



NORTH CAROLINA'S INTERNATIONAL CITY™

**MANAGER'S BRIEFING SESSION
HIGH POINT MUNICIPAL BUILDING**

November 6, 2017 – 4:00 P.M.

3RD FLOOR LOBBY CONFERENCE ROOM

Present:

Mayor William S. Bencini, Jr.; Mayor Pro Tem Wagner (Ward 4); and Council Members; Latimer Alexander (At-Large); Cynthia Davis (At-Large); Jeff Golden (Ward 1); Chris Williams (Ward 2), and Alyce Hill (Ward 3)

Absent:

Council Members Jim Davis (Ward 5) and Jason Ewing (Ward 6)

Staff Present:

Greg Demko, City Manager; Randy McCaslin, Deputy City Manager; Kenneth Shultz, Police Chief; Tommy Reid, Fire Chief; Loren Hill, President-High Point Economic Development Corporation; Eric Olmedo, Budget and Administrative Manager; Mike McNair, Director of Community Development & Housing; Reggie Hucks, Inspections Administrator; Lori Loosemore, Local Codes Enforcement Supervisor; Jeron Hollis, Director of Communications and Public Engagement, JoAnne Carlyle, City Attorney; and Lisa Vierling, City Clerk

News Media:

Pat Kimbrough, *High Point Enterprise*

City Manager Greg Demko called the meeting to order at 4:00 p.m.

Due to some recent violence at some of the High Point hotels, City Manager Demko asked staff to brief Council.

Deputy City Manager Randy McCaslin reminded Council of a shooting that took place at a hotel on N. Main Street several weeks ago that generated some questions from Council, as well as from several citizens. Additionally, the city has received other numerous complaints regarding other hotels in the area over the last six months. As a result, staff was asked to take a harder look at the issues and talk about the calls for service at these hotels.

Police Department Perspective

Police Chief Kenneth Shultz noted they have seen some on-going issues with heroin overdoses at some of these hotels and they continue to get complaints from the community. As a result, they continue to look at the issues from an efficiency standpoint and how to better prevent these issues from happening. Chief Shultz advised that the Police Department looked at most of the hotels/motels in the city to figure out how widespread the issues are. He reported on the results as follows:

Hotel	Location	Calls for Service	# of Crimes Reported	
Hotel NC	Brentwood Street	540	78	
In Town Suites	2760 N. Main St.	354	38	
Travel Inn Express	W. Green Drive	291	56	
Motel 6	SW Cloverleaf	195	29	

Chief Shultz then shared that the statistics show that these four hotels are driving the majority of calls for service and have a vast amount of crime and numerous charges at each of those locations. He also pointed out consistency of the location of 29/70 with three of the four hotels. Some of the crimes reported at these hotels include public disturbances, homicide, drug related incidents, domestic disturbances, overdoses requiring EMS assistance, fights, robberies, armed robberies, assault with a deadly weapon, child neglect, sexual assaults, prostitution, etc....

He reported there are four things the Police Department can do as a typical response to these areas of crime:

1. Control focus. As time allows, officers are in the area doing drive throughs, foot patrols, things to be noticeable.
2. Street crimes. This includes surveillance, jump outs, etc.... and is a blend between patrol officers and vice/narcotics.
3. Vice/Narcotics. They continue to work with informances and review complaints as they come in whether they are from Crime Stoppers calls, whether or not they are generated by patrol officers or street crimes. They also conduct searches with search warrants and execute the search warrants. Chief Shultz explained that vice/narcotics is now part of the Police Department's response plan for overdose deaths and they investigate these very similar to the homicides.
4. Public Nuisance. The nuisance abatement laws have been used on occasion in High Point and have resulted in a few seizures of private properties, mores specifically located at 708 Hendricks in 2008 and a couple of houses on Hobson Street in 2009 and 2010.

Chief Shultz further explained there is an opportunity to come in and do nuisance abatement against specific properties and these hotels could fall under that. However, the following things would be required:

1. Five years' worth of court records would have to be produced;
2. Interviews would have to be conducted with neighbors;
3. Affidavits would need to be secured showing that the property is a nuisance, or has a bad reputation;
4. Officers need to be interviewed about the calls for service

He advised once the preceding things are done, they then go in a do single affidavits that are compiled for a court ruling, which are presented in court. In the case of violations, the court could order the businesses closed and could order civil fines as well, but if they order the businesses closed, there is always the possibility that the owners could re-petition the court, which results in further complications.

