

City of High Point

*Municipal Office Building
211 S. Hamilton Street
High Point, NC 27260*



Minutes

Wednesday, August 4, 2021

9:00 AM

Council Chambers

Prosperity and Livability Committee

Wesley Hudson - Chair

Michael Holmes

Cyril Jefferson

Monica Peters

Jay Wagner, Mayor (Alternate)

Britt Moore, Mayor Pro Tem (Alternate)

**Prosperity and Livability Committee - Council Member Wesley Hudson,
Chair****CALL TO ORDER**

Chairman Wesley Hudson called the meeting to order at 9:07 a.m. Following a roll call, the following attendance by Committee Members was duly noted.

Present (3): Chairman Wesley Hudson, Committee Member Cyril Jefferson, and Committee Member Monica Peters

Absent (1): Committee Member Michael Holmes

Staff Present:

Tasha Long Ford, City Manager; Randy McCaslin, Deputy City Manager; JoAnne Carlyle, City Attorney; Eric Olmedo, Assistant City Manager; Jeron Hollis Managing Director; Robby Stone, Public Services Deputy Director; Chris Andrews, Development Administrator; David Fencl, Senior Planner; Lisa Vierling, City Clerk; and Mary S. Brooks, Deputy City Clerk

Also Present:

Paul Johnson, High Point Enterprise; Bernita Sims, James P. Mayes, Elma Hairston, Brad Lilley, and James Adams

PRESENTATION OF ITEMS**[2021-344](#)****Discussion-Local Historic District Designation Process & Possible Funding**

Staff will be discussing a request by the Washington Preservation Society for Washington Street to be designated as a Local Historic District.

David Fencl, Senior Planner, Planning and Development Department extended greetings; said that he coordinated the city's historic preservation program along with Chris Andrews, Development Administrator; received request/petition from the Washington Preservation Society for Washington Street to be designated as a Local Historic District; explained the difference between national registered and local historic districts; Washington Street is one of the city's 6 national registered historic districts that was established in 2010; spoke to federal standards for the national registered districts required to utilize tax credits; local historic districts

were formed as zoning overlay districts with additional zoning controls such as architectural structure appearances; local districts have no effect on property taxes; changes are managed by the Historic Preservation Commission (HPC). Mr. Fencil explained how the petition process worked; the HPC would prepare a local designation report; once completed, it would be presented to the state for review; timeframe would be around one month; then a decision would be made on proposed boundary changes; the HPC would make a decision; then, if recommended by the HPC, the request would be forwarded to the mayor and city council to make a decision whether to move forward with the process; then the Planning and Zoning Commission (PZ) would take the next steps with the zoning amendment process; next the mayor and city council would designate the district as a local historic district which would then require changes to be made to the city's design standards (last updated 2017); said that the planning process with property owners and developers in the area would result in additional charges for being in a local historic district.

Chairman Hudson asked where the national registry areas were located. Mr. Fencil replied that the National Register Historic Districts were as followed: Oakwood, Sherrod Park, West High Street, Washington Street, Uptown Suburbs, and Highland Cotton Mills Village.

Mr. Andrews extend greetings; said that the development ordinance could assist the historic district with potential redevelopment issues; Washington Street was in a mixed zoning district; gave an overview of the requirements for this district such as not having any parking requirements, building standards, etc...; if the request is approved, staff would review new developments request which would require a fee (filing for a certificate \$40 for appropriated work, and \$80 for major work-timeframe of 2 months); explained the request process for developers; noted that designation would not prevent demolitions for properties that were neglected with code enforcement violations; and stated that today's update was for informational purposes only.

Mr. Fencil stated that the John Coltrane House was not included in the national registered historic district.

Committee Member Jefferson inquired on the percentage of property owners that signed the petitions; on comparables for mixed use districts in other cities; and on the impact the request would have on future street repairs. Mr. Fencil replied between 70%-75% homeowners signed the petition; and said that there was not a specific limit needed to process the petition. Mr. Andrews replied that staff would research comparables for mixed use districts in other cities; and that streetscape improvements would go through the COA process.

Chairman Hudson inquired if the district was designated as a local historic district; could that designation be removed. Mr. Andrews replied that the designation removal would have to go through a zoning change process.

Committee Member Jefferson recognized former Mayor of High Point, Bernita Sims to speak on the local historic district request.

