

City of High Point

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



Meeting Minutes

Thursday, June 10, 2010

9:00:00 AM

Council Chambers, City Hall

*Rebecca R. Smothers, Mayor
M. Christopher Whitley, Mayor Pro Tem
Latimer B. Alexander, IV, William S. Bencini,
Mary Lou Blakeney, Foster Douglas, John Faircloth,
Michael D. Pugh, Bernita Sims*

ROLL CALL, PRAYER, AND PLEDGE OF ALLEGIANCE

Present: Council Member Whitley, Mayor Smothers, Council Member Bencini, Council Member Alexander, Council Member Blakeney, Council Member Douglas, Council Member Faircloth, Council Member Pugh and Council Member Sims

REGULAR MEETING ITEMS**FINANCE COMMITTEE- Council Member Whitley, Chair**

Committee Members: Bencini, Douglas and Alexander

Public Hearing - City of High Point Proposed Annual Budget FY 2010/2011**100151**

Monday, June 7, 2010 at 5:30 p.m. and Thursday, June 10, 2010 at 9:00 a.m. are the dates and times established to receive public comments on the proposed City of High Point annual budget for FY 2010/2011.

Chairman Whitley announced this is the date and time for the second and final public hearing on the proposed FY 2010-2011 Budget and opened up the floor for comments.

Don Carter, 407 Clover Drive, addressed Council. He reiterated his passion for intercity kids and pleaded with Council to give the kids on the south end of town the same facilities as on the north end. He stated he heard that High Point acquired over 50 acres for a passive park and asked what the city was going to do with the 50 acres. The Mayor noted that although the plan does call for a passive park, she suggested it might be good to have input from the general area on how the park would be developed. Council Member Alexander explained that staff and the Parks & Recreation Commission was still trying to acquire and assemble additional property before they move forward to the next step, but they have been tossing around ideas and possibilities on how to develop it. Council Member Bencini pointed out that the topography of this property does not lend itself for development as a ballfield.

Council Member Pugh agreed with Mr. Carter and stated he has also received complaints about the lack of recreational facilities in certain areas in Ward 3 especially the Ward Street area, the Ward Street church and Highland Hills area.

Elijah Lovejoy, who resides at 917 Avalon Acres Ct., asked the City Council to reconsider closing the Library on Mondays. City Manager Strib Boynton explained this was done at the recommendation of Kem Ellis, the Director of the Library. Chairman Whitley echoed Mr. Lovejoy's comments and added that he has also heard from residents that aren't happy about the Library being closed on Monday. He suggested maybe another day would be better and felt there might be other ways to accomplish staff's goal. Mr. Boynton agreed to take these concerns to Mr. Ellis for evaluation. Mayor Smothers felt this was appropriate now that the city knows what the allocation will be from the county.

Chairman Whitley asked if there were any further comments on the proposed budget. There being none, he closed the public hearing and announced that Council would consider adoption of the proposed at the June 21st meeting.

Resolution - Filing Fees for 2010 Municipal Election**100135**

Pursuant to NCGS 163-294.2(e), Council must set the filing fees for the upcoming municipal election to be held on Tuesday, November 2, 2010. The filing fee must be set no later than the day before candidates are permitted to begin filing notices of candidacy. The filing period will begin at 12:00 noon on Friday, July 2, 2010 and will end at 12:00 noon on Friday, July 16, 2010. The filing fee for the 2008 municipal election was \$96.00.

Chairman Whitley announced this was brought before Council on May 17th and action was taken at that time to place it in Committee.

Adopted resolution setting the filing fees at \$96 for the 2010 Municipal Election.

Resolution No. 1618/10-46

Introduced 05/17/2010

Adopted 06/10/2010

Resolution Book Volume XVI, Page 260

A motion was made by Mayor Pro Tem Whitley, seconded by Council Member Blakeney, that this matter be adopted. The motion carried unanimously.

MISCELLANEOUS**Resolution - North Carolina Mobility Fund****100160**

Council is requested to adopt a resolution in support of the creation of the North Carolina Mobility Fund.

