve as general counsel for Person County and numerous municipalities, including Aberdeen, Boiling Spring Lakes, Broadway, Carrboro, Carthage, Clemmons, Creedmoor, Foxfire Village, Gibson, Godwin, Hamlet, Hillsborough, Hoffman, Mocksville, Oakboro, Oak Island, Pinebluff, Robbins, Rockingham, Roxboro, Sedalia, Southport, Stanfield, Stem, Vass, Whispering Pines, and Whitsett. Our Firm also provides special outside counsel services for Cabarrus County, Currituck County, Robeson County, and Rockingham County, as well as for the Towns of Cary and Chapel Hill and the Cities of Concord, Jacksonville, and Sanford.

We have extensive experience, individually and collectively, in all aspects of municipal law, including zoning and land use law, board governance, ordinance drafting, contracts, public finance, employment law, and litigation in state and federal trial and appellate courts. Members of our Firm have argued numerous cases in the N.C. Court of Appeals and N.C. Supreme Court on behalf of local governments. In addition to litigation, we frequently assist other cities and counties throughout the state in matters ranging from ordinance drafting to serving as outside counsel for board of adjustment and other quasi-judicial cases. The only local government matters we do not typically handle are specialized bond counsel work and real property transactions. It is our practice to refer specialized local government finance and bond work to outside counsel and to ask local real estate attorneys to conduct title searches and closings because they can do so on a more cost-effective basis.

We typically designate two attorneys to serve each municipality we represent. One acts as the primary counsel and principal contact, and the other serves as backup and as another point of contact. Additionally, all eleven of our attorneys work together as a team to meet the needs of our clients. This arrangement ensures that each of our municipal clients has full access to our services not only during normal business hours but also during evenings and weekends. For the Town of Holden Beach, we propose that Lydia E. Lavelle will serve as primary counsel and Robert (“Bob”) E. Hornik, Jr. will serve as secondary counsel. More detailed information about Ms. Lavelle and Mr. Hornik, along with all the Firm’s other attorneys, can be found in the enclosed Firm Prospectus.

Our fee proposal is straightforward and, we believe, cost effective. We charge an hourly rate for all work performed, except for attending Town Council meetings. Our hourly rate is \$265.00 per hour for Senior Attorneys and \$245.00 per hour for Associates. Note, we are proposing a staggered fee schedule that includes rate increases each July 1st, corresponding to the first few years of renewal options. We propose that we will charge a flat fee of \$1,250.00 per meeting to attend regular Board of Commissioners meetings in person, which would include our travel time to and from meetings. Alternatively, we could attend Board of Commissioners meetings remotely using Zoom or a similar service for \$650.00 per meeting. A copy of our proposed Compensation for Services form, describing our proposed fees and billing practices, is attached to this Proposal for your review. Note, we are also open to discussing alternative rates and fees to those included in our Proposal. As discussed elsewhere in this response, the Firm will not charge travel time or mileage to the Town for travel to and attendance at meetings covered by a Flat Fee. For all other travel associated with the Firm's work for the Town, travel time will be billed at the applicable hourly rate. However, the Firm will provide a 50% courtesy credit to the Town for all travel time.

Also included with this Proposal are the following materials:

- An Addendum that provides additional responses to the Specific Requirements set out in the RFP;
- Our Compensation for Services schedule;
- A list of professional references;
- Our public sector client list; and
- A prospectus which provides detailed information about each attorney in the firm.

Additional information about our law firm can be found on our website at www.broughlawfirm.com.

We would be pleased to attend a Board of Commissioners meeting to further discuss our firm's possible representation of the Town. Please let us know if additional information would be helpful.

Thank you for your consideration.

Sincerely,

THE BROUGH LAW FIRM, PLLC

T.C. Morphis, Jr.

T.C. Morphis, Jr., Managing Partner

Lydia E. Lavelle

Lydia E. Lavelle

KRH:las

Enclosures: As Stated

REQUEST FOR PROPOSALS (RFP) FOR LEGAL SERVICES

Purpose of RFP

The Town of Holden Beach, North Carolina invites the submittal of responses to this Request for Proposals (RFP) from qualified Firm(s) interested in providing legal services as the Town Attorney. The Town intends to consider Firms and/or individuals who possess the professional and administrative capabilities to provide the scope of services detailed below.

Scope of Work

The Town is seeking the firm/individual to dedicate 10 hours per month dependent on the issues facing the Town and its various departments. In addition to providing legal representation for the Board of Commissioners, Staff and Boards and Committees of the Town, the Town Attorney shall perform the following functions:

1. Performs legal research, fieldwork and other work and communicates the results to the appropriate person.
2. Negotiates, reviews and prepares contracts, agreements and conveyances, such as service agreements, lease agreements, franchise agreements, easements, purchase contracts and other legal documents on behalf of the Town.
3. Reviews, analyzes, drafts and revises ordinances, policies, manuals and other memoranda for the Town and its various departments to ensure they are coherent, enforceable and consistent with State and Federal law; advises the Board of Commissioners, the Town Manager and Town departments when revisions and changes need to be made.
4. Researches, interprets and applies laws, court decisions and other legal authority in the preparation of opinions and briefs; prepares formal legal opinions upon request of the Board of Commissioners and the Town Manager.
5. Drafts or reviews Staff's drafting of ordinances and resolutions for the Board of Commissioners, explains the foregoing to the Board of Commissioners and answers questions related thereto.
6. Analyzes legislation including proposed State and Federal legislation affecting the Town.
7. Engages in litigation-related matters including drafting, discovery, court attendance, mediation, investigation, hearings and trials and similar activities.
8. Prepares for and attends the Board of Commissioners' meetings and other boards and committee meetings of the Town as requested.
9. Supervises real property interests for the Town to include title review, interdepartmental communications, negotiations and litigation.
10. Performs other such duties as may be required by virtue of this position as Town Attorney and as directed by the Board of Commissioners.

Selection Process

From a review of the proposals received, the Town may invite several Firms to be interviewed before making a final selection. If the Town desires to interview a Firm, that Firm will receive notification of the date and time of the interview. The selected Firm will negotiate with the Town on fee and contract conditions. If in the sole opinion of the Town, an agreement cannot be achieved with the first respondent of choice, negotiations will proceed with the second or subsequent choice respondents until a mutually agreed contract can be negotiated.

Submittal Requirements

Interested parties should submit the following items in packet form to the Town for consideration. Electronic submissions will be accepted, however we ask that you provide this information in a single PDF file:

1. Statement of Qualifications and resources of the firm/individual, including governmental experience to include description of areas of expertise or relevant experience that may benefit the Town.
2. Statement of Interest in providing service to the Town.
3. Indication of ability to provide timely and efficient service to the Town, including a specification of how many hours per week could be devoted solely to Town business.
4. Suggested contractual terms to include hourly rates.
5. Other factors or information thought to be important to the Town in considering the proposal.

While the Town Attorney is expected to perform the primary legal service functions for the Town, the Town may hire specialized legal counsel to represent the Town in various matters considered outside the normal scope of work. In the event the Board of Commissioners hires outside counsel, the Town Attorney is expected to represent the Town's interest and coordinate the use of outside counsel to include keeping the Board of Commissioners aware of the fees charged by outside counsel.

Evaluation Criteria

The criteria used to evaluate the RFP responses will include, but not be limited to, the following (items listed below are not listed in order of importance):

1. Qualifications of Firm, specifically as they relate to local government experience.
2. Available resources to complete required work.
3. Responsiveness to the RFP, including any additional documents submitted.
4. Professional references.

Additional Instructions, Notifications and Information

No Gratuities – Respondents will not offer any gratuities, favors or anything of monetary value to any official or employee of the Town for the purpose of influencing this selection. Any attempt by a Respondent to influence the selection process by any means, other than disclosure of qualifications and credentials through the proper channels, will be grounds for exclusion from the selection process.

All Information True – By submitting a response, Respondents represent and warrant to the Town that all information provided in the response submitted shall be true, correct and complete. Respondents who provide false, misleading or incomplete information, whether intentional or not, in any of the documents presented to the Town for consideration in the selection process may be excluded.

Interviews – After the initial evaluation of the statements of qualifications, Respondents will be notified of their status in the selection process.

Inquiries – Do not contact the Town Manager, Mayor, or Board of Commissioners to make inquiries about the progress of the selection process. Respondents will be contacted when it is appropriate to do so. Process inquiries may be directed to Heather Finnell, Town Clerk.

Cost of Responses – The Town will not be responsible for the costs incurred by anyone in the submittal of responses.

Contract Negotiations – This RFP is not to be construed as a contract or as a commitment of any kind. If this RFP results in a contract offer by the Town, the specific scope of work, associated fees and other contractual matters will be determined during contract negotiations.

No Obligation – The Town reserves the right to: (1) evaluate the responses submitted; (2) waive any irregularities therein; (3) select candidates for the submittal of more detailed or alternate proposals; (4) waive interviews of any kind before accepting a proposal; (5) accept any submittal or portion of submittal; (6) reject any or all Respondents submitting responses, should it be deemed in the Town's best interest; or (7) cancel the entire process. Proposals will be reviewed and forwarded to the Board of Commissioners for further consideration. The Board of Commissioners reserves the right to select the proposal that best meets the needs of the Town and to proceed in any fashion that it deems appropriate in making such selection so long as such process complies with all applicable laws.

