

**THE BOARD OF COUNTY COMMISSIONERS
DURHAM, NORTH CAROLINA**

Monday, March 12, 2012

7:00 P.M. Regular Session

MINUTES

Place: Commissioners' Room, second floor, Durham County Government Administrative Complex, 200 E. Main Street, Durham, NC

Present: Vice Chair Ellen W. Reckhow, and Commissioners Joe W. Bowser, Brenda A. Howerton, and Pam Karriker

Absent: Chairman Michael D. Page

Presider: Vice Chair Ellen W. Reckhow

Opening of Regular Session

Vice Chair Reckhow asked everyone to join in the Pledge of Allegiance. Vice Chair Reckhow noted that Chairman Page would not be present.

Announcements

Vice Chair Reckhow made the following announcement:

- "In Touch with Durham County," the Durham County Television show, airs on Cable TV Channel 8 at 8:30 a.m. and 12 noon on Mondays; and 8:30 a.m., 12 noon and 6:30 pm on Tuesday–Sundays. Our County Commissioners' meetings are also rebroadcast on Thursdays at 2:00 p.m., Saturdays at 9:00 p.m., and Sundays at 9:00 p.m.

Minutes

Commissioner Howerton moved, seconded by Commissioner Karriker, to approve the minutes of the February 6, 2012 Worksession; February 20, 2012 Budget Retreat; and February 27, 2012 Regular Session.

The motion carried unanimously.

Presentation - NC Association of Soil & Water Conservation Districts (NCASWCD) Supervisor of the Year, Danielle Adams and the NCASWCD Environmental Educator of the Year, Jennifer Brooks

Vice Chair Reckhow recognized Eddie Culberson, Director of Soil & Water Conservation. Mr. Culberson requested that the Board publicly honor Danielle Adams, an elected Durham Soil & Water Conservation District Board member, and Jennifer Brooks, Soil Conservationist/Environmental Education Coordinator for the Durham Soil & Water Department, for their outstanding performance.

Commissioner Howerton presented a plaque to Danielle Adams. Ms. Adams thanked the Board for the recognition.

Vice Chair Reckhow presented a plaque to Jennifer Brooks. Ms. Brooks thanked her co-workers for their support.

Proclamation – Professional Social Work Month

Ms. Gail Perry, Interim DSS Director, commented on the national theme for Social Work Month, “Social Work Month Matters.” She commended all who have chosen the worthwhile career of social work and making a difference.

Vice Chair Reckhow read the following Proclamation:

WHEREAS, social workers have the right education and experience to guide individuals, families, and communities through complex issues and choices; and

WHEREAS, social workers connect individuals, families, and communities to available resources; and

WHEREAS, social workers are dedicated to improving the society in which we live; and

WHEREAS, social workers stand up for others to make sure everyone has access to the same basic rights, protections, and opportunities; and

WHEREAS, social workers help people help themselves, whenever and wherever they need it most; and

WHEREAS, social workers have been the driving force behind important social movements in the United States and abroad; and

WHEREAS, social workers in the Durham County Department of Social Services invest in people so that they can contribute more to the economic and social wellbeing of our community; and

WHEREAS, social workers in the Durham County Department of Social Services assure families’ basic economic needs are met; provide access to health care and nutrition; help people find jobs and develop strong work habits and a career path; keep children and families safe; and help children to be ready for and succeed in school:

NOW, THEREFORE, BE IT RESOLVED that I, Ellen W. Reckhow, Vice Chair of the Durham County Board of Commissioners, do hereby proclaim March 2012 as

PROFESSIONAL SOCIAL WORK MONTH.

I commend this observance to our citizens and urge all citizens to join with the Department of Social Services in celebration and support of social workers and the social work profession.

This the 12th day of March, 2012.

Ellen W. Reckhow, Vice Chair

Congratulate Miss Perla Yanez for Earning the Bronze Award from the Girl Scouts

The Board was requested to congratulate Miss Perla Yanez, an 11-year old student at Research Triangle Charter Academy, for earning the Girls Scouts' Bronze Award for leading other girl scouts through a project to install audibles at the intersection of Roxboro Road and Main Street. Recently, Durham's downtown pedestrians may have noticed chips and coo-coo sounds at the intersection. The audible installation may be just another sound to some, but for pedestrians with visual impairments, the sound enhanced pedestrian crosswalk increases the safety of crossing the area of Main Street.

Vice Chair Reckhow noted that it was fitting to honor Ms. Yanez on the 100th anniversary of the Girls Schools association.

Ms. Victoria Beck, troop leader, introduced Ms. Yanez. Ms. Yanez commented that she would like to help people, and she found the audibles one way she could help those who were sight impaired to safely cross the street.

The Board congratulated Ms. Yanez.

Consent Agenda

The following Consent items were presented for approval. No items were pulled by the board or citizens.

Commissioner Howerton moved, seconded by Commissioner Karriker, to approve the following consent agenda items:

- a. Appoint Kimberly Shaw as Chair of the Alcohol Beverage Control (ABC) Board (as recommended by the ABC Board) until July 31, 2012 ;
- b. Accept the ambulance franchise request for modification of Johnston Ambulance Service and set a second reading for the March 26, 2012 regularly scheduled BOCC meeting;
- c. Approve the franchise renewal for AAA Transport, Inc to continue to provide Basic Life Support Transport service within Durham County;
- d. Approve the attached by-laws for the non-profit that will manage the Piedmont Food and Agricultural Processing Center in the future;

- e. Approve the following recommendations from The Durham Center Area Board of its current members to be appointed to the newly-constituted LME/MCO Board of Directors per the terms of the merger Agreement:

One-year terms: Nancy Henley, Monique Holsey-Hyman, Michael Page
Two-year terms: Lascel Webley, Jr., John Barry, Amir Berhannu
Three-year terms: George Quick, Phillip Golden
- f. *Approve Budget Ordinance No. 12BCC000061 recognizing additional revenues in the amount of \$769,576 to support the Crisis Intervention Program, Low Income Energy Assistance Program, and Home and Community Care Block Grant;
- g. Approve an increase in the allowance within the construction contract for the removal and replacement of contaminated soil and costs associated with active shoring for stormwater trenches required by North Carolina Department of Transportation (NCDOT), associated with the construction of the new Durham County Courthouse and Parking Structure in the amount of \$2,255,880.00 and to authorize the County Manager to execute any other related contracts including change orders, if necessary, not to exceed the available construction budget of \$82,478,060.00;
- h. *Approve Budget Ordinance Amendment No. 12BOCC000062 to transfer a vacant position and \$48,152 from DSS to the County Manager's Office for the creation of a Strategic Initiative Manager position.

