City of High Point

Municipal Office Building
211 South Hamilton Street
High Point, NC 27261

Minutes

Monday, December 16, 2013

4:45 PM

Council Chambers

City Council

ROLL CALL, PRAYER, AND PLEDGE OF ALLEGIANCE

Upon call of the roll, the following Council Members were present. Mayor Sims offered the invocation; the Pledge of Allegiance followed.

Present 9 - Mayor Bernita Sims, Mayor Pro Tem Britt Moore, Council Member James Davis, Council Member Foster Douglas, Council Member Jason Ewing, Council Member Jeffrey Golden, Council Member Judy Mendenhall, Council Member Rebecca Smothers, and Council Member Jay Wagner

SPECIAL PRESENTATIONS/ACKNOWLEDGEMENTS

Resolution- Zack Ellis- Eagle Scout

Mayor Sims read a Resolution into the record recognizing 14-year-old Zack Ellis for his undertaking of a special project while working on his Eagle Scout award. For his Eagle Scout project, he provided Christmas for every child at Parkview Elementary School by soliciting help from his church family at Community Bible Church, High Point University, ARTS Evangelical Dance Company, North Carolina Leadership Academy and community donations. He also was able to purchase gift cards for the school staff with the money he received. Mayor Sims presented the Resolution to Mr. Ellis, while his proud parents, Tim and Jen Ellis, looked on. [applause, standing ovation]

Resolution- T. Wingate Andrews "Red Raiders" Football Team- State 2AA Champions

Mayor Sims read the Resolution into the record congratulating the 2013 T. Wingate Andrews "Red Raiders" football team members for their outstanding athletic abilities and sportsmanship in capturing the 2AA State Championship by defeating Monroe High School in an 18-14 victory on Friday, December 13, 2013 at Kenan Football Stadium in Chapel Hill, North Carolina. The Resolution also proclaimed Friday, December 20, 2013 as "T. Wingate Andrews Red Raiders Day" in the City of High Point.

On hand to accept the Resolution was Principal Rodney Wilds, as well as Coach Rodney McKoy and several of the football team members. Principal Wilds shared that this is a huge accomplishment for T. Wingate Andrews High School as well as the student athletes, who are also great students with great character. Coach McKoy then introduced the football players who were in the audience. [applause, standing ovation]

Council Member Smothers suggested copies of the Resolution also be provided to all the players and coaches on the team.

REGULAR MEETING ITEMS

FINANCE COMMITTEE - Mayor Pro Tem Moore, Chair
Committee Members: Wagner, Davis and Sims
(all were present)

130350 Contract - Bid No. 31 - 200 KV Generator

Approval of contract awarding Bid No. 32 for the purchase of a 200 KW Standby Generator for the Polo E-Commerce building expansion. Purchasing and Electric Department recommends this contract be awarded to Carolina Cat in the total contract amount of $859,340.00 which is the lowest and responsive and responsible bidder meeting specifications.

Attachments: Bid No. 31 - Backup Generator for Polo

This matter was discussed during a Finance Committee meeting held at 4:00 p.m. prior to this meeting. The Committee recommended approval.

Approved contract with Carolina Cat in the total contract amount of $859,340.00 which is the lowest and responsive and responsible bidder meeting specifications.

A motion was made by Council Member Davis, seconded by Council Member Douglas, that this Contract be approved. The motion PASSED by a 9-0 unanimous vote.

130351 **Contract - Bid No. 33 - Voltage Regulators**

Approval of contract awarding Bid No. 33 for the purchase of twelve (12) Voltage Regulators. Purchasing and the Electric Department recommends that contract be awarded to Siemens Power in the amount of $175,140.00 which is the lowest responsive and responsible bidder meeting specifications.

Attachments: Bid No. 33 - Voltage Regulators

This matter was discussed during a Finance Committee meeting held at 4:00 p.m. prior to this meeting. The Committee recommended approval.

Approved contract with Siemens Power in the amount of $175,140.00 which is the lowest responsive and responsible bidder meeting specifications.

A motion was made by Council Member Davis, seconded by Council Member Douglas, that this Contract be approved. The motion PASSED by a 9-0 unanimous vote.

130352 **Contract - Bid No. 35 - Knuckleboom Loader Truck**

Approval of contract awarding Bid No. 35 for the purchase of a 2012 Freightliner with a Petersen knuckleboom loader for use by the Environmental Services Department. Purchasing and the Fleet Services Department recommends that contract be awarded to Amick Equipment Company in the amount of $117,000.00 which is the lowest responsive and responsible bidder meeting specifications.

Attachments: Bid No. 35 - Knuckleboom Loader

This matter was discussed during a Finance Committee meeting held at 4:00 p.m. prior to this meeting. The Committee recommended approval.

Approved contract with Amick Equipment Company in the amount of $117,000.00 which is the lowest responsive and responsible bidder meeting specifications.

A motion was made by Council Member Davis, seconded by Council Member Douglas, that this Contract be approved. The motion PASSED by a 9-0 unanimous vote.

130364 **Contract- Bid No. 28- Demolition of Kilby Hotel, 625-627 Washington Street**

Approval of contract awarding Bid No. 28 for the demolition of the Kilby Hotel located at 625-627 Washington Street. The low bidder for the demolition of the Kilby Hotel was A1 Salvage and Demolition Co., Inc. in the amount of $58,500 and the Purchasing Department is recommending acceptance of the bid based on the company being properly licensed and capable of completing the scope of work for demolition of the building. At the December 16th, 2013 meeting, this item was deferred to the January 21st meeting.

Attachments: Kilby Hotel Demolition Bid Tabulation

This matter was discussed along with 130360 Washington Street/Kilby Hotel (reopening street) and 130364 Contract- Bid No. 28- Demolition of Kilby Hotel, 625-627 Washington Street.