Ms. Sims said that the process should move slowly; voiced the need for actual maps showing the location for the district request when presenting to council/committee; knowing what the cost would be once established for existing entities; and voiced the need for a thorough research to be conducted for what the impact would be in the area.

JoAnne Carlyle, City Attorney recognized Meghan Maguire, Assistant City Attorney, and legal counsel for the HPC to explain the process for said request.

Ms. Maguire said that the HPC voted to move forward with a vote of 7-0; the petitioners presented a presentation at the HPC meeting in support, and asked the city for funding to continue the process; said that today's update was for informational purposes only; the planning department was looking into the funding and logistics before the request would go before council; and explained the steps required in the process determining the special character of the project.

[2021-345](#)

Presentation-Stormwater Improvement Projects Policy

Staff will be giving a presentation on the Stormwater Improvement Projects Policy.

Attachments: [8-3-21 Stormwater Presentation](#)

Robby Stone, Public Services Deputy Director extended greetings; made a PowerPoint Presentation (PPP) on the Public Services Department Stormwater Improvement Program (SIP); provided an overview of what the stormwater division did; shared the history regarding the Stormwater Program; said the Clean Water Act of 1972 created the National Pollutant Discharge Elimination System up until 2003 where the City of High Point obtained an NPDES Phase II permit; discussed the two main functions which were maintaining the stormwater drainage systems located in the public rights-of-ways, and maintaining stormwater drainage systems located on private property; said that the SIP was available to assist property owners with storm drainage problems; explained the Program's process for qualification requirements; said that the program did not apply to new construction projects or to the maintenance of privately owned water quality devices, or pipes greater than 42 inches in diameter; said that property owner(s) would be responsible for paying for all materials necessary for construction, and for future maintenance; the city would provide all engineering and plans for the work to include the scope; explained the stormwater residential billing rate for 1 ERU which was currently \$4.00; the commercial bill rate for 1 ERU was \$4.00, and were charged based on their total ISA; provided cost comparisons for the Program; and was requesting a suspension for the Stormwater Improvement Program for an indefinite time due to current SIP backlog-18 months, dissatisfied customers for

delays, to re-write the current SIP Program, and to focus on backlog and stormwater improvement needs with the R/W.

Committee Member Jefferson inquired on the timeframe for the suspension. Mr. Stone replied that the suspension was contingent on the re-write of the SIP, and completion of backlog.

Chairman Hudson moved to forward this matter to the City Council with a favorable recommendation and place it on the August 16, 2021 City Council Agenda for approval. Committee Member Jefferson made a second to the motion. Following a roll call vote by Chairman Hudson, the motion carried by the following 3-0 unanimous vote.

Aye (3) Chairman Hudson, Committee Member Peters, and Committee Member Jefferson

Absent (1) Committee Member Holmes

[2021-349](#)

Presentation-Bulky Item Collection

Staff will be giving a presentation on the Bulky Item Collection.

Attachments: [8-3-21 Alternate Bulk Collection](#)

Robby Stone, Public Services Deputy Director recognized Greg Holt, Solid Waste Collections Superintendent for his hard work and efforts in managing the solid waste collection department with 17 years of industry experience; made a PPP on the Alternate Bulk Collection-Meeting Today's Demands; provided a list of bulk items that were collected weekly such as sofa's, and mattresses, etc...; proposed that the weekly bulk collection be changed to bi-weekly bulk collection; provided a list and explained the following savings that would be made as followed: savings on fuel cost, reduced overtime costs, more consistent bulk collections, maximize on software usage for collection purposes, and relief for weary staff; said that the weekly pickups had a physical and mental toll on operators; voiced safety concerns; said that solid waste job was the 5th deadliest profession in the United States; spoke to the impact on the reduction in work force; gave an overview of the change implementation, if switched to bi-weekly, that included the following: sending mailers with month utility bills, utilize various social media platforms, share within our educational session, and highlighted on the city website.

Committee Member Jefferson inquired on other cost savings. Mr. Stone replied that there would be savings on major maintenance requirements for the trucks due to less use.

Committee Member Peters voiced appreciation for the Solid Waste department's

employees hard work and efforts.