The motion carried unanimously.

*Document(s) related to this item follow:

Consent Agenda Item No. f.

**DURHAM COUNTY, NORTH CAROLINA
2011-2012 Budget Ordinance
Amendment No 12BCC000061**

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2011-12 Budget Ordinance is hereby amended to reflect budget adjustments.

Revenue:

<u>Category</u>	<u>Current Budget</u>	<u>Increase/Decrease</u>	<u>Revised Budget</u>
<u>GENERAL FUND</u> Intergovernmental	\$76,682,173	\$769,576	\$76,451,749

Expenditures:

<u>Function</u>			
<u>GENERAL FUND</u> Human Services	\$109,993,129	\$769,576	\$110,762,705

All ordinances and portions of ordinances in conflict herewith are hereby repealed.

This the 12th day of March, 2012.

Consent Agenda Item No. h.

**DURHAM COUNTY, NORTH CAROLINA
2011-2012 Budget Ordinance
Amendment No 12BCC000062**

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2011-12 Budget Ordinance is hereby amended to reflect budget adjustments.

Revenue:

<u>Category</u>	<u>Current Budget</u>	<u>Increase/Decrease</u>	<u>Revised Budget</u>
<u>GENERAL FUND</u>			
Intergovernmental			

Expenditures:

<u>Function</u>			
<u>GENERAL FUND</u>			
General Government	\$ 83,863,960	\$ 48,152	\$ 83,912,112
Human Services	\$110,762,705	(\$48,152)	\$110,714,553

All ordinances and portions of ordinances in conflict herewith are hereby repealed.

This the 12th day of March, 2012.

Public Hearing – General Obligation Bonds Issuance

Mr. George Quick, Finance Director, stated that the public hearing was being held to receive comments on the refunding of bonds not to exceed \$17 million. The refunding is expected to produce savings of 8.157% (\$1,389,591) over the remaining life of the bonds.

Vice Chair Reckhow thanked Mr. Quick for his excellent management of the County's funds.

Vice Chair Reckhow opened the public hearing. No one signed up to speak. The public hearing was closed.

Commissioner Bowser moved, seconded by Commissioner Howerton to approve the financing under the 2007 Referendum in an amount not to exceed \$60 million and the refunding in an amount not to exceed \$17 million per the attached Resolution.

The motion passed unanimously.

A regular meeting of the Board of Commissioners for the County of Durham, North Carolina, was held at 7:00 P.M., on March 12, 2012, in the County Commissioners' Meeting Room on the 2nd Floor of the Durham County Government Administrative Complex at 200 East Main Street, in Durham, North Carolina, the regular place of meeting.

Present: Vice Chair Ellen W. Reckhow, presiding, and Commissioners Joe W. Bowser, Brenda A. Howerton, and Pam Karriker.

Absent: Chairman Michael D Page.

* * * * *

At 7:00 P.M. the Chairman of the Board of Commissioners announced that this was the hour, date and place fixed by the Board of Commissioners for the public hearing upon the order entitled: "ORDER AUTHORIZING \$16,680,000 REFUNDING BONDS" and that the Board of Commissioners would immediately hear anyone who might wish to be heard on the question of the validity of said order or the advisability of issuing said bonds.

No one appeared, either in person or by attorney, to be heard on the question of the validity of said order or the advisability of issuing said bonds and the Acting Clerk to the Board of Commissioners announced that no written statement relating to said questions had been received.

Thereupon, upon motion of Commissioner Joe W. Bowser, seconded by Commissioner Brenda A. Howerton and carried, the order introduced and passed on first reading on February 27, 2012 entitled: "ORDER AUTHORIZING \$16,680,000 REFUNDING BONDS" was read a second time by title and placed upon its final passage. The vote upon the final passage of said order was:

Ayes: Commissioners Reckhow, Bowser, Howerton, and Karriker.

Noes: None.

The Vice Chair of the Board of Commissioners then announced that the order entitled: "ORDER AUTHORIZING \$16,680,000 REFUNDING BONDS" had been adopted.

The Clerk to the Board of Commissioners was thereupon directed to publish said order, together with the appended statement as required by The Local Government Bond Act, as amended, once in The Herald Sun.

Thereupon Commissioner Reckhow introduced the following resolution, a copy of which had been provided to each Commissioner and which was read by its title:

RESOLUTION PROVIDING FOR THE ISSUANCE OF
GENERAL OBLIGATION REFUNDING BONDS, SERIES 2012

BE IT RESOLVED by the Board of Commissioners for the County of Durham, North Carolina:

Section 1. Said Board of Commissioners (the "Board of Commissioners") has determined and does hereby find and declare:

(a) That an order authorizing not exceeding \$16,680,000 Refunding Bonds was adopted by the Board of Commissioners on February 27, 2012, which order has taken effect.

(b) That none of said Refunding Bonds have been issued; that no notes have been issued in anticipation of the receipt of the proceeds of the sale of said Refunding Bonds; and that it is necessary to issue at this time said Refunding Bonds in accordance with the provisions of Section 2 of this resolution.

(c) That the end of the unexpired weighted average of the maximum periods of usefulness of the improvements to be refinanced with the proceeds of said Refunding Bonds is a date that is not earlier than January 1, 2042.

(d) That an order authorizing not exceeding \$194,240,000 School Bonds of said County was adopted by the Board of Commissioners on July 23, 2007, which order was approved by the vote of a majority of the qualified voters of said County who voted thereon at a referendum duly called and held on November 6, 2007.

