MINUTES OF BOARD OF COUNTY COMMISSIONERS OF GUILFORD COUNTY

Greensboro, North Carolina
March 21, 2013

The Board of County Commissioners met in a duly noticed regular meeting on March 21, 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 Alan Branson, Kay Cashion, Carolyn Coleman, Bruce Davis, Hank Henning, Jeff Phillips, and Ray Trapp.

ABSENT: None.

ALSO PRESENT: Sharisse Fuller, Interim County Manager/HR Director; Mark Payne, County Attorney; Effie Varitimidis, Clerk To Board; Crystal Maurer, Deputy Clerk to Board.

I. INVOCATION

Ben Chavis, Tax Director, provided the invocation.

II. PLEDGE OF ALLEGIANCE

Boy Scout Troop #101 led those present in the Pledge of Allegiance.

III. WELCOME AND CALL TO ORDER

Chairman Shaw called the meeting to order and welcomed those present.

IV. PRESENTED RESOLUTION IN HONOR OF THE LIFE OF FRANK RAKESTRAW

Chairman Shaw read the resolution in honor of the life of Frank Rakestraw. She expressed her appreciation to Mary and Frank Rakestraw for their dedication to public service.

Mary Rakestraw accepted the resolution in honor of Frank and expressed her appreciation to the Board for honoring Frank’s life. She thanked her family and friends in attendance for their support.

V. PRESENTED RESOLUTION IN HONOR OF THE LIFE OF KENNETH CLEGG

Commissioner Branson read the resolution in honor of the life of Kenneth Clegg.

Mr. Clegg’s sons accepted the resolution on behalf of the family.
Chairman Shaw recognized Administrative Assistant Elizabeth Greeson. She thanked Elizabeth for her service to Guilford County and wished her well in her new position at the Town of Jamestown.

VI. SPEAKERS FROM THE FLOOR

Harold Proctor spoke about the Triad Highland games to be held on April 27th at Bryan Park. He encouraged the community to come out and support the event.

Stewart Flora also spoke about the Triad Highland games. He spoke about games held in other cities and the support provided by the cities and colleges for the games.

Van Clippard spoke to the Board about the upcoming budget season and asked the Board to carefully consider each agenda item to determine if the County can afford these transactions and consider the impacts on future budgets.

Ernie Wittenborn urged the Budget Committee to appropriately prioritize the budget to reduce the tax rate. He asked the Board to cooperate with Senator Wade and Representative Hardister to revise the districts for the Board of Education.

VII. APPROVED CONSENT AGENDA

Chairman Shaw asked if Commissioners would like to remove any items from the consent agenda for separate consideration.

Commissioner Henning asked to remove item VII. B (2) for separate consideration.

Motion was made by Commissioner Cashion, and seconded by Commissioner Davis to approve with the consent agenda with the addendum.

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

A. BUDGET AMENDMENTS

1. Approved Public Health request to decrease the FY 2012-2013 budget by ($50,682). This includes a decrease of ($29,585) in Appropriated Fund Balance. NO ADDITIONAL COUNTY FUNDS REQUIRED.

   Adult Services: ($11,821)
   a. Approved a ($29,585) decrease in Appropriated Fund Balance to align budgets in our HIV/STD Non-Traditional (non-clinical) Site Testing Program. Operational expenditures will be reduced to offset the funding reduction (part-time salaries, office/medical supplies, training, etc.)
b. Approved a $17,764 increase in Other revenue (Cone Foundation grant funds received through TAPM, Triad Adult and Pediatric Medicine Inc.) to implement the Adolescent Pregnancy Prevention Initiative Program. This project will continue through October, 2015 with the Health Department receiving approximately $52,000 per fiscal year. Funds will be used to cover the costs of an existing Community Health Educator I position who will provide health assessments/education on pregnancy prevention to adolescents aged 11-21 currently seen in TAPM clinics.

Family and Children's Services: ($38,861)
a. Approved a ($38,861) reduction in Federal/State revenue to reflect a decrease in Immunization Action Plan funding. Operational expenses will be reduced to offset the funding reduction (office and medical supplies).

The following Budget Ordinance Amendment was adopted:

<table>
<thead>
<tr>
<th>BUDGET ORDINANCE AMENDMENT</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>General Fund</td>
<td></td>
</tr>
<tr>
<td>Decrease Appropriation to</td>
<td>($50,682)</td>
</tr>
<tr>
<td>Public Health</td>
<td></td>
</tr>
<tr>
<td>Decrease Federal/State</td>
<td>9($38,861)</td>
</tr>
<tr>
<td>Revenue</td>
<td></td>
</tr>
<tr>
<td>Decrease Appropriated</td>
<td>($29,585)</td>
</tr>
<tr>
<td>Fund Balance</td>
<td></td>
</tr>
<tr>
<td>Increase Other Revenue</td>
<td>$17,764</td>
</tr>
</tbody>
</table>

2. Approved Increase to the FY 2012-2013 Emergency Services budget by $7,378 to reflect additional revenue awarded to the County by the North Carolina Division of Emergency Management to assist in the cost of developing and maintaining a comprehensive Emergency Management program. NO ADDITIONAL COUNTY FUNDS REQUIRED.

The following Budget Ordinance Amendment was adopted:

<table>
<thead>
<tr>
<th>BUDGET ORDINANCE AMENDMENT</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>General Fund</td>
<td></td>
</tr>
<tr>
<td>Increase Appropriation to</td>
<td>$7,378</td>
</tr>
<tr>
<td>Emergency Services</td>
<td></td>
</tr>
<tr>
<td>Increase Federal/State</td>
<td>$7,378</td>
</tr>
<tr>
<td>Revenue</td>
<td></td>
</tr>
</tbody>
</table>

3. Approved Increase to the FY 2012-2013 budget for Cooperative Extension to accept a 2013 grant for $7,500 from Syngenta Corporation for the purpose of the School Garden Network program to help support a one-year, part-time position of School Garden Coordinator to help establish and coordinate school garden programs in additional Guilford County Schools. NO ADDITIONAL COUNTY FUNDS REQUIRED.
The following Budget Ordinance Amendment was adopted:

<table>
<thead>
<tr>
<th>BUDGET ORDNANCE AMENDMENT</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Funds</td>
</tr>
<tr>
<td>Increase Appropriation to</td>
</tr>
<tr>
<td>Cooperative Extension</td>
</tr>
<tr>
<td>Increase Other Revenues</td>
</tr>
</tbody>
</table>

4. Approved an increase to the FY 2012/13 Law Enforcement budget in the amount of $14,126 and adjust revenues to reflect appropriation of unspent Law Enforcement Explorer Post Funds from FY 2011/12. The Guilford County Sheriff’s Office sponsors Explorer Post 592. Explorer Post 592 is a law enforcement education and community service program chartered through the Boy Scouts of America. The explorer program accepts individuals from the age of 14 to 20. The explorer program is a community service based program. Our explorers provide ongoing volunteer assistance for community events throughout Guilford County. Some examples are Pleasant Garden E-Cycle event, Operation Safe County, Summerfield Founders Day and The Sheriffs Youth Academy. Our Explorers also assist our Sheriff’s office in organizational events such as the new radio transition and the issuance of new license plates for our county vehicles. Funding for Explorer Post comes from community and individual donations. Additionally the towns of Pleasant Garden and Summerfield donate funds to this organization every year. NO ADDITIONAL COUNTY FUNDS REQUIRED.

