

City of High Point

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



Minutes

Monday, March 4, 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

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

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

PRESENTATIONS**Proclamation: School Social Worker Week**

Mayor Sims recognized Keith Pemberton, Oakhill Elementary, who was present to accept the Proclamation. Mr. Pemberton introduced Lisa Brenner, Supervisor for School Social Workers and Drop Out Prevention; Ms. Willoughby, School Social Worker at Triangle Lake Montessori; Mr. Waddell, School Social Worker and Drop Out Prevention person at High Point Central; his sons Keith, II and Kyle.

Mayor Sims read the Proclamation into the record proclaiming March 3-9, 2013 as School Social Worker Week and urged citizens to recognize the outstanding contributions made to the education of our youth by School Social Workers.
[applause]

High Point Regional Association of Realtors Receives National Grant to Promote Real Estate Planning in High Point

Ryan Wall, President of the High Point Regional Association of Realtors (HPRAR), announced that they were awarded a \$15,000 grant from the National Association of Realtors (NAR) Smart Growth Program to support activities that encourage a deeper understanding of new market trends and tools for economic development. HPRAR will use the grant to sponsor and support City Project's Duany Study charrette process. HPRAR hopes this will spur needed redevelopment in High Point. Mr. Wall concluded his presentation by recognizing members of the HPRAR and the City Project who were present in the audience.

Mayor Sims thanked them for the grant and noted their commitment speaks volumes for what they see as the vision and future for High Point.

REGULAR MEETING ITEMS

FINANCE ITEMS[130065](#)**Budget Ordinance Amendment - Replacement Bucket Truck**

Council is requested to adopt a budget ordinance amendment amending the 2012-2013 Budget Ordinance to appropriate funds in the amount of \$50,000 for the purchase of a replacement bucket truck for use by the Electric Department.

Attachments: [Budget Ordinance -Bucket Truck](#)

Ordinance No. 6980/13-12

Introduced 3/4/2013; Adopted 3/4/2013

Ordinance Book, Volume XVIII, Page 12

This matter was briefly discussed during a Committee of the Whole Finance Meeting held at 4:00 p.m. prior to this meeting.

Adopted budget ordinance amending the 2012-2013 Budget Ordinance to appropriate funds in the amount of \$50,000 for the purchase of a replacement bucket truck for use by the Electric Department.

A motion was made by Council Member Mendenhall, seconded by Council Member Smothers, that this Ordinance be adopted. The motion PASSED by a 9-0 unanimous vote.

[130066](#)**Contract - Piggyback Bid - Aerial Bucket Truck**

Award of contract for a piggyback bid to replace an aerial bucket truck that experienced fire damages. Purchasing and the Fleet Services Department recommends that contract be awarded to Piedmont Truck Center in the amount of \$101,915.00 which is the lowest responsible, responsive bidder meeting specifications.

Attachments: [Contract - Aerial Bucket Truck](#)

This matter was briefly discussed during a Committee of the Whole Finance Meeting held at 4:00 p.m. prior to this meeting.

Approved contract for a piggyback bid with Piedmont Truck Center in the amount of \$101,915.00 which is the lowest responsible, responsive bidder meeting specifications.

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

[130067](#)**Contract - Sole Source Authorization - Moyno Pipeliner**

Council is requested to approve an exception to the bid laws under the "sole source qualification" for the purchase of equipment in the amount of \$31,928.00 for the Public Services department - Eastside WWTP from DapaRak as the single supplier for Moyno Pipeliner in North Carolina.

Attachments: [Sole Source Recommendation - Mayno Pipeliner](#)

This matter was briefly discussed during a Committee of the Whole Finance Meeting held at 4:00 p.m. prior to this meeting.

Approved an exception to the bid laws under the "sole source qualification" for the purchase of equipment in the amount of \$31,928.00 from DapaRak as the single supplier for Moyno Pipeliner in North Carolina.

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

[130068](#)

Resolution - Donation of Surplus Equipment to NC Highway Patrol - Used Motorola Modems

Consideration of a resolution authorizing the donation of surplus City equipment (used Motorola Modems) to the North Carolina Highway Patrol.

Attachments: [Donation of Used Motorola Modems - State HP](#)

**Resolution No. 1287/13-10
Introduced 3/4/2013; Adopted 3/4/2013
Resolution Book, Volume XVIII - Page 10**

This matter was briefly discussed during a Committee of the Whole Finance Meeting held at 4:00 p.m. prior to this meeting.

Police Chief Marty Sumner explained these modems were once necessary to transmit from mobile computers to dispatch and since have been replaced by air cards. Since that time, they have been stored for several years with not much resell value. The NC Highway Patrol happens to still use these modems and would like them since it is very difficult for them to get parts for them.

Adopted resolution authorizing the donation of surplus City equipment (used Motorola Modems) to the North Carolina Highway Patrol.

A motion was made by Council Member Smothers, seconded by Council Member Wagner, that this Resolution be adopted. The motion PASSED by a 9-0 unanimous vote.

[130069](#)

Purchase of Police Vehicle - 15 Dodge Chargers/1 Chevrolet Tahoe

Council is requested to approve the purchase of sixteen (16) vehicles (15 Dodge Chargers and 1 Chevrolet Tahoe) under state contract in the amount of \$413,629.00 with seized funds.

Attachments: [Purchase of Police Vehicles](#)

This matter was briefly discussed during a Committee of the Whole Finance

Meeting held at 4:00 p.m. prior to this meeting.

Police Chief Marty Sumner confirmed that these vehicles would be purchased with seized funds that were turned over last year to the Police Department and would be replacing existing fleet vehicles with high mileage. The vehicles will be taken out of service and sold at auction.

Approved the purchase of sixteen (16) vehicles (15 Dodge Chargers and 1 Chevrolet Tahoe) under the state contract in the amount of \$413,629.00 with seized funds.

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

[130070](#)

Contract - HDR Engineering Inc of the Carolinas

Consideration and approval of a design contract for the engineering design and procurement of a baler (Phase 1) and material processing equipment (Phase 2) for the material Recovery Facility (MRF) to HDR Engineering, Inc of the Carolinas in the amount of \$234,300.00.