Chief Shultz explained that the Police Department hired outside legal counsel to assist with the seizure of private property in 2008 at 708 Hendricks, but the police attorney assisted with the seizures in 2009 and 2010 on Hobson Street, which resulted in a drain on their resources because of the time that was involved. He noted that it pretty much took about a year, but could have taken longer. Because the property was turned over by the property owners and they entered a guilty plea, the Police Department did not have to actually go through the court system which would take more time.

Another thing that Chief Shultz pointed out is that any changes in ownership for any of these hotels would zero everything out and there are strict requirements about how the ownership has to be put on written notice and the owners of these properties could claim they did not receive any kind of notification, which could result in a defensive action in court.

Mr. McCaslin explained that the ownership tends to change between family members, and pointed out some of these facilities are owned by the same owners.

Council Member Alexander asked what kind of code enforcement could be done. Chief Shultz noted it could be done by the public nuisance abatement, but his request would be that the Police Department hire outside legal counsel because of the anticipated time it would take. They would review the information prioritize and pick the worst one going forward.

Mayor Pro Tem Wagner asked about the franchised hotels and if there might be any way to reach out to their corporate headquarters. Chief Shultz replied that they did this recently with Motel 6 after not getting much of a response from the local management. Once they reached out to their corporate headquarters, they ended up getting cooperation and have seen a big turnaround in terms of reaction and results with the local management staff.

At this time, Mr. Demko asked if there were any questions for Police Chief Shultz.

Council Member Golden asked if civil fines are a consideration

Chief Shultz advised that one of the things they discovered while doing this was that 68 people who were arrested at these specific hotels gave the hotel address as their permanent address on the paperwork. So the rest of the conversation will capitalize on discussion about other civil fines and opportunities regarding the inspection aspect.

At this time, Lee Burnette, Director of Planning, provided some definitions and regulations relating to hotel and motels as contained in the Development Ordinance. He noted these terms are generally interchangeable.

A hotel is considered a commercial use and visitor accommodation uses whereby you have sleeping accommodations that are offered to the public and are intended for temporary occupancy, overnight, or on a short-term basis. Mr. Burnette reported that the Development Ordinance allows hotels and motels as a permitted use in the commercial zones and some industrial zones, as well as in mixed use districts. All of the hotels that have been the focus of discussion at the meeting today were permitted either as a hotel or motel. However, there may be some of these that are acting as single room occupancies (SROs), which are basically a building that provides rental accommodations to tenants and more than five individual rooms for a period of one week or longer and rooms may have cooking facilities and private baths. SROs are only allowed in the high density, multi-family districts and office districts and are not allowed in commercial zones. There are specific standards that go along with an SRO, and they must be permitted only by special use permits.

Council Member Alexander asked about what is considered an “extended period of time” for these. Mr. Burnette explained that it is typically a month or longer, but it would have to be determined by the inspection folks upon review of the records for them to see what is occurring there. Mayor Pro Tem Wagner asked if staff could obtain a log of each of the hotels’ tenants.

Mr. McCaslin replied the extended stay is really meant for contractors coming in from out of town anticipating a 2-3-month project, and they have a permanent address elsewhere. Council Member Alexander pointed out in many of these instances, there is commerce taking place in the rooms and he was curious as to where they would go when they are made to leave the hotel. He felt they would just move on and carry the problems to neighboring communities.

Council Member C. Davis inquired as to if the Minimum Housing Code would come into play for the extended stay or longer. City Attorney Carlyle replied that it would not.

Fire Department Perspective

Fire Chief Tommy Reid stated that the Inspections and Fire Department have the most leeway in these situations because they have the right to enter a business anytime. He entitled his portion of the presentation as “Stay Safe Initiative in High Point” because their role is to preserve and protect public health and safety, address complaints by visitors/citizens, enforce compliance with NC Fire Code, and address the growing problem of resource use with non-compliant businesses. He recommended that the city institute a fee-based compliance program and suggested sending a letter to all hoteliers informing them of the initiative. All hotels would be inspected in accordance to the NC Fire Code and none would be singled out this way.

He mentioned the In Town Suites and the drain of resources it is on the Fire Department. He explained that the Fire Department responds to this location month after month and continuously writes them up for violations, but nothing with teeth in it is in place to get them to correct the violations without using the manpower to go to the District Attorney or find a judge that is willing to charge them criminally, which they do not have the time or manpower for that. He further advised that complaints and hazardous environments would continue to be inspected based on reasonable cause, which means if they believe unsafe, unsanitary, or otherwise hazardous/unlawful conditions exist in a structure, they have the right to take care of that.

