

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

Greensboro, North Carolina  
November 21, 2019

The Board of County Commissioners met in a duly noticed regular meeting on November 21, 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, Carolyn Q. Coleman (in at 5:45PM), Kay Cashion, J. Carlvena Foster, Justin Conrad and Alan Perdue

ABSENT: None

ALSO PRESENT: County Manager Marty Lawing; County Attorney Mark Payne; Deputy County Manager Clarence Grier; Clerk to Board Robin Keller; Ariane Webb, Deputy Clerk to Board; Dr. Iulia Vann, DHHS-Public Health Division Assistant Director; Harley Will, Finance Director; Michael Halford, Budget Director; Heather Skeens, DHHS-DSS Division Director; Jorge Ortega, Animal Services Director; J. Leslie Bell, Planning & Development Director; Charlie Collicutt, Elections Director; Dan Durham, Facilities/Property Management/Parks Director; Jeff Fowler, Security Director; members of the community and media

**I. INVOCATION**

Vice Chairman Phillips led those present in 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 5:42PM.

#### IV. SPEAKERS FROM THE FLOOR

1. James Upchurch, Colfax resident, spoke on behalf of public-school bus drivers and their need for pay increases. He noted that there has been a shortage of drivers all year and there is a demand for drivers. Mr. Upchurch stated all bus drivers and school support staff deserve a livable wage.

2. Heather Scavone, Greensboro resident, spoke to the importance of a safe bus environment for all students and noted the need for all bus drivers to make a livable wage. She discussed overcrowded conditions on the buses and noted the current issues with retaining drivers and 60 vacant bus driver positions.

Commissioner Coleman arrived to the meeting at 5:45PM.

3. Lisa Gilgeours, CEO of Gilgeours Construction, shared her participation in the protégé program with Samet Corporation's construction of the Adult Behavioral Health Crisis Center. She discussed her experiences with the program, including pre-construction phase resources and being fully included in the entire process. Ms. Gilgeours noted Samet has exceeded her expectations and noted she was included in every step and decision point in the project. She thanked the County for this program and noted it will assist her in building her capacity and expressed her appreciation for Samet Construction.

Commissioner Coleman questioned the number of protégés in the program.

Ms. Gilgeours stated she was aware of two proteges and confirmed she is a licensed general contractor. She shared Samet has not only assisted her during this project, but has exposed her to other projects available within the community and provided support as she bids for additional projects.

4. Isabell Moore, Guilford County Schools parent and Greensboro resident, spoke to safety concerns related to overcrowded bus conditions and the need to provide bus drivers with a livable wage. She discussed the need to address ongoing school building maintenance issues and requested additional funding for school bus drivers and facilities.

5. Paula Sieber, Greensboro resident, thanked the Board for their support and shared she was recently given three (3) acres in High Point to create urban farms with a goal of producing 50,000 pounds of fresh food in the first year. She discussed her partnership with work force development to provide training and job development skills for veterans who will work on the farm and spoke in support of the economic development incentive on the agenda for The Fresh Market. Ms. Sieber shared an upcoming event "Our Bountiful Land" Farmers Market that will promote eastern NC farmers of color who will bring produce to local food deserts.

Commissioner Alston questioned if the County Manager had contacted the Guilford County Schools (GCS) Superintendent regarding how the Board could assist with school bus driver situation.

County Manager Marty Lawing shared he was in contact with the GCS Chief Financial Officer but had not spoken with the Superintendent.

Commissioner Alston shared that a small group is scheduled to meet on Monday to discuss the school bus driver situation and requested the County Manager meet with the Superintendent to develop options that could assist the school board in addressing this issue. He expressed concerns with a potential bus driver strike and its impact upon GCS students.

Chairman Branson spoke to a public records request submitted to GCS and expressed concerns with misinformation in the community. He noted the salary structure for bus drivers is developed by the state government and spoke to the criteria drivers must meet through the GCS transportation department.

Chairman Branson shared he will meet with the GCS Superintendent to discuss how to address this situation and stated the starting salary for bus drivers is between \$12 to \$12.50 per hour. He spoke to the shortage of bus drivers and noted approximately 146 drivers had expressed interest in participating in a strike on Monday.

Branson confirmed the scheduled meeting on Monday had changed this event and noted the highest salary for a bus driver was approximately \$19 per hour. He shared the salary structure and pay groups for various drivers, dependent upon the hours per week worked, and spoke to retention issues within the transportation industry at the state and national levels. Branson spoke to the need to work on behalf of GCS bus drivers and spoke to the opportunity for a 4% pay increase, with a ½% bonus, for school bus driver and support staff that was included in the twice-vetoed state budget.

Commissioner Coleman spoke to quality schools and education as an economic driver within the community and its potential to generate additional revenue for the county. She noted the importance of offering school support staff a livable wage and expressed concerns with Guilford County losing economic development opportunities to other entities who prioritize education.

Commissioner Foster commended GCS Superintendent Dr. Sharon Contreras and school staff's efforts to avoid a potential strike by school bus drivers. She expressed concern with recent comments indicating the Board's lack of interest in this issue and noted the Board recognizes the value in school bus drivers. Foster spoke to her professional experience with employing GCS bus drivers and shared her interest in meeting with school staff on Monday to assist with this issue.

Commissioner Alston expressed hope the Board would maintain an open mind during the meeting with school staff and noted there is funding available to provide assistance.

Chairman Branson expressed his interest in gaining additional information from school staff regarding the salaries and classifications of bus drivers.

Commissioner Alston stated it would take approximately \$757,000 to ensure all school bus drivers are earning \$15 per hour. He encouraged the Board to prioritize this issue.

Chairman Branson cautioned the Board regarding the state formula that could be impacted by our local government providing additional funding for school bus driver salaries. He requested the County Attorney thoroughly review this information, once received.

Commissioner Coleman shared the county has the option to provide a supplement to state funding and expressed hope the school system would provide this information during the meeting on Monday.

## **V. PRESENTATIONS**

### **A. 2019-418 PROCLAIM NOVEMBER 2019 EPILEPSY AWARENESS MONTH IN GUILFORD COUNTY**

Adopt proclamation declaring November 2019 Epilepsy Awareness Month in Guilford County.

