

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

Monday, December 10, 2001

7:00 P. M. Regular Session

MINUTES

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

Present: Chairman MaryAnn E. Black, Vice-Chairman Ellen W. Reckhow, and Commissioners Joe W. Bowser, Philip R. Cousin Jr., and Becky M. Heron

Absent: None

Presider: Chairman Black

Opening of Regular Session

Chairman Black opened the meeting with the Pledge of Allegiance.

Agenda Adjustment

County Attorney Kitchen asked Chairman Black to add the approval of the Public Official Bonds on the Consent Agenda. Chairman Black set the item on the Consent Agenda as item 4(q).

Attorney Kitchen said a change was sent to the Board in the bond resolution's supporting data. The change dealt with altering the way a possible refunding could be accomplished in the future.

Commissioner Bowser asked to address a letter concerning co-sponsoring some of the joint meetings with Orange County with regard to the Shearon Harris nuclear plant. Chairman Black set this item as #11.

Commissioner Heron announced an I-40 HOV management study walk-through at the Herald-Sun Building on Tuesday, December 11 from 5:00-8:00 p.m. This concerns a study for possible HOV lanes on I-40.

Vice-Chairman Reckhow asked to add an item regarding the Chapel Hill Town Council and joint planning in the area of the two jurisdictions (Chapel Hill and Durham). Chairman Black set the request as Item #12.

Minutes

Commissioner Heron moved, seconded by Commissioner Bowser, to approve the October 22, 2001 Regular Session Minutes as submitted.

The motion carried unanimously.

Presentation of Platinum Level Achievement Award, the Golden Sneaker and the JDF Sneaker Squad Awards for the 2001 Walk to Cure Diabetes Campaign

The Juvenile Diabetes Research Foundation (JDRF) annually hosts the Walk to Cure Diabetes Campaign for the Triangle region. Deputy County Manager Wendell M. Davis chaired this year's fundraising campaign. The Walk was held on September 15, 2001 at Nortel Networks. The "Durham County Pacesetters" represented approximately 80 of the 4,300 walkers who participated in the event and raised almost \$14,000. Durham County Government employees participated in this important community event because:

- 120 million people are afflicted worldwide by diabetes
- A new case of diabetes is diagnosed every 40 seconds
- 16 million Americans suffer from the disease
- 5.4 million Americans remain undiagnosed
- Diabetes kills one American every three minutes

As a result of the fundraising efforts of County employees, the County for the first time received the Platinum Level Achievement Award from Juvenile Diabetes Research Foundation International. Five team captains received either the Golden Sneaker Award or the JDF Sneaker Squad Award. The award winners are:

Golden Sneaker Award—Ronnie Butler (General Services) and Captain Manuel Davidson (Durham County Sheriff's Department)

JDF Sneaker Squad Award—Deborah Craig-Ray (Public Information and Governmental Affairs), Kara Warren (Emergency Medical Services), and David Skaggs (Tax Office).

Resource Person(s): Wendell M. Davis, Deputy County Manager and Chairman of the 2001 Walk to Cure Diabetes Campaign

County Manager's Recommendation: The Manager recommended that the Board accept the award and congratulate the County staff on a job well done.

Wendell Davis, Deputy County Manager and Chairman of the 2001 Walk to Cure Diabetes Campaign, presented the Golden Sneaker Award and the JDF Sneaker Squad Award to the award winners. Durham County won the Platinum Level Achievement Award.

Consent Agenda

Vice-Chairman Reckhow moved, seconded by Commissioner Heron, to approve the Consent Agenda items 4(a), (b), (c), (e), (f), (g), (h), (i), (j), (l), (m), (n), (o), (p), and (q).

- (a) Final Offer to Purchase County Property (704 Gaston Ave.) (approve Mr. Roberts' offer of \$14,000 and prepare a non-warranty deed for the Chairman's signature);
- (b) Sanitary Sewer Easement Across County Property (900 Scout Drive) (authorize the conveyance of the easement contingent upon the proper abandonment of the existing easement and instruct the County Attorney to draft a deed restriction);
- (c) Lease Agreement (County Lot #17—Space for West Village) (authorize the execution of the Lease Agreement between Durham County and West Village, a Limited Partnership);
- (e) Execution of Architectural Design Service Contract with Brown and Jones Architects, Inc., for the Addition and Renovation of the Lebanon Volunteer Fire Station Building—RFQ 02-001 Project No. DC064-30 (authorize the execution of a contract with Brown and Jones Architects, Inc., in the amount of \$31,540.00 for the purpose of renovating and expanding the Lebanon Fire station);
- * (f) Resolution to Release Funds to Triangle J Council of Governments (approve the release of funds to Triangle J Council of Governments; it requires no local appropriation and it is an annual action);
- (g) Contract for Forest Ranger—NC Department of Environment and Natural Resources Agreement (approve the contract so the County can continue to receive the protection from forest fires as provided under contract);
- * (h) Budget Ordinance Amendment No. 02BCC000039—Office of the Sheriff—Recognize Deferred Revenue for the Sheriff's Office (approve Budget Ordinance Amendment No. 02BCC000039 to recognize \$12,473 in deferred revenue);
- * (i) Budget Ordinance Amendment No. 02BCC000037—Social Services—Recognize Deferred Revenue for the Department of Social Services (approve Budget Ordinance Amendment No. 02BCC000037 to recognize \$135,800 in deferred revenue for Social Services);
- (j) Salary of Sheriff for Election Filing Period (Set the salary during the filing period at \$65,000 and assess and set the

- salary of the sheriff when the new or incumbent sheriff takes office after the election);
- * (l) Resolution—Providing for Sale of Two-thirds and Refunding Bonds (adopt the resolutions providing for the sale of the bonds so that staff may continue with the process);
 - * (m) Budget Ordinance Amendment No. 02BCC000036—Board of Elections—to Recognize and Appropriate \$10,000 grant from State BOE to Purchase Laptop Computers for One Stop No Excuse Voting (approve Budget Ordinance Amendment No. 02BCC000036 to appropriate \$10,000 in grant revenue as requested by the Board of Elections);
 - * (n) Budget Ordinance Amendment No. 02BCC000040—Public Health to Recognize Revenue for the General Health Clinic (approve Budget Ordinance Amendment No. 02BCC000040 to recognize \$10,000 from the Department of Health and Human services for the CDC TB Elimination and Prevention Program);
 - * (o) Budget Ordinance Amendment No. 02BCC000041—Mental Health—DD First-in-Families Grant (approve Budget Ordinance Amendment No. 02BCC000041 to appropriate \$60,000);
 - * (p) Budget Ordinance Amendment No. 02BCC000042—Mental Health—and Approval to Establish 2.5 Provisional Social Worker II Positions - State Adult Care Home Incentive Funds (approve Budget Ordinance Amendment No. 02BCC000042 to establish 2.5 FTE additional positions; appropriation of funds will total \$135,000 for F/Y 01-02); and
 - * (q) Approval of Public Official Bonds (approve the bonds of public officials, as they meet statutory requirements).

The motion carried unanimously.

Consent Agenda items pulled and placed at the end of the agenda were 4(d), “Change in BOCC Fixed Asset Policy—Increase Capitalization Threshold From \$1,000 to \$5,000 and Change in Procurement Card Purchase Limit” and 4(k), “Approval of Memorandum of Understanding.” These became item #10 ½.

*Documents related to these items follow:

Consent Agenda 4(f). Resolution to Release Funds to Triangle J Council of Governments (approve the release of funds to Triangle J Council of Government).