Professional Liability Insurance – The Respondent shall have the appropriate liability insurance written by an insurer authorized to transact insurance in the State of North Carolina.

Submittal Instructions

The Town will receive responses to this RFP at the address set forth below until 12:00 p.m. on Monday, April 6, 2026. Responses should be directed to:

Heather Finnell, Town Clerk
Town of Holden Beach
110 Rothschild Street
Holden Beach, NC 28462
E-Mail: heather@hbtownhall.com

Electronic submissions will be accepted; however, such information must be provided in a single PDF file.

ADDENDUM

This Addendum is intended to accompany The Brough Law Firm, PLLC's (the "Firm") response to the Town of Holden Beach's Request for Proposals for Town Attorney services and includes additional information requested by the RFP.

Firm Background & Principal Attorneys.

The Firm was founded in 1988 by Michael B. Brough. In the thirty-eight years since the Firm's founding, we have provided legal services to local governments throughout the state. The Firm currently employs eleven lawyers, plus additional administrative and support staff. Each of the Firm's attorneys is experienced in local government law and assists the Firm's numerous local government clients in all aspects of governance. As stated in our cover letter, the only local government matters we do not typically handle are specialized bond counsel work and real property transactions. Although we regularly do research and other work relating to real property, we typically ask local real estate attorneys to conduct title searches and closings because they can do so on a more cost-effective basis.

Ms. Lydia E. Lavelle, our proposed primary attorney, received her Bachelor of Arts degree from St. Andrews College and received a master's degree in Recreation Resources from North Carolina State University. She received her law degree from North Carolina Central University (NCCU) School of Law, after which she served as a law clerk for the Honorable Clifton E. Johnson on the North Carolina Court of Appeals. Ms. Lavelle's practice concentration is in state and local government law, including representation of local government councils and boards. She currently serves as the Town Attorney for Broadway, Godwin, and Oak Island. Ms. Lavelle has served in public office and as a member or chair of numerous organizations, including the Executive Committee of the N.C. Metropolitan Mayors Coalition, the Durham-Chapel Hill-Carrboro Metropolitan Planning Organization, the Orange County Solid Waste Advisory Group, the Board of Directors of the Orange County Visitor's Bureau, and the Board of Directors of the Chapel Hill-Carrboro Chamber of Commerce. Her memberships in legal organizations include the 18th Judicial District Bar, the North Carolina Bar Association, the American Bar Association, and the North Carolina Association of Women Attorneys (where she served as past President).

Mr. Robert ("Bob") E. Hornik, Jr., our proposed secondary attorney, received his Bachelor of Arts degree from LeMoyne College in Syracuse, New York, and his law degree from The Washington & Lee University School of Law in Lexington, Virginia. Before becoming a principal in the Brough Law Firm, he engaged in the private practice of law in Syracuse, New York, representing local governments and real estate developers. Mr. Hornik's practice emphasizes municipal law, zoning and land use law, litigation, and ordinance drafting. He serves as general counsel to the Towns of Hillsborough, Hoffman, and Stem, the City of Boiling Spring Lakes, and Foxfire Village. In addition, Mr. Hornik supports others in the firm in their capacities as counsel for the Firm's other municipal clients. He has represented and advised municipalities in New York and North Carolina on issues including local finance, employment, annexation, zoning, planning and environmental law, and private developers in administrative and judicial proceedings at the State and Federal levels. Mr. Hornik has extensive litigation experience in municipal, land use, and annexation matters in trial and appellate courts, including the North Carolina Supreme Court and the United States Supreme Court.

Office locations.

The Firm maintains a main office in Chapel Hill, as well as satellite offices in Concord, Greensboro, and Zebulon. Written correspondence should be directed to the Firm's main office at 1526 E. Franklin St., Suite 200, Chapel Hill, NC 27514.

How the Firm will provide prompt, skilled, and efficient service to the Town.

As discussed in our cover letter and elsewhere herein, the Firm employs eleven attorneys—each of whom are experienced local government lawyers. While we have proposed Ms. Lavelle as the Town’s primary attorney and Mr. Hornik as the secondary attorney, all the Firm’s lawyers are available to assist on an as-needed basis. In our experience, this ensures that the Town will always have a knowledgeable and experienced attorney available when needed. In addition, when specialized or technical legal questions or tasks arise, Ms. Lavelle and Mr. Hornik may delegate work to one or more of the Firm’s other attorneys with relevant or unique experience. This helps to ensure that the Town gets the best available attorney for any legal question or issue that may arise.

Resumes of key personnel providing services to the Town, along with individual specialties.

See, attached Firm Prospectus. Attorney biographies are also available on our Firm’s website at <https://broughlawfirm.com/>.

Proposed rates for all work to be provided to the Town, including hourly rates, retainer rates, rates for travel, attendance at meetings, legal research, work done by legal staff, etc.

See, attached Compensation for Services form. The Firm follows the customary practice of hourly billing. The hourly rate may vary depending on the attorney performing work, as more fully illustrated on the attached Compensation for Services form. We bill on a monthly basis for the previous months’ services. Your monthly statement will consist of two parts: (1) an itemized breakdown of professional services and (2) a list of expenses and advanced costs. Statements will be mailed by the 10th of each month and are overdue if payment is not received by the end of that month. Interest at the rate of 1 ½% per month shall accumulate on balances not paid within thirty (30) days after the date such balances become overdue.

The Firm’s billable time includes, but is not limited to, time spent communicating with Town staff or other officials; consulting with Town staff or other officials; performing factual and legal research related to legal questions or tasks assigned by Town staff or other officials; reviewing letters, memoranda, pleadings, legal instruments, or other documents related to the Firm’s work on the Town’s behalf; drafting letters, memoranda, pleadings, ordinances, resolutions, legal instruments, or other documents related to the Firm’s work on the Town’s behalf; preparing for, traveling to and from, and attending meetings, hearings, arguments, presentations, or other events related to the Firm’s work on the Town’s behalf; and all other work performed on the Town’s behalf, at the Town’s direction, or otherwise related to the Firm’s work for the Town. The Firm’s attorneys’ and legal assistants’ time is billed in increments of one tenth (1/10th) of an hour.

The Firm also bills for costs advanced on the Town’s behalf and other costs incurred by the Firm in relation to the engagement. These include, but are not limited to, costs associated with photocopy charges; private express mail carrier fees; mileage and travel expenses outside of Brunswick, Cabarrus, Chatham, Durham, Duplin, Forsyth, Orange, Wake, and Wayne Counties; filing, service, and other fees associated with litigation; and recording fees for deeds and other instruments.

As discussed in the cover letter and described in more detail in our Compensation for Services form, the Firm proposes a flat fee structure for attendance at Board of Commissioners meetings. However, the Firm is open to discussing alternative fee arrangements.

Identify proposed Town Attorney, and how the firm will handle assignments if the Town Attorney is not available.

As discussed in our cover letter and elsewhere herein, the Firm proposes that Lydia E. Lavelle will serve as the primary Town Attorney and that Mr. Robert (“Bob”) E. Hornik, Jr. will serve as the secondary Town Attorney. Ms. Lavelle will serve as the primary point of contact between the Town and the Firm. Mr. Hornik will be available to assist Ms. Lavelle and/or to fill in for her if she is unavailable. In addition, as a practical matter, the services of all

eleven of the Firm's attorneys are available to the Town on an as-needed basis. This ensures that the Town's needs will be promptly met.

Listing of municipal clients and references, with contact information.

Below are several local government client references for our Firm. However, we have also enclosed a complete list of our Firm's local government public client list. Please feel free to contact any of our Firm's current local government clients for additional references.

Town of Oak Island

Lisa P. Stites, Town Clerk
(910) 201-8004
lstites@oakislandnc.com

Town of Broadway

John Godfrey, Town Manager
(919) 258-9922
manager@broadwaync.com

City of Boiling Spring Lakes

Gordon Hargrove, City Manager
(910) 363-0025
ghargrove@cityofbsl.org

Town of Hillsborough

Eric Peterson, Town Manager
(919) 296-9421
Eric.peterson@hillsboroughnc.gov

Scope of Work.

The Firm has reviewed and understands the Scope of Work set out in the RFP. The Firm has experience with each type of service identified therein and is competent to perform such services on behalf of the Town.

Additional Instructions, Notifications and Information.

The Firm has reviewed and understands the Additional Instructions, Notifications and Information set out in the RFP.

Submittal Requirements.

- 1. Statement of Qualifications and resources of the Firm, including governmental experience to include descriptions of areas of expertise or relevant experience that may benefit the Town.**

As discussed elsewhere in this response, the Firm was founded in 1988 by Michael B. Brough and has practiced primarily in local government law since that time. Each of the Firm's eleven attorneys is experienced in local government matters, and is competent to perform legal services on behalf of the Town. The Firm represents more than two dozen local governments as the town or county attorneys, and represents many more as outside counsel for special matters.

The Firm employs eleven attorneys, each of whom are competent to represent the Town's interests in local government matters. While it is the Firm's practice to designate two attorneys, one as the "primary" and one as the "secondary," for each of the Firm's local government clients, all eleven of the Firm's attorneys are available to assist

the Town as needed. This helps to ensure that sufficient resources are always available to complete the work required by the Town.

