

City of High Point

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



Minutes

Monday, October 7, 2013

4:45 PM

Council Chambers

City Council

*Bernita Sims, Mayor
Britt W. Moore, Mayor Pro Tem
James C. Davis, Foster L. Douglas
Jason P. Ewing, Jeffrey J. Golden,
Judith P. Mendenhall, Rebecca R. Smothers,
Jay W. Wagner*

ROLL CALL, PRAYER, AND PLEDGE OF ALLEGIANCE

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 Presentation:**PROCLAMATION- YWCA "WEEK WITHOUT VIOLENCE WEEK"**

Mayor Sims read a Proclamation into the record proclaiming the week of October 14 - 20, 2013 as "YWCA WEEK WITHOUT VIOLENCE" and presented the Proclamation to Heidi Majors on behalf of the YWCA.

REGULAR MEETING ITEMS**COMMUNITY HOUSING & NEIGHBORHOOD DEVELOPMENT COMMITTEE -
Council Member Douglas, Chair**[130268](#)**Kilby Hotel - Appeal Hearing - Demolition and Removal Order**

Monday, October 7, 2013 at 4:45 p.m. is the date and time set for an appeal hearing before the High Point City Council on the demolition and removal order for the Kilby Hotel located at 625 E. Washington Drive, High Point, NC.

Attachments: [Kilby Hotel - Hearing Request](#)

[Kilby Hotel 2](#)

[Kilby Hotel 3](#)

[Kilby Hotel 4](#)

[Kilby Hotel 10-4-13 001](#)

[Kilby Hotel 5](#)

[CB2 Structural Engineer's Report December 4 2012](#)

[Larry Boozer PE Engineer's Report January 24, 2013](#)

[Chronology for the Kilby Hotel](#)

[Letter from Les Eger GC Historic Preservation Commission October 1 2013](#)

Note: All evidence and documents introduced during this Appeal is hereby attached in Legistar as a permanent part of these proceedings.

_____ **Transcript of Appeal for Kilby Hotel** _____

Council Member Douglas: Madam Mayor, that was a notice for a hearing that went out for the Kilby Hotel. The family petitioned to have a hearing on that matter and that's what we will be doing today. JoAnne, would you like to explain anything?

City Attorney JoAnne Carlyle: Mayor and Council, what we will do today is we will have a quasi-judicial hearing on an appeal from the Order that was entered by Inspector Ed Brown with the City of High Point for the demolition of the Kilby. Today, since it is a quasi-judicial hearing I will be asking you to only listen to factual information either that is given to you by someone who has personal knowledge of an occurrence-not a lay person's opinion or someone that is an expert that offers testimony. We have to begin by swearing everyone in today. Anyone that is going to offer up evidence in the form of testimony to you or by documentation does have to be sworn in before they can offer that testimony. So I would ask Madam Clerk to swear in those who are interested in talking. I'm not sure who is here on behalf of the Kilby today.

[oaths administered at this time to Ms. Burnie McElrath and Inspector Darrell Long, Lee Burnette, Director of Planning and Development Department]

JoAnne Carlyle: And the city would like to begin by presenting evidence on behalf of the City of High Point in support of the Order that has been ordered. I'm going to call Darrell Long, who is an employee of the City of High Point and has been with the city for over 20 years. He has the title of Supervisor over the Building Inspections. He is certified at North Carolina Building Inspector, Level 3. He is certified in the areas of electrical, mechanical, plumbing and as a fire inspector. I believe that Mr. Long is going to take you through a Chronological Order of the way things occurred. As the hearing continues through, even though it's quasi-judicial, we'll keep it a bit informal. Each side including the individual representing the Kilby is able to ask Mr. Long questions. He is able to ask them questions. If I, for example, hear or if I notice that I'm not hearing something that I think needs to come out as a fact on behalf of the city, I will ask Mr. Long or Ms. Burnie that question. So with that I'm going to turn it over to Mr. Long.

Inspector Darrell Long: Okay, this afternoon I'm going to go over a brief chronological order of the current situation at the Kilby as it stands and also dating back to August of last year at which time was when we first started the case on the Kilby. I have a brief chronological order here. I'm just going to touch on some of the highlights here and I also have some photographs too that Herb has here and we'll go ahead and get those photographs up.

Obviously that's the front elevation of the Kilby as it currently stands. Basically exterior walls are still in reasonably sound condition. The interior of the building as you'll see from my notes here as I go through this, you'll see the interior of the building has suffered from significant collapse. Herb, if you want to you can go ahead and advance that. That's a view of the Kilby from Hobson at the corner of Hobson and Washington.

JoAnne Carlyle: Mr. Long, I'm just going to interrupt. This is what he is following through on his chronology here.

Darrell Long: And that's a view from the street level, zoomed in through the windows

from the eastern side of the building which we'll be looking at it from the Hobson Street side. The next two photos, I think I have a total of five photographs here. The next two photos will give a real good understanding of what we've got there. These photos obviously are courtesy of our Fire Department guys. I had them to actually go out with the ladder truck to get some aerial photographs of the building as it currently stands. That pretty much tells you the significance of the collapse of the interior of the building. That is current. It has...obviously, it has progressed a little since the initial collapse, but that is current. Dating back....and as you see there the chronological order on the building....back in August, on August of 2012, we actually went out and started the case on the structure. The site inspection was made by us which identified serious construction concerns regarding that structure.

We'll move down the list a little ways there to December 5th of 2012. We received a letter at that time from a third party structural engineer that was dated December 4th. That actually was an engineer's letter requested by the city. I mentioned that it was third party, but it was requested by the city to validate the concerns that we were expressing. And that engineer's letter actually validated that it was determined at that time to be an unsafe structure. Following that, on February 18th, we received a copy of the date showing Burnie McElrath and Myra Williams were now sole owners of that property. On March the 6th, we received a copy of an engineer's letter-an engineer that was employed by the owner-Larry Boozer, reviewing the structural condition of the building and outlining bracing and shoring recommendations to stabilize that unsafe condition. After receiving that letter on July the 12th, we issued a Complaint and Notice of Hearing to Burnie McElrath and Myra Williams for that unsafe structure. It was issued regular mail, certified mail and also an email notification was sent out. Following that initial Complaint and Notice of Hearing, the hearing was set up for July the 25th. That hearing was held with Burnie McElrath and Myra Williams concerning the Complaint of that unsafe structure. That certified mail receipt was signed by Burnie McElrath on July the 26th. Following that, on August the 19th, an Order to Repair or Demolish the structure was issued to Ms. McElrath and Myra Williams and that was also issued regular mail, certified mail, and email. At that time....after the order was issued on or about that date, placards were posted in front of the building notifying the public of the unsafe conditions surrounding that building.

On August the 21st of this year, certified mail for the Order to Repair or Demolish was signed by Burnie McElrath and then following that on August the 29th, of course Burnie McElrath and Myra Williams decided to file an appeal for the Order.

That's pretty much going through the entire chronological order that we have on it dated back to August the 27th of last year. As you can see from the pictures, as you look at the pictures backing up through those, the extent of the collapse is....it is now my opinion that it extends all the way down through. In that one photograph, I believe it's that last photograph, Herb. It pretty much will confirm that. The collapse has actually extended now all the way down through and penetrated into the ground floor of the building. That's pretty much all I have. I'll be happy to answer any questions anyone may have.

Mayor Sims: I have a question.

Darrell Long: Sure.

Mayor Sims: I see the chronological order of things regarding letters that were written and dates they were picked up. Was there any other activity that took place between the owners and the city that's not captured in this?

Darrell Long: Other than possibly some email and Lee, feel free to chime in, but other than possibly some email, conversation back and forth....not to the best of my knowledge.

