MINUTES OF BOARD OF COUNTY
COMMISSIONERS
OF GUILFORD COUNTY

Greensboro, North Carolina
August 25, 2011

The Board of County Commissioners met in a duly noticed regular meeting on August 25, 2011 at 5:30 p.m. in the Commissioners’ Meeting Room, 301 W. Market St., Greensboro; North Carolina.

PRESENT: Chairman Melvin “Skip” Alston, presiding; Vice Chairman Linda Shaw, Commissioners Bill Bencini, Kay Cashion, Carolyn Coleman, Bruce Davis, Paul Gibson, John Parks, Kirk Perkins, Mike Winstead, and Billy Yow.

ABSENT: None.

ALSO PRESENT: Brenda Fox, County Manager; Sharisse Fuller, Assistant County Manager/Human Resources Director; Mark Payne, County Attorney; Effie Varitimidis, Clerk to Board; and Crystal Maurer, Deputy Clerk to Board.

I. INVOCATION

Rev. George Coates of Newlyn Street and McLaughlin Memorial UMC provided the invocation.

II. PLEDGE OF ALLEGIANCE

Students from Tiger Kim’s Tae Kwon Do led the Pledge Allegiance.

III. WELCOME AND CALL TO ORDER

Chairman Melvin “Skip” Alston called the meeting to order and welcomed those present.

Tiger Kim Tae Kwon Do students did a brief skills demonstration for the Board. Chairman Alston noted that Commissioner Davis’ son Bryce was a student of Tiger Kim.

Commissioner Davis thanked the students for the presentation and he thanked the Board for allowing the students to be a part of the meeting.

IV. PRESENTED CERTIFICATE FOR DISTINGUISHED BUDGET PRESENTATION TO THE BUDGET DIRECTOR

Brenda Fox, County Manager, presented the award from the Government Finance Officers Association to Michael Halford, Budget Director.
Mr. Halford thanked the Department Heads and the Budget Staff for their work in developing the budget.

V. PRESENTED RESOLUTION HONORING THE LIFE OF EVON WELCH DEAN

Commissioner Parks read the resolution in honor of Mrs. Evon Welch Dean.

Willard Dean Jr. accepted the resolution on behalf of the Dean family and thanked the Board for the resolution.

VI. PRESENTED RESOLUTION JOINING THE NATIONAL MOMENT OF REMEMBRANCE OF THE 10TH ANNIVERSARY THE OF SEPTEMBER 11 TERRORIST ATTACKS ON THE UNITED STATES

Commissioner Davis read the resolution in remembrance of September 11th.

Commissioner Davis asked the Emergency Services personnel present to come and accept the resolution. He thanked all first responders for their work every day.

VII. SPEAKERS FROM THE FLOOR

Clarence Shurford expressed concerns about the redistricting proposal adopted by the General Assembly. He said the process took away the rights of the citizens and local government.

Dan Jackson spoke about an issue with the property tax assessment on his new home. He asked the Board what recourse he has to dispute a tax assessment outside the Board of Equalization and Review.

Cardes Brown said he was appalled at the process that determined how the county was to be redistricted. He said it lacked due process and there was no participatory involvement.

Van Clifford spoke about the County budget process. He spoke about Item B. (2) on the consent agenda and asked what would happen to the extra funds that will be saved since the bid came in under budget.

Doug Sockwell asked the Board to approve the Voluntary Agricultural District Ordinance. He said it has helped the farmers protect their land.

Luther Falls Jr. spoke about the recent Interdenominational Ushers Association meeting and the Big Brothers/Big Sisters golf outing.

VIII. APPROVED CONSENT AGENDA

Chairman Alston called the Board’s attention to the addendum which removes Item B.(2). Roofing Contract from the consent agenda. He said the contract will be discussed at a later date.
Motion was made by Commissioner Parks, and seconded by Commissioner Cashion to approve the consent agenda.

**VOTE:** Motion to approve carried 8 - 3

**AYES:** Commissioners Alston, Cashion, Coleman, Davis, Perkins, Parks, Shaw, and Winstead.

**NOES:** Commissioners Bencini, Gibson, and Yow.

A. **BUDGET AMENDMENTS**

1. Approved receipt of the 2011 HIDTA (High Intensity Drug Trafficking Area) Grant award in the amount of $115,385 and increase the FY 11-12 Law Enforcement Budget by $115,385 to reflect the appropriation of these funds for the expenditures of overtime, training, travel, equipment rental, equipment and misc. needs for the purpose of reducing drug trafficking and drug production in North Carolina. The HIDTA program is administered by the Office of National Drug Control Policy (ONDCP). The 2011 award is in effect until December 2012. No local match is required. NO ADDITIONAL COUNTY FUNDS REQUIRED.

