MINUTES OF BOARD OF COUNTY
COMMISSIONERS
OF GUILFORD COUNTY

Greensboro, North Carolina
April 4, 2013

The Board of County Commissioners met in a duly noticed regular meeting on April 4, 2013 at 5:30 p.m., in the Commissioners’ Meeting Room, 301 W. Market St., Greensboro; North Carolina.

PRESENT:  Chairman Linda Shaw, presiding; Vice Chairman Bill Bencini; Commissioners Jeff Phillips, Carolyn Coleman, Bruce Davis, Kay Cashion, Alan Branson, Hank Henning, Ray Trapp

ABSENT:  None.

ALSO PRESENT:  Sharisse Fuller, Interim County Manager/HR Director; Mark Payne, County Attorney; Effie Varitimidis, Clerk To Board; Robin Keller, Legal Services Administrator

I. INVOCATION

Chairman Linda Shaw stated that Ben Chavis, Tax Director, would not be present at the meeting to provide the invocation. She asked the Board and those present to observe a moment of silent prayer.

II. PLEDGE OF ALLEGIANCE

The Board led those present in the Pledge of Allegiance.

III. WELCOME AND CALL TO ORDER

Chairman Shaw called the meeting to order.

IV. PRESENT RESOLUTION HONORING THE LIFE OF RICHARD BRENNER

Chairman Shaw read the resolution in honor of the life of Richard Brenner. She expressed her appreciation for Mr. Brenner’s contributions to the community and his dedication to public service.

Mrs. Brenner accepted the resolution on behalf of the Brenner family. Mrs. Brenner expressed her appreciation to the Board and her family’s love of Guilford County. Mrs. Brenner encouraged the citizens to remember Rich and strive to remain innovative.
Commissioner Davis offered his condolences and shared some of his experiences and friendship with Mr. Brenner, particularly in relationship to the Carolina Field of Honor project which Mr. Brenner loved.

V. RECOGNITION OF SALUTE TO HEROES HONOREES

Commissioner Davis announced the names of the 2013 Salute to Heroes Award Recipients sponsored by the American Red Cross held on March 8, 2013.

The following local Heroes were recognized:
Sean Edward Brazas, United States Navy; Deputy Andrew Drake, Guilford County Sheriff’s Office; John Tyson Fanning, Guilford Metro 911; Carol Joseph Hall, Jr., Guilford County Schools Maintenance Department; Harry E. Forrest, Jr., Guilford County Schools Maintenance Department; Sergeant Jeremy F. Hardison, NC National Guard; Gina Jacobs; Oak Hill Elementary School Volunteer; Firefighter Dan Jones, Greensboro Fire Department; Deputy Jamey Lunsford, Guilford County Sheriff’s Department; Master Corporal James Miller, Guilford County Sheriff’s Department; Kendall Murphy, Citizen Hero; Jamal Page, Citizen Hero; Staff Sergeant Matthew Pyle, United States Army; John Sweeper; Outstanding Humanitarian

Commissioner Davis thanked Interim County Manager, Sharisse Fuller for her participation in the event.

Chairman Linda Shaw spoke to the event and gavel special recognition to those recipients who were Guilford County Employees.

VI. PRESENT PROCLAMATION DECLARING APRIL AS PUBLIC HEALTH MONTH

Vice Chairman Bencini read the proclamation declaring April as Public Health Month.

Mrs. Merle Green, Director of Public Health, accepted the Resolution on behalf of her department. Mrs. Green shared the various aspects of the Public Health Department and how it reaches all areas of our community.

VII. SPEAKERS FROM THE FLOOR (Each speaker will be allowed three minutes to address the Board. Speakers from the Floor will last for a maximum of 30 minutes.)

Cindy Hayworth, President and CEO of Junior Achievement of North Carolina, spoke on partnerships with Guilford County businesses for funding of their special events and volunteer participation opportunities in the schools. Ms. Hayworth rhetorically asked the Board, “How many were smarter than a second grader?” She used an example of incentives and shared that when the question was posed to second grade students, they were in support of incentives.

VIII. CONSENT AGENDA (Note: Board of Commissioners approval is required for all
Chairman Shaw asked if Commissioners would like to remove any items from the consent agenda for separate consideration.

Commissioner Coleman requested the removal of item VIII. A. 2 for separate consideration; Commissioner Branson requested the removal of item VIII. A. 3. for separate consideration.

Motion was made by Commissioner Cashion, and seconded by Commissioner Trapp to approve the consent agenda.