Committee Member Jefferson moved to forward this matter to the City Council with a favorable recommendation and place it on the August 16, 2021 City Council Agenda for approval. Committee Member Peters made a second to the motion. Following a roll call vote by Chairman Hudson, the motion carried by the following 3-0 unanimous vote.

Aye (Chairman Hudson, Committee Member Peters, and Committee Member Jefferson)

Committee Member Holmes

2021-346

NAACP Request-Commission on Reparations

James Adams, President, High Point Branch of the National Association of the Advancement of Colored People (NAACP), made a presentation to the City Council on May 17, 2021 and asked Council to consider a "Commission on Reparations." At that time, action was taken by the City Council to refer this matter to the Prosperity & Livability Committee for further discussion.

Attachments: [A Call to Action and Resolution for Creation of Reparations Commission.pdf](#)
[NAACP PowerPoint Presentation.pdf](#)

Transcript

James Adams: To our City Manager, Ms. Logan Ford; City Council Members, city officials and all of you with us today. Good morning. I'm James Adams, President of the High Point Branch of the NAACP. I thank you all for being here with us this morning and for this opportunity. It's been close to two years that we have been working on this project on the subject of reparations. It is Ms. Dories Patrick who brought this committee together and helped us get to this conversation. We thank her for her efforts. We have Ms. Mayor Bernita Sims with us today, Rev. Brad Lilley, and Ms. Elma Hairston, all on our committee. I'd like to take a moment now to offer you the chair of our reparations committee, retired tenured professor of the Department of Political Science of Criminal Justice at North Carolina A & T University. Before joining the university, he engaged in the private practice of law. His professional experience has included more than 26 years of distinguished service to the United States Department of the State. He earned his bachelor's degree from Princeton University in 1974; his Master's Degree at Ohio University; and his Doctorate in Juris prudence from the University of Baltimore School of Law. He's a member of the Maryland Bar and the United States District Court for the District of Maryland. I give you Mr. James P. Mayes, the chair of the High Point Reparations Committee. And, I just want to say that I

thank all of you for being part of this process. We've had challenges, but we are also having some successes. So, I'd like for you to take a moment and listen to our Chair, Mr. Mayes.

James P. Mayes: Good morning. Thank you all for being here this morning, the chair of this distinguished panel; to all the other panelists, we thank you for your work; the City Council members. I would also like to thank the committee members as our president just did and I'd like to thank the branch members of the NAACP and the many people in this community who have helped us do the work that we do. We think that it's important for all American citizens. Our motto, thanks to our member, Elma Hairston, is "One High Point, One Community" and we want to emphasize that, especially in these times with some of the discussions we have that can put us on different sides of the table. I won't say opposite, but different sides.

So, to start, let me just make an observation and you've probably heard this story told better. There were two friends, two young boys. One was a Baptist and one was a Presbyterian and they decided to go to each other's church. So, the Baptist kid went to the Presbyterian Church the first Sunday and as he sat in the pew he kept asking his Presbyterian friend, why does the minister do that and why are people doing this and went on and on. Very patiently, his Presbyterian friend explained to him. The next Sunday, the Presbyterian boy went to the Baptist Church. They sat in the front pew and Mr. Minister got up and he took off his watch and laid it on the podium and the Presbyterian kid said my minister doesn't do that, why did your minister do that. He said that Baptists want to look at the time, you know, keep track of the time and the Presbyterian kid said what does that mean? And the Baptist kid turned to him and said not a damn thing. [laughter] I'm not going to take too much time this morning. I'm going to keep my wrist watch on, but I want to make sure that I go through each of these slides so we can have a conversation. And I left packets for each of the members of this committee. We do have a PowerPoint, is that something that I can operate from here?

Chairman Hudson: Yes, we'll let Mr. Manager go grab IT.

James P. Mayes: So, while we're waiting for the technology, we are here today because on May 17th, our president, James Adams, made a presentation to the High Point City Council requesting....

Noelle Varga: Do you have the presentation?

James P. Mayes: I sent a copy to Mr. Hudson, but I did, just in case....

Chairman Hudson: Sorry, that got forwarded to everyone except her. I apologize.

James P. Mayes: That's alright. You always have got to be prepared, so let me

give her my thumb drive. Now, she just needs to bring up the right file, so I won't be embarrassed here.

