The Board of County Commissioners met in a duly noticed regular meeting on December 12, 2013 at 5:30 PM, in the Commissioners’ Meeting Room, 301 W. Market St., Greensboro; North Carolina.

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

After Election of New Officers:

Chairman Bill Bencini, presiding; Vice Chairman Hank Henning; Commissioners Jeff Phillips, Bruce Davis, Carolyn Q. Coleman, Kay Cashion, Linda O. Shaw, Alan Branson, and Raymond Trapp.

ABSENT: None.

ALSO PRESENT: Marty Lawing, County Manager; Mark Payne, County Attorney; Robin Keller, Clerk to Board; Paul Lowe, Deputy Clerk to Board; Merle Green, Public Health Director; Leslie Bell, Planning & Development Director; Michael Halford, Budget Director, Bonnie Stellfox, Purchasing Director; Reid Baker, Finance Director; Ben Chavis, Tax Director; Jim Albright, Emergency Services Director; Donald Campbell, Emergency Management Division Director; Jeff Fowler, Security Director; Myra Thompson, Interim Transportation Director; and members of the community and media.

I. INVOCATION

Ben Chavis led those in attendance in an invocation.

II. PLEDGE OF ALLEGIANCE

Chairman Shaw led the Pledge of Allegiance.

III. WELCOME AND CALL TO ORDER - Chairman Linda O. Shaw

Chairman Shaw called the meeting to order.
IV. RESOLUTION HONORING THE CAREER OF THE HONORABLE SHERRY F. ALLOWAY

Commissioner Cashion shared that it was a very bitter sweet moment. Cashion commented that she was happy to present the resolution honoring Alloway, but was sad to see her leave her position as a District Court Judge. Commissioner Cashion read the resolution honoring the career of the Honorable Sherry F. Alloway.

Judge Alloway thanked the Board. Alloway introduced her husband and her father who also served as a Judge. She recognized the judges and court staff who came to the meeting to support her. Alloway shared that the County has a number of wonderful people on the bench and is well served by these professionals.

Chairman Shaw shared that Alloway had done an outstanding job. Shaw commented that it was an honor to have Alloway serve the citizens of Guilford County and thanked her for her work.

Commissioner Coleman echoed Shaw’s praise. Coleman thanked Alloway for her service to the youth of Guilford County.

Commissioner Cashion again thanked Judge Alloway for her work and years of service. Commissioner Cashion made note of the large crowd of female judges that were in the audience.

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

Laura Smith, a Guilford County resident, shared that she is a farmer who raises soybeans, hay, and wheat in northeast Guilford County. Ms. Smith stated that she feared the proposed countywide minimum housing standards would impact farmers.

Commissioner Branson commented that the policy is currently in draft form and is not intended to hurt farmers.

Commissioner Davis stated that the proposed policy would only impact structures that are used for human habitation. Davis commented that the ordinance would not impact farmers who utilized barns and sheds for storage.

Daryl Kosciak, Director of the non-profit Partners Ending Homelessness, urged awareness of the growing homeless population in Guilford County and their needs. Kosciak invited the Board to participate in upcoming events that Partners Ending Homelessness was organizing.

Commissioner Coleman asked what the homeless population in Guilford County was.

Mr. Kosciak stated that his organization is working to gather that level of information.
VI. **CLERK TO BOARD ROBIN KELLER WILL CONDUCT ELECTION OF CHAIRMAN OF THE GUILFORD COUNTY COMMISSIONERS FOR THE ENSUING YEAR**

Chairman Shaw recounted her year of service as Chairman. Shaw thanked the staff and her fellow Commissioners for their work throughout the year.

Shaw then turned the floor over to Robin Keller, Clerk to the Board, to conduct the election for the new Chairman of the Guilford County Board of Commissioners for 2014.

Motion was made by Chairman Linda Shaw, and seconded by Commissioner Kay Cashion to nominate Vice Chairman Bill Bencini as the Board Chairman for 2014.

Commissioner Carolyn Coleman provided words of support regarding Vice Chairman Bencini’s nomination. Coleman stated that she has enjoyed working with and getting to know Bencini.

**VOTE:** Motion carried 9 – 0.
**NOES:** None.

VII. **NEWLY ELECTED CHAIRMAN WILL CONDUCT ELECTION OF VICE CHAIRMAN OF THE GUILFORD COUNTY COMMISSIONERS FOR THE ENSUING YEAR**

Shaw then turned over the meeting to newly elected Chairman Bill Bencini.