VOTE: Motion to approve carried 9 - 0
AYES: Commissioners Phillips, Coleman, Davis, Bencini, Shaw, Cashion, Branson, Henning, and Trapp
NOES: None

A. BUDGET AMENDMENTS

1. Approved Increase to Facilities Department for the FY 2012-13 budget in the amount of $700,000 and a Decrease to the Economic Development Department FY 2012-13 budget in the amount of $700,000 to reflect a transfer of funding to replace the roof at the John W. Langford Building located at 325 E. Russell Ave. in High Point, NC. NO ADDITIONAL COUNTY FUNDS REQUIRED

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<td>Increase Appropriation to Facilities</td>
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<td>Decrease Appropriation to Economic Development</td>
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B. CONTRACTS

1. Approved external audit contract for Guilford County in the amount of $84,000 with the firm of Cherry Bekaert & Holland for the fiscal year ending June 30, 2013. On January 13, 2011, the Audit Committee and Board of County Commissioners approved a three year extension of the terms of the external audit contract with Cherry Bekaert & Holland for the fiscal years 2011, 2012 and 2013 at a cost of $84,000 each year. Funds for the contract are included in the FY 12-13 budget. NO ADDITIONAL COUNTY FUNDS REQUIRED.

Parks. Contract amount is $167,900 annually or $335,800 for the initial two year term of the contract. The contract period will begin on April 1, 2013 and end on March 31, 2015 with the option for 3 additional one year renewals. The cost to operate the pools in FY11/12 was $206,228 inclusive of the charged management fee of $17,235. Funds required for the FY12/13 expenses are included in the FY12/13 budget; remaining annual funding to be included in FY13/14 and FY14/15 budgets.

ITEMS REMOVED FROM CONSENT AGENDA FOR SEPARATE CONSIDERATION

VII. A. 2  Approved increase to Northeast Park's FY 2012-13 budget in the amount of $8,014 to reflect the balance of the donations account from the Town of Gibsonville to be used to help fund the cost of the $10,000 July 3rd fireworks display and approve contract with Zambelli Fireworks for a $10,000 ($8,014 from donations and $1,986 from FY 12-13 budget) fireworks display to be held on July 3rd at Northeast Park. NO ADDITIONAL COUNTY FUNDS REQUIRED.

Commissioner Coleman questioned participation of fireworks displays at other park locations. Sandy Woodard, Interim Property Management Director, shared that to her knowledge the County has only funded the North East Park’s fireworks display via the Town of Gibsonville. Mrs. Woodard shared that the North East and South West parks have both had fireworks displays and she was aware that the North East Park charged admission.

Commissioner Coleman requested a County policy or guidelines to be developed in order to fund fireworks displays for various parks, with the inclusion of a specific amount and a recommendation of what percentage to fund the events along with a recommended admission for participation.

Commissioner Coleman requested that staff bring a policy recommendation back before the full Board. Motion was made by Commissioner Cashion, and seconded by Commissioner Cashion to approve the item VIII. A. 2.

VOTE:  Motion to approve carried 9 - 0
NOES:  None

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<td>Increase Miscellaneous Revenue</td>
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VIII. A. 3.  Approved a transfer totaling $165,011 in bond funds from the Dudley High School capital project (2008) to the Dudley High School Athletics capital project. NO ADDITIONAL COUNTY FUNDS REQUIRED.

Commissioner Branson questioned the item as to if the project had any budget overruns and expressed concern that the school system did not have a representative at the meeting. Casey Smith, Budget office reviewed the materials submitted by the School system. Mrs. Sharisse Fuller shared that the Schools reported the need to transfer Bond dollars in order to complete the athletic portion of the project.

Commissioner Cashion questioned if the High School Athletics Capital Project had multiple projects under the overlaying Capital Project.

Commissioner Phillips agreed with Commissioner Branson’s concern regarding lack of a school representative at the meeting in order to further discuss the topic.

Commissioner Phillips made a Motion seconded by Commissioner Branson to table the item until the next Board Meeting to allow time to discuss questions with representative of the School.

Commissioner Coleman expressed concerns with delaying the item. She shared that she did not want to delay construction.

Commissioner Trapp also expressed concern regarding affecting the project should the Board delay approval of the item.

Chairman Shaw directed the Interim County Manager Fuller to discuss in greater detail the Board’s questions with the school system prior to the next Board meeting.

Commissioner Cashion asked if a contract had been issued for the construction project and if a delay would jeopardize that work.

Interim County Manager Fuller shared that a contract had been approved but that she was uncertain if any work on the project had begun.

Commissioner Branson posed several questions regarding the proposed item and expressed his interest in gaining answers prior to his approval of the item.

Commissioner Henning agreed with Commissioner Branson and shared his support of delaying the item.