The following Budget Ordinance Amendment was adopted:

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<thead>
<tr>
<th>BUDGET ORDINANCE AMENDMENT</th>
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<tbody>
<tr>
<td><strong>General Fund</strong></td>
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<tr>
<td>Increase Appropriation to Law Enforcement</td>
<td>$115,385</td>
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<tr>
<td>Increase Federal/State (HIDTA Grant)</td>
<td>$115,384</td>
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2. Approved a capital project ordinance, FY 11-12 Capital Allocation - GTCC, in the amount of $1,500,000 for the annual capital maintenance allocation to Guilford Technical Community College (GTCC). This appropriation to GTCC is included in the County’s School Capital Outlay fund and a project ordinance is required for the expenditure of funds. This allocation was approved by the Board of Commissioners in the FY 11-12 budget. NO ADDITIONAL COUNTY FUNDS ARE REQUIRED.

The following Budget Ordinance Amendment and Capital Project Ordinance was adopted:

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<tr>
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<tr>
<td><strong>School Capital Outlay Fund</strong></td>
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<tr>
<td>Decrease Reserve for Future Capital Needs</td>
<td>($1,500,000)</td>
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</tbody>
</table>
### Decrease Transfer from General Fund

| $1,500,000 |

### CAPITAL PROJECT ORDINANCE

| School Capital Outlay Fund |
| GTCC Capital Maintenance FY 2012: |
| Increase Appropriations | $1,500,000 |
| Increase Transfer from General Fund | $1,500,000 |

3. Decreased the School Capital Outlay Fund’s annual budget by $450,330 (Reserve for Future Capital Needs - Guilford County Schools and Appropriated Fund Balance) to properly account for the Board’s approval at the time of annual budget adoption of a capital project ordinance for the FY 2011-12 capital needs of the Guilford County Schools. This amendment does not increase or decrease the $4,000,000 annual capital amount allocated to the Guilford County Schools by the Board of Commissioners. NO ADDITIONAL COUNTY FUNDS REQUIRED.

The following Budget Ordinance Amendment was adopted:

| BUDGET ORDINANCE AMENDMENT |
| School Capital Outlay Fund |
| Decrease Reserve for Future Capital Needs – Guilford County Schools | ($450,000) |
| Decrease Appropriated Fund Balance | ($450,000) |

### B. CONTRACTS

1. Approved Price Only contract with lowest responsive bidder Toshiba Business Solutions of Mt Gilead, NC for Guilford County’s Multi-Functional Photocopiers. Contract amount is not expected to exceed $749,241. The contract period will begin on August 1, 2011 and end on July 30, 2014 with the option to renew for two years. NO ADDITIONAL COUNTY FUNDS.

3. Approved a sole source contract with QS/1 Data Systems for the purchase of a QS/1 Enterprise upgrade to the current Public Health pharmacy application at a one-time cost of $8,750 and annual maintenance in the amount of $840 for three years. This upgrade will replace a nine year old multiple database system with a single, centralized system that will be easier to support and provide improved inventory control, reporting, and tracking capabilities. Funds are available in Public Health’s current budget. NO ADDITIONAL COUNTY FUNDS ARE REQUIRED.
4. Approved the following contracts for Emergency Services:
   (a) Approved Grant Award #2010-SS-T0-0075 and Guilford County Contract No. 103899-02/11-145 with the NC Department of Crime Control and Public Safety for Homeland Security Grant Program Funding in the amount of $425,000.00. The grant funds will be awarded to the State of North Carolina, but Guilford County must approve the grant before the state is able to receive it.

   (b) Approved Guilford County Lease Agreement with the NC Department of Crime Control and Public Safety for space on the County's Summerfield Tower located at 5421 Center Field Road, Summerfield, NC, 27358 and authorize the County Attorney to finalize the lease, which will be substantially in the form and according to the terms as described herein. Guilford County is being asked to approve the NC Department of Crime Control and Public Safety for Homeland Security Grant funds of $425,000 because the state wants to use the funds to lease space on the County's Summerfield Tower location to place a prefabricated structure (approximately 14' x 35') on the tower site to house its radio equipment for the VIPER (Voice Interoperability Plan for Emergency Responders) radio system. The lease with the state will allow Guilford County to use the VIPER radio system as a limited backup system in the event of a system failure with its radio network. The co-location of the VIPER radio equipment will also benefit Guilford County through enhanced interoperability with multiple allied agencies. The advantage for the State is expanded coverage and system saturation for the VIPER network.

C. MISCELLANEOUS

1. Accepted offer to purchase a 0.25-acre vacant lot owned by Guilford County and located at 729 Minneola St. in Gibsonville, described as tax parcel number 0102922 in the amount of $5,200. Pursuant to this action and G.S. 160A-269 this offer was advertised for upset bid. Since no upset bids were received, approve final sale of property to Terri M. Trammell in the amount of $5,200.

2. Approved the application for the release of $5,000,000 from the Public School Building Capital Fund - North Carolina Education Lottery distributions for FY 2011-12 school bond referenda debt service expense. Joint approval by both the Board of Commissioners and the Board of Education is required. Once application is approved by the Board of Commissioners, it will be forwarded to the Board of Education for approval.

