

**MINUTES OF BOARD OF COUNTY
COMMISSIONERS
OF GUILFORD COUNTY**

Greensboro, North Carolina
October 3, 2019

The Board of County Commissioners met in a duly noticed regular meeting on October 3, 2019 at 5:30PM, in the Commissioners' Meeting Room, 301 W. Market St., Greensboro, North Carolina.

PRESENT: Chairman Alan Branson, presiding; Vice Chairman Jeff Phillips; Commissioners Hank Henning, Melvin "Skip" Alston, Kay Cashion (arrived at 5:36PM), J. Carlvena Foster, Justin Conrad and Alan Perdue.

ABSENT: Commissioner Carolyn Q. Coleman

ALSO PRESENT: County Manager Marty Lawing; Deputy County Manager Clarence Grier; County Attorney Mark Payne; Clerk to Board Robin Keller; Ariane Webb, Deputy Clerk to Board; Ben Chavis, Tax Director; Dan Durham, Property Management/Facilities/Parks Director; Jim Albright, Emergency Services Director; Harley Will, Finance Director; Michael Halford, Budget Director; Merle Green, DHHS-Public Health Division Director; Dr. Iulia Vann, DHHS-Public Health Division Assistant Director; Robert Shelly, Veterans Services Director; Irma Zimmerman, DHHS-Social Services Division, Jeff Fowler, Security Director; members of the community and media.

I. INVOCATION

Board Chaplain Ben Chavis provided the invocation.

II. PLEDGE OF ALLEGIANCE

Chairman Branson led those present in the Pledge of Allegiance.

III. WELCOME AND CALL TO ORDER

Chairman Branson welcomed those present and called the meeting to order at 5:33PM.

IV. SPEAKERS FROM THE FLOOR

There were no speakers from the floor.

V. CONSENT AGENDA

Chairman Branson asked if any Commissioners wished to pull an item from the consent agenda.

Commissioner Alston requested item B.1 pulled from the consent agenda for further consideration.

Vice Chairman Jeff Phillips requested item A.2 pulled from the consent agenda for further consideration.

Motion was made by Commissioner Alan Perdue, and seconded by Commissioner Hank Henning, to adopt the consent agenda.

VOTE: Motion carried 7 - 0
AYES: Alan Branson, Jeff Phillips, Hank Henning, Melvin "Skip" Alston, J. Carlvena Foster, Justin Conrad, Alan Perdue
NOES: None
ABSENT: Carolyn Q. Coleman; Kay Cashion

A. BUDGET AMENDMENTS

1. 2019-375 DHHS-PUBLIC HEALTH DIVISION: READY FOR SCHOOL, READY FOR LIFE - \$20,000

Approve an increase of \$20,000 in Other Revenues and increase the FY 2019-20 Department of Health & Human Services - Public Health Division budget by the same amount to reflect year two (2) funds received from The Duke Endowment, in partnership with Ready for School, Ready for Life and Root Cause, for client-related program supplies in the following Guilford County DHHS-Public Health programs: Pregnancy Care Management (PCM), Care Coordination for Children (CC4C), Guilford Family Connects and WIC.

[Legislation Text](#)

Removed from the Consent Agenda

2. 2019-369 LIABILITY CLAIMS BUDGET ADJUSTMENT - BOARD OF ELECTIONS MATTER

Increase appropriated fund balance by \$425,000 and increase the FY 2019-20 Risk Retention-Liability budget by the same amount in the Internal Services fund to pay for settlement of City of Greensboro, et al. v. Guilford County Board of Elections.

[Legislation Text](#)

B. MISCELLANEOUS

Removed from the Consent Agenda

1. 2019-374 DHHS-PUBLIC HEALTH DIVISION: APPROVE PUBLIC HEALTH AGENCY GUIDELINES

Approve DHHS-Public Health Division Agency Guidelines.

Legislation Text

Public Health Agency Guidelines Changes Summary 2019

2. 2019-348 NC DEPARTMENT OF TRANSPORTATION REQUEST FOR ABANDONMENT OF MAINTENANCE - SR 5341 (CARMON ROAD)

Adopt a resolution requesting abandonment of a portion of State Road 5341 (Carmon Road) from the North Carolina Maintained Secondary Road System.