VOTE: Motion to table until the next regularly scheduled Board Meeting carried 6 – 3
AYES: Commissioners J. Phillips, B. Davis, B. Bencini, L. Shaw, A. Branson, and H. Henning
NOES: Commissioners C. Coleman, K. Cashion, and R. Trapp

IX. PUBLIC HEARING
(Proponents shall be heard first and shall be provided a total of 20 minutes notwithstanding the number of persons desiring to be heard. Opponents shall be heard after the proponents and shall be provided a total of 20 minutes notwithstanding the number of persons desiring to be heard. Each side will be allowed three (3) minutes in rebuttal.)

A. Held Public Hearing to approve up to $400,000 of County funds, pursuant to N.C. General Statute 158-7.1 for the Piedmont Triad Airport Authority to use for site work development for an expansion of the TIMCO operations located on the Piedmont Triad International Airport property in Guilford County, NC. An investment of $32 million ($30 million in real and $2 million in personal property) is proposed for this project and it is further proposed that 400 new full-time jobs will be created in Guilford County as part of the project over a five (5) year period and Authorized County Manager to execute an agreement to provide public funds in an amount determined by the Board of Commissioners, not to exceed a maximum amount of $400,000 to be paid over five (5) years based on the terms of the contract. Staff to be authorized to establish necessary terms and conditions.

Betty Garrett, Interim Planning and Development Director introduced the agenda item.

Dan Lynch, President of Greensboro Economic Alliance, spoke on behalf of the incentives for TIMCO as they are requesting a site development grant. Mr. Lynch discussed the aviation expansion as one of the organization’s five targeted economic clusters and the benefits the expansion would bring to the community including relationships to our local technical institutions.

Kevin Baker, Executive Director of PTIA spoke in favor of the expansion and shared that the site work and infrastructure would be beneficial not only to TIMCO but to any future tenant of the Airport. Mr. Baker reviewed the location of the proposed expansion.

Mr. Baker reviewed TIMCO’s vision as to how to achieve the expansion and increase the competitiveness of the airport. Mr. Baker provided an overview to the Board of TIMCO and emphasized its diversity. Mr. Baker shared that this expansion is one piece of the Airports overall development plan and ability to grow the aero-space industry at PTIA.

No opponents spoke against the item.

There being no other proponents or opponents Chairman Shaw closed the Public Hearing.

Motion was made by Chairman Shaw, and seconded by Commissioner Trapp to approve the item.

Chairman Shaw expressed her support of the project and her appreciation of TIMCO and its role in Guilford County over the years.
Commissioner Bencini identified that this proposal was not presented in within a strict application of the County’s incentive policy and indicated that this request gives money to a governmental jurisdiction rather than a private entity. Commission Bencini questioned the County Attorney as to the permissibility to do such.

The County Attorney shared that based on case law, incentive payments could be distributed to a governmental jurisdiction as long it was for the benefit of economic development.

Commissioner Bencini questioned what the performance requirements would be if offered to PTIA rather than a private organization.

The County Attorney stated that the incentive would require an agreement with the recipient and that the same infrastructure conditions used on other economic incentives would apply.

Commissioner Bencini questioned the taxable property, if funding a governmental jurisdiction. He stated that if the incentive is not performance based on items such as jobs then the performance base should be built on the capital investment, if possible.

The County Attorney advised the Board that it is a policy question as the request does vary from the existing policy. The County Attorney advised that the variation is acceptable, but would recommend additional review of the existing policy should this be brought up again.

Commissioner Trapp shared his support of the project and his support job growth it represents. Commissioner Trapp shared his philosophy on incentives as an investment. Commissioner Trapp questioned if this project would partner with local universities.

Mr. Baker shared that Guilford Technical Community College would be collaborating.

Commissioner Cashion shared her support of the project. She expressed concern to the County Attorney regarding the County’s leverage with granting the funds to PTIA versus TIMCO directly.

The County Attorney responded that the contract agreement would include similar claw-back language used in other economic incentive contracts.

Commissioner Phillips expressed his concerns regarding the utilization of incentives; however, shared his interest in this particular project proposal and offered his appreciation of the company and what they have done for Guilford County.

Kip Blakely, TIMCO representative shared with the Board some of the Company’s recent accomplishments.

Additional discussion ensued regarding the company’s funding sources for the project.

Commissioner Henning thanked the representatives for the tour of TIMCO and shared his concerns with governmental involvement in expansion requests.
Commissioner Coleman announced that she was in support of the proposal and felt that this was a great opportunity to think outside the box when it comes to existing policies and that the proposed expansion could offer additional future possibilities for expansion.