The resolution follows:

RESOLUTION

WHEREAS, in North Carolina, the Lead Regional Organizations, as voluntary organizations serving municipal and county governments, have established productive working relationships with cities and counties across the state; and

WHEREAS, the General Assembly continued to recognize this need through the appropriation of \$935,000 to help the Lead Regional Organizations assist local governments with grant applications, economic development, community development, and to support local industrial development activities and other activities as deemed appropriate by their local governments; and

WHEREAS, these funds are not intended to be used for payment of members' dues or assessments to Lead Regional Organizations or to supplant funds appropriated by the member governments; and

WHEREAS, in the event that a request is not made by a unit of government for release of these funds to our Regional Council, the available funds will revert to the State's General Fund; and

WHEREAS, in Region J, funds in the amount of \$55,000 will be used to carry out the economic development plan approved by the Triangle J Board of Delegates and especially to improve the economy of the counties and towns of the Region by strengthening ties to, and consequently, the benefits of the Research Triangle Park Area:

NOW, THEREFORE, BE IT RESOLVED that Durham County requests the release of its \$2,182.92 share of these funds to the Triangle J Council of Governments at the earliest possible time in accordance with the provisions of section 20.12 of Senate Bill 1005, the 2001 ratified budget bill.

Adopted this 10th day of December, 2001.

/s/MaryAnn E. Black
Commissioner Chairman

/s/Garry E. Umstead, CMC
Clerk to the Board

Consent Agenda 4(h). Budget Ordinance Amendment No. 02BCC000039—Office of the Sheriff—Approve the Budget Ordinance Amendment to recognize \$12,473 in deferred revenue for the Sheriff's Office.

The Budget Ordinance Amendment follows:

DURHAM COUNTY, NORTH CAROLINA
 FY 2001-02 Budget Ordinance
 Amendment No. 02BCC000039

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2001-02 Budget Ordinance is hereby amended to reflect budget adjustments for the Office of the Sheriff.

GENERAL FUND

	<u>Current Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Revised Budget</u>
<u>Expenditures</u>				
Public Safety	\$33,843,837	\$12,473		\$33,856,310
<u>Revenues</u>				
Intergovernmental	\$230,051,952	\$12,473		\$230,064,425

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

This the 10th day of December, 2001.

(Budget Ordinance Amendment recorded in Ordinance Book _____, page _____.)

Consent Agenda 4(i). Budget Ordinance Amendment No. 02BCC000037—Social Services—Recognize Deferred Revenue for the Department of Social Services (approve Budget Ordinance Amendment No. 02BCC000037 to recognize \$135,800 in deferred revenue for Social Services).

The Budget Ordinance Amendment follows:

DURHAM COUNTY, NORTH CAROLINA
 FY 2001-02 Budget Ordinance
 Amendment No. 02BCC000037

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2001-02 Budget Ordinance is hereby amended to reflect budget adjustments for the Department of Social Services.

GENERAL FUND

	<u>Current Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Revised Budget</u>
<u>Expenditures</u>				
Human Services	\$275,502,610	\$135,801		\$275,638,411
<u>Revenues</u>				
Intergovernmental	\$229,916,151	\$135,801		\$230,051,952

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

This the 10th day of December, 2001.

(Budget Ordinance Amendment recorded in Ordinance Book _____, page _____.)

Consent Agenda 4(l). Resolution—Providing for Sale of Two-thirds and Refunding Bonds (adopt the resolutions providing for the sale of the bonds so that staff may continue with the process).

The resolutions follow:

RESOLUTION PROVIDING FOR THE ISSUANCE OF
\$11,050,000 PUBLIC IMPROVEMENT BONDS, SERIES 2002A

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 \$5,910,000 Public Building Bonds was adopted by the Board of Commissioners on November 26, 2001, which order will take effect as provided therein.

(b) That none of said Public Building Bonds have been issued, that no notes have been issued in anticipation of the receipt of the proceeds of the sale of said Public Building Bonds and that it is necessary to issue at this time all of said Public Building Bonds.

(c) That an order authorizing \$5,140,000 Library Facilities Bonds was adopted by the Board of Commissioners on November 26, 2001, which order will take effect as provided therein.

(d) That none of said Library Facilities Bonds have been issued, that no notes have been issued in anticipation of the receipt of the proceeds of the sale of said Library Facilities Bonds and that it is necessary to issue at this time all of said Library Facilities

Bonds.

(e) That it is convenient to consolidate for the purpose of their issuance said \$5,910,000 Public Building Bonds and said \$5,140,000 Library Facilities Bonds into a single issue of \$11,050,000 Public Improvement Bonds, Series 2002A as hereinafter provided.

(f) That the weighted average of the maximum periods of usefulness of the improvements to be financed with the proceeds of said Public Building Bonds and said Library Facilities Bonds to be issued is estimated as a period of 40 years and that the date of expiration of said period computed from January 1, 2002, the date of said Public Building Bonds and said Library Facilities Bonds to be issued as provided in Section 2 of this resolution, is January 1, 2042.

Section 2. Pursuant to said order, there shall be issued bonds of the County of Durham, North Carolina (the "Issuer") in the aggregate principal amount of \$11,050,000, designated "Public Improvement Bonds, Series 2002A" and dated January 1, 2002 (the "Bonds"). The Bonds shall be stated to mature annually, March 1, \$550,000 2003 to 2012, inclusive, and \$555,000 2013 to 2022, inclusive, and shall bear interest at a rate or rates to be determined by the Local Government Commission of North Carolina at the time the Bonds are sold, which interest to the respective maturities thereof shall be payable on September 1, 2002 and semiannually thereafter on March 1 and September 1 of each year until payment of such principal sum.

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 and any redemption premium 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 and any redemption premium on 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, interest and any redemption premium payments to participants of DTC will be the responsibility of DTC, and transfer of principal, interest and any redemption premium 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 that continuation of the book-entry system of evidence and transfer of ownership of the Bonds would adversely affect the interests of the beneficial owners of the Bonds, 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. Upon the request of DTC, 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.

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 to be endorsed on all Bonds shall bear the manual or facsimile signature of the Secretary of said 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 of North Carolina 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-..... S.....
United States of America
State of North Carolina
COUNTY OF DURHAM

PUBLIC IMPROVEMENT BOND, SERIES 2002A

<u>Maturity</u>	<u>Interest Rate</u>	<u>Cusp</u>
.....

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 March 1 or September 1 next preceding the date of authentication to which interest shall have been paid, unless such date of authentication is a March 1 or a September 1 to which interest shall have been paid, in which case from such date, such interest to the maturity hereof being payable on September 1, 2002 and semiannually thereafter on March 1 and September 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 "Public Improvement Bonds, Series 2002A" (the "Bonds") and issued by said County for the purpose of providing funds, with any other available funds, for enlarging, expanding and improving public buildings and facilities of said County and providing additional library facilities of said County, 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 the Board of Commissioners for said County, each of which has taken effect, and a resolution duly passed by said Board of Commissioners on December 10, 2001 (the "Resolution").

The Bonds maturing prior to March 1, 2013 are not subject to redemption prior to maturity. The Bonds maturing on March 1, 2013 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 March 1, 2012, at the principal amount of the Bonds to be redeemed, together with interest accrued thereon to the date fixed for redemption, plus a redemption premium of 1/2 of 1% of the principal amount of each Bond to be redeemed for each period of 12 months or part thereof between the redemption date and the maturity date of such Bond, such premium not to exceed 2% of such principal amount.

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, the particular Bonds or portions of Bonds to be redeemed shall be called in the inverse order of their maturities.

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. 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, interest and any redemption premium payments to participants of DTC will be the responsibility of DTC, and transfer of principal, interest and any redemption premium 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 1st day of January 2002.