Lee Burnette: There were several communications. Even before we issued an official Notice of Complaint and Hearing, there were several informal communications with Myra and Burnie regarding their acknowledgement of the problem, what they were going to do. They hired a structural engineer and looked at shoring up the building. As Darrell mentioned, they presented us with that report in January. We met with them and a contractor, who they were looking to do the shoring up once funding...once they had funding to do that. There was communication throughout the process up until the time where it was determined that they did not have the means to move forward with the shoring up of the building and removal of the unsafe condition. And that's when we had to go forward with the Notice of Violation.

Council Member Smothers: Mr. Burnette, did the....the engineer I believe did give an estimate on the cost for shoring up the building. I'm thinking that it was several hundred thousand dollars. Maybe Ms. Williams can confirm that.

Lee Burnette: They may know more specifically what their contractor thought the cost would be to shore up the building. I don't think we have a specific quote.

Council Member Smothers: So the engineer didn't do that, he just recommended stabilizing and....

Lee Burnette: Their engineer basically specified the standards by which they need to shore the building up. It was up to the contractor to implement it.

Council Member Smothers: I see.

Council Member Davis: Mr. Long, as of today has any shoring or bracing up or any attempt to correct this been done since the first initial contact with the owner?

Darrell Long: None to the best of my knowledge.

Council Member Davis: So we're talking what....a year time frame possibly?

Darrell Long: Roughly a year. Yes Sir.

Council Member Smothers: Wouldn't they have to have a permit to do that?

Darrell Long: Absolutely.

Council Member Mendenhall: When did this start? The sinking in....is that the best way to phrase it?

Council Member Smothers: Collapse.

Darrell Long: It's really hard to pinpoint for me at this time exactly when it did start because when we first got involved on August the 27th, it had already taken place. So if I had to put a time frame on it, I'm going to say, you know.....

Council Member Mendenhall: So it was prior to August the 27th of last year?

Darrell Long: Yes Ma'am.

Lee Burnette: We have an aerial photograph of the city that was done in 2000 and at that time it did not show a collapse. It could have had penetration in the roof structure, but it did not show any kind of collapse.

Council Member Mendenhall: Thank you.

Council Member Douglas: You also mentioned stabilizing. What would be the purpose of stabilizing?

Darrell Long: Well at this point, I mean, stabilizing basically the exterior walls to prevent any kind of further collapse which, obviously, because of its close proximity to Hobson Street and Washington Street would, you know, have a direct impact on both of those streets. Because of the interior collapsing, a lot of the exterior walls lost their integrity and lost lateral stability. It's totally by chance, but I think even in one of the engineer's letters that we actually have, the engineer references the fact that the collapse itself is providing some stability to the exterior walls now in looking at it. I mean it is providing some stability to the walls. If there was nothing inside of those exterior walls, the problem would be a lot worse.

Council Member Davis: Mr. Long, with all that weight up against those walls on the inside, could those walls explode and go the other way?

Darrell Long: Absolutely. That is one of my chief concerns and obviously as weather continues as rain comes in the building, obviously that's got to go somewhere, so it could have that kind of effect on the exterior walls. Absolutely.

Council Member Golden: But you are saying that it's imminent them walls are going to

come down without any shoring up or anything else, you're saying they're going to come down?

Darrell Long: Without any shoring, I would say that would be a valid statement. Yes Sir.

Council Member Golden: But you don't have any time frame or anything like that, right?

Council Member Mendenhall: Is the....because I can't remember, are the windows boarded up all around it?

Darrell Long: Ground level they are. Yes Ma'am.

Council Member Mendenhall: So if it's raining in, where is all....the way the water has been, where is all that water? Has it gone through or....

Darrell Long: It's actually collecting, you know, it's being absorbed by the collapsed area and as I was telling Mr. Davis there, it's obviously got to go somewhere. Overtime it's got to go somewhere. That's one of my major concerns.

Council Member Douglas: So stabilizing this building would, I guess, you could say could buy some time as well as make it safe in the area because at one time it was blocked off. So you're saying that if it is stabilized, then chances of the walls collapsing in or out that would prevent that?

Darrell Long: Yeah, absolutely. If the shoring were to take place, it would stabilize those exterior walls from any kind of other collapse. I might add that the streets are still closed there. We still have a portion of Hobson closed as well as the sidewalks and everything closed along the Washington Drive area just to protect the public.

Council Member Douglas: Because you mentioned earlier that the structure was sound, correct? The brick structure?

Darrell Long: The exterior walls.

Council Member Douglas: The exterior walls.

Darrell Long: Yeah, but obviously, sound considering the overall condition at the location considering what has happened, I would say they are still reasonably sound and with some additional shoring, it could probably be salvaged.

Council Member Smothers: Could you describe what reasonable shoring would be?

Darrell Long: The engineer....

Council Member Smothers: I mean do they put a bunch of, you know, two by fours on the outside?

Darrell Long: Yes Ma'am, it's just basically a bunch of exterior bracing installed diagonally down to grade and they are attached into the masonry and they install those at periodic spacing just to stabilize and prevent the further collapse that we have talked about.

Council Member Smothers: But wouldn't that have to come out into the public right-of-way?

Darrell Long: Likely, yes Ma'am. Basically the engineering details that I've got on the shoring which is basically a tilt-up panel type of bracing and if you know anything about that, it's the same type of bracing used to tilt up concrete panels. And, yeah, the angle of that bracing would get it out into the right-of-way, probably along the Washington Street as well as the Hobson Street side.

Council Member Wagner: Would that shoring also include the removal of all the debris from the inside of the building? Or would that be left in the building?

Lee Burnette: If I may add...at the time we met with the contractor and he felt...and Ms. McElrath may be able to explain this further, but the contractor stated at that time that he would probably have to do some exterior bracing in order to remove the debris from inside the building and then do more bracing after that.

Council Member Wagner: Bracing inside too?

Lee Burnette: Yes.

Darrell Long: Because in order to stabilize it, he would have to get to the interior and sandwich it and brace it from both sides.

Council Member Wagner: Yeah, you wouldn't want to get in there and have it come down on top of you. Okay. Has there been any...just from a health standpoint, has there been any evidence of any animals living in here or anything like that?

Darrell Long: I have not seen any, no Sir.

Lee Burnette: I think the biggest problem we've had has been the public is still using the sidewalk despite the closure.

Darrell Long: Yeah, I have had to go out there several times since we actually closed the sidewalk and closed Hobson Street and realigned the barricades because it's continuing to be pushed aside and then foot traffic will want to use that sidewalk right there and it's not really a safe situation for them to be using that sidewalk.

Council Member Davis: From a public safety point of view, can the city require, or do we require them to maintain insurance on it in case of a collapse that hurts someone or damages personal property?

Lee Burnette: This is the only action that the city can take is an unsafe building violation.

Council Member Davis: So possibly this building is just sitting there with no insurance on it and then if it falls or kills somebody or hurts somebody or damages property, we can't do anything about that as a city? Can we? Can we enforce that?

Lee Burnette: This is the only action that we are aware of.

Council Member Smothers: Following up on Mr. Davis' point, would the fact that there has been a notice to the owners increase the city's culpability I presume at this point? I guess that's a legal question, Ms. Carlyle.

JoAnne Carlyle: I'm trying to understand what your question was. Is the fact that we are aware that there's a liability out there do we have....

Council Member Smothers: Do we have exposure?

Joanne Carlyle: I do believe that it increases the city's exposure. Mr. Long, has the deadline for the owners to take action passed?

Darrell Long: No Ma'am. I think the Orderthe deadline on the Order is I believe October the 21st. I believe that's correct, yes. So it's forthcoming, but it has not passed.

JoAnne Carlyle: And what action are we requesting the owner to take?

Darrell Long: By that deadline.....

Lee Burnette: The Order was to repair or demolish the structure, to bring it up to Code where it makes it safe.

JoAnne Carlyle: And that's what we're asking the City Council to decide upon today?

Darrell Long: Yes Ma'am.

Council Member Ewing: When you say brought up to Code-so that's more beyond than just the shoring up the walls?