Legislation Text

SR5341 NCDOT Road Abandonment Request

SR5341 Maps

RESOLUTION REQUESTING ABANDONMENT OF A PORTION OF STATE ROAD 5341, CARMON ROAD, FROM THE NORTH CAROLINA STATE MAINTAINED SECONDARY ROAD SYSTEM

WHEREAS, as authorized by N.C.G.S. 136-63, the attached petition (request) received from the North Carolina Department of Transportation, Division of Highways, has been filed with the Guilford County Board of Commissioners requesting that a 0.15 mile portion of State Road 5341, Carmon Road, the location of which has been indicated on the attached map, be abandoned from the North Carolina State Maintained Secondary Road System; and

WHEREAS, County Planning staff has reviewed the request of abandonment and find that no property owner would be deprived of reasonable means of ingress and egress to his/her property, and there would be no negative impacts from maintenance being abandoned on the 0.15 mile portion of State Road 5341, Carmon Road; and therefore the Planning Department staff recommends in favor of the request to abandon the said portion of the road; and

WHEREAS, based on the recommendation of County Planning staff, the Guilford County Board of Commissioners finds that the abandonment would serve the best interest of the people of Guilford County.

NOW, THEREFORE, BE IT RESOLVED, that the Board of County Commissioners of Guilford County hereby concurs with request of abandonment of State Road 5341, Carmon Road, from the State Secondary Road System as shown on the attached map.

ADOPTED this 3rd day of October 2019.

ITEMS REMOVED FROM CONSENT AGENDA FOR SEPARATE CONSIDERATION

1. 2019-374 DHHS-PUBLIC HEALTH DIVISION: APPROVE PUBLIC HEALTH AGENCY GUIDELINES

Approve DHHS-Public Health Division Agency Guidelines.

[Legislation Text](#)

[Public Health Agency Guidelines Changes Summary 2019](#)

Commissioner Alston spoke to the Board's responsibility in their role as the Board of Health to review and approve the updates to the agency guidelines. He reviewed the updates related to agency abbreviations, vaccinations and communicable disease policies and procedures.

Commissioner Cashion arrived to the meeting at 5:36PM.

Motion was made by Commissioner Melvin "Skip" Alston, and seconded by Commissioner Justin Conrad, to approve the DHHS-Public Health Division Agency Guidelines.

VOTE:	Motion carried 8 - 0
AYES:	Alan Branson, Jeff Phillips, Hank Henning, Melvin "Skip" Alston, Kay Cashion, J. Carlvena Foster, Justin Conrad, Alan Perdue
NOES:	None
ABSENT:	Carolyn Q. Coleman

2. 2019-369 LIABILITY CLAIMS BUDGET ADJUSTMENT - BOARD OF ELECTIONS MATTER

Increase appropriated fund balance by \$425,000 and increase the FY 2019-20 Risk Retention-Liability budget by the same amount in the Internal Services fund to pay for settlement of City of Greensboro, et al. v. Guilford County Board of Elections.

[Legislation Text](#)

Vice Chairman Phillips reviewed the item and shared he was unable to support the settlement. He noted that neither Guilford County citizens or local elected representatives played any role in this matter and they should not be responsible for any legal costs accrued from the case. Phillips stated that as a result of these egregious sanctions, legislation has been modified to protect counties from these types of actions, but no efforts have been made by the state legislature to assist Guilford County during this process. He reiterated his unwillingness to support the settlement.

Chairman Branson expressed his agreement with Vice Chairman Phillips comments and shared his concerns with the outcome of the case. He confirmed he would not support any type of settlement on Guilford County's behalf.

Commissioner Conrad echoed prior comments and shared this matter goes beyond equity. He noted that if the County does not settle the initial judgment of approximately \$711,000 in legal fees will be enforced.

County Attorney Mark Payne confirmed the judgement amount of approximately \$711,000, but through negotiation they are able to settle the matter for \$425K.