Among other things, all of the Firm's attorneys—including Ms. Lavelle and Mr. Hornik—have experience advising governing boards and other appointed boards and commissions on procedural and policy matters, preparing ordinances and ordinance amendments, preparing and reviewing contracts, advising on regulatory issues, litigating code enforcement and other enforcement matters, advising on zoning and development regulations, and litigating other related matters.

2. Statement of Interest in providing service to the Town.

The Firm is interested in providing legal services to the Town of Holden Beach, as the Town Attorneys.

3. Indication of ability to provide timely and efficient service to the Town, including a specification of how many hours per week could be devoted solely to Town business.

The Firm maintains sufficient staffing and resources to provide timely and efficient legal services to all the Firm's local government clients. If the Town selects the Firm as the next Town Attorneys, the Firm will ensure that the Firm has sufficient staffing and resources to provide timely and efficient services to the Town, as well. While it is difficult to provide a specific number of hours per week that the Firm could devote solely to Town business, the Firm can comfortably estimate that the Firm could provide at least twelve hours per week of legal services, dedicated solely to the Town.

4. Suggested contractual terms to include hourly rates.

As discussed elsewhere in this response, the Firm's proposed hourly rates and flat fees are set out in the included Compensation for Services sheet. Also included with this response is a proposed Memorandum of Understanding between the Firm and the Town, setting out other proposed contractual terms and conditions.



NORTH CAROLINA
BRUNSWICK COUNTY

MEMORANDUM OF UNDERSTANDING

1. Parties. The parties to this Memorandum of Understanding (the “Memorandum”) are the Town of Holden Beach (the “Town”) and The Brough Law Firm, PLLC (“Law Firm”).

2. Purpose. The purpose of this Memorandum is to set forth the understanding between the parties concerning the nature of the relationship under which the Law Firm shall serve as the Town Attorney.

3. Scope of Service. In consideration of the compensation set forth below, the Law Firm shall perform for the Town all of the legal services required by the Town as set forth herein. Such services shall include, without limitation, consultation with the Board of Commissioners and Town staff; attendance at the Board of Commissioners monthly meetings; upon request, attendance at the meetings of other Town boards; drafting and/or review of ordinances, contracts, and other documents; and representation of the Town in litigation or other proceedings. Not included within the scope of covered services are services customarily performed by outside bond counsel and real estate title work requiring a formal opinion of title.

4. Services Performed Principally by Lydia E. Lavelle & Robert E. Hornik, Jr. The parties acknowledge and agree that the services covered under this Memorandum shall generally be performed by Lydia E. Lavelle and Robert E. Hornik, Jr., with Ms. Lavelle serving as the primary Town Attorney and Mr. Hornik serving as the Deputy Town Attorney. However, the full resources of the Law Firm shall be available to the Town and other members of the Law Firm may assist the Town when requested to do so by the Town or by Ms. Lavelle or Mr. Hornik. In addition, the Law Firm may subcontract with other firms or individuals to have certain services performed for the Town, such as title searches or bond work, but the Law Firm shall remain responsible to the Town for the quality and timeliness of these services. Payment for these subcontracted services shall be made by the Law Firm and shall be charged to the Town on the Law Firm's monthly invoice. Nothing in this Memorandum shall be construed to prevent or prohibit the Law Firm from designating another attorney employed by the Law Firm as the Town Attorney or Deputy Town Attorney.

5. Compensation. The Town shall pay the Law Firm for legal services rendered beginning on the Effective Date of this Memorandum of Understanding on a monthly basis according to the services performed during each month. All work performed by the Law Firm shall be billed on an hourly basis and charged at the rates indicated on the attached Compensation for Services form, except as otherwise specified therein. The Law Firm shall not commence any project which the Law Firm reasonably believes will cost the Town Five Thousand Dollars and No Cents (\$5,000.00) or more without first notifying the Town Manager. Notwithstanding the foregoing, the Law Firm may immediately commence such projects if the Law Firm reasonably believes that waiting to commence the project until after informing the Town Manager will prejudice the Town's interests, provided that the Law Firm informs the Town Manager as soon as reasonably practicable.

6. Duration, Termination. This Memorandum shall govern the relationship between the parties for the period beginning upon the execution of this Memorandum (the “Effective Date”) and continuing through June 30, 2029, following which date this Memorandum shall automatically renew for successive one (1) year terms. The relationship established under this Memorandum may be terminated upon ten (10) days written notice by either party. Payment shall be made for services rendered through the date of termination. The Law Firm reserves the right to update or amend the Compensation for Services

form applicable within any term of this Memorandum by providing a copy of the updated form to the Town not less than sixty (60) days before the end of the then-current term.

7. Amendment. This Memorandum, including the attached Compensation for Services form, may be amended from time to time by written agreement between the Law Firm and the Town and consented to by majority vote of the Board of Commissioners. Nothing in this Memorandum shall be construed to prevent the Board of Commissioners from delegating to the Mayor, Town Manager, or other duly authorized Town official, the authority to consent to amendments to this Memorandum or the attached Compensation for Services form on behalf of the Town.

8. Artificial Intelligence (AI) Use Disclosure. To enhance the efficiency, accuracy, and cost-effectiveness of our legal services, the Firm may employ reputable artificial intelligence (AI) technologies—including generative AI—to assist with document review, legal research, and initial drafting. We are committed to maintaining the confidentiality of your information in accordance with North Carolina Rules of Professional Conduct. All AI Systems used by the Firm are implemented with security measures to ensure confidential information is not shared with public, unsecured platforms. Please be advised that all AI use is under the strict supervision of our attorneys and AI tools do not replace their professional judgment and expertise. All Firm work product shall be reviewed and verified by a licensed attorney before being used in your matter.

9. Notice of Legal Questions. Except as specified herein, the Law Firm shall not be expected to answer any questions of legal significance during a meeting of a public body unless the Law Firm has been provided with 24 hours' notice of the question. This notice period affords the Law Firm a reasonable opportunity to review the question and conduct any factual or legal research necessary to provide a response. Further, this notice period provides the Law Firm and the Town an adequate opportunity to determine whether the Law Firm's response and any related discussion is appropriate for open session or whether such response and discussion should be held in closed session. This helps to shield the Town from potential liability, waiver of the attorney-client privilege, or other adverse effects, and helps to ensure that the Town is provided with reliable and accurate legal advice. The Law Firm retains the right to waive this provision on a case-by-case basis, and any waiver of this provision, in any one or more instances, shall not be deemed to be or be construed as a further or continuing waiver of this provision.

10. Pre-Meeting Conferences. The Town shall make appropriate Town Staff and Town Officials available for a Pre-Meeting Conference prior to each meeting of the Board of Commissioners and any other board meetings at which the Town expects an attorney employed by the Law Firm to be present. The purpose of these Pre-Meeting Conferences is to afford the Law Firm and the Town an opportunity to review each meeting's agenda and to discuss matters which may require input from the Town Attorney.

11. General Waiver of Conflicts. The Law Firm represents many local governments, companies, organizations, and individuals. The Town's execution of this Memorandum constitutes the Town's agreement that the Law Firm may continue to represent or may undertake in the future to represent existing or new clients in any matter that is not substantially related to the Law Firm's work for the Town, even if the interests of such clients in those other matters may be directly or indirectly adverse to the Town's. The Law Firm agrees, however, that the Town's prospective consent to conflicting representation contained in the preceding sentence shall not apply in any instance where, as a result of the Law Firm's representation of the Town, the Law Firm has obtained proprietary or other confidential information of a non-public nature, that, if known to such other client(s), could be used in any such other matter by such client to the Town's material disadvantage.

This Memorandum of understanding is executed by the parties this ____ day of _____, 2026.

TOWN OF HOLDEN BEACH

THE BROUGH LAW FIRM, PLLC

BY: _____

BY: _____

Lydia E. Lavelle

Print Name, Title

ATTEST:

Heather Finnell, Town Clerk

This instrument has been preaudited in the manner required by the Local Government Budget and Fiscal Control Act.

Date

Print Name, Title

COMPENSATION FOR SERVICES

Statements for services rendered by The Brough Law Firm, PLLC (the “Firm”) will be prepared at the end of each calendar month for the work performed during the previous month. Your monthly statement will consist of two parts: (i) an itemized breakdown of professional services and (ii) a list of expenses and advanced costs. The professional services portion of your statement will be based upon the following Hourly Rates and Flat-Fee Meeting Rates for the attorneys and other staff who work on your case:

Hourly Rates				
Attorney	Effective Upon Execution	Effective 07/01/2026	Effective 07/01/2027	Effective 07/01/2028
Senior Attorney	\$265.00	\$275.00	\$290.00	\$300.00
Associate	\$245.00	\$255.00	\$270.00	\$275.00
Legal Assistant	\$150.00	\$160.00	\$175.00	\$180.00

Flat-Fee Meeting Rates				
Means of Attendance	Effective Upon Execution	Effective 07/01/2026	Effective 07/01/2027	Effective 07/01/2028
In-Person	\$1,250.00	\$1,350.00	\$1,500.00	\$1,650.00
Telephone or Video	\$650.00	\$750.00	\$850.00	\$950.00

The above-listed Flat-Fee Meeting Rates are charged for travel to and from and attendance at meetings of the Board of Commissioners, Planning Board, Board of Adjustment, and any other appointed or advisory boards established by the Board of Commissioners. For meetings of the Board of Commissioners, Planning Board, and Board of Adjustment, which the attorney is expected to attend regularly, either in-person or by alternative means, the Firm will charge a reservation fee equal to one (1) hour of work billed at the Senior Attorney rate. If the attorney attends the meeting, either in-person or by alternative means, the reservation fee will be credited against the attorney’s fee for that meeting. If the attorney is not asked to attend the meeting, the fee will be charged to reserve time on the attorney’s calendar. All other work performed by the Firm will be billed in increments of one tenth (1/10th) of an hour at the Hourly Rates described above. For meetings of the Board of Commissioners and any other boards, which are charged at a Flat-Fee Meeting Rate, the Firm will not charge for travel time. For all other travel associated with the Firm’s work on behalf of the Town, the Firm will charge its regular Hourly Rates. However, the Firm will provide a 50% courtesy credit to the Town for all charges associated with travel on the Town’s behalf. The Firm reserves the right to charge a reasonable administrative fee for work involving significant administrative time related, but not limited, to: printing, copying, collating, and document preparation performed by the Firm’s administrative staff using the Firm’s resources.