Chief Reid further reiterated the drain on resources and shared that:

- Incidents/call volume increased 100% at In Town Suites on N. Main Street since last year;
- Incidents/call volume is up 96% from last year at Hotel NC on Brentwood Street;
- Spent 182 man hours at Hotel NC on Brentwood Street, which is equivalent to 7.6 continuous days;
- Spent 549.5 man hours at In Town Suites on N. Main Street, which is equivalent to 22.9 continuous days.

Chief Reid explained the fee-based system would increase as the number of offenses escalate. He advised one of the issues they face is with the ownership and transferring the ownership to somebody else in the family. With the amount of fees that would be placed on them and the likelihood that the fees would not be paid, he felt there are other avenues that would make it easier to collect the fees. Council Member Alexander asked levying fines or fees against them and recording the lien at the courthouse. Mayor Pro Tem Wagner advised that if it is clocked in as a Judgment, and they do transfer ownership, it would still be a lien on the property that would have to be satisfied.

Mayor Pro Tem Wagner asked Police Chief Shultz if he felt there was a direct correlation between these properties and the increase in drug traffic. Chief Shultz agreed there is a lot of drug activity taking place at these hotels, but he did not know that it is necessarily drug trafficking.

Inspections Perspective

Reggie Hucks, Inspections Administrator, talked about how the Police Department, Fire Department, and Inspections Department work in tandem with one another in these cases. He stated the State Building Code certainly helps in most instances and he shared how they have the right to go in and approach property when they observe something that may need to be condemned. However, to get inside the structure, they do have to have a reasonable cause to go in. The Fire Department can go in and do maintenance inspections on buildings at any time, but the Inspections Department can only go in if there is an obvious problem or defective construction. Once the Fire Department does go in for an inspection and reports back the findings to Inspections, then inspections could make a condemnation case out of it. Another alternative would be to issue an order to the property owner to take corrective action, but this is not as enforceable as a condemnation.

Mr. Hucks then gave a brief history on the fire that occurred at one of the modular units outside of the structure on W. Green Drive. He explained that the fire allowed them an opportunity to inspect the other modular units as well, but not the building itself. As a result, the modular units were condemned. He reported that staff has been persistently working with the property owner and the property owner is in the process of demolishing the units, but is working at a very slow pace.

He explained if they do go into these hotels and observe obvious life-safety problems, they can close it down and get the people out.

Mr. McCaslin advised that staff is relaying the message that it is not going to be easy to take care of these issues, but the departments will work in tandem on the police, fire, and inspections side to attack what needs to be done to address the issues in these areas. He noted there is no simple way of accomplishing this under the current state law.

Mayor Pro Tem Wagner suggested creating a working committee between the three departments to help with these efforts and the committee could pass along recommendations to Council for any regulatory changes that may need to be made legally to do that. Mr. McCaslin agreed and mentioned the recommendation from Chief Reid for instituting an escalating fee because it is a serious drain on the city's resources when they have to make numerous trips to these locations.

Council Member C. Davis mentioned that she spoke to the city attorney about this and was told that it might be possible to have the newly seated Council look at something in the near future.

Mr. Demko asked Chief Reid about the possibility of sending the letters out to the hoteliers where there are known issues and treat it similar to what the Police Department does with the focused deterrence. Chief Reid noted it is a campaign and they thought it best to address and inspect all hotels in High Point.

Mr. McCaslin pointed out another area of concern is that the Convention & Visitors Bureau does collect money from some of these hotels, so they feel an obligation to advertise for them, and this contributes to out of town people unknowingly booking a room at one of these hotels.

Council Member Golden asked for clarity regarding the top two floors at the In Town Suites operating illegally (long term stays) and questioned why the city has not investigated this already. Mr. McCaslin explained that it sometimes it is difficult to prove whether it is a permanent address or not. Council Member Golden asked if it might be possible for the city to go in and ask for the entire registry and Ms. Carlyle advised that there would have to be a good reason to access those records. Council Member Golden felt the sign itself would be a give-away because they advertise for extended stays and have monthly rates. Council Member Hill felt the question is not the duration of the stay, but whether or not they have another residence.

Email from Daniel Kirkman

Chief Shultz mentioned the email from Daniel Kirkman regarding Juanita Hills and noted he has historically filed complaints. He is requesting installation of a fence with security guards and cameras around Juanita Hills, but the Police Department is not in support of this. He welcomed any suggestions.

Mr. McCaslin asked if there were any additional questions. There being none, he reminded Council about the Closed Session for economic development purposes that is scheduled at 5:00 p.m.

There being no further business, the meeting adjourned at 4:52 p.m. upon motion duly made and seconded.

Respectfully Submitted,

Lisa B. Vierling, MMC
City Clerk