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 March 1, 2013 will not be subject to redemption prior to maturity. The Bonds maturing on March 1, 2013 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 March 1, 2012, at the principal

amount of the Bonds to be redeemed, together with interest accrued thereon to the date fixed for redemption, plus a redemption premium of 1/2 of 1% of the principal amount of each Bond to be redeemed for each period of 12 months or part thereof between the redemption date and the maturity date of such Bond, such premium not to exceed 2% of such principal amount.

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 particular Bonds or portions thereof to be redeemed shall be called in the inverse order of their maturities.

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. 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 and the redemption premium, if any, on 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 redemption premium, if any, on such principal amount, 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 redemption premium, if any, and 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, interest and any redemption premium 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:

(a) by not later than seven months from the end of each fiscal year of the Issuer, to each nationally recognized municipal securities information repository ("NRMSIR") and to the state information depository for the State of North Carolina ("SID"), if any, 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, to each NRMSIR, and to the SID, if any, (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 heading "The County - Debt Information and - Tax Information" in 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, to each NRMSIR or to the Municipal Securities Rulemaking Board ("MSRB"), and to the SID, if any, notice of any of the following events with respect to the Bonds, if material:

- (1) principal and interest payment delinquencies;
- (2) non-payment related defaults;
- (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 or events affecting the tax-exempt status of the Bonds;

- (7) modification to the rights of the beneficial owners of the Bonds;
- (8) call of any of the Bonds for redemption;
- (9) defeasance of any of the Bonds;
- (10) release, substitution or sale of property securing repayment of the Bonds; and
- (11) rating changes; and

(d) in a timely manner, to each NRMSIR or to the MSRB, and to the SID, if any, of a failure of the Issuer to provide required annual financial information described in (a) above on or before the date specified.

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 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 of North Carolina to advertise and sell the Bonds are hereby approved and ratified and the Local Government Commission of North Carolina is hereby requested to ask for sealed bids for the Bonds by publishing notices and printing and distributing an Official Statement and a Supplement to such Official Statement relating to the sale of the Bonds. Such Official Statement, dated December 28, 2001, and substantially in the form of the draft thereof presented to the Board of Commissioners, is hereby approved, and the Chairman of the Board of Commissioners,

the County Manager and the Finance Director of the Issuer are each hereby authorized to approve changes in such Official Statement, to approve such Supplement and to execute such Official Statement and such Supplement for and on behalf of the Issuer.

Section 9. The Letter of Representations, as requested by DTC in connection with the issuance of the Bonds and in the form presented at this meeting, is hereby approved, and the Finance Director of the Issuer is hereby authorized to complete and execute such Letter of Representations and to deliver the same to DTC for and on behalf of the Issuer.

Section 10. 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.

Section 11. This resolution shall take effect upon its passage.

**RESOLUTION PROVIDING FOR THE ISSUANCE OF
\$36,465,000 REFUNDING BONDS, SERIES 2002**

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 \$39,000,000 Refunding Bonds was adopted by the Board of Commissioners on November 26, 2001, 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 \$36,465,000 of said Refunding Bonds in accordance with the provisions of Section 2 of this resolution and subject to adjustment as set forth therein.

(c) That the shortest period of time in which the debt of said County to be refunded by the issuance of said Refunding Bonds can be finally paid without making it unduly burdensome on the taxpayers of said County, as determined by the Local Government Commission of North Carolina, is a period which expires on March 1, 2010.

Section 2. Pursuant to said order, there shall be issued bonds of the County of Durham, North Carolina (the "Issuer") in the aggregate principal amount of \$36,465,000, designated "Refunding Bonds, Series 2002" and dated January 1, 2002 (the "Bonds"). The Bonds shall be stated to mature (subject to adjustment as hereinafter set forth) annually, March 1, \$5,565,000 2003, \$5,470,000 2004, \$5,280,000 2005, \$5,100,000 2006, \$4,935,000 2007, \$4,770,000 2008, \$4,610,000 2009 and \$735,000 2010 and shall bear interest at a rate or rates to be determined by the Local Government Commission of North Carolina at the time the Bonds are sold, which interest to the respective maturities thereof shall be payable on September 1, 2002 and semiannually thereafter on March 1 and September 1 of each year until payment of such principal sum. Notwithstanding the foregoing, the Issuer reserves the right to increase or decrease the aggregate principal amount of the Bonds by an amount not to exceed \$2,535,000 following the opening of bids for the purchase of the Bonds and, in the event of such increase or decrease, the principal amount of any maturity of the Bonds will be increased or decreased by an amount to be determined by the Finance Director of the Issuer, with the advice of the Issuer's financial advisor employed in connection with the issuance of the Bonds, provided that debt service savings will be realized by the Issuer in each 12-month

period, commencing with the 12-month period ending March 1, 2003, during which the Bonds will be outstanding as a consequence of issuing the Bonds. The Finance Director of the Issuer is hereby authorized and directed to make any such adjustment, if appropriate, on behalf of the Issuer.

The Finance Director of the Issuer is hereby also authorized and directed to determine on behalf of the Issuer, with the advice of said financial advisor, which of the outstanding bonds of the Issuer are to be refunded pursuant to the order of the Board of Commissioners mentioned in Section 1(a) hereof in connection with the issuance of the Bonds.

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 that continuation of the book-entry system of evidence and transfer of ownership of the Bonds would adversely

affect the interests of the beneficial owners of the Bonds, 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. Upon the request of DTC, 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.

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 to be endorsed on all Bonds shall bear the manual or facsimile signature of the Secretary of said 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 of North

Carolina 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-..... S.....

United States of America
State of North Carolina

COUNTY OF DURHAM

REFUNDING BOND, SERIES 2002

Maturity

Interest Rate

Cusip

.....

.....

.....

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 March 1 or September 1 next preceding the date of authentication to which interest shall have been paid, unless such date of authentication is a March 1 or September 1 to which interest shall have been paid, in which case from such date, such interest to the maturity hereof being payable on September 1, 2002 and semiannually thereafter on March 1 and September 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 "Refunding Bonds, Series 2002" (the "Bonds") and issued by said County for the purpose of providing funds, with any other available funds, for refunding certain outstanding bonds of said County, including paying

expenses related thereto, as provided in a resolution duly passed by the Board of Commissioners for said County on December 10, 2001 (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, an order adopted by said Board of Commissioners, which has taken effect, and the Resolution.

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

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 1st day of January 2002.

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 will not be subject to redemption prior to maturity.

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 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.

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 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 and 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. Pending the appointment of a Finance Director of the Issuer, the Interim Finance Director of the Issuer shall be considered to be the Finance Director of the Issuer for the purposes of 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:

(a) by not later than seven months from the end of each fiscal year of the Issuer, to each nationally recognized municipal securities information repository ("NRMSIR") and to the state information depository for the State of North Carolina ("SID"), if any, 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, to each NRMSIR, and to the SID, if any, (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 heading "The County - Debt Information and - Tax Information" in 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, to each NRMSIR or to the Municipal Securities Rulemaking Board ("MSRB"), and to the SID, if any, notice of any of the following events with respect to the Bonds, if material:

- (1) principal and interest payment delinquencies;
- (2) non-payment related defaults;
- (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 or events affecting the tax-exempt status of the Bonds;
- (7) modification to the rights of the beneficial owners of the Bonds;

- (8) call of any of the Bonds for redemption;
- (9) defeasance of any of the Bonds;
- (10) release, substitution or sale of property securing repayment of the Bonds; and
- (11) rating changes; and

(d) in a timely manner, to each NRMSIR or to the MSRB, and to the SID, if any, 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.