Note: Please refer to matter 130360 Washington Street/Kilby Hotel for specific comments regarding these matters.

A motion was made by Council Member Mendenhall, seconded by Council Member Wagner, that this matter be continued until January 21, 2014 when it is to be brought back before Council. The motion PASSED by a 9-0 unanimous vote.

COMPREHENSIVE PLANNING COMMITTEE - Council Member Smothers, Chair

130354 **Minor Amendment to Conditional Use Permit 05-21 - Westover Partners, LLC**

A request by Westover Partners, LLC to amend condition II.C of CUP 05-12 pertaining to Open Space, Buffer Areas & Common recreation Facilities. The Westover Ridge Subdivision is lying along the north side of Westover Drive, directly west of the Guilford/Davidson County line.

Attachments: Minor Amendment - Westover Partners

Chairwoman Smothers asked staff to present the staff report for this matter. Herb Shannon of Planning and Development provided and overview of the staff report which is hereby attached in Legistar as a permanent part of these proceedings.

Hunter Dalton, 1327 Georgetown Court, shared that they are requesting this minor amendment for neighborhood improvements and asked if there were any questions.

There were no questions or comments.

Approved Minor Amendment to Conditional Use Permit 05-21 as requested by Westover Partners, LLC based on staff's findings as included in the staff report that this amendment provides for equal or better performance relative to the original conditions in that 1) the revised sketch plan notes the specific locations of recreational areas, 2) the sketch plan states the minimum amenities to be installed, and 3) an enforceable period for installing the recreation areas is provided.

A motion was made by Council Member Smothers, seconded by Mayor Pro Tem Moore, that the Minor Amendment to Conditional Use Permit 05-21- Westover Partners, LLC be approved. The motion PASSED by a 9-0 unanimous vote.

130365 **Ordinance- Demolition- Kilby Hotel. 625-627 Washington Street**

Council is requested to adopt an ordinance ordering the inspector to effectuate the demolition of a structure located at 625-627 Washington Street belonging to Burnie McElrath and Myra Williams. At the December 16th, 2013 meeting, this item was deferred to the January 21st, 2014 meeting.

This matter was discussed jointly with **130364** Contract- Bid No. 28- Demolition of Kilby Hotel, 625-627 Washington Street and **130360** Washington Street/Kilby Hotel. Please refer to **130360** Washington Street/Kilby Hotel for specific comments made during the discussion regarding these matters.

A motion was made by Council Member Mendenhall, seconded by Council Member Wagner, that this matter be continued until January 21, 2014 when it is to be brought back before Council. The motion PASSED by a 9-0 unanimous vote.

MISCELLANEOUS

130355 **Washington Street Neighborhood Park**

Council is requested to approve the naming of the recently completed community park on Washington Street. At the Parks and Recreation Commission meeting held Monday, December 9, 2013, the commission approved the name **"Today, Tomorrow, Forever/Washington Street Park"** for this new park.

Attachments: Washington Street Park - Naming

Allen Oliver, Assistant City Manager, informed Council that some of the Washington Street Neighborhood Association members made a presentation to the Parks & Recreation Commission back in October regarding the naming of the new park on Washington Street. Since there was not a quorum at that meeting, Aretha Robinson made a presentation before the City Council on October 21, 2013. Since that time, the matter was again brought before the Parks & Recreation Commission On December 9, 2013, and the Commission voted 4-1 to recommend the name of the park to be "Today, Tomorrow,

Forever/Washington Street Park." Mr. Oliver noted proper signage will be erected for the park.

Council Member Douglas asked about any plans for putting a restroom at this park. Mr. Oliver explained that due to the property site and the railroad right-of-way, there is currently no room to put a restroom at the park unless more land is purchased adjacent to the park. Mayor Sims asked if there were any other "pocket parks" in the city that have restroom facilities and Mr. Oliver replied that none of the "pocket parks" have restrooms that are open to the public. Council Member Smothers suggested that Council Member Davis, as liaison to the Parks & Recreation Commission, take this suggestion to the Commission in an effort to start planning for an addition to this park.

Approved naming of the new park on Washington Street to "Today, Tomorrow, Forever/Washington Street Park."

A motion was made by Council Member Mendenhall, seconded by Council Member Smothers, to approve the name of the new park on Washington Street to "Today, Tomorrow, Forever/Washington Street Park." The motion PASSED by a 9-0 unanimous vote.

130356 **Ordinance Amendment - Article O - Parades**

Council is requested to adopt an ordinance amendment to the High Point City Code of Ordinances, Title 10 Transportation and Traffic Regulations, Article O - Parades to remove the City Clerk as the authorized person to receive applications and change to City Manager or designee.

Attachments: ARTICLE O Parades (revised December 16 2013)

Ordinance No. 7022/13-54
Introduced 12/16/2013; Adopted 12/16/2013
Ordinance Book, Volume XVIII, Page 54

City Manager Strib Boynton explained this came about as a result of earlier discussions with Council and the city clerk to simplify administrative work and it was recommended that the police department handle the parade permits. He noted that the Police Department will continue handling the taxi permits and inspections as well, but no ordinance change is required regarding that matter.

Council Member Douglas questioned how this change would help the process. It was noted that it would simplify the paperwork by eliminating one step in the process. Mr. Boynton explained that anyone interested in holding an event would now go to the Police Department to get the application and would submit the completed application to them for processing.

Adopted the Ordinance Amendment to the High Point City Code of Ordinances, Title 10 Transportation and Traffic Regulations, Article O- Parades to remove the City Clerk as the authorized person to receive applications and changing the reference to City Manager or designee to be effective upon adoption.