3. Approved the draft quarter, ending June 30, 2011, financial report for the Guilford County Guilford Center in accordance with North Carolina General Statute G.S. 122C-117 (c). A final report will be forthcoming upon closing the Fiscal Year 2010-2011.

4. Extended the Voluntary Enhanced Retirement Plan that was approved by the Board on March 3, 2011 to end June 30, 2013 which will assist with facilitating Succession
Planning, Knowledge and Expertise Retention and drive organizational viability.

5. Approved the following Tax Matters:

Ben Chavis, Tax Director, submitted lists of corrections of clerical errors and assessments made in connection with taxes and assessments for the year 2011 and prior years, and lists were approved and ordered filed with these Minutes. (The Board also received a rebate release list of 10% and up.)

APPROVED BEVERAGE LICENSES FOR TAX DEPARTMENT

Ben Chavis, Tax Director, submitted lists of applications for beverage licenses, which he stated, had been approved by the Sheriff’s Department and the North Carolina ABC Board. The Board adopted the following resolution:

BE IT RESOLVED that beverage licenses be issued to applicants as shown by lists filed with these Minutes and that said parties be and they are hereby granted licenses in accordance with their applications effective upon the payment of the licenses tax, said licenses to be signed in the name of Guilford County by the Tax Supervisor or one of his assistants and delivered to the applicants upon receipt of the licenses tax as provided by law.

TAX COLLECTION REPORTS FILED

Ben Chavis, Tax Director, filed reports of tax collections for the period ending August 10, 2011 for the Greensboro, High Point, Jamestown and Countywide collections offices, and a back year financial report.


IX. PUBLIC HEARINGS

A. Held public hearing and adopted the 2010 Voluntary Agriculture District & Enhanced Voluntary Agriculture District ordinance as amended from the 2000 Voluntary Agriculture District ordinance.

Wick Wickliff, Cooperative Extension Director, explained the updates to the Voluntary Agricultural District Ordinance which has been effect since 2000. He stated that Agriculture and Agribusiness is a valuable asset for Guilford County. He explained how the Voluntary Agricultural District program works.

Chairman Alston opened the public hearing and asked for the proponents to come forward.
Jimmy Morgan spoke in favor of the Voluntary Agricultural District (VAD) program. He said he has four VAD's in his family and they are an important economic driver for the county.

Ann Hice spoke in support of the amendments to the VAD ordinance.

Doug Sockwell spoke in support of farming. He said the VAD program has helped them as farmers to protect their land.

Chairman Alston asked for opponents to come forward. No opponents appeared to speak.

Motion was made by Commissioner Parks, and seconded by Commissioner Winstead to adopt the Voluntary Agricultural District ordinance.

Commissioner Perkins thanked Mr. Wickliffe and said the VAD was a good program. He said there was a lot of farming in his district and the amendments are an enhancement to a well thought-out and maintained program.

Commissioner Coleman stated that there are a number of farmers in the Pleasant Garden area and she supports the Voluntary Agricultural District Program.

VOTE: Motion to adopt carried 11 – 0
AYES: Commissioners Alston, Bencini, Cashion, Coleman, Davis, Gibson, Parks, Perkins, Shaw, Winstead, and Yow.
NOES: None.

B. Held Public Hearing and approved up to $771,000 of County funds, pursuant to N.C. General Statute 158-7.1 for Honda Aircraft Company to expand its current operations in Guilford County, NC. The company expects to create up to 419 new full-time jobs in Guilford County over five years and invest $80 million ($50 million in real property and $30 million in new machinery and equipment) in Guilford County, NC. 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 $771,000 to be paid over five (5) years based on the terms of the Contract. Terms of agreement subject to staff approval.

Betty Garrett, Interim Planning Director, introduced the incentive grant request from Honda Aircraft. She said the request meets the criteria in the County’s economic development guidelines.

Chairman Alston opened the public hearing and asked for the proponents to come forward.

Dan Lynch, Greensboro Economic Development Alliance, spoke on behalf of the project. He provided details on the investment and projected job creation. He said they are requesting an economic development grant of $771,000.

Tom Fromdahl, Manager of Corporate Facilities Planning for Honda Aircraft, discussed how the company fulfilled the first economic incentive grant obligations and detailed the future growth
plans for a major repair and service center which would hire up to 419 employees and invest $80 million. He spoke about their corporate diversity statement and community involvement. He said Greensboro has been a great home for Honda and they appreciate the relationship they have developed with the Piedmont Triad Airport and the community.

Chairman Alston asked for opponents to come forward.

Jeremy Williams stated that while he appreciated Honda Jet he could not support the incentive request. He said the key to job creation is creating a better business environment through lower taxes and reduced red tape.

George Hartzman stated that Chairman Alston's LLC refinanced an incentive loan through the City of Greensboro.

Chairman Alston stated that the public hearing was relating to Honda Jet’s incentive request.

Mr. Hartzman stated that his comments related to incentive requests. He said last year an LLC asked for an incentive grant and one of the principals was Robbie Perkins and Chairman Alston voted in favor of the grant.