Your statement will indicate the services performed and the date, the attorney performing the services, the hourly rate, and the total. It will also include an itemized list of additional expenses and advanced costs. These include:

- Photocopy charges for non-routine copying done for the client outside the office.
- Private express mail carriers such as Federal Express.
- Mileage and travel expenses outside Brunswick, Cabarrus, Chatham, Davie, Durham, Duplin, Forsyth, Granville, Guilford, Lee, Moore, Orange, Person, Union, Wake, and Wayne counties.
- Filing, service of process, and other fees associated with litigation.
- Fees for recording deeds and other instruments.

Statements will be mailed by the 10th of each month and are overdue if payment is not received by the end of that month. Interest at the rate of 1 ½% per month shall accumulate on balances not paid within thirty days after the date such balances become overdue. Any retainer received from you will be deposited in our trust account and used to pay your monthly statements. To the extent our statements exceed the retainer amount, payment will be expected as indicated above. If payment in full is not received by the 15th of the month following the month in which a statement is issued, no additional services will be performed on your behalf, and thereafter services will be performed only if and to the extent that additional funds are deposited in our trust account to ensure payment of our statements as they become due.

Payments can be made by check, credit card, or “e-check.” We will add a processing fee of 1.95% for Visa, Mastercard, and Discover payments and a processing fee of 2.95% for other cards, including American Express. E-check payments are limited to \$5,000 per payment.

The Brough Law Firm

Public Entity Client List

The following is a complete listing of public entities our firm has represented. Entities highlighted in yellow are current clients:

Entity	Position Held	Years of Service
Town of Aberdeen, NC	Town Attorneys	Approx. 2000 – present
City of Asheboro, NC	Outside Litigation Counsel	Approx. 1991 – 1992
Town of Ayden, NC	Outside Litigation Counsel	Approx. 1999
Town of Bath, NC	Outside Litigation Counsel to the Board of Adjustment	Approx. 2009
Town of Boiling Spring Lakes, NC	Town Attorney	2022 – present
Town of Boone, NC	Outside Litigation Counsel	Approx. 1991 - 1992
City of Burlington, NC	Outside Litigation Counsel	Approx. 1993 – 1994
Cabarrus County, NC	Outside Litigation Counsel	2011 – 2012
Town of Cameron, NC	Town Attorneys and Litigation Counsel	Approx. 1998 – 2021
Town of Canton, NC	Town Attorneys	2012 – 2014
Town of Cape Carteret, NC	Outside Litigation Counsel	Approx. 1999
Town of Carolina Beach	Outside Counsel regarding a personnel matter	2015
Town of Carrboro, NC	Town Attorneys	Approx. 1980 – present
Town of Carthage, NC	Town Attorneys	2014 – present
Town of Cary, NC	Outside Litigation Counsel	Approx. 2000 – present
Town of Chapel Hill	Counsel to the Historic District Commission	Approx. 2021 – present
Chatham County, NC	Outside Litigation Counsel	2000
Chatham County, NC Board of Adjustment	Board Attorney	2016 - present
Town of Clemmons	Town Attorneys	2022 – present
City of Concord, NC	Outside Litigation Counsel and Counsel to the Board of Adjustment Mr. Benschhoff served as in house City Attorney	2004 – present 2003 to 2014
Currituck County, NC	Outside Litigation Counsel	Approx. 2012; 2014 – present
Town of Duck	Outside Counsel for a zoning matter	2015
Town of Elizabethton, NC	Outside Litigation Counsel	2004 – 2005

Foxfire Village, NC	Village Attorneys	2010 – present
Gaston County, NC	Outside Litigation Counsel	Approx. 1992 – 1993
Town of Green Level, NC	Town Attorneys	Approx. 2007 – 2010
Town of Gibson, NC	Town Attorneys	2021 – present
City of Hamlet, NC	City Attorneys	2014 – present
Henderson County, NC	Outside Litigation Counsel	Approx. 1988 – 1989
City of Hickory, NC	Economic development issue; board training	2014; 2015
Town of Hillsborough, NC	Town Attorneys and Litigation Counsel	Approx. 1988 – present
Town of Hoffman, NC	Town Attorneys	2014 – present
Town of Holly Springs	Prepared development ordinance amendments	1995-1996
Town of Hope Mills, NC	Town Attorneys and Litigation Counsel	2012 – 2016
City of Jacksonville, NC	Outside Litigation Counsel	2015 – present
City of Kannapolis, NC	Outside Litigation Counsel	2014 – present
Town of Kill Devil Hills, NC	Outside Litigation Counsel	Approx. 1996 – 1997
Town of Landis, NC	Outside counsel for an annexation matter	Approx. 2005
Lumberton Visitors Bureau; Lumberton Airport Authority	Attorney	Approx. 1999-2003
City of Lumberton	City Attorney	1997 to 2003
Town of Maiden, NC	Outside Counsel for code rewrite	2009 – 2011
Village of Marvin, NC	Outside Litigation Counsel	2018 – 2019
Town of Mocksville	Town Attorney	2017 – present
City of Monroe	Board of Adjustment Attorney	2020 – present
Town of Nags Head, NC	Outside Litigation Counsel	Approx. 1997 – 1998
City of New Bern, NC	Outside Litigation Counsel	Approx. 2007 – 2008
Town of Oakboro, NC	Town Attorneys	2015 – present
Town of Oak Island, NC	Outside Counsel Town Attorneys	2024 – present
Person County	County Attorneys	2021 – present
Person County Tourism Dev. Authority	Genery Counsel	2024 – present
Town of Pinebluff, NC	Town Attorneys and Litigation Counsel	Approx. 2000 – present
Town of Princeville, NC	Town Attorneys	2018 – 2019
Robeson County, NC	Outside Litigation Counsel	2018 - present
Town of Robbins, NC	Town Attorneys	2014 – present
City of Rockingham	Outside Litigation Counsel; City Attorneys	2023, 2024 - present

Rockingham County, NC	Outside Litigation Counsel	2013 – 2015
Rockingham County Schools	General Counsel	2019 – 2023
City of Roxboro, NC	City Attorneys and Litigation Counsel	Approx. 1998 – present
Town of Rutherfordton, NC	Outside Counsel for code rewrite and Outside Litigation Counsel	Approx. 1999; 2002
City of Sanford, NC	Attorney to the Board of Adjustment and Historic Properties Commission.	2015 – present
City of Salisbury, NC	Outside Litigation Counsel	2005 – 2007
Town of Sedalia, NC	Outside Counsel	2015 – present
City of Shelby, NC	Outside Litigation Counsel	Approx. 2001 – 2002
Siler City, NC	City Attorneys	Approx. 1996 – 2014
Town of Summerfield, NC	Town Attorneys	2019 – 2024
Town of Stem, NC	Town Attorneys	2012 – present
Town of Tarboro, NC	Town Attorneys and Litigation Counsel	Approx. 1992 – 2013
Town of Taylortown, NC	Town Attorneys	Approx. 2000 – 2014
City of Trinity, NC	City Attorneys	2015 – 2017
City of Troy, NC	Outside Litigation Counsels	2014 – 2015
Town of Unionville, NC	Outside Litigation Counsel	2006 – 2009
Town of Vass, NC	Town Attorneys	2014 – present
Village of Whispering Pines	Village Attorneys and Litigation Counsel	Approx. 2002 – present
City of Wilmington, NC	Outside Litigation Counsel	1997; 2010
Warren County, NC	Outside Litigation Counsel	Approx. 1993 – 1994
Town of Waxhaw, NC	Outside Counsel for code rewrite	2015 – approx. 2022
Town of Whitsett	Town Attorneys	2024 – present
City of Wilson, NC	Outside Litigation Counsel	2011 – 2013
Town of Yadkinville, NC	Outside Counsel to the Board of Adjustment	2014 – 2015