A motion was made by Council Member Mendenhall, seconded by Mayor Pro Tem Moore, to adopt the Ordinance Amendment to the High Point City Code of Ordinances, Title 10 Transportation and Traffic Regulations, Article O- Parades be adopted removing the City Clerk as the authorized peron to receive applications and changing the reference to the City Manager or designee. The motion PASSED by a 9-0 unanimous vote.

130360 **Washington Street/Kilby Hotel**

Presentation regarding the reopening of Washington Street and the Kilby Hotel.

Attachments: Washington St - Kilby Hotel Information

Kilby Hotel Demolition Bid Tabulation

Mayor Sims: The last item on our last is the Washington Street/Kilby Hotel. And who is presenting?

City Manager Strib Boynton: You have a variety of information here. Randy is going to help with this because he has been intimately involved in it. But the long and short of it is that we've had a lot of requests from businesses, the neighborhood as well as others to get the street open. And you're familiar with the history of this, the deterioration of this building and efforts to try to get it stabilized and corrected. There have been to date, three parties that came to us-a structural engineer, as well as our own, the building inspections and fire department saying the building is unsafe and a hazard to the public. We totally understand and respect the interest many have in preserving the historic hotel; however, at this point in time, we are on notice that the building is dangerous and that translates into a responsibility to act to resolve the risk. Therefore, we have brought to you for your direction and support to unfortunately bring it down at this time. And to date, unless it happens tonight, no one has come to the city, owners or any possible investors, with any plans or dollars necessary to safely stabilize the structure. It was also reviewed in the meeting before this and Randy has that if you'd like to talk about it…..the bids to do so.

City Attorney JoAnne Carlyle: If I may add a couple of things, Mr. Manager. I just want to make certain that the Council understands tonight that in your vote you will be affirming what you decided on October 7, 2013 when there was an appeal presented to this Council and everyone was allowed to testify at that point in time. In addition to that, we have a draft ordinance which will basically say that you are ordering the public officer to proceed to effectuate the purpose of the ordinance. This is what will be filed with the Register of Deeds Office in the County to put everyone on notice that it will be demolished.

Assistant City manager Randy McCaslin: As we discussed earlier in the Finance Committee meeting, we have taken bids regarding the demolition of the building. Two low bids that were withdrawn from the process which leaves the low bid meeting all our specifications with the insurance requirements and the requirements of removing the asbestos and treating it properly and the demolition and removal thereof is A-1 Salvage and Demolition Company out of Archdale in the amount of $58,500.

I'll be happy to answer any questions.

Council Member Davis: Randy, if this order proceeds tonight and the building is demolished, the taxpayers going to take a hit for $58,500 and I know that we will place a lien against the property, but do we have any hopes at all to recover any of that money?

Randy McCaslin: When the property is sold, depending on what it sells for, then the lien will be executed at that time.

Council Member Davis: Regardless, the taxpayers are going to take a hit.

Council Member Smothers: I think it might be important for the record to give additional information which you gave us earlier about if the Council does indeed award this bid for demolition, the company is required to go to the State for a permit. Would you amplify that?

Assistant City Manager Randy McCaslin: Yes. The demolition company that receives the bid is required to go to the State of North Carolina and get a permit from them because this building was built in the age where they used asbestos in the process and because of its unsafe condition, no one can get in there and do an evaluation to see if there is indeed asbestos. So the material needs to be treated as if it's contaminated by asbestos. So that triggers a permit from the State of North Carolina that should be obtained by the demolition company and will probably take somewhere in the neighborhood from two weeks to thirty days to acquire that.

Council Member Mendenhall: I have a question. I guess it's directed to the city attorney. The ordinance does not specify the naming of the contract for the demolition, so are there two motions?

City Attorney JoAnne Carlyle: Yes. Absolutely. In fact that's the note that the manager just passed to me is to remind you guys of that.

Council Member Mendenhall: Okay, so there would be first of all, a motion to adopt this ordinance and then there would be a motion to enter into a contract with the designated company for demolition.

Mayor Sims: Randy, what's the tax value of this building in its current state?

Assistant City Manager McCaslin: Madam Mayor, I am not sure I have that information with me.

Mayor Pro Tem Moore: Randy, while you're looking for that….JoAnne, will you remind me….if we were indeed…..if the building were to come down and someone unfortunately be hurt, we are liable at this point?

City Attorney Carlyle: We would defend the city, but there's always that to deal with.

Mayor Pro Tem Moore: We would be named liable in the suit?

Council Member Mendenhall: I believe also when we were meeting earlier and discussing it, we talked about having language in the contract because there will be….it won't come down tomorrow, there will be some time….that if there is, indeed, an investor or a change of ownership that provides the money to shore it up, there will be some way for the city to get out of the contract or a small amount of money or something so that if in fact someone can or does come forward, that it could be saved. Right?

City Attorney JoAnne Carlyle: I will work with our purchasing department and Finance and make sure that language is in there.

Mayor Sims: We don't' know what the tax value is?

Eric Olmedo: It's $138,300.

Council Member Smothers: I guess that valuation was established before the roof fell in?

Council Member Douglas: Randy who was all the people you listed, the departments you listed that stated it was unsafe?

Assistant City Manager McCaslin: We have two structural engineers-one that we hired and one that was hired by the owner. Both of them stated that….their reports stated that the building walls were unstable and needed to be shored up immediately. Both of those reports are approximately 9-12 months old, so it's been a while since those reports were given. Our building inspections department has reviewed it, has looked at the building as well as our fire department and both of them totally agree that the building is unstable and needs to be shored up immediately.

Council Member Douglas: So the only outside person that you had was the inspector?

Assistant City Manager McCaslin: The two structural engineers.

Council Member Douglas: Structural engineers and inspections?

Assistant City Manager McCaslin: That's right.

