



Community Housing, Neighborhood Development and Public Safety Committee

Chaired by Council Member Golden

Committee Members: Golden, Peters, Scarborough, and Williams

March 6, 2018 – 10:00 a.m.

3rd Floor Lobby Conference Room

Present:

Chairman Jeffrey Golden, and Committee Members Monica Peters, and Chris Williams

Staff Present:

Randy McCaslin, Deputy City Manager; Police Chief Kenneth Shultz, JoAnne Carlyle, City Attorney; Michael McNair, Director of Community Development & Housing; Thanena Wilson, CD Administrator; Michelle McNair, Community Resource Manager; Toni Jackson, Housing Specialist; Lori Loosemore, Local Codes Enforcement Supervisor; Lee Burnette, Director of Planning and Development; Robby Stone, Assistant Director of Public Services; Tyler Berrier, Public Services; Eric Olmedo, Budget and Administrative Director; Jeron Hollis, Director of Communications & Public Engagement; Fanta Dorley, Human Relations Manager; Lisa Vierling, City Clerk

Others Present:

Julius Clark, Dorothy Darr, Jerry Mingo, Phyllis Bridges- High Point Historic Preservation Commission Members

Sarah Charles, Sarah Ballard, Jim Hitch, Heidi McIver, Lisa Hitch, Marilyn Schock, Marianne Royle, Marilyn Evans, Kay Sanders, Brad Embry, JoAnne and Dennis Kennard

News Media:

Pat Kimbrough, High Point Enterprise

Note: The following handouts were distributed and will be incorporated as a permanent part of these proceedings.

- ✓ Green Hill Cemetery Action Plan developed from Green Hill Cemetery Upgrade Recommendation Report (staff handout)
- ✓ Green Hill Cemetery [1910 – City-Owned 11 acres] 1700 Leonard Action Plan (submitted by Dorothy Darr)
- ✓ Article O Parades, Picketing, and Special Events (track changes copy)
- ✓ Minimum Housing Process “Demolition” Presentation (Lori Loosemore)
- ✓ Educational Sessions- Reclaiming Vacant Properties Conference (Michael McNair)

- ✓ Community & Neighborhood Development Division & Neighborhood Leader's Council (Michelle McNair)

Chair Golden called the meeting to order at 10:00 a.m.

1. Presentation- Green Hill Cemetery Action Plan

Lee Burnette, Director of Planning and Development, reported that the City's Historic Preservation Commission identified a need related to the historic Green Hill Cemetery located on Leonard Street. The following recommendations span a three-year period and came about as a result of the Historic Preservation Commission meeting that was held in January 2018.

- An Improvement Plan for the Cemetery to be funded, and
 - Improve the perimeter (repairing fencing, adding decorative gates, landscaping)
 - Improve street lighting
 - Relocate the veteran memorial monument
 - Address broken monuments (cleaning and repairing)
 - Develop a "Reflection Area" as a focal point in the cemetery with landscape features, garden, signage, memorial wall, etc...
 - Create promotional literature featuring history of some of the cemetery's influential and notorious residents
- Formation of a "Friends of Green Hill Committee"
- Explore as a possible Guilford County Historic Landmark property [Jim Crow era]
- Funding of the Plan and any initial improvements

Mr. Burnette then recognized several members of the High Point Historic Preservation Commission who were present: Dorothy Darr, Chair Julius Clark, Jerry Mingo, and Phyllis Bridges. He noted the Commission wanted to bring this item to the City Council to establish some plan of funding to move forward with some improvements to the cemetery.

Dorothy Darr provided a budget for the Green Hill Cemetery Action Plan for FY 2018-2019 to Chairman Golden, which included the following:

| | |
|--------------------------------------|------------------------|
| ▪ Two Historic Markers..... | \$4,200 |
| ▪ Development of a Master Plan..... | 1,800 |
| ▪ New landscaping/fencing/gates..... | <u>\$30,000</u> |
| Total..... | <u>\$36,000</u> |

Mr. Burnette entertained questions following his presentation.

Chairman Golden asked where they are proposing to move the veteran memorial monument. Julius Clark noted the monument is not visible and they felt it should be placed in a location where it can respectfully be seen. He explained that they take pride in the community itself and felt the best way to take pride in the community is to invest in it. They are asking the city to invest into this landmark that is significant for pioneers and historians. He shared their main objective is to improve the overall appearance of the cemetery and expressed appreciation to the City of High Point staff for what they have already done as far as cleaning up the cemetery.

Mr. Clark mentioned three apartment buildings and a house that is adjacent to the cemetery and questioned why the city did not enclose it all. He pointed out the house is an eyesore and suggested the city could possibly purchase the apartment buildings and the house to expand the opportunities for additional graves. It was noted that the address of the house was 411 Woodbury and staff indicated that there might already be an active housing case on it.

Phyllis Bridges recommended doing way with some of the boarded-up houses on the outskirts of the cemetery as it would allow for additional space for people to be buried in the cemetery. She explained some of the first generation of free people of High Point are buried in this cemetery, as well as some of their descendants, and some of those family members still reside here and would like to be buried together.

