

I'On Assembly April 24, 2023 President's Report

Thank you to everyone who has taken the time to let me (Julie Hussey) and my fellow Board members know about what they have seen, heard, researched, and feel about the potential of new burials on the wooded area bound by Edenton, Robert Mills Circle, and Duany- an area known as CV9 and referred to as a Memorial Park in marketing materials by the I'On Company.

While I know there has been some frustration that we have not done a lot of speaking, please know that we have been working overtime listening, reviewing, analyzing, and looking for a path forward which meets:

1. Our shared goal to protect the value and desirability of the lots in the I'On Neighborhood.
2. The historical importance, value, preservation, and safe keeping of the Property on which I'On's namesake's family members were buried many, many years ago.

Concern about a development plan for CV-9 that could include new burials or a columbarium was heightened after the I'On Company was seen marketing the property to an area church and then again when a crew sent by the I'On Company surveyed the property and marked trees.

At this point in time, details of any potential cemetery expansion are a bit speculative. The Board is not even clear exactly which parts of CV-9 could be sold by the I'On Company or used for new burials and which parts are considered to be owned by the heirs of those buried there. We are not aware of any contract on the property, any license request to the State cemetery board, any permit requests or applications presented to the Town of Mount Pleasant, or any submission to the IDC regarding CV9.

Knowing their desire to protect the family's historic property, we have been in contact with a senior member of the Maybank family, which includes many of the primary heirs of the historical cemetery within CV9. We have been told by this family member that their attorney has requested a copy of the recent survey and has yet to receive the requested survey copy.

Through emails, texts, conversations, and last month's homeowners' forum, neighboring property owners expressed significant concerns about CV9 being used for new burials. The board was asked to take legal action against the I'On Company to prevent expansion of the cemetery, based on representations neighboring property owners believed were made to them that CV9 would only be used as a green space park, and also based on the fact that CV9 was never turned over as a park to the Assembly.

Upon being presented with the request to take legal action against the I'On Company, the board engaged in a thorough review of the residents' request with the Assembly's legal counsel. As part of that review, the board asked the group of residents requesting that the

Assembly take legal action to send us all the information that they had, in particular any information they believed supported the claims they were asking the Assembly to pursue, especially if the information would otherwise not be available to the board in the Assembly's records or the public records. This request for information was made because the board recognized the need to be able to review everything relevant to the titleholder's request.

The board has now completed its review.

We do not see where a specific promise to turn over CV-9 or any portion of it to the I'On Assembly was ever made by the I'On Company. Additionally, board minutes from 2013 reflect that it was specifically agreed upon that CV9 would not be turned over to the Assembly, but instead retained by the I'On Company.

Nearly every document we saw that references the area that is now CV9 referred to it or labeled it as either a "cemetery" or a "memorial park". Those that did not, did not label it at all or instead labeled it as a civic lot. In fact, the Technical Plan from 1997 that was part of the initial PD zoning ordinance approval with the Town specifically labels the entire corner area as a "cemetery", and depicts the area as being a much larger cemetery than the historical Jacob Bond I'On cemetery. We found that the term "memorial park" is commonly used to describe cemeteries, and in fact, the dictionary definition of "memorial park" is "cemetery".

Additionally, we did not find anything labeling the CV9 area as simply a "park" or a "green space", or showing where the I'On Company had specifically communicated that CV9 would remain a green space or that it would not be used for burials in the future. The materials we received from residents all referenced CV9 as a "memorial park", and none of them contained any specific representations that CV9 would remain a natural green space or that it would not be used for burials.