Chairman Bill Bencini asked for nominations for Vice Chair of the Board of Commissioners.

Motion was made by Commissioner Ray Trapp, and seconded by Commissioner Jeff Phillips to elect Commissioner Hank Henning as Vice Chairman for 2014.

**VOTE:** Motion carried 9 – 0.
**NOES:** None.

Chairman Bencini shared that he was looking forward to working with Vice Chairman Henning.

Commissioner Shaw congratulated Henning on his election as Vice Chairman.

Vice Chairman Henning thanked the Board for their support. Henning shared that it was an honor to serve in a leadership role on the Board. Henning shared that he has enjoyed working with each of the Commissioners.
Chairman Bencini thanked all of the Board members for their vote of support. Bencini indicated that ensuring open lines communication and promoting fairness among the members of the Board were some of his goals for the upcoming year. Chairman Bencini recognized his wife Cathy and thanked her for her patience and support. Bencini thanked former Chairman Shaw for all her work in such a year of transition for the County. Bencini stated that Shaw has helped to guide the County through these transitions and worked to initiate a new committee structure for the Board of Commissioners.

Meeting went into Recess at 6:00 PM.

Meeting Reconvened at 6:10 PM.

VIII. CONSENT AGENDA

A. BUDGET AMENDMENTS

1) a) Approve an increase to the FY 2014 Law Enforcement budget in the amount of $62,015 to reflect the appropriation of fund balance (Prior Year Department of Justice Federal Forfeiture Funds) for the purpose of purchasing a Faro Focus Laser Scanner/Software Package. This laser scanner can be used to measure and create three-dimensional models of crime scenes that are far more detailed and accurate than hand drawn sketches; and

b) Approve the purchase of a Faro Focus Laser Scanner/Software Package for Law Enforcement in the amount of $62,015 from the lowest responsive bid, 3rd Tech, Inc., 2400 Meridian Parkway, #150, Durham, NC 27713. The unaudited balance of the Department of Justice Federal Forfeiture Fund after this purchase will total approximately $641,625.

The following Budget Ordinance Amendment was adopted:

BUDGET ORDINANCE AMENDMENT
General Fund
Increase Appropriation
Law Enforcement $62,015
Increase App. Fund Balance (Prior Year Fed. Forfeiture Funds) $62,015

B. CONTRACTS

1. Review and approve the purchase of 14 Fleet Department Vehicles from North Carolina State Contracts 070A and 070G. * 7-Chevrolet Impalas from Bobby Murray Chevrolet, 1820 Capital Boulevard, Raleigh, NC at $17,760 each, for a total of $124,320. * 2-Dodge Caravan from Ilderton Dodge Chrysler Jeep, 701 S Main St, High Point, NC at $20,695
each, for a total of $41,390. * 3- Ford F-150 Trucks from Capital Ford of Wilmington, 4222 Oleander Drive, Wilmington, NC at $16,243 each, for a total of $48,729. * 2- E-150 Cargo Vans from Capital Ford of Wilmington, 4222 Oleander Drive, Wilmington, NC at $16,624 each, for a total of $33,248. 14 Vehicles will total $247,687 plus $7,431 for Highway Use tax; the total expenditure will be $255,118. No additional County Funds Required.

C. MISCELLANEOUS

1. Approve the Guilford County Local Emergency Planning Committee (LEPC) officers and membership roster for the calendar year 2014 per LEPC bylaws.

2. Approve the following minutes: 11/07/13 - Regular Meeting 11/13/13 - Education Committee 11/21/13 - Work Session 11/21/13 - Regular Meeting

Motion was made by Commissioner Bruce Davis, and seconded by Commissioner Alan Branson to approve the Consent Agenda.

VOTE: Motion carried 9 – 0.


NOES: None.