Council Member Douglas: The other one belonged to the city.

Assistant City Manager McCaslin: Well, no. We hired a structural engineer, an independent structural engineer, to look at the building and the owners hired an independent structural engineer. Both of them came up to the same result.

Council Member Douglas: But the other ones that deemed it unsafe belongs to the city like the fire department and inspections?

Assistant City Manager McCaslin: That's right. Fire Department and city inspectors, yes.

Council Member Smothers: How long has the street been closed?

Assistant City Manager McCaslin: Since sometime in October.

Mayor Sims: October 13th was the date of the incident.

Council Member Golden: And there's no studies out there whatsoever to contradict the two independent studies that says it's unsafe? You haven't heard of anything else?

Assistant City Manager McCaslin: We attended the Guilford County Historical Preservation Commission meeting and the owners had the opportunity at that point to present additional information and they did not do so.

Council Member Golden: The Historical Preservation granted 180 days with the information in front of them that this building was unsafe. And they was asking the City of High Point to assume that liability?

Assistant City Manager McCaslin: That was not their wording, but that's the implication. That's the result, that we are accepting the liability if we continue to wait.

Council Member Mendenhall: Madam Mayor, so that we can discuss this with a motion on the floor, would you like a motion at this time so the Council can talk about it?

Mayor Sims: Well we seem to be kind of talking about it right now, but I guess what I…..we've got several folks in the audience and I know this is not really the date that we set for public comment, but I do believe that there are individuals who are here that probably have something to say. I know we've already pretty much said the Council has voted to demolish the building and that's what sort of what has set this train on its track. We probably need to hear from those individuals in the audience and, you know, if we could kind of limit it and not repeat ourselves in the process and let's talk a little bit about from them before we go ahead with that motion. So, thank you Randy.

Council Member Ewing: Can I ask Randy one more question before he sits down?

Mayor Sims: Sure.

Council Member Ewing: The building has a basement, is that correct?

Assistant City Manager McCaslin: A three-quarters basement, yes I believe there is.

Council Member Ewing: So at the point it is demolished, will that then be filled so that it's safe?

Assistant City Manager McCaslin: that was part of the bid specs. The rubble from the demolition is to be removed and at the site additional dirt is to be brought in to level out the site and seeded.

Council Member Davis: I have a question for the city attorney. If the city can be held….found negligent and subject to a lawsuit, can the Historic Preservation Commission be subject to that same lawsuit?

City Attorney Carlyle: I would think that they would be a named defendant.

Council Member Smothers: And the county of Guilford since they appoint them.

City Attorney Carlyle: I don't have any doubt that any attorney that would file for a shot at it.

Mayor Sims: Okay. Any more questions for Randy? [none] There are some people that signed up to speak. I have …..and there's a few that says open Washington Street, so I think I'm going to move to the individuals who came to speak about the Kilby. So, is Peter Freeman here?

Council Member Smothers: Madam Mayor, I don't know if you saw him when he came in, but Commissioner Davis is here.

Mayor Sims: I'm sure he wants an opportunity to speak.

Peter Freeman: Madam Mayor and City Council, my name is Peter Freeman, 1403 Emerywood Drive. I'm also a principle in the architectural firm, Freeman Kennett Architects. We were contacted by the owner of the property and Benjamin Briggs of Preservation Greensboro two weeks ago to look at alternative ways to potentially stabilize and provide shoring for the Kilby Hotel. And since that time, we have….my partner and I, John Kennett, who is here, have looked at a variety of ways to again economically and feasibly shore the building up. Of course you all know the history and importance of the Kilby Hotel and what it means to the city. So I would ask you all to at least consider a chance for us to continue our study. Again, we've just been on board for about two weeks, but we think some good ideas are beginning to conceptualize this so we would ask you to consider giving us the time to finish this study.

Mayor Sims: How much time are you talking about?

Peter Freeman: Right now, we are probably talking about three weeks, something like that. Of course the holiday season is getting in the way. We would like to get to the opportunity where we can actually receive some hard pricing on the project.

Council Member Smothers: What do you consider to be economical?

Peter Freeman: Something that the owner can afford to pay.

Council Member Smothers: Well I think we had estimates of $200,000 plus before so I just wondered….obviously, you are going to try to find a solution less than $200,000. Did Ms. McElrath or Ms. Williams give you any estimate on what they felt they would be able to pay?

Peter Freeman: Not as of this date, no.

Council Member Mendenhall: But you have been engaged to do this?

Peter Freeman: We at this point have not been…..we are not under contract. We are doing this as a request from Preservation Greensboro.

Council Member Smothers: Are they going to pay you?

Peter Freeman: Right now, we're doing this because we believe in taking on challenges like this for the goodness of the community.

Mayor Sims: So are there any other questions for Mr. Freeman? [none] Thank you so much. Commissioner Davis….

County Commissioner Bruce Davis: Madam Mayor, Council, thank you for the opportunity. Bruce Davis, 1725 Deep River Road, High Point. I've been a resident of High Point all of my life. I believe that the Kilby Hotel is worth saving. The historical significance of that entire street--that entire district--is at jeopardy if that building is torn down. And I think all of the