Attachments: [HDR Engineering Contract - MRF](#)

This matter was briefly discussed during a Committee of the Whole Finance Meeting held at 4:00 p.m. prior to this meeting.

Approved contract with HDR Engineering, Inc. of the Carolinas in the amount of \$234,300.00 for the engineering design and procurement of a baler (Phase 1) and material processing equipment (Phase 2) for the Material Recovery Facility (MRF).

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

COMPREHENSIVE PLANNING ITEMS

[120246](#)

Ordinance - Text Amendment Case 12-02 - The City Project, Inc.

A request by The City Project, Inc. to amend Section 9-2-2 *Definitions*, Table 4-7-1 *Permitted Use Schedule*, and Table 5-6-1 *Off-Street Parking Requirements*, with respect to Video Sweepstakes Establishments.

Attachments: [TA12-02 Staff Report \(01-29-13\)](#)

[Text Amendment 12-02 - The City Project - Sweepstakes](#)

[Adopted Ordinance TA12-02](#)

Ordinance No. 6981/13-13

Introduced 3/4/2013; Adopted 3/4/2013

Ordinance Book, Volume XVIII, Page 13

Mayor Sims asked if there was any discussion on the revised text amendment as presented by staff. Council Member Mendenhall questioned the lack of

development standards for these types of businesses when there are for some of the other similar businesses. She expressed concerns that because of the nature of the business, development standards should be in place. Lee Burnette, Director of Planning & Development, explained that development standards typically deal with two things: one, with spatial/location criteria; and two, the provision that may have some specific standards just for that use as it relates to tattoo parlors, etc..... He explained that some communities have adopted some development standards for video sweepstakes, some have treated them much like adult businesses or sexually oriented businesses, but unlike sexually oriented businesses, staff has found no evidence warranting this type of treatment at this point. Council Member Mendenhall asked if any consideration was given prohibiting them from the whole of the Core City and Mr. Burnette explained that they are currently located in five zoning districts with all having some location in the Core City and noted that the city's zoning right now does not necessarily correspond to the Core City area. He clarified that the original proposal was to only allow it in the General Business District where other more adult oriented businesses have been located. Council Member Mendenhall pointed out these businesses are permitted in GB areas outside the Core City and expressed concerns that if it is not a desirable kind of business in parts of the Core City, why it would be desirable in other parts of the Core City. Mr. Burnette explained staff has looked at it from the perspective of defining the use and trying to make some determination as to where it may or may not be appropriate. He reiterated they are currently allowed in five different zoning districts.

Council Member Wagner asked Mr. Burnette to clarify the revisions to the text amendment submitted by staff. Mr. Burnette explained staff made these revisions to the text amendment as a result of direction from Council taken at the February 19th meeting. He further clarified that currently video sweepstakes establishments are allowed in five zoning districts by staff determination and the revised ordinance would define it and would still allow it in these same five zoning districts, but would specifically prohibit it in the Washington Street Mixed Use Overlay Zone which has an underlying Central Business District zoning which allows it and also in Subarea B of the Main Street District which is referred to as the Uptowne Area. Council Member Smothers asked if the SoSi District did not want to be included and Mr. Burnette noted these businesses would be allowed in the South Main Street area. Council Member Wagner understood that the Southside group is in the process of putting out some surveys and this is one of the questions they plan to include. It was noted that Council could amend the text amendment in the future to include other areas, but would have to go back through the text amendment process. Council Member Smothers mentioned one of the complaints that Council had was the infiltration of smoke for those businesses sharing a building. Mr. Burnette noted staff has heard the same complaint, but explained that is a building code function and not a zoning code function and can occur from any kind of situation or use. He noted the landlord is responsible for making the necessary improvements to the ventilation system.

Adopted Ordinance approving Text Amendment 12-02 that would: 1) define video sweepstakes establishments, 2) allow them in the LB, GB, HB, CB, SC, and MS Districts, but 3) prohibit them in the Washington Street Mixed Use Overlay District and in Subarea B of the MS District (aka Uptowne area).

A motion was made by Council Member Wagner, seconded by Council Member Golden, that this text amendment be approved. The motion carried by the following 5-4 vote:

Aye: 5 - Mayor Sims, Mayor Pro Tem Moore, Council Member Davis, Council Member Golden, and Council Member Wagner

Nay: 4 - Council Member Douglas, Council Member Ewing, Council Member Mendenhall, and Council Member Smothers

PUBLIC COMMENT PERIOD - 5:15 P.M.

Mayor Sims announced this is the time of the meeting scheduled for public comments.

Evelyn Hill, 361 James Street, was present and although she did not address Council, she did distribute information to the City Council regarding her viewpoints on the sweepstakes issue. [the information will be hereby attached in Legistar to Matter 120246 as a permanent part of these proceedings].

Pam Stern, 508 N. Hamilton Street, addressed Council regarding the following issues:

felt it imperative for City Council to have its regular meetings televised so citizens can stay informed of Council's proposals and actions

thought it sad that since the Council was sworn in, some members of Council have decided to drag up dead issues rather than work on issues that can have positive effects on the city and the real everyday people that live here

Hayes Dallas, 1010 Shenandoah Drive, dittoed Pam Stern's remarks and also spoke in support of televising future Council meetings. He urged Council to pass a resolution at some point in the very near future and felt the benefits far outweigh the costs in an effort to better communicate with the citizens.

Jim Bronnert, 808 Lakecrest Avenue, stated he is a firm believer in primaries. He mentioned he worked the polling location at the Oak Hollow Mall during the last election and there seemed to be a lot of confusion with the number of candidates running and candidates who dropped out of the race still being on the ballot and getting 3,500 votes. He also expressed support for televising Council meetings and pointed out the 4:45 p.m. time for the meetings is very inconvenient for most working people.

Jerry Bulla, 1030 Braemar Court, expressed concerns about the recently mentioned municipal vehicle tax fee. He felt citizens are already having to pay enough taxes/fees and urged the city to start looking at ways to cut and save money just like the citizens are having to do.