(e) That \$54,280,000 of said School Bonds have been issued as a part of an issue of \$25,980,000 General Obligation Bonds, Series 2010A, dated October 28, 2010, which included \$25,058,749.20 of said School Bonds, and as a part of an issue of \$34,020,000 Taxable General Obligation Bonds (Build America Bonds), Series 2010B, dated October 28, 2010, which included \$29,701,250.80 of said School Bonds.

(f) That there is outstanding a General Obligation Public Improvement Bond Anticipation Note, Series 2011 of said County, dated August 1, 2011 and stated to mature on August 1, 2014, pursuant to which said County has borrowed \$56,000,000 in anticipation of the receipt of the proceeds of the sale of a like amount of the balance of said School Bonds (the "Note").

(g) That said County has determined to redeem prior to the maturity date of the Note the amount of \$56,000,000 that it has borrowed pursuant to the Note.

(h) That it is necessary to issue at this time an amount not exceeding \$56,350,000 of the balance of said School Bonds in accordance with the provisions of Section 2 of this resolution and to apply \$56,000,000 of the proceeds thereof to the redemption of the Note and the balance of such proceeds to pay expenses related thereto.

(i) That the maximum period of usefulness of the improvements to be financed with the proceeds of said School Bonds to be issued is estimated as a period of not less than 40 years and that the date of expiration of said period computed from April 25, 2012, the expected date of said School Bonds to be issued as provided in Section 2 of this resolution, is April 25, 2052.

(k) That it is convenient to consolidate for the purpose of their issuance said Refunding Bonds and said School Bonds into a single issue of General Obligation Refunding Bonds, Series 2012 as hereinafter provided.

Section 2. Pursuant to said orders, there shall be issued bonds of the County of Durham, North Carolina (the "Issuer"), designated "General Obligation Refunding Bonds, Series 2012" and dated the date of delivery thereof (the "Bonds"). The Bonds shall be in such aggregate principal sum not exceeding \$73,030,000, shall be stated to mature in such principal amounts on April 1 of such years not exceeding April 1, 2032, shall bear interest at such rates, which interest shall be payable on October 1, 2012 and semiannually thereafter on April 1 and October 1 of each year until payment of such principal sum, and shall have such other terms and provisions as shall be determined by the County Manager or the Finance Director of the Issuer, subject to the limitations contained in this resolution. The County Manager or the Finance Director of the Issuer shall execute one or more certificates to evidence the making of such determinations, and each such certificate shall be conclusive evidence of the determinations of the County Manager or the Finance Director of the County, as applicable, as to the matters stated therein.

Each Bond shall bear interest from the interest payment date next preceding the date on which it is authenticated unless it is (a) authenticated upon an interest payment date in which event it shall bear interest from such interest payment date or (b) authenticated prior to the first interest payment date in which event it shall bear interest from its date; provided, however, that if at the time of authentication interest is in default, such Bond shall bear interest from the date to which interest has been paid.

The principal of and the interest on the Bonds shall be payable in any coin or currency of the United States of America which is legal tender for the payment of public and private debts on the respective dates of payment thereof.

The Bonds will be issued by means of a book-entry system with no physical distribution of Bond certificates to be made except as hereinafter provided. One fully-registered Bond certificate with respect to each date on which the Bonds are stated to mature, in the aggregate principal amount of the Bonds stated to mature on such date and registered in the name of Cede & Co., a nominee of The Depository Trust Company, New York, New York ("DTC"), will be issued and required to be deposited with DTC and immobilized in its custody. The book-entry system will evidence beneficial ownership of the Bonds in the principal amount of \$5,000 or any multiple thereof, with transfers of beneficial ownership effected on the records of DTC and its participants pursuant to rules and procedures established by DTC and its participants. The principal of each Bond shall be payable to Cede & Co. or any other person appearing on the registration books of the Issuer hereinafter provided for as the registered owner of such Bond or his registered assigns or legal representative at such office of the Bond Registrar mentioned

hereinafter or such other place as the Issuer may determine upon the presentation and surrender thereof as the same shall become due and payable. Payment of the interest on each Bond shall be made by the Bond Registrar on each interest payment date to the registered owner of such Bond (or the previous Bond or Bonds evidencing the same debt as that evidenced by such Bond) at the close of business on the record date for such interest, which shall be the 15th day (whether or not a business day) of the calendar month next preceding such interest payment date, by check mailed to such person at his address as it appears on such registration books. Transfer of principal and interest payments to participants of DTC will be the responsibility of DTC, and transfer of principal and interest payments to beneficial owners of the Bonds by participants of DTC will be the responsibility of such participants and other nominees of such beneficial owners. The Issuer will not be responsible or liable for such transfers of payments or for maintaining, supervising or reviewing records maintained by DTC, its participants or persons acting through such participants.

In the event that (a) DTC determines not to continue to act as securities depository for the Bonds or (b) the Finance Director of the Issuer determines not to continue to use the book-entry system of evidence and transfer of ownership of the Bonds through DTC in accordance with DTC's rules, the Issuer will discontinue the book-entry system with DTC. If the Issuer identifies another qualified securities depository to replace DTC, the Issuer will make arrangements with DTC and such other depository to effect such replacement and deliver replacement Bonds registered in the name of such other depository or its nominee in exchange for the outstanding Bonds, and the references to DTC or Cede & Co. in this resolution shall thereupon be deemed to mean such other depository or its nominee. If the Issuer fails to identify another qualified securities depository to replace DTC, the Issuer will deliver replacement Bonds in the form of fully registered certificates in the denomination of \$5,000 or any multiple thereof ("Certificated Bonds") in exchange for the outstanding Bonds as required by DTC and others. The Issuer may also deliver one or more Certificated Bonds to any participant of DTC in exchange for Bonds credited to its account with DTC in accordance with DTC's rules.

Unless indicated otherwise, the provisions of this resolution that follow shall apply to all Bonds issued or issuable hereunder, whether initially or in replacement thereof.

Section 3. The Bonds shall bear the manual or facsimile signatures of the Chairman of the Board of Commissioners and the Clerk to said Board and the corporate seal or a facsimile of the corporate seal of the Issuer shall be impressed or imprinted, as the case may be, on the Bonds.