business owners, although they want the street open and I do understand that….I don't think they want to lose the opportunity of taking advantage of tax credits and that's what's at jeopardy if this building is torn down. We've seen tax credits work in the city with the Adams Inn, with the Old Guilford County Courthouse, with Market Square and there's probably other examples where tax credits have been very beneficial at saving historic properties and the owners and investors have done well and it's been for the good of the city. I think in this neighborhood, I think it deserves the same opportunity and even the business owners who may not see the significance at this particular time….because I'm sure they want the traffic flowing through and I agree. I also agree that you have a responsibility to make sure that the citizens are safe and that's something that we…..I certainly don't want the city to be in a lawsuit. I don't want the county to be in a lawsuit, nor the Historic Preservation Commission to be named in a lawsuit. Again, I heard that the Historic Preservation Commission, from Randy's report, said that the Commission passed that liability on to you and they did not unless I missed that. I think your attorney said it well….anytime there's a lawsuit, there's a shotgun effect. If they can name Bruce Davis in it, they will. If they can name each one of you in it, they will. But let's go back. I don't think that's the case. I don't think we're worried too much about a building falling that was built with the walls as the support. The walls were built prior to the rest of the interior being put together. So your load-bearing walls are the four walls that are standing up right now. So there are a lot of things that I don't think that has been brought out. In fact, in the conversation that you first initially started….neither the manager, nor Randy explained to you about the Commission. If it had not been for Councilman Golden…..nor did the attorney mention to you the 180 day stay that the Commission asked that you would….or that they rode on. Now the technicalities behind that, I'm not sure. And I'm sure you've done thorough research, your attorney has done thorough research to say that you can do it anyway, but why go through the drill of going before the Commission and then the Commission voted to give it a 180 day stay. Why go through that process and then meet here today and say that we are going to tear down the Kilby? I think it is morally wrong. I think you're overlooking everything that's been laid out up until this point. I would hope that you would give the process the opportunity to work.

We do have an investor who is interested in the Kilby. I have talked with Dr. Spellar, who is of the State Historic Preservation Commission and he has identified an investor who would like the opportunity to sit down with the owners, see if they can come up with an agreement. The Kilby, from my understanding, would be held by the Preservation Commission. They would hold the property. They would outline all the covenants, all the requirements that they would need prior to transferring the property over to a new owner, whatever the case may be. So there are some safety measures that are put out there. There is a process and all it takes is allowing Mr. Freeman and others to do what they have set out to do. The work that he's mentioned for the good of the community and we're all supposed to be about the good of the community. We do good things all over the City of High Point. Let's not exclude Washington Drive. I think it's just as important. [applause]

Let's make sure that, you know, the business owners, they have a right to be upset. So would I if I was a business owner, but I really believe that there is a way that we can work through this by maybe opening up one lane. So I don't understand why we would shut the whole street down and you've got people walking under the building every single day. If you're worried about a liability suit, then perhaps you ought to close it off about 20 feet high so that nobody can walk by there because right now, you're still having exposure. So we're really not concerned. Maybe I'm speaking out of turn, but there's something else that I'm missing here as to why we are moving so fast to tear down this building. I can't put my finger on it. But

let's give the process a chance. If you will. Let's give the process a chance and don't be spooked by the threat of a lawsuit. I am concerned about anybody getting hurt. I don't want anybody to get hurt, but, again, the exposure is there and you haven't been able to stop it. You've been able to stop traffic. You've been able to stop the flow of commerce. You have defeated the whole purpose. Right now, you've gotten the entire community in an uproar. We've got our community divided. We've got folks who their livelihood depends on the traffic coming through there and then you have the owners of the Kilby who want to keep that Historic Preservation. Then you've got the folks like myself, who want to be able to look back at this building and other buildings on that street and use it as an educational tool for other folks who are coming up. So we're all torn apart and the quickest fix would be to say let's give the process a chance to work. Now that's all I have.

Mayor Sims: Commissioner, do you have any idea when you say give the process an opportunity to work, what kind of time frame you're talking about?

County Commissioner Bruce Davis: Well, I think Mr. Freeman spoke to that. He's the only one that can really give that. I can't give you a better time frame than what he's talking about.

Mayor Sims: I mean in terms of the investors coming in to assist with shoring up the building. That's what I mean.

County Commissioner Bruce Davis: Yes. The investor….we're hoping to get a face-to-face this week. I was told Thursday I think it was that we have an investor who wants to come in and Dr. Spellar is working out the details as to what day and what hour we can sit down for the owners and the investor to sit down. The investors certainly are not looking at it as we are looking at it. You know that this historic site……investors are investors and they want to take advantage of the tax credits. So we all win because that's what they want and we have other….our agenda is certainly for the good of the community. Why don't we work together on this?

Mayor Sims: Any additional comments?

Mayor Pro Tem Moore: Thank you Commissioner. I would like to say that I don't know….and I work regularly with this Council and I don't think there is a one of us that wants the Kilby to come down. I know that, you know, words are very powerful, but I don't think it's this Council that has the neighborhood divided. And I just think it's part of a process for several years now, there has been….and it could be very good reasons why….but no one has stepped up to take care of the Kilby. We've let it get to the eleventh hour and in a very tough economy and so I don't quite agree that this Council…..there is certainly division, I acknowledge that, but I don't think that's necessarily a reaction or something to this Council because we've been dealing with this for several years on different levels and we haven't been able to come up with an answer yet. So we certainly have been trying to follow the process and I certainly hope that, you know, anyway it goes that there will be some time and hopefully it can get resolved. I don't…..I just can't imagine that anybody in this community whether they are a part of that community or go through that community would want to see, you know, the Kilby come down or any other structure in this town that has meant so much. But I do appreciate your words and the efforts behind what you're saying.

Council Member Douglas: Madam Mayor, if I may. I don't quite agree with my colleague when he says it's the eleventh hour. I think they just petitioned the Historical Society not long

ago and they permitted 180 days. So if they permitted 180 days, my question would be the same as the Commissioners was…..what's the rush? I can remember ever since I've been on Council even trying to get Meredith Street apartments dealt with. We knew what was going on there. We knew the owner of that property was blowing smoke. [applause] We knew this. Now, I don't recall all of these urgent meetings on the Kilby Hotel until just recently. That was not an issue at the time that I can recall and part of it was because I think the Washington Street Development Plan was based around the Kilby. So at that time, I don't think that it was, you know, such a rush. And now that we have…..I'm still wondering what the real push is because, you know, like I said, we didn't have that type of urgency when it came to the Meredith Street apartments and that was devastating to the community. You know we danced back and forth for the longest and it was just this year and if someone hadn't of stepped forward and wanted to purchase it, we'd still be dancing around the Meredith Street property. So I'm trying to figure out how this eleventh hour ordeal came about when the Historical Society already gave it 180 days. So we want to circumvent that process and rush it through.