The following Budget Ordinance Amendment was adopted:

<table>
<thead>
<tr>
<th>BUDGET ORDNANCE AMENDMENT</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Fund</td>
</tr>
<tr>
<td>Increase Appropriation to</td>
</tr>
<tr>
<td>Law Enforcement</td>
</tr>
<tr>
<td>Increase Other Funds</td>
</tr>
</tbody>
</table>

5. (a.) Approved a Sole Source exception for the purchase of a CVSA II Voice Stress Analyzer, in the amount of $8,195, from Sole Source vendor NITV Federal Services, L.L.C., 11400 Fortune Circle, West Palm Beach, FLA 33414. Federal Forfeiture funds in the amount of $8,195 will be used for this purchase. The Voice Stress Analyzer will be used by the Law Enforcement Personnel and Training Division as part of the background investigation process done on each prospective employee. (b.) Approved Increase to the Law Enforcement budget in the amount of $8,195 to reflect the appropriation of Federal Forfeiture funds for the purchase of a CVSA II Voice Stress Analyzer, in the amount of $8,195, from Sole Source vendor NITV Federal Services.

The following Budget Ordinance Amendment was adopted:
BUDGET ORDINANCE AMENDMENT

<table>
<thead>
<tr>
<th>General Fund</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Increase Appropriation to</td>
<td></td>
</tr>
<tr>
<td>Law Enforcement</td>
<td>$8,195</td>
</tr>
<tr>
<td>Increase Other Funds</td>
<td></td>
</tr>
<tr>
<td></td>
<td>$8,195</td>
</tr>
</tbody>
</table>

6. Approved Increase to the Fiscal Year 2012-2013 Risk Management budget in the amount of $805,000 to reflect the appropriation of Internal Service fund balance for the payment of claims. These funds have become low through various claims that have occurred during the current fiscal year. This adjustment appropriates additional funds from the internal service fund balance to increase future funds available for payment of claims, if needed. NO ADDITIONAL COUNTY FUNDS REQUIRED.

BUDGET ORDINANCE AMENDMENT

<table>
<thead>
<tr>
<th>Internal Service Fund</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Increase Fund Balance</td>
<td></td>
</tr>
<tr>
<td>Appropriated</td>
<td>$805,000</td>
</tr>
<tr>
<td>Increase Risk Management</td>
<td></td>
</tr>
<tr>
<td></td>
<td>$805,000</td>
</tr>
</tbody>
</table>

B. CONTRACTS

1. Approved the purchase from NC State Contracts 070B and 070G for (27) twenty-seven Law Enforcement vehicles to include: (12) twelve full-size Police Pursuit Dodge Chargers, (9) nine Intermediate Police Sedan Impalas, (3) three Police Interceptor Utility Crossovers, (1) one F150 Ford Pick Up Truck for Evidence Division, (1) one Ford small cargo van for Crime Lab and (1) one Chevy Tahoe PPV for K9 Division, not to exceed $822,195. This total includes the 3% Highway Use Tax. The (9) Intermediate Police Sedan Impalas and (1) one Chevy Tahoe PPV will be purchased from Bobby Murray Chevrolet, 1820 Capital Boulevard, Raleigh, NC 27604, from State Contract 070B. The (3) three Police Interceptor Utility Crossovers, (1) one F150 Ford Pick Up Truck for Evidence Division, and (1) one Ford small cargo van for the Crime Lab will be purchased from Capital Ford, 4900 Capital Boulevard, Raleigh, NC 27616, from State Contract 070B and 070G. The (12) twelve full-size Police Pursuit Dodge Chargers are being purchased from Butler Dodge Chrysler Jeep, 1555 Salem Road, Beaufort, SC, 29902, from State Contract 070B. These vehicles are replacing aging fleet, due to high mileage and increasing maintenance costs and reviewed by the county wide vehicle replacement committee. These vehicles were approved in the Capital Outlay listing for FY 2012/13. NO ADDITIONAL COUNTY FUNDS REQUIRED.

C. MISCELLANEOUS

1. Approved a five-year lease, including (2) five-year renewal options, with AT&T to locate (6) antennas at the 300 foot level of the communications tower located at 5421 Centerfield Road in Summerfield, NC. Annual rental fee revenue to the County shall be $43,200 annually for a guaranteed sum of $216,000 for the initial five year term.
2. Approved Resolution to appoint Carol Carter as a Review Officer for maps and plats within the Town of Summerfield, North Carolina, pursuant to G.S. 47-30.2.

**RESOLUTION APPOINTING REVIEW OFFICERS UNDER G.S. 47-30.2**

BE IT RESOLVED BY THE GUILFORD COUNTY BOARD OF COMMISSIONERS:

Pursuant to G.S. 47-30.2, effective March 21, 2013, that the Guilford County Board of Commissioners hereby amends its appointments, at the request of the Town of Summerfield, by adding the following person to the official list of Review Officers for purposes set forth in G.S. 47-30.2 and other applicable law:

Carol Carter, for maps and plats within the corporate limits of Summerfield, NC. Pursuant to said statute, this resolution shall be recorded in the Guilford County Registry and indexed on the grantor index in the name of the Review Officer.

ADOPTED this 21th day of March 2013.

3. Approved Tax Department Beverage Licenses and Collection Reports.

Ben Chavis, Tax Director, submitted list 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 show 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 license tax, said licenses to be signed in the name of Guilford County by the Tax Supervisor or one of his assistance and delivered to the applicants upon receipt of the licenses tax as provided by law.

Ben Chavis, Tax Director, filed reports of tax collections for the period ending, for the Greensboro, High Point, Jamestown, and countywide collections offices, and a back year financial report for period ending February 28, 2013.