The certificate of the Local Government Commission of North Carolina (the "Local Government Commission") to be endorsed on all Bonds shall bear the manual or facsimile signature of the Secretary of the Local Government Commission and the certificate of authentication of the Bond Registrar to be endorsed on all Bonds shall be executed as provided hereinafter.

In case any officer of the Issuer or the Local Government Commission whose manual or facsimile signature shall appear on any Bonds shall cease to be such officer before the delivery of such Bonds, such manual or facsimile signature shall nevertheless be valid and sufficient for all purposes the same as if he had remained in office until such delivery, and any Bond may bear the manual or facsimile signatures of such persons as at the actual time of the execution of such Bond shall be the proper officers to sign such Bond although at the date of such Bond such persons may not have been such officers.

No Bond shall be valid or become obligatory for any purpose or be entitled to any benefit or security under this resolution until it shall have been authenticated by the execution by the Bond Registrar of the certificate of authentication endorsed thereon.

The Bonds to be registered in the name of Cede & Co. and the endorsements thereon shall be in substantially the following forms:

Unless this certificate is presented by an authorized representative of The Depository Trust Company, a New York corporation ("DTC"), to issuer or its agent for registration of transfer, exchange, or payment and any certificate issued is registered in the name of Cede & Co. or in such other name as is requested by an authorized representative of DTC (and any payment is made to Cede & Co. or to such other entity as is requested by an authorized representative of DTC), ANY TRANSFER, PLEDGE, OR OTHER USE HEREOF FOR VALUE OR OTHERWISE BY OR TO ANY PERSON IS WRONGFUL inasmuch as the registered owner hereof, Cede & Co., has an interest herein.

No. R- \$.....

United States of America
State of North Carolina

COUNTY OF DURHAM

GENERAL OBLIGATION REFUNDING BOND, SERIES 2012

<u>Date</u>	<u>Maturity</u>	<u>Interest Rate</u>	<u>Cusip</u>
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.....
The County of Durham, in the State of North Carolina, is justly indebted and for value received hereby promises to pay to

CEDE & CO.

or registered assigns or legal representative on the date specified above, upon the presentation and surrender hereof, at the office of the Finance Director of said County (the "Bond Registrar"), the principal sum of
..... DOLLARS

and to pay interest on such principal sum from the date hereof or from the April 1 or October 1 next preceding the date of authentication to which interest shall have been paid, unless such date of authentication is an April 1 or October 1 to which interest shall have been paid, in which case from such date, such interest to the maturity hereof being payable on October 1, 2012 and semiannually thereafter on April 1 and October 1 in each year, at the rate per annum specified above, until payment of such principal sum. The interest so payable on any such interest payment date will be paid to the person in whose name this bond (or the previous bond or bonds evidencing the same debt as that evidenced by this bond) is registered at the close of business on the record date for such interest, which shall be the 15th day (whether or not a business day) of the calendar month next preceding such interest payment date, by check mailed to such person at his address as it appears on the bond registration books of said County. Both the principal of and the interest on this bond shall be paid in any coin or currency of the United States of America that is legal tender for the payment of public and private debts on the respective dates of payment thereof. For the prompt payment hereof, both principal and interest as the same shall become due, the faith and credit of said County of Durham are hereby irrevocably pledged.

This bond is one of an issue of bonds designated "General Obligation Refunding Bonds, Series 2012" (the "Bonds") and issued by said County for the purpose of providing funds, with any other available funds, for refunding certain outstanding indebtedness of said County, including paying expenses related thereto, as provided in a resolution duly passed by the Board of Commissioners for said County on March 12, 2012 (the "Resolution"), and this bond is issued under and pursuant to The Local Government Bond Act, as amended, Article 7, as amended, of Chapter 159 of the General Statutes of North Carolina, two orders adopted by said Board of Commissioners, each of which has taken effect, and the Resolution.

The Bonds maturing prior to April 1, _____ are not subject to redemption prior to maturity. The Bonds maturing on April 1, _____ and thereafter may be redeemed, at the option of said County, from any moneys that may be made available for such purpose, either in whole or in part on any date not earlier than April 1, _____, at a

redemption price equal to 100% of the principal amount of the Bonds to be redeemed, together with interest accrued thereon to the date fixed for redemption.

If less than all of the Bonds of any one maturity shall be called for redemption, the particular Bonds or portions of Bonds of such maturity to be redeemed shall be selected by lot in such manner as said County in its discretion may determine; provided, however, that the portion of any Bond to be redeemed shall be in the principal amount of \$5,000 or some multiple thereof and that, in selecting Bonds for redemption, each Bond shall be considered as representing that number of Bonds which is obtained by dividing the principal amount of such Bond by \$5,000 and, further, that The Depository Trust Company, New York, New York ("DTC") will determine by lot the amount of interest of each direct participant of DTC in such Bonds to be redeemed so long as a book-entry system with DTC is continued.

If less than all of the Bonds stated to mature on different dates shall be called for redemption, said County shall direct which maturities of the Bonds are to be redeemed.

Not more than sixty (60) nor less than thirty (30) days before the redemption date of any Bonds to be redeemed, whether such redemption be in whole or in part, said County shall cause a notice of such redemption to be filed with the Bond Registrar and given by certified or registered mail to Cede & Co. at its address appearing upon the registration books of said County or by such other means as DTC shall require. On the date fixed for redemption, notice having been given as aforesaid, the Bonds or portions thereof so called for redemption shall be due and payable at the redemption price provided for the redemption of such Bonds or portions thereof on such date plus accrued interest to such date and, if moneys for payment of such redemption price and the accrued interest have been deposited by said County as provided in the Resolution, interest on the Bonds or the portions thereof so called for redemption shall cease to accrue. If a portion of this Bond shall be called for redemption, a new Bond or Bonds in principal amount equal to the unredeemed portion hereof will be issued to Cede & Co. or its legal representative upon the surrender hereof.