Committee Member Williams suggested it might be a good idea for someone to reach out to these property owners about the possibility of the city purchasing the property. Ms. Darr pointed out the possible purchase of those properties was not for consideration in the 2018-2019 year, but rather a long-range goal for consideration three years down the road. Mr. Burnette noted the Historic Preservation Commission indicated in their plan they would like some kind of initiative be funded to look at the feasibility of these ideas.

Chairman Golden thanked them for bringing it to the Committee's attention. The Committee was in agreement to push it forward to the City Council with a favorable recommendation.

2. Discussion- Possible Picketing Ordinance Amendments

Transcript of Discussion

City Attorney JoAnne Carlyle: I'll begin. What you have in front of you is a track change, a copy of our current Parade and Picketing Ordinance with the changes. And what we've done is we've gone back and we've taken a close look at what we had in place and tweaked it the best we could to balance the city's governmental legitimate interest against someone's right of freedom of speech. There were some areas that we had concerns, which is why you see the cross-out and the new language that is there.

And without reading the entire thing to you, I thought I would just hit some of the high points.

We reviewed it, as I mentioned to you guys before, the Raleigh case *Green v. Raleigh* case really provided a lot of guidance for us lawyers in looking at these types of ordinances to ensure that they fell within the Constitutional constraints.

One of the things that we made sure that we changed was that the discretion for allowing a permit to be issued cannot be just given to a city official. That has to be provided with no subjectivity and the responsibility of that really falls upon Council. Including if the city manager, for example, was to deny a permit, any appeal of that would come back to you guys.

Notice as far as if someone is going to have a Parade/Picket, it's not granting permission and there are certain things that you cannot require. For example, I think we were requiring that the notice be given in writing and you cannot require that be done. It can be given verbally as well.

We made sure that we added an exemption for those that could not afford, even though there's a nominal fee that we are asking for a permit application. I think it's \$10. We do have a clause in there now if that would present a severe hardship on someone to make that payment, that that would not be part of the requirement.

If I could just maybe point out a couple of things. I don't have page numbers, but if you'll just bear with me and turn to what is the second page. I want to point out just a couple of things.

With regards to a permit application, you'll see that we're requesting that a permit application be submitted at least 10 business days and not more than 180 days before the commencement; however, that would not prevent someone from having a spontaneous response to a current event. So even though we have that in there, it's not a strict application.

Chairman Golden: Then why did we put it in there?

City Attorney Carlyle: Because that's what we would prefer. It gives, especially the PD and the staff an opportunity to prepare as much as they need to. You know if they need to get extra law enforcement officers....

Chief Shultz: It's extremely manpower intense for the entire city if we're doing parades or different types of events, we've got to scramble people. We don't have that personnel on standby. So a 10 day notice allows us to get up with Parks & Rec, the Street Department, to pull in the barricades—whatever we need to section off those locations. It allows me to get the officers in and position them.

Chairman Golden: Yeah, I understand about the parade. I guess I was just thinking more about a protest or picket.

City Attorney Carlyle: Yeah, and that's exactly....this language and it's not just in this section, but there are other places throughout this document that allow for a spontaneous event. If it was not allowed to occur within a very short amount of time, it would be moot to even occur.

The city manager has three days to issue under 10-1-275(a), but again that three days is kind of flex given the spontaneous matter that we were just discussing.

On the next page, and again I apologize that they're not numbered, but this will be under Section 10-1-272(b)1, you'll see that our application requires that the name, address and telephone number for a person be given in their application. There's probably going to be a little adjustment there. Instead of it saying that the permit application must contain the following including that, there's clear evidence from the Raleigh case that it can be considered unconstitutional to require the identification of the person by name or the organization with which they are affiliated prior to issuing an application. We're going to be requesting that information in the event that it would be denied for whatever reason, then we would just address that on a case-by-case basis. Because,

again, we've got to take into consideration the law enforcement, the officers, the staff, and everything and also the safety of the citizens.

One of the main reasons that you want to have that request in there is you want to if you can, prevent groups that would be considered "hate groups" or those that might incite riots, etc.... and we want to do what we can to try to protect the city and the citizens interest.

You'll see, too, and you heard me a while ago say that we could not have....and our prior ordinance had a lot of language that allowed a lot of decision-making authority and subjectivity with the manager's office. That has now been removed and there are certain criteria that are listed that the manager....unless these things are found, the manager has to....and it says that the manager shall issue the permit.

In the event any of those are found. If the individual or organization wanted to appeal, that appeal would come before you.

The language is another little minor tweak that I have found. The language currently says that that appeal will be heard before City Council at it's next regular meeting. Instead, I'm going to be changing that where it will reflect that it will be at your next regular meeting or special meeting as you find necessary. Again, all about allowing someone time because it would be unfair in my opinion if you required someone to hear your appeal at your next regular meeting and sometimes you guys don't meet but once a month given community things that are happening. I believe it would be unfair to require someone to wait that extra time.

Again, I apologize for no page numbers, but I will reference Section 10-1-274(a). The language that is in that section deals with the actual cost that the city is allowed to charge for, again, off-duty officers and other expenses that the city incurs due to a parade or picketing. I'm just going to add in there that it would still be based on this criteria, but we'll add the word "reasonable" so that the cost would be reasonable, before we would actually charge that back.