Cynthia Davis, 413 Evergreen Avenue, questioned the process the city uses for the citizen surveys and wondered if the percentage that was actually surveyed is an adequate measurement of the individual needs throughout the city. According to her calculations only about 1% of the residents received the last survey with only about .03% responding. She asked Council to consider sending the surveys out to more residents next year so it would be more of a true reflection of the needs, desires and concerns of the residents they represent. Ms. Davis also urged support for televising the City Council meetings.

Avery Jones, 1507 Futrelle Drive, addressed Council regarding some issues he has encountered with the Inspections Department regarding relocating his business currently in the Five Points area to 1612 N. Main Street. He explained he has been going through the inspections process for the last three weeks and when he originally applied for his business license, he was told that he would have to get a change of use inspection, but feels like he was misinformed because he was later told he needed an upfit. He reported the inspectors could not locate some of the blueprints for the building and other paperwork and felt the Inspections Department should be audited because of these issues.

City Manager Strib Boynton asked Mr. Jones to get with Assistant City Manager Randy McCaslin for assistance.

Mayor Sims asked if there were any additional comments. There being none, the Public Comment period was closed.

PUBLIC HEARINGS - 5:30 P.M.

Miscellaneous - City Council Items

130071

Public Hearing - City of High Point Municipal Elections

Monday, March 4, 2013, at 5:30 p.m. is the date and time established by the High Point City Council to hold a public hearing on the implementation of a primary associated with High Point Municipal Elections.

Attachments: [PUBLIC HEARING REGARDING HIGH POINT MUNICIPAL ELECTIONS](#)

Mayor Sims opened the public hearing and asked if there was anyone present to speak regarding the implementation of a primary associated with High Point Municipal Elections.

Note: Please refer to the Public Comment Period earlier in this meeting at which time the following resident addressed Council regarding the municipal elections: Jim Bronnert (who supports primaries);

Pam Stern, who was in the audience, noted she spoke in support for primaries during the public comment period held during the meeting on Monday, February 18th.

Cynthia Davis noted she also addressed Council on February 18th and reiterated her support for primaries held in the even years because she felt the odd years do not benefit the constituents.

_____ Transcript- Public Hearing
Comments _____

We have two items on our public hearing agenda. The first is the City of High Point Municipal Elections. This is the time that we have set to hear comments from the public regarding the implementation of a primary associated with High Point Municipal elections. If you will come forward to the microphone if you have something to say, please give us your name and your address and your comment, please.

Pam Stern: I think plenty was said the last time. There were so many people that came, that's why they didn't come back.

Sims: there wasn't so many, but if you have something to say, this is the time you need to say it.

Stern: We already spoke. That's what I'm saying. They didn't come back because they've already spoke once.

Sims: Do you have something to say?

Stern: I'm against it. I mean I like primaries, but we've already spoke. Thanks.

Cynthia Davis: To make it official. Seeing how I did speak before and Ms. Stern and others had spoken before, but if it needs to be on record, I'm going to do that for the official record. I did run and I feel that it is important for the candidate to be educated on the issues before applying for a job with the city. I think extending terms that's off the board as far as I know and we're just looking at primaries now. I don't think going to odd years benefits the constituents who come out to the polls to vote. I think you get

a better turnout in the even years. The odd years, I believe Mr. Faircloth told me at a Chamber meeting shortly thereafter the election that only 11% of voters come out in odd years. Well I don't think that's fair to the constituents who come out to the polls in the even numbered years whether educated or uneducated to vote for a president of this country. If it's good enough to elect our president, then it should be good enough to elect this body and that's my stance at this time. Thank you.

Sims: Is there anyone else who cares to speak? [none] Seeing no one, we'll close the public hearing.

Smothers: Mayor, I'd like to make a motion that the High Point City Council institute a primary election as part of the election cycle.

Mendenhall: Second.

Sims: I have a motion and a second that the Council institute a primary system. Is there any discussion?

Wagner: Yeah, I want to know in what year and what period of time.

Smothers: I think the question, Mr. Wagner, in terms of my motion is let's establish if this council will go with a primary election and then we can decide when we are going to have it.

Douglas: I agree with Mr. Wagner. I think those are questions that need to be answered at this time.

Smothers: Well, you've got two options. You've got even year and you've got odd year. The question is do you support a primary.

Ewing: If it will help the decision making, I'll make a substitute motion that we institute a primary and go with odd year election cycle.

Wagner: I'll second that.

Sims: We have a motion and a second to institute a primary system and change our election cycle to odd years. Is there any further discussion.....the substitute motion. Is there any further discussion?

Douglas: I'm a little confused. I mean what are we trying to accomplish? I thought whenever we went to plurality of vote we were trying to accomplish getting more of the citizens out to participate in the process and now it seems that we've gotten that. So exactly where are we going? I mean.

Smothers: Well if I may reply, Madam Mayor. Mr. Douglas, the matter becomes if you support a primary because we can have a primary in even year elections. That's why I

suggested we just see if who supports a primary. Now, Mr. Ewing has made the substitute motion for the odd year. So it's still, you know, you defeat that then you go....if you support a primary, you go to even year primary.

Douglas: Well Madam Mayor, ah ah ah....

Smothers: Whatever my name is. [laughter]

Douglas: You still haven't answered the question. You say either we vote for it, but what's the real reason why we're going...trying to go back to a primary because just a few years ago we went to the plurality of vote. You know you switched over to that to get a lot of participation from the citizens.

Smothers: Sure did. There were two reasons.

Golden: I wasn't here a few years ago. What was the second reason?

Smothers: The second reason was to save money and guess what? We didn't save money. We actually spend more by going to even years.

Douglas: Okay, so the first reason worked.

Smothers: Well, yeah, if you want to go back and look at the actual data. You've got more people out there. You also have a significant number who don't even vote for the municipal offices. I mean you can look at the data, it's there.

Douglas: Well even looking at those numbers, you still had an increase of participation which is basically what you wanted. Or that's my understanding. Yes, you have more people that's deciding they want to run. Yes you even have some that decide they want to drop out. You know and people still vote for those people because they don't like the other ones that are running. I mean, yet and still you give the voters a chance to vote for who they want to vote for.