4. Approved Tax Department Rebate and Release reports.

Ben Chavis, Tax Director, submitted a list of corrections of clerical errors and assessments made in connection with taxes and assessments for the year 2012 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.)

5. Approved Minutes of the following County Commissioners Meetings:
   10/04/12 - Regular Meeting
   03/05/13 - Animal Committee Meeting
6. **ADDENDUM** - Approved waiving County’s right to purchase 9.808 acres of property located at Shadybrook and School House Road in High Point owned by Guilford County Schools. Guilford County Schools intends to sell the property to the City of High Point in accordance with North Carolina General Statutes 160A, 115C-518, and 115C-426.

**ITEM REMOVED FROM CONSENT AGENDA FOR SEPARATE CONSIDERATION**

2. Approved purchase for "Off The Shelf Products and Services" to upgrade the countywide wireless network infrastructure from NWN Corporation, an approved vendor on the City of Jacksonville Convenience Contract. Guilford County will "Piggyback" on the City of Jacksonville's contract, and Guilford County has met the advertisement/publication requirements of The Notice of Intent. Contract Amount not to exceed $139,000. Current Cisco wireless infrastructure is obsolete and maintenance on that has become increasingly expensive. Additionally, we can no longer purchase our current model and new access points cannot be added to the current system. The upgrade will allow newer access points which will provide wider coverage and better performance, including faster download speeds, for departments using laptops and mobile technology. **NO ADDITIONAL COUNTY FUNDS REQUIRED.**

Motion was made by Commissioner Cashion and seconded by Vice Chairman Bencini to approve item B. (2)

Commissioner Henning stated he would like to make a substitute motion to postpone this agenda item.

Commissioner Coleman inquired about the piggybacking process.

Bonnie Stellfox, Purchasing Director, explained the piggybacking process under North Carolina law.

Commissioner Coleman asked if the materials were needed immediately.

Bridget Lindsay, Interim Information Services Director, said there is an immediate need as the current infrastructure is obsolete and they cannot add any additional access points.

Commissioner Cashion asked if funds were already budgeted. Ms. Lindsay replied this item was approved for funding from the County Technology Fund.

Commissioner Henning asked what areas needed to be added to the wireless system. Mr. Lindsay responded additional access points were needed for Public Health, Juvenile Detention, and Law Enforcement in the New Detention Center.
Vice Chairman Bencini asked for clarification on what in the system is obsolete and asked when
the current system was installed.

Ms. Lindsay said the hardware for the wireless system is obsolete which means it is no longer
available. She said she believed the system was first installed in 2003 or 2004 and it has not
been updated.

Commissioner Henning asked if the entire system needed to be replaced in order to add the
access points. Ms. Lindsay replied yes.

Commissioner Henning stated that he would like to withdraw his substitute motion.

VOTE: Motion to approve carried 5 – 4
AYES: Commissioners Cashion, Coleman, Davis, Shaw, and Trapp
NOES: Commissioners Bencini, Branson, Henning, and Phillips

XIV. HELD CLOSED SESSION TO DISCUSS THE POSSIBLE LOCATION OR
EXPANSION OF BUSINESS OR INDUSTRY

Motion was made by Commissioner Trapp, and seconded by Vice Chairman Bencini to approve
entering closed session to discuss property acquisition and the possible location or expansion of
business or industry.

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

The Board entered closed session at 6:18 p.m. The Board came back into open session at 7:24
p.m.

Motion was made by Commissioner Cashion, and seconded by Commissioner Trapp to approve
setting a public hearing to consider an economic development grant for site development on
April 4th at 5:30 p.m.

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

VIII. PUBLIC HEARINGS

A. Conducted required quasi-judicial public hearing for Special Use Permit Case #12-12-
GCPL-05117 and Approved special use permit for a solar facility on +/- 37.9 acres.
This request is located on the South side of Alamance Church Road approximately
1000 feet west of Southmont Drive in Green Township, being tax parcel #0110843.
Continued from February 21st Board meeting.

Chairman Shaw explained the procedures for the quasi-judicial hearing. She asked those wishing to give testimony at the hearing to come forward to be sworn in.

Vice Chairman Bencini, Commissioners Henning, Cashion, and Branson all disclosed that they were contacted outside of the public hearing and asked to discuss this case but all indicated that they did not take a position on this case and the contact will not impact the way they will decide the case.

The Clerk to Board swore in those wishing to provide testimony in the public hearing.

Les Eger, Planning Department, introduced the Special Use Permit Case #12-12-GCPL-05117 for a solar farm facility on 37.9 acres in southeast Guilford County. He described the location of the property and the general land use for the area. He stated there is a historic structure near the property but the request has no negative impact on the structure. He explained there is not a current land use plan for this portion of the county except for the 1986 Comprehensive Plan. He said this request is a permitted use for the AG District under the Guilford County Ordinance. He said staff offered the following facts for the Board to consider: the request requires a special use permit, the proposed use meets all conditions of the ordinance and has gone through TRC and was conditionally approved, and the use as proposed subject to conditions that have been added or will be added is consistent with the district and compatible with surrounding uses. He also stated the special use permit shall be granted if all of the following findings of fact have been made by the Commissioners: the use will not materially endanger the public health or safety if located where proposed and developed according to the submitted plan; the use will not substantially injure the value of adjoining property owners, or the use is a public necessity; the location and character of the use, if developed according to the plan submitted, will be in harmony with the area in which it is to be located and general conformity with the plan of development for the area. He said after reviewing the development plan he offered the following facts to consider: the use is represented by an (S) in the Guilford County Development Ordinance permitted use table, the proposed site plan conditions meet the development standards of the Guilford County Development Ordinance, and the proposed solar facility as presented meets the intent of uses within the AG district with an approved special use permit.

Chairman Shaw asked for the proponents to come forward.

Michael Fox, Attorney with Tuggle Duggins P.A. representing the applicant, handed out two different books containing materials for consideration at the public hearing. He said the large book applies to both special use permit cases. He said the smaller booklet is site specific for case 05117. He said the project is for a solar facility and he referenced the text of the solar collectors ordinance adopted by Guilford County. He asked the Board to accept two conditions to the request: a condition that the maximum height for the solar arrays not to exceed 12 feet as was accepted by the Planning Board and an additional condition relating to a change in the site plan which has been approved by TRC. He asked the Board to allow them to amend their application to include the new site plan in tab #3 in the small booklet.
Les Eger explained the site plan has been conditionally approved by TRC. He described the changes which pulled panels back off of a certain area and moved more panels to another location.