Since this matter did not originally appear on Monday's Agenda, Council Member Alexander moved to suspend the rules so it could be considered at today's meeting. Council Member Sims made a second to the motion which carried unanimously.

Mayor Smothers asked Council to consider adoption of a resolution to support the creation of a mobility fund. She explained it was basically a way to fund some of the larger, critical statewide projects and has been modified considerably from what Governor Perdue first proposed. Essentially it would retire debt on the Yadkin River Bridge project and would direct the North Carolina Department of Transportation to create general guidelines that would be used for other projects after the completion of the Yadkin River Bridge project. Council Member Sims inquired about the source of the funding and the Mayor explained it has to do with the transfer of funds earmarked in NCDOT's budget for transportation (it would not go through the equity formula).

Council Member Faircloth expressed concerns about some of the wording in the resolution specifically to the fund that the governor proposed and noted he could not support the resolution as it is currently worded. Council Member Sims pointed out they were just moving money around and she had a problem with that and if they were wanting to create a fund, they needed to create a funding mechanism.

Council discussed ways to reword the resolution so it would be acceptable to all and unanimously agreed on the wording in the resolution that is hereby attached in

Legistar as a permanent part of these proceedings. Council also agreed to change the title of the resolution to "Resolution in Support of North Carolina Mobility Funding".

Adopted Resolution in Support of the North Carolina Mobility Funding.

Resolution No. 1619/10-47

Introduced 06/07/2010

Adopted 06/07/2010

Resolution Book Volume XVI, Page 261

A motion was made by Council Member Faircloth, seconded by Council Member Sims, that this matter be adopted. The motion carried unanimously.

Resolution In Support of "Susie's Law"

100161

Council is requested to adopt a Resolution In Support of "Susie's Law" which will raise the penalty of violation of North Carolina General Statute 14-360(b) from a Class I Felony to a Class F Felony.

Since this matter did not originally appear on Monday's Agenda, Council Member Alexander moved to suspend the rules so it could be considered at today's meeting. Council Member Sims made a second to the motion which carried unanimously.

Chairman Faircloth announced "Susie's Law" was thoroughly discussed in the Public Safety Committee on Wednesday, June 9th and everyone was graced with a personal visit from Susie. "Susie's Law" is named after a puppy from Greensboro that was severely beaten and set on fire last summer and barely survived. When the matter went to trial, it was realized that the judge could only sentence the man who confessed to the assault to probation. "Susie's Law" would increase the penalties for malicious abuse or torture of animals and would make it a Class-H felony punishable by up to 10 years behind bars.

Chairman Faircloth explained the resolution would simply express Council's support for "Susie's Law" and support for kindness to animals. He requested that the resolution be forwarded to Sen. Don Vaughn so it could be forwarded to the General Assembly.

Adopted Resolution in Support of "Susie's Law".

Resolution No. 1620/10-48

Introduced 06/10/2010

Adopted 06/10/2010

Resolution Book Volume XVI, Page 262

A motion was made by Council Member Faircloth, seconded by Council Member Pugh, that this matter be adopted. The motion carried unanimously.

Resolution - High Point City Council Code of Ethics

100162

Council is requested to adopt a Resolution providing for a Code of Ethics for the High Point City Council.

Since this matter did not originally appear on Monday's Agenda, **Council Member Alexander moved to suspend the rules so it could be considered at today's meeting. Council Member Sims made a second to the motion which carried unanimously.**

Note: A paragraph on ethics was incorporated into the Resolution setting filing fees for the upcoming Municipal Election, but several Council Members felt it did not belong in the resolution since it had nothing to do with the filing fees. The wording was removed and incorporated into the proposed Code of Ethics Resolution drafted by Assistant City Attorney JoAnne Carlyle at the direction of the City Council.