On the 17th of May, there was a presentation made and the President of the High Point Branch of the NAACP asked City Council to consider creating a commission in the City of High Point to explore reparations. There was some discussion that night and it was decided unanimously that this matter should be referred to the Prosperity & Livability Committee. Subsequent to that decision, we were in touch with Mr. Hudson who scheduled our presentation this morning. It is our aim, where we want to go with this is to convince you that it's in the best interest of this community to create such a commission and to charge that commission with the specific responsibility of exploring, deliberating, discussing the issue of reparations for African American citizens of High Point.

So, the Resolution which we had provided copies in the packets. There are other copies on our website that you can take a look at, but it asks for two things. The purpose of the resolution and I'm quoting here is, "to study and consider a municipal apology and proposal for reparations for the institution of slavery, its subsequent De Jure and De Facto racial and economic discrimination against African Americans" and you can find that in the resolution in Section 1-the Summary.

Secondly, the purpose of the Resolution, "is to establish a commission to study and develop Reparation proposals....to identify, compile, synthesize the relevant corpus evidentiary documentation in support of reparations. And that is in the Resolution, Sections 2(B) and Sections 3(A)(1).

Let's see here if I can navigate this. I'll wait until she comes back.

So, what is reparations? Like many things in the news today, there are a lot of terms being thrown around and you know, reparations... is it the new deal, the chicken in every pot and so on and so forth? Is it a great society? What are reparations? What are we talking about here? Reparations is a legal remedy at law and equity. And, forgive me, I'm going to throw around a little legalisms' here this morning, but I want us all to be on the same page. In our legal system, we have law remedies at law and remedies at equity. And it seeks to compensate for the harm of a wrongful act inflicted upon a person, an individual, or group of individuals. Reparations seek to restore or repair a person to a sound, healthy or otherwise favorable condition. For as we say in the law, to make a person whole. Reparations is a well-established principle in Tort Law, and tort law of civil wrongs, contract law, property law and criminal law.

So, what kinds of things come under these legal remedies in our system? So, the lawful remedy, or the remedy at law, includes like compensatory damages, consequential damages, punitive damages, nominal damages, liquidated

damages, and on and on. And the law of equity, and this is important, I want us to keep this in the back of our mind, injunctive relief, accounting for profits, constructive trust, equitable liens, declaratory relief, specific performance. In each of these remedies, these types of remedies, are always operating in our legal system. In fact, most legal disputes involve these kinds of remedies. If it's a criminal matter, we ask for restitution and we talk about restorative justice or reparative justice, right. If we're talking about negligence, we're talking about compensating the victim whether it's intentional negligence, it is the type of negligence that comes from an oversight to put the person or persons in the position they would have been in, but for that injury. So, reparations focuses on this.

Now, the Right of Reparations is recognized internationally. So, when we present this to the City Council, we are following in the footsteps of well-established legal principle. In legal terminology, we call this *Jus cogens* meaning it's a well-established legal principle that does not need to be questioned. So, in International Law, the concept of reparations has a long historic record dating back to the conflict of Rome and Carthage and it's carried forth since the ancient times. In the principle of International Law, the principles of International Law, affirms the obligation to provide reparations dating back in our modern time.

Noelle Varga: Is the slide you need?

James P. Mayes: Well, let's go forward. So, I can just use this button?

Noelle Varga: Yes.

James P. Mayes: Okay, great. We'll wait for the curtain to come up and you all can see what I'm seeing.

Chairman Hudson: My apologies again.

James P. Mayes: No, that's okay. Okay, there you go. Great. So, let's go to the next slide. So, under International Law, reparations consist of five things and I need to say that the United States is a signatory to the convention on Human Rights that includes reparations. All reparations initiatives include five things: restitution, compensation, rehabilitation, satisfaction or disclosure of the truth which could be referred to declaratory relief and guarantees of non-repetition. In other words, that whatever wrong took place before is not going to happen again. Okay, we want to make sure that it doesn't happen again. Let me go back. So, for those of you who have the presentation, I endeavored to put where you could find these references that I'm making. I believe, Mr. President, we can post this on our website where the public can go and look this up and go over the sources that I'm using.