1526 E. Franklin Street
Suite 200
Chapel Hill, NC 27514

CHAPEL HILL (919) 929-3905
CONCORD (980) 622-6440
GREENSBORO (336) 971-5502

broughlawfirm.com

G. Nicholas (Nick) Herman
herman@broughlawfirm.com

Robert (Bob) E. Hornik, Jr.
hornik@broughlawfirm.com

T.C. Morphis, Jr.
morphis@broughlawfirm.com

Alan A. Andrews
andrews@broughlawfirm.com

Albert (Al) M. Benshoff
benshoff@broughlawfirm.com

Kevin R. Hornik
khornik@broughlawfirm.com

Brady N. Herman
bherman@broughlawfirm.com

Lydia E. Lavelle
lavelle@broughlawfirm.com

Jenna Yovanovich
yovanovich@broughlawfirm.com

Lori Stuart
Office Administrator
office@broughlawfirm.com

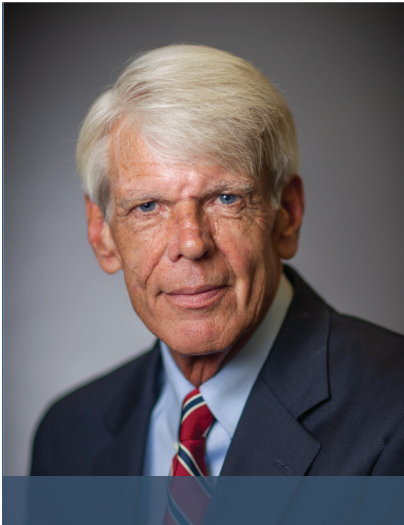


Michael B. Brough founded the Brough Law Firm (now The Brough Law Firm, PLLC) in 1988 in Chapel Hill, North Carolina. Today, the firm has nine attorneys, including G. Nicholas (Nick) N. Herman, Robert E. (Bob) Hornik, Jr., T.C. Morphis, Jr., Alan A. Andrews, Albert M. Benshoff, Kevin R. Hornik, Brady N. Herman, Lydia E. Lavelle, and Jenna Hornik Yovanovich. With offices in Chapel Hill, Concord, and Greensboro, the firm has a statewide practice primarily devoted to local government and land use work.

The firm regularly assists developers in obtaining zoning and other land use entitlements, and we also represent individuals, citizen groups, businesses, and other corporations in a broad range of capacities relating to planning, zoning and land-use related matters. We regularly assist clients with rezonings, variances, special and conditional use permits, annexations, condemnations, vested rights, subdivision development, historic district designations, and regulations under the N.C. Coastal Area Management Act, as well as other State and federal land use and environmental laws.

The firm also has a robust local government law practice. We serve as general counsel to Person County and to twenty-six North Carolina municipalities, including Aberdeen, Boiling Spring Lakes, Carrboro, Carthage, Clemmons, Creedmoor, Foxfire Village, Gibson, Godwin, Hamlet, Hillsborough, Hoffman, Mocksville, Oakboro, Oak Island, Pinebluff, Robbins, Rockingham, Roxboro, Sedalia, Southport, Stanfield, Stem, Vass, Whispering Pines, and Whitsett. The firm also provides special litigation services for the Town of Cary, City of Concord, Currituck County, Rockingham County, Cabarrus County, Robeson County, and Brunswick County. We regularly assist numerous other cities and counties throughout the State in matters ranging from ordinance drafting to litigation, and we regularly handle matters as outside counsel that are considered too delicate for an in-house attorney to handle alone.

The members of the firm have extensive expertise in litigation and appellate matters, and they have argued over 135 cases in the North Carolina Supreme Court, North Carolina Court of Appeals, and the United States Court of Appeals for the Fourth Circuit. In addition, members of the firm have taught on the adjunct faculties at the University of North Carolina School of Law, North Carolina Central University School of Law, Duke University School of Law, Campbell University School of Law, North Carolina State University, Elon University, National Institute for Trial Advocacy, and at the School of Government in Chapel Hill. Collectively, the members of the firm have published 13 books and monographs, and over 100 articles (including Continuing Legal Education papers) on various areas of law in which the firm practices.



G. NICHOLAS (NICK) HERMAN

Nick Herman received his Bachelor of Arts degree from the University of North Carolina at Chapel Hill as a Morehead-Cain Scholar and his law degree from Duke University School of Law. He has extensive litigation experience in state and federal court in a wide variety of areas of law, including municipal and county defense, zoning issues, constitutional law, civil rights, eminent domain, and employment law. He has also argued over 40 cases

in the North Carolina Supreme Court, North Carolina Court of Appeals, and the United States Court of Appeals for the Fourth Circuit.

Mr. Herman is also an Adjunct Professor at Campbell Law School and North Carolina Central University School of Law, and he has taught on the adjunct faculties at Duke Law School, UNC-CH Law School, and Elon University. He teaches courses in trial practice, the law of evidence, legal counseling and negotiating, arbitration, appellate advocacy, civil procedure, alternative dispute resolution, and pretrial litigation, among other courses. He has also taught on the faculty of the National Institute of Trial Advocacy in trial practice, negotiation and mediation, and deposition-taking skills. He is the author of: *North Carolina Civil Trial Practice* (Juris Publishing, Inc., 2nd ed. 2021); *Advocacy in Negotiation and Mediation* (Carolina Academic Press 2021); *Navigating the First Year of Law School* (Carolina Academic Press 2016); *Practical Evidence: The Law, Foundations, and Trial Techniques* (West Group, 2nd ed. 1999); *Plea Bargaining* (Juris Publishing, 5th ed. Inc. 2020); *Legal Counseling, Negotiating & Mediating: A Practical Approach* (Carolina Academic Press, 2nd ed. 2009); and *Client Interviewing, Counseling, and Decision-Making: A Practical Approach* (Carolina Academic Press, 2nd ed. 2021). He has also written over 60 articles on various subjects of law, litigation, and appeals.

Mr. Herman has been a lecturer at numerous Continuing Legal Education programs on topics such as land-use regulation powers, civil litigation and trial advocacy, eminent domain, the law of damages, witness preparation, disability law, and ethical considerations in civil litigation and appellate practice. He now serves as general counsel to the Town of Carrboro and the City of Roxboro. He has served as special litigation counsel for Cabarrus County, Rockingham County, Brunswick County, Chatham County, Currituck County, Robeson County, the City of Concord, the City of Wilmington, the Town of Unionville, and the Town of Garner. His practice is otherwise primarily devoted to general representation and complex litigation and appeals involving areas such as county and municipal law, zoning issues, land use regulation, condemnation cases, nuisance abatement, constitutional law, employment law, and business litigation.

ROBERT E. (BOB) HORNIK, JR.

Bob Hornik received his Bachelor of Arts degree, with honors, in Political Science from LeMoyne College in Syracuse, New York, and his law degree from The Washington & Lee University School of Law in Lexington, Virginia. Before becoming a principal in the Brough Law Firm, he engaged in the private practice of law in Syracuse, New York, representing local governments and real estate developers.



Mr. Hornik's practice emphasizes municipal law, zoning and land use law, litigation, and ordinance drafting. He serves as general counsel to the Towns of Hillsborough, Hoffman, and Stem, the City of Boiling Spring Lakes, and Foxfire Village. In addition, Mr. Hornik supports others in the firm in their capacities as counsel for the Firm's other municipal clients. He has represented and advised municipalities in New York and North Carolina on issues including local finance, employment, annexation, zoning, planning and environmental law, and private developers in administrative and judicial proceedings at the State and Federal levels.

Mr. Hornik has extensive litigation experience in municipal, land use, and annexation matters in trial and appellate courts, including the North Carolina Supreme Court and the United States Supreme Court. He has also counseled clients in various commercial real estate transactions, including site acquisition, leasing and financing of multi-million-dollar commercial, retail and office ventures, and large scale residential subdivisions. Mr. Hornik's practice has included representation of several regional and national wireless telecommunication providers in the site acquisition and permitting processes for wireless telecommunications facilities, including State and Federal court actions brought under the Telecommunications Act.

Mr. Hornik is admitted to practice not only in North Carolina and New York, but also in the federal courts in the Northern and Western Districts of New York, in the Eastern, Middle and Western Districts of North Carolina, in the United States Circuit Court for the Fourth Circuit, and in the United States Supreme Court. He is a member of the North Carolina, New York and American Bar Associations. Mr. Hornik is active in the North Carolina Bar Association's Zoning, Planning, and Land Use Section, having served as a member of the Section's first Section Council. He served two terms as Chairman of the Section's Continuing Legal Education Committee, and has presented continuing legal education programs for municipal attorneys and newly admitted attorneys on numerous occasions.



T.C. MORPHIS, JR.

T.C. Morphis grew up in Hickory, North Carolina. He received a Bachelor of Arts in Philosophy and History from UNC-Chapel Hill and his Law Degree and a Master's Degree in City and Regional Planning from UNC-Chapel Hill.

Mr. Morphis' primary practice areas include local government, zoning and land use, employment, code enforcement, environmental, and coastal area management law. He provides general legal counsel for Person County; the City of Hamlet; the Towns of Aberdeen and Robbins; and the Village of Whispering Pines. He also serves as outside counsel to the Chatham County Board of Adjustment, and regularly represents citizen groups and other private clients in land-use litigation throughout North Carolina. Mr. Morphis has experience at all stages of litigation, from quasi-judicial hearings before local boards to trial court work and appellate advocacy before the North Carolina Court of Appeals and North Carolina Supreme Court. Mr. Morphis also regularly advises local government clients on code enforcement and board governance issues.