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 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 of North Carolina to advertise and sell the Bonds are hereby approved and ratified and the Local Government Commission of North Carolina is hereby requested to ask for sealed bids for the Bonds by publishing notices and printing and distributing an Official Statement and a Supplement to such Official Statement relating to the sale of the Bonds. Such Official Statement, dated December 28, 2001, and substantially in the form of the draft thereof presented to the Board of Commissioners, is hereby approved, and the Chairman of the Board of Commissioners, the County Manager and the Finance Director of the Issuer are each hereby authorized to

approve changes in such Official Statement, to approve such Supplement and to execute such Official Statement and such Supplement for and on behalf of the Issuer.

Section 9. The Letter of Representations, as requested by DTC in connection with the issuance of the Bonds and in the form presented at this meeting, is hereby approved, and the Finance Director of the Issuer is hereby authorized to complete and execute such Letter of Representations and to deliver the same to DTC for and on behalf of the Issuer.

Section 10. First-Citizens Bank & Trust Company, in the City of Raleigh, North Carolina, is hereby appointed as escrow agent in connection with the refunding of the bonds to be refunded by the issuance of the Bonds (the "Escrow Agent"), subject to the right of the Board of Commissioners to appoint another Escrow Agent as provided in the Escrow Deposit Agreement hereinafter mentioned, and as such shall perform its responsibilities as provided in such Escrow Deposit Agreement. Such Escrow Deposit Agreement, substantially in the form of the draft thereof presented to the Board of Commissioners, and the creation of the Escrow Fund and the other arrangements described therein to accomplish such refunding are hereby approved, and the Chairman of the Board of Commissioners and the Clerk to said Board are each hereby authorized to approve such changes in such Escrow Deposit Agreement as are necessary and to execute such Escrow Deposit Agreement for and on behalf of the Issuer.

Section 11. The Arbitrage Group, Inc. in the City of Tuscaloosa, Alabama, is hereby appointed to verify the accuracy of certain mathematical computations in connection with the issuance of the Bonds, as described under the caption "Verification of Mathematical Computations" in the Official Statement mentioned above.

Section 12. 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 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 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 to be refunded as required by the resolution providing for their issuance heretofore passed by the Board of Commissioners and such related documents as may be applicable.

Section 13. This resolution shall take effect upon its passage.

Consent Agenda (4m). Budget Ordinance Amendment No. 02BCC000036—Board of Elections—to Recognize and Appropriate \$10,000 grant from State BOE to Purchase Laptop Computers for One Stop No Excuse Voting (approve Budget Ordinance Amendment No. 02BCC000036 to appropriate \$10,000 in grant revenue as requested by the Board of Elections);

The Budget Ordinance Amendment follows:

DURHAM COUNTY, NORTH CAROLINA
FY 2001-02 Budget Ordinance
Amendment No. 02BCC000036

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2001-02 Budget Ordinance is hereby amended to reflect budget adjustments for the Board of Elections.

GENERAL FUND

	<u>Current Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Revised Budget</u>
<u>Expenditures</u>				
General Government	\$21,690,662	\$10,000		\$21,700,662

Revenues

Intergovernmental	\$229,906,151	\$10,000	\$229,916,151
-------------------	---------------	----------	---------------

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

This the 10th day of December, 2001.

(Budget Ordinance Amendment recorded in Ordinance Book _____, page _____.)

Consent Agenda (4(n)). Budget Ordinance Amendment No. 02BCC000040—Public Health to Recognize Revenue for the General Health Clinic for contractual interpreter services (approve Budget Ordinance Amendment No. 02BCC000040 to recognize \$10,000 from the Department of Health and Human Services for the CDC TB Elimination and Prevention Program for interpreter services).

The Budget Ordinance Amendment follows:

DURHAM COUNTY, NORTH CAROLINA
FY 2001-02 Budget Ordinance
Amendment No. 02BCC000040

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2001-02 Budget Ordinance is hereby amended to reflect budget adjustments for Public Health for interpreter services.

GENERAL FUND

	<u>Current Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Revised Budget</u>
<u>Expenditures</u>				
Human Services	\$275,638,411	\$10,000		\$275,648,411
<u>Revenues</u>				
Intergovernmental	\$230,064,425	\$10,000		\$230,074,425

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

This the 10th day of December, 2001.

(Budget Ordinance Amendment recorded in Ordinance Book _____, page _____.)

Consent Agenda 4(o). Budget Ordinance Amendment No. 02BCC000041—Mental Health—DD First-in-Families Grant (approve Budget Ordinance Amendment No. 02BCC000041 to appropriate \$60,000).

The Budget Ordinance Amendment follows:

DURHAM COUNTY, NORTH CAROLINA
FY 2001-02 Budget Ordinance
Amendment No. 02BCC000041

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2001-02 Budget Ordinance is hereby amended to reflect budget adjustments for The Durham Center.

GENERAL FUND

	<u>Current Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Revised Budget</u>
<u>Expenditures</u>				
Human Services	\$275,648,411	\$60,000		\$275,708,411
<u>Revenues</u>				
Intergovernmental	\$230,074,425	\$60,000		\$230,134,425

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

This the 10th day of December, 2001.

(Budget Ordinance Amendment recorded in Ordinance Book _____, page _____.)

Consent Agenda 4(p). Budget Ordinance Amendment No. 02BCC000042—Mental Health—Approval to Establish 2.5 Provisional Social Worker II Positions—State Adult Care Home Incentive Funds (approve Budget Ordinance Amendment No. 02BCC000042 to establish 2.5 FTE additional positions; appropriation of funds will total \$135,000 for FY 01-02).

The Budget Ordinance Amendment follows:

DURHAM COUNTY, NORTH CAROLINA
FY 2001-02 Budget Ordinance
Amendment No. 02BCC000042

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2001-02 Budget Ordinance is hereby amended to reflect budget adjustments for The Durham Center.

GENERAL FUND

	<u>Current Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Revised Budget</u>
<u>Expenditures</u>				
Human Services	\$275,708,411	\$135,000		\$275,843,411
<u>Revenues</u>				
Intergovernmental	\$230,134,425	\$135,000		\$230,269,425

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

This the 10th day of December, 2001.

(Budget Ordinance Amendment recorded in Ordinance Book _____, page _____.)

Consent Agenda 4(q). Approval of Public Official Bonds (approve the Public Official bonds, as they meet statutory requirements).

The Certificate follows:

NORTH CAROLINA
DURHAM COUNTY

CERTIFICATE

As Chairman of the Board of County Commissioners of Durham County, North Carolina, this is to certify that on Monday, December 10, 2001, the following Public Official Bonds were approved by the Board of County Commissioners of Durham County; the Public Official, the amount of bond, and the bond number with the name of the surety were set forth:

<u>POSITION</u>	<u>PUBLIC OFFICIAL</u>	<u>AMOUNT OF BOND</u>	<u>SURETY</u>	<u>BOND #</u>
Financial Officer	George Quick	\$250,000	Hartford	20BSBAY8705
Tax Collector	William Steven Crysel	\$250,000	Hartford	20BSBAK8597
Sheriff	Worth Hill	\$ 25,000	Hartford	20 SUN 318477
Register of Deeds	Willie L. Covington	\$ 50,000	Hartford	20 SUN 318478
Employees Blanket Bond	Employee Dishonesty Forgery or Alteration Theft, Disappearance and Destruction	\$250,000 \$250,000 \$250,000	Hartford	20 PEB GV3814

Each bond is executed under seal in the name of the surety by an agent or attorney in fact. The Clerk of the Durham County Board of Commissioners has been instructed to record each of the bonds enumerated herein with the power of attorney attached thereto in the office of the Register of Deeds of Durham County, together with a copy of this Certificate attached to each bond. After said bonds have been duly recorded in the Office of the Register of Deeds, the original of bond together with the power of attorney and a copy of the Certificate shall be deposited with the Clerk of Superior Court of Durham County.