Lee Burnette: The Order was issued to repair it and make it stable. The shoring would be an intermediate step. It wouldn't necessarily make it a totally unsafe, but it would....as it was pointed out in previous discussions by the engineer and by Mr. Long,

that it would remedy the immediate situation.

Mayor Sims: So does the act of pulling a permit start that process, or does it have to go beyond that?

Lee Burnette: When we talked with the owners about the process, they have an engineer's report on the bracing or the shoring. They would have to get a contractor on which they talked about and had at the meeting, that would have to submit a plan showing exactly how he intended to implement that shoring. That he could pull a permit for that and begin the shoring process. There was, as Mr. Long mentioned, some discussion as to whether or not and could the bracing occur out into the public right-of-way or into the street and we basically indicated to him at the time that we needed to see the details of that in term of what could be allowed or what couldn't be allowed in terms of traffic safety.

Mayor Sims: Could all that be accomplished by the deadline date that's in the letter?

Lee Burnette: Very unlikely. Not impossible, but unless they had the means to move forward fairly quickly.

Council Member Mendenhall: What was that deadline date again, please?

Darrell Long: October 21st.

Council Member Mendenhall: Thank you.

Mayor Sims: Are there any other questions?

JoAnne Carlyle: I just have one more question. Mr. Long, do you consider this property unsafe pursuant to the General Statutes definitions at this time?

Darrell Long: Yes Ma'am.

Council Member Mendenhall: Ms. Carlyle, what was your question? I couldn't hear you.

JoAnne Carlyle: I asked him if he considered this property an unsafe structure in accordance with the General Statutes definitions at this time.

Council Member Mendenhall: Thank you.

Mayor Sims: Are there any other questions for Mr. Long or Mr. Burnette? Thank you.

Is there anyone else who cares to speak?

Burnie McElrath: My daughter hasn't been sworn in. If you can swear her in. I have

been already.

[City Clerk administered oath to Myra Williams at this time]

Burnie McElrath: The first thing I'd like to ask is do you have copies of the city's engineer's report as well as ours?

Council Member Smothers: Do we have copies?

Burnie McElrath: Yes, do you have copies of the engineer's report so you will be able to see what the engineer's report says other than what information was given to you?

Mayor Sims: No, Ma'am.

Burnie McElrath: Would you like to have one because I have a copy of the city's as well as ours and they are different.

Council Member Golden: Absolutely.

Council Member Smothers: Is that admissible?

JoAnne Carlyle: Yes, yes.

Council Member Wagner: She's able to present evidence.

Burnie McElrath: There's one for each Council Member. [copies of the engineer's report distributed].

The first one you'll see is the one that was done by the city's hired engineer department, contractor whoever. The second one is the one that we paid for, which they mentioned about bracing.

Mayor Sims: Ms. McElrath, if you would like to you can go ahead and speak to us regarding the differences in the two reports that we were presented and we will look at them while we are here.

Burnie McElrath: In the report that I have before you now that we had done, it breaks down specifics. It addresses everything as far as the structural safety, the structural feasibility of the building, what was going on as far as the deterioration, all four sides of the building and what he considered to be a problem or not. He checked all four corners: the Hobson Street, the back end where the parking lot is, the side where the building that we also own. He addressed that and he also addressed the front. Our engineer said the building is structurally sound. He stated that it needs to be shored up only because the way they built that building back during the time that it was built, the four walls were built first, then the floors were put in, then the roof. So the structure was not built with the roof coming down, it was built with the four walls and then

everything was built inside. So it makes it different as far as when you're talking about that type of a building coming down because the beams and whatnot were attached to the structure as they were going up. The beams went this way, not this way. That's the way the building also fell. This way. And any other deterioration of the building would be from the mortar coming from the brick. The building has completely finished breaking down as far as all the way down to the floor. There is also a basement there. Our engineer went into the basement. He was looking for specific things to prove whether or not the structure was sound. He could not find anything that said the structure was not sound. He even addressed.....if he can bring up the one on the side....I don't know if it shows you where there's a crack.....no they don't have it. Where there's a crack on the side wall he investigated that. That is not from the building deteriorating-that is from over time. He also checked to see if the foundation showed any signs of cracks which would mean there was settling issues that would be of a concern as far as the structure itself and he did not find any.

He definitely did say that it needs to be shored, but he did not say that the shoring is having to be done because the building is not sound and we asked him to make sure and check every possible problem that could arise as far as the structure being unsafe and its coming down. It's not going to come down the way that you think it would. It's not going to fall out into the street. It's not going to fall in the back. It's not going to fall in the front. It's going to collapse within itself like it already has. There has not been any debris to my knowledge other than the gutter because someone has taken parts of the gutter off that has come away from the building and that's because of the mortar. But all the issues with the mortar is also going to be addressed because with age, mortar has to be replaced also. The tilt-up information that you receive from the city was the information that our city engineer gave us. It was not a part of the information package as far as the engineer from the City of High Point that they gave us a copy of.

I would also like to know what the statute number is that the Inspections Department is saying that would be enforced in order to bring the building down and there is no way possible for us to bring the building down if they force us to do it by the 21st of October for two reasons. I contacted the Historic Commission in Greensboro, who issued the placard for that building. They have rules. If you want to remove a placard or you want to demolish a building, you have to go before them and let them know...fill out the necessary forms so that a decision can be made. I can't go and just tear it down. I've got to go before them and I have to fill out the necessary paperwork in order for that process to even be started. I don't know how long that process would take. If the city tears it down, they are required to do the same thing. So it's not a process that we can just likely just do whatever. We can't touch that building until we have everything in place because we will be in breach of the Historical Properties here in Greensboro. We'll also be in breach with the National Register, so it all has to....just like they have timelines, they have timelines that govern us and until we can get everything in place, we can't even go before them to get the okay to even touch the building.

Council Member Smothers: Well Ms. McElrath, could you clarify for me what you want to go in front of them for?

Burnie McElrath: They have forms....

Council Member Smothers: I understand that you have to go to them regardless, but would you be going to them to try to shore up the building or to bring the building down?

Burnie McElrath: The Commission....I would be going to them to talk to them about the shoring up of the building-not tearing the building down.

Council Member Smothers: I just wasn't clear. You said you couldn't do anything.

Burnie McElrath: I can't really do anything until they hear me as far as the filling out of the paperwork and coming before the Commission.

Council Member Davis: Ms. McElrath, have you went before the Commission? I mean is it your intention to shore up the building because obviously you want to save it.

Burnie McElrath: Yes, it's my intention to shore up the building. But shoring up the building isn't the only thing that we have to address and at this meeting I can only talk about the condition of the building.

Council Member Mendenhall: I have a couple of questions. I looked at the next to the last paragraph on the first page of your report and it says "that exterior walls depend on floor and roof framing and diaphragm for resistance to out of plane bending and overall structural stability. Without those components in place the wall is very unstable." Then down here we talk about the fact that the collapse of the horizontal diaphragms roof and third floor leaves the unreinforced perimeter masonry walls laterally unbraced and likely to collapse. So I don't....the terminology may be different, but I think both engineers are saying the same thing that the walls need bracing from the roof from the third floor to be stable and without them the exterior walls are not stable and I thought we just saw pictures that those things have collapsed, so they are no longer there. Therefore, I guess both engineers would say those exterior walls are not stable.

Burnie McElrath: He is saying that the wall is not stable, but he is not saying that wall will come down either. He's saying that the shoring is to only brace it because when the roof and the second floor collapsed, that bottom floor there-it actually braced itself. So with that happening, it braced the foundation and the bottom of the exterior walls, but you cannot just go in and shore up the second and third floor. You have to do all three floors.

Council Member Mendenhall: I guess the only point I was making was in reading both of these, it seems that both engineers agree that if the roof and the third floor diaphragms and things are not in place, that makes the exterior walls unstable. I don't see that they disagree on that.