Smothers: Nobody is keeping the voters at home regardless of when you have the election. It is their choice. Their privilege to vote.

Sims: Well right now, we have on the floor a substitute motion by Mr. Ewing that favors going to a primary and going back to odd year elections. The purpose of the public hearing was to gauge how much public support there was for or against primaries. Based on the individuals who have come to this meeting with their comments and the ones that have sent information in regarding how they feel about this whole process, I don't know if it's an issue that the public has any concern about one way or the other. It appears to me that it is a Council problem that we're dealing with and that Council has a desire to do this because I'm not getting the feeling from the public input and support where they are. So right now we have a motion on the floor that basically says....well the substitute motion by Mr. Ewing and I think we need to act

on that motion. If it does not pass, then we will go back to the original motion and we will act on the motion that Council Member Smothers originally presented.

Smothers: I'd like to ask Mr. Ewing if he will withdraw his motion.

Ewing: If there doesn't seem to be interest in that, I'd be happy to withdraw my motion.

Moore: Jason, I don't think it's the fact that they are not interested, I just think that if you look at what just transpired here-that there is much discussion that needs to be considered on the year part. So I would request, as well, that you might consider that we vote just on the primary at this time.

Wagner: So it would be withdrawn for us to continue to talk about this?

Moore: I didn't say it was wrong, I'm suggesting that we do.

Wagner: If her motion were to pass, it would be basically for us to then talk about when...

Sims: The decision at that point would be whether it would be in the odd year or whether it's in the even year. That would be the discussion. So the ball is in your court, Mr. Ewing.

Ewing: I withdraw my motion, Madam Mayor.

Sims: Okay.

Mendenhall: Madam Mayor, I would like to comment because I think when we had our planning session and I know for a lot of us, we have heard from the community at-large the interest in a primary election. Not necessarily here in this chamber, but I know in several meetings that I have attended, there has been strong support for a primary. So I feel from the constituency that I have spoken with, there has been strong support for a primary.

Wagner: Yeah and that's been my response too. In fact, I've not had anyone come and tell me they don't want a primary.

Smothers: I haven't heard a single person say they did not want a primary. In fact, the only comments I have heard from Council Members who have argued for the present system is because more people will vote which has nothing to do with the primary. It just has to do with when you have it.

Sims: Well that's not necessarily true, Council Member Smothers. But I will say that there are individuals in the community that I have spoken with that don't have any problems with the current system. If that will clarify things for you and for others who

have heard from individuals in the community who desire a primary. But at this point, if there's no further discussion, the motion on the floor is to have the Council vote as to whether or not we will consider going back to a primary system. Is there any further discussion on that motion? All those in favor, please signify by raising your hands.

Aye: **Smotherers, Mendenhall, Moore, Wagner, Davis, and Ewing [6]**

Sims: All opposed?

Nay: **Sims, Douglas and Golden**

Sims: **Motion passes. [6-3 vote]**

Smotherers: I will make a motion that the Council institute a primary in the even year elections.

Mendenhall: Second.

Sims: I have a motion and a second to institute a primary in the even years.

Smotherers: And if I may speak to that. It's out of deference and recognition of the concerns that you, Madam Mayor and Mr. Douglas and Mr. Golden, had about it being occurring in an even year during the statewide election so more people will have a chance to vote or not. That'll do it.

Moore: Just for clarification, Ms. Smotherers, on the way that will look in an even year. You're talking what month and what month these will fall?

Smotherers: Primary would be when the statewide primary is held in May.

Moore: In May.

Ewing: For more clarification, I printed the 2013-2014 Guilford County election schedule. So in an even year, the filing period is February 10th through the 28th; Primary is May 6th and then the General Election is November 4th.

Mendenhall: Madam Mayor, I call the question.

Sims: Okay, the question has been called and the motion is to support or ask to go to... to change to a primary system with the election being held in the even year. One of the questions....well, we'll deal with that later because the question had to do with did it require legislative approval to do this.

Carlyle: Yes.

Sims: Okay, just wanted to make sure. **Okay, all those in favor of the second motion**

by Council Member Smothers, please raise your hands.

Aye: Smothers, Mendenhall, Moore and Davis

Sims: All opposed, please raise your hands.

Nay: Sims, Ewing, Wagner, Douglas and Golden

Sims: **That motion fails. [4-5 vote]**

Smothers: So now we're stuck with we support a primary, but we're not sure when we're going to have it. That's interesting. You're going to have it one of two times. So I guess, Mr. Ewing, you will have to make another motion.

Ewing: Madam Mayor, I'd like to make a motion that we hold our municipal elections in the odd years as 99.8% of the other North Carolina municipalities do.

Sims: Is there a second.

Wagner: Second.

Sims: I have a motion and a second that we hold our primaries in the odd year.

Smothers: And if I may speak for it. Madam Mayor, I made the motion that I made as I said in deference to concerns that you, and Mr. Douglas and Mr. Golden had. It didn't pass and I will support this one because I think it's important that we have a primary.

Sims: Is there any further discussion?

Wagner: My support for it is basically based upon the fact that we can have, if we go to odd years, we can have our primary later in the year. I believe it's generally in October when those occur. All of us, well not all of us, but the majority of us work for a living and we're not paid \$200,000 a year like the representatives in Washington are. I just think it's too much to ask of people who are serving on this council to have to file in February and spend essentially nine months of every twenty-four months that you serve running for office and I think that much time running for office makes for bad government. So that's why I support going to the odd number year. I don't like having that long of an election season.

Ewing: I'm sorry, if I can interject just one more thing on that. The talk about more voter turnout and I sent to you all a month or so ago some of the data I pulled from the Guilford County Board of Elections and the trends that I looked at, it's more of who or what is on the ballot than when the ballot is offered. If you look at the 2010 election, it was only 6% more voter turnout than it was in 2003. So obviously in a Presidential year there's going to be a lot more voters. We've got a lot more registered. In 2003

there were just under 30,000 registered voters. Last November there were 62,500 registered voters, so the registered voters has more than doubled.