Assistant City Attorney JoAnne Carlyle explained that the North Carolina General Statutes require five elements to be incorporated into the Code of Ethics and a majority of the wording comes straight from the statutes. The proposed resolution also includes language that gives Council the ability to amend it as necessary. Ms. Carlyle also called Council's attention to the wording that fulfills the statutory ethics training requirement and mentioned that after completing the ethics training, Council Members should file their certificate of completion with the City Clerk and she reported all training must be completed by the end of December 2010. The NC League of Municipalities has offered training sessions throughout this past year with an additional training option scheduled during the NC League of Municipalities Annual Conference that will be held in Winston Salem in October.

Council Member Sims asked if it would be possible to move the 3rd Whereas under the General Principles for better enforcement. Ms. Carlyle agreed and reminded Council Members that they would be the ones enforcing and interpreting the Code of Ethics. Council Member Pugh asked how the enforcement standard would be handled and Ms. Carlyle suggested a possible public sanction, but Council Members could not be removed from office since they are elected by the citizens.

At this time, Council Member Bencini moved adoption of the resolution as presented by staff. Council Member Alexander made a second to the motion.

For further discussion, Council Member Faircloth asked if this includes the change with the 3rd Whereas as recommended by Council Member Sims. Council Member Bencini replied that it did not, but if someone wanted to make a substitute motion with that change in the resolution, he could support it.

At this time, Council Member Faircloth made a substitute motion that the resolution be adopted with the 3rd Whereas being moved under the General Principles. Council Member Blakeney made a second to the substitute motion.

For further discussion, Council Member Pugh expressed concerns that this might open the door for personal attacks on Council Members and he questioned how Council would deal with these situations. Council Member Sims felt the Ethics Code itself would take care of that behavior as well and explained that a Code of Ethics must be adopted. She also questioned whether or not this Code of Ethics policy would apply to subsequent boards and commissions since there was no language included that basically addresses this particular issue. Ms. Carlyle explained this was a decision Council would need to make and they could apply this to the boards and commissions or draft something similar.

Council Member Douglas also expressed concerns about the Code of Ethics and questioned the timing of it. He felt it was a little "behind the curve" for Council to adopt something now that should have been put in place before accusations were made. Mayor Smothers reiterated that this was a statutory requirement and Council has no choice as to whether or not they want to adopt a Code of Ethics. Council Member Pugh commented that he was not going to be part of character assassinations, nor was he going to be someone's judge. Council Member Sims reminded him that all Council Members take an Oath of Office that says they will abide by it and will be governed by the laws in the Constitution of the United States and State of North Carolina and local laws and she didn't feel like there was anything in the proposed Code of Ethics that Council Members shouldn't already be doing. She encouraged every member of Council to support the resolution.

There being no further discussion, the Mayor called for a vote on the substitute motion to adopt the resolution with the 3rd Whereas being moved under the General Principles. The substitute motion carried by a unanimous vote. [9-0 vote]

Resolution No. 1621/10-49

Introduced 06/10/2010

Adopted 06/10/2010

Resolution Book Volume XVI, Page 263

A motion was made by Council Member Faircloth, seconded by Council Member Blakeney, that this matter be adopted. The motion carried unanimously.

CLOSED SESSION- ECONOMIC DEVELOPMENT

At 10:20 a.m., Council Member Bencini moved to enter into Closed Session pursuant to N.C. General Statute 143-318.11(a)(4) for the purpose of discussion of two economic development projects. Council Member Blakeney made a second to the motion which carried by a unanimous vote.

Following a vote on the Closed Session, Council Member Alexander asked to be excused due to having to attend another meeting.

Council Member Faircloth moved to excuse Council Member Alexander from the remainder of the meeting with Council Member Bencini making a second to the motion. The motion carried unanimously.

ADJOURNMENT

Upon reconvening into open session at 11:05 with an announcement that there would be no action taken as a result of the Closed Session, the meeting adjourned upon motion duly made and seconded.

Respectfully Submitted,

Rebecca R. Smothers, Mayor

Attest:

Lisa B. Vierling, MMC
City Clerk