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

A. Hold Public Hearing for the purpose of considering and approving a proposed text amendment to the Guilford County Development Ordinance Article 9-5 Board of Adjustment; Sections 9-5.1 Authority, 9-5.3(A) retain 4/5 voting on variances, adding new section 9-5.3(B) simple majority voting for other decisions, 9-5.7 A (2) and 9-5.8(D) 1-4; adding new text and revised criteria for granting variances per House Bill 276, respectively. Request approval of the amendment as presented to comply with House Bill 276 regarding revisions to quasi-judicial processes. Briefly, four fifths vote is retained for approval for variances while a simple majority is required for Special Exception requests and other quasi-judicial decisions. Additionally, HB 276 clarifies and revises the basis for granting a variance.
Chairman Bencini opened the floor regarding the text amendments. Bencini asked Mr. Bell, Planning & Development Director, to confirm that the proposed amendments were the result of statutory requirements mandating the County alter its own policies.

Mr. Bell stated that Bencini was correct that the proposed alternations were a result of mandated statutory requirements.

No one signed up to speak for or against the alternations. Chairman Bencini closed the public hearing.

Commissioner Coleman questioned the proposed change.

Mr. Bell shared that pursuant to NC House Bill 276 special exceptions can be now ordered by a simple majority vote. Bell stated that previously such considerations had to be passed by a 4/5 vote of the zoning board.

Mr. Davis asked for clarification on special exceptions.

Bell stated that special exceptions included conditional use permits and planned unit developments.

Commissioner Coleman questioned if the Board had to vote on the matter.

Attorney Payne stated that the County was obligated to have a public hearing and take a vote.

Motion was made by Commissioner Ray Trapp, and seconded by Commissioner Bruce Davis to approve A. Hold Public Hearing for the purpose of considering and approving a proposed text amendment to the Guilford County Development Ordinance Article 9-5 Board of Adjustment; Sections 9-5.1 Authority, 9-5.3(A) retain 4/5 voting on variances, adding new section 9-5.3(B) simple majority voting for other decisions, 9-5.7 A (2) and 9-5.8(D) 1-4; adding new text and revised criteria for granting variances per House Bill 276, respectively. Request approval of the amendment as presented to comply with House Bill 276 regarding revisions to quasi-judicial processes. Briefly, four fifths vote is retained for approval for variances while a simple majority is required for Special Exception requests and other quasi-judicial decisions. Additionally, HB 276 clarifies and revises the basis for granting a variance.

VOTE: Motion carried 9 – 0.
NOES: None.
B. Hold Public Hearing for the purpose of considering and approving a proposed text amendment as presented to comply with House Bill 276 regarding revisions to quasi-judicial processes. More specifically, this text amendment revises Section 3-13.4 (A) Approval Procedure for Special Use Permits of the UDO. This proposed text amendment indicates that voting for Special Use Permits will be in accordance with Section 9-5.3(B)(2) which refers to a simple majority vote (and not four fifths vote) being needed for approval of a Special Exception Permit.

Mr. Bell introduced the second public hearing. Bell stated that the alternations to the County code would make it clear that only a simple majority would be needed to grant special use permits.

No one signed up to speak for or against the measure. Chairman Bencini closed the public hearing.

Motion was made by Commissioner Alan Branson, and seconded by Commissioner Ray Trapp to approve B. Hold Public Hearing for the purpose of considering and approving a proposed text amendment as presented to comply with House Bill 276 regarding revisions to quasi-judicial processes. More specifically, this text amendment revises Section 3-13.4 (A) Approval Procedure for Special Use Permits of the UDO. This proposed text amendment indicates that voting for Special Use Permits will be in accordance with Section 9-5.3(B)(2) which refers to a simple majority vote (and not four fifths vote) being needed for approval of a Special Exception Permit.

VOTE: Motion carried 9 – 0.
NOES: None.

X. NEW BUSINESS

a. New Business from County Commissioners

Commissioner Coleman asked County Manager Marty Lawing regarding a new mandate which will ban the use of cell phones in the County Courthouse starting in January 2014.

Mr. Lawing explained the County’s existing policy of providing a limited number of lockers to house citizens’ personal effects. Lawing stated that in response to the Courthouse’s new policy, he was recommending that the County not make any additional accommodations for storing citizens’ personal property. Lawing stated that if his recommendation was not successful, he would work to develop a plan to add additional storage units at the Courthouse.

Commissioner Coleman questioned the zero tolerance procedures in place at the Federal Court. Coleman recommended preplanning and implementing public awareness campaigns to minimize the impacts of the new policy on Guilford County residents.
Commissioner Davis clarified that the enforcement of the measure would not start until February 1, 2014. Davis urged the County Manager to consider an option which would allow citizens the opportunity to store their phones and other valuables while visiting the County Courthouse.