Sims: So really the numbers don't track do they? Since you had more registered voters.

Ewing: Well the percentage is the percent of municipal voter participation to the registered voters, not the amount voted.

Sims: Well let me say this. While I appreciate the fact that we're looking at going back to a primary and doing it in the odd years, I am, again, thinking that in a sense it does disenfranchise some voters who do come out in an even year and vote. Now regardless what spearheads that action to happen, we have seen an increase in the number of people who come to the polls and actually cast a vote. What I would submit to this body is that when we were talking about extending the terms of office, one of the things I heard was what makes us any different than are legislative folks that are in the General Assembly right now. They run nine months out of the year and they run every two years. So they have businesses to run as well. They are no different than we are. So at some point, they have made a conscious decision that they want to be policy makers and they want to represent the citizens of whatever community they are representing at a statewide level and they do run, based on that schedule, Mr. Ewing you just submitted to us. So I think it's sort of disingenuous when we have conversations around the fact that we're not any better than they are and we can certainly serve only two year terms. But, we want to do it the way we want to do it which is we want to go back to odd years and we want to make sure that our window is short when we make that happen. So, I for one, think that's not really the right message to send. The second part of that is it doesn't matter what drives people to the poles. What matters is they go and they vote and I believe in our community, it is important that more than 10% of our population elect our elected leadership. Now, there's a way that we can make that happen and show that we get high voter turnout volumes in odd years and I don't see that's going to happen. But as it stands right now, there's a motion on the floor. So that motion is that we go to a primary system in odd years. So right now I will call the question. **All those in favor of supporting a primary system in an odd year, please raise your hand.**

Aye: **Smothers, Ewing, Wagner, Mendenhall**

Sims: **All those opposed, please raise your hand.**

Nay: **Sims, Douglas, Golden, Moore, Davis**

Sims: Okay, so we're back to a primary system, but we don't know when it's going to be. So I think that we need some further discussion around where we're heading. We know that we do have some issues around this whole voting situation and we need to get it addressed and get it figured out as to where we're headed. We have a very short window, and all of you know this, with what we need to do with the General Assembly. So more of this needs to be ironed out and we need to do it rather quickly. So I

think....we don't have a meeting scheduled for tomorrow, do we?

Smothers: It's posted, we can meet tomorrow.

Sims: Pardon me.

Smothers: I said it's set, we can meet tomorrow.

Sims: So maybe we need to.....is there a desire to have us still look at this tomorrow afternoon?

Mendenhall: Well actually maybe the attorney needs to tell us where we stand. We have a motion to have a primary, but we don't know when we want to have it. So we can't seem to agree on that. So where do we stand?

Carlyle: Right now you have voted to have a primary. You don't have anything set in action.

Moore: What's our timeframe?

Carlyle: You've got a deadline with the General Assembly of the 17th, is that correct Fred?

Baggett: The 20th.

Carlyle: The 20th?

Mendenhall: Well if we don't go.....maybe you can clarify this. If we don't change from even year elections and we have voted to have a primary, I would assume that we will have a primary in the even years without any further action. We have not voted to move to the odd year.

Wagner: We voted against that.

Carlyle: I don't believe that's true, but I'll let Fred speak to that.

Baggett: What you're talking about, Madam Mayor and members of Council is a request to the Legislature to change our elections. You can't change your elections.

Mendenhall: I understand that.

Baggett: So you're just talking about sentiment. You have a sentiment in favor of a primary with no decision of the sentiment, whether it's odd or even. Until you do nothing is going to happen. So if you leave it the way it is now, you voted for a primary. You just indicated a sense of a majority of the Council to go to a primary. It has no legal effect and will have no effect on the elections.

Mendenhall: Why would it not stay, Fred, in the even years?

Baggett: Well it will stay just the way it is now.

Mendenhall: With a primary?

Baggett: No. You cannot institute a primary....

Mendenhall: I understand we can't. I understand it has to go to the Legislature.

Baggett: Well, the Legislature needs your decision on whether you request even years or odd years. Just asking for a primary and leaving it to the Legislature is not something you want to do, nor is it something that they would do for you. This is a local bill that you would be requesting to make any change, which is a local decision. A local request including all the details.

Mendenhall: Well I guess where I'm confused and maybe I'm just stupid....is if we currently vote in the even years and the change would be to institute a primary, why would that not be what we are requesting? That we request that the local Legislation institute a primary and have nothing to do with changing to odd or.....I mean we already vote in the even years.

Sims: I think part of that is that this Council in two votes just said they don't want it in an odd year and they don't want it in an even year. And that's where the rubber meets the road. So at some point as a council, we're going to have to decide if we institute a primary when it's going to be.

Smothers: I think the major vote that was taken was not for the General Assembly or for the Department of Justice or anybody else. It was for the citizens of this community to know where this Council is and that vote passed 6-3 and it will affect an election and it will affect the next election. So.

Davis: I voted for the primary and I voted for the even year. I didn't support the odd year because we didn't talk about whether we were extending our terms or not and I have a real problem with that. If you would had said that we go to the odd year and we serve one year and then we have an election next year, or you say we served three years because we've got to get on an odd cycle...

Carlyle: You're right, you will have different people serving different terms.

Davis: We didn't talk about that, but I knew that and that's the reason why I....

Moore: That's precisely why I had asked that we eliminate the substitute motion and just settle the primary part now, knowing we had a deadline so it would make us look

more cohesive and we had time to discuss what the good and bad was.

Davis: I think the even year satisfies everybody's concern and I supported that.

Sims: Well I think that there is a bit of a readiness still with this Council. Again, I ask the question...are you all willing to meet tomorrow and iron this out as far as where we are or are we in a position today to go ahead and reconsider where we are so that we can move this item forward?

Moore: I'll meet tomorrow.

Wagner: I can meet tomorrow.

Mendenhall: I cannot meet at four o'clock. I can meet later.

Sims: Okay, it seems generally that everybody is available to meet. Ms. Mendenhall you will probably be a little late, is that what you're saying?

Mendenhall: Yes.

Sims: Okay, Mr. Douglas?