So, what are some historic examples of reparations since we're talking internationally? I'll just run through these. West Germany, of course paid reparations to the State of Israel for the Holocaust. Not only did the reparations include restitution and compensation for people who survived the Holocaust, but Germany is still paying reparations. So, it's not only people who directly harm, but it's all the descendants of these people who were affected by this Holocaust. The approximate amount of payments today is about \$89 billion.

Argentina and this is more recent in our times, for those people who were disappeared by the military, the military government, that's where their term, *nunca mas*, never again, okay, no repetition of what happened again. The Argentinian government paid victims, the families of those, mostly young people who were thrown out of helicopters and planes.

Canada, we've seen some things in the news lately about the Indian schools, right? Discovering the bodies of children and one particular case, they gave over 250,000 square miles of land, restored to the First Nations and Inuit.

And the government of the Republic of South Africa, they didn't complete their execution of reparations, but never-the-less, it's an example of a decision being made that for the practice of apartheid that the government owed some restitution, some compensation to the people that suffered it.

And finally, as an international example, we have Japan and they are still paying on this to survivors, to women who survived the World War II disgraceful situation of servicing the Japanese troops who were in Korea and elsewhere.

So, you say, okay, Mr. Mayes, that's international and we're in the United States. Let's talk about right here. In the United States', the principle of reparations is well established in civil and criminal law. Both common law and statutory law recognize the legal and equitable remedies of restitution, compensation, rehabilitation, satisfaction (declaratory relief) and guarantee of non-repetition for specific performance.

Examples of reparations in U.S. history....I'll give you a few. And there's a much longer list. There's some 50-60 examples that exist in a document. I couldn't put all those examples here or we would be here for a long time, so I tried to take some things.

To an individual, Belinda Sutton, or Linda Royall, who sued the former estate of her owner. She was awarded a pension. It was in 1783.

General Sherman, we've all heard about the 40 acres and a mule. Again, a government order, it was a field order by a military officer.

The First Nations remedies and there are many, many of these where treaties were made with the various nations. Those treaties were subsequently broken and the government recognized the validity of these treaties and compensated and tried to make these people whole for the injuries that they suffered. And I'll give some examples here. The Pueblo Lands Act of 1924; the Shoshones Act of 1927; the Indian Reorganization Act of 1934; the Indian Claims Commission, there were maybe 20 or 30 different nations involved in that; the Navajo-Hopi Rehabilitation Act of 1950; House Resolution 471 restoring Blue Lake to the Taos Pueblo in 1970. There are many others.

Reparations in the case of the Tuskegee Experiment, victims and their heirs were awarded damages. I think we're all familiar with that. Again, another disgraceful episode in our history.

The Civil Liberties Act of 1988, compensation to the survivors of the Japanese internment camps-that's well within our lifetime memory.

Rosewood, Florida Massacre of 1923; survivors were awarded damages a remedy at law.

Forced sterilizations here in North Carolina, okay. I went out and I took a look at the report from the Commission on the Sterilization; it's a rather moving report.

And numerous educational and religious institutions have elected to pay damages for past wrongful conduct with respect to slavery, Jim Crow and discrimination.

Reparations, it exists as a lawful and equitable remedy on the international level. It exists as an equitable and lawful remedy on the national level, but you say, again, and you phrase the question, Mr. Mayes, we're in North Carolina. Can we do this here? I have an answer for you.

Does North Carolina recognize the legal principle of reparations? Of course it does. I'll give two examples and I won't be long, we're about to wrap this up. Okay. North Carolina recognizes the kinds of restitutions in its civil and criminal law, specifically referred to the criminal law here. The concept of reparative justice or restitution and in some cases, it is statutorily mandated restitution and I'll give you two statutes to look at. Section § 15A-1340.34 and § 14-43.20 and referring specifically to an actual case within our lifetime that we can point to where the State of North Carolina gave reparations. Again, we refer back to the Eugenics Compensation Task Force. It awarded damages to living victims of forced sterilization. Guilford County, between 1946 and 1968, forcibly sterilized 167 people. It was one of the top counties in the state for forced sterilization. Which on average, it was 7.6 people a year. And this included man and woman, and it included black and white, and others, okay, but it happened. The State said we need to compensate for this. I don't know if you remember Governor Perdue's

comments with regard to why this must be done. It would be good for you to go back and take a look at that.