Commissioner Conrad confirmed that the appeals ruling was not in the County's favor and noted neither the decision to pay the settlement or appeal would be beneficial or equitable. He shared Guilford County's role is to conduct elections as directed by the General Assembly and state statute. Conrad stated the County has very little recourse in this manner and expressed frustration as to the lack of response from state legislators. He expressed his interest in considering other solutions, but stated the alternative is to appeal the current decision, accrue additional legal fees and risk the potential of another unfavorable decision at a much higher rate to the taxpayers.

Commissioner Henning echoed prior comments and noted the County was forced into this position by the General Assembly. He spoke to Judge Catherine Eagle's willingness to explore the case and rule with a defined set of criteria in the County's favor as all the parties were not included in the case. Henning expressed his dissatisfaction with the Court of Appeals decision and noted concern with their lack of effort to review the facts of the case and review of the lower courts notes and judgement details. He noted he had no choice but to support the settlement as there were no favorable options and reiterated his displeasure with the ruling. Henning stated Guilford County citizens should be concerned that county funding is being redirected away from programs and services towards this settlement and spoke to the potential issues that could arise from this decision for municipal and local governments across the country.

Commissioner Cashion spoke to the lack of equity in this decision and noted the settlement is the lesser of the two evils. She shared the Board should rely on the advice of their legal counsel and echoed her agreement with prior comments regarding the General Assembly's responsibility for covering the legal costs of their actions.

Vice Chairman Phillips expressed his appreciation for the comments from the Board and shared he understood the associated risks if the Board chose not to approve the settlement. He reiterated he could not support the item and shared his respect for the decisions of all Board members.

Chairman Branson requested the County Attorney explained the legal case and the process that led to this current agenda item on the floor. He shared the County Attorney was directed to reach out to the General Assembly and the Governor's office for direction and assistance regarding this matter.

Payne discussed the chronology of the case and noted the County is under a legal obligation to enforce the laws that were passed by the General Assembly. He confirmed the Guilford County Board of Elections was named as the sole defendant in the case and at no time was the General Assembly named as a party. Payne noted the County's legal pleadings to include the General Assembly in the case were denied and while the City of Greensboro declined to seek attorney's fees, the individual plaintiff's sought attorney's fees. He reviewed federal law regarding attorney's fees and discussed their attempts to oppose the motion to award fees to the plaintiff. Payne shared his legal opinion that payment of the settlement becomes a business decision and he recommended approving the settlement, as the alternative could result in additional costs to the County.

Chairman Branson requested Payne provide additional information regarding the recent legislative action related to this case.

Payne shared that state legislators recently passed a bill stating that if the constitutionality of a law passed by the General Assembly is challenged, the state will defend the law and be identified as a defendant in the case subject to attorney's fees, if there is an award of these fees. He noted there is nothing in the prior law that prevents the state from assisting Guilford County with the case and settlement, and noted it would be appropriate for the General Assembly to recognize the inequities of this decision and assist the County.

Chairman Branson requested Payne contact state legislators regarding this matter.

Payne confirmed he will continue to reach out to state officials regarding this decision.

Commissioner Conrad questioned if it would be appropriate for the Board to send a unanimous letter to the delegation requesting their assistance with these fees. He reiterated his displeasure with the settlement, but recognized the assistance state legislators have provided with other initiatives within the County. Conrad expressed his appreciation for Board members who stated they could not support the settlement and spoke to the need to approve the item to additional fees associated with appeal.

Commissioner Henning reiterated the County followed the law and are now being held responsible for abiding by those laws.

Motion was made by Commissioner Justin Conrad, and seconded by Commissioner Hank Henning, increase appropriated fund balance by \$425,000 and increase the FY 2019-20 Risk Retention-Liability budget by the same amount in the Internal Services fund to pay for settlement of City of Greensboro, et al. v. Guilford County Board of Elections.