/s/MaryAnn E. Black
Chairman, Board of County Commissioners

Sworn to and subscribed before me this
The 11th day of December, 2001

/s/Susan B. Page
NOTARY PUBLIC

My Commission expires: December 20, 2005

Public Comment—Land Use Plan Amendment #A01-10 (Southeast Durham Plan)

Receive public comments and follow recommended actions to deny the request to amend the Future Land Use Map (FLUM) of the Southeast Durham Plan. The Southeast Durham Plan directs nonresidential development generally along two main corridors—US 70 and NC 98. The intersection of Sherron Road and NC 98 is identified in the Plan as a small neighborhood commercial node. The Plan specifically states that the small neighborhood scale commercial area contains a grocery store and drug store but should be limited to one quadrant of an intersection.

On April 25, 2001 the Planning Commission unanimously approved an amendment (Case A01-07) of the Plan to slightly expand the commercial node west of Sherron Road; to significantly expand the commercial node east of Sherron Road, and to allow high-density residential or office uses east of Sherron Road. The applicant in both cases, RDSK, LLC proposes to further increase the size of the commercial area in the southwestern quadrant and to reduce the density of the residential portion of the southeastern quadrant. The intent of the Plan is to encourage new employment areas and neighborhood-scale commercial activities at the subject intersection. The Plan also encourages locating new high- and medium-density residential neighborhoods near the intersection of major roads, with direct access to thoroughfares. The Durham Planning Commission reviewed the applicant's proposal at its meeting on July 25, 2001 and recommended denial (6-1).

Resource Person(s): Dick Hails, Interim Planning Director and T. E. Austin, Planning Supervisor

County Manager's Recommendation: The Manager's recommendation is that the Board receive public comment and, if appropriate, deny the request to amend the Southeast Durham Plan to further expand the commercial node and to decrease residential densities at the intersection of Sherron Road and NC 98.

Chairman Black called on staff to present the Southeast Durham Plan.

Mr. Austin, Planning Supervisor, said the proposal before the Commissioners was to change the adopted Southeast Durham Plan. The application was to increase the commercial at the intersection. Mr. Austin presented the Commissioners an overview of the proposal.

Mr. Austin said the Durham Planning Commission and City-County Planning staff recommended denial at the Commission's meeting on July 25, 2001.

Chairman Black asked the County Commissioners if there were any questions for the staff members.

Commissioners Reckhow, Bowser, and Heron asked several questions and made comments to which Mr. Austin responded.

Chairman Black opened the public hearing that was properly advertised.

Mr. Jeff Roach, Horvath Associates Inc., 16 Consultant Place, presented the Commissioners a brief history of the project. He also presented an overview of the project for the Commissioners. He stated his firm would return with a zoning plan depending on the outcome of this meeting.

The Commissioners asked the applicant several questions about the proposal to which Mr. Roach responded.

Mr. Hugh Schrowang, 514 N. Waters Edge Drive, advised the Grove Park Homeowners Association was in favor of the amendments to the Southeast Durham Plan. The homeowners are opposed to any high-density housing in the area along Highway 98. Commercial zoning is needed in the area.

Mr. Millard Page, 5222 Wake Forest Highway, supported low-density development in the area. Some commercial development is needed in the area. He supported any single-family development for the area.

Mr. James Brinkley, 5210 Wake Forest Highway, supported low-density development in the area.

Mr. Bill Patrick 427 Olive Road Branch Road, supported low-density development. The area needs water and sewer.

Ms. Sue Harris, 245 Bandoek Drive, encouraged low-density development. The expansion of the commercial area is needed desperately.

Ms. Anna Eakes, 5218 Wake Forest Highway, did not support any development greater than low-density. The traffic is staggering on the highway.

Chairman Black said Ms. Eakes' question would be responded to by letter.

Mr. Lee Lambert, 5214 Wake Forest Highway, supported low-density development with some commercial development.

Mr. Ken Everhart, 5203 Wake Forest Highway, preferred to keep the area low-density. He liked the commercial development plan.

Mr. George W. Ray Jr., 5122 Wake Forest Highway, spoke in favor of the proposed project on behalf of his parents. He supported the proposed commercial development.

Mr. Robin Corkins, 5220 Wake Forest Highway, spoke in favor of low-density development for the plan.

Mr. Stephen Hubbard, 5121 Wake Forest Highway, was in favor of some commercial development with adjoining low-density residential designation.

As no one else signed to speak at the public hearing, Chairman Black closed the public hearing and referred the matter to the Commissioners for consideration.

Chairman Black asked the Planning staff to take the rezoning request back to the Planning Department for an additional review and revision with a low-density development plan and some commercial development.

County Attorney Kitchen suggested the plan be brought back to the Commissioners in January 2002.

Chairman Black directed the County Manager to address Ms. Eakes' questions in a letter and to forward a copy to the County Commissioners.

Public Hearing—Dale E. Schneider, Applicant (Rezoning Case P01-39)

Dale E. Schneider presented to the Board of County Commissioners a request to rezone 5.92 acres located at 5307 Farrington Road, PIN 0709-03-30-5588 (Tax Map 485, Block 1, Lot 6A). Request: R-20 to RD(D) (F/J-B and MTC). The proposal was in general conformance with the small area plan and 2020 Plan. Staff recommended approval. The Zoning Committee of the Durham Planning Commission conducted a public hearing on October 10, 2001 and voted 7-0 to recommend approval.

The public hearing for this request was advertised on November 23 and 30, 2001 in the Durham Herald-Sun.

Resource Person(s): Nazeeh Abdul-Hakeem, Acting Planning Supervisor, and Dick Hails, Interim Planning Director

County Manager's Recommendation: The Manager's recommendation was that the Board hold the public hearing and approve the rezoning, if appropriate, based on public comment.

Mr. Nazeeh Abdul-Hakeem, Acting Planning Supervisor, presented the rezoning request on behalf of the City/County Planning Department.

The Commissioners asked staff questions and made comments to which Mr. Abdul-Hakeem and Mr. Dan Jewell, Architect, responded.

Chairman Black opened the public hearing that was properly advertised.

Mr. Dale E. Schneider, the applicant for the rezoning request, reported on the process he had followed in preparing for the rezoning request. He said he wanted the rezoning and the Special Use Permit in order to land his helicopter at his parents' home.

Vice-Chairman Reckhow suggested that Mr. Schneider was getting into material that would be better to present at the Special Use Permit hearing.

County Attorney Chuck Kitchen said what the Commissioners were to consider in the rezoning request was any use—not just the helicopter landing strip use—that could be made in the RD zone. The rezoning request is considered first for any use, not just this use.

Mr. Schneider answered questions for the Commissioners relative to the rezoning request.

Dan Jewell, 1025 Gloria Avenue, said he was present to answer any questions that may be raised.

As no one else signed to speak at this public hearing, Chairman Black closed the public hearing and referred the rezoning request to the Commissioners for consideration.

Vice-Chairman Reckhow moved, seconded by Commissioner Cousin, to approve the rezoning request. The rezoning case is P01-39.

The motion carried unanimously.

(Legal description recorded in Ordinance Book _____, page _____.)

Durham Public Schools—Purchase of Real Property

On September 27, 2001, the Durham Public Schools Board of Education approved the purchase of real property for a new K-5 elementary school in the amount of \$1,071,030. The property is located at the corner of Ephesus Church Road and George King Road and is referred to as the Swain property. The parcel is 37.58 acres.