Seeing no one else wishing to speak, Chairman Alston closed the public hearing.

Motion was made by Vice Chairman Shaw, and seconded by Commissioner Davis to approve the incentive request for Honda Aircraft.

Vice Chairman Shaw stated that Guilford County needs good jobs and she will support this incentive request. She said she typically does not like incentives but the only way to get rid of incentives is for every state to do away with incentives.

Commissioner Coleman said she was excited about Honda Jet and she believes they will make a difference in Guilford County.

Commissioner Yow said he believes incentives are wrong and they do not create jobs. He said he does not support giving tax money to large corporations. He asked if there is a conflict of interest with Honda Jet making a contribution to the Civil Rights Museum.

Chairman Alston stated that he only sits on the Board of Directors for the Civil Rights Museum and does not own the museum itself. He asked the County Attorney for a ruling on a conflict of interest.

Mark Payne, County Attorney, said Commissioners must vote unless they have direct financial interest in the outcome of the vote. He said he does not see a direct conflict with this vote.

Commissioner Gibson stated that he was excited for Honda Jet and although he supported the first incentive he could not support this request. He said he would like more information on how
property taxes are handled with the Airport Authority. He concluded the most important thing counties can do to encourage development is to fund infrastructure and education.

Commissioner Cashion stated that any county would jump at the opportunity to have Honda Jet and the possibilities for growth are tremendous.

Commissioner Parks stated this decision was about jobs. He said this is a confidence builder and Honda Jet is the link to the future.

Vice Chairman Shaw asked about the types of jobs to be created.

Mr. Fromdahl said he would have the Human Resources department to get the descriptions and requirements for the jobs.

Commissioner Winstead stated that he was happy to have Honda Jet in Guilford and although he supported the first incentive he won't support it this time because he believed the company was going to locate here anyway. He said the best incentive the County could give would be to get out of the way of development.

Commissioner Davis stated that the Board respects what Honda Jet has done and he supports this request. He said the County made an investment with the first incentive so it makes sense to continue investing so they can keep growing the economy.

Commissioner Perkins stated that the County has an incentive policy and he thinks incentives are an opportunity. He said he toured the facility and he was proud to have Honda Jet in Guilford County. He pointed out most of the taxes for the project will be paid on equipment and it will be a boost to the Guilford County.

Chairman Alston thanked Honda Jet on behalf of the unemployed citizens in Guilford County. He said this incentive will be an investment in the community.

Commissioner Bencini asked why this project was being promoted by the Greensboro Economic Development Alliance rather than a regional organization. Dan Lynch replied that the Kelly King group focused on marketing and GEDA represents the Guilford county except for the City of High Point.

Commissioner Bencini stated that he was curious why the City of High Point wasn’t asked for an incentive.

Commissioner Perkins added that Gunter's Crossing did not use the incentive grant and he thanked Chester Brown for looking at the overall good for Guilford County.

VOTE: Motion to approve carried 7 - 4
AYES: Commissioners Alston, Cashion, Coleman, Davis, Parks, Perkins, Shaw.
NOES: Commissioners Bencini, Gibson, Winstead and Yow.

The Board took a short recess at 7:52 p.m. The Board came back in session at 8:19 p.m.
XI. NEW BUSINESS

A. REVISED - Approved the creation of fifteen (15) positions effective October 1, 2011, for the purpose of operating Pretrial Services and contract four (4) positions with the University of North Carolina at Greensboro for the operation of the Drug Court Program and Mental Health Court Program. Authorize transfer to the County of ending vacation balances, limited to 240 hours per employee, for later use. The budgeted amounts, to be apportioned appropriately, for the programs, $1,047,457, are available in the FY 11-12 fiscal year. In the past, the County contracted the full operating amount for Pretrial Services, Drug Court Program, and Mental Health Court Program with the State of North Carolina’s Administrative Office of the Courts (AOC), which included the salary and benefits for nineteen positions. Late in the state budget process, the AOC informed the County that it would no longer be able to provide the County with the services of Pretrial Services, Drug Court Program, and Mental Health Court Program. NO ADDITIONAL FUNDS ARE REQUIRED.

Motion was made by Commissioner Cashion, and seconded by Commissioner Davis to approve the creation of the 15 positions and contract for four positions with the University of North Carolina at Greensboro (UNC-G) and authorize the transfer of vacation balances.

Brenda Fox, County Manager, said the County previously contracted with Administrative Offices of the Courts for Pre-Trial Services but that arrangement is no longer an option with the State of North Carolina. She said they looked at a number of options and this option would bring Pre-trial Services to the County and contract the other court positions with UNC-G.

Commissioner Gibson asked where in the County the positions would report.

Ms. Fox explained the Director of Child Support position is vacant so they are looking at changing the title and bringing Pre-Trial under that department so there would be two divisions.

Commissioner Gibson asked how much UNC-G will be paid for the Drug Court/Mental Health positions.