VOTE: Motion carried 6 – 2
AYES: Hank Henning, Melvin "Skip" Alston, Kay Cashion, J. Carlvena Foster, Justin Conrad, Alan Perdue
NOES: Alan Branson, Jeff Phillips
ABSENT: Carolyn Q. Coleman

VI. PUBLIC HEARINGS

- A. 2019-373 PUBLIC HEARING ON 5310 - ENHANCED MOBILITY FOR SENIORS AND INDIVIDUALS WITH DISABILITIES, 5311 - COMMUNITY TRANSPORTATION ASSISTANCE AND 5307 - URBAN AREA GRANT FUNDING FOR FY 2020-21

Conduct required public hearing to assess the value and need for a community transportation system, and upon conclusion, approve submission of the 5307, 5310 and 5311 program grant applications and adopt the accompanying resolution.

Legislation Text

Irma Zimmerman, DHHS – Social Services Division Transportation & Mobility Services Supervisor, introduced the item and shared the requirement to hold a public hearing in order to submit applications for federal funding. She reviewed each grant and how these funds are used for transportation needs with Guilford County.

Chairman Branson opened the floor for proponents of the item. There being none he closed the floor for proponents and opened the floor for opponents of the item. There being none he closed this portion of the public hearing.

PUBLIC TRANSPORTATION PROGRAM RESOLUTION

FY 2021 RESOLUTION

WHEREAS, Article 2B of Chapter 136 of the North Carolina General Statutes and the Governor of North Carolina have designated the North Carolina Department of Transportation (NCDOT) as the agency responsible for administering federal and state public transportation funds; and

WHEREAS, the North Carolina Department of Transportation will apply for a grant from the US Department of Transportation, Federal Transit Administration and receives funds from the North Carolina General Assembly to provide assistance for rural public transportation projects; and

WHEREAS, the purpose of these transportation funds is to provide grant monies to local agencies for the provision of rural, small urban, and urban public transportation services consistent with the policy requirements of each funding source for planning, community and agency involvement, service design, service alternatives, training and conference participation, reporting and other requirements (drug and alcohol testing policy and program, disadvantaged business enterprise program, and fully allocated costs analysis); and

WHEREAS, the funds applied for may be Administrative, Operating, Planning, or Capital funds and will have different percentages of federal, state, and local funds.

WHEREAS, non-Community Transportation applicants may apply for funding for “purchase-of service” projects under the Capital budget Section 5310 program.

WHEREAS, Guilford County hereby assures and certifies that it will provide the required local matching funds; that its staff has the technical capacity to implement and manage the project(s), prepare required reports, obtain required training, attend meetings and conferences; and agrees to comply with the federal and state statutes, regulations, executive orders, Section 5333 (b) Warranty, and all administrative requirements related to the applications made to and grants received from the Federal Transit Administration, as well as the provisions of Section 1001 of Title 18, U. S. C.

WHEREAS, the applicant has or will provide all annual certifications and assurances to the State of North Carolina required for the project;

NOW, THEREFORE, be it resolved that the County Manager for the Guilford County Board of Commissioners is hereby authorized to submit grant application (s) for federal and state funding in response to NCDOT’s calls for projects, make the necessary assurances and certifications and be empowered to enter into an agreement with the NCDOT to provide rural, small urban, and urban public transportation services.

Motion was made by Commissioner Alan Perdue, and seconded by Commissioner Hank Henning, to conduct required public hearing to assess the value and need for a community transportation system, and upon conclusion, approve submission of the 5307, 5310 and 5311 program grant applications and adopt the accompanying resolution.

VOTE: Motion carried 8 – 0
AYES: Alan Branson, Jeff Phillips, Hank Henning, Melvin "Skip" Alston, Kay Cashion, J. Carlvena Foster, Justin Conrad, Alan Perdue
NOES: None
ABSENT: Carolyn Q. Coleman

VII. NEW BUSINESS

A. 2019-377 DUKE ENERGY EASEMENT, 1232 ROCK CREEK DAIRY ROAD

Approval for the requested easement, in substantial form, to Duke Energy Carolinas and authorize staff to take all reasonable actions to finalize and execute said easement.

Legislation Text

Duke Energy Easement

Rick Mosher, Property Management, introduced the item and shared the location of the easement for a new above-ground power line. He stated the power line installation will be located entirely within the NCDOT right-of-way; however, the easement is needed in case there are any obstructions that must be moved during installation, requiring them to venture onto County property.