Douglas: I have some other things scheduled. We didn't have a meeting scheduled.

Smothers: No we were not planning to.

Douglas: Yeah, so I already have some other things scheduled.

Mendenhall: Is there a reason...are we going to change, for example those of us who supported the even year, Mr. Ewing and Mr. Wagner, are you going to change overnight and support the even years? Or are those of us that didn't support the odd years going to change overnight?

Sims: I don't think, Ms. Mendenhall, it's a matter of changing. I think it's a matter of further discussion. Now we can certainly sit in this Council Chamber and go ahead and hammer that discussion out if you all choose to do that, but I believe that we need to have an opportunity to actually have a frank discussion about all those things that were raised by Mr. Davis and also by Mr. Moore regarding what that would look like if we did follow an odd year and a primary or the even year and a primary and what that would mean as it relates to the term that we're currently serving. That seems to me to be the real question around where we are.

Smothers: Well, perhaps we ought to stay here, but as a courtesy to Mr. Harmon, let's do his public hearing and then come back to this.

Sims: So we want to table this for later in the agenda?

Smothers: Well we can just bring it back up.

Sims: Okay. The next item on the agenda is Text Amendment Case 13-02 for the Hayden-Harmon Foundation. Who is presenting from staff?

Sims: We're back to the discussion around the primaries and there were some questions that some individual council members had regarding how that would impact our current terms of office, if any. Ms. Carlyle.

Carlyle: If you're going to make a decision. If you guys go ahead and do something this year to make a change and you're going to odd....was that your question? You're all going to be extended to 2015 obviously because you're in 2013 now and won't have an election in 2014.

Smothers: But at some point, you've got to have a three-year term to get on the odd year.

Carlyle: Right, right. You have to do that.

Smothers: I think just the general lack of concern about length, the only comments I heard generated was the absence of support for 4-year terms. And that was a whole separate deal.

Ewing: I understand the argument and I agree especially when we're talking about the term difference in two versus four year that we certainly shouldn't extend our term because we are elected for a two-year term. But if odd years logistically is the better choice, we're going to have to have an extended term at some point and to say it's effective from the 2014 election, then 2014....does everything just wait for two years? I mean there's a lot of gray.

Smothers: Not only that, you know you could end up with a reversal and then you've got to go through the whole process all over again.

Ewing: Well it's going to be up to the General Assembly anyway.

Carlyle: And the Department of Justice. I mean it's going to take a while to go through that process too, so understand. I mean we are just in March. Hopefully it would go during this year, but the Department of Justice once they have it I mean it's out of our hands.

Mendenhall: I guess I still don't understand and I realize that local legislation has to be introduced, but I still don't understand why the bill itself could not simply say that this Council wishes to install a primary election. Why do we have to say that we're....I mean if we don't say anything else, it's going to be in the even years because that's

when we vote now. So I still don't understand when Fred said we would have to identify odd or even. I mean....

Carlyle: I think because the bill really needs to be as specific as it possibly can and especially in light of the vote that we've had here tonight. I don't think you can make an assumption like that. You're amending the Charter, so you have to be as specific as you can.

Golden: I've got a question. I might be the only one not know the answer to this. How many times have we changed our voting cycle, say in the last 20 year?

Sims: Twice I would say.

Golden: So basically every time you have an election and we don't like the results, we change the cycle or we change something?

Smothers: I don't think.....I think it's unfair to characterize this as results. Mr. Golden, you were not here two years ago when this whole thing came up again and as I recall, Ms. Sims said let's go one more term. Well we went one more term and I think based on Jason's number and the fact that people will vote if they want to vote. I mean there's all sorts of opportunity to vote today that there wasn't 20 years ago because of early voting. I just....and here again, if you all are so passionate about the even year thing, then you're not....how is anybody disenfranchised? I don't understand that unless they're locked in their house and they can't get out to go vote. I mean it's there.

Ewing: The other thing to take into account is the economy and the whole political atmosphere is different now than it was ten years ago when you had no voter turnout. Now, with the fact that voter registration has doubled in the last nine years, obviously people are taking more interest in who's elected, what they're doing, if they're doing it right, wrong or indifferently. So, you know, I didn't have time to go back and look at a lot of other municipalities statewide over the last eight years like we did ours, but across the state at least in '09 and '11, it was a similar turnout as we were having-about 16% was their municipal turnout.

Smothers: Well like I think I had mentioned one time earlier when we were talking about it, if you want a good turnout, you put something on there that really captures their interest. You can go with liquor, gambling, you know about anything that might generate more turnout than the bland candidates that we end up being.

Mendenhall: Bond referendums.

Douglas: I think something else that weighs into this, I think is what Ms. Stern mentioned earlier about televising council meetings. I think that would help to increase the turnout and also help get out the message of what is actually going on throughout the city. I think we are debating over changing the voting cycle or voting process when I think it's a breakdown in communication that's being relayed to the voters. To me, I

think that's the biggest problem. Voters will get educated and decide who they want to vote for. I don't think it's fair to say that they aren't educated because, you know, they don't know about a particular candidate. You know that may have something to do with us. It may have something to do with Council, not putting the vehicle to provide the information. And that maybe where the whole thing lies.

Wagner: I think you have competing issues here. I mean, first of all, I tend to agree with Ms. Smothers when you say it's everybody's individual right to go vote and we don't control whether they leave the house that day and they decide to go vote. I mean if they're interested in the election, they're going to go vote. And we have no real control over that. I mean we're campaigning and we're salesmen for ourselves and we are out there trying to get people to go out there and vote and yes, we want enough voter turnout, but there are limits to what you can do whether people are going to leave their house and go vote. Okay, but there's a competing interest here as to say well do you want on one side a lower number of voters choosing who's going to be on Council, or do we want so many candidates running that the person who gets elected doesn't get above 30% of the vote? Because there's pros and cons to both of that. If you have....I mean if we're all sitting up here and not one of us got a majority of the vote, then you know what message does that send to the public when you have nobody sitting on Council, potentially, who has the support of a majority of the citizens in the city. And the only way you can get around that is to have a primary. Now when you choose to have it is...you know. My preference is for the odd number years because, again, I feel having the primary in May makes for too long of an election season and I know there are other folks who run during that period of time as well, but it's a different animal. Local elections and local issues are a different animal and my preference is for the odd number years because of that. I think when you have elections where you've got people who can, you know, write a check for \$96 and not do anything to campaign and just sit there on the ballot because they want the public recognition or they want...for whatever reason they might have to have their name on that ballot makes a mockery of the system. And, you know, I would prefer to have a primary and everyone that has spoken to me has preferred that we have a primary. I would prefer it in the odd number years for the reasons I stated.