Underneath that same area there, subsection (b) is the area that allows someone that if it is a hardship on them to make that payment, then they would just bring that to our attention and we could not refuse a permit based on that.

I think those really are the highlights of the main changes that have been made. Chief do you want to weigh in?

Chief Shultz: I also think that Section 10-1-285 is important to talk about as well. What I've got to do is I've got the responsibility of protecting the individuals that are picketing, that are out there doing whatever the protests are, and that gives me the authority to actually disperse crowds and protect those individuals out there as well. That's something that our previous ordinance did not address. It allows us to maintain separation. It allows us to keep people from getting in the middle of an organized or permitted event and start disrupting that as well.

Safety is really my major concern out of this to make sure that we've got the manpower necessary. We've got a lot of events. We've got events that are essentially picketing that goes on on a weekly basis. We've got no problems with those. The permitting request is that we have those contacts. I've got liaisons who go out there and meet with those individuals so that we can assure them of

what the rules are, what our rules that we're trying to enforce are, and to answer any questions. So that allows us to communicate ahead of time.

I've got some other safety-related stuff like the sizing of the pieces of stick to hold up the signs. We didn't really have anything that prevents somebody from coming up with a baseball bat and attaching their sign to that. That could be protesters or counter protesters. But, again, the safety is our biggest concern about that as well.

City Attorney Carlyle: I feel really good about the document that we have in front of you at this point in time. Those few little tweaks that I mentioned to you will be in the next version that you see, but otherwise it has been well-vetted. I feel a lot better about the improvements that we have made and appreciate all the input from the PD as well.

Chief Shultz: Previously when we had a Parade Ordinance, which we were trying to squeeze everything into, and it wasn't even effective even for the parades, the 5Ks and stuff. That's the area that we'll go into next with the City Council is look at what all these events are. They are

extremely taxing and expensive for the city to run. There are numerous nonprofits out here that the fundraisers and the 5Ks and the various types of activities that you see out on the streets and they are very impactful on the entire city. So, that is going to be built into....or this is the basis that we'll come back and address some of those issues as well.

City Attorney Carlyle: Another thing, too, I think you guys should be aware is that we have reached out and shared this information with other organizations. I had promised the ACLU when they come to a meeting that I think we had over at Parks & Rec with the old Council, they had requested at that time that I keep them abreast of any development. So, they have received a copy of this. In fact, I sent that out last week.

Chief Shultz: At the same time, I don't see a reference here, but I've shared it with the NAACP, some of my contacts there who brought it back. And I've not heard any concerns from the tracked proposal that as presented before us.

Chairman Golden: I've got a couple of questions, Chief. One, I know you said we kind of fit everything into the Parade Permit, but did we always have picketing and parades lumped together?

Chief Shultz: That's exactly what I'm saying. It was all under a Parade Ordinance.

Chairman Golden: Shouldn't we separate them?

City Attorney Carlyle: Yes.

Chief Shultz: That's our objective out of this. We've got the different subsections now and previously, I don't think our ordinance that we had that we were trying to make work, was effective for either side of the equation.

City Attorney Carlyle: The reason they're together, but separated is that there are some things in the law especially that applies to both of them. But they are separate and obviously different, so it was needed to separate them, but wanted to address them in the same document.

Chairman Golden: And my second question is, if you've got an on-going protest or whatever, and they apply for that initial permit and they pay whatever that fee is, would they have to pay it every week? Or would they just pay it one time?

Chief Shultz: I don't know that we would even go back. If we've got stuff that's ongoing like Indivisible High Point is here on a regular basis, my proposal would be that if we've got an effective relationship and they're ongoing, I don't think we would retroactively make them go back and reapply.

Chairman Golden: That's not what I'm talking about. You've got in here that they would have to apply weekly or whatever in here if it's ongoing. But they can't just apply one time and they meet once a week on Wednesdays.

Chief Shultz: Well, you have to take it in the context of everything. So that would be like saying that the Heart Strides program at the hospital, they could apply one time and do it every year after that because we're talking protests, parades, the events, and all of it in one context. So we would want them to reapply every year for each of the events.

Chairman Golden: Any other questions?

Committee Member Peters: I just think that protests need to be totally separate.

City Attorney Carlyle: And it really is separated out in here. It really is.

Committee Member Peters: Okay, it just seems like for protests, you shouldn't have to do a permit or pay a fee because that is your Constitutional right.

Chief Shultz: Right and in the protests we're also talking about stuff like Charlottesville, Virginia. We're talking about Ferguson. We're talking about Charlotte.

Committee Member Peters: But have we had any issues like that here?