Burnie McElrath: I don't have anything to show you, but according to the structures of buildings of that type, when they built that building, they built the outside walls, then went in with the floors, then in with the roof. I don't know how long it was between times in putting it all together to tie it all in. That's what I have reference to, that there is a difference because he explains to you how the beams were indented into the walls in his report showing you that it is all one thing, but it was not all built from the top down. It was built from the walls up, putting in the floors and then the roof and that makes a difference.

Council Member Smothers: It seems to me there's a difference between structural integrity and the building stability. They looked at both. They looked at the walls and said structurally, they were in really good shape. But in terms of stability of all four of them together, no.

Council Member Davis: Ms. McElrath, earlier I asked a question about public safety. Do you have insurance on that building in the event that it would collapse and hurt somebody?

Burnie McElrath: When my mother was alive she did. When my brother took over, I don't know. I went and checked with the insurance company and they said they couldn't find a policy. Because the building is vacant, you have difficulty finding an insurance company that will insure a vacant building because of the vandalism and people breaking in and all this kind of stuff. But I have talked to an insurance agent. Once we start doing work on that building, then I can go after different types of insurances that would cover the contract as far as the material and whatnot on my end and any problems that would occur as far as somebody stealing or breaking into the structure itself, but right now I can't get any.

Council Member Davis: Based on what you are saying, you currently have no insurance?

Burnie McElrath: Right.

Council Member Davis: Do you have the financials to build the....if that building were to fall and kill someone and you were found negligent, could you satisfy those claims without them coming against the city to satisfy that?

Burnie McElrath: No, no I couldn't do that.

Mayor Pro Tem Moore: I have just a couple of questions. Stating of the ownership....because I think this goes back in discussion even before August 27th of 2012. The current ownership is you and your husband, is that correct?

Burnie McElrath: Myself and my daughter.

Mayor Pro Tem Moore: You and your daughter. Okay, and how long have the two of

you owned it?

Burnie McElrath: My brother walked away from it in 2008 and it was already in deplorable condition and we were going in trying to figure out what we needed to do and how we were going to go about doing it and we started trying to find contractors that knew how to work on historical structures because in order to keep the designation, the contractor has to know what he is doing.

Mayor Pro Tem Moore: Right.

Burnie McElrath: So it's been a process that we have been involved in for quite some time. We've talked to investors. We've had a few investors that were interested. They backed out.

Mayor Pro Tem Moore: Now the city stated they don't know when the roof collapsed, but had an aerial shot from around 2010.....

Burnie McElrath: It was in August.

Mayor Pro Tem Moore: August of.....

Burnie McElrath: This is thirteen twelve.

Mayor Pro Tem Moore: August of last year. Okay. And as far as the historical piece of it, I noticed this letter that you gave us to read was dated October 1st of this year. So did you just recently reach out to them for this clarification on the fact that we had to go before them to do anything to this building? Or did you know that previously?

Burnie McElrath: I was told that the city could bring the building down without having to contact anyone and I had remembered that during the time that we did the paperwork that the Commission in Greensboro had to give the okay to tear down a structure and remove a designation. So that's when I contacted them to find out if I had to....if I was forced to tear the building down, what would be the things that I would have to do in order to fill out the necessary paperwork for that to be done. And the rules that apply as far as the city is concerned are the same rules that apply to me. I can't touch that building without g

A motion was made by Council Member Mendenhall, seconded by Council Member Davis, to proceed with the order as it was presented and acted upon to continue with the demolition and uphold the Order to demolish the building by the October 21st deadline as originally agreed upon. The motion carried by the following 6-3 vote:

Aye: 6 - Mayor Pro Tem Moore, Council Member Davis, Council Member Ewing, Council Member Mendenhall, Council Member Smothers, and Council Member Wagner

Nay: 3 - Mayor Sims, Council Member Douglas, and Council Member Golden

FINANCE COMMITTEE - Mayor Pro Tem Moore, Chair

[130263](#)**Contract - Bid No. 15 - Concrete Foundations for Penny Road 100kV Transmission Project**

Approval of award of contract for Bid No. 15 for concrete foundations for the Penny Road 100kV transmission project. Purchasing and the Electric Department recommends that contract be awarded to Graves Construction Services in the amount of \$785,258.00 which is the lowest responsive and responsible bidder meeting specifications.

Attachments: [Bid No. 15 - 100KV Trans Foundations](#)

This matter was discussed during a Finance Committee meeting held at 3:30 p.m. prior to this meeting. The Committee recommended approval.

Approved contract with Graves Construction Services in the amount of \$785,258.00 which is the lowest responsive and responsible bidder meeting specifications.

A motion was made by Mayor Pro Tem Moore, seconded by Council Member Smothers, that this Contract be approved. The motion PASSED by an unanimous vote.

[130264](#)**Contract - Telephone & Radio Recording System for 911 Center**

Approval of contract purchase of Telephone and Radio Recording System for the 911 Center. Purchasing and the Information Technology Department recommends that contract be awarded to Carolina Recording System, Inc. in the amount of \$155,904.25 which is the lowest responsive and responsible bidder meeting specifications.

Attachments: [911 Recording System Purchase Request](#)

This matter was discussed during a Finance Committee meeting held at 3:30 p.m. prior to this meeting. The Committee recommended approval.

Approved contract with Carolina Recording System, Inc. in the amount of \$155,904.25 which is the lowest responsive and responsible bidder meeting specifications.

A motion was made by Mayor Pro Tem Moore, seconded by Council Member Smothers, that this Contract be approved. The motion PASSED by an unanimous vote.

[130265](#)**Contract - Sole Source Authorization - Trojan Ultraviolet Disinfection System**

Council requested to approve an exception to the bid laws under the "sole source qualification" for the purchase of Trojan UV equipment for the Public Services Department; and approve the acquisition of the equipment from EW2 Environmental in the amount of \$74,256.00.

Attachments: [Sole Source Purchase - Ultraviolet Disinfection System](#)

This matter was discussed during a Finance Committee meeting held at 3:30 p.m. prior to this meeting. The Committee recommended approval.

Approved an exception to the bid laws under the "sole source qualification" for the purchase of Trojan UV equipment and approved the acquisition of the

equipment from EW2 Environmental in the amount of \$74,256.00.

A motion was made by Mayor Pro Tem Moore, seconded by Council Member Smothers, that this Contract be approved. The motion PASSED by an unanimous vote.

[130266](#)

Budget Ordinance Amendment - N. Centennial/Montlieu Intersection Improvements

Adoption of a budget ordinance amending the 2013-2014 Budget Ordinance to appropriate funds in the amount of \$185,000.00 for the Centennial/Montlieu intersection improvements.

Attachments: [Budget Ordinance - Centennial Montlieu Intersection](#)

**Ordinance No. 7010/13-42
Introduced 10/7/2013; Adopted 10/7/2013
Ordinance Book Volume XVIII, Page 42**

This matter was discussed during a Finance Committee meeting held at 3:30 p.m. prior to this meeting. The Committee recommended approval.

Adopted a Budget Ordinance Amendment to the 2013-2014 Budget Ordinance appropriating funds in the amount of \$185,000.00 for the Centennial/Montlieu intersection improvements.

A motion was made by Mayor Pro Tem Moore, seconded by Council Member Smothers, that this Ordinance be adopted. The motion PASSED by an unanimous vote.

[130267](#)

Resolution - Governor's Highway Safety Program - Bike Safe Program

Council is requested to adopt a Resolution for the North Carolina Governor's Highway Safety Program requesting \$97,000.00 for the Bike Safe High Point Police Department.

Attachments: [Resolution - Governor's Highway Safety Program - Bike Safe Program](#)
[Resoluiton - Bike Safe HP - Signed copy](#)

**Resolution No. 1335/13-58
Introduced 10/7/2013; Adopted 10/7/2013
Resolution Book, Volume XVIII, Page 58**

This matter was discussed during a Finance Committee meeting held at 3:30 p.m. prior to this meeting. The Committee recommended approval.