Council Member Smothers: I think the city went to the Historical Society as part of that process that you're talking about. The owners didn't go. They were there, certainly representing the property, but the city had to do that. I think it's not exactly apples to apples, Mr. Douglas, to compare Meredith Street apartments to the Kilby in that all along we were told the apartments themselves, the buildings were sound. The inside did not meet code and I would remind you that nobody did anything in a really aggressive manner to solve the problem until the city said we're going to tear them down. Then suddenly there was activity.

Council Member Douglas: You're talking about the Kilby right?

Council Member Smothers: No, I'm talking about the Meredith Street apartments.

Council Member Douglas: It took us about six years to get to that point.

Council Member Smothers: Exactly because they kept saying well we're going to sell them. Or we're going to do this or we're going to do that.

Council Member Douglas: Well if I'm not mistaken, we were also torn because of the legal ramifications of dealing with commercial property at that time as well.

Council Member Smothers: I don't remember that being a big deal.

County Commissioner Bruce Davis: It almost seems as though there's….because it has lingered on, that it has caused some tension and I can understand that, but hopefully that's not the motivation that moves you to tearing it down because of…..yes, it's at the eleventh hour, but look at the amount of interest that you have now. So it's like, okay, if I am out on an island and I'm waiting for someone to rescue me…if they come at the eleventh hour, I'm okay with that. So we're at that eleventh hour. That's not a bad thing. That's pretty good that all of these things have taken place and now we're at the point where we can all win unless there's another motivation behind it.

Council Member Wagner: What motivation are you alluding to?

County Commissioner Bruce Davis: Excuse me.

Council Member Wagner: What motivation are you possibly alluding to?

County Commissioner Bruce Davis: Well, you know, when you look over the ocean and it's still filled with water, I don't know what turbulence is going on. I'm not sure.

Council Member Wagner: I mean you're alluding to stuff, but you're not willing to say what you mean. I want to know what it is that you're talking about.

County Commissioner Bruce Davis: Councilman Wagner, I wish I had the answer. I'm not alluding to anything. If I had it…..folks who know me, I'm pretty blunt. I'll tell you. If I thought it was you. If I thought it was the Mayor or if I thought it was any of you….if I knew it, I'd tell it right here. I have no shame in telling the truth. I speak to truth. I speak the truth to whatever the case may be. I'm not holding it back. It's just that I don't know and I'll ask you that. What is it?

Council Member Smothers: Commissioner, could you help us identify property owner, business people that are currently here in the Chambers here tonight.

Mayor Sims: Well they can identify themselves. Stand.

Council Member Smothers: Well I just wanted a chance to break in and find that out. How many of you all want us to keep the street closed six more months?

County Commissioner Bruce Davis: No one wants that. Not even six hours.

Unidentified citizen: We are business people and we want the street open.

Council Member Smothers: I just wanted to know if we had to delay six months, would you want it to stay closed? That's all I wanted to know. That's fine. You can talk in a minute. I just wanted to know…..I was asking for a raising of hands and then nobody raised their hands.

County Commissioner Bruce Davis: But if I could, Councilwoman Smothers, to pose a question like that…a loaded question to say who would want it to stay closed six months, it's really not fair.

Council Member Smothers: I don't think it's fair either. I don't the issue of it staying closed six months is fair.

County Commissioner Bruce Davis: But the question is not a fair question. Okay.

Council Member Smothers: Fine. I asked it and if I offended the people for asking the question, I'm very sorry.

County Commissioner Bruce Davis: Well, again, I wouldn't want it….I don't think anybody would want it closed another six hours. I think they want….and I'm along with you. I want a resolution today that says we can move forward and so to say…..and Mr. Freeman, if you ask him is it going to take six months. That's a fair question. If you ask the owners are we willing to move very quickly? That's the question because I don't think anybody is going to sit around six months and let the street stay closed and not act upon what we're trying to get accomplished. So I think everybody is trying to move very quickly and that's why this week

I'm hoping that the investor will sit down. I don't know what their schedule is like and all that good stuff, but we're trying to work through this and expedite it. We're really trying to get it done very quickly and I guess once Mr. Freeman gets all the numbers in, then I guess the question is how long will it take to shore it up and I would imagine and I don't know, but I don't see it taking months to do this.

Council Member Mendenhall: Commissioner, could we hear from some of the other folks?

Andretti Barnes: Hello, my name is Andretti Barnes and I'm at 709 Washington Street which is Hayes Tonsarial. It's a business that's been on that street for 54 years and I would like to have an exercise if you guys would like to participate. If each one of you right now would just lean to the other one and just pinch him. Don't' break the skin. Just pinch.

Mayor Sims: You're asking for a fight, Mr. Barnes.