Early in his career, Mr. Morphis served as a clerk with the Charlotte City Attorney's Office and as an extern for the Honorable Judge Linda McGee of the North Carolina Court of Appeals. Mr. Morphis' Masters-Degree Project compared land trusts and resource conservation efforts in North Carolina with forest conservation in India, and he was a recipient of a U.S. Department of Education Foreign Language Area Studies scholarship for the study of Hindi and Urdu. Mr. Morphis also received, at UNC-CH Law School, the Gressman-Pollitt Award for Oral Advocacy, the Best Overall award in the UNC Environmental Negotiation Competition, and recognition as a finalist in the Merhige National Environmental Negotiation Competition.

Mr. Morphis is admitted to practice in the State courts in North Carolina and in the United States District Court, Middle District of North Carolina. He has previously served on the Board of the North Carolina Association of Municipal Attorneys; as the Chair of the North Carolina Bar Association's Zoning, Planning and Land Use Section Council; and as the Co-Editor of the North Carolina Bar Association's *Land Use Law Quarterly*. He also previously served on the Triangle Land Conservancy's Land Protection Committee and as the Chairman of the Advisory Committee to the City of Durham's Community and Family Life Center at Lyon Park.

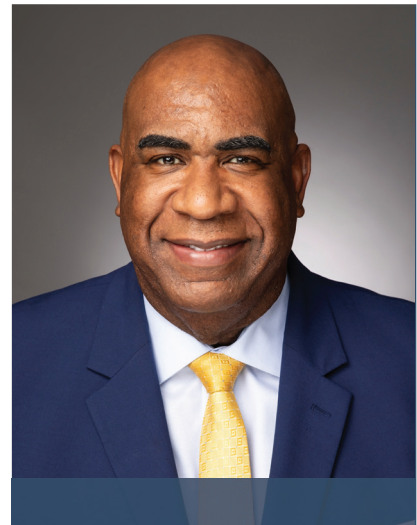
ALAN A. ANDREWS

Alan A. Andrews received his B.A. with honors from Howard University and his law degree from the University of North Carolina at Chapel Hill. While in law school, Mr. Andrews served as Chief Justice of the Holderness Moot Court and was recognized as a member of the James E. and Carolyn B. Davis Society. After law school, Mr. Andrews served his country as a U.S. Army Judge Advocate General ("JAG") officer stationed at Schofield Barracks and Ft. Shafter, Hawaii. After his military service ended, Mr. Andrews began his career as a local government attorney serving the cities of Charlotte and High Point as a Police Attorney. He further served as the Durham County Attorney, a Deputy County Attorney in Gaston County, a Deputy City Attorney in the City of Winston-Salem, and as the Chief Deputy City Attorney for the City of Greensboro. Mr. Andrews has also served as a staff attorney at the North Carolina General Assembly.

Mr. Andrews has extensive experience in economic development law, eminent domain, community development, code enforcement, nuisance abatement, employment and water utilities law. His background also makes him uniquely suited to advise North Carolina police departments and Sheriff's offices. Mr. Andrews' practice includes municipal law, zoning and land use law, litigation, and ordinance drafting. Mr. Andrews also advises private clients in administrative and judicial matters at the local, State and Federal levels.

Mr. Andrews has argued cases before the N.C. Court of Appeals, including a case of first impression involving police personnel records. Mr. Andrews negotiated the City of Greensboro's participation in the Greensboro-Randolph Megasite via a master services agreement and the rerouting of water and sewer services from Greensboro to the site.

Mr. Andrews is a member of the North Carolina Association of Municipal Attorneys and has served as past President of the North Carolina Association of Police Attorneys.





ALBERT M. BENSHOFF

Al Benshoff graduated from the University of Michigan with a Bachelor of Science in Natural Resources. He briefly worked as a contractor for the U.S. Department of the Interior, Bureau of Outdoor Recreation (now the National Park Service) before working in environmental compliance for National Steel Corp. He later received a Master's Degree in Regional Planning from the University of Michigan.

For many years, he worked as a planner, first for the Beaufort County, S.C. Planning Commission, and then for the City of Cary, N.C. where he oversaw the adoption of the first Unified Development Ordinance, the construction of the first five miles of greenway, and several comprehensive plans. While working in Cary, he attended the evening law program at N.C. Central University School of Law, in Durham, NC.

After receiving his law degree, Mr. Benshoff became the City Attorney for Lumberton, N.C. and then served as the City Attorney for Concord, N.C. Some of his accomplishments in Concord include litigating a major zoning challenge to the new Cabarrus County jail, re-writing the Concord Development Ordinance, obtaining and defending Inter-Basin Transfer Permits from the Yadkin and Catawba Rivers to Concord and Kannapolis, assisting with the redevelopment of "Brownfield" sites, and organizing community development and the construction of the joint Albemarle-Concord- Kannapolis water pipeline.

Mr. Benshoff provides general legal counsel to the Village of Clemmons and the Towns of Gibson, Mocksville, Oakboro, Sedalia, and Stanfield. He has worked with other local government clients, including the Towns of Aberdeen, Carthage, Carrboro, Creedmoor, Selma, Holly Springs, Pinebluff, Robbins, the Lumberton Convention and Visitors Bureau, the Cities of Kannapolis and Roxboro, and the Village of Pinehurst. He practices in the areas of real estate development, code enforcement, contracts, economic development, annexation, land use and zoning, eminent domain, housing authorities, personnel, and community development, including U.S. Housing and Urban Development programs.

Mr. Benshoff is licensed in the North Carolina state courts and U.S. District Courts of the Eastern, Middle and Western Districts of North Carolina, as well as the U.S. Fourth Circuit Court of Appeals. He is an active member of the North Carolina Bar Association, where he has served on the Section Councils of both the Government & Public Sector Section and the Zoning, Planning and Land Use Law Section. Mr. Benshoff recently received the Grainger Barrett Award for Excellence from the Government & Public Sector Section. Also, from 2017 to 2019 Mr. Benshoff served on the Board of Directors of the NC Association of Municipal Attorneys. In the community, he serves as a director of a nonprofit corporation providing housing to low income seniors in Cabarrus County, the Methodist Episcopal Senior Housing, Inc.

KEVIN R. HORNİK

Kevin Hornik received his Bachelor of Arts degree, with honors, in History from Queens University of Charlotte in Charlotte, North Carolina in 2013. He received his law degree in 2016, and was admitted to practice in all courts of this State in 2017.

While in law school, Mr. Hornik worked as a legal writing consultant and instructor, assisting and advising students on their legal writing assignments. He also worked as an intern at the school's Community and Economic Development Clinic, providing pro bono legal services to non-profit and community and economic development organizations in the Charlotte area and in the surrounding communities. He also was a member of the World Affairs Council of Charlotte, participating in and attending a lecture series in the greater Charlotte area through both the law school and The Magellan Society.

Mr. Hornik currently serves as the City Attorney for Creedmoor and the Town Attorney for Pinebluff and Whitsett. He also regularly provides outside counsel to the Town of Chapel Hill Historic District Commission, the Town of Cary Board of Adjustment, and the City of Sanford Board of Adjustment and Historic Preservation Commission. His experience includes local government and municipal land use matters, as well as non-profit and community economic development work. Mr. Hornik practices with the firm by counseling the firm's numerous local government clients in land-use, regulatory, and employment matters, including all operational and transactional aspects of those local governments. In addition, he litigates cases on behalf of the firm's local government and private clients. This includes counsel and representation in administrative matters, quasi-judicial proceedings, trial proceedings, and appellate cases brought on behalf of the local governments represented by the firm in the NC Court of Appeals, NC Supreme Court, the federal district courts of North Carolina, and the US Court of Appeals for the Fourth Circuit.





BRADY N. HERMAN

Brady Herman received his B.A. degree from Elon University and his J.D. degree from Campbell University School of Law. While in law school, he concentrated his studies in litigation. He was also a named contributor to *Navigating the First Year of Law School*, a nationally-distributed book published by Carolina Academic Press.

Mr. Herman currently serves as the Town Attorney for Carthage and Vass and the City Attorney for Rockingham and Southport. He also provides outside counsel to the City of Sanford Planning Board. His practice is devoted to assisting private clients obtain zoning and land use entitlements and advising local government clients in a wide range of areas, including zoning and planning matters, code enforcement, quasi-judicial functions, ordinance drafting and interpretation, police and fire functions, storm water and other public-utility matters, employment matters, and contract and other transactional matters for local governments. Mr. Herman also provides legal research and litigation representation and support for cases litigated by the firm. This includes counsel and representation in negotiation and mediation, administrative matters, quasi-judicial proceedings, trial proceedings, and appellate cases brought on behalf of the local governments represented by the firm in the North Carolina and federal courts.

Brady is a contributing author to the regular updates for *North Carolina Civil Trial Practice—With Application of the N.C. Rules of Evidence*—which is North Carolina’s leading trial-practice treatise published by Juris Publishing Company. He is admitted to practice in all North Carolina courts.

LYDIA E. LAVELLE

Lydia E. Lavelle graduated with a B.A. from St. Andrews College and received a master's degree in Recreation Resources from North Carolina State University. She received her law degree from North Carolina Central University (NCCU) School of Law, after which she served as a law clerk for the Honorable Clifton E. Johnson on the North Carolina Court of Appeals.

Ms. Lavelle's practice concentration is in state and local government law, including representation of local government councils and boards. She currently serves as the Town Attorney for Oak Island and Godwin.