The Bonds are being issued by means of a book-entry system with no physical distribution of bond certificates to be made except as provided in the Resolution. One fully-registered Bond certificate with respect to each date on which the Bonds are stated to mature, in the aggregate principal amount of the Bonds stated to mature on such date and registered in the name of Cede & Co., a nominee of DTC, is being issued and required to be deposited with DTC and immobilized in its custody. The book-entry system will evidence beneficial ownership of the Bonds in the principal amount of \$5,000 or any multiple thereof, with transfers of ownership effected on the records of DTC and its participants pursuant to rules and procedures established by DTC and its participants. Transfer of principal and interest payments to participants of DTC will be the responsibility of DTC, and transfer of principal and interest payments to beneficial owners of the Bonds by participants of DTC will be the responsibility of such participants and other nominees of such beneficial owners. Said County will not be responsible or liable for such transfers of payments or for maintaining, supervising or reviewing the records maintained by DTC, its participants or persons acting through such participants.

In certain events, said County will be authorized to deliver replacement Bonds in the form of fully-registered certificates in the denomination of \$5,000 or any multiple thereof in exchange for the outstanding Bonds as provided in the Resolution.

At the office of the Bond Registrar, in the manner and subject to the conditions provided in the Resolution, Bonds may be exchanged for an equal aggregate principal amount of Bonds of the same maturity, of authorized denominations and bearing interest at the same rate.

The Bond Registrar shall keep at his or her office the books of said County for the registration of transfer of Bonds. The transfer of this bond may be registered only upon such books and as otherwise provided in the Resolution upon the surrender hereof to the Bond Registrar together with an assignment duly executed by the registered owner hereof or his attorney or legal representative in such form as shall be satisfactory to the Bond Registrar. Upon any such registration of transfer, the Bond Registrar shall deliver in exchange for this bond a new Bond or Bonds, registered in the name of the transferee, of authorized denominations, in an aggregate principal

amount equal to the unredeemed principal amount of this bond, of the same maturity and bearing interest at the same rate.

The Bond Registrar shall not be required to exchange or register the transfer of any Bond during a period beginning at the opening of business fifteen (15) days before the day of the mailing of a notice of redemption of Bonds or any portion thereof and ending at the close of business on the day of such mailing or of any Bond called for redemption in whole or in part pursuant to the Resolution.

It is hereby certified and recited that all acts, conditions and things required by the Constitution and laws of North Carolina to happen, exist and be performed precedent to and in the issuance of this bond have happened, exist and have been performed in regular and due form and time as so required; that provision has been made for the levy and collection of a direct annual tax upon all taxable property within said County sufficient to pay the principal of and the interest on this bond as the same shall become due; and that the total indebtedness of said County, including this bond, does not exceed any constitutional or statutory limitation thereon.

This bond shall not be valid or become obligatory for any purpose or be entitled to any benefit or security under the Resolution until this bond shall have been authenticated by the execution by the Bond Registrar of the certificate of authentication endorsed hereon.

IN WITNESS WHEREOF, said County of Durham, by resolution duly passed by its Board of Commissioners, has caused this bond [to be manually signed by] [to bear the facsimile signatures of] the Chairman of said Board and the Clerk to said Board and [a facsimile of] its corporate seal to be [printed] [impressed] hereon, all as of the date of this bond set forth above.

Chairman of the Board of Commissioners

Clerk to the Board of Commissioners

CERTIFICATE OF LOCAL GOVERNMENT COMMISSION

The issuance of the within bond has been approved under the provisions of The Local Government Bond Act of North Carolina.

Secretary, Local Government Commission

CERTIFICATE OF AUTHENTICATION

This bond is one of the Bonds of the series designated herein and issued under the provisions of the within-mentioned Resolution.

Finance Director of the County of Durham, North Carolina, as
Bond Registrar

By: _____
Authorized Signatory

Date of authentication: _____

ASSIGNMENT

FOR VALUE RECEIVED the undersigned registered owner thereof hereby sells, assigns and transfers
unto

the within bond and all rights thereunder and hereby irrevocably constitutes and appoints

attorney to register the transfer of said bond on the books kept for registration thereof, with full power of substitution in the premises.

Dated: _____

Signature Guaranteed: _____

NOTICE: The assignor's signature to this assignment must correspond with the name as it appears upon the face of the within bond in every particular, without alteration or enlargement or any change whatever.

Certificated Bonds issuable hereunder shall be in substantially the form of the Bonds registered in the name of Cede & Co. with such changes as are necessary to reflect the provisions of this resolution that are applicable to Certificated Bonds.

Section 4. The Bonds maturing prior to April 1, _____ will not be subject to redemption prior to maturity. The Bonds maturing on April 1, _____ and thereafter will be redeemable, at the option of the Issuer, from any moneys that may be made available for such purpose, either in whole or in part on any date not earlier than April 1, _____, at a redemption price equal to 100% of the principal amount of the Bonds to be redeemed, together with interest accrued thereon to the date fixed for redemption.

If less than all of the Bonds of any one maturity shall be called for redemption, the particular Bonds or portions of Bonds of such maturity to be redeemed shall be selected by lot in such manner as the Issuer in its discretion may determine; provided, however, that the portion of any Bond to be redeemed shall be in the principal amount of \$5,000 or some multiple thereof and that, in selecting Bonds for redemption, each Bond shall be considered as representing that number of Bonds which is obtained by dividing the principal amount of such Bond by \$5,000, and, further, that DTC will determine by lot the amount of interest of each direct participant of DTC in such Bonds to be redeemed so long as a book-entry system with DTC is continued. If less than all of the Bonds stated to mature on different dates shall be called for redemption, the Issuer shall direct which maturities of the Bonds are to be redeemed.

Not more than sixty (60) nor less than thirty (30) days before the redemption date of any Bonds to be redeemed, whether such redemption be in whole or in part, the Issuer shall cause a notice of such redemption to be filed with the Bond Registrar and to be mailed, postage prepaid, to the registered owner of each Bond to be redeemed in whole or in part at his address appearing upon the registration books of the Issuer, provided that such notice to Cede & Co. shall be given by certified or registered mail or by such other means as DTC shall require. Failure to mail such notice or any defect therein shall not affect the validity of the redemption as regards registered owners to whom such notice was given as required hereby. Each such notice shall set forth the date designated for redemption, the redemption price to be paid and the maturities of the Bonds to be redeemed. In the event that Certificated Bonds are outstanding, each such notice to the registered owners thereof shall also set forth, if less than all of the Bonds of any maturity then outstanding shall be called for redemption, the distinctive numbers and letters, if any, of such Bonds to be redeemed and, in the case of any Bond to be redeemed in part only, the portion of the principal amount thereof to be redeemed. If any Bond is to be redeemed in part only, the notice of redemption shall state also that on or after the redemption date, upon surrender of such Bond, a new Bond or Bonds in principal amount equal to the unredeemed portion of such Bond will be issued.