Motion was made by Vice Chairman Jeff Phillips, and seconded by Chairman Alan Branson, to approve the requested easement, in substantial form, to Duke Energy Carolinas and authorize staff to take all reasonable actions to finalize and execute said easement.

VOTE: Motion carried 8 – 0
AYES: Alan Branson, Jeff Phillips, Hank Henning, Melvin "Skip" Alston, Kay Cashion, J. Carlvena Foster, Justin Conrad, Alan Perdue
NOES: None
ABSENT: Carolyn Q. Coleman

VIII. COMMENTS FROM COUNTY MANAGER

County Manager Marty Lawing requested the Board schedule a work session for October 17, 2019 to discuss the following topics: Group Health Plan modifications for plan year 2020; Phase 2 proposal from Southeastern Workforce related to foster care; and early site work bids for the Behavioral Health Center. He recommended starting the work session at 2:00 or 2:30PM.

By general consensus, the Board scheduled the work session for October 17, 2019 at 2:30PM.

IX. COMMENTS FROM COMMISSIONERS

Commissioner Foster congratulated the Southwest Renewal Foundation on the opening of the new Woodland Botanical Teaching Garden and Southwest High Point Heritage Greenway. She noted they group also unveiled a marker honoring the Reverend B. Elton Cox, a High Point Freedom Fighter.

Commissioner Cashion discussed the 2019 Guilford County Citizens' Academy, thanked Chairman Branson for participating in a recent session and invited all Commissioners to attend before the Academy ends. She shared October is Domestic Violence Awareness Month and noted a resolution will be presented during the next meeting. Commissioner Cashion stated the number of citizens seeking assistance from the Family Justice Center is increasing and spoke to the importance of these services in the community. She shared October 23 is the one-year anniversary of the High Point Family Justice Center opening and noted there will be a brief ceremony in celebration. Cashion shared the upcoming ground-breaking ceremony for the Behavioral Health Adult Crisis Center.

Commissioner Henning reiterated the request to prepare and send a letter from the Board to state legislators regarding the Guilford County Board of Elections legal settlement.

Commissioner Alston spoke to the recent class and compensation study and expressed his concern with salary increases for employees in the top tiers of the pay scale. He stated he continues to fight for increases for employees making below or at \$15.00 per hour. Alston stated the County has invested approximately \$600,000 to fund a study designed to bring all employees to a certain minimum.

Lawing confirmed the study was designed to create new pay grades and bring all employees to at least the minimum grade within the new pay scale.

Commissioner Alston stated approximately 170 Guilford County employees are paid below \$15.00/hour and to bring them up to this minimum would cost approximately \$400,000. He expressed concern with this issue not being addressed by the study and noted many of these staff are Emergency Services staff, such as Emergency Medical Technicians and Firefighters. Alston reiterated his concern with these staff still not making a livable wage and with the inequities in the pay study. He urged the Board to re-focus their priorities.

Vice Chairman Phillips reiterated the groundbreaking ceremony for the new Adult Crisis and Mental Health Facility was scheduled for Thursday, October 10, 2019 at 9:00AM, located at 931 Third Street directly behind the DHHS building located on Maple Street.

Chairman Branson shared the recent meeting with Guilford County Schools regarding the \$10 million in 2/3rds bond funding earmarked for school safety. He expressed hope that the state budget would pass soon to provide additional school funding.

X. HOLD CLOSED SESSION PURSUANT TO N.C.G.S 143-318.11 FOR THE PURPOSE OF CONSULTING WITH THE COUNTY ATTORNEY.

Chairman Branson shared there would be no closed session as there were no topics to discuss.

X1. ADJOURN

Motion was made by Commissioner Hank Henning, and seconded by Chairman Alan Branson, to adjourn the meeting.

VOTE:	Motion carried 8 - 0
AYES:	Alan Branson, Jeff Phillips, Hank Henning, Melvin "Skip" Alston, Kay Cashion, J. Carlvena Foster, Justin Conrad, Alan Perdue
NOES:	None
ABSENT:	Carolyn Q. Coleman

There being no further business the board adjourned by unanimous consent at 6:20PM.

J. Alan Branson, Chairman

Clerk