Why do we need a Reparations Commission now? Well, I suggest there are three reasons. First, the convergence of contemporary events. There are a lot of things in our news over the past, let's say 10-15 years that necessitate us visiting this issue. The persistence of historic intractable challenges. We know what those challenges are. Challenges in education, in employment, in housing, in health care. I'm quite sure you've had many discussions about those things in this City Council, in this Chamber. And criminal justice. And the fact that there has been an emergence of an opportunity for change. And, if you look at the people that have taken to our streets, that have filled our legislative bodies, whether it's City Council, State Houses, even our National Capitol. They come from every race, ethnic group, age group, religious group, the coalition building and people saying we can do better. This is an opportunity for change. Reparations is a part of that change.

High Point, North Carolina has followed the historic pattern and practice of the United States and the State of North Carolina. It was a slave jurisdiction. It maintained, it enforced the racial caste system. It was a Jim Crow jurisdiction and maintained and enforced a racial caste system. There is a proximate cause, and I know that there's a lot of discussion about this. I heard Walter Williams, the famous sociologist, make a comment today, 'well that took place so many years ago and has nothing to do with us today', but, no, there is a proximate cause relationship between slavery, Jim Crow, and the current socio-economic conditions of African Americans. The civil wrongs inflicted on African Americans reverberated through multiple generations. The criminal acts suffered by African Americans harmed the individual victims and intentionally terrorized entire communities-intentionally. Similarly, multiple generations of whites benefitted from the maintenance and enforcement of the racial caste system.

I can remember, my father was a floor mechanic and I had to learn his trade, so I went to work with him. And, at one point he decided he was going to open his own shop and, umm, we went to the warehouse where you buy supplies. They refused to sell to him. Why? Because he was an African American that was going to compete with the whites in the business. So, we're not going to sell to you, Mr. Jimmy. That's what they called him, Mr. Jimmy. Now, being a youngster and a younger man, I was kind of hot-headed. He always reminded me, now, 'I put the food on the table, you keep your mouth shut, you let me deal with this.' But I just shared that example that these things continue from generation to generation and we just saw a case in California where there was a black family that owned beach front property and the property was taken from them. It wasn't Redondo Beach, I forget which one it was. But, the economic impact these things have lasting, reverberated effects.

The racial caste system distributed resources, benefits, and privileges, to create and enable pathways to wealth and social economic status. We'll come back to that later. But, I wanted to hammer home this point, that there is a proximate cause relationship. In 2001, in Durban, South Africa, the world gathered to discuss the issue of slavery, discrimination, racial discrimination, colonialism. So, very smart people-people smarter than me, got together and they made....this is part of the document that they issued, and I just want to read a part of this. This is the "formal abolition of slavery and colonialism has not addressed the ongoing racially discriminatory structures built by those practices. It insufficiently remediated the wrong that was done. That's why we have reparations. And, it says they are a cause of numerous contemporary harms and human rights violations. The harmful effects of those practices continue into the 21st Century." There is approximate cause.

So, in conclusion, and when we move to the Q & A, I want my colleagues on the committee to feel free to answer questions as they come. But, the conclusion here, the High Point Branch of the NAACP asks this committee to approve and endorse its request for a Reparations Commission and thereby recommend the creation of a commission to the full city council. Secondly, the High Point branch of the NAACP asks this committee to lead the effort to create a commission by recommending a timetable for city council's approval, a process for the creation of a commission and a date certain for the commencement of the commission's work.

That's our ask here this morning. And, with that Mr. Chairman, I will yield the podium to you. We are ready to answer any questions that you or your colleagues might have. Thank you.

Chairman Hudson: Thank you, Mr. Mayes. I'll turn it over to you, Mr. Jefferson.

Committee Member Jefferson: Mr. Mayes, can you go back to the slide before? The proposal slide, so we can see exactly what the motion is for.

James Adams: The High Point branch of the NAACP asks for this committee to approve and endorse its request for a Reparations Commission and thereby recommend the creation of a commission to the full City Council.

Committee Member Jefferson: I'm good. I can read it. I'm trying to figure out how to make the motion because there are certain things here; do we make it as one motion; do we make it two motions. That was a question I was getting ready to ask Legal. Thank you.