#### **Legislation Text**

Commissioner Cashion read the proclamation into the minutes.

Dr. Iulia Vann, DHHS-Public Health Division Assistant Director, received the proclamation and thanked the Board for acknowledging Epilepsy Awareness Month. She spoke to the importance of recognizing symptoms and epilepsy-related triggers, as this could save an individual prone to seizures.

## **VI. CONSENT AGENDA**

Chairman Branson introduced the addendum to New Business before the Board. By general consensus, the Board approved the addendum

### **A. BUDGET AMENDMENTS**

#### **1. 2019-405 GLAXOSMITHKLINE 2019 CHILD HEALTH - LOCAL HEALTH DEPARTMENT RECOGNITION AWARD: \$10,000**

Approve an increase in Other Revenues of \$10,000 and increase the DHHS-Public Health Division FY 2019-20 budget by the same amount to reflect funds received from GlaxoSmithKline Child Health - Local Health Department Recognition Award to support Public Health's School Nurse Type 1 Diabetes Support Group program through special projects, staff development, and educational materials.

#### **Legislation Text**

2. 2019-406 DHHS-PUBLIC HEALTH DIVISION: TB CONTROL FY2019-20 BUDGET - \$3,306

Approve an increase of \$3,306 in Federal/State Funds and increase the FY 2019-20 Department of Health and Human Services - Public Health division by the same amount to reflect actual revenues awarded from the NC Division of Public Health, Epidemiology/Communicable Disease branch for TB Services.

[Legislation Text](#)

3. 2019-409 AMEND ALAMANCE COMMUNITY FIRE PROTECTION DISTRICT FY 2020 APPROPRIATION TO CORRECT FY 2019 TAX DISTRIBUTION

Approve a \$2,966 increase in Appropriated Fund Balance and increase the FY 2019-20 Alamance Community Fire Protection District budget by the same amount to make a one-time adjustment that allows the district to receive the \$2,965.01 not received in FY 2018-19.

[Legislation Text](#)

4. 2019-415 ADJUST BUDGET TO REFLECT UPDATED SUSIE'S FUND FUND BALANCE AMOUNT

Approve an increase of \$17,801 in Appropriated Fund Balance and increase the appropriation to the FY 2019-20 Animal Services budget by the same amount to reconcile the initial fund balance amount included in the adopted budget with actual resources available during FY 2019-2020.

[Legislation Text](#)

**B. CONTRACTS**

1. 2019-420 LEASE OF OFFICE SPACE AT 505 E. GREEN STREET AND 211 S. CENTENNIAL STREET, HIGH POINT, NC; 201 S. EUGENE STREET AND 232 N. EDGEWORTH STREET, GREENSBORO, NC, FOR PROBATION AND PAROLE

Approve, in substantial form, a one year lease agreement for rental of office space at 505 E. Green Street and 211 S. Centennial Street, High Point, NC, and 201 S. Eugene Street and 232 N. Edgeworth Street, Greensboro, NC to the North Carolina Department of Public Safety and authorize staff to take all reasonable actions to finalize and execute said lease.

[Legislation Text](#)

[Probation and Parole Lease 2020](#)

[GB Courthouse GIS LABELED -11072019133447](#)

[GB Edgeworth bldg GIS LABELED -11072019133514](#)

[HP Complex GIS LABELED -11072019133420](#)

2. 2019-423 LEASE OF OFFICE SPACE AT 232 N. EDGEWORTH STREET, GREENSBORO, NC AND 505 E. GREEN STREET, HIGH POINT, NC TO THE NORTH CAROLINA DEPARTMENT OF PUBLIC SAFETY FOR JUVENILE JUSTICE

Approve, in substantial form, a one (1) year lease agreement with the North Carolina Department of Public Safety for rental of office space at the existing buildings located at 505 E. Green Street, High Point, NC, and 232 N. Edgeworth Street, Greensboro, NC, and authorize staff to take all reasonable actions to finalize and execute said lease.

[Legislation Text](#)

[Juvenile Justice Lease 2020](#)

[GB Edgeworth bldg GIS LABELED -11072019133514](#)

[HP Complex GIS LABELED -11072019133420](#)

3. 2019-390 APPROVE RECEIPT OF CITY OF GREENSBORO-SECTION 5310 FY 2018-19 INTERLOCAL AGREEMENT FUNDS

Approve interlocal agreement funds between the City of Greensboro and Guilford County for the 5310 grant funds in the amount of \$50,197 with a 100% county match in order to provide operating assistance for the county's public transit system for FY 2018-19.

[Legislation Text](#)

[Transportation FY19 5310 Interlocal Contract with City](#)

[City of Greensboro FY19 5310 Resolution](#)

**C. MISCELLANEOUS**

1. 2019-411 TAX COLLECTION AND BEVERAGE LICENSE REPORTS FOR MONTH ENDING OCTOBER 31, 2019

Accept and approve the tax collection report and beverage licenses issued for month ending October 31, 2019.

[Legislation Text](#)

[401C All Guilford 10-31-19](#)

[Bev 10-31-19 Detail](#)

2. 2019-412 PROPERTY TAX REBATES AND RELEASES FOR MONTH ENDING OCTOBER 31, 2019

Accept and approve property tax rebates and releases for the month ending October 31, 2019.

[Legislation Text](#)

[October 2019 NCVTS Pending Refund Report](#)

[October 2019 Rebate and Releases](#)

3. 2019-414 SALE OF SURPLUS PROPERTY

Approve, in substantial form, the sale of surplus property located at 4305 Brookhaven Dr., Greensboro; 1303 Furlough Avenue, High Point; and 6303 ZZ Quincy Lane, Gibsonville to the current highest bidder, and authorize staff to take all reasonable and necessary steps to execute the sale of the property.

[Legislation Text](#)

[4305 BrookhavenGIS-11072019135407](#)

[1303 Furlough GIS-11072019135437](#)

[6303 ZZ Quincy GIS-11072019135316](#)

[4305 Brookhaven Contract-11072019140251](#)

[1303 Furlough Contract-11072019140339](#)

[6303 ZZ Quincy Contract-11072019140422](#)

4. 2019-422 DHHS-DSS MANDATED PERFORMANCE MEASURES

Receive monthly data regarding the thirteen mandated performance measures as outlined in the Memorandum of Understanding between Guilford DHHS-Social Services and NC DHHS.