In order to fund the purchase of the property, the Board of Education also approved a change in the use of remaining 1991 Bond funds to serve as the required local match for funds from the Public School Capital Building Fund. These two sources of revenue, along with funds from the 2001 Bond and 1996 State Bond funds, provide the funds needed to purchase the land.

The Durham Public Schools Board of Education requests approval to purchase the property, approval to use the balance of \$104,062 remaining from the 1991 Bond funds, and approval of the application for Public School Capital Building Funds in the amount of \$312,186.

Resource Person(s): Hugh Osteen, Executive Director of Facilities Services, Durham Public Schools.

County Manager's Recommendation: The County Manager recommended that the Board approve the request as presented.

Calvin Dobbins, Associate Superintendent for Administrative Services, made introductory remarks about the purchase of real property. Mr. Dobbins called on Hugh Osteen, Executive Director of Facilities Services, to make the presentation and to answer any Commissioner questions.

Mr. Osteen presented the agenda item and addressed the merits of the property. He presented the Commissioners a history of the development of the purchase of the property.

The Commissioners asked questions and made remarks to which Mr. Osteen and the County staff responded.

Chairman Black wanted to know how much 1991 Bond money was unspent for the schools to date.

Chairman Black wanted to move forward with the agenda. She advised that this item was not in isolation and that the Commissioners would discuss the proposed Memorandum of Understanding (MOU) later tonight. She did not wish to act on this piece of property until the Board examines the MOU and endorses it. Then the Board should move the MOU to the Board of Education for its meeting on Thursday night. She commented she had suggested that the Commissioners meet to discuss this item on Wednesday, December 19, 2001 at 9:00 a.m.

Chairman Black wanted to proceed with the Memorandum of Understanding. She said Commissioner Cousin had some changes he wanted to make to the MOU.

The Commissioner concurred to meet on Wednesday, December 19, 2001 at 9:00 a.m. The Board wanted the Planning staff to update all of their records and to get all the questions answered before the December 19 meeting.

Reimbursement Resolution for the School Bonds

This agenda item was not discussed at this meeting. It will be discussed at the meeting of December 19, 2001.

Budget Ordinance Amendment No. 02BCC000038 and Capital Project Amendment No. 02CPA000007—Survivable Ring Optical Fiber for Emergency Management and EMS

The Board was asked to authorize staff to approve the proposal from Verizon Communications to install a SONET Fiber Ring for highly-reliable communications between Emergency Management/Emergency Operations Center (EOC), Emergency Medical Services main base, and Verizon's main switching office. This would allow continuous communications for these departments and in the event of an emergency, between these operations and county government offices in downtown Durham where the Joint Information Center (JIC) will be located.

After the relocation of the Emergency Operations Center (EOC) from the basement of City Hall to Broad Street, the risk of interruption of communications significantly increased due to the greater distance to telephone switching facilities and due to the above-ground telephone cables serving the new EOC location. If, during an emergency, a vehicle strikes a telephone pole along the cable route, a tree is blown across the wires, or lines fall due to an ice storm, the EOC and/or EMS could lose all communications until repairs are made.

In order to eliminate this risk, three options were investigated to provide backup communications in the event of failure of primary voice and/or data communications during an emergency. Because the Emergency Management/Emergency Operations Center and Emergency Medical Services main offices are relatively close to each other, and both need to maintain communications in an emergency, it was decided to seek a solution that would improve reliability at both sites.

Three possible backup alternative solutions have been explored: 1) wireless technology, 2) a diverse copper circuit, and 3) a fiber-optic ring.

Use of wireless technology, while the least expensive, is not reliable in severe weather that would likely be cause for emergency operations in the first place and was not given further technical consideration.

Use of an alternate-route copper circuit has a moderate cost (estimated at about \$35,000), limited bandwidth potential, and still involves risk in severe weather due to above-ground cables and the need for human intervention.

A fiber-optic ring has two separate, underground routes with data flowing in opposite directions in two fiber-optic circuits that provide automatic fail over to all points on the ring should any link be cut. It also has redundant terminal equipment to ensure operation continues in the event of a hardware failure.

Staff has concluded that a fiber-optic ring is by far the best solution due to the reliability inherent in its architecture. Fiber also offers greater bandwidth capabilities. This option is normally very expensive to implement. However, Verizon has made it more cost effective than an alternative copper circuit by absorbing a great deal of the cost.

Verizon has offered to install the fiber-optic ring at its expense (\$212,800.00) if the County agrees to pay the one-time cost of \$23,923.26 for: 1) the installation of diverse route underground conduits on County property (\$11,503.52 at EMS & \$5,068.00 at Emergency Management); and 2) for the purchase and installation of termination equipment (\$3,096.87 equipment plus \$579.00 installation at each location). Under this proposal, the cost to the County for the fiber-optic ring solution is significantly lower than the less-reliable copper circuit alternative. Monthly communications costs will increase by \$506.65 for Emergency Management and \$547.85 for EMS beginning at the conclusion of the installation in spring of 2002. This is approximately the same monthly increase projected for alternative copper circuits.

Emergency Management and Emergency Medical Services will pay the aforementioned installation and monthly cost for the remainder of the year from their current operating budgets. \$18,166 is available from remaining funds allocated to the Warrant Control Capital Project. It is recommended that these remaining funds be transferred from the capital projects budget to the Information Technology Department operating budget to cover a portion of the one-time costs for installation of the SONET fiber-optic ring. Information Technology will pay the balance for this fiscal year from funds already budgeted for network enhancements. The Warrant Control Capital Project will then be ready to be closed.

Resource Person(s): Jeff Batten, Emergency Management Director; Mickey Tezai, EMS Director; and Perry Dixon, Director of Information Technology

County Manager's Recommendation: The Manager recommended that the Board authorize staff to approve Verizon's proposal, approve the Budget Amendment No. 02BCC000038, and the Capital Project Amendment No. 02CPA000007, and authorize staff to proceed implementing the SONET fiber-optic ring. Also, the Manager recommends that the Board recognize Verizon's generous contribution to the community by partnering with the County in enhancing communications reliability at these two critical facilities.

Commissioner Bowser moved, seconded by Vice-Chairman Reckhow, to approve Budget Amendment No. 02BCC000038, and the Capital Project Amendment No. 02CPA000007.

The motion carried unanimously.

The Budget Ordinance Amendment and Capital Project Amendment follow:

DURHAM COUNTY, NORTH CAROLINA
FY 2001-02 Budget Ordinance
Amendment No. 02BCC000038

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2001-02 Budget Ordinance is hereby amended to reflect budget adjustments for the

General Fund General Government Function (Information Technology) and the Pay-As-You-Go Nondepartmental Function.

GENERAL FUND

	<u>Current Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Revised Budget</u>
<u>Expenditures</u>				
General Government	\$21,700,662	\$18,166		\$21,718,828
<u>Revenues</u>				
Other Financing Sources	\$ 9,992,808	\$18,166		\$10,010,974

PAY-AS-YOU-GO FUND

<u>Expenditures</u>				
Nondepartmental	\$0	\$18,166		\$18,166
<u>Revenue</u>				
Other Financing Sources	\$0	\$18,166		\$18,166

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

This the 10th day of December, 2001.

(Budget Ordinance Amendment recorded in Ordinance Book _____, page _____.)

DURHAM COUNTY, NORTH CAROLINA
 FY 2001-02 Capital Projects Ordinance
 Amendment No. 02CPA000007

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2001-02 Capital Projects Budget Ordinance is hereby amended to reflect budget adjustments for the Information Technology-Warrant Control Capital Project

INFORMATION TECHNOLOGY-WARRANT CONTROL PROJECT

	<u>Current Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Revised Budget</u>
	\$265,088		\$18,166	\$246,922

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

This the 10th day of December, 2001.