Chairman Hudson: I think that may be the first question is, can you give legal input

James P. Mayes: Well, I think we should....let's break this up. As they say, put it where you can get it. So, the first thing that we want you to do is to agree to recommend or approve, make a motion to approve our request for a commission. I think that's the first part because I'm not sure about your procedures and processes. You may have somewhere else where you do timelines and those kinds of things. So, let's start with the first piece of it, right. We ask you to approve our request for the creation of a commission on reparations.

Committee Member Jefferson: Right, so, I'll clarify again. I'm actually very happy to make the motion for all of this, but to be very clear to your point around clarity, what's the timeline and all the other good stuff? I was trying to think of the question that I'm getting ready to ask Legal around when I make this motion.....we may have to make them separately. This one may be the first one, then come back in a month or two months to make the second one. I want to get this thing rocking and rolling, so I'm trying to think through that. I appreciate everyone's patience. Madam Attorney, in terms of the commission here, endorsing the request, and sort of leading the effort on that commission, these two can be made really as just one motion it looks like here, to endorse that request with, I guess, with this committee going through the process of talking through a number of things. Or, one other thought is does this committee need to look at some of the timetables and that other stuff and then go to council with that as well.

City Attorney JoAnne Carlyle: Council Member Jefferson, if I could. I'm with you. We need to get rocking and rolling on it and I think, perhaps, there needs to be some more discussion-whether that's at this committee, a more intimate discussion. And really have a real purpose laid out and a timetable as you suggested if there is going to be a commission that is established. I think the council needs to look at the current Human Relations Commission that we have in place. There are some similarities in what I've seen from the research between a commission such as this that would be established and a Human Relations Commission. Of course, we know that they are already taking on some more responsibilities now, too, so that's something that you guys need to consider. I do want to say, Mr. Mayes, Professor and Attorney Mayes, how much the city appreciates you bringing this to our attention and beginning these discussions. Of course, me, as an attorney, I really appreciated the history here. I'm not sure the other people would, but I loved looking at that history legally and seeing where we've been and seeing where we're headed now. I think it's a good opportunity and time, especially given today's environment, that the council really digs into this. And, by digging in, you know, again, it's a legal opinion, but also looking at a strategic approach to it. It's really taking the time to look at where, perhaps, there are areas that the NAACP sees the city as not meeting a standard. So, that we would not be establishing a commission if the council decides that, without a real defined goal or goals to be matched. And, with a timetable along with that as well.

With regards to reparations and I'm sure you guys have seen this if you've visited

other North Carolina municipalities, you know that we are a creation of the State in North Carolina. I'm sure that you have also heard of Dillon's Rule. I love talking to this other lawyer here about this. So, you know, so often what the federal government, what the state can do, we cannot do unless it's actually in writing in the statutes and the state allows us to do it. And that may be, again, it may be, from what I've seen from the other cities across the state, you don't really see a lot about the reparations because there's a questionable area there as to legally what the cities are allowed to do. But that doesn't end the conversation at all and I think getting down to the specifics, really talking about apples to apples, really looking at what the city currently provides that may fall into some of the categories that a commission would be able to accomplish, looking at whether there are shortcomings that you guys can identify for the council. And, really, more intimate, more detailed. Clearly, you know, staying within the legal realms of what the authority is. So, that's a lot of just my ideas and throwing it out there. I'd love to hear more discussion from this committee.

James P. Mayes: Yeah, and it's our belief that a commission would be the forum where we could talk about these things. We could look closer or closely at the law and home rule and what municipalities and counties are able to do.

City Attorney Carlyle: Remember that home rule doesn't apply in North Carolina. If it did, we would have a lot more flexibility. It's the Dillons Rule that we have to abide by. And I guess, you know, coming from the other side of creating a commission is that is the will of the council as a whole, having not just the creation of a commission, but creation of a commission with certain things laid out for the accomplishment. Again, to me, that would be rubber meets the road, not just creating a commission, but actually seeing some action and some evidence of the action.

James P. Mayes: Right, my colleague.....