Ms. Fox said approximately $224,000 would cover salaries, benefits, and supplies for the Specialty Courts.

Commissioner Gibson asked what fee the County would pay UNC-G.

Ms. Fox said UNCG has agreed to administer the program without the 10% overage so the County would just pay $224,000 for the entire program.

Commissioner Yow asked who the Drug Court/Mental Health Court employees would work for. Ms. Fox replied UNC-G.

Commissioner Yow said it was originally discussed to put the positions in the Sheriff’s Department.
Ms. Fox replied that they looked at that option but some issues arose about Law Enforcement overseeing the department.

Mark Payne, County Attorney, said staff was contacted by the Bar Association with concerns over the conflict of interest and confidentiality of information between Pre-Trial Services and the Sheriff’s Office.

Commissioner Yow asked which group expressed concerns about the Sheriff’s Department.

Mr. Payne replied several attorneys and judges expressed concern and there was a strong reaction from the Bar Association regarding putting the positions in the Sheriff’s Department. He said he also had concerns about the time he might have to spend to defend the County’s position each time there was a question whether confidential information regarding defendants might have been shared.

Commissioner Yow asked which group is pushing to not have these positions under the Sheriff’s Office.

Judge Susan Birch said there are two separate services included in this item, Pre-Trial Services and Drug/Mental Health Courts. She said in the past Pre-Trial employees reported to the judges and they were independent of Law Enforcement. She said the concerns from the Bar Association are that there are very strict requirements about handling the information developed in an investigation and if Pre-Trial receives information they may have an obligation to turn it over to Law Enforcement and a conflict could be present. She also said the same type of conflict could be present with the Specialty Court programs.

Mr. Payne said the logical and appropriate place for these services would have been with the State but the State has taken that option off the table.

Commissioner Yow said he was not clear how the employees would be supervised by UNC-G and still report to the judges on a daily basis.

Judge Birch explained the programs have space at the courthouse and they provide the services for the benefit of the courts. She said the supervisor would manage the work content but the programs report to the judges.

Commissioner Coleman said she opposed the location of the program in the Sheriff's office. She questioned the cost for paying UNC-G to administer the program. She suggested the County could administer the program for less.

Ms. Fox discussed the cost of operating the program includes the salaries for four people and supplies.

Commissioner Coleman inquired about unused bonus leave granted to Pre-Trial employees when they were State employees.
Sharisse Fuller, Assistant County Manager/Human Resources Director, stated there were employees that were grandfathered and at the time the employee departed they understood they would not be paid for the leave. She said the policy is similar to the County’s straight comp time.

Commissioner Coleman stated she understood the State forced employees to sign these forms regarding the bonus time. Ms. Fuller replied staff would look into the situation.

Commissioner Bencini stated that from looking at the list these services are a non-mandated program.

Ms. Fox noted the funds were budgeted in the FY 11-12 budget.

Commissioner Gibson asked if AOC administered these programs across the state.

Mr. Payne replied that Mecklenburg County fell into that category and many other counties have moved to other programs as encouraged by the State.

Commissioner Gibson said he wants to support this but he has more questions and he just received information prior to the meeting regarding questions he had. He suggested the Board have a work session to have further discussion.

Commissioner Perkins said this item has been on the agenda and there were only slight changes to the item. Ms. Fox replied that the change from the original agenda item is that staff learned at noon today that UNC-G would take the four positions without the administrative fee.

Commissioner Perkins asked if the number of positions would change. Ms. Fox clarified they would only need 15 positions for Pre-Trial.

Commissioner Perkins asked if the item was time sensitive. Judge Birch responded it was time sensitive in order to avoid a stoppage of services.

Commissioner Cashion stated that she was concerned about the youngsters and these programs provide services to turn lives around. She said this will not change the programs in any substantial way and she hoped the Board would support this item.

Commissioner Yow asked about the term of the contract with UNC-G. Ms. Fox replied she envisioned a year by year contract.

Commissioner Yow asked what would happen to the contract if the funding is not appropriated in the budget next year.

Chairman Alston stated that the programs would end and the contract would end if the funds were not budgeted next year.

VOTE: Motion to approve carried 8 - 3
AYES: Commissioners Alston, Cashion, Coleman, Davis, Parks, Perkins, Shaw, and Winstead.

NOES: Commissioners Bencini, Gibson, and Yow.

B. FROM ADDENDUM

1) Authorized the Law Enforcement department to proceed with contract negotiations with property owner, Mr. Scott Edwards, for the potential lease of office space located at 211 Hillstone Drive Jamestown, NC for the District III office. The proposed new location is strategically located to provide improved response times for calls for service to the citizens. It will also provide improved accessibility for visitors to the district office.

2) Increased the FY2011-12 Law Enforcement budget by $82,830 to reflect the appropriation of Federal/State revenues from the Justice Assistance Grant (JAG) for the purposes of renovating and rent of leased space for the relocation of the District III Division office. JAG funds will pay for the renovations and three years of lease payments. After three years, the County will re-evaluate the lease agreement and the availability of grant funds.