Vice Chairman Bencini asked if there was a vegetative buffer involved in the change. Mr. Eger replied it would be a 50 foot opaque vegetative buffer.

The Board agreed by consent to accept the conditions.

Mr. Fox explained that he will begin calling witnesses to offer testimony.

Keith Colson, Sunlight Partners, provided a brief history of the company and ownership arrangement their parent company Cate Street Capital. He outlined that solar farms harvest the energy from the sun and there a just few components including panels and racks. He explained that routine maintenance is only performed a few times a year. He also briefly described the decommissioning process. He said the benefits of the solar farm are that Guilford County will receive additional taxes and there isn’t a negative impact on the environment nor do they pose safety risks to the local community. He said he has seen first-hand that these farms allow owners to keep the land in their families and once the site is decommissioned the land can be put back to its original use. He referenced tabs #3 and #4 in the large book for the Board to review.

Commissioner Branson asked how many solar farms the company has in operation and where they are located.

Mr. Colson stated the company has zero farms in operation but they have started projects in California and North Carolina.

Commissioner Branson asked if the company owns any of the properties. Mr. Colson explained the company leases all the properties.

Commissioner Trapp asked what brought the company to Guilford County. Mr. Colson replied the company sells wholesale to utilities so they look at the PPA rates, the federal and state credits, and the topography.

Commissioner Cashion asked about the cement pads Mr. Colson mentioned in the decommissioning process. Mr. Colson explained where the pads were located under the inverters.

Commissioner Cashion asked about the company’s experience in the solar industry. Mr. Colson replied the company has 21 employees and many have years of experience in the solar field. He said the company has been in operation for three years and although they do not have any farms in operation yet the individual employees have had past experience in the solar industry in general.

Commissioner Coleman asked about decommissioning. Mr. Colson replied the farms are decommissioned after 15 years and the land is returned to its natural state.
Commissioner Coleman asked about damage to the land. Mr. Colson speculated the farms would not damage the land.

Commissioner Coleman asked if the company is looking at other locations in southeast Guilford. Mr. Colson explained the company has a couple of other sites that have been permitted in Guilford County. He said the proposed sites that are being considered at this meeting are the last two sites the company is looking at in Guilford County.

Commissioner Branson stated that this would be the third facility in southeast Guilford for Sunlight. He asked if the company goes out of business would decommissioning the property be left up to the expense of the property owner. He also asked about the timeframe to rezone the property back from the special use permit to AG district. Additionally, he asked about a bond package for the property owner to cover clean up in case the company went out of business.

Mr. Fox explained the special use permit would not preclude any other uses under AG zoning.

Commissioner Branson asked about a bond program for cleanup.

Mr. Fox stated the County ordinance does not require a bond but leaves it up to the property owner.

Mr. Colson said the company believes the material that would be left on the property would have scrap value and that value would exceed the labor value for decommissioning. He said the issue of bonding over a 15-year period is expensive and they would have to work out several issues since it was a complex question so he could not make a blanket statement about bonds at this time.

Chairman Shaw asked if the line of questioning was still relevant to the hearing.

County Attorney Mark Payne said it was his opinion the questions are appropriate at this time. He reminded the Board they will have to view the evidence in light of the standards set forth in the ordinance.

Commissioner Davis recommended the Board hear the remainder of the presentations prior to asking additional questions.

Mr. Fox said they would accommodate the Board's wishes.

County Attorney Payne reminded the Board the opposition will also have the opportunity to cross examine.

Keith Broderick, President with Civil Designs and a licensed professional engineer, stated his company has been contacted by Sunlight Partners to develop a preliminary site plan which will conform to the Guilford County Development Ordinance, Section 6.4-8.4 entitled Solar Collectors Principal. He listed the five requirements required for the site plan and stated the plan
meets all these requirements. He explained site plan has been reviewed and conditionally approved by the TRC, complies with all applicable laws and regulations, and was designed to be in harmony with the neighborhood and surrounding areas.

Victoria Troxler stated that she was the land owner and she supported the project. She said the project is in harmony with the environment and clean energy is needed. She noted that she would be living beside the solar farm.

Athena Alston Harris said she has purchased property on Old Julian Road and is the neighborhood of this property. She said they plan to clear the land to plant an organic vegetable garden. She stated she was very concerned about the environment but she felt comfortable living next to the solar farm and she supported her neighbors and this project.

Mr. Fox introduced Cliff Harris and stated his qualifications were listed on tab #6 of the large book.

Dr. Cliff Harris spoke about his credentials in radiation and biology but stated he was testifying today as well informed neighbor of the farm. He said he looked at this project as a scientist, a citizen and a person concerned about the environment and after his research he has concluded he is comfortable with the construction and operation of the solar farm within the neighborhood. He said he had no fear for his family’s safety or the safety of flora or fauna in the area.

Donna Carr, 5628 Baptist Assembly Rd., said that she and her daughter are neighbors of the property. She said they both walked the property and met with Ms. Troxler and the applicant agreed to move the panels back on the property due to their concerns. She also said she was initially concerned about radiation but she has spoken to another expert and she no longer has concerns.

Mr. Fox introduced Jim Kennerly and stated that his qualifications were listed on tab #7 of the large book and the information he was referencing was located on tabs #8, #9, and #10.

Jim Kennerly, Regulatory and Policy Analyst for NC Sustainable Energy Association, he said the mission of his agency is to promote affordable and accessible clean energy. He presented information about a report his organization commissioned about the positive economic impact of clean energy in North Carolina. He also spoke specifically about the economic benefits for Guilford County. He urged the Board to approve the permit for the solar farm.

Mr. Fox introduced Tommy Cleveland and stated his qualifications were listed on tab #11 of the large book and the information he would present was located on tab #12.

Tommy Cleveland, Lead Engineer at NC State Solar Center at NC State University, he spoke about his experience in solar energy. He explained the technology contained in solar panels and solar cells. He presented images of the solar farms as they developed. He discussed the salvage value of equipment which more than offsets the costs for decommissioning in his opinion. He concluded by stating the panels are safe and solar farms in general are environmentally friendly since they offset other types of power production.
Mr. Fox introduced David Massey to address property values. He said Mr. Massey’s qualifications are listed on tab #13 and the information he was referencing was located at tabs #14-17.