On or before the date fixed for redemption, moneys shall be deposited with the Bond Registrar to pay the principal of the Bonds or portions thereof called for redemption as well as the interest accruing thereon to the redemption date thereof.

On the date fixed for redemption, notice having been given in the manner and under the conditions hereinabove provided, the Bonds or portions thereof called for redemption shall be due and payable at the redemption price provided therefor, plus accrued interest to such date. If moneys sufficient to pay the redemption price of the Bonds or portions thereof to be redeemed, plus accrued interest thereon to the date fixed for redemption, have been deposited by the Issuer to be held in trust for the registered owners of Bonds or portions thereof to be redeemed, interest on the Bonds or portions thereof called for redemption shall cease to accrue, such Bonds or portions thereof shall cease to be entitled to any benefits or security under this resolution or to be deemed outstanding, and the registered owners of such Bonds or portions thereof shall have no rights in respect thereof except to receive payment of the redemption price thereof, plus accrued interest to the date of redemption.

If a portion of a Bond shall be selected for redemption, the registered owner thereof or his attorney or legal representative shall present and surrender such Bond to the Bond Registrar for payment of the principal amount thereof so called for redemption, and the Bond Registrar shall authenticate and deliver to or upon the order of such registered owner or his legal representative, without charge therefor, for the unredeemed portion of the principal amount of the Bond so surrendered, a Bond or Bonds of the same maturity, of any denomination or denominations authorized by this resolution and bearing interest at the same rate.

Section 5. Bonds, upon surrender thereof at the office of the Bond Registrar together with an assignment duly executed by the registered owner or his attorney or legal representative in such form as shall be satisfactory to the Bond Registrar, may, at the option of the registered owner thereof, be exchanged for an equal aggregate principal amount of Bonds of the same maturity, of any denomination or denominations authorized by this resolution and bearing interest at the same rate.

The transfer of any Bond may be registered only upon the registration books of the Issuer upon the surrender thereof to the Bond Registrar together with an assignment duly executed by the registered owner or his attorney or legal representative in such form as shall be satisfactory to the Bond Registrar. Upon any such registration of transfer, the Bond Registrar shall authenticate and deliver in exchange for such Bond a new Bond or Bonds, registered in the name of the transferee, of any denomination or denominations authorized by this resolution, in an aggregate principal amount equal to the unredeemed principal amount of such Bond so surrendered, of the same maturity and bearing interest at the same rate.

In all cases in which Bonds shall be exchanged or the transfer of Bonds shall be registered hereunder, the Bond Registrar shall authenticate and deliver at the earliest practicable time Bonds in accordance with the provisions of this resolution. All Bonds surrendered in any such exchange or registration of transfer shall forthwith be cancelled by the Bond Registrar. The Issuer or the Bond Registrar may make a charge for shipping and out-of-pocket costs for every such exchange or registration of transfer of Bonds sufficient to reimburse it for any tax or other governmental charge required to be paid with respect to such exchange or registration of transfer, but no other charge shall be made by the Issuer or the Bond Registrar for exchanging or registering the transfer of Bonds under this resolution. The Bond Registrar shall not be required to exchange or register the transfer of any Bond during a period beginning at the opening of business fifteen (15) days before the day of the mailing of a notice of redemption of Bonds or any portion thereof and ending at the close of business on the day of such mailing or of any Bond called for redemption in whole or in part pursuant to Section 4 of this resolution.

As to any Bond, the person in whose name the same shall be registered shall be deemed and regarded as the absolute owner thereof for all purposes, and payment of or on account of the principal or redemption price of any such Bond and the interest on any such Bond shall be made only to or upon the order of the registered owner thereof or his legal representative. All such payments shall be valid and effectual to satisfy and discharge the liability upon such Bond, including the interest thereon, to the extent of the sum or sums so paid.

The Issuer shall appoint such registrars, transfer agents, depositories or other agents as may be necessary for the registration, registration of transfer and exchange of Bonds within a reasonable time according to then current commercial standards and for the timely payment of principal and interest with respect to the Bonds. The Finance Director of the Issuer is hereby appointed the registrar, transfer agent and paying agent for the Bonds (collectively the "Bond Registrar"), subject to the right of the governing body of the Issuer to appoint another Bond

Registrar, and as such shall keep at his or her office the books of the Issuer for the registration, registration of transfer, exchange and payment of the Bonds as provided in this resolution.

Section 6. The Issuer covenants that, to the extent permitted by the Constitution and laws of the State of North Carolina, it will comply with the requirements of the Internal Revenue Code of 1986, as amended, as are applicable to the Bonds, except to the extent that the Issuer obtains an opinion of bond counsel to the effect that noncompliance would not result in interest on the Bonds being includable in the gross income of the owners of the Bonds for purposes of federal income taxation.

Section 7. The Issuer hereby undertakes, for the benefit of the beneficial owners of the Bonds, to provide to the Municipal Securities Rulemaking Board (the "MSRB"):

(a) by not later than seven months from the end of each fiscal year of the Issuer, beginning with the fiscal year ending June 30, 2012, audited financial statements of the Issuer for such fiscal year, if available, prepared in accordance with Section 159-34 of the General Statutes of North Carolina, as it may be amended from time to time, or any successor statute, or, if such audited financial statements of the Issuer are not available by seven months from the end of such fiscal year, unaudited financial statements of the Issuer for such fiscal year to be replaced subsequently by audited financial statements of the Issuer to be delivered within 15 days after such audited financial statements become available for distribution;

(b) by not later than seven months from the end of each fiscal year of the Issuer, beginning with the fiscal year ending June 30, 2012, (i) the financial and statistical data as of a date not earlier than the end of the preceding fiscal year for the type of information included under the headings "Debt Information" and "Tax Information" in Appendix A to the Official Statement relating to the Bonds (excluding any information on overlapping or underlying units) and (ii) the combined budget of the Issuer for the current fiscal year, to the extent such items are not included in the audited financial statements referred to in (a) above;