Motion was made by Vice Chairman Shaw, and seconded by Commissioner Yow to approve the contract and increase the Law Enforcement budget.

Commissioner Perkins stated that he understood the Sheriff’s Office was closing the GTCC station and he was concerned that there would not be a presence on the campus.

Sheriff BJ Barnes explained GTCC has their own law enforcement. He said they will continue their commitment to GTCC but it was hard to utilize the district office because of parking.

Commissioner Coleman asked the funds for the rent will come out of Sheriff’s Budget. Sheriff Barnes replied the funds will come from a JAG grant.

Commissioner Davis asked what happens if there are no more grant funds after three years. Sheriff Barnes responded he would come back to the Board to ask for funding if that grant ends but he felt the grant funds would continue to be available.

VOTE: Motion to approve carried 11 - 0
AYES: Commissioners Alston, Bencini, Cashion, Coleman, Davis, Gibson, Parks, Perkins, Shaw, Winstead, and Yow.
NOES: None.

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Commissioner Winstead left the meeting.

C. **Adopted Resolution Opposing Session Law 2011-407**

Chairman Alston presented a resolution to add to the agenda. He read the Resolution Opposing session Law 2011-407.

Motion was made by Chairman Alston, and seconded by Commissioner Davis to adopt the Resolution Opposing Session Law 2011-407.

Commissioner Coleman said she was disappointed with the General Assembly. She said she was in the newly created District 7 but she believes they violated the Voting Rights Act by stacking it with African Americans. She hoped the Board would pass this resolution so the citizens can make their own decision regarding redistricting.

Commissioner Gibson said he will support the resolution with reservations because he felt local government can best make their own decisions. He said he would like citizens to be able to vote for more Commissioners not less Commissioners.

Vice Chairman Shaw stated that the Republicans are in control now but the redistricting process was the same way when the Democrats were in control. She hoped Board could move forward with the General Assembly’s plan.

Commissioner Yow stated that he did not particularly like the General Assembly’s plan but Guilford is not the largest County yet we have the largest Board and it is dysfunctional. He said if the process had been fair then the State would not have intervened.

Commissioner Parks spoke in support of the resolution. He said he supports any legal action to allow the voice of the people to be heard.

Commissioner Davis said the current redistricting plan is an injustice to the citizens of High Point and General Assembly did not take into account the opinions of the people in Guilford County. He said the Board has worked well together and has bi-partisan leadership. He said he supports the resolution and hoped his colleagues would do the same.

Vice Chairman Shaw pointed out that some of the new districts cover rural areas and cities and towns. She said she felt High Point citizens will have more representation.

Commissioner Cashion said the General Assembly promised to respect local government and their redistricting plan does not do that. She said County residents did not have the opportunity to participate in the process.

Commissioner Davis said looking at the new map most of the representation will eventually live in Greensboro and it will not bring the interests of the citizens of High Point to the table.
Commissioner Yow stated High Point and Greensboro both have City Councils and those Councils represent their citizens.

Commissioner Coleman said Commissioners’ job is to represent the entire County. She pointed out that she worked to get the Voting Rights Act passed and she felt Guilford’s current Board is the largest and fairest in the state.

Commissioner Perkins said he was disappointed in the General Assembly. He added that some members of the Guilford legislative delegation were not in favor of the plan. He said 99 counties decided what was best for Guilford County and it lacked due process.

Chairman Alston explained that by law the County Attorney must send the General Assembly’s map to Department of Justice by August 28th. He said the citizens can comment after it has been submitted to the Attorney General and there will be a 60 day comment period. He said DOJ would do their due diligence and it is not a process to be taken lightly because Guilford is a Voting Rights county. He concluded by stating that he would do his best to fight the plan.

VOTE: Motion carried 7 - 3
AYES: Commissioner Alston, Cashion, Coleman, Davis, Gibson, Parks, and Perkins
NOES: Commissioners Bencini, Shaw, and Yow
ABSENT: Commissioner Winstead

RESOLUTION OPPOSING SESSION LAW 2011-407

WHEREAS, the Guilford County Board of Commissioners, on May 5, 2011, created a Redistricting Committee tasked with the purpose of redrawing the district lines for election of members to the Guilford County Board of Commissioners; and

WHEREAS, it was the Board of Commissioners’ stated goal to redraw the district lines in a manner which will be a transparent process, involving public hearings and significant public participation in this matter of the utmost importance and interest to the citizens of Guilford County; and

WHEREAS, it was the Guilford County Board of Commissioners’ stated goal that redistricting be done in a manner which is transparent, allows for full public participation, and further complies with the goals and requirements of Section 5 of the Voting Rights Act of 1965; and

WHEREAS, in forming the Redistricting Committee, the Guilford County Board of Commissioners was acting under the assurance of the President Pro Tempore of the North Carolina Senate that the Commissioners would be permitted to redistrict Guilford County as codified in Session Law 2011-172; and