Commissioner Trapp expressed concerns regarding the policy. Trapp stated that he felt the proposed policy would inconvenience low income residents in Guilford County who take public transportation to the County Courthouse.

Lawing advised the Board that additional security personnel and equipment would be required if the County pursued relaxing the cell phone ban.

Chairman Bencini questioned the proposed policy.

Vice Chairman Henning expressed concerns regarding the fees associated with storage program.

Mr. Payne shared that in addition to adding signs and working with the media to raise awareness, the County Attorney’s Office would also be collaborating with the High Point and Greensboro Bar Associations to educate the public on the proposed policy alternation.

b. Hear Report from Cherry Bekaert, LLP regarding County's annual third party independent audit results.

Eddie Burke, Partner with Cherry Bekaert, addressed the Board. Burke reviewed the County's annual third party financial audit. Burke shared that the audit was completed on time and met the NC LGC’s deadline. Burke stated that the audit was completed in accordance with generally accepted auditing standards.

Mr. Burke reviewed the areas assessed during the financial review. Burke shared that there are four opinions in the financial statements. Burke commented that the County was awarded the highest standard rating for its financial wellbeing. Burke noted that the opinion which included federal grant management found four instances of nonmaterial non compliance. Burke stated that the County was financial sound as of June 30, 2013.

**Commissioner Shaw out at 6:39PM.**

Commissioner Coleman questioned some of the concerns identified by the auditor. Coleman asked how the County would address the issues.

Commissioner Cashion shared that the Audit Committee met earlier in the afternoon and asked the County Manager Lawing to respond to Commissioner Coleman’s questions.

Mr. Lawing shared the programs that were tested for compliance. Lawing stated that the issues were found in DSS. Lawing commented that DSS has developed a plan to respond to the
Concerns. Lawing shared that he is working with DSS and Internal Audit to implement corrective measures.

**Commissioner Shaw in at 6:44PM.**

Commissioner Coleman asked for clarification.

Mr. Burke stated that all the issues were found in DSS.

Mr. Lawing provided examples of deficiencies which constitute noncompliance.

Commissioner Coleman asked if the errors identified by the auditors could lead to penalties.

Mr. Lawing shared that two errors identified by the auditors could lead to fines. Lawing stated that the Federal government would assess fines, if any were applied. Lawing commented that the potential fine would be about $90,000 if the Federal government pursued the matter.

Commissioner Coleman asked where these funds would come from.

Mr. Lawing stated that fines are usually assessed against future funding allocations from Federal agencies.

Commissioner Coleman asked what the role of the Audit Committee was.

Commissioner Cashion shared that Commissioner Phillips, Commissioner Branson, and herself serve on the Audit Committee and heard a detailed report from the auditor. Cashion commented that Mr. Lawing is working to correct the issues identified by the auditor.

Commissioner Davis expressed concerns regarding the non-compliance issues. Davis wanted to review DSS’s plan to rectify the non-compliance issues. Davis wanted to have more details regarding the improvement plan.

Lawing shared that Internal Audit has been working to review DSS’s procedures to correct the non-compliance issues.

Commissioner Davis asked if reductions in County staffing had contributed to the increase in errors found in DSS.

Mr. Lawing indicated that it was difficult to attribute the errors to any one factor. Lawing stated that he has not yet pinpointed the exact reasons for the issues impacting DSS.

Commissioner Phillips shared that the Audit Committee met earlier before the Board meeting. Phillips stated that he has significant concerns regarding some of DSS’s business practices. Phillips suggested that lax training practices, limited accountability, and a lack of performance reviews had contributed to the errors found at DSS. Phillips shared that he has confidence that
the County Manager will be addressing the issues and would be able to provide more insight regarding the matter at the Board’s annual retreat in January.

Commissioner Trapp shared that as the BOC’s appointee to the DSS Board, he was very concerned about the auditor’s findings. Trapp shared that he will make the DSS Board aware of the concerns of the BOC.

Commissioner Cashion assured the Board that the Audit Committee had raised concerns regarding the identified errors and had asked similar questions concerning the inconsistencies. Cashion stated that she wanted to ensure that the issues were noted, addressed, and hopefully not repeated.

Commissioner Coleman expressed concerns regarding the lack of communication between members of the Audit Committee and the Board of Commissioners.