In 2009, Ms. Lavelle joined the full-time faculty at NCCU Law School where she obtained the status of full professor. She regularly taught State and Local Governmental Law, among other subjects. She has published numerous articles and has co-authored two books. She has also served as a lecturer or panelist in over sixty workshops, events, and Continuing Legal Education programs on topics such as local government authority, legislative issues, and leadership.

Ms. Lavelle has served in public office and as a member or chair of numerous organizations, including the Executive Committee of the N.C. Metropolitan Mayors Coalition, the Durham-Chapel Hill-Carrboro Metropolitan Planning Organization, the Orange County Solid Waste Advisory Group, the Board of Directors of the Orange County Visitor's Bureau, and the Board of Directors of the Chapel Hill-Carrboro Chamber of Commerce. Her memberships in legal organizations include the 18th Judicial District Bar, the North Carolina Bar Association, the American Bar Association, and the North Carolina Association of Women Attorneys (where she served as past President).





JENNA YOVANOVICH

Jenna Hornik Yovanovich received her Bachelor of Arts in Sport and Event Management from Elon University in 2015. She received her law degree, with honors, from Campbell University School of Law in 2019 and was admitted to the North Carolina State Bar in 2020.

After law school, Ms. Yovanovich worked in private practice with another Chapel Hill law firm, her primary practice area being transactional real estate. She has extensive experience in and understanding of all areas of real property law including title research, contract negotiations, and interpretation and drafting of easements and covenants. Ms. Yovanovich has closed hundreds of real estate transactions, both residential and commercial, during her time in practice. Since her admission to the Bar, she has also gained experience in general research and writing, estate planning and administration, landlord-tenant matters, and small business formation.

Using her experience in legal research and real property law, Ms. Yovanovich's work with The Brough Law Firm focuses primarily in local government and land use law to represent both local government entities and private landowners.



APPELLATE CASES BY FIRM MEMBERS

Adoption of P.E.P., 100 N.C. App. 191, 395 S.E.2d 133 (1990), rev'd, 329 N.C. 692, 407 S.E.2d 505 (1991)

Albright v. Nash County, 222 N.C. App. 634, 731 S.E.2d 276 (2012) (unpublished)

Allen v. City of Burlington Bd. of Adjustment, 100 N.C. App. 615, 397 S.E.2d 657 (1990)

Amward Homes v. Town of Cary, 365 N.C. 305, 716 S.E.2d (2011)

Angell v. City of Sanford, 106 N.C. App. 90, 415 S.E.2d 589 (1992)

Anthony v. City of Shelby, 152 N.C. App. 144, 567 S.E. 2d 222 (2002)

Arter v. Orange County, 290 N.C. App. 128, 892 S.E.2d 89 (2023)

Ashby v. Town of Cary, 161 N.C. App. 499, 588 S.E.2d 572 (2003)

Ashley v. The City of Lexington, 209 N.C. App. 1, 704 S.E.2d 529 (2011)

Barnett v. Karpinos, 119 N.C. App. 719, 460 S.E.2d 208 (1995)

Batch v. Town of Chapel Hill, 92 N.C. App. 601 (1989), 376 S.E.2d 22, rev'd, 326 N.C. 1, 387 S.E. 2d 655 (1990)

Bradley Co. v. Town of Chapel Hill, 112 N.C. App. 135, 435 S.E.2d 375 (1993)

Capricorn Equity Corp. v. Town of Chapel Hill Bd. of Adjustment, 106 N.C. App. 134, 415 S.E.2d 752 (1992), rev'd, 334 N.C. 132, 431 S.E.2d 183 (1993)

Casella v. Alden, 200 N.C. App. 24, 682 S.E.2d 455 (2009)

Caswell County v. Town of Yanceyville, 170 N.C. App. 124, 611 S.E.2d 451 (2005)

Chapel Hill Title v. Chapel Hill, 362 N.C. 649, 669 S.E.2d 286 (2008)

Chapel Hill Title & Abstract v. Chapel Hill, 178 N.C. App. 561, 631 S.E.2d 893 (2006)

City of Concord v. Duke Power, 346 N.C. 211, 485 S.E.2d 278 (1997)

City of Lumberton v. U.S. Cold Storage, Inc., 178 N.C. App. 305, 631 S.E.2d 165 (2006)

City of Hillsboro v. Hughes, 140 N.C. App 714, 538 S.E.2d 586, rev. denied, 353 N.C. 370, 547 S.E.2d 4 (2000)

Clement v. Cumberland Cty., 836 S.E.2d 789 (N.C. Ct. App. 2020) (unpublished)

County of Durham v. Roberts, 145 N.C. App. 665, 551 S.E.2d 494 (2001)

Clark v. Red Bird Cab Co., 114 N.C. App. 400, 442 S.E.2d 75 (1994)

Coleman v. Town of Hillsborough, 173 N.C. App. 560, 619 S.E.2d 555 (2005)

Coucoulas/Knight Prop. v. Town of Hillsborough, 364 N.C. 127, 691 S.E.2d 411 (2010)

Craig v. County of Chatham, 356 N.C. 40, 565 S.E.2d 173 (2000)

Currituck County v. Letendre, 102 F.4d 252 (4th Cir. 2024)

Danaher v. Joffe, 184 N.C. App. 642, 646 S.E.2d 783 (2007)

Davis v. Taylor, 81 N.C. App. 42, 344 S.E.2d 19 (1986)

Dempsey v. Silver Creek, 185 N.C. App. 158, 647 S.E.2d 689 (2007)

Dixon v. Taylor, 169 N.C. App. 455, 612 S.E.2d 448 (2005) (unpublished)

APPELLATE CASES BY FIRM MEMBERS (CON'T)

Duggins v. Town of Walnut Cove, 63 N.C. App. 684, 306 S.E.2d 186 (1983)
Dykers v. Town of Carrboro, ___ N.C. App. ___, 904 S.E. 2d 578 (2024) (unpublished)
Edens v. City of Hamlet, 293 N.C. App. 360, 898 S.E.2d 926 (2024) (unpublished)
Edmonson v. The City of Rocky Mount, 213 N.C. App. 422, 714 S.E.2d 275 (N.C. App. 2011)
In re Environmental Management Com., etc., 53 N.C. App. 135, 280 S.E.2d 520 (1981)
Evergreen Constr. Co. v. Kinston, 194 N.C. App. 371, 671 S.E.2d 596 (2008)
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- "Pitfalls to Avoid in Written Decisions on Quasi-Judicial Matters," NC Association of Municipal Attorneys' Summer Conference (August 4-6, 2022)
- "The Future of Impact Fees in Light of *Quality Built Homes, Inc. v. Town of Carthage*," N.C. Bar Association, 2017 Zoning Planning & Land Use Section Annual Meeting (April 6, 2017).
- Op-ed article: Gorsuch on the Supreme Court Will Not Cause the Sky to Fall, *The Herald Sun* (February 10, 2017).
- "Illegal Fees and Attorneys' Fees, N.C. Bar Association, 2016 Zoning, Planning & Land Use Section Annual Meeting (March 18, 2016).
- Op-ed article: When Politics Becomes a Team Sport, We All Lose, *The News & Observer*, (February 2, 2016).

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- "Negligence in Employee Drug Testing," 92 *Case & Comment*, No. 4, at 3 (July-Aug. 1987); reprinted in 1 *Employee Testing & the Law*, No. 4, at 1 (Dec. 1986), and 19 *Trial Briefs*, No. 3, at 27 (1987).
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- "Protecting Innocent Owners from Drug-Related Forfeiture," 2 *Inside Drug Law*, No. 2, at 1 (March, 1985).
- "Problems of Double Criminality," 21 *Trial*, No. 1, at 58 (January 1985).
- "Legal Implications of Human In Vitro Fertilization for the Practicing Physician in North Carolina," 6 *Campbell Law Review*, at 5 (Spring, 1984).
- "Saving Your Client's Ox: Some Fundamental Considerations and Defenses to Forfeiture Under 21 U.S.C. 881," 8 *The Champion*, No. 1, at 11 (Jan./Feb., 1984; reprinted in 15 *Trial Briefs*, No. 1 (1984).
- "Flexibility Without Arbitrariness in the Zoning System: Observations on North Carolina Special Exception and Zoning Amendment Cases," 53 *N.C. Law Review* 925-958 (1975).