Bernita Sims: I appreciate the comments that you made, Joanne, and I understand kind of sort of where we're headed with this, but I honestly believe that there is not an existing entity in this city that can address what we just asked for. The Human Relations Commission has a full plate with everything that they're working with right now and what we are asking is for a dedicated commission that's only addressing the issues that we're talking about around reparations. We don't want it to get all mixed in with everything else that's going on within city government and we want to be able to have an honest and open dialogue about what needs to happen and how we proceed down that road. So, understanding that you want a deep dive into what that is, but the deep dive happens through the commission. You can't solve the issue before you establish the mission and then say we're going to move forward and that's what that sounds like when we start saying let's talk a little bit more about it, what the goals are. All of that is going to be a part of the work of the commission. Not a part of everybody on the front end

determining what that's going to be and then the commission will meet and talk about it. So, I think that that in itself delays the conversation that we're needing to have around community, around the whole reparations issue. We don't want to presume that there are certain things that are already being done at the city level that will address what we're talking about in the resolution that the NAACP adopted. So, I think that at this point, the ask is clear. Is there a willingness on the part of the City of High Point to establish a commission in order for us to discuss the issues that have been laid out in everything that we provided to you? And if it is, at that point, the decision that the city wants to do this, how do we move forward with that second part of it that says let's look at a timeline, let's look at the work of the commission, let's look at it from a comprehensive perspective from citizens all over the community-not just people who look like us, but everybody who looks at this and talks about what it is that we would like to see happen in the city that brings parity, that brings equity to all of the community. So, while I understand where you're going with your request with the Council, I think that's putting the cart before the horse and at some point, the commission's job is to sit down and look at all these issues and come to some sort of conclusion and recommendation to the council, whether it's this council or another council. We don't know about where we need to go and where we see, how we bring parity and equality and equity to the work and the things that we do in the city. So, I get you. I get you. So, I just think that we need to deal with what we've requested on its face. I think that the establishment of a commission is something that the city has the.....it can do this, it does it all the time. So, once that is done, this committee's job is to say what's going to be the structure of that? Or council's job. How do we structure it? Who becomes a part of that commission and part of the discussion? And exactly what that work plan will look like.

James P. Mayes: Okay, I think Pastor Lilley just wanted to make a brief comment.

Pastor Brad Lilley: I think Mayor Sims covered it pretty well and I concur. I'd like for Council to understand that we have gone through this process to bring this to you. One of the things that we refrained from doing was to come and tell you what we would consider reparations would be or what it would look like or what forms that it would take because we understand that should be the work of the commission and the commission that we're asking to be formed, those questions that you have can be resolved by the commission and the creation of that commission would be left up to the process of the City Council.

City Attorney Carlyle: May I respond especially to Mayor Sims. It is appointing a commission on reparations that I see as a hurdle legally because of the legal authority that may be lacking. Again, that's why I was saying earlier, when you look across the state and what other cities have done, the legal authority is completely shaky as far as the grounds for a municipality to award those. Perhaps the outcome of those commissions, perhaps that state commission that's under

review right now, the Federal House Bill 40, I mean there may be some authority coming down the pipe, but right now we don't have that same authority. I'm trying to get the rubber to meet the road and get some things that, you know, if there's a commission that's appointed. And Chairman, forgive me for speaking out of turn because I'm just, you know, thinking out loud and trying to get things going in a successful way. To have a commission appointed to look at reparations, I think you're going to hit a legal wall. To have a commission appointed with specific goals in mind and a timetable with something that everyone wants to be accomplished, and you know that you've got the legal authority to do so, and that's the difference I think if that makes any sense Mayor Sims.

Mayor Bernita Sims: So, a question for you is, is the issue around the monetary discussion with reparations or is it around the whole issue of how it's done whether it's programs that are created in the community to bring equity and parity, whether it's around how our communities function and how our neighborhoods function? I'm trying to figure out where the legal issue resides and I think it resides in the money side of it. Is that correct?

City Attorney Carlyle: A lot of it is. The money piece because of the reparations. As far as other programs or equity or parity, that is why they've been to the city as far as authority as what we can do. It would be much more creative in those areas.

Mayor Bernita Sims: So, if we're not talking about dollars. If we're not talking about money, if the reparations discussion is not about money, then what is the hesitancy on the part of the council to create a commission? That's the only sticky point.

City Attorney Carlyle: I don't know that there is a hesitancy, so I will flip it back to the Chair.

Chair

ADJOURNMENT

There being no further business to come before the Prosperity & Livability Committee, the meeting was adjourned at 11:17 a.m.

Respectfully Submitted:

Wesley Hudson, Chairman

Attest:

Mary S. Brooks, CMC
Deputy City Clerk