Adopted a Resolution for the North Carolina Governor's Highway Safety Program requesting \$97,000.00 for the Bike Safe High Point Police Department.

A motion was made by Mayor Pro Tem Moore, seconded by Council Member Smothers, that this Resolution be adopted. The motion PASSED by an unanimous vote.

Pending Items

[130256](#)

Ordinance Amendment - Concealed Carry Restrictions - Parks & Recreation

Facilities

Council is requested to adopt an amendment to the City of High Point Code of Ordinance Sec. 12-1-5 to follow new revisions to the Concealed Carry restrictions included in State Law (H.937, S.2013-369). These restrictions regulate where concealed weapons can legally be carried in Parks and Recreation Facilities.

Attachments: [Revised - Concealed Weapons Ordinance - P & R Facilities](#)
[Fire Arms Ordinance- final](#)

Ordinance No. 7011/13-43**Introduced 9/16/2013; Adopted 10/17/2013****Ordinance Book, Volume XVIII, page 43**

Note: This matter was initially heard by Council on September 16, 2013. At that time, it was referred back to the Finance Committee for further discussion.

Mayor Pro Tem Moore moved to suspend the rules to consider this pending matter. The motion was seconded by Council Member Ewing and carried unanimously.

Chairman Moore explained this Ordinance Amendment is to bring the city in accordance with the new state laws.

Adopted an **ORDINANCE AMENDING TITLE 12, CHAPTER 1, SECTION 12-1-5 OF THE CITY OF HIGH POINT CODE OF ORDINANCES.**

A motion was made by Mayor Pro Tem Moore, seconded by Council Member Davis, that this Ordinance be adopted. The motion PASSED by an unanimous vote.

130230**Review of Health Insurance Coverage for City Council Members**

At the request of Council Member Mendenhall, Council is being asked to review the current council-established policy regarding health insurance coverage and costs associated with the same.

Note: This matter was initially placed on the City Council's Agenda and heard on August 19, 2013. At that time, this matter was referred back to the Finance Committee for further discussion.

COMPREHENSIVE PLANNING COMMITTEE - Council Member Smothers,
Chair**Pending Items****130251****Resolution - Street Abandonment Case 13-12 - City of High Point**

A request by the Technical Review Committee to abandon an unimproved right-of-way, lying approximately 300 feet west of Francis Street, running in a north to south direction between Model Farm Road and Jay Place.

Attachments: [06. Staff Report SA13-12](#)
[2013-10-01 Model Farm Unopen ROW Letter](#)

Chairwoman Smothers explained the public hearing for this matter was held on Monday, September 16, 2013 at 5:30 p.m. and at that time, this matter was referred back to the Comprehensive Planning Committee due to additional information being requested. She then asked staff to provide an update.

Herb Shannon of Planning and Development referred Council to a memo contained in the packet from Mr. McMillan, Assistant Public Services Director and noted Mr. McMillan was present to address Council further. He reported that the proposal to abandon this right-of-way that was platted in 1927, but was never improved and noted that an abutting property owner off of Model Farm Road expressed some drainage concerns during the public hearing.

Chairwoman Smothers asked if the property owner who expressed these concerns was notified and Mr. Shannon replied in the affirmative. She then asked Mr. McMillan to report on his findings.

Richard McMillan, Assistant Public Services Director, explained some work was done to this property owner's property in 2003 and shared some pictures taken in 2008 showing the well-defined grassy channel. He pointed out there is a drainage basin that runs along the houses fronting both Model Farm and Jay Place and the swell was installed basically to channel the water around his house to divert it to the street. Council Member Douglas recalled the property owner saying that his property recently flooded. Chairwoman Smothers asked if the property owner was present at today's meeting, but the property owner was not present. Chairwoman Smothers also noted that the property owner expressed a concern that the city would continue to maintain the right-of-way, but pointed out if it is abandoned, the city would no longer maintain it. Mr. McMillan informed Council that this project was installed as many other projects have been where the city assists property owners with these type issues, but pointed out that it is still up to the property owner to maintain it. Mr. Shannon added that there is no recorded utility easement or storm water easement in this area to be abandoned.

Chairwoman Smothers asked if there were any additional comments. There being none, the public hearing was declared closed.

Adopted Resolution authorizing the abandonment of an unimproved right-of-way, lying approximately 300 feet west of Francis Street, running in a north to south direction between Model Farm Road and Jay Place.

A motion was made by Council Member Smothers, seconded by Council Member Wagner, that this Resolution be adopted. The motion PASSED by an unanimous vote.

PUBLIC COMMENT PERIOD - 5:15 P.M.

Mayor Sims: This is the day of the month that we allow speakers from the floor to

address Council during the Public comment Period to allow citizens to address this council. I have several individuals who have signed in to speak and I'm going to take them in the order that they're on this list. So we will start first with Mr. Lee Dresner (not here)

Martin Harper: Good evening, Council. Good evening fellow citizens. My name is Martin Harper, Sr. I live at 2511 S. Suffolk Avenue in High Point, North Carolina. I'm here today to speak in continuum of our protest as well as our voices to bring unity back to this city concerning the proclamation that was approved by Council despite our wishes and our request last Thursday asking for her to step down in the light of some personal issues that she has going on. I want to continue our protest against that proclamation-not only because of its divisive nature, but because it also seeks a process that would absolutely be illegal under current state law that is saying that an elected official must be convicted of a felony before being removed from office. I would also like to ask a few questions and I would also like to offer, once again, a plea and a challenge that we do something opposite. You, as a Council, do something public and opposite that would promote unity in this city. I'm getting a little older now and starting to think like somebody that has good sense I guess, for a man that has grandchildren now. I realize that volume.....a volume of your voice does not equal truth. It does not mean that truth is emitting from that voice. Neither does a collective bunch of voices making a lot of noise equal that every voice has been heard. Education does not equal good sense. Articulation of purpose does not equal justification of purpose and motion does not equal progress. So then what do we do when it comes time to hear voices, or entertain voices, or to follow voices, or to adhere to voices? Well, a great person, a great group of people came up with a great system a long time ago called the vote. And what the vote did, it says we'll take all the voices regardless of education level or pedigree or volume and we'll reduce them to the size of one piece of paper that does not reflect how much money my father had, how much education my mother had or it doesn't reflect my religious views or even the color of my skin. And that one voice and one voice would be the fairest way for the voices of the general public to be heard. Not the opinions of....I've got this mad group of people over here that says this. Not the opinions of...I've got this angry group of people over here that's demanding this. But one vote, one voice. Those votes and those voices were counted and duly heard and legally certified by the Elections Commission of Guilford County in the State of North Carolina back last November when we elected Bernita Sims as Mayor-12,000 plus voices. Many of them, who just recently got the right to vote, when you compare the timeframe to the overall age of this great country of ours and we take it very seriously because that one voice, that one vote, that one piece of paper is really the only thing that gives me-a middle class, hardworking guy-a reason to be interested. And that one voice, that one vote, that one piece of paper is the only thing that gives you a reason to be interested in me. And so it's the great equalizer in society and we take it personally when we feel like that right is being effective and we feel like it is being disaffected and possibly nullified or that all of a sudden my paper is less important than somebody elses. So we ask and we offer a prayer as well, or at least I do personally, because I believe as a Christian preacher, we are supposed to pray for our leaders for wisdom. I offer the prayer for each and every one of you. I offer the prayer

that for the citizens, even those that don't think the way that I do, that those common things that cause us to have bonds of unity would always be stronger than the issues that may tear us apart. And I ask you, the City Council, to make a positive, positive public effort to begin to put this aside and get forth with this important business. And I have another confession to make. I didn't just come here to support the Mayor. I came here to support the law and I came here to support the dangerous precedent that would happen when elected officials try to remove other elected officials. And I have the last confession of all....I came here to see if you could really do the job that I thought you could do when I voted for you and I'm happy to say that the City Council is handling the business in a professional expedient and capable manner. I understand that you got a budget to pass and you didn't shut down the city to do it. Keep up the work. Let us be a part of it and make us be a part of it. Hold us accountable as we are holding you accountable, but make a public statement disavowing the horrible action that took place last Thursday. Thank you. [applause]

Mayor Sims: I need to remind you that this public speaking is three minutes. So if you could limit your comments to three minutes it would be appreciated. Mr. Lilly.