Chief Shultz: Absolutely not, but that's what we're trying to do is to stay ahead of it. I can't have a group that comes down and burns down our city and I go to Legal and say, "What can we do about it?" And they say, well we really don't have a statute or ordinance put into place. So, this is looking at the whole thing. I've got one side where we've got a group that meets with us on a weekly basis. They come up. They've got their procedures. They have their people that deploy their signs. They pick them out, they stand on the streets, and they have after-action meetings afterwards. It's very well organized. Very non-disruptive. They understand how the businesses are in the area and they know they can't block those doors and they know they can't block sidewalks. We've got an ongoing relationship. But, I could have a group of people that get bused into High Point to protect a particular action that we don't have relationships like that with. So this ordinance has to cover the gamut because while we haven't had that, we've got to be prepared in case I've got the "hate groups" that are coming in trying to do something that we don't stand for.

City Attorney Carlyle: And your comment of a protest is protected speech, or I'm not sure how you worded it, but we are talking about speech that is protected by the Constitution. And protest speech is not different from any other form of speech when you apply the law.

Committee Member Peters: It just seems to me like if you're coming peacefully to protest and you're not doing anything illegal, so it doesn't require the police. But, if you're coming in there with bats and stuff, you're conducting illegal activity and then the police can get involved. Is that not correct? I mean if they're coming in and being mean, then I think it would give the police the opportunity to take control. Maybe I'm wrong, I don't know.

City Attorney Carlyle: The law still applies to the speech regardless in the same way and this document definitely covers that. You still have to balance, regardless of whether they're coming peacefully, I mean you don't know that upfront. Not all the time. And you to balance what the governmental interest is against whatever that speech is, and that's what this does. It makes sure that we are prepared. That his group and the PD have what they need. If the staff will need to close streets. All of that. I mean there's some definitely legitimate governmental interests that we have to protect regardless of what kind of speech is coming our way. And then if it is protected,

then they have their rights too. We're doing the same thing and protecting that speech through this document, the same as we're doing for the government.

Chief Shultz: The balance is also what the disruption for the rest of the citizens is out there. Again, this is prohibiting somebody from going into a neighborhood and actually protesting at a house. It's looking at the public aspect of it. It's making sure businesses can continue to operate. It's making sure we're not doing something dangerous. Say, for example, that would keep the hospital and routes to be accessed by EMS and stuff to that effect. So, it's a broad gamut in balancing what the community's safety concerns are as well as what those individuals that are doing the picketing concerns are. And, again, making sure it is accommodating to both sides as possible.

Chairman Golden: You've got 10-1-284, it says that you can't use "fighting" words. Who determines what "fighting" words are?

Chief Shultz: There's some general statute related stuff. Disorderly conduct, for example, has some precise words in there. Words that are intended to cause a fight or retaliation. And we can arrest people for stuff like that. You can't use words that are clearly intended to antagonize somebody into a fight or use of force. So, we've got those types of statutes that are General Statutes from North Carolina that we would apply in these situations that fit our ordinance.

Chairman Golden: I just wanted to make sure it wasn't subjective.

City Attorney Carlyle: Oh, no. No. It's the statutes and case law that help us interpret.

Chief Shultz: Similar to the disorderly conduct or the intoxicated, disruptive type stuff. There's clear aspects on it. And, even the example of "fighting" speech. If you're in your house and we're there, that doesn't impact us, it's once you get outside in the public and the rest of the community starts hearing stuff like that. That's where the statutes in North Carolina and the constitutionality sets in.

Sarah Bullard: I'm sorry. Am I allowed to ask a question in here?

City Attorney Carlyle: It's up to the Chair.

Chairman Golden: Go ahead.

Sarah Bullard: Okay. My name is Sarah Bullard. I live in 27262. I just wanted to clarify, the language seems to be switching back and forth, which sounds like really large groups where you would have to cordon off areas, or can the EMS get in, and barricades. Small groups are?

Chief Shultz: Fifteen or less. That's what the ordinance refers to.

Sarah Bullard: I don't have that information in front of me. So 15 or less, are we still talking about sending a notice through email or something with the required information? Or, are you saying those types of groups have to pay a permit fee.

Chief Shultz: I think 15 was the number that kicked it into some of the more intense requirements for the pre-planning side of it.

City Attorney Carlyle: It is. I'm trying to find the section.

Unidentified speaker: Some sections seem to apply exclusively to parades and it specifically excludes things like pickets.

Chief Shultz: Exactly. Like Chapter 20 laws, is where all motor vehicle laws fall in and it ranges from driving while impaired to not operating your traffic signal. So this is the category that we're using and each of the subsections in there addresses the individual aspect. We didn't talk about block parties, but that's another thing that we also deal with where we're coming in, you survey all your neighbors, you get permission to shut down the streets. Parks & Rec comes out and potentially puts up a tent in the middle of the roadway. Even that's included in here because that's the type of groupings that we're talking about. But it's got its own specific issues there.

City Attorney Carlyle: The language actually says that groups of 15 or smaller may give notice, but they're not required to.

Sarah Bullard: They're not required to give notice if it's under 15. If it's 15 or 16, is it permitted and do you have to pay?

City Attorney Carlyle: Yes. All of that.

Sarah Bullard: How do you know, say in the case of Indivisible, what if somebody pulled over and just got out of the car and stood there with us and we wouldn't have any control over it? What would happen then?