Mendenhall: Well, I believe it was Ms. Smothers that did a little bit of research and gave us the information that in the November 2012 election, there were 12,000 people in the City of High Point who cast votes, but they did not vote in the mayoral race. So, I mean, they obviously could have cared less about local elections. I'm sure if they didn't vote in the mayoral race, they didn't vote in the other races. It was just too difficult for her to get that information out there. You know, so, my thinking is that if people truly care about who sits at this table and makes decisions, they will come out and vote. And just because they come to the polls does not necessarily mean they are going to vote for the local candidates whether it's even years or not.

Smothers: I can understand the concern about trying to let people know what's going on, Mr. Douglas and I think you're right about that. I do believe the initiative that some council members are taking to try to have neighborhood meetings or whatever y'all

want to call them will probably do a lot more in that regard than TV. We can probably for about \$400,000 get this room fixed for TV. We can do that. It was \$375,000 back in 2003, so I assume it's probably gone up a little bit by now. But the fact is when I have watched televised bodies, there's a whole lot of politicizing and playing to the camera. Maybe some people find that entertaining, but none-the-less I do think there's a responsibility for all of us to try to reach the public in every way we can.

Sims: Well I will weight in and say this. Several individuals have come before Council and expressed the desire for televised meetings and I think that what they are asking or suggesting is just as important as all the other things that people bring before this Council whether it's televising our meetings, whether it's going back to a different election system-whatever that may be. I don't know that you put more weight on one thing than you do another and they've not only said it once, they've said it twice. And I'm sure we'll hear it again three times about televising these meetings and there does not seem to be any concern. Well I'm not going to say any c

Comprehensive Planning Items

130072

Ordinance - Text Amendment Case 13-02 - Hayden-Harman Foundation

A request by the Hayden-Harman Foundation to amend the Development Ordinance to permit the division of an existing developed lot containing not more than three (3) residential dwellings.

Attachments: [Text Amendment 13-02 - Hayden Harmon Foundation](#)

Ordinance No. 6982/13-14

Introduced 3/4/2013; Adopted 3/4/2013

Ordinance Book, Volume XVIII, Page 14

The public hearing for this matter was held on Monday, March 4, 2013 at 5:30 p.m.

Doug Loveland of Planning and Development provided an overview of the staff report which is hereby attached in Legistar as a permanent part of these proceedings.

Council Member Davis asked about the possibility of non-conformity issues with the demolition of existing homes and allowing others to be built back. Mr. Loveland explained they would not be able to plat or create the lot on a vacant piece of land unless that vacant piece of land meets the lot area and lot width and noted structures could be rebuilt, but would have to meet the setbacks. Council Member Wagner expressed concerns with meeting setbacks because of the lot being only 25 feet wide and Mr. Loveland noted there are provisions in the ordinance that would allow them to request relief from a setback (Board of Adjustment and some default provisions). He explained in this particular situation, the property is zoned RS-7 which requires a 5-foot setback from the sidewalk which the property owner is able to meet. Council Member Davis felt like this was basically like a little spot zoning just around the Core City and Mr.

Loveland explained out it is not so much a zoning issue, but was a subdivision issue. Council Member Mendenhall pointed out Mr. Harman's ultimate goal is home ownership of the property which is a worthy goal. Council Member Smothers agreed and also commended Mr. Harman.

Mayor Sims asked if there was anything in the Washington Street Area Plan that might address this particular issue. Lee Burnette, Director of Planning and Development, replied there was not and pointed out this is a unique, very uncommon situation that happens to not only occur here, but in every city in the country. He explained High Point happened to adopt one of the first zoning ordinances in the state in 1926 and these houses predate the zoning having been built in the early 1920s. As a result, it does create a nonconforming situation and it is allowed to continue as it, but prohibits the property owner from making any kind of division of the land. Council Member Douglas asked what the Board of Adjustment's position was on this property. Mr. Loveland explained that the applicant first applied to the Board of Adjustment for a variance on the lot area and the lot width, but denied the request and ultimately encouraged the applicant to pursue a text amendment.

Mayor Sims asked if the Development Ordinance Rewrite might address this issue moving forward. Mr. Burnette replied that it depends on Council's decision as to whether or not they approve the text amendment. Council Member Golden the Planning and Zoning Commission's vote on this matter was 7-1 with the dissenting vote being cast by Cynthia Davis. Since Ms. Davis was in the audience, he asked her if she would share why she voted against it. Ms. Davis explained that she felt it was wrong to split a conforming lot into three nonconforming lots and she questioned why they did not consider putting condos, townhouses, etc.... on the property if their goal was home ownership.

Mayor Sims thanked Ms. Davis for her explanation and opened the floor for comments in favor of this request.

Patrick Harman with the Hayden-Harman Foundation spoke in support. He shared some of the background of the Hayden-Harman Foundation noting they have been involved in helping revitalize the Washington Street neighborhood since 2009 and since that time, they have invested over \$600,000 and renovated three buildings, two houses and have done ten small home repairs. He explained they acquired these three houses from the school system in December of 2011 after the houses were seized in 2010 due to a drug initiative. Their goal is to try to increase the home ownership rate in this neighborhood from 20% to 50% while preserving the character of the neighborhood and preserving as many physical structures as they could. He explained they plan to keep the selling prices for these houses as low as possible and would probably put more money into renovating them than they would get back.