Rev. Bradford Lilly: Honorable Mayor, members of City Council, my name is Bradford Lilly. I reside at 4309 Garden Club Street here in High Point. I am the Pastor of Shekinah Glory Church International. Recently members of Shekinah Glory and members of the community began to work together for unity in our city. There is a scripture in Proverbs, 31st Chapter that says speak up for those that cannot speak for themselves. Ensure justice for those being crushed. Yet, speak up for the poor and helpless and see that they get justice. I speak to you today out of an outrage and out of frustration. The actions of Council of late is a shocking insult to the voters, the citizens of High Point-those who made a powerful statement on election day and elected High Point's first Black Mayor-a historical event. Through the recent actions of Council Members, it is clear for all to see that racism is still alive in the City of High Point. I stand before you today to demand that City Council stop this division of our city and begin the work in bringing unity and fair and equal justice to all. In the wake of the Trayvon Martin decision, passions have run high all over the Nation and even in the Triad area as well. I spoke to parents who were concerned that their young sons were not safe to go to a store and make it back home. Let us, the people of the City of High Point and surrounding communities come together to harness the passion that has been stirred up within us and focus on the issues that affect our neighborhoods. We should ask ourselves if we are doing all we can to unify our communities and the unity that is required is also required on this City Council. The City needs to see that you, as elected officials, work together in unity. The things that have happened recently don't reflect and don't extend out into the community and begin to divide us along racial lines. We need to unite all the diverse cultures of our city. We should ask ourselves if we are seeking ways to implement fair and equal justice to all. I, for one, am concerned because of the things that happened in Sanford, Florida about our neighborhood watch. Right now I'm afraid of the term neighborhood watch. How is it monitored? How are those people, those volunteers that are supposedly there to protect their communities, how do we know that they are sane? I thank you for this time. I implore you. I demand

the City Council return to the business of making High Point safe and bring us together as a united community. [applause]

Mayor Sims: Thank you, Rev. Lilly. Pam Stern

Pam Stern: Hello. I'm Pam Stern, 308 Pineridge Drive. I have a speech here, but to the people who were just speaking....it is not about race. It is absolutely not about race. So you're making it like that. Okay. It's a sad day when citizens have to come to ask Councilmen to step down to save the town. I think there's nothing else you can do right now to make things better. Council can't heal until you do this. There's no mending with prayer. Market is around the corner. Something should happen tonight. This is not about race again. It's about right and wrong. If you're good leaders, Mayor and Councilman, you should not leave taxes or bills unattended. Whether they are corrected or not now. As far as a fraud check, I understand....if I understand the law correctly if you knew that you were writing a bad check, then you are guilty and this is a Class 1 Felony. So I want to ask you, did you know that you were writing a bad check? This makes me upset. Your campaign slogan was making High Point greater. That doesn't mean when you first get into office to change Martin Luther King....I mean Kivett Drive to Martin Luther King Boulevard. This is the first thing you did when you came into office. Please don't ruin the momentum Andre' Duany left behind. The younger generation is in a good place now to come out and change our town. This is what has put.....this has put a wrench in the wheel of progress. Please don't let race get in the way of their hopes for a better tomorrow. Since Council voted 6-3, you should step down. Things will never be the same. You will never be able to agree again. I hope that you're not just staying on for a paycheck or your insurance. For the sake of the city as a whole, we do not want to divide our town over your old problems. Please listen to Council and your hearts. This is not good to stay on right now. What would Jesus do? We are embarrassed and want someone to put in your place. So I have an idea. As far as Foster, Ward 2 says that you hardly answer your phone or come to the meetings.

Crowd: Three minutes.....

Pam Stern: You let the first person talk.

Mayor Sims: Please, please. Ms. Stern go ahead.

Pam Stern: You have plenty of other reasons to step down Foster. They say you don't answer your phone and nobody in Ward 2 seems to know you. Ms. Mayor, 67% didn't vote for you so it is clear that you did not win by the majority vote. How about picking Jeff Golden to make the playing field even. I think he'd make a good step in Mayor. This has turned into Peyton Place and I think the city manager should be reprimanded for letting this whole thing turn into a circus. Who is the leader here? If the City Council isn't doing something, then what did the City Manager do? Who leaked the information and who let the cat out of the bag? So in closing, I say to the people around me, stand up for what you believe is right.

Unidentified citizen in audience: Her time is up.

Pam Stern: If you agree with me, please let me know. I think we need good leaders we can trust and I am very disappointed.

Mayor Sims: Thank you, Ms. Stern. [applause] Ryan Saunders. Again, I ask if you can please limit your comments to three minutes.

Ryan Saunders: Thank you Council for letting me address you. My name is Ryan Saunders. My address is 2124 Surrent Drive, High Point, North Carolina. Ms. Sims, a true leader is judged on merit, not on race. The day this controversy began was a challenge to you to be able to prove your abilities as a leader. A true leader would have never allowed this situation, what you say is a personal matter, to negatively impact the city. I have no intentions to attack you on a personal level or seek to punish you because of any alleged financial issues that you may have, but I have a vision and goals for this city and I do not feel that you have proven to be able to lead us towards a greater High Point. A true leader works to help bring communities together and to help improve social challenges such as racism, poverty, joblessness, and an overall betterment of the community. Not to insight a greater divide. This situation has proven to me that you are not able to handle the challenges of being a public figure and that you do not respect your position as a representative of your city. Ms. Sims, I ask if you're not able to stand tall in front of all your critics and supporters alike and state that you understand the issues which have been presented have negatively impacted our city, that you want to work and put these issues behind you and you are dedicated to making this city greater and have a plan to do so, then I must ask you to resign as Mayor of High Point. The true merits of a leader are not fully understood in the present, but much later and I truly believe that if you are a true leader, you would do what is best for our city and not what is best for Bernita Sims. Thank you. [applause]

Mayor Sims: Thank you Mr. Sanders. Mark Forsyth.

Mark Forsyth: Thank you. My name is Mark Forsyth. I live at 1109 Madison Street here in High Point. I'd like to thank all of you that dutifully fulfill your responsibility to the great community that we have here in this city. However, I am disappointed at the way this Council's actions have overshadowed the city and the progressive march that we have going forward to build a new city and move into a new era. I don't care what each of you owe or what any of you have in your bank accounts. Personally I would rather read about the good things that you, as a Council, are doing and looking at doing in the future. Like how Main Street is going to be redeveloped and the downtown....how to revitalize the downtown core. For example, in areas like the Pit. Anyway, I'd have to say that I was upset to learn that my Councilman, Mr. Douglas, seems to live in Virginia and has been absent from several meetings including important budget meetings. I understand it must be difficult to drive from Yorktown, Virginia. Like I said if you lived here, you would have no problem making these meetings and you might actually be able to see how your constituents are doing on a daily basis. I will have to tell you, a lot of us who live in your ward struggle regularly. But I'm not

here to ask for anyone to resign. I have no right to do that. That is strictly a personal decision. I would rather you put aside the personal attacks and focus on the economic development and the fiscal stability of the city. Besides, you all have to face these issues in your elections when you face a new generation of leaders. Thank you very much. [applause]

Mayor Sims: Thank you Mr. Forsyth.