[Legislation Text](#)

[MANDATED PERFORMANCE REQUIREMENTS MOU 10.2019 REVISED RESULTS](#)

5. 2019-416 BUDGET AMENDMENT REPORT FOR BUDGET AMENDMENTS PROCESSED UNDER THE AUTHORITY GRANTED TO THE COUNTY MANAGER IN THE FY 2019-20 BUDGET ORDINANCE

Receive Budget Amendment report for budget amendments processed under the authority granted to the County Manager in the FY 2019-20 Budget Ordinance.

[Legislation Text](#)

[Budget Amends Report 2019-11-21.pdf](#)

6. 2019-426 REALLOCATION OF JUVENILE CRIME PREVENTION COUNCIL (JCPC) FUNDS FOR FY 2019-20

Approve recommended revisions to Juvenile Crime Prevention Council (JCPC) total funding budget for FY 2019-20 - reallocate held funds of \$40,219 (\$34,418 in NCDPS/JCPC funding and \$5,801 in County Match funding) to Unifour One (\$22,120) and Nehemiah Tech and Robotics Academy STEM and Afterschool (\$18,099) and authorize staff to take all reasonable and necessary actions to execute these contract amendments.

[Legislation Text](#)

[JCPC Funding Update Adopted\\_110719.pdf](#)

[Nehemiah Center JCPC Funding Request.pdf](#)

[UnifourOne JCPC Funding Request.pdf](#)

[JCPC Draft Minutes\\_102419.pdf](#)

**Motion was made by Commissioner Justin Conrad, and seconded by Commissioner J. Carlvena Foster, to adopt the consent agenda.**

**VOTE: Motion carried 9 – 0**  
**AYES: Alan Branson, Jeff Phillips, Carolyn Q. Coleman, Hank Henning,**  
**J. Carlvena Foster, Alan Perdue, Justin Conrad, Kay Cashion,**  
**Melvin "Skip" Alston**  
**NOES: None**

## **VII. PUBLIC HEARINGS**

### **A. 2019-413 HOLD A PUBLIC HEARING ON ECONOMIC DEVELOPMENT INCENTIVE GRANT TO THE FRESH MARKET, INC.**

Pursuant to NCGS 158-7.1, hold a public hearing for the purpose of receiving public input on an economic development incentive grant of \$106,000 to the Fresh Market, Inc. Consider approval of incentive and upon approval, direct staff to take all necessary actions to execute incentive agreement.

#### **Legislation Text**

Leslie Bell, Planning and Development Director, introduced the agenda item.

Brent Christenson with Greensboro Chamber of Commerce shared The Fresh Market, Inc. hopes to identify an optimal new location to consolidate its corporate business and has considered sites outside of the county and state for this purpose. He noted the company currently has 248 positions that would be retained, in addition to 53 new positions, with a combined average salary of \$86,000 per year. Christensen confirmed that the cities of Greensboro and High Point held a historic joint meeting where they each offered \$301,000 in incentives to retain The Fresh Market in Guilford County.

Chairman Branson reviewed the public hearing process and opened the floor for proponents of the item.

Larry Appell, The Fresh Market, Inc. President and CEO, spoke to the merits of the organization and shared the company's vision. He expressed their pride in being responsible corporate citizens and their focus on food security. Appell discussed their donations to various food pantries and support of local organizations and businesses. He expressed appreciation for the coordinated efforts of the cities of Greensboro and High Point, and Guilford County, and spoke to the competitive packages offered by other entities as they considered consolidation options.

There being no other proponents, Chairman Branson opened the floor for opponents to the item. There being no opponents, Chairman Branson closed the public hearing.

**Motion was made by Commissioner Melvin "Skip" Alston, and seconded by Commissioner J. Carlvena Foster, to adopt pursuant to NCGS 158-7.1, to hold a public hearing for the purpose of receiving public input on an economic development incentive grant of \$106,000 to the Fresh Market, Inc. Consider approval of incentive and upon approval, direct staff to take all necessary actions to execute incentive agreement.**

Commissioner Coleman questioned the type of positions that would be added and retained.

Mr. Appell shared the company would add administrative and senior management staff and noted the average salary does not include staff working at locations in other states.

Commissioner Coleman questioned the number of these employees that would reside in Guilford County.

Mr. Appell stated the vast majority of those working in the corporate office likely reside in Guilford County.

Vice Chairman Phillips thanked Mr. Appell and his colleagues for their presentation and expressed his support and patronage of The Fresh Market. He expressed concerns with the incentive shared he could not support the request before the Board.

Mr. Appell thanked Phillips for his support and shared his balance of obligations to shareholders, team members and the community. He noted the incentive plays a significant factor in the decision of the company's decision to remain in the area.

Commissioner Conrad questioned the company's presence in High Point.

Mr. Appell noted there is no retail establishment in High Point at this time, but they work to support and engage the entire Guilford County community.

Commissioner Conrad expressed his appreciation for the company's contribution to local food banks and questioned the status of their projects with other community partners.

Mr. Appell spoke to their sponsorship of The Fresh Market exhibit at The Greensboro Children's Museum and discussed partnerships with the Juvenile Diabetes Research Foundation (JDRF) and The United Way. He spoke to the company's community engagement team that encourages employee volunteerism.

Commissioner Conrad expressed his interest in retaining the company's presence in the area and encouraged them to provide more visible community support.

Mr. Appell noted the company has focused less on named sponsorships in recent years but will work to publicize its community efforts in the future.

Commissioner Cashion thanked Mr. Appell for his candid answers and expressed her interest in utilizing incentives to support local businesses. She noted the importance of good corporate citizenship and shared her support for the incentive request.

Mr. Appell spoke to the company's interest in remaining good corporate partners and their dedication to a renewed long-term commitment within the community.

Commissioner Foster questioned the company's presence in and support for High Point.

Mr. Appell spoke to a recent meeting with the City of High Point and noted that the city was the original site of store #3. He discussed providing corporate support to the community through donations to Food for America, in lieu of a retail presence, and spoke to opportunities to funnel this support into the High Point community.

Commissioner Foster questioned the total number of employees that reside in High Point.

Mr. Appell noted he did could not provide an exact number.