WHEREAS, Guilford County, and all other North Carolina counties, are authorized to redraw board of commissioner electoral district lines pursuant to N.C. Gen. Stat. § 153A-22; and
WHEREAS, Guilford County, and all other North Carolina counties, are authorized to seek voter referenda to implement changes in board of commissioner organization and structure, including the number of commissioners, the number of districts and the number of at-large members pursuant to N.C. Gen. Stat. § 153A-58 et seq.; and

WHEREAS, The North Carolina General Assembly adopted Session Law 2011-407 on July 28th, 2011, which enacted the following:

- Reduce the number of commissioners of the Guilford County Board of Commissioners from eleven (11) to nine (9);
- Reduce the number of electoral districts for Guilford County from nine (9) to eight (8);
- Reduce the number of At Large candidates from two (2) to one (1);
- Move the election of the remaining at-large candidate to off-year elections, i.e., 2014, and every four (4) years thereafter;
- Adopted a map establishing the boundaries for the eight (8) electoral district for the Guilford County Commissioners; and
- Prohibited Guilford County from making any changes pursuant to Chapter 153A of the North Carolina General Statutes to its district lines and board make up until the year 2017.

WHEREAS, Section 5 of the Voting Rights Act of 1965 is intended to ensure fair representation for all Guilford County voters, including maintaining a meaningful voice for African American voters; and

WHEREAS, Session Law 2011-407 preempts the involvement of the citizens of Guilford County in the redrawing of district lines for the election of their own Commissioners; and

WHEREAS, Session Law 2011-407 does not provide the safeguards or assurances that the proposed plan will not be retrogressive and will not dilute the voting impact of African Americans in Guilford County afforded by full public participation as proposed by the Board of Commissioners; and

WHEREAS, the majority of the Guilford County Board of Commissioners have significant concerns in that reducing the number of at-large commissioners and moving the remaining at-large election to “off-year” elections may not be a fair and equitable change for the voters of Guilford County, in particular its African American citizens; and

WHEREAS, it is the opinion of the Guilford County Board of Commissioners that Session Law 2011-407 inappropriately prevents the citizens of Guilford County from participating in one of their most basic rights, the manner in which they elect their own leaders; and
WHEREAS, the City of High Point is split into three separate districts, all of which include parts of Greensboro, combining separate communities of interest, dividing the High Point community, and creating the possibility of a major city with no representation at the county level; and

WHEREAS, every single district in this map contains at least one City of Greensboro precincts, indicating an unnecessary eight-way division of this urban community of interest; and

WHEREAS, Session Law 2011-407 was originally introduced as North Carolina House Bill 719, titled “Suspension Removed When Eligibility Met.”

WHEREAS, African-American elected officials serving on both the Guilford County Board of Commissioners and the African-American elected officials representing Guilford County in the General Assembly were not informed of the initial North Carolina Senate Committee on Judiciary II hearing on House Bill 719 until almost immediately before the hearing.

WHEREAS, those officials also were informed House Bill 719 titled “Suspension Removed When Eligibility Met” was the only bill on the agenda of the Senate Judiciary II Committee and it was not until 20 minutes after the Committee meeting began that copies of House Bill 719 were provided to those officials and the true nature of the meeting was known by them.

WHEREAS, the Senate Committee on Judiciary II then passed House Bill 719 by a voice vote after allowing only approximately 25 minutes of debate, then hours later House Bill 719 passed its second reading under suspended rules in the North Carolina Senate.

WHEREAS, the following day it passed a third reading in the Senate was sent to the North Carolina House, which concurred and at which point House Bill 719 became law because it was a “local bill” and not subject to the Governor’s veto.

WHEREAS, those who won our independence believed that public discussion is a political duty; and that this should be a fundamental principle of the American government.

NOW, THEREFORE, BE IT RESOLVED that the Guilford County Board of Commissioners does hereby find and determine as follows:

(a) Session Law 2011-407 segregates nearly 70% of black voters in Guilford County into just three of the eight districts by unnecessarily violating traditional districting principles, dividing communities of interest, and disrespecting traditional boundaries

(b) Session Law 2011-407 creates a new District 7 that is approximately 65% African-American, thus packing African American citizens into one district in order to dilute their voting power.

(c) Session Law 2011-407 creates a new District 8 that is approximately 60% African-American, thus packing African American citizens into one district in order to dilute their voting power.
Session Law 2011-407 moves the election of At-Large commissioner to an “off-year” election, during a time where minority turn out is traditionally lower.

The North Carolina General Assembly passed Session Law 2011-407 without notice, without a public hearing, and while operating under suspended rules in the North Carolina Senate.

No opportunity was given to members of the African American community in Guilford County to comment or provide meaningful input.

Session Law 2011-407 has a retrogressive effect on African-Americans in Guilford County.

The Guilford County Board of Commissioners does not support Session Law 2011-407.

BE IT FURTHER RESOLVED that this resolution shall be personally delivered to the Attorney General of the United States of America or his representative by the Chairman of the Guilford County Board of Commissioners for consideration.