(Capital Projects Ordinance Amendment recorded in Ordinance Book _____, page _____.)

Quasi-Judicial Hearing—M01-04—for a Major Special Use Permit for a Heliport

Dale E. Schneider has submitted an application for a Major Special Use Permit to allow the use of a 5.92-acre, single-family residential property for a heliport, zoned RD (D), F/J-B and MTC. The property is located at 5307 Farrington Road; east side of Farrington Road, north of Wendell Road, west of I-40 (Tax References 485-1-006A; PIN 0709-03-30-5588). Governing Body approval of the Major Special Use Permit is required for a heliport in the Rural District.

Note: a rezoning from R-20 to RD (D) for this site is also on the BOCC agenda. This use permit can be considered since the rezoning is approved.

Resource Person(s): Helen Youngblood, Senior Planner, City/County Planning Department

County Manager's Recommendation: Hold the public hearing and evaluate the evidence presented. The Planning staff will make a recommendation after the hearing of this case. The County Manager will make a recommendation after the hearing of this case. After the hearing, one of these two motions is in order:

Motion A: (Approval With or Without Conditions)—To direct the Planning Director to prepare a decision granting with conditions the use permit in Case M01-04. (Commissioners should identify any conditions they wish to incorporate into their approval. Staff will prepare the decision for the Commissioners' next meeting for action); or

Motion B: (Disapproval)—To direct the Planning Director to prepare a decision denying the use permit in Case M01-04. (Commissioners should identify the findings they are unable to make so these can be incorporated into the decision. Staff will prepare the decision for the Commissioners' next meeting for action).

Chairman Black instructed the Clerk to the Board to administer the oath to everyone that signed to speak at this Quasi-Judicial Hearing. Those signed to speak were sworn in.

Chairman Black asked the Board members if they had any conflicts. There were none.

Chairman Black asked if any of the Commissioners received any information before this hearing. No one had received any information regarding the case.

Chairman Black stated regarding the hearing, that the Board would hear first from the County staff and other County witnesses. Then the Board would hear from the applicant and their witnesses, and then from the opponents to the request. She advised that parties may cross-examine a witness after the witness testifies when questions are called for. If the Board would be asked to view written evidence, such as reports, maps, or exhibits, the witness who is familiar with the evidence should ask that it be introduced during or at the end of his or her testimony. The Board cannot accept reports from persons who are not here to testify. Attorneys who speak should not give factual testimony but may summarize their client's

case. Chairman Black instructed persons to clearly identify themselves for the record before they begin their testimony, and that any information they wished for the Board to receive be given to the Clerk for distribution.

Chairman Black opened the Quasi-Judicial Hearing that was properly advertised.

Helen Youngblood, Senior Planner, City/County Planning Department, presented the Commissioners an overview of the Major Special Use Permit for a heliport in the residential area.

Staff requested that the Clerk to the Board enter the staff report and all attachments and exhibits as a part of the permanent record.

The Commissioners were to make findings under Section 13.2.3 General Findings of the Durham Zoning Ordinance as indicated in the staff report and to give consideration to items 1 through 10 listed under Section 13.2.4 Considerations of the staff report.

Ms. Youngblood answered questions for the County Commissioners.

Chairman Black called on the proponents to make their comments.

Dale Schneider, petitioner, presented and identified slides for the Commissioners and answered their questions.

The following proponents had signed to speak, but did not.

I. Jarvis Martin, 3608 Mossdale Avenue, Durham, NC

Dan Jewell, 1025 Gloria Avenue, Durham, NC

David Strube, 2621 Bambridge Drive, Raleigh, NC

Chairman Black stated that applications for Major Special Use Permits shall be approved only if the Governing Body finds that the use as proposed, or the use as proposed with conditions, is: (1) in harmony with the area and not substantially injurious to the value of properties in the general vicinity, (2) in conformance with all special requirements applicable to the use and in conformance with the Supplementary Requirements Section of this ordinance; and (3) will not adversely affect the health or safety of the public.

Attorney Bill Harriss asked that the application speak rather than repeating those items. He advised there were a couple of other persons he hoped to qualify as expert witnesses.

Vice-Chairman Reckhow said it is a sufficient application. The questions have been answered.

Ms. Youngblood said the Planning staff would like to make a recommendation at this point. Staff recommended approval with one condition—that the applicant develop the approved use in conformity with the site plan, approved by the Development Review Board, as

corrected, and any approved revision to such site plan, that no commercial flights be allowed on site and that the applicant restrict his hours of operation to between 7:00 a.m. and 9:00 p.m.

Dale Schneider, Applicant, said he agreed with the order.

Chairman Black closed the hearing and placed the matter before the Commissioners for consideration.

Commissioner Bowser moved, seconded by Vice-Chairman Reckhow, to approve the Major Special Use Permit for a heliport with the conditions stated by the staff.

The motion carried unanimously.

Ms. Youngblood said the Planning Director has prepared a decision granting, with the conditions, the use permit in Case M01-04. The County Attorney has the Order Granting Upon Certain Conditions, a Major Special Use Permit for a Heliport.

The Order follows:

**ORDER GRANTING, UPON CERTAIN CONDITIONS,
A MAJOR SPECIAL USE PERMIT FOR A HELIPORT
CASE M01-04**

The Board of County Commissioners of the County of Durham, having conducted a hearing on Case M01-04 and having considered all evidence presented at such hearing, hereby determines that the Ordinance requirements for the granting of a Major Special Use Permit in this case have been met, and that the Use Permit should be granted upon certain conditions.

THE BOARD OF COUNTY COMMISSIONERS HEREBY FINDS that the use meets the requirements of 13.2.3 of the Durham Zoning Ordinance, and that it is

1. In harmony with the area and not substantially injurious to the value of properties in the general vicinity;
2. In conformance with all special requirements applicable to the use and in conformance with the Supplementary Requirements Section of this Ordinance;
3. Will not adversely affect the health or safety of the public.

THE BOARD OF COUNTY COMMISSIONERS ALSO FINDS that considerations listed in 13.2.4 of the Ordinance have been addressed.

THE BOARD OF COUNTY COMMISSIONERS FURTHER DETERMINES THAT IT IS NECESSARY TO CONDITION THE GRANTING OF THE USE PERMIT UPON THE FOLLOWING:

1. That the applicant develop the approved use in conformity with the site plan, approved by the Development Review Board on November 30, 2001, as corrected, and any approved

revision to such site plan, that no commercial flights be allowed on site and that the applicant restrict his hours of operation between the hours of 7:00 a.m. and 9:00 p.m.

THIS SPECIAL USE PERMIT SHALL BECOME NULL AND VOID UPON DETERMINATION BY THE APPROPRIATE OFFICIALS DESIGNATED BY ORDINANCE THAT THE ABOVE CONDITIONS HAVE NOT BEEN COMPLIED WITH.

This determination and Order is effective upon and after the date of its adoption as shown by the stamp of the Clerk to the Board of County Commissioners below.

NORTH CAROLINA
DURHAM COUNTY

I, Susan B. Page, Notary Public of the aforesaid County and State, certify that personally appeared before me this day Garry E. Umstead, CMC Clerk to the Board of County Commissioners of the County of Durham, who duly certified and acknowledged that the foregoing constitutes a true and accurate copy of the Order adopted by the Board of County Commissioners of the County of Durham at its meeting held December 10, 2001, as the same is taken from and compared with the recordation of said Order as Ordinance Number _____, on file in the Office of the Clerk to the Board of County Commissioners.