Andretti Barnes: What every business that is here right now is going through, you don't feel it. But we feel it every day. We feel the decrease in business. We feel that we can't get any new customers because we don't have the opportunity for someone to drive by a retail shop or a service shop or a restaurant to come in and say, hey, where you guys been? What do you do here? How can we give you business? But if you would pinch each other right now, you would feel it. After being in that environment, in order to feel what we feel right now. That building is precious. It should be precious to High Point, but we're not here for that building, right? We're here to open up this street so that we can have the opportunity to open up our businesses again. Have you lost business 65%? Have you lost business 75%? Have you lost business 85%? Is it happening in your life right now? If it's not, pinch the man or woman that is next to you so that they can feel what is going on in our lives. This ain't nothing that we can take back. We can't take back the three months that you've already taken from us and now threatening to take us back 180 days. There's documents that's right here…..the same gentleman that you guys were talking about….Mr. Benjamin. Mr. Benjamin said that these are load-bearing walls. These are not skyscrapers. The building sits off the street enough to where if you have been on Washington Street lately and seen these same buildings that you're putting on paper, that you're making decisions on, if you've seen these buildings, you'd know that they are going to fall on the inside if it does. If it's not tomorrow, it could be 100 years from now. That building is 100 years. That building…..the engineering that was done on that building was done…..they are doing it now on taller buildings in larger cities. So why are we afraid to let a small caliber building to which you think is going to fall……We have pictures here right now that show you people walking on the sides of these buildings and if you've been to Becky's and Mary's, you've walked in front of this same building. No way around it. You've walked in front of this same building and if you didn't you notice that Dr. Little….his lawn is damaged because of inpatient people that have been inconvenienced for the last three months. They are taking it into their own hands and it's costing this man. Now let me rephrase that. It's costing us taxpayers again to fix their yards. That's money coming out of our pockets again, plus the 30 days that you've taken money out of our pockets and now threatening a 180 days to take more out of it. Now if you're ready to decapitate, give us that 180 days and you don't' have to worry about Washington Street. You can come and start fresh, brand new. What is happening--and I hate to say it--what is happening is you have created a black and white issue because when we look at, we look at mother or father don't care about us. Daddy don't care about what we're doing in our neighborhood, but they care about what's happening in another neighborhood. We want to give a two-lane highway, give two lanes to a Main Street with Washington Street is really all about right now. Do you want to help us? A lot of us was

closed down for three months, bury the cable lines. Let's get ready for a vibrant district, historic district. Pinch each other. Feel what I feel. [applause]

Mayor Sims: Thank you Mr. Barnes. Ms. Belton.

Council Member Wagner: I want to address something right quick. The action that this Council and the action that the city had to take to close that street wasn't something that just came up overnight, okay. This building did not get in the position and in the condition that it is in overnight. We're talking about a building that for whatever reason, and I'm not trying to lay blame on anybody, but it got to the condition that it's in as a result of a long-term neglect. I don't think there's any argument with that. It didn't just happen. There wasn't a fire. You're talking about long-term neglect to put that building into the situation that it's in and it has nothing to do really with the city. The city didn't put that building in the condition that it's in. The city doesn't own that building. Am I right? But to blame the camel's back on the person who placed the last straw, ignores the entire history of how it got there in the first place. I un

A motion was made by Council Member Smothers, seconded by Mayor Pro Tem Moore, to open Washington Street and instruct staff to secure the sidewalks around the building so no one can walk on the sidewalks. The motion PASSED by a 9-0 unanimous vote.

PUBLIC HEARINGS - 5:30 P.M.

FINANCE COMMITTEE - Mayor Pro Tem Moore, Chair

130353 **Public Hearing - Resolution - Development of Addington Ridge Apartments**

Monday, December 16, 2013 at 5:30 p.m. is the date and time established for a public hearing on the Adoption of a Resolution approving and providing security for certain HUD Section 108 Loan in the amount of $1,350,000.00 and the expenditure of said funds for the development of a low income tax credit development known as Addington Ridge.

Attachments: Resolution - Addington Ridge apartments
Resolution - Signed Addington Ridge Apts

Resolution No. 1360/13-83
Introduced 12/16/2013; Adopted 12/16/2013
Resolution Book, Volume XVIII, Page 83

Chairman Moore announced this is the day and time set aside to receive public comments regarding this matter to comply with statutory requirements.

Mike McNair, Director of Community Development & Housing, explained this matter last came before Council back in April and noted this development known as Addington Ridge is a 58-unit development that will be located directly across the street frrom the current Admiral Point on Admiral Drive. Mr. McNair reminded Council that in past action, they authorized the city to commit to a $1.35 million loan using Section 108 funds and they are now in the final stages of putting all those pieces together. The resolution for consideration outlines what has already been approved.

Mayor Pro Tem Moore opened the public hearing and asked if there was anyone else present who would like to comment.

Craig Stone, developer with Wynnefield Properties, explained this development is actually an extenuation with a similar type financing they've done before and noted it has been quite a long process for them to get to this point. He shared the success of the application process and noted there were a little over 160 applications throughout the state with theirs being the only successful awardee in Guilford County. He offered to answer any questions or concerns.

Chairman Moore asked about the success of the Admiral Point apartments. Mr. Stone replied that they rented it up ahead of the original schedule and currently have a waiting list for the property. He explained Admiral Point was for independent elderly individuals, while Addington Ridge will be for families. Council Member Ewing inquired about the 2% interest rate on the loan and asked staff if any consideration was given to a variable rate versus a fixed rate. Mr. McNair explained the interest rate would actually be based on the bond sale which has not yet occurred, and they have a range based on the last bond sale and proceeds coming in from Admiral Point would be applied to make up any differences. He noted that because the tax credit application has already been approved and all cash flows have been identified, the deal could not be changed at this point, but the next time staff could possibly address the interest rate in a different manner.

Chairman Moore asked if there were any additional comments. There being none, the public hearing was closed.

Adopted Resolution authorizing the city manager to execute the necessary documents to implement the project.

A motion was made by Mayor Pro Tem Moore, seconded by Council Member Mendenhall, that this Resolution be adopted. The motion PASSED by a 9-0 unanimous vote.