Commissioner Branson urged the County Manager to keep the Board informed regarding the auditor’s report. Branson asked to be updated on the issue at the Board retreat.

c. Adopt F/Y 2014 BOC Meeting Schedule

Motion was made by Commissioner Linda Shaw, and seconded by Commissioner Ray Trapp to approve adopt the F/Y 2014 BOC Meeting Schedule.

VOTE: Motion carried 9 – 0.
NOES: None.

XI. COMMENTS FROM COMMISSIONERS

Commissioner Trapp thanked former Chairman Shaw for her leadership over the last year. Trapp shared that he was looking forward to working with Chairman Bencini and Vice Chairman Henning.

Commissioner Branson thanked former Chairman Shaw, and congratulated Chairman Bencini and Vice Chairman Henning and wished everyone happy holidays and a Merry Christmas.

Commissioner Shaw shared that she recently attended a ceremony which renamed the Triad Farmer’s Market after her late husband, former State Senator Bob Shaw. Shaw thanked all of those who attended the ceremony. Shaw also thanked NC Representatives John Blust and John Faircloth for sponsoring the bill which renamed the Farmers Market.

Commissioner Cashion thanked former Chairman Shaw for all her work. Cashion congratulated Shaw for having the Farmers Market renamed in Bob's honor. Cashion also congratulated Chairman Bencini and Vice Chairman Henning.
Chairman Bencini echoed his appreciation of former Board Chair Linda Shaw and thanked his fellow Commissioners for their support.

Vice Chairman Henning thanked the Board and his family for their support. Henning also wished everyone a Merry Christmas and a Happy New Year.

Commissioner Davis thanked Commissioner Shaw for her work and leadership. Davis offered his support to the new Chairman Bill Bencini. Davis wished everyone a Merry Christmas.

Commissioner Coleman thanked former Board Chairman Shaw for a good year. Coleman commended the new Chairman and Vice Chairman. Coleman thanked the County staff for all of their work. Coleman wished everyone a merry Christmas and a happy new year.

Commissioner Phillips thanked former Chairman Linda Shaw for her service and dedication. Phillips thanked her for the opportunity to serve as chairman of the Budget Committee.

Phillips stated that he was looking forward to working under the new leadership of Chairman Bencini and Vice Chairman Henning. Phillips also wished everyone a Merry Christmas.

Commissioner Shaw thanked County Clerk Robin Keller and Deputy Clerk Paul Lowe for their work.

XII. COMMENTS FROM COUNTY MANAGER

a. Receive Manager’s Report

Mr. Lawing notified the Board that Mr. Albright had been appointed as the new Emergency Services Director for Guilford County.

Lawing updated the Board on the Montlieu Avenue project. Lawing shared that he had a meeting with the High Point City Manager Strib Boynton. Lawing stated that High Point University had entered into an agreement with the City of High Point and submitted to the State for closure of the street. Lawing shared that the County currently has an EMS station on Montlieu Avenue and the changes could potentially impact service response times of County EMS.

Lawing shared a letter from the NC Department of Commerce. Lawing stated that Guilford County had recently been moved back to a tier 3 County after one year as a tier 2 county.

Lawing stated that the sound system in the Commissioners’ Meeting Room should be improved before the January 9, 2013 Board meeting.

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

No one signed up to address the Board.
XIV. CLOSED SESSION FOR THE POSSIBLE LOCATION OR EXPANSION OF BUSINESS OR INDUSTRY AND TO CONSULT WITH COUNTY ATTORNEY

Motion was made by Commissioner Kay Cashion, and seconded by Commissioner Ray Trapp to enter closed session pursuant to NC GS 143.318.11 to discuss the possible location or expansion of business or industry and to consult with the County Attorney.

VOTE: Motion carried 9 – 0.
NOES: None.

Meeting went into Recess at 7:27 PM.

Meeting Reconvened at 9:28 PM.

XV. ADJOURN
NEXT REGULAR MEETING:
JANUARY 9, 2014
COMMISSIONERS' MEETING ROOM
OLD COURTHOUSE
GREENSBORO, NORTH CAROLINA

Motion was made by Commissioner Linda Shaw, and seconded by Commissioner Ray Trapp to adjourn the meeting.

VOTE: Motion carried 9 – 0.
NOES: None.

Meeting adjourned at 9:28 PM.

Chairman

Deputy Clerk