(c) in a timely manner, not in excess of ten business days after the occurrence of the event, notice of any of the following events with respect to the Bonds:

- (1) principal and interest payment delinquencies;
- (2) non-payment related defaults, if material;
- (3) unscheduled draws on debt service reserves reflecting financial difficulties;
- (4) unscheduled draws on credit enhancements reflecting financial difficulties;
- (5) substitution of credit or liquidity providers, or their failure to perform;
- (6) adverse tax opinions, the issuance by the Internal Revenue Service of proposed or final determinations of taxability, Notices of Proposed Issue (IRS Form 5701-TEB) or other material notices or determinations with respect to the tax status of the Bonds, or other material events affecting the tax status of the Bonds;
- (7) modification to the rights of the beneficial owners of the Bonds, if material;
- (8) Bond calls, if material, and tender offers;
- (9) defeasance of any of the Bonds;
- (10) release, substitution or sale of property securing repayment of the Bonds, if material;

- (11) rating changes;
- (12) bankruptcy, insolvency, receivership or similar event of the Issuer;
- (13) the consummation of a merger, consolidation, or acquisition involving the Issuer or the sale of all or substantially all of the assets of the Issuer, other than in the ordinary course of business, the entry into a definitive agreement to undertake such an action or the termination of a definitive agreement relating to any such actions, other than pursuant to its terms, if material; and
- (14) appointment of a successor or additional trustee or the change of name of a trustee, if material; and

(d) in a timely manner, notice of a failure of the Issuer to provide required annual financial information described in (a) or (b) above on or before the date specified.

The Issuer shall provide the documents referred to above to the MSRB in an electronic format as prescribed by the MSRB and accompanied by identifying information as prescribed by the MSRB.

The Issuer may discharge its undertaking described above by transmitting the documents referred to above to any entity and by any method authorized by the United States Securities and Exchange Commission.

If the Issuer fails to comply with the undertaking described above, any beneficial owner of the Bonds then outstanding may take action to protect and enforce the rights of all beneficial owners with respect to such undertaking, including an action for specific performance; provided, however, that failure to comply with such undertaking shall not be an event of default and shall not result in any acceleration of payment of the Bonds. All actions shall be instituted, had and maintained in the manner provided in this paragraph for the benefit of all beneficial owners of the Bonds.

The Issuer reserves the right to modify from time to time the information to be provided to the extent necessary or appropriate in the judgment of the Issuer, provided that:

- (a) any such modification may only be made in connection with a change in circumstances that arises from a change in legal requirements, change in law, or change in the identity, nature, or status of the Issuer;
- (b) the information to be provided, as modified, would have complied with the requirements of Rule 15c2-12 issued under the Securities Exchange Act of 1934 ("Rule 15c2-12") as of the date of the Official Statement relating to the Bonds, after taking into account any amendments or interpretations of Rule 15c2-12, as well as any changes in circumstances; and
- (c) any such modification does not materially impair the interests of the beneficial owners, as determined either by parties unaffiliated with the Issuer (such as bond counsel), or by the approving vote of the registered owners of a majority in principal amount of the Bonds then outstanding pursuant to the terms of this resolution, as it may be amended from time to time, at the time of the amendment.

The Issuer agrees that the annual financial information containing modified operating data or financial information will explain, in narrative form, the reasons for the modification and the impact of the change in the type of operating data or financial information being provided.

The provisions of this Section shall terminate upon payment, or provision having been made for payment in a manner consistent with Rule 15c2-12, in full of the principal of and interest on all of the Bonds.

Section 8. The actions of the County Manager, the Finance Director and the County Attorney of the Issuer in applying to the Local Government Commission to sell the Bonds are hereby approved and ratified. The Local Government Commission is hereby requested to sell the Bonds at private sale without advertisement to any purchaser or purchasers thereof, at such prices as the Local Government Commission determines to be in the best

interest of the Issuer, subject to the approval of the County Manager or the Finance Director of the Issuer; provided that the Bonds are sold at a purchase price of not less than ninety-eight percent (98%) of the face value of the Bonds plus one hundred percent (100%) of any interest accrued thereon from the date thereof to the date of delivery and payment therefor and, further, that the true interest cost of the Bonds does not exceed four percent (4%) per annum.

Section 9. The Preliminary Official Statement relating to the offering of the Bonds substantially in the form presented to the Board of Commissioners is hereby approved and the distribution of such Preliminary Official Statement in connection with the offering of the Bonds is hereby authorized. The County Manager or the Finance Director of the Issuer are each hereby authorized to approve a final Official Statement for and on behalf of the Issuer and the distribution of such final Official Statement in connection with the sale of the Bonds is hereby authorized.

Section 10. The Bond Purchase Agreement relating to the sale of the Bonds between the Local Government Commission and the purchasers of the Bonds, substantially in the form presented to the Board of Commissioners and subject to the provisions of Section 8 of this resolution, is hereby approved. The County Manager or the Finance Director of the Issuer are each hereby also authorized to approve the purchase price of the Bonds in connection with the private sale of the Bonds. The County Manager or the Finance Director of the Issuer are each hereby further authorized to approve such changes to such Bond Purchase Agreement as either may deem necessary or appropriate and to execute and deliver such Bond Purchase Agreement for and on behalf of the Board of Commissioners and the Issuer.

Section 11. The County Manager, the Finance Director and the County Attorney of the Issuer and their designees are hereby authorized and directed to take such other actions and to execute and deliver such other documents, certificates, undertakings, agreements or other instruments as may be necessary or appropriate to effectuate the issuance of the Bonds or the refunding of the bonds or the Note to be refunded in connection with the issuance of the Bonds. Such actions include determining on behalf of the Issuer whether or not to proceed with such refunding in whole or in part depending upon the cost savings available on the sale date of the Bonds and, if a determination is made to proceed with such refunding, giving or causing to be given notices of redemption of such bonds or the Note to be refunded as required by the resolutions providing for their issuance passed by the Board of Commissioners and such related documents as may be applicable.