Following up on Ms. Davis' comments, Mayor Sims asked Mr. Harman if they

gave any consideration to a different type of housing on this lot than the single family. Mr. Harman replied they did not and felt since it was a historic neighborhood, they were really trying to build back similar houses since all three houses were found to be salvageable. Mr. Harman informed Council that he has already almost completed renovations on one of the houses and has had someone express an interest in it. He hopes to have all three houses completed by the end of the year.

Bill Waller, 4540 Peoples Road in Oak Ridge, General Contractor and has a non-profit organization, SHARE of NC, addressed Council in support. He reminded Council that SHARE did the redevelopment in the Macedonia area and has also done extensive work in the West End area and several neighborhoods in the city. He noted he has been working with Dr. Harman and the Washington Street area and actually did the work on the three commercial buildings and renovated about 10 of the existing single-family residences. He further explained that they work extensively and target redevelopment areas with low to moderate income people and not only improve the properties, but educate and counsel with the residents by teaching them how to take care of the properties both pre and post home ownership. He confirmed that he personally inspected these three houses for Dr. Harman and found them to be structurally sound. He encouraged Council to look favorably at Dr. Harman's petition and allow him to divide this lot and put three homeowners there.

Mayor Sims asked Mr. Waller if he has had any security issues as it relates to the repairs and Mr. Waller replied very little with one theft of some shingles and siding when they first started.

Aaron Clinard, Chairman of the City Project, addressed Council in support of this request on behalf of the City Project Board. He commended the Hayden-Harman Foundation and for what they are trying to accomplish through City Project partnerships with private developers and private individuals to the tune of \$600,000 donated and targeted to the Washington Street area. He also publicly thanked Ryan Wall, President of the High Point Regional Association of Realtors (HPRAR) and the National Association of Realtors (NAR) for their generous donation of a \$15,000 grant funded through the NAR Smart Growth Program to support activities that encourage a deeper understanding of new market trends and tools for economic development. He pointed out they join nearly 100 other contributors across the community in the efforts to revitalize High Point. He urged Council's unanimous approval of the text amendment as submitted by Mr. Harman.

Mayor Sims asked if there were any additional comments in support of or in opposition to this request. There being none, the public hearing was declared closed.

Following the conclusion of the public hearing, Council adopted an Ordinance amending the Development Ordinance to permit the division of an existing

developed lot containing not more than three (3) residential dwellings.

A motion was made by Council Member Smothers, seconded by Council Member Davis, that this Ordinance be adopted. The motion PASSED by a 9-0 unanimous vote.

MISCELLANEOUS ITEM

[130074](#)

Ordinance Amending the Ordinance Establishing Dates and Times for Official Sessions of the High Point City Council and Establishment of Standing Committees of City Council

Consideration of amending the Ordinance Establishing Dates and Times for Official Sessions of the High Point City Council and Consideration of establishing Standing Committees of City Council and setting meeting dates/times for same.

Attachments: [Standing Committees of City Council & Responsibilities.pdf](#)
[Amendment to Ordinance Establishing Dates and Times for Official Sessions](#)

Ordinance No. 6983/13-15
Introduced 3/4/2013; Adopted 3/4/2013
Ordinance Book, Volume XVIII, Page 15

Since this matter did not originally appear on today's agenda, motion was made by Council Member Mendenhall, seconded by Council Member Ewing to suspend the rules so it could be added to the agenda for consideration. The motion carried unanimously.

Mayor Sims asked if there were any questions regarding the proposed Standing Committees or the meeting schedule. Council Member Mendenhall asked about the notification process if the Finance Committee is changed to 4:00 p.m. City Manager Boynton explained he would let the city clerk know and the exact time would be incorporated into the Weekly Meeting Schedule sent out on Fridays before the next week's meetings. Council Member Wagner wanted to make sure this new meeting schedule replaces the Tuesday meetings set at the Retreat on February 9th and was informed it did. Council Member Douglas expressed concerns that public safety was not addressed in any of the proposed committees. Mayor Sims explained public safety would be covered in the safe neighborhoods category.

Adopted Amendment to the Ordinance Establishing Dates and Times for Official Sessions of the High Point City Council and established the Standing Committees of City Council (Finance Committee, Community Housing &

Neighborhood Development Committee, and Comprehensive Planning Committee) and set meeting dates/times for same.

A motion was made by Council Member Ewing, seconded by Council Member Mendenhall, that this Ordinance be adopted. The motion PASSED by a 9-0 unanimous vote.

Opposition to Workforce Development Reforms Contained in House Joint Resolution 55 and Senate Joint Resolution 147

Council Member Smothers asked if it was necessary to include the minutes from the discussion that took place during the Committee of the Whole Finance Meeting regarding the Workforce Development reforms because she wanted to make sure it gets into the official record. City Attorney JoAnne Carlyle explained Fred Baggett would draft a resolution and would report back to Council. Council Member Mendenhall asked in the meantime if Mr. Baggett would convey Council's feelings and it was noted that he would.

APPROVAL OF THE MINUTES OF PREVIOUS MEETINGS

130073

Approval of the following Minutes:

City Council Retreat held Saturday, February 9th @ 8:30 a.m.

ElectriCities Briefing held Thursday, February 14th @ 4:00 p.m.

Committee of the Whole Briefing Finance Meeting held Monday, February 18th @ 4:00 p.m.

High Point City Council Regular Meeting held Monday, February 18th @ 4:45/5:30 p.m.

HPCC Special Meeting Briefing - Tuesday, February 19th @ 4:00 p.m.

City Manager Briefing - 2013-2014 Budget Preview - Thursday, February 21st @ 9:00 a.m.

Attachments: [February 9 2013 High Point City Council Retreat.pdf](#)

[February 18 2013 Committee of the Whole Finance.pdf](#)

[February 18 2013 High Point City Council.pdf](#)

Approved the preceding minutes.

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

BOARDS AND COMMISSIONS APPOINTMENTS AND VACANCY REPORT

120229

Boards and Commissions - Vacancies

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

Attachments: [term expirations 2013 \(April 15 2013 agenda\).pdf](#)

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 6:55 p.m. upon motion duly made and seconded.

Respectfully Submitted,

Bernita Sims, Mayor

Attest:

Lisa B. Vierling, MMC
City Clerk