David Massey, Real Estate Appraiser and Broker, stated that in his research he tried to find comparable sales but he could not find land that has sold next to a solar farm or near a solar farm so he compared houses sold near a high voltage tower. He said the home with the view of the tower saw a 5% depreciation. He said he also compared another neighborhood across from an industrial park and mobile home park and found a 3% depreciation for that those farms. Finally, he said reviewed a study that found that wind turbines had no effect on property values. He said he studied Mr. Colson's plan and due to the natural buffers and the landscape buffers that will be put in place and the fact the solar farm will not be visible it was his professional opinion the solar farm will have no impact on the surrounding property values.

Chairman Shaw asked for the opponents to come forward.

Brian Walker, Attorney with Garrett, Walker, and Aycock, stated he was representing property owners in opposition to this request. He said he had a few brief questions for the proponents at this time including how the company intends to clean the solar panels.

Mr. Cleveland said in North Carolina there is generally enough rain to keep the panels clean. He said he has not heard of any developers cleaning the panels since they are installed at an angle that allows the rain to wash the dust and pollen off.

Mr. Walker asked if the company anticipated using anything other than a mild detergent and water to clean the panels.

Mr. Colson said they do not anticipate cleaning the panels but if they did it would only be with a mild detergent and water.

Mr. Fox said the applicant was fine with adding the condition that if the panels were to be washed they would be washed only with water and a mild detergent. He asked the Board to allow that condition.

Mr. Walker asked about the water source to clean panels.

Mr. Colson said the company hadn’t planned on cleaning the panels so they have not located a water source.

Mr. Walker asked about the manufacturer of the panels and the origin of the panels.

Mr. Colson said the company does not know the specific manufacturer since panel prices change frequently. He said he is aware there are panels that have toxic substances in them but they are rarely used in solar farms and Sunlight would not use any of those types of panels in this project.
Mr. Walker asked about a fire plan for the inverters and if the company coordinated with local fire departments.

Mr. Broderick said there is a fire access road as required by the fire department and it was reviewed through the TRC process.

Mr. Walker asked about a plan to monitor the site.

Mr. Colson responded in reference to monitoring and security there is a fence around the facility but there are no lights. He said there is a security system and a telemetry system that reports the output that they would monitor.

Mr. Walker asked about salvage value and if there are dangers if the panels are damaged.

Mr. Cleveland said the study he reviewed had the current metal prices for salvage and it used a conservative copper price. In reference to the panels, he said the panels are very durable and must pass a hail test. He said it would be difficult to be injured by a damaged panel.

Mr. Walker asked about silicon chip in the panels. Mr. Cleveland responded there is no danger from the silicon. He said the panels shatter like safety glass and silicon is not easily exposed.

Mr. Walker asked if Mr. Kennerly analyzed this particular project.

Mr. Kennerly said the figures he presented were specific to a statewide report for North Carolina.

The Board took a short recess at 9:00 p.m. The Board came back into session at 9:07 p.m.

Brian Walker, Attorney representing the opponents, gave an overview of the neighbors concerns including preserving the neighborhood and open space. He said the neighbors fear this is a step in the wrong direction to add a commercial aspect to the area. He introduced appellant Jayme Williams.

Jayme Williams said she lives at 6004 Hepler Lane which is in close proximity to the subject property. She stated she works in the real estate industry and is a North Carolina certified appraiser. She questioned the information provided by Mr. Massey and said there is evidence that there is substantial damage to property values near high tension lines. She said the surrounding uses in the area can have a negative impact on the area, particularly uses that are not compatible with the area. She pointed out the required finding of fact that the location and character of the use if developed according to plan will be in harmony with the area in which it is to be located and is in conformity with the land use plan of this jurisdiction and its environs.

Ms. Williams provided a packet of information as evidence to the Board. She noted the current use of the property is farmland and referred to exhibit A in the packet for Property #1. She discussed the immediate adjoining uses as low density residential and rural residential uses and stated those uses also dominate the surrounding area. She described the residential developments in the area. She referred to exhibit B which references the Guilford County Ordinance for Solar
Collectors and she pointed out it states that solar collectors and associated outside storage shall be completely screened with a vegetative buffer from view of all streets and adjacent residential uses. She noted Exhibit C.1 which is a front facing view of the subject property and exhibit C.2 which is a view of the back of the property. She said the landscape buffer will not be sufficient to provide complete screening even when plantings are mature due to the 12 foot height of the panels. She added the plantings are not required to be evergreen so they will not provide year round coverage. Based on information she gathered from the County Tax Office and the North Carolina Department of Revenue, she said that a once solar farm is put in place it becomes a commercial land use. She stated there were no other commercial uses of this magnitude within a 5-mile radius of this site.

Ms. Williams referred the Board to F.1 in the packet which is an aerial photo of the proposed farm. She stated that when determining whether a use is in harmony or compatible with an area, the proposed use must be analyzed based on its scale, bulk, coverage, density, and character as compared to the scale, bulk, coverage, density, and character of the surrounding uses. She referred the Board to F.2 regarding the scale of the property. She said the facility consumes 30 acres and according the site plan it includes 110 rows of solar arrays. She said the location is in the middle a residential and rural residential neighborhood and scale and magnitude is larger than any of the immediately surrounding properties. She stated the bulk and coverage of the use is significantly greater than any structure in the area and the proposed use compared to the surrounding residential uses is an intensive land use and is incompatible. Based on her professional experience and the fact that the permit is located in a neighborhood, she said the transition in intensity of land use from the solar use facilities to the adjoining residential and rural residential uses is a drastic transition and is not consider acceptable. Further, she stated the commercial use does not mesh or blend with the surrounding character of the residential or rural residential area. She added it is a very scenic community and there is a North Carolina scenic byway nearby, referenced on Exhibit G. 1 and this is the only scenic byway in Guilford County. Based on the preceding analysis, Ms. Williams concluded the scale, bulk, coverage, density and character of the proposed facility is not in agreement with or compatible with the surrounding uses and does not conform to the existing land uses. She stated it is unsuitable in the proposed location and would likely have a negative impact on the value of the surrounding properties and neighborhood. She further stated that in her professional opinion the proposed facility would not be in harmony with the area and is not in conformity of this jurisdiction and its environs.

In closing, Ms. Williams said speaking as a concerned resident the company does not have track record since they do not have any facilities in operation. She pointed out the company already has three sites currently approved with special use permits encompassing 239 acres and Guilford County could have five sites within a five-mile strip if this permit is approved. She stated this would be a significant loss of rural land and she asked Guilford County to be a leader to protect the land.

Mr. Walker asked those in opposition to stand. Several citizens in the audience stood.