Chief Shultz: Your relationship with us would cover that. You would talk to Lt. Cheeks and say we don't know who this guy is and he would say, "who are you," and he would pull them off to the side to try to figure out what's going on. We probably wouldn't preclude him from being there unless he starts harassing you and causing violations of the policy that we think are towards the

phase where he's about to start fighting you guys as well. So, I think the relationships. Reasonableness always has a big role in law enforcement and I think with the Police Department we always try to be reasonable. So, if you say this person is not with us, we're not going to violate you for not having a permit.

City Attorney Carlyle: Or, if he did, if he winds up being a friend rather than a foe, and it puts your number over, I would surely think that.....

Chief Shultz: If you explain to us that he showed up at the last minute, whatever the circumstances are.

Sarah Bullard: So, in terms of say like if you're out there and maybe you anticipate that you might have more than 15. Where does that fall in the ordinance?

Marianne Royle: It says it shall be unlawful for anyone, for any number over 15 to picket without first going and getting permission. It's not a suggestion.

City Attorney Carlyle: Over 15 without the permit. It's the process.

Chief Shultz: That's what we're looking for. Again, my proposal is that if we've got relationships, I would ask the City Council not to make us go back and redo the stuff that we've got pending right now. Again, it's calling us up and giving us information, hey this week we're going to have 20 people there. I've got a couple of extra firefighters or teachers that are off and can come out and be a part of the group. Again, I'm running the gamut here from Ferguson where we had shots fired and buildings burned. Charlotte same thing. Charlottesville. To what we've got here. Nothing comparable, but it's all covered by the same rules and regulations.

Chairman Golden: The article about the age. What difference does it make if they're 18 or not?

Chief Shultz: Where's that at, Sir?

City Attorney Carlyle: That's part of the....

Chairman Golden: Section 10-1-283, it says you need to know whether or not the person is below the age of 18 so they can participate. So if the number is 15, if they are 17, do they not count toward that 15? Or why is the age important?

City Attorney Carlyle: I think that had to do more with just minors in general.

Chief Shultz: I'm not specifically sure. A lot of these are the best practices that we've seen around and it's just informational purposes so we know who's out there and if there are juveniles expected to be involved. It really changes the circumstances a lot. We're seeing a lot of that in Florida right now. We've got kids that are out protesting right now and I think, I would, because of the number of kids present, I would obviously use that in my formula to figure out how many law enforcement officers we'd have to have out there to protect them and to watch out for what's going on. It's just part of our calculations. I always like to have the data so that if we are caught off-guard, we can be prepared to respond if we needed to.

Committee Member Peters: I've got one more question. So, what if somebody like puts out a Facebook post, or there's something they're concerned about and they don't know how many people are going to come and 40-50 people end up showing up.

Chief Shultz: We encourage them to contact us and say, hey, this is what I'm doing. We've had Black Lives Matter marches that have rallied within just a few days. We've seen some of those. We've had some marches that, essentially, were protests, but they would march around Brentwood, Green, I guess all the way down MLK and around, that we had to scramble out to cover those intersections and make sure that that group was protected while they were out there. The more notice we have, the more opportunity I'm going to have to bring officers in to ensure their safety while they're doing it.

Committee Member Williams: I've got kind of a question and a statement after. Just to be clear. We're trying to tell the difference between picketing and parade. We talked about traffic blocking and so forth, right? Is that more of a definitive way to look at it?

Chief Shultz: Potentially, but, again, I've had protesters. What was Black Lives Matter? The last march I had, was that a parade, or was that a picket? I don't know. You tell me the answer to that and I can answer your question.

Chairman Golden: I would say if it's moving, it's a parade.

Committee Member Williams: That's my point. If it's a traffic blocking event, I thought kind of fit more or unless under the parade and would require....

Chief Shultz: I really think that a lot of things really....I think that's a completely different thing where the Holiday Parade where we've got everybody that comes out, the community lines up on Main Street. Here, I've got the potential of counter protesters and it's a mobile situation. It's really dangerous for us. We really have to be monitoring who's driving around these groups that are protesting, or parading or marching, whatever it is. But, it's really political and I think it's really hard to tell the difference between the two sometimes. So I think those lines cross pretty easily.

Unidentified speaker: How do you differentiate between the spontaneous protests in terms of what you're laying out here?

Chief Shultz: My guess is it's current event driven. If it's something that spontaneously happens. For example, a law enforcement shooting across the country that the public deems is the unconstitutional misuse of power, and also there's protests that come up. In Florida, we had a student go in and actively shoot and murdered dozens of students out there. And now we're having the results of that. That wasn't something they had pre-planned. That was an active and spontaneous situation. So, I think that's how it is. If it's protesting. If I can use immigration as an example, that we know this is ongoing and we've got DACA concerns, and this is something that we've got in place and ready to go. I would think that wouldn't be spontaneous.

Unidentified speaker: But how do you treat it different?

Chief Shultz: Through the permitting process. We understand that the permitting process generally takes a little bit of time and has work involved in it. If it's spontaneous, sometimes that won't be allowed because by the time we got through it, your ability to protest that would be kind of muted by the fact that we took so long to get that approval done. So, we're trying to make sure with the spontaneous events, you guys could get out there and really circumvent the process so that you can be effective in what you're trying to achieve.