Commissioner Foster questioned if High Point offered an incentive to the company.

Mr. Appell confirmed High Point did approve an incentive for the company and spoke to the joint meeting between Greensboro and High Point as a potential model for the future of economic development within the region.

Commissioner Foster expressed her hope in The Fresh Market providing more support and resources within the High Point community.

Commissioner Coleman advocated for the company's retail presence in the downtown Greensboro area.

Chairman Branson questioned the timeline for hiring the 53 new positions.

Mr. Appell stated the commitment is to have all positions filled within the first five (5) years, with the potential to accelerate the timeline if growth allows.

Chairman Branson questioned the manager regarding clawback provisions included in the incentive agreement.

Lawing confirmed a performance-based incentive agreement, based on a hiring schedule, would be negotiated, and incentive payments would be based upon the company successfully achieving these benchmarks.

Mr. Christensen spoke to the need to include a standardized payment schedule in the agreements with provisions for a fifth-year makeup opportunity and recovery options after the fifth year, if benchmarks are not achieved.

Chairman Branson spoke to the need for transparency in the incentive process and noted his questions are designed to give the public more information regarding these agreements.

Mr. Christensen confirmed every economic development incentive grant includes a performance-based agreement.

Commissioner Perdue shared the importance of supporting other economic entities as a good corporate citizen and urged The Fresh Market to continue utilizing the Piedmont Triad Airport if they chose to remain in the county.

Commissioner Alston requested clarification regarding the performance-based agreements.

Lawing reviewed the typical incentive agreement and discussed the opportunity for a recovery year to make up for potential losses in prior years.

County Attorney Mark Payne added that the performance agreement requires a sustained level of employment for the duration of the incentive pay-out.

Commissioner Alston questioned the incentive pay-out.

Lawing noted the pay-out amounts are dependent upon the payment schedule, which would be negotiated with the company.

Commissioner Alston questioned if a portion of the total incentive payment would be provided annually to the company over the five (5) year period.

Mr. Christensen spoke to the nature of the proposed hiring schedule and noted this would be built in the performance agreement.

Commissioner Alston expressed concerned with providing payment to the company in advance of the hiring schedule and performance agreement.

Mr. Christensen discussed the safeguards included in the agreement and noted staff would review the company's performance at intervals to determine if there were any areas of concern.

Commissioner Alston expressed concern with paying incentives prior to producing the agreed upon jobs.

**Motion was made by Commissioner Melvin "Skip" Alston, and seconded by Commissioner J. Carlvena Foster, to adopt pursuant to NCGS 158-7.1, to hold a public hearing for the purpose of receiving public input on an economic development incentive grant of \$106,000 to the Fresh Market, Inc. Consider approval of incentive and upon approval, direct staff to take all necessary actions to execute incentive agreement.**

**VOTE: Motion carried 8 - 1**

**AYES: Alan Branson, Carolyn Q. Coleman, Hank Henning, J. Carlvena Foster, Alan Perdue, Justin Conrad, Kay Cashion, Melvin "Skip" Alston**

**NOES: Jeff Phillips**

## **VIII. NEW BUSINESS**

**A. 2019-424 AUTHORIZE EXECUTION OF CONTRACT WITH ELECTION SYSTEMS & SOFTWARE AND ACQUISITION OF ANCILLARY EQUIPMENT AS RECOMMENDED BY THE BOARD OF ELECTIONS IN AN AMOUNT NOT TO EXCEED \$2,000,000 FOR THE PURCHASE OF NEW VOTING MACHINES AND VOTING BOOTHS**

Authorize the County Manager to enter into a contract with Election Systems & Software for the purchase of approximately 220 Model DS200 Precinct Scanners and attendant system maintenance, Model DS850 High Speed Digital Image Scanners, AutoMARK Voter Assist Terminals, and implementation services. Contract also includes the purchase of approximately 2,000 voting booths from authorized vendors as recommended by the Board of Elections. Establish a Capital Project Ordinance for the purchase of voting machines and voting booths for a total amount not to exceed \$2,000,000, funded via an appropriation of County Building Capital Fund fund balance. Approve a Budget Ordinance Amendment reducing the General Fund transfer to the County Building Construction Fund by \$220,000 and increase the appropriation to Elections by the same amount, and decrease the County Building Construction Fund transfer from the General Fund by \$220,000 and decrease the Reserve for Future Capital Needs by the same amount.

[Legislation Text](#)

[Voting Machine Replacement FY19-20 - Adopt 11-21-19 PENDING.docx](#)

[Voting System Cost Breakdown.pdf](#)

Charlie Collicutt, Elections Director, introduced the agenda item and shared that a statute passed in 2013 decertified the current voting system in Guilford County. He noted the deadline to cease the use of these machines is approaching and noted the requirement to use a certified system during the March 2020 primary.

Collicutt confirmed the Board is only allowed to purchase a system approved by the State Board of Elections and recommended by the Guilford County Board of Elections. He noted the State Board approved various vendors software packages and products for purchase in August 2019, and the Guilford County Board of Elections recommended purchase of the equipment included in the agenda item.

Collicutt shared the system was tested on November 5 and performed to expectation. He confirmed the local Board of Elections made a formal recommendation on November 18 to purchase the equipment in the quantities listed in the agenda item.

Commissioner Conrad requested Collicutt discuss the pending federal legislation that could impact Guilford voting machines in 2021.

Collicutt shared the concern that pending federal legislation could decertify this new equipment, which led the Guilford County Board of Elections to recommend a base line, paper-based voting system with electronic tabulation ability that was less likely to be decertified by this legislation.

Commissioner Conrad shared the Board of Commissioners had requested the state delay the requirement to purchase new machines because of this federal legislation.

Collicutt spoke to the opportunity to receive federal funding towards purchase of new machines if the legislation decertifies this new voting system.

Commissioner Henning questioned the certainty of federal funding.

Collicutt shared the version of this legislation passed by the US House decertified certain types of voting systems, but allocated funding to the states towards purchase of new systems. He noted this bill has not passed the US Senate.

Commissioner Henning questioned the need and opportunity to include additional features to the current voting system.