Witness my hand and notarial seal, this 18th day of January, 2001.

(SEAL)

/s/Susan B. Page
Notary Public

December 20, 2005
My Commission Expires

Consent Agenda Items Removed for Discussion

Letter to the Board of Education Concerning Land Purchase.

Chairman Black said she was still struggling with the fact that the school administration put down earnest money to buy real property before the land purchase was taken to the Board of Education for approval.

Chairman Black asked permission from the County Commissioners to write a letter for her signature to the Chair of the Board of Education stating the legalities of the North Carolina General Statutes relative to the practice of putting down earnest money before the land purchase goes to the Board of Education for approval.

County Attorney Chuck Kitchen said the statute is not clear whether the land purchase must come before the County Commissioners for permission to put down earnest money. He did

say if current bond dollars are being used, the approval would have to come before the Commissioners before money is put down.

Commissioner Bowser moved, seconded by Vice-Chairman Reckhow, to direct the County Manager to write a letter for Chairman Black's signature to the Durham Public Schools Board of Education Chairman Kathryn Meyers. The letter should address the Commissioners' concern that earnest moneys were placed on land before the proposal to purchase land for a school was presented to the Commissioners.

The motion carried unanimously.

Consent Agenda Item 4(k). Approval of Memorandum of Understanding with the Durham Public Schools (Approve the MOU with the Durham Public Schools);

Chairman Black said that Commissioner Cousin would like to insert language to strengthen some of the sections in the memorandum.

Commissioner Cousin presented his proposed changes to the Memorandum of Understanding. The Commissioners offered and discussed other changes to the document.

Vice-Chairman Reckhow made a motion to move the approval of the Memorandum of Understanding as amended so it could be sent to Dr. Denlinger's office for the Board of Education meeting on Thursday night.

The motion carried unanimously.

The amended Memorandum of Understanding follows:

MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding is made and entered this ____ day of ____ 2001 by and between the DURHAM COUNTY BOARD OF COMMISSIONERS and the DURHAM PUBLIC SCHOOLS BOARD OF EDUCATION.

WHEREAS, the Durham Public Schools has presented and the Durham County Commissioners have approved its proposed Fiscal Year 2001-2002 Budget; and

WHEREAS, the Board of County Commissioners and the Board of Education mutually desire to improve the educational achievements of Durham school children; and

WHEREAS, members of the Board of County Commissioners and the Board of Education understand the importance of regular communications during the budget process and throughout the school year,

IT IS NOW THEREFORE AGREED THAT:

1. The Durham Public Schools shall follow the budget process for the 2003 Fiscal Year that was utilized for the 2000-2001 and 2001-2002 fiscal years. The budget document will incorporate measurable objectives and key accomplishments.
2. The Durham Public Schools shall provide the Board of County Commissioners with reports according to the established 2001-2002 Schedule for Information Reports (attached) as prepared by the Durham Public Schools Office of Public Affairs. The reports will include disaggregated information. These reports shall be provided to the Board of County Commissioners prior to their release to the media.
3. A copy of all reports provided to the Office of Civil Rights will simultaneously be provided to the County Commissioners. Reports/Topics will be addressed during semi-annual joint meetings.
4. The Durham Public Schools shall provide the Board of County Commissioners with copies of the following program evaluations upon completion:
 - Lakeview School Projects
 - DPS Third Grade Reading Goal
 - Programs that Academically Challenge DPS Students
 - Laboratory Schools
 - Magnet Schools
5. The Board of Education, with input from concerned citizens to include, but not limited to members of organizations in the African-American community and other appropriate stakeholders, representing the population most at-risk, will continue to set measurable goals and outcomes in an effort to further reduce the dropout rate.
6. The Durham Public Schools shall continue to work with Durham County to develop alternative education programs for all suspended students with the goal of reducing the number of long-and short-term suspended students.
7. The Durham Public Schools and the Durham County Board of Commissioners shall provide one another appropriate information regarding school funding as such information is released to the public.
8. The Superintendent of Durham Public Schools and the Durham County Manager, working with representatives from both boards, will direct appropriate staff members to develop future school sites in a manner that ensures maximum use (co-locating parks, libraries on school sites, or jointly using existing and expanded facilities) by the public. This will require joint planning prior to the purchase of school sites and prior to finalizing the architectural specifications for school buildings.
9. The Durham Public Schools will develop a Minority Achievement Plan by October 1, 2002, involving concerned citizens, to include but not limited to members of organizations in the African-American community and other appropriate stakeholders, to address the performance gap of African-American and Latino students, along with other minorities.
10. The Durham Public Schools will consult with the Durham County Board of Commissioners on school construction and develop energy-efficient and cost-effective plans and specifications.

11. The Board of County Commissioners and the Durham Public Schools Board of Education shall jointly meet to review compliance with this Memorandum of Understanding prior to the commencement of budget discussion for the 2002-2003 Fiscal Year.

COUNTY OF DURHAM

DURHAM PUBLIC SCHOOLS
BOARD OF EDUCATION

Chair,
Board of County Commissioners

Chair,
Durham Public Schools Board of Education

Attest: _____
Garry E. Umstead, Clerk

Attest: _____

Extension of Regular Session

Commissioner Cousin moved, seconded by Vice-Chairman Reckhow, to extend the meeting until 11:20 p.m.

The motion carried unanimously.

Comments by Dr. Lavonia I. Allison—Land Purchase for New School

Chairman Black opened the meeting for comments by Dr. Lavonia I. Allison, who had signed to speak on this item. Dr. Allison made her comments regarding her opposition to purchasing land for a new school in an area close to Chapel Hill rather than in the inner-city where she felt it was more needed.

Consent Agenda Item 4(d). Change in BOCC Fixed Asset Policy—Increase Capitalization Threshold from \$1,000 to \$5,000 and Change in Procurement Card Purchase Limit—Increase from \$1,000 to \$5,000.

The Commissioners raised concern with increasing the procurement card threshold to \$5,000.

Vice-Chairman Reckhow moved, seconded by Commissioner Heron, to approve the item with the procurement card threshold changed to \$2,500 with a review during the budget process.

The motion carried unanimously.

Letter from Orange County Board of Commissioners—Commissioner Bower

Commissioner Bowser asked the Commissioners if they wanted to join with the Orange County Board of Commissioners to hold meetings relative to the Shearon Harris Nuclear Plant and the development of a plan to combat terrorism. Orange County wants Durham County to sponsor a meeting. The Orange County Commissioners want to develop a Regional Alliance to work on a plan.

County Fire Marshal Jeff Batten spoke to the letter to which Commissioner Bowser referred. He said that Durham County has been involved in numerous meetings concerning ways to combat terrorism. Orange County also has been involved with these meetings.

Vice-Chairman Reckhow said the Triangle J Council of Governments has agreed to convene and facilitate for this type of meeting on the regional level. This is a reasonable approach to holding regional meetings.

Commissioner Bowser requested that County Manager Ruffin write a letter to the Vice-Chairman in Orange County to request a clarification of what he wants Durham County to do relative to his letter.

Chapel Hill Town Council Request for Formal Joint Planning

Vice-Chairman Reckhow said that the Chapel Hill Town Council wants Durham County to consider formal joint planning for the area in Durham County that the Chapel Hill town limits extend into. They want to use the Chapel Hill Work Group as the venue to initiate discussion. Vice-Chairman Reckhow asked the County Commissioners to authorize the Work Group to proceed with the request. The Commissioners concurred with the request.

Adjournment

Chairman Black adjourned the meeting at 11:20 p.m.

Respectfully submitted,

Garry E. Umstead, CMC
Clerk to the Board