Darlene Schadt: My name is Darlene Schadt and I live at 3000 Covewood, High Point. I don't usually do these meetings and I'm not a speaker, but I have an opinion and since I've been here today, I just wanted to check things out and watch what you guys are doing and look at your demeanor towards one another. And I'm going to tell you something that I found out since I've been in here. I have been intimidated several times by other people out here. Now, if that's....you know....all this solidarity that everybody's talking about-that's not working. People are being very.....Black people are looking at White people rolling their eyes and all this. That is so upsetting I cannot stand it. I was asked when I came here what issue I was about when I sat down and that I was not to judge. So, you know, if you're going to do these kinds of things....you two-Douglas and Sims-then watch out after your fellow persons that come to these meetings. I'm not here to be intimidated or pushed around because they are standing up for you. I'm standing up for me and for my people and all of you. You know, we are out here and we expect you guys to do the right thing. I'm not asking you to step down. I think there's no provision for that, but do the right thing. It's not black and white. It's right and wrong. [applause]

Mayor Sims: Thank you. Maurice Bolden.

Maurice Bolden: My name is Rev. Maurice Bolden and I reside at 2292 Rothwood Acres Road [Greensboro]. I'm here to address the underlying principle that has brought about all of this madness that has preoccupied the City Council and that being the Mayor's being distracted by her personal business. Dr. Gloria Mark studied distractions in the workplace under the rubric of interruption science and she says that the average worker is distracted three times....every three minutes that they change tasks. And that changing of tasks, if distracted, takes them twenty-seven minutes to get back on task. Now, I submit under the rubric of that study that this Council has been distracted to an epic proportion and that in order for this Council to get back on task, it would take hours upon hours just for them to refocus their attention on the things that are pressing the High Point community. Affordable housing, jobs, safety or our citizens and under the rubric of Dr. Gloria Mark's study, I demand that all of those Council Members who have been so distracted, who have perpetuated this madness, that you resign immediately. [applause]

Mayor Sims: I think this says Gertrude Robinson, but I can't really read this. Orville Drive.... No? Chuck Bino then.

Chuck Bino: Good evening Madam Mayor and Council Members and fellow citizens.

I would like to address the Council about your Code of Ethics which you put together in 2010 and of which Madam Mayor was signatory. And that thanks to Lisa Vierling and Mr. Boynton now appears on the city's website under the label of Mayor and Council. As far as Madam Mayor's unfortunate financial and personal problems, they've been pretty well documented. But your supporters and you, Madam Mayor, claim it doesn't matter. That it's personal. That it has nothing to do with your job performance and yet the very first principle of your Code of Ethics states that Council Members shall stand, correct if you will, stand up for their personal and their professional responsibility. Be in good standing I should say. That would be more correct. Now, did that happen with you Madam Mayor? Over the last several years I think that's not a matter of conjecture. One of the problems that you incurred when you broke that particular Code of Ethics, not managing your personal issues, is that you also caused a problem by bringing shame or whatever you want to call it to Council and this city. That was a consequence of the first broken ethic. And, of course, the third one is that you should be an example to the citizens of High Point, okay. You can fix all this. The financial part is going to take some time, but the other two of the ethics and there may be more involved, you can do the right thing by gracefully stepping down. I think then the Council can do the work that it was intended to do. This isn't about race Reverend. This is about upholding a Code of Ethics. On your ethics, I would like to Council that they change the wording just a tad. The word "should" ought to be changed to either "must" or what else could we think of? Ought to do the right thing...ought to and then show some consequences for those actions. The last thing I'd like Council to consider is that you help us petition the North Carolina Legislature to change our Charter so that anybody running for public office in this city be subject to the same scrutiny that the State and Federal candidates are and that is full personal disclosure. Perhaps the same thing that we concealed carry folks have to go through and maybe even a little financial scrutiny. So I thank you for your time. [applause]

Mayor Sims: Thank you, Mr. Bino. Jill Harwood and after Ms. Harwood, Rev. Robert Williams.

Jill Harwood: Hi. I'm Jill Harwood. I live at 3318 Colony Drive. What I wanted to read first since we have so many pastors all in here. It's let us love one another, for love is of God and everyone who loves is born of God and knows God. He who does not, does not know God-for God is love. Love does no harm to a neighbor. Therefore, love is the fulfillment of the law and Mayor Sims, I really love you. I think you are a very special lady. I've known you since I tried to run for office, but I see a divided city now and that's not right. I wrote a little thing and this was from last Tuesday. I sat over there and I felt so divided that I didn't understand that because they were all holding hands. They were praying and then they were clapping, but we're all the same. We don't have color in here. I don't believe that, but that last week I was really afraid. I'm sitting in the middle and I turned around and asked this lady something and I'm telling you the backfire, it really got me upset. But the two cards that I wrote from last week...I wrote Mayor Sims is a very special lady. I feel she should pay her debt as Mr. Foster or any other elected officer. We have to pay our bills. As a Christian, I watched those who were at the Thursday meeting. The ones around me, I felt anger in their

voices. I felt I was living in the 50s again and that was when I was very young. Divided, and as a Christian, this is not the way the Bible teaches us. This is the way....our pastors in this room has made....well that wasn't in my notes. I saw together and then dividedness. There was no love. I wonder what pastors say to their congregations which they're not supposed to include religion and I'd love to go to their churches sometime. There was a paper going around. I saw that and it was just stirring up the crowd. I hope this gets resolved soon. Thank you for being the Mayor. God Bless. [applause]

Mayor Sims: Rev. Williams.

Rev. Robert Williams: Thank you. My name is Robert Williams. I live at 2511 Kersey Street. I want to say, Madam Mayor and all of the Council persons....one of the things I want to say to you or say to our Mayor thank you for the leadership that you've exempted. One thing about leadership is leadership is important in terms of wherever we go we have to have leadership and all of you are leaders. You are exempted leaders. One of the things that we understand about leadership is that even in leadership sometimes we do things that we should not do or may have done that's not correct. But the thing I like about leadership is that sometimes, even though you make mistakes in leaderships, the cream always comes to the top. Mayor, you've been a great leader and I thank God for that and even those persons that talk about pastors and love-one of the things that we have to understand is that when we love a person or when we care about a person, we stand for that person. And one of the things I want to say to you, your leadership is not only in this community, but your leadership is statewide and national. So with that in mind, if you can lead nationally, you can lead statewide and you could lead locally, then you should not step down. You should stay on and as we move forward, one of the things that will happen in this city is that you will rise to the top because you are the cream in this city. Thank you. [applause]

Mayor Sims: Charity Belton. Is she here? [not here]. Dan Reynolds.

Dan Reynolds: Greetings from the Black Leadership Roundtable. My name is Dan Reynolds and I reside at 3353 Tadmor Court and my wife usually lets me speak for some time. But I came this evening to urge you to rescind your vote at the called meeting asking for the Mayor to resign. Under Roberts Rules of Order, you can do that at this meeting. I believe that action last Thursday has further divided our community and seemingly along racial lines, which we do not need. Once again, you have awakened a sleeping giant in our community. I urge you to rescind your vote and let our community handle our business at the ballot. Thank you. [applause]

Mayor Sims: Rev. Ellerbe.

Rev. Michael Ellerbe: My name is Michael Ellerbe, Pastor of New Beginnings Full Gospel Ministry. I reside at 240 Montlieu Avenue. I came to address about housing and how it was said the other day, how we move forward. But while I was there and we was going through your business, I looked straight ahead. I looked around at no one. I

rolled my eyes at no one. Did not feel intimidated, but while you was trying to conduct your business with the Kilby, comments was made just tear the damn thing down. Get on with it. That speaks to exactly....I couldn't have planned it any better. In our neighborhood, there are boarded up houses and abandoned houses and we feel the frustration of going through trying to get these things done. I sit on the Washington Street Neighborhood Association and therefore I sit on the leadership of several different neighborhood associations. So many people take advantage of those loopholes that we have in the city and if we were to go back and look at the tax placards of who own some of these boarded up houses, we may see that some of them held those same seats on the Council and may have done other things. But no one asked them to resign. I completely concur with Rev. Williams and with everyone else, but I also call another charge to all those that have a vision for the City of High Point to file the appropriate papers and run on the merits that you so passionately and eloquently presented. And race doesn't have to have all 100% of the people to vote, just a majority. The majority in those races elected Bernita Sims as our Mayor. One thing, you don't have to use the words of Patton. You don't have to love a leader. They don't have to....you want them to fight and go ahead and do what you need to do. What he was saying about his men. I say to our Mayor and to this Council, get on with the business that all of you was elected to do. Shut us out if we are dividing things, but get on with your business of running this city and if you can do that, you don't have to sing Kumbaya and hold hands to do the business that you need to do. You don't have to like each other to work with each other, but you have to love the City of High Point to do the work that you was elected to do and I implore you to do that beyond anything else. [applause]

Mayor Sims: Dianne Hartman.