Gina Bowden, 5681 Baptist Assembly Rd., said her biggest concern, aside from the acreage that will be used for the project, is that there will be too many solar farms in the southeast area and it
will not be the agricultural area they moved into. She said 25 acres is a large area and she did not feel it would be in harmony with the area.

Ronny Jones, 5826 Cadiz Rd., said the solar farm does not fit the neighborhood. He said he wanted to go on record as opposing this project.

Mr. Walker asked if there was anyone else wishing to speak.

Sue Chase, 4110 Williams Dairy Rd., said she is a realtor in the area and in her professional opinion it is a rural setting and construction of a solar farm will impede the serenity of the country setting and all that it offers. She added that the solar farm must be disclosed to anyone interested in purchasing property.

Samuel Eugene Sims, 2247 Lacey St., said he owns a 10 acre plot next to the proposed solar farm. He provided some history on the ownership of the property. He said he felt the community will not get much out of the solar farm and may lose property value. He expressed concern about what affect this will have on the land in the future. He asked the Board to keep the zoning as it currently is.

Mr. Walker asked if the opponents had any questions. Mr. Fox said he had no questions at this time.

Mr. Walker stated the burden of proof is placed on the proponents. He said if every single step is not met in the ordinance then the permit has to be denied. He reemphasized that if any of the factors have not been met then the Board shall deny. He said the main points the opponents contest is that the use as proposed is not consistent with the district and not compatible with the surrounding uses, it is not known if it will endanger the public health, it has not been proven it will not damage the value of the property, and the character of the use is not in harmony with the area and lacks conformity.

In rebuttal, Mr. Fox said he agrees with the standards set forth in the ordinance. He said the role of the Board is to consider the factors and if they are met then the special use permit must be approved. He said the proponents have brought in numerous experts that support the findings of fact and he is convinced they have proven these facts. He said the experts testified there is no danger to public safety, the site plan meets the ordinance, adjacent property values will not be injured, and the use is consistent with the agricultural area. He referred to the book on Land Use Law from David Owens at the Institute of Government which states that in terms of harmony of the area the inclusion of a use as a permissible special use within a district establishes a prima facie showing of harmony and burden is on the challengers to rebut that presumption of harmony. In conclusion, he said they have presented evidence from experts that supports all four findings of fact. He said the benefit to the citizens of Guilford County is that it presents people with an option to keep their farmland and maintain it. He stated the company has tried very hard to work with the neighbors and have shown very good intent. He asked the Board to issue the special use permit.

Both parties requested that the submitted materials be considered as part of the record.
Chairman Shaw read the following instructions: Commissioners may ask questions and parties may ask questions of one another. Commissioners should refrain from expressing opinion on the issue until all evidence is submitted and the case is being discussed among the Commission. Vote to approve the request must be by majority. The request will be approve or denied and appropriate findings will be made in accordance with the development ordinance. If the Commissioners desire, in appropriate cases the hearing may be continued to a time certain at which time the Commission may render its decision and findings. She opened the floor for questions from Commissioners.

Vice Chairman Bencini asked about the type B planting requirement for vegetation. Mr. Eger responded the ordinance spells out what can be used and evergreens can be used as vegetation.

Vice Chairman Bencini asked if the installation of the panels is considered leaseholder improvements. County Attorney Mark Payne responded he believed it would be considered for tax purposes but he wasn’t sure what value would be assigned.

Vice Chairman Bencini asked who owns the solar panels. Mr. Eger said the person responsible for the land is the owner.

Vice Chairman Bencini asked who pays the business personal property taxes on the solar panel installations. Mr. Fox said the company, which is the tenant, would pay the taxes on the equipment.

Vice Chairman Bencini asked about who owns the equipment when the lease ends or is abandoned. Mr. Fox said he believes the contract or lease says the equipment belongs to the company but there would be nothing to prevent arranging for otherwise at the end of the lease.

Vice Chairman Bencini asked about salvage value in the event the lease ends. Mr. Fox said if the company has gone out of business then the land owner would have claim for unpaid lease payments and most courts would allow the land owner to use the equipment against that claim.

Mr. Walker pointed out under North Carolina General Statutes 80% of appraised value is exempt from tax for clean energy.

Commissioner Davis asked about the tax exemption for clean energy. He said he understood a company needed 50 acres to qualify for tax credits.

Mr. Colson there is no acreage requirement for qualification for tax credits. He said the parcel is 37 acres but the usable area in the fence is 28 acres so it is five acres per megawatt.

Commissioner Davis asked if the property needs to be cleared. Ms. Troxler stated the property has been partially cleared for timber but more clearing will need to be done. She said there is 25-30% left.

Commissioner Davis asked about the silicon in the panels. Mr. Cleveland described the silicon as a fairly brittle, hard wafer and added silicon is a very common element.
Commissioner Davis asked about possible environmental issues. Mr. Cleveland responded there were no environmental issues from the silicon.

Commissioner Davis asked about the percentage of light that is reflected or lost into the atmosphere. Mr. Cleveland replied the panels are designed to minimize reflectivity so about 2-3% of the sunlight bounces off which is similar to other materials.

Commissioner Davis expressed concerns about the amount of light that will be reflected since these are a man-made product and the panels cover a large area. Mr. Cleveland said it is a small percentage being reflected since the panels are trying to collect as much possible.

Vice Chairman Bencini asked if Mr. Walker has discussed with applicant about type of trees and height of the trees. Mr. Walker responded no - he said they understood it would be open to options and they would be interested the evergreens.

Mr. Walker asked if Mr. Fox if his clients would be amenable to a mandatory evergreen percentage in the buffer.

Mr. Fox said they are amenable and asked for a moment to discuss with his client. He offered an additional condition that within the required buffer zone a sufficient percentage of evergreen vegetation will be provided at a height to sufficiently provide a visible buffer as determined by the staff. He said this condition would require approval of County staff.

Mr. Walker said his clients would agree to the condition but it does not change their opposition to the proposal as a whole.

Mr. Fox said the condition would be considered as a part of the approval of the special use permit.

Commissioner Coleman asked about the two sites already located in Guilford County. Mr. Colson replied the company has two sites in northeast Guilford County and one other site that was approved in southeast. He said if the two permits are approved tonight the company would then have five sites in Guilford.

Mr. Fox said there were three sites already approved by the Planning Board that were not appealed. He said there are several levels of approval and some sites did not make it all the way through the approval process.