The board minutes from late 2014 through spring of 2015 show that during that period the I'On Company was in discussions with a church for the sale of CV9 to that church for the construction of a church building on CV9. When nearby residents learned about those plans, like now, they came to the board with their concerns, including traffic and increased activity in an otherwise quiet part of the neighborhood. The I'On Company's discussions with the church ended by early 2015, and by May 2015, the I'On Company presented a new set of proposed restrictive covenants for CV9 restricting its use to a "memorial park". The minutes from the May 28, 2015 board meeting reflect that the board discussed the proposed new covenants at the meeting and approved them, noting that they limited the footprint of any building to be built on CV9 to 850 square feet. In addition to the CV9 restrictive covenants being reflected in the board minutes, the Board communicated the I'On Company's decision to impose the restrictive covenants on CV9 through an email blast on July 2, 2015. The email blast said that the new restrictive covenants on CV9 were the result of discussions among concerned neighbors in the immediate area of CV-9, the Board and Vince Graham. Neither the board meeting minutes, nor the email blast identified which neighbors in the immediate

area of CV-9 were involved in those discussion. However, our understanding is that the new CV9 covenants were viewed favorably at the time because they accomplished the goal of the neighbors in the immediate area of CV-9, which was to stop the potential construction of a church building that would negatively impact them.

At first read, the CV9 Restrictive Covenants appear to only benefit the I'On Company by permitting an 850 sq ft building and uses that appear to be consistent with memorial parks.

But it is also important to note that the document's language makes it clear that the covenants are also expressly intended to be for benefit all the residents in I'On. Specifically, the language of the CV9 covenants say that they are "for the benefit of all owners of the lots in the I'On Neighborhood," and for the purpose of "protecting the value and desirability of the lots in the neighborhood".

The I'On Company additionally acknowledged that the CV9 covenants could be amended in the future to change permitted uses of CV9 by including in the document a specific procedure for amendment that includes input from neighborhood residents. Specifically, the CV9 covenants can be amended through consent of at least 50% of the property owners in the neighborhood, along with the consent of the I'On Company. According to the way the document was drafted, the consent required for amendment does not involve any consent by the Assembly itself, but just the consent of residents as titleholders.

While the board was engaged in the review process with the Assembly attorney, concerned residents – without any prompting by Board members - posted flyers around the neighborhood about the potential expansion of the cemetery. These flyers encouraged residents to ask questions and voice concerns. Even though I was not aware that my name and email address was on the flyer, until after I started receiving residents' questions and concerns, the emails received generated additional feedback for the board to hear from the neighborhood at large as we were engaged in the review process with the Assembly's attorney.

The vast majority of feedback received from residents expressed concerns about the addition of new burials on CV-9 and the implications on property values and desirability, including emotional concerns, traffic from processions, safety due to the minimal exit options from the back of the neighborhood, and concern about the destruction, peril, or other adversity to the historic cemetery surrounded by CV9. The feedback received so far indicates that not only are residents significantly concerned about potential impacts to property values and quality of life, those concerns are not limited only to the residents nearest to CV9. The use of CV9 for new funerals and burials appears to be an issue of concern throughout the neighborhood.

For this reason, the board intends to establish an Ad Hoc Advisory committee for this issue. This committee will include interested homeowners and will be put in place in the coming

days. The committee's initial task will be determining the level of concern and support throughout the neighborhood.

Can I get a motion to establish an ad hoc advisory committee, which will include board members and also residents who wish to participate, for the purpose of determining the level of community support for seek an amendment to the CV9 covenants?

The following motion was made, seconded, and unanimously approved: for the board to establish an ad hoc advisory committee for the purpose of determining the level of neighborhood-wide concern with potential expansion of cemetery use on CV9 and level of neighborhood-wide support for the neighborhood titleholders to seek a covenant amendment to prohibit expansion of cemetery use on CV9.

After outlying the facts, the Assembly Board and its legal counsel have reviewed and presented tonight, can I get a motion to confirm that the Assembly will not take the legal action that has been requested by residents against the I'On Company at this time?

The following motion was made, seconded, and unanimously approved: for the board to decline, at this time, the request made by residents for the Assembly to commence and pursue legal action against the I'On Company based on the potential of use of CV9 as a cemetery, representations regarding the use of CV9, or the retention of CV9 by the I'On Company instead of turning it over to the Assembly as common property.

Finally, there have been suggestions that the Board should buy the cemetery, a suggestion which drives the questions about what exactly would be purchased and what a fair price might be? To date, the I'On Company has not offered to sell the property to the Assembly nor has the property been appraised for its value to the Assembly.