Collicutt stated the baseline system has been recommended and noted approximately 75 counties across the state will purchase this option. He noted Mecklenburg County will purchase this same product, but will purchase touch-screen option to print out custom ballots for voters, in lieu of paper ballots.

Commissioner Henning requested clarification regarding the touch-screen option.

Collicutt noted the current system only tabulates votes electronically and the requirement to have a paper version of tabulation has resulted in decertification of this voting system.

Commissioner Henning spoke to additional opportunities for fraud during elections and noted these new systems are also susceptible.

Collicutt shared a hard copy of the voter's intent will be available through the new system.

Commissioner Henning expressed concerns with unused ballots and human error.

Collicutt clarified the paper ballots will be tabulated using sophisticated software and noted it will be the responsibility of Elections staff to eliminate opportunities for error and fraud.

Commissioner Alston questioned the procedures for dealing with unused ballots.

Collicutt shared there would be a reconciliation of unused ballots and the ballots that are not scanned would not be tabulated. He noted once the ballot was accounted for, it would be shredded.

Commissioner Alston questioned the costs associated with purchase of the new system.

Michael Halford, Budget Director, clarified the total cost would be \$2.2 million, of which \$2 million would go towards purchase of the voting system and \$220,000 for paper ballots. He confirmed the \$220,000 would be an ongoing cost included in the Elections operating budget. Halford clarified \$2 million would be included in the county's capital fund and \$220,000 would be appropriated to the Elections operating budget, if the agenda item passed. He noted approximately \$8 million had been earmarked towards purchase of the new voting system, but with the decreased cost of the recommended system, approximately \$6 million is now available in the capital fund.

Commissioner Conrad questioned the supply chain security measures associated with the voting system USB drives.

Collicutt shared the county has the option to have USB drives transported directly from the vendor or they could be shipped using a third-party vendor. He noted with either option, the USB drives would be serialized and sealed, then checked by Elections staff upon receipt, to maintain security.

Commissioner Conrad spoke to the benefits of direct transport from the vendor. He requested the County Attorney provide guidance regarding the immediate legal impact if they do not adopt a voting system.

Payne shared his analysis of the Board's statutory position and noted state's decertification of the current voting system requires them to purchase a new system. He noted the option to request a six-month deferral requires proof of financial hardship and a delayed timeframe only postpones purchase later in the current fiscal year. Payne spoke to the similarities between the systems certified by the State Board of Elections.

Commissioner Conrad stated this discussion does not question the fundamental right to vote but questions the expenditure of taxpayer dollars for a system that could be decertified by pending federal legislation. He requested another letter drafted to the Guilford County state legislation requesting they participate in this expense.

Commissioner Coleman questioned how the Guilford County Board of Elections chose the baseline model.

Commissioner Conrad left the meeting at 7:12PM.

Collicutt shared the local Board of Elections could only recommend equipment options certified by the State Board of Elections. He noted staff worked with the vendor to determine the quotes presented to the Board, and noted state law requires the same unit price for all equipment.

Commissioner Coleman questioned why the local Board of Elections chose the baseline option while other counties chose to add-on options.

Collicutt noted the local board's recommendation includes a lower up-front cost, but noted over the years, our annual ongoing costs associated with paper ballots will equalize with Mecklenburg County's larger initial system expense. He reiterated the ballots are all electronically tabulated, but noted concerns related to errors with touch-screen technology versus paper ballots may have influenced the various local boards.

Commissioner Foster spoke to the new system's impact upon curb-side voting and questioned if additional staff would be added to each precinct to walk the paper ballot to the curb and carry the completed ballot for scanning.

Collicutt confirmed they already had dedicated staff to assist with curb-side voting.

Commissioner Foster shared the challenges experienced with curb-side voting in a prior election.

Collicutt noted they would review the precinct practices to ensure successful curb-side voting in upcoming elections, but noted the new voting systems would have no impact upon these procedures.

Commissioner Foster expressed her concerns with using paper ballots at curb-side voting and questioned additional voting stands that would be available at the precincts.

Collicutt noted the paper-ballot is not ADA compliant and noted the contract includes Automark hardware that offers a touch-screen option that assists them with voting. He confirmed there will be one of these machines per precinct. Collicutt spoke to the number of voting booths he would make available for each precinct and confirmed this cost is included in the request.

Commissioner Conrad returned to the meeting at 7:16PM.

**Motion was made by Commissioner Melvin "Skip" Alston, and seconded by Commissioner Carolyn Q. Coleman, to authorize the County Manager to enter into a contract, in substantial form, with Election Systems & Software for the purchase of approximately 220 Model DS200 Precinct Scanners and attendant system maintenance, Model DS850 High Speed Digital Image Scanners, AutoMARK Voter Assist Terminals, and implementation services. Contract also includes the purchase of approximately 2,000 voting booths from authorized vendors as recommended by the Board of Elections. Establish a Capital Project Ordinance for the purchase of voting machines and voting booths for a total amount not to exceed \$2,000,000, funded via an appropriation of County Building Capital Fund fund balance. Approve a Budget Ordinance Amendment reducing the General Fund transfer to the County Building Construction Fund by \$220,000 and increase the appropriation to Elections by the same amount, and decrease the County Building Construction Fund transfer from the General Fund by \$220,000 and decrease the Reserve for Future Capital Needs by the same amount.**

|                 |                                                                                                        |
|-----------------|--------------------------------------------------------------------------------------------------------|
| <b>VOTE:</b>    | <b>Motion carried 6 - 2</b>                                                                            |
| <b>AYES:</b>    | <b>Alan Branson, Carolyn Q. Coleman, Jeff Phillips, Alan Perdue, Kay Cashion, Melvin "Skip" Alston</b> |
| <b>NOES:</b>    | <b>Hank Henning and J. Carlvena Foster</b>                                                             |
| <b>ABSTAIN:</b> | <b>Justin Conrad</b>                                                                                   |

**PROJECT ORDINANCE FOR VOTING MACHINES REPLACEMENT**  
**FY 2019-20**

BE IT ORDAINED by the Board of County Commissioners for Guilford County, North Carolina that the following project ordinance for Guilford County for the Voting Machines Replacement FY 2019-20 is hereby adopted in accordance with G.S. 159-13.2:

SECTION 1. The following planned expenditure and associated revenue are hereby authorized and appropriated in connection with this project:

| PROJECT NAME                            | EXPENDITURE                                 | REVENUE                                    |
|-----------------------------------------|---------------------------------------------|--------------------------------------------|
| Voting Machine Replacement<br>FY2019-20 | Voting Machine Replacement -<br>\$2,000,000 | Appropriated Fund Balance -<br>\$2,000,000 |

SECTION 2. This project ordinance authorizes all appropriations necessary for the completion of this project and it need not be readopted in any subsequent fiscal year. The budget officer shall include in subsequent budgets information and appropriations for this project during the budget year.