Ms. Williams said there are two sites in the northeast and one in the southeast and then the two on the agenda for approval at this meeting. She said there is an outstanding CPCN from the utilities commission for permission to proceed on property on Alamance Church Rd. She added she was told there were also contract negotiations at another location.
Chairman Shaw asked if this information was relevant to the discussion. Mr. Payne responded he did not have a relevancy concern as the questions were aimed at making sure the information previously presented was correct.

Commissioner Coleman asked about the property owners of the homes depicted in C.1 and C.2 in Ms. Williams’ exhibits. Ms. Williams replied the home in C.1 is on the site of the proposed solar farm and belongs to the property owner. She said the home in C.2 is owned by a separate property owner. She indicated the panels would be in front of the home on C.1. She also referred the Board to exhibit F.1 for an additional view of the property.

Commissioner Coleman asked if Mr. Fox has spoken with the property owners of the property depicted in C.2 about the buffers.

Mr. Fox said the condition previously offered for evergreen buffering would be for the property adjacent to any residence or any road.

Commissioner Phillips asked Ms. Williams if the vegetation buffer condition would change her position on this request. Ms. Williams responded that in her professional opinion the visibility is not the whole aspect of harmony as the Board should still consider the bulk, scale, density and character of the usage. She stated that even with the conditions presented they are still opposed to the project.

Mr. Walker explained there is no benefit to not agree to the conditions because if the permit is approved they would like some conditions in place.

Commissioner Phillips asked why the company was interested in North Carolina, specifically this area of the state. Mr. Colson replied there are tax credits in North Carolina which has encouraged a lot of activity in the solar industry in North Carolina.

Commissioner Cashion asked what type of fencing would be used. Mr. Fox replied it would be a 6-ft chain link around perimeter of solar field which would then be buffered by the trees.

Commissioner Cashion referred to the homes pictured in Ms. Williams’ photos and asked if they are occupied and if they are opposed to the project. Ms. Williams replied the homes are occupied and C.1 is occupied by the applicant and she did not know if the owner in C.2 was opposed to the project.

Commissioner Cashion asked how far Ms. Williams lives from the proposed solar farm. Ms Williams referenced F.1 to locate her home on Hepler Lane. She indicated she was unsure of the exact distance.

There being no further questions, Chairman Shaw closed the public hearing.

A Motion was made by Vice Chairman Bencini, seconded by Commissioner Trapp, that credible evidence was presented and the special use permit be approved subject to the site plan and all
applicable conditions presented. In support of this decision the Board makes the following findings of fact:

1. the proposed use requires a special use permit under the Development Ordinance:
2. the proposed conditions meet or exceed the development standards found in the Development Ordinance;
3. use as proposed is consistent with the purposes of the District and compatible with surrounding uses;
4. the use will not materially endanger the public health or safety if located where proposed and developed according to the plan submitted;
5. the use meets all required conditions and specifications;
6. the use will not substantially injure the value of adjoining or abutting property;
7. the location and character of the use, if developed according to the plan submitted, will be in harmony with the area in which it is to be located and in general conformity with the plan of development of this jurisdiction and its environs;

Mr. Eger reminded the Board that a condition was added that the panels be cleaned with mild detergent and water. He requested that all information and material that was handed out at the hearing become evidence and part of the packet.

VOTE: Motion to approve carried 6 - 3
AYES: Commissioners Bencini, Cashion, Coleman, Davis, Trapp, and Shaw
NOES: Commissioners Branson, Henning, and Phillips

The Board took a short recess at 10:40 p.m. The Board reconvened in open session at 10:50 p.m.

B. Conducted required quasi-judicial public hearing for Special Use Permit Case #12-12-GCPL-05119 and Approved special use permit for a 30-acre solar facility on approximately +/-278.75 acres. This request is located on the South side of Alamance Church Road approximately 1000 feet east of Old Julian Road in Green Township, being tax parcel #0110947. Continued from February 21st Board meeting.

Les Eger, Planning Department, introduced Special Use Permit Case #12-12-GCPL-05119 for a 30-acre solar farm facility on a parcel that is approximately 278 acres located in southeast Guilford County. He described the location of the property and the general land use for the area. He explained that like the previous case there is not a current land use plan for this property. He said this request is a permitted use for the AG District under the Guilford County Ordinance. He said staff submits the following comments for the Board to consider: the use is represented by an (S) in the Guilford County Development Ordinance permitted use table, the map for this use meets conditions and exceeds the development standards of the Guilford County Development Ordinance, and the use as proposed subject to any conditions added is consistent with the purpose of the district and compatible with the surrounding area. He also stated the special use permit shall be granted if all of the following findings of fact have been made by the Commissioners: the use will not materially endanger the public health or safety if located where proposed and developed according to the submitted plan; the use will not substantially injure the value of adjoining property owners, or the use is a public necessity; the location and character of
the use, if developed according to the plan submitted, will be in harmony with the area in which it is to be located and general conformity with the plan of development for the jurisdiction.

Michael Fox, Attorney representing the applicant, provided a booklet with the site plan for the property. He said he discussed with Mr. Walker and they have come to an agreement that all the testimony and evidence provided by both sides in the previous case can be applied to this case. Therefore, both parties requested that all testimony, materials, and other evidence be admitted into the request in the matter.

Mr. Fox said the difference in this case is how the solar farm is laid out in the middle of the property so staff had previously determined a buffer was not required. He referred to tab #3 and tab #4 in the site specific book for this case. He stated the applicant would like to add the same condition that the panels would be washed with water and mild detergent and the same condition added in the earlier case that a sufficient percentage of evergreen vegetation will be provided to provide a visible buffer as determined by the staff. He said Mr. Broderick was available for questions if Commissioners had questions about the site plan.

Brian Walker, Attorney for the opponents, said the opponents are not in favor of the buffer decision being placed in third party hands and instead would like a buffer around the entire zoned area. He also asked why the applicant needed a special use permit for the entire parcel if only 30 acres would be used for the solar farm.

Mr. Fox said the special use permit is limited to the site plan but almost all special use permits are done for whole parcels. He said it would be very rare to do a special use permit for part of a parcel.

Mr. Payne confirmed Mr. Fox was correct that this was a fairly typical way to handle special use permits but it is possible to zone a small portion of a parcel. He explained the use could not be expanded past the site plan without another special use permit.

Commissioner Coleman asked if the Board zoned the entire parcel then it would be easier for the applicant to come back to asked to expand.

Mr. Payne said any changes would require the same special use permitting process.

Commissioner Davis said the opponents indicated they did not like a third party determining buffer. Mr. Eger explained staff frequently handles issues like this and in this case he would have no problem going out to the site to verify that it meets the type B buffer yard standard if all the vegetation were to be evergreen.