Section 12. This resolution shall take effect upon its passage.

Upon motion of Commissioner Bowser, seconded by Commissioner Howerton, the foregoing resolution entitled: "RESOLUTION PROVIDING FOR THE ISSUANCE OF GENERAL OBLIGATION REFUNDING BONDS, SERIES 2012" was passed by the following vote:

Ayes: Commissioners Reckhow, Bowser, Howerton, and Karriker.

Noes: None.

* * * * *

I, V. Michelle Parker-Evans, Clerk to the Board of Commissioners for the County of Durham, North Carolina, DO HEREBY CERTIFY that the foregoing has been carefully copied from the actually recorded minutes of said Board at a regular meeting held on March 12, 2012, the record having been made in Minute Book _____ of the minutes of said Board, beginning at page _____ and ending at page _____, and is a true copy of so much of said minutes as relates in any way to the matters described therein.

I HEREBY FURTHER CERTIFY that a schedule of regular meetings of said Board, stating that regular meetings of said Board will be held in the County Commissioners' Meeting Room on the 2nd Floor of the Durham County Government Administrative Complex at 200 East Main Street, in Durham, North Carolina, on the second and fourth Mondays of each month at 7:00 P.M., except that regular meetings scheduled to be held on a holiday will be held on the next succeeding day that is not a holiday at the same place and time, has been on file in my office as of a date not less than seven days before the date of said meeting in accordance with G.S. §143-318.12.

WITNESS my hand and the corporate seal of said County, this _____ day of March 2012.

Clerk to the Board of Commissioners

Public Hearing – Rectification of 2011 Comprehensive Plan Amendments, A1200001

Mr. Keith Luck, Assistant Planning Director, introduced the item. He explained that when plan amendments are adopted by either the Board of Commissioners or the City Council, the Future Land Use Map (FLUM) is made inconsistent. Four plan amendments were approved by the City Council in 2011: A1000009, Ample Storage Center; A1000010, Cardinal Oaks; A1100002, NC54 Office; and A1100004, Hill Street Residential. UDO Section 3.4.10, Rectification of County and City Plans, requires that the governing board hold a public hearing to rectify these differences. The City Council will hold a public hearing to rectify the two plan amendments (A1000006, TFDA Uniplex; A1100001, Auto Zone) that approved by the Board of County Commissioners in 2011. Rectification of plan amendments will not be addressed by the Comprehensive Plan Update.

Vice Chair Reckhow opened the public hearing. No one signed up to speak. The public hearing was closed.

Commissioner Bowser moved, seconded by Commissioner Howerton to adopt a resolution for the rectification of plan amendments for 2011.

The motion carried unanimously.

**BOARD OF COMMISSIONERS RESOLUTION
AMENDING DURHAM COMPREHENSIVE PLAN
Rectification of 2011 Comprehensive Plan Amendments (A1200001)**

WHEREAS, The Durham County Board of Commissioners has adopted long range land use plans, to help guide the future development of land within the County's jurisdiction; and

WHEREAS, changed community conditions, the age of the adopted plan, development activity within the planning area, and other factors may warrant a change to an adopted plan; and

WHEREAS, the Durham County Board of Commissioners has adopted a resolution that requires that the Board consider changes to adopted land use plans when requested rezoning substantially conflicts with the adopted land use plan.

NOW THEREFORE BE IT RESOLVED BY THE DURHAM COUNTY BOARD OF COMMISSIONERS:

SECTION 1

That the Future Land Use map of the *Durham Comprehensive Plan* be rectified by approving the following plan amendments, as shown on the attached maps:

A1000009, Ample Storage Center
A1000010, Cardinal Oaks
A1100002, NC 54 Office
A1100004, Hill Street Residential

SECTION 2

This change shall become effective upon the adoption of this resolution.

This 12th day of March, 2012

Public Hearing – Unified Development Ordinance (UDO) Text Amendment – Fences (TC1100003)

Mr. Michael Stock, Senior Planner, introduced the item. He explained that the text amendment would create standards for electric fences other than fences erected for animal control. It would confine them to certain uses, and increase the allowable fence height. This amendment would also revise the fence height and materials standards for utilities, create homeland security exemptions where necessary, and re-format existing text to provide more clarity. Relevant City and County departments were involved in the creation of this amendment.

The applicants, Keith Burns and Cindy Gsell, representing Sentry Security, were present to answer questions.

Vice Chair Reckhow opened the public hearing. There were no citizens who signed up to speak. The public hearing was closed.

Commissioner Howerton moved, seconded by Commissioner Karriker to approve the UDO text amendment (TC1100003).

The motion carried unanimously.

Public Hearing – Text Amendment to the Unified Development Ordinance (UDO) – Compact Design District (TC1000005)

Vice Chair Reckhow clarified that this item was a public hearing. Ms. Lisa Miller, Senior Planner, introduced the item. The text amendment would create requirements in the UDO for design districts within the Compact Neighborhood Tier. The primary intent is to implement policies established with the adoption of the Ninth Street Plan in November, 2008. The Board was requested to adopt the text amendment to ensure continued unification of the City and County ordinances although the regulations proposed would not affect properties outside the City's jurisdiction.

The Planning Commission recommended approval with modifications at its October 11, 2011 meeting. City Council unanimously adopted the text amendment and zoning map change at its January 17, 2012 meeting.

Ms. Miller addressed the Board's questions regarding parking and vehicle stacking. She explained that parking spaces were reduced in the compact district. She referred to the parking

standard “no use shall provide more than the minimum motor vehicle spaces shown for the Rural, Suburban, and Urban Tiers in the table in paragraph 10.3.1A.1, Minimum;...”

Ms. Miller further explained that Planning will work with neighborhood stakeholders to establish boundaries for the district.

Vice Chair Reckhow opened the public hearing. No one was signed up to speak on the item. The public hearing was closed.

Commissioner Howerton moved, seconded by Commissioner Karkiker to approve the text amendment for the Unified Development Ordinance – Compact Design District.

The motion carried unanimously.

There being no further business, the meeting was adjourned at 7:52 pm.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Michelle", with a long horizontal line extending to the right.

V. Michelle Parker-Evans
Clerk to the Board