BOARDS AND COMMISSIONS APPOINTMENTS AND VACANCY REPORT

130357

Firefighter's Relief Fund Board - Reappointment - Leslie Graham

Council is requested to confirm the reappointment of Ms. Leslie Graham to the Firefighter's Relief Fund Board (Pension Fund) of Trustees as authorized by NC General Statute 58-84-30. Reappointment to be effective immediately and will expire January 31, 2016.

Approved the reappointment of Leslie Graham to the Firefighter's Relief Fund Board of Trustees to be effective immediately and will expire January 31, 2016.

A motion was made by Mayor Sims, seconded by Council Member Wagner, that this reappointment be approved. The motion PASSED by a 9-0 unanimous vote.

130362 **Reappointment to the Board of Alcoholic Control (ABC Board)**

Consideration of the reappointment of David Wall to the High Point ABC Board. Reappointment effective immediately and will expire November 15, 2016.

Mayor Sims explained that she would not be voting in favor of this reappointment because of the policy Council has in place that limits service on boards to two terms. She noted that while Mr. Wall has done a fantastic job while serving on the ABC Board, there are other citizens that have been encouraged to apply and have expressed an interest in serving.

Reappointed David Wall to Board of Alcoholic Control (ABC Board) to be effective immediately and will expire November 15, 2016.

A motion was made by Council Member Smothers, seconded by Council Member Mendenhall, that this reappointment be approved. The motion carried by the following 8-1 vote:

Aye: 8 - Mayor Pro Tem Moore, Council Member Davis, Council Member Douglas, Council Member Ewing, Council Member Golden, Council Member Mendenhall, Council Member Smothers, and Council Member Wagner

Nay: 1 - Mayor Sims

130361 **Appointments to the Board of Adjustment**

Consideration of the appointment of Andrew Richardson to the Board of Adjustment as a regular member. Mr. Richardson is currently serving as an alternate member. He will fill the unexpired term due to the resignation of Harry Rowsey. Appointment effective immediately and will expire July 1, 2016.

Consideration of the appointment of Justin Gibhardt to serve as an alternate member on the Board of Adjustment. The appointment to be effective immediately and will expire July 1, 2015.

Attachments: GIBHARDT Justin 2013

Appointed Andrew Richardson to the Board of Adjustment as a regular member to be effective immediately and will expire July 1, 2016.

Appointed Justin Gibhardt to serve as an alternate member on the Board of Adjustment effective immediately and will expire July 1, 2016.

A motion was made by Council Member Davis, seconded by Council Member Smothers, that this appointment/reappointment be approved. The motion PASSED by a 9-0 unanimous vote.

130363 **Appointment to the Board of Adjustment**

Consideration of the appointment of Deborah Davis as an alternate on the Board of Adjustment. Appointment effective immediately and will expire 7/1/2016.

Attachments: DAVIS Deborah 2013

Motion by Council Member Davis to suspend the rules to add this appointment to the agenda for consideration. Council Member Mendenhall made a second

to the motion, which carried unanimously.

Approved the appointment of Deborah Davis as an alternate on the Board of Adjustment to be effective immediately and will expire 7/1/2016.

A motion was made by Council Member Davis, seconded by Council Member Mendenhall, that this appointment be approved. The motion PASSED by a 9-0 unanimous vote.

130358 **Boards and Commissions - Vacancy Report**

Attached is the current list of vacancies for all Boards and Commissions.

Attachments: Vacancy Report

This information is attached for informational purposes only. No action is required on this item.

APPROVAL OF THE MINUTES OF PREVIOUS MEETINGS

130359 **Approval of the following Minutes**

Comprehensive Planning Committee meeting held Tuesday, November 19th at 4:00 p.m.
Finance Committee meeting held Monday, December 2nd @ 4:00 p.m.
City Council Regular meeting held Monday, December 2nd @ 4:45/5:30 p.m.

Attachments: November 19 2013 Comprehensive Planning Committee
December 2 2013 Finance Committee
December 2 2013 High Point City Council

The minutes for the preceding minutes were unanimously approved as submitted with a correction to page 2 of the November 19, 2013 Comprehensive Planning Committee minutes to change the reference of November 5th to December 5th as recommended by Council Member Smothers.

A motion was made by Council Member Mendenhall, seconded by Council Member Smothers, that preceding minutes be approved with the correction to the November 17, 2013 Comprehensive Planning Committee minutes as noted by Council Member Smothers. The motion PASSED by a 9-0 unanimous vote.

Council Member Douglas Questions Use of City Issued Credit Cards and Auditing Procedures

Council Member Douglas posed the following questions regarding city issued credit cards:

1. How many credit cards do the various departments have within the city? (staff will provide this information tomorrow)
2. What banks are those credit cards with (Bank of America)
3. Is there a spending limit on the cards? (yes)
4. Is there an audit done on the cards and how often? (Yes, the statements

are reviewed for all usage and they are also subjected to the annual audit review)
5. Does the city manager have a credit card and what is the spending limit? (Yes, an American Express that is used primarily for Council's travel expenses; not sure what the exact spending limit is, but will find out)
6. Is it possible to get a copy of the statements from the last ten years? (Staff will provide copies and will go back as far as the information is available)
7. When can Council expect to receive this information? (As soon as staff can go back, find, retrieve and make copies of the information, but it will be done as soon as possible)

Council Member Douglas further explained that after the recent article in the paper about improprieties with a City of Archdale staff member, he felt it was prudent for High Point to have some type of checks and balances to deter that from happening in High Point.

Council Member Douglas questioned why he had not received some information he previously requested on August 19th regarding trips made by Council Member and family members that were paid for by city credit cards. Mr. Boynton noted that as a general practice, the city does not pay for council member's family members travel expenses and if a city credit card is used, they are required to reimburse the city for those expenses.

ADJOURNMENT