Mr. Walker stated his clients want a buffer. Mr. Fox responded the applicant was trying to be reasonable to let a neutral third party decide the buffer. He said the owner does not want to build a buffer that no one will see.
Vice Chairman Bencini asked if a continuous buffer would be a deal breaker. Mr. Colson replied no but their position is the plan was approved by TRC without a buffer and the landowner does not want a buffer. He said if there is a reason why there should be a buffer then they will do it.

Commissioner Davis asked about the possibility of someone building a home in the future on adjacent land that would then be able to see the solar farm.

Mr. Colson stated he has walked the property with the property owner Ms. Jones and there is one house that is not adjacent to the west that can be seen.

Mr. Fox said if something changes and the Planning Department says the owner needs to put something in they would be willing to build it.

Commissioner Davis stated he was concerned about future residential development.

Commissioner Coleman asked if Ms. Jones owns all the property surrounding the 30 acre farm. Mr. Fox responded yes. He said the applicant would be willing to offer the identical language for the condition with the last hearing.

Ronnie Jones said the property owner does not live in Guilford County and the owner just bought it for a solar farm. He said it was a productive farm until now and there are 31 pieces of property that abut this property.

Mr. Eger pointed out the proposed farm is in the middle of the 278 acre parcel and buffering cannot be placed under power lines in Duke Power’s right of way.

Mr. Eger showed a map of the power lines and the property. He said the facility comes right up to the power line and it is Duke Power’s easement that cuts across the property. He said other vegetation could go on the other side of the power line

Commissioner Davis said in the other case the owners agreed to move the panels and he asked if the applicant could move the panels to try to accommodate the buffer in this case.

Mr. Fox said the applicant could work with the County to meet the screen requirements by making modifications. He said they would like the flexibility to work with the staff.

Vice Chairman Bencini suggested they could request a condition that the natural buffer be maintained long the power line side.

Mr. Fox said the applicant would be willing to offer it as a condition.

Mr. Walker said the opponents would not agree to the condition because they could end up with no buffer.

Eloise Jones, property owner, said she would agree to leave the current 25 acres of timber there and agree not to cut it as a condition.
Mr. Walker said his clients will agree to the condition.

Mr. Fox agreed to the condition as well. Commissioner Trapp express concern the Board could be strong arming the applicant as this was already approved through the TRC process. He said he is not comfortable adding the conditions at this stage in the quasi-judicial process.

Vice Chairman Bencini agreed but pointed out this case could come back in a month and the Board could be asked to consider the same conditions.

Mr. Payne said the conditions are more stringent than TRC so he was comfortable with the process. He said additional conditions can be a part of the special use permit process.

Chairman Shaw closed the public hearing.

A Motion was made by Vice Chairman Bencini, seconded by Commissioner Trapp, that credible evidence was presented and the special use permit be approved subject to the site plan and all applicable conditions presented. In support of this decision the Board makes the following findings of fact:

1. the proposed use requires a special use permit under the Development Ordinance;
2. the proposed conditions meet or exceed the development standards found in the Development Ordinance;
3. use as proposed is consistent with the purposes of the District and compatible with surrounding uses;
4. the use will not materially endanger the public health or safety if located where proposed and developed according to the plan submitted;
5. the use meets all required conditions and specifications;
6. the use will not substantially injure the value of adjoining or abutting property;
7. the location and character of the use, if developed according to the plan submitted, will be in harmony with the area in which it is to be located and in general conformity with the plan of development of this jurisdiction and its environs;

Vice Chairman Bencini stated the motion includes the additional conditions and the evidence presented including the evidence presented in the first hearing.

VOTE: Motion to approve carried 6 – 3
AYES: Commissioners Bencini, Cashion, Coleman, Davis, Shaw, Trapp.
NOES: Commissioners Branson, Henning, and Phillips.

X. NEW BUSINESS

A. New Business from County Commissioners.

Motion was made by Commissioner Cashion, and seconded by Commissioner Coleman to approve appointing Walter Garth Evans to the Sandhills Board of Directors.
XI. COMMENTS FROM COUNTY COMMISSIONERS

Commissioner Cashion said she attended the new Sheetz opening Battleground this morning. She stated the company employs 35-40 people at each store and the company will have three new locations in 2014. She also stated the Building Naming Committee hosted three very successful building dedication ceremonies in High Point. She announced the next dedication will be April 30th at 10 a.m. at the Public Health building.

XII. COMMENTS FROM COUNTY MANAGER

Sharisse Fuller, Interim County Manager/HR Director, said the equity report will be ready sometime in April since the vendor is ahead of schedule.

XIV. HELD CLOSED SESSION FOR PERSONNEL MATTER AND PROPERTY ACQUISITION

Motion was made by Commissioner Branson, and seconded by Commissioner Phillips to enter closed session for a personnel matter and property acquisition.

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

The Board entered closed session at 11:40 p.m. The Board reconvened in open session at 12:25 a.m.

APPROVED HIRING OF MARTY LAWING AS COUNTY MANAGER

Motion was made by Chairman Shaw, and seconded by Vice Chairman Bencini to approve hiring Marty Lawing as County Manager at salary of $183,000 effective May 6, 2013.

Commissioner Coleman said she would not be supporting the motion to hire Mr. Lawing and she enumerated the reasons she would not support his hiring including an unfair selection process used by the Board, a pending lawsuit by a former member of his Board, and the lack of diversity in the senior staff he has hired.

Commissioner Trapp said he would not be supporting the hiring of Mr. Lawing. He said he felt another candidate was stronger and it did not have anything to do with race. He also expressed concern with the size, scope, and demographics of the county Mr. Lawing was coming from.
Commissioner Davis said he also cannot support the hiring of Mr. Lawing and he shared the same concerns as Commissioners Trapp and Coleman. He said he will work with any Manager that comes to Guilford County but he felt another candidate had more experience, was closer to where Guilford County was, and could take Guilford County to the next level. He said he was disappointed in the outcome of the search process because he felt race played a role.

Chairman Shaw expressed her support for Mr. Lawing as she felt he will move the County forward and race was not an issue in this decision. She said hoped the Commissioners and the community would support Mr. Lawing.

VOTE: Motion to approve carried 6 - 3
NOES: Commissioners Coleman, Davis, and Trapp.

COUNTY MANAGER FILES
XV. ADJOURNED

There being no further business, the meeting was adjourned at 12:42 a.m.

Chairman

Deputy Clerk