PRESENTATIONS BY FIRM MEMBERS

- Faculty Presenter, "Navigating Local Land Use Hearings – Staying in the Channels and off the Rocks," NC Association of Municipal Attorneys' Summer Conference, August 4-6, 2022
- Faculty Presenter, "Zoning and Land Use Law Basics," Real Property Section (NC Bar Association, October 7, 2021)
- Faculty Presenter, "The 2019 Zoning, Planning and Land Use Debate," Zoning, Planning & Land Use Law Section Annual Meeting (NC Bar Association, April 5, 2019)
- "Amotion, Off the Rails and Then Some," NC Carolina Municipal Attorney's Association Winter Conference (UNC-School of Government, March 22, 2019)
- Faculty Presenter, "Local Government Compliance With the "Reasonable Accommodation" Requirement of the FHA, ADA, and RA," NC Municipal Attorney's Association Summer Conference, August 2-4, 2018
- "Quasi-Judicial Procedure: Evidence and Building a Record," City of Creedmoor Board of Adjustment (July 12, 2018)
- "Code Enforcement," N.C. Municipal Attorney's Association Winter Conference (UNC-School of Government, March 23, 2018)
- "Wireless Telecommunication Zoning after H.B. 310," NC Association of Zoning Officials (February 19, 2018)
- "Wireless Telecommunications Workshop," sponsored by the Town of Carthage and The Brough Law Firm, PLLC (NC Chapter of the American Planning Association, December 12, 2017)
- "Reexamining Checks and Balances: Legislative Changes to State and Local Government," Government and Public Sector Section (NC Bar Association, November 17, 2017)
- Telecommunication and Public Rights-of-Way Ordinances, Town of Carthage Board of Commissioners and Planning Board (August 23, 2017)
- "The Future of Water and Sewer Impact Fees," Zoning, Planning & Land Use Law Section Annual Meeting (NC Bar Association, April 6, 2017)
- "Local Government Overview," City of Creedmoor Board of Commissioners (May 17, 2016)
- "Illegal Fees and Attorneys' Fees," Zoning, Planning & Land Use Section Annual Meeting (NC Bar Association, March 18, 2016)
- "Trial Advocacy Tips," Campbell Law School Trial Advocacy Program (Campbell Law School, March 25, 2015)
- "Professionalism Issues for Local Government Counsel," Professionalism for New Attorneys Program (NC Bar Association, October 14, 2015)
- "Protecting Endangered Properties - Prevention of Demolition by Neglect and Other Preservation Tools," Preservation North Carolina Annual Conference. (Salisbury, NC, September 17, 2015)

PRESENTATIONS BY FIRM MEMBERS (CON'T)

- "A Reluctant Acceptance of Public Private Partnerships in North Carolina," Zoning Planning and Land Use Law Section Annual Meeting (NC Bar Association, March 27, 2015)
- "A Discussion of *Lanvale Properties v. County of Cabarrus*," NC Association of County Attorneys Winter Conference (U.N.C.-School of Government, February 6, 2015)
- "Quasi-Judicial Procedures," Town of Aberdeen Planning Board and Historic Preservation Commission (January 15, 2015)
- "Fair Housing and Local Government Land-use Regulations Affecting Persons with Disabilities," Town of Cary Board of Adjustment (October 6, 2014)
- "Fair Housing and Reasonable Accommodations by Local Governments," 2014 North Carolina Planning Conference (October 2, 2014)
- "Managing the Attorney-client Relationship and Organization of a Legal Department," Professionalism for New Admittees Program (NC Bar Association, May 15, 2014)
- "The State of Local Government Powers after *Lanvale Properties, LLC v. Cabarrus County* and into the Future," Joint Zoning, Planning & Land Use Section and Government/Public Sector Section C.L.E. Program (NC Bar Association, March 28, 2014)
- "The Aberdeen Board of Commissioners," Town of Aberdeen Board of Commissioners (February 27, 2014)
- "The Aberdeen Planning Board: An Introduction," Town of Aberdeen Planning Board (October 17, 2013)
- "Quasi-Judicial Procedure," City of Concord Board of Adjustment (August 28, 2012)
- "*Lanvale Properties, LLC v. Cabarrus County* and the City of Locust and Its Implications," N.C. Municipal Attorney's Association Winter Conference (UNC-School of Government, March 14-15, 2013)
- "Quasi-Judicial Procedure," Town of Cary Board of Adjustment (March 22, 2011)
- "Town of Aberdeen Historic Preservation Commission," Town of Aberdeen Historic Preservation Commission (March 21, 2011)
- Lecture on "Litigation in Real Estate Development Process" course at Kenan-Flagler School of Business (UNC-Chapel Hill, January 27, 2011)
- Testimony on behalf of the National League of Cities, National Association of Counties, National Sheriffs Association, National School Boards Association, International City-County Management Association, International Public Management Association for Human Resources, et. al. in Opposition to H.R. 413, Public Safety Employer-Employee Cooperation Act of 2009, before the U.S. House of Representatives Subcommittee on Health, Employment, Labor and Pensions, 111th Congress (March 10, 2010)
- "With a Little Help From My Friends—Negotiation Techniques," NC Bar Association CLE, "We Can Work It Out—15th Dispute Resolution Section Annual Meeting," (April 11, 2008)
- Leadership Lecture (Elon University Center for Leadership, March 12, 2008)
- "Constitution Day," Lecture to Elon University, College of Arts & Sciences: "Exploring Some Common Constitutional Myths" (September 19, 2007)

PRESENTATIONS BY FIRM MEMBERS (CON'T)

- "The Legal Responsibilities of the Landlord Under NC Law," Housing Workshop (City of Roxboro, N.C., July 23, 2007)
- "Professionalism in Your Practice" (Orange County Bar Association CLE Second Celebration of Professionalism, January 26, 2006)
- "Law Students and Lawyers in Professionalism" (Orange County Bar Association CLE on Professionalism, February 12, 2004)
- "Update on the City of Hickory Unified Development Ordinance" (Catawba County Bar Association meeting, June 12, 2009)
- "Development Agreements and Conditional Zoning in North Carolina" (Moore County Planning Retreat, August 15, 2008)
- "Origin, History, And Status Of Bill Dealing With Quasi-Judicial Land Use Decisions" (Law Seminars International Two-Day Conference, July 24-25, 2008)
- "Senate Bill 212: Land-Use Permit Appeals" (N.C. Bar Foundation, May 3, 2007)
- "Governmental Immunity" (UNC-School of Government, October 27, 2005)
- "Judicial Review of Quasi-Judicial Zoning Decisions" (NC Bar Foundation, May 7-8, 2004)
- "Getting the Most Out of Your Appraiser (Updated)" (CLE International Eminent Domain Conference, August 14-15, 2003)
- "Local Regulation of Intensive Livestock Operations After *Craig v. County of Chatham*" (NC Bar Association CLE Program October 4, 2002)
- "Getting the Most Out of Your Appraiser" (CLE International Eminent Domain Conference, June 27-28, 2002)
- "Neither Fish Nor Fowl: Conditional Use Zoning" (NC Bar Foundation, 2002)
- "The Law of Depositions in North Carolina" (N.C. Academy of Trial Lawyers CLE Program January 11, 2002)
- "A Proposed Statute Dealing With Appeals of Quasi-Judicial Land Use Decisions" (NC Bar Foundation, 2001)
- "How Land Use Regulations Can Affect Property Values" (NC Bar Foundation, 1999)
- "Appealing to and From the Board of Adjustment" (NC Bar Foundation, 1997)
- "Update in Telecommunications Law with an Emphasis on Cell Tower Permitting," NC Municipal Attorneys' Conference (August, 1997)
- "Punitive Damages," Seventh Annual Festival of Legal Learning (UNC-School of Law CLE, 1997)
- "Enforceability of Manager Employment Agreements," NC City-County Management Association Winter Conference (Chapel Hill, February 9, 1996)
- "Overview of the Telecommunications Act of 1996," NC Association of Municipal Attorneys Summer Conference (Pinehurst, August 3, 1996)
- "Ethics of Witness Preparation" (UNC-School of Law CLE, 1996)

PRESENTATIONS BY FIRM MEMBERS (CON'T)

- "Rate Regulation and Other Issues Affecting NC Municipalities in the Cable Television Consumer Protection and Competition Act of 1992 and FCC Regulations and Rulings," NC League of Municipalities Annual Convention (Asheville, October 18, 1994)
- "*Dolan vs. Tigard*: The Supreme Court Advances Taking Law" (NC Bar Foundation 1994)
- "Legal Issues in Obtaining Development Permission for Your Client Under Local Zoning and Subdivision Ordinances" (Wake Forest CLE, 1992)
- "Liability of Local Governments for Damages for Unlawful Land Use Decisions" (NC Bar Foundation, 1991)
- "Recent Developments in N.C. Land Use Law" (National Business Institute, Inc., 1990)
- "Legal Issues in Obtaining Development Permission for Your Client Under Local Zoning and Subdivision Ordinances" (Wake Forest CLE, 1990)
- "Local Watershed Protection Programs, Water Rights Resources and Quality," NC Bar Foundation and Environmental & Natural Resources Law Section, NC Bar Association (1990)
- "Ethical Considerations in Civil Litigation & Appellate Practice" (NCCU School of Law CLE, 1990)
- "Land Use Litigation Procedural Issues, Land Use Regulation and Planning," NC Bar Foundation and Real Estate Section, NC Bar Association (1988)
- "Vested Rights," Land Use Litigation Seminar (NC Academy of Trial Lawyers, 1987)

ORGANIZATIONAL AFFILIATIONS OF FIRM MEMBERS

- North Carolina Bar Association, Zoning, Planning, and Land Use Law Section
- North Carolina Bar Association, Government and Public Sector Section
- North Carolina Association of Municipal Attorneys
- North Carolina Council of School Attorneys
- Scribes – The American Society of Writers on Legal Subjects
- North Carolina Council of School Attorneys

BAR MEMBERSHIPS FOR FIRM MEMBERS

- North Carolina State Bar
- US District Court, Eastern District, N.C.
- US District Court, Middle District, N.C.
- US District Court, Western District, N.C.
- US Court of Appeals for the Fourth Circuit
- United States Supreme Court