ADOPTED this the 25th day of August, 2011.

MADE APPOINTMENTS AND REAPPOINTMENTS TO BOARDS AND COMMISSIONS

Vice Chairman Shaw read the recommendations for appointment and reappointment.

Motion was made by Vice Chairman Shaw, and seconded by Commissioner Perkins to approve the appointments.

VOTE: Motion to approve carried 10 - 0
AYES: Commissioners Alston, Bencini, Cashion, Coleman, Davis, Gibson, Parks, Perkins, Shaw, and Yow.
NOES: None.
ABSENT: Commissioner Winstead

Guilford Center
Reappointed Dr. Lisa Gunther-Lavergne (term expires 6/30/2014)
Reappointed Lura McLendon (term expires 6/30/2014)

Juvenile Crime Prevention Council
Appointed Brenda Fox (term expires 7/1/2013)

XII. COMMENTS FROM COMMISSIONERS

Commissioner Perkins spoke about the commercial investment program. He said he felt it was an ineffective policy and he asked for a vote from the Board rescind it at this meeting or at a future meeting.

Chairman Alston said he would put the issue on a future agenda.
Commissioner Perkins commended Brown Wesleyan Church in the northeast area of the county. He said they do a number of programs in Northeast Park and he thanked Pastor Larry Pope.

Commissioner Parks congratulated Commissioner Cashion for being elected as a national delegate to NACo. He spoke about several community events he recently attended. He also announced an Audit Committee meeting on October 6th at 4:00 p.m.

Commissioner Yow said he would like to discuss three items: how the Purchasing Department’s bid process works, the Summerfield Sheriff’s Substation, and the fuel contract.

Chairman Alston requested these items be discussed at a work session instead. He said staff might not be prepared to answer questions about these topics at this meeting. He said there is a work session on September 15th that would be an appropriate time to discuss his concerns.

Commissioner Yow agreed to discuss these matters in detail at the work session and asked for the Purchasing Director to provide additional information at the work session regarding how Purchasing selects who they send bids packages to because some of the vendors on the list for the roof contract were not roofing contractors. He also said the fuel service contract is not working and he asked the Board to reconsider the fuel contract. He requested that the employees that are handling fuel for the departments to come and discuss their concerns with the Board. He also inquired about the Sheriff’s District 1 Substation lease. He pointed out the Board approved the contract for the rental space in 2007 for 5 years. He expressed concern the Sheriff did not know funds for the rent were taken out of this year’s budget because the Sheriff deserves respect as an elected official.

Vice Chairman Shaw said she met with Sheriff Barnes and the County Manager and rent for the Summerfield Substation was paid for July and August on July 24th and the money is there for September. She said they are going to look at different options to benefit the Sheriff’s Office. She asked the Manager if the County was ever behind on the rent.

Sheriff Barnes said the rent was only paid until after he received a phone call 21 days after the rent was due. He said there was no money in the budget for the rent.

Vice Chairman Shaw asked if the Sheriff contacted the Manager the 1st of July about the rent not being paid.

Ms. Fox said that the Sheriff contacted her sometime in July and she checked on it at the time and it had not been paid. She said the rent was then paid on July 24th for July and August.

Sheriff Barnes stated that the Manager took the money for the rental out of this year’s budget.

Chairman Alston said they are looking at options for the Summerfield Substation.

Commissioner Cashion gave an overview of the Citizens Academy which will start in September.
Commissioner Davis announced the John Coltrane International Blues and Jazz Festival in High Point on September 3rd.

Commissioner Gibson also spoke about the roofing contract for the Courthouse. He said he hoped to discuss the contract at the next work session. He also expressed concern that the Manager cut the money out of the budget for the Sheriff’s substation.

Commissioner Parks asked about the schedule for the work session. Chairman Alston suggested the Board move the work session to 3:00 p.m. to discuss all the items.

Chairman Alston read a press release about Commissioner Cashion’s appointment as Chair of the NACo Juvenile Justice Subcommittee.

Commissioner Perkins said that the Purchasing Department has guidelines and he felt it could be worked out. He said there is a legal clause out of the fuel contract if needed.

**COUNTY MANAGER FILED REPORTS OF OUT OF STATE TRAVEL AND CONTRACTS FOR THE MONTH OF JULY 2011**

County Manager Fox filed her report of out of state travel and contracts approved by her for the month of July 2011. (See copy in file with these minutes.)

**BUDGET DIRECTOR FILED BUDGET AMENDMENT REPORT**

Michael Halford, Budget Director, filed a report for budget amendments less than $30,000 or transfers from Technology Funds transferred under the authority of the County Manager as granted in the Budget Ordinance. (See copy in file with these minutes.)

**ADJOURNED**

Commissioner Coleman made a motion to adjourn which was seconded by Commissioner Davis. The motion carried by consent and the meeting was adjourned at 10:10 p.m.

_____________________________
Chairman

_____________________________
Deputy Clerk