Unidentified speaker: In the event of breaking news, we're constitutionally protected to immediately assemble like what he's talking about. That would also apply to what we do every single Tuesday and have been doing for the last year. Do you know why? Because when news breaks each week, we respond. We go according to what has happened recently. The most recent news, therefore, we respond. And, we don't just go out there to picket or whatever. It's always in the event of breaking news, every single Tuesday for the last year.

Chief Shultz: And again, my hope is that if you've got an idea of what's coming up, you can give us notice so that we can better serve you guys as you're going out there for whatever organizations are doing this. It's giving us advanced notice. Nobody likes a surprise and say, hey, we need 20 officers over here. That would wipe out the rest of my city and services to the rest of the community.

Marianne Royle: Could I just ask one short question and that is, have any other cities in this area, do they have the same kind of requirements and ordinances that you are proposing?

Chief Shultz: These are the best practices that I've seen across the country.

City Attorney JoAnne Carlyle: It is.

Chief Shultz: I've got legal counsel for the NC Association of Chiefs of Police that goes out, inquires, and looks specifically at what lawsuits are happening. I've heard concerns about the prior ordinance. So, we're always looking at what the best practices are. One is constitutionally to stand up to the challenges out there and that's what this is. This is the best practices—not necessarily from Archdale and Thomasville, but from across the State. Specifically, we compare ourselves with the bigger cities and this is what the best recommendations are based on court cases that have gone through and had success.

Marianne Royle: So Greensboro has it?

Unidentified speaker: No, no they don't.

Megan Overstreet: No other city in the Triad requires.....

Deputy City Manager Randy McCaslin: Please let the Chair recognize you.

Chairman Golden: I can't speak to what Greensboro or Winston has. I do have this document that I just received, but haven't had time to look at it.

City Attorney Carlyle: And I can't speak to whether or not the ordinances you may be referring to have been vetted properly or not. I know that what you have before you has been. It is based on best practices. It is based on case law interpretation.

Chairman Golden: What I just need to know is that we are not doing anything that would infringe on anybody's rights and you guys have made sure that this document doesn't do that?

Chief Shultz: I think it goes far towards protecting your rights, protecting everybody else, but also keeping that separation to make sure that all parties are kept safe and allowed to exercise their rights.

Chairman Golden: And the next thing, we will be getting a copy of this that's been cleaned up and polished?

City Attorney Carlyle: It is. As you know whenever you have an ordinance amendment, which is what you have before you, you have the underline, the strike-thru and all of that. Those two or three little additions of a word here or there will be the only changes that you see. I can give you one that will be where you can accept the track changes so you'll see the final rather than all of the red that's been deleted and all of that. I'll give you both.

Chairman Golden: And when will that be?

City Attorney Carlyle: I can give you that within the next day or two and I presume it's up to you guys when you want to take it to Council.

Chairman Golden: Let's get it cleaned up and look at it one more time before it goes to Council.

City Attorney Carlyle: Okay. I will have that to you this afternoon or tomorrow.

[end of transcript]

3. Code Enforcement Update (Minimum Housing and Demolition process)

Lori Loosemore, Local Codes Enforcement Supervisor, provided an update on several reoccurring, on-going housing issues, and focused mainly on the Minimum Housing and Demolition process. She explained that Council may be getting calls from people that feel staff is not moving fast enough when it comes to demolitions, but offered assurances that in reality, staff is working on it, but certain processes or procedures have to be followed.

She noted from a citizen's point of view, they feel that a housing case that starts with an inspection on January 1, should be abated and taken care of by March. She shared the workflow that staff uses and noted at any point the property owner has the ability to repair and close it out by making the repairs and taking care of the violations.

She then shared the reality of the role that the inspector's play in the process for an inspection that is initiated in January.

- ✓ Inspector conducts inspection of the property to determine if violations exist.
- ✓ If it is a demolition case, a determination has to be made whether or not the anticipated repairs exceed 65% of the value of the property.
- ✓ A title search has to be conducted.
- ✓ Inspector gets everything issued and entered into the system.
- ✓ Notifications to the property owners are mailed by regular mail and certified mail.
- ✓ If the property is tied up in an estate or is heir property, that requires additional time and has to be advertised in the newspaper.
- ✓ Inspector then schedules and holds a hearing, but the property owner is not required to attend.
- ✓ Inspector has to determine at that point if all the owners of the property were properly notified.
- ✓ If there is any doubt that someone did not get properly served, it requires the process to be restarted.
- ✓ If it is determined that everyone has been properly notified, the next step is to issue an Order to Repair (the timing is set by General Statute, and staff grants an additional 30 days).
- ✓ Inspectors then go back out and do another inspection to see if any repairs are being made.
- ✓ Sometimes people in between the inspection and the Hearing and the Order to Repair, the property owner decides to sell, which also prolongs the process.