SECTION 3. This ordinance shall be duly entered in the minutes of the Guilford County Board of Commissioners. Within five days after adoption, a copy hereof shall be filed with the Finance Director, Budget Director, and Clerk.

SECTION 4. This ordinance may be amended in any manner so long as it continues to fulfill the requirements of G.S. 159-13.2 and other applicable laws.

**ADOPTED** on first reading this November 21, 2019 in accordance with G.S. 159-17.

**B. 2019-417 ADULT BEHAVIORAL HEALTH CRISIS CENTER BUILDING GMP**

Approve the revision of the contract with Samet Corporation to construct the Adult Behavioral Health Crisis Center and complete all remaining construction for a Guaranteed Maximum Price of \$11,572,933 by approving Change Order No. 1 in substantial form; and amend the Mental Health Facility capital project ordinance to increase project funding by \$14,000,000 from state revenues (\$7,700,000), appropriated county building construction fund balance (\$5,500,000); reflecting proceeds from the Bellemeade property, and unallocated bond proceeds (\$800,000; 2019 issuance) bringing the ordinance total to \$20,400,000 to provide funding for this contract and other necessary project costs.

[Legislation Text](#)

[Mental Health Replacement - Amend 11-21-19 PENDING.pdf](#)

[Executive Summary BP 1 2 Rev 11-20-19](#)

[Change Order No. 001](#)

Dan Durham, Facilities/Property Management/Parks Director introduced the agenda item. He noted the total project cost is estimated at \$20,400,000 million with an estimated MWBE participation rate of 38.6%.

**Motion was made by Vice Chairman Jeff Phillips, and seconded by Chairman Alan Branson, to approve the revision of the contract with Samet Corporation to construct the Adult Behavioral Health Crisis Center and complete all remaining construction for a Guaranteed Maximum Price of \$11,572,933 by approving Change Order No. 1 in substantial form; and amend the Mental Health Facility capital project ordinance to increase project funding by \$14,000,000 from state revenues (\$7,700,000), appropriated county building construction fund balance (\$5,500,000); reflecting proceeds from the Bellemeade property, and unallocated bond proceeds (\$800,000; 2019 issuance) bringing the ordinance total to \$20,400,000 to provide funding for this contract and other necessary project costs.**

Vice Chairman Phillips requested Durham review the contingencies included in the contract that could result in decrease the total cost of the project.

Durham reviewed the contingencies and allowances included in the site work and building packages.

Lawing discussed the cost allowances outlined on page 14 of the Addendum Agenda packet. He spoke to options and decisions that could result in project cost savings.

Vice Chairman Phillips spoke to opportunities to potentially save costs based upon allowances built into the project, especially related to site work. He commended Samet Construction, county staff and community partners on their efforts and spoke to the level of excitement generated by this project.

Commissioner Conrad expressed concern that expected revenues included in the state budget, which has not been passed, have not been received. He questioned the county's options if the state budget has not passed once this project has moved past the planning stage.

Lawing shared the agenda item includes a capital project ordinance amendment that incorporates anticipate state revenues. He stated once fund balance and bond proceeds have been exhausted, if a state budget has not been passed, the Board will need to reconvene to discuss alternative revenue sources. Lawing spoke to unallocated bond proceeds and fund balance options that could be utilized to cover this revenue.

Commissioner Conrad expressed appreciation to the General Assembly for partnering with the county on the project but spoke to the need to remain cautious as state revenues have not been received.

Commissioner Coleman requested clarification regarding the percentage of African-Americans participating in contract and site work on the project.

Dan Durham shared the MWBE breakdown percentages included in the packet are calculated on the total construction contract amount, including site work. He noted the total MWBE participation on the project was 38.6%, with an African-American participation rate of 7.6%.

Commissioner Coleman questioned if this percentage was representative of the Board's MWBE participation expectations for the project.

Durham shared these numbers resulted from Samet Construction's extensive outreach efforts to improve MWBE participation.

Commissioner Coleman questioned the County Manager regarding MWBE outreach efforts.

Lawing shared the county's extensive efforts and noted the county MWBE director worked closely with Samet Construction to improve African-American participation. He questioned Samet representatives in attendance about the number of MWBE contractors who qualified for and participated in the bid process.

Commissioner Coleman questioned if African-American participation was recruited for site prep work, in addition to construction phases of the contract.

Ken Grube, with Samet Construction, reviewed the MWBE participation efforts on the project and noted 50% of construction work was awarded to state-certified MWBE firms. He noted 125 subcontractors were prequalified and approximately 21% of those were African-American firms. Grube shared the company contacted approximately 325 African-American companies to invite them to express their interest in the project and spoke to the outreach mixers and email invitations targeted towards African-American firms. He spoke to the robust nature of the economy at this time.

Commissioner Coleman expressed concern with the percentage of African-American participation on the project and requested a list of all the African-American contractors that work with the company.

Commissioner Alston echoed Commissioner Coleman's concerns and questioned the percentage of African-American contractor participation on the site work portion of the project.

Johnny Sigers, with Samet Construction, reviewed the African-American participation on the bid packages. He shared African-American participation was approximately 5.05% on the site work portion of the project.

Commissioner Alston questioned how overall African-American participation for the project was only 7.6% if site work participation was 5.05% and construction participation was approximately 10%.

Samet staff reviewed the project and associated bid packages, and noted the project allowances and contingencies, combined with insurance and bonding skews the percentage of available work, resulting in 7.6% African-American participation on the total project.

Commissioner Alston shared his disappointment with the African-American participation on the project.

Mr. Sigers discussed the bid process and reviewed the company's outreach efforts. He discussed direct contact attempts to African-American contractors and spoke to the challenges of low-bid opportunities.