Commissioner Davis shared his support of the proposal and questioned TIMCO as to the types of technical positions that would be created.

Mr. Blakely shared that the workforce development is already in place for this area such as the High School and Technical School programs as well as the draw for the military retirees.

Commissioner Bencini expressed concerns regarding the manner of the proposal not being consistent with the policy and as such recommended a policy review before moving forward.

Chairman Shaw urged the attorney to ensure that the agreement would include safe guards that performance expectations would be met in accordance with what was presented to the Board. Chairman Shaw expressed her support of the project.

**VOTE:** Motion carried to approve the item as presented 5 - 4

**AYES:** Commissioners C. Coleman, B. Davis, L. Shaw, K. Cashion, and R. Trapp

**NOES:** Commissioners J. Phillips, B. Bencini, A. Branson, and H. Henning

**X. UNFINISHED BUSINESS**

There being no unfinished business Chairman Shaw moved to the next agenda item.

**XI. NEW BUSINESS**

**A. New Business from County Commissioners**

There being no new business Chairman Shaw moved to the next agenda item.

**XII. COMMENTS FROM COUNTY COMMISSIONERS**

Commissioner Davis indicated that upon removal of assigned parking spaces, parking was not available. Commissioner Davis requested having a parking space re-assigned.

Commissioner Coleman requested budget figures from the County Budget office in regards to the projected deficit of 41 million dollars. She shared that she needed to know what the goal was and would like to have the information prior to the next Board meeting.

Chairman Shaw announced that the hoped that the entire Board would receive the budget information.

Commissioner Phillips shared that as chair of the budget committee he would like the budget committee to share a report with the full Board and believed it to be premature to release the figures, but encouraged each commissioner to work directly with Mr. Halford or Mr. Baker.
Commissioner Phillips also offered to meet directly with any commissioner to discuss the progress of the Budget Committee.

Commissioner Coleman shared that during the Board’s annual retreat the Manager and the Budget Director indicated they would be sharing the information with the Board and preferred to have direct access to the information rather than through the Budget Committee. Commissioner Coleman also questioned the County Attorney regarding a Budget Committee meeting she attended. The County Attorney reviewed the requirements of the open meetings law and the participation of Commissioner Coleman as a member of the audience for that particular meeting and discussed the precautionary practice of publically noticing those committee meetings.

Commissioner Davis shared that all commissioners should have access to budget information upon request.

The Board discussed the access of existing staff during the budget process.

Casey Smith of the Budget Office shared that the Budget Director would not be opposed to sharing any information with the full Board.

Commissioner Coleman reiterated her concerns for having information available to all of the commissioners.

Commissioner Bencini shared his concerns regarding ability to receive information for incentives or for budget matters.

County Attorney Mark Payne suggested a possible work session on Economic Incentives and Budget Matters.

Commissioner Cashion concurred with Commissioner Bencini and would like to see a revision to the incentive policy. Commissioner Cashion went on to provide updates on her attendance at the NCACC meeting in Asheboro and reviewed current issues presently before the General Assembly.

Commissioner Cashion shared her condolences to the family of Coach Steward Maynard, former Guilford College Baseball Coach.

Commissioner Branson echoed the concerns of Vice Chairman Bencini in order to review and move forward more quickly during the meetings.

Commissioner Cashion shared that she would like to see an increase in the turnaround time for the minutes.

Chairman Shaw shared that in conjunction with local business leaders she recently meet with local legislative representatives and lobbied for the needs of Guilford County including the funding of the Furniture Market, and was pleased to announce the success of that effort and the renewal of funding.
XIV. **SPEAKERS FROM THE FLOOR** (Each speaker will be allowed three minutes to address the Board. Speakers from the Floor will last for a maximum of 30 minutes.)

There being none, this portion of the meeting was closed.

Motion was made by Vice Chairman Bencini, and seconded by Commissioner Trapp to enter into a closed session for the purposes of discussion of a personnel matter.

**VOTE:** Motion carried 9 – 0 to enter a closed session.


**NOES:** None.

The Board entered closed session at 7:53 p.m.

The Board Re-Convened into regular session at 8:43 p.m.

Commissioner Cashion reported that the evaluation committee reviewed Sheriff B.J. Barnes and Register of Deeds Jeff Thigpen and although the committee recommended favorable performance ratings based on their commendable work no pay increases were recommended at this time.

Chairman Shaw announced that a Board Work Session would be held on April 18, 2013 at 3:30 p.m.

**XV. ADJOURNED**

There being no further business, the meeting was adjourned at 8:43 p.m.

________________________________________
Chairman

________________________________________
Clerk