Ms. Loosemore explained that each step requires further evaluation and determination. After the Order to Repair is issued, staff generally grants a 30-day extension just as a due process because they want people to feel like they have had their rights protected and have had the ability to respond, and, additional time to get their financing in place. Another consideration in the summertime is whether or not the property owner is keeping the lawn mowed and bushes trimmed; however, if this is not the case, then staff proceeds and brings it to City Council after getting the documentation in order and the pictures together. By this time, it could be well into June after the case started in January. If the City Council upholds the demolition, the property owner has 30 days to appeal the order, so nothing is done for 30 days. Then, the structure is inspected for asbestos and if asbestos is found, it has to be abated. So the case that was started in January might be demolished by September, providing there are no issues.

Ms. Loosemore advised that the Minimum Housing process is set out in the North Carolina General Statutes (guidelines, hearing, due process, legal notification, etc...), but the Minimum Housing Ordinance as far as what the violations are, are set by each municipality. She further explained that at any point in the process, staff could learn something about a case, which might warrant them to re-start the process because any mistakes could subject the city to a lawsuit.

She stated that staff does make every effort to work with property owners by granting extensions, but they must show that they are making progress and must meet the benchmarks and timeframe that they set and agree to. Staff also works with property owners that want to sell their property and take into consideration if they are being realistic in their expectations and if they are really motivated to get rid of it in an effort to improve the neighborhood.

Ms. Loosemore entertained questions following her presentation.

Committee Member Peters asked about trash in yards. Ms. Loosemore explained that would be handled under the Public Nuisance procedures, which are separate from the Minimum Housing Ordinance.

Mr. McCaslin asked Ms. Loosemore to bring the Committee up-to-date on a couple of housing cases that would be brought to Council in the near future.

Burned Structure on Wiltshire (Minimum Housing Case)

Ms. Loosemore advised a fire occurred in 2013 at a structure on Lexington/Wiltshire and staff is addressing it under the Minimum Housing process. Staff has conducted an inspection of the property several years ago, but some legal issues surfaced, which prompted the process to be re-started. Staff plans to bring a demolition order for this structure before the City Council at the next meeting. Ms. Loosemore explained that the property owners did not have insurance on the property and right after the fire, they renovated a 650-square foot accessory structure located in the rear of the property and they have been living there since that time; however, their plumbing and electric are still attached to the main dwelling which has been deemed inhabitable due to the fire. Typically, the main structure is demolished, along with all dwellings on the property.

Staff did reach out to the property owner and notified them that if they plan on living in the accessory structure, they would have to move all of the utilities that are currently going through the main structure, to the accessory structure so the utilities can operate independently. Mr.

McCaslin added that the neighbors have been very patient since the fire, but are not starting to lose their patience.

Reggie Hucks, Building Inspector, reiterated that if the main structure is demolished, it would require the electrical and water service to be moved and dedicated solely to the accessory structure they have been living in. Mr. McCaslin asked if staff has calculated a cost estimate for this to be done. Mr. Hucks advised that the property owner did contact him and indicated he had two estimates at \$30,000, but he thought this was extremely high. He estimated the cost to move the utilities to be in the range of \$3,000 to \$5,000. He noted that the property owner says he does not have the money to have the utilities relocated.

Mr. Hucks shared some photographs that he had of the structure which show the roof completely open and advised that it has been taking in water since the fire occurred in 2013. He stated he has tried to get on the property to get better pictures, but the property owner has not been very amicable and noted there is a locked/gated fence around the perimeter of the property.

Although a case was started several years ago, Mr. Hucks felt that the structure was definitely condemnable and recommended the process be re-started to condemn the fire-gutted, inhabitable structure. He advised the letter he sent to the property owner was merely an order to take corrective action, which means the owner must move the utility services from the burned structure to the existing structure he is currently living in, so the burned structure can be demolished.

The property owner has reached out to the city and asked for assistance to help move the utility services, but there are no resources available.

Committee Member Williams inquired about the timing of when staff notified the property owner of the corrective action. Mr. Hucks noted he sent the letter on February 12th.

Mr. McCaslin advised that staff wanted to share this information with the Committee, but no action is anticipated from the Committee at this time. The matter will be on the next City Council agenda.

City Attorney JoAnne Carlyle recommended looking into obtaining an Administrative Warrant for further inspection of the property. Ms. Loosemore advised that the property owner did appear for one of the hearings at which time they stated they did not have the money and did not have insurance on the home, so they could not make the repairs. At that time they were referred to the Community Development & Housing Department to see if funds might be available to assist them provided they met the qualifications; however, the property owner never reached out to the Community Development & Housing Department.

Burned Structure at 1013 Johnson Street

Ms. Loosemore advised this is a case that was brought before the City Council in August of 2017. At that time, the property was sold, and staff agreed to grant additional time for the new purchaser of the property to submit a schedule for the necessary repairs. They worked with the High Point Preservation office and submitted an outline and promised a lot of things, so the extension was granted and the matter was pulled from the Agenda based on that.

Since that time, nothing has happened and the property remains in the same state, other than a fence and tarp being put up. Ms. Loosemore advised that she spoke with the property owner last week and was told that they are still in the process of determining what they want to do with the property and shared some ideas. After they shared the ideas, they were informed by staff that it may require some change of use for the structure since it would not be going back as a residence, and would be more like an events center or a church annex building. The property owner was told that this change in use might impact the zoning as well.