Commissioner Alston shared his unwillingness to support the project until African-American participation improves on the project.

Commissioner Cashion questioned the pre-qualification process and the twenty-six (26) bids received from African-American companies.

Mr. Sigers confirmed out of 26 bids, 9 African-American companies were awarded as the lowest-bidders. He shared there is more MBE firm participation from African-American companies than from any other group, but noted participation can be skewed by project value.

Commissioner Cashion requested the County Manager discuss the potential savings achieved by alternative bidding methods used by Samet for the Adult Behavioral Health Crisis Center and Sandhills Children's Center.

Lawing discussed Samet's approach to bidding both projects separately and together, as a package deal, to achieve cost savings. He spoke to the savings realized by the county and Samet when the bid packages were combined.

Commissioner Foster questioned the opportunity to add more African-American contractors during other phases of the contract.

Mr. Siger spoke to second tier bid opportunities where first tier subcontractors will approach Samet with assistance in portions of the project, such as hauling.

Commissioner Foster questioned the Guilford County MWBE Director's role in the process.

Mr. Siger shared the support and assistance provided by Ms. Barnes-Phipps with outreach and advice. He spoke to her assistance with advertising to assist in recruit MWBE firms.

Commissioner Foster questioned how Samet could improve its effort to increase African-American participation.

Mr. Siger's shared the need for additional "Contractor College" opportunities to review architectural designs and engage early interest in the projects.

Commissioner Foster requested the MWBE Director provide her thoughts on the project.

Ms. Barnes-Phipps shared her recommendation to provide additional workshops and training sessions on bonding requirements, partnership and joint venture opportunities and mentor-protégé options that address the administrative aspects of business. She shared her work with Samet to break down the bid packages into the 39 packages that would be more accessible to local contractors. Barnes-Phipps noted that with specialized requirements for this building, many smaller companies were unable to meet the bonding capacity. She shared they will hold a business boot company for contractors in the community next year, and noted they would continue to work with suppliers and vendors on second and third tier opportunities.

Commissioner Foster questioned how to address African-American participation on this contract.

Barnes-Phipps shared her role in outreach efforts, including registering and notifying contractors, in addition to workshop and training presentations.

Commissioner Foster questioned if more African-American companies are now registered with Guilford County.

Barnes-Phipps shared they have added and modified approximately 800 vendors since she joined Guilford County, but noted she is unsure of the exact number of African-American contractors.

Commissioner Foster questioned bonding and insurance options for contractors with the county.

Barnes-Phipps shared a bonding and insurance company available at an outreach event for contractors and noted Samet has a bonding/insurance program for contractors on smaller trade packages.

Commissioner Foster questioned opportunities for immediate bonding/insuring with the County, based upon prior performance.

Mr. Danny Brown, a local contractor, referenced the City of Greensboro's program that allows contractors to bond directly with the City which overrides the bonding requirement placed on the subcontractor by the primary contractor. He noted this is an option that assists minority firms with bonding requirements and could increase participation on certain projects.

Mr. Siger stated Samet invites contractors to sit in on bid openings.

Commissioner Coleman shared this was wonderful information, but the message needed to be shared with contractors. She questioned if participation on the project would improve if insurance and contingencies were purchased from African-American companies.

Mr. Grube shared there would be opportunities to improve participation through hauling and trucking work that has not already been counted towards project numbers.

Mr. Siger noted contractors would indicate the amount of allowance allocated to an African-American firm.

Commissioner Coleman recommended Samet take a lower amount of contingency or allowance from these smaller businesses.

Mr. Siger confirmed the goal of the project was come in below estimated costs.

Vice Chairman Phillips clarified question and noted if contingencies and allowances are removed from total project costs, African-American participation percentages increase.

The Samet representatives confirmed this information.

**Motion was made by Vice Chairman Jeff Phillips, and seconded by Chairman Alan Branson, to approve the revision of the contract with Samet Corporation to construct the Adult Behavioral Health Crisis Center and complete all remaining construction for a Guaranteed Maximum Price of \$11,572,933 by approving Change Order No. 1 in substantial form; and amend the Mental Health Facility capital project ordinance to increase project funding by \$14,000,000 from state revenues (\$7,700,000), appropriated county building construction fund balance (\$5,500,000); reflecting proceeds from the Bellemeade property, and unallocated bond proceeds (\$800,000; 2019 issuance) bringing the ordinance total to \$20,400,000 to provide funding for this contract and other necessary project costs.**

|              |                                                                                                                   |
|--------------|-------------------------------------------------------------------------------------------------------------------|
| <b>VOTE:</b> | <b>Motion carried 7 - 2</b>                                                                                       |
| <b>AYES:</b> | <b>Alan Branson, Hank Henning, J. Carlvena Foster, Jeff Phillips,<br/>Alan Perdue, Justin Conrad, Kay Cashion</b> |
| <b>NOES:</b> | <b>Carolyn Q. Coleman and Melvin "Skip" Alston</b>                                                                |

**PROJECT ORDINANCE FOR MENTAL HEALTH FACILITY  
REPLACEMENT**

BE IT ORDAINED by the Board of County Commissioners for Guilford County, North Carolina that the following project ordinance for Guilford County for the Mental Health Facility Replacement adopted on November 15, 2018 and amended on January 17, 2019, March 21, 2019, and October 17, 2019 is hereby amended in accordance with G.S. 159-13.2:

SECTION 1. The following planned expenditure and associated revenue are hereby authorized and appropriated in connection with this project:

| PROJECT NAME                       | EXPENDITURE                                       | REVENUE                                 |
|------------------------------------|---------------------------------------------------|-----------------------------------------|
| Mental Health Facility Replacement | Mental Health Facility Replacement - \$20,500,000 | Appropriated Fund Balance - \$6,900,000 |
|                                    |                                                   | Bond Proceeds - \$5,900,000             |
|                                    |                                                   | State Revenues - \$7,700,000            |

SECTION 2. This project ordinance authorizes all appropriations necessary for the completion of this project and it need not be readopted in any subsequent fiscal year. The budget officer shall include in subsequent budgets information and appropriations for this project during the budget year.

SECTION 3. This ordinance shall be duly entered in the minutes of the Guilford County Board of Commissioners. Within five days after adoption, a copy hereof shall be filed with the Finance Director, Budget Director, and Clerk.