Dianne Hartman: Thank you for the opportunity to speak. I'm not a speaker and I usually don't speak out like this, but I've heard so much and I've read so much that I had to say something. I have talked to several people. Heard a lot of comments. I am not here demanding like some people have demanded. I don't demand. I ask for the resignation of our Mayor for several reasons. I think that you are a compassionate person and you help people. I think that is your gift. I think that we need guidance in our city and our finances and what we've seen and heard are not good things in leading a city. How you manage your life. And this is some things that everybody is saying. One of the things that really put me over the top was I heard you say that you had not had people telling you that they wanted you to step down. I have heard it and heard it and heard. I've heard the Council people to ask you step down. These Council people represent a lot of other people and that's what I depend on. I depend on my Council people to do what their ward wants done. So it's not just when everybody is here. Our Council people represent us, so I'm asking for the resignation, not demanding it. [applause]

Mayor Sims: Thank you, Ms. Hartman. I think there are several names here that are for the Arts Council. Is that the last of these? Who's speaking?

Jim Morgan: Do you want to take a break?

Mayor Sims, Council Members Smothers and Mendenhall: No, no.

Jim Morgan: Madam Mayor and members of Council. I'm Jim Morgan and I'm honored to be Chairman of the Greater High Point Arts Council and I'm here for two reasons and I have some other people that want to speak briefly and I do respect your time. You've got a lot more patience than I would, frankly, of sitting so long. The first thing I want to do is thank you for your support over the years. We have an Arts Council now that's been in existence for over 50 years. One of the oldest Arts Councils in the United States, or certainly in North Carolina. The second thing, though, I'm here to talk to you about and ask for your help with is some help with our Cultural Arts Center. I came earlier during the budgetary process and there were a lot of things up in the air with the Legislature. So since that time, we've tried to prepare and send to the city manager all of our financial information and so forth. So, for a long time, we were the only city our size or probably half our size, that didn't have a cultural arts center and that wasn't particularly anybody's fault. It was the fact that we never could decide where we wanted to be. There were some who wanted it on S. Main, some wanted it on N. Main, some downtown. There was a great area over around the Medical Center and other things. And one thing, historically that I think the Arts Council tried to do was work with the Mayor, work with the Council where we could all be on the same page. Well last year, we had an opportunity of a lifetime when Centennial Station became available. I had three requirements and some of you've heard these before. Number one, that it be under \$1,000,000. Number two, that the committee that Sparky Stroud and the group that had worked on it so adamantly for twenty plus years, have an enthusiasm about it. And thirdly, that the mayor and city manager agreed that it was the right thing. So what did we do? We made an offer on the building for \$860,000. We came to the mayor and I think Strib, the manager, was out of town, but Randy was there and the opinion that I got was that the mayor....and I hope I don't want to misspeak....was enthusiastic about it. And then I saw the manager at the bike race the next day and he appeared to be. And the fourth requirement in my mind was that it be a facility that tied in GTCC, High Point University, Washington Street, Uptowne and all of that together and that was open, very frankly, to some of the discussion that we've heard tonight, to all segments of our community. And I think Centennial Station has done that. Now I'm sorry that Jeanette McNeill cannot be here. I don't know if you know or not, that runs GTCC High Point, but her husband had a heart attack during the State-Wake game and we think he's going to be fine, but she needs to be with him. But anyway, they developed some software that said we can run Centennial Station in a business-like fashion and that means that we can pay the utilities. We can pay a staff person part-time to run it and we can break even keeping the facilities going. Now that's unusual. I think you would agree, for any other kind of facility that we would have had. As a matter of fact, our numbers....we closed the deal on November the 6th of last year. Our numbers showed that on operations, utilities and all of that, that we had a \$200,000 loss, but we also had bar supplies and other things, and if you would have factored that in, we would have at least broke even or made money.

Now the last thing I want to say to you, again, in a very thankful way is that I think what

the Arts Council has tried to do for you is to not come forward to you and say we've got a \$10,000,000 or \$20,000,000 project here and we need your help. Now the truth of the matter is that our sister cities in the last year has had those kinds of projects. As a matter of fact, and if I misquote this, slap me down, but I understand that Greensboro's going to put in about \$80,000,000 and in addition to that, over the next thirty years have agreed to pay about \$29.5 million to have a cultural arts or a theatre center in Greensboro. Same kind of things are going on in Winston Salem. Now I want to tell you that Mayor Mendenhall has said many times that arts are more than icing on the cake and if I misquote you again, I'm sorry. But I think what that means is that the arts are an economic driver. They are an individual driver about what we, as individuals, can do. So we're asking you and some people say why are you just asking for \$200,000 on this building and I say well, unfortunately, I spoke too quick and I told them that I wanted them just to match what the county did. Others have said that the city ought to do much, much more than that. The last thing I want to say....we borrowed \$981,000. We now owe \$679,000. We have pledges that bring that down to \$501,000. The crucial thing with your support, not only is the money where we stop paying interest, but the crucial thing is that it helps us to get other people to step up and the sooner we get this place paid for, it's going to be great and it's going to help all

ASSISTANT CITY MANAGER PAT PATE LEAVING HIGH POINT TO BECOME THE MANAGER IN MANASSAS, VIRGINIA

City Manager Strib Boynton recognized Assistant City Manager Pat Pate, who will soon be leaving High Point to become the Manager for Manassas, Virginia. Mr. Pate has served the City of High Point some 14+ years. Mr. Boynton publicly thanked Mr. Pate for his service and wished him well as he goes forward. He announced and extended an invitation to attend a formal reception for Mr. Pate and his wife, Sandra, next Wednesday, October 16th from 4:00 to 6:00 p.m. at the Parks & Recreation Offices, 136 Northpoint. [applause and standing ovation from the audience recognizing Mr. Pate for his service].

CLOSED SESSION- ECONOMIC DEVELOPMENT

At approximately 7:20 p.m., **Council Member Smothers moved to suspend the rules in order for Council to go into a closed session pursuant to N.C. General Statute 143-318.11(a)(3) for the purpose of being briefed by staff regarding an economic development opportunity. The motion was seconded by Council Member Mendenhall and carried unanimously.**

Upon reconvening into open session at 7:40 p.m. upon motion duly made and seconded, Mayor Sims announced that there is no action as a result of the closed session.

APPROVAL OF THE MINUTES OF PREVIOUS MEETINGS

[130269](#)

Approval of the following Minutes

Finance Committee meeting held Monday, September 16th @ 4:00 p.m.

High Point City Council Regular Meeting held Tuesday, September 16th @ 4:45/5:30 p.m.

Attachments: [September 16 2013 Finance Committee](#)
 [September 16 2013 High Point City Council](#)

A motion was made by Council Member Mendenhall, seconded by Council Member Smothers, that the preceding minutes be approved. The motion PASSED by a 9-0 unanimous vote.

BOARDS AND COMMISSIONS APPOINTMENTS AND VACANCY REPORT

[130270](#)

Boards and Commissions - Vacancy Report

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

Attachments: [Boards and Commissions Vacancy Report](#)

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

ADJOURNMENT

There being no further business to come before Council, the meeting adjourned at 7:40 p.m. upon motion duly made and seconded.

Respectfully Submitted,

Bernita Sims, Mayor

Attest:

Lisa B. Vierling, MMC
City Clerk