Ms. Loosemore advised that the current owners did purchase the property knowing the status and were aware there was a lis pendens recorded. She noted that staff would more than likely be bringing this matter back to Council for further action. She will know more after meeting with the property owner next week.

Committee Member Williams asked if there were any restrictions and if the city would have to seek permission from the historical society to demolish it. Ms. Loosemore stated she was unsure if the action of the previous owner would still apply and noted the previous owner had applied for the Certificate of Appropriateness for demolition, but she believe the new owner would have to re-apply. She noted that since it is on the National Historic Register, they do have the ability to delay it for 365 days if they choose. Ms. Carlyle advised that sometimes the danger of the structure can outweigh that.

Committee Member Peters shared the history behind the house and explained that the property was purchased by Rick Lewis, and his wife actually grew up in the house, which she is very passionate about. She understood that they may get St. Mary's to do something with it like fixing it up for a residence for interns in some kind of internship program. Assistant City Manager Randy Hemann cautioned them from a zoning standpoint to check out the commercial use for the property and pointed out there is no commercial use in this corridor.

1227 Pearson and 613 Manley

Ms. Loosemore provided an update on these two housing cases that have been on the pending list. She anticipates bot going back before the City Council on March 19th due to no progress being made on either one.

4. Reclaiming Vacant Properties Conference

Michael McNair, Director of Community Development and Housing reported that the Center for Community Progress hosts a conference entitled “Reclaiming Vacant Properties.” High Point has been an active participant in this conference since 2015. The conference provides a substantial amount of training and covers redevelopment and reclaiming of vacant properties. This year’s conference will take place in Milwaukee, Wisconsin May 15 - 17, 2018. He distributed a list of the educational opportunities that he pulled from their website.

He expressed the need to pull together a team that plans on attending this year’s conference. Taking off her “attorney hat,” Ms. Carlyle shared that this is an extremely exciting conference that will set you on fire to come back to High Point and do great things. She pointed out they have picked up great ideas from these conferences. Mr. Hemann noted the Receivership legislation currently being considered is one example noting there are 17 states that have such a program, but North Carolina does not yet.

Mr. McNair asked that the Committee let him know whether or not they would like to attend so he can coordinate with Cindy Smith to get the travel arrangements worked out.

5. Presentation- Community Building Activities

Michelle McNair, Community Resource Manager, provided an overview of the Community & Neighborhood Development Division (CNDD) and what they do.

Their office is currently located at 201 Fourth Street and the center has:

- ✓ A 12-station computer lab (including resource information, newspapers, and books)
- ✓ Two conference rooms (a multi-purpose room and a small conference room for public use)
- ✓ Staff offices
- ✓ Kitchen

The CNDD is charged with developing and implementing the department’s non-housing strategies to implement community capacity development activities that promote stronger neighborhoods. Capacity-building and technical support for neighborhood associations and Public Service grants are two of their primary focuses.

Ms. McNair elaborated on Capacity Building and the Neighborhood Leader’s Council.

There are currently ten (10) neighborhood associations/watch groups and a staff member from the department attends every neighborhood meeting. Ms. McNair identified the breakdown of these neighborhood associations/watch groups by wards as follows:

Ward 1:

1. Five Points Community Pride (not currently active)
2. Washington Street Neighborhood Association
3. Washington Terrace Neighborhood Watch

Ward 2:

1. Burns Hill Neighborhood Association
2. Macedonia Neighborhood Association
3. Pershing Street Community Watch

Ward 3:

1. Highland Mills Neighborhood Association
2. Southside Neighborhood Association
3. West End Neighborhood Association

Ward 4:

1. Oakview Citizens' Council

Ms. McNair reported that an important responsibility of the department is processing and awarding the Public Service Grants. The City of High Point annually sets aside a portion of its Community Development Block Grant (CDB) entitlement to fund public service activities provided by local community-based organizations and nonprofits for the benefit of low to moderate-income residents. These funds are allocated through a competitive process where the Citizens' Advisory Council (CAC) reviews all applications and makes recommendations for funding to the City Council. She provided a summary of the FY 2017-2018 CDBG Public Service Grant Awards totaling \$60,175 that were awarded to ten (10) organizations/nonprofits.

The department also provides income tax assistance through their Volunteer Income Tax Assistance (VITA) Program. Individuals/families with a household income of \$55,000 or less are eligible for free tax preparation. These services are now offered at several sites throughout the city, six days a week. This work is done completely by local volunteers who are Internal Revenue Service trained, and with the assistance of VITA partners to expand services/resources to taxpayers beyond tax preparation. Since the sites opened on January 22, 2018, 397 tax returns have been filed resulting in Federal refunds in the amount of \$654,000, and \$55,827 in State refunds. Since the inception of the VITA Program in 2007, a total of 4,778 returns have been filed resulting in \$5,724,859 in Federal refunds.

There being no questions and no further discussion, the meeting adjourned at 11:38 a.m. upon motion duly made and seconded.

Respectfully Submitted,

Lisa B. Vierling, MMC
City Clerk

Jeffrey J. Golden, Chairman