SECTION 4. This ordinance may be amended in any manner so long as it continues to fulfill the requirements of G.S. 159-13.2 and other applicable laws.

**ADOPTED** on first reading this November 21, 2019 in accordance with G.S. 159-17.

**IX. APPOINTMENTS AND REAPPOINTMENTS TO VARIOUS BOARDS AND COMMISSIONS.**

**A. 2019-425 APPOINTMENTS AND REAPPOINTMENTS TO VARIOUS BOARDS AND COMMISSIONS**

Approve the following appointments to various Boards and Commissions:

Fire District Commission - Mt. Hope

Appoint Dean Greeson to 1st Term (November 2019 - November 2021)

Appoint Clifton A. Greeson to 1st Term (November 2019 - November 2021)

Appoint James R. Greeson to 1st Term (November 2019 - November 2021)

[Legislation Text](#)

[D. Greeson Mt Hope App](#)

[C. Greeson Mt Hope App](#)

[J. Greeson Mt Hope App](#)

**Motion was made by Commissioner Alan Perdue, and seconded by Commissioner Justin Conrad, to approve the following appointments to various Boards and Commissions:**

**Fire District Commission - Mt. Hope**

Appoint Dean Greeson to 1st Term (November 2019 - November 2021)

Appoint Clifton A. Greeson to 1st Term (November 2019 - November 2021)

Appoint James R. Greeson to 1st Term (November 2019 - November 2021)

**VOTE: Motion carried 9 - 0**

**AYES: Alan Branson, Carolyn Q. Coleman, Hank Henning, J. Carlvena Foster, Jeff Phillips, Alan Perdue, Justin Conrad, Kay Cashion, Melvin "Skip" Alston**

**NOES: None**

**X. COMMENTS FROM COUNTY MANAGER**

Lawing offered no comments at this time.

**XI. COMMENTS FROM COMMISSIONERS**

Commissioner Alston expressed his interest in utilizing savings realized from the purchase of the Elections voting system towards assistance with school building maintenance, in addition to, address salary needs for school bus drivers and Guilford County employees with an hourly wage less than \$15 per hour.

Vice Chairman Phillips reiterated the state budget has not been passed and spoke to the potential need for alternative funding to assist with construction of the Adult Behavioral Health Crisis Center, if state funding is not received timely. He wished those present a Happy Thanksgiving.

Commissioner Perdue echoed Happy Thanksgiving wishes to those present.

Commissioner Conrad reminded the Board of pending federal legislation that might require them to purchase new voting machines within the next two (2) years. He thanked his fellow Commissioners for their proclamation at the last meeting recognizing Pancreatic Cancer Awareness month and shared today was World Pancreatic Cancer Awareness Day. He wished all Board members and staff a Happy Thanksgiving.

Commissioner Foster spoke to the value and importance of school bus drivers and shared it was the Board's responsibility to support and assist the school system. She expressed her interest in utilizing cost savings from the voting machine purchase towards school system needs. Foster invited all to attend the High Point Christmas Parade scheduled for this Sunday and wished all a Happy Thanksgiving.

Commissioner Cashion shared her attendance at the 100<sup>th</sup> anniversary of the Henry K. Burton American Legion Post 53 and spoke to the level of advocacy they provide for their members. She shared the history of the post and noted she presented a proclamation on behalf of the Board. Cashion shared her attendance at the High Point Arts Council dedication of the Centennial Station Arts Center, named in honor of David Hayworth, where they recognized Cashion and former Commissioner Bruce Davis as members of the Board who provided the group with a grant to assist with the first mortgage payment for the Station.

Commissioner Cashion spoke to recent events hosted by Guilford County including the NC Supreme Court Bicentennial Celebration and a US Congressional sub-committee hearing on Human Trafficking. She expressed appreciation for staff and their efforts during these events.

Chairman Branson shared a Joint County/Schools Capital Facilities Committee meeting has been scheduled for next week. He spoke to the Board's interest in reviewing the facilities study with the Board of Education and noted the discussions will include the potential dollar amount for a bond referendum towards school facility needs that will be presented to Guilford County citizens in 2020. Branson shared his concerns with the Board of Education's request to reallocate capital funds towards Career and Technical Education (CTE) programs, in light of mounting school building repair needs. He wished those present a Happy Thanksgiving.

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

**Motion was made by Commissioner Alan Perdue, and seconded by Commissioner Kay Cashion, to hold closed session pursuant to N.C.G.S. §143-318.11 for the purpose of consulting with the County Attorney.**

|              |                                                                                                                                                         |
|--------------|---------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>VOTE:</b> | <b>Motion carried 9 - 0</b>                                                                                                                             |
| <b>AYES:</b> | <b>Alan Branson, Carolyn Q. Coleman, Hank Henning, J. Carlvena Foster, Jeff Phillips, Alan Perdue, Justin Conrad, Kay Cashion, Melvin "Skip" Alston</b> |
| <b>NOES:</b> | <b>None</b>                                                                                                                                             |

The Board recessed into closed session at 8:34PM.

The Board reconvened the meeting at 9:21PM.

### **XIII. ADJOURN**

**PRESENT:** Alan Branson, Hank Henning, Alan Perdue, Justin Conrad, Melvin "Skip" Alston

**ABSENT:** Carolyn Q. Coleman, J. Carlvena Foster, Kay Cashion, Jeff Phillips

**ALSO PRESENT:** County Manager Marty Lawing; County Attorney Mark Payne; Clerk to Board Robin Keller; Ariane Webb, Deputy Clerk to Board; Jeff Fowler, Security Director; members of the media.

**Motion was made by Commissioner Melvin "Skip" Alston, and seconded by Commissioner Alan Perdue to adjourn the meeting.**

**VOTE: Motion carried 5 - 0**

**AYES: Alan Branson, Hank Henning, Alan Perdue, Justin Conrad, Melvin "Skip" Alston**

**NOES: None**

**ABSENT: Carolyn Q. Coleman, J. Carlvena Foster, Kay Cashion, Jeff Phillips**

There being no further business, the meeting was adjourned by unanimous consent at 9:22PM.

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J. Alan Branson, Chairman

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Robin Keller, Clerk to Board