

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

Monday, September 10, 2012

7:00 P.M. Regular Session

MINUTES

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

Present: Chairman Michael D. Page, Vice-Chairman Ellen W. Reckhow, and Commissioners Philip R. Cousin Jr., Brenda A. Howerton, and Pam Karriker

Absent: None

Presider: Chairman Michael D. Page

Opening of Regular Session—Pledge of Allegiance

Agenda Adjustments

Chairman Page noted the following change to Consent Agenda Item No. p: “Appoint Youth Home Director, Angela Nunn; Ann Oshel, Alliance Behavioral Healthcare designee; and County Manager designee, ~~Lee Worsley~~ Drew Cummings, to the Juvenile Crime Prevention Council.”

Announcements

Chairman Page made the following announcements:

- “In Touch with Durham County,” the Durham County Television show, airs on Cable TV Channel 8 at 8:30 a.m. and 12 noon daily, 4:00 p.m. on Mondays, and 6:30 p.m. Tuesday – Sundays. Our County Commissioners’ meetings are also rebroadcast on Thursdays at 2:00 p.m., Saturdays at 9:00 p.m., and Sundays at 9:00 p.m.;
- Durham County has a number of boards and commissions that could benefit from citizen participation. Contact the Clerk’s Office at 919-560-0025, visit the County’s website, or email Clerk@durhamcountync.gov for more information. All City and County taxes must be current at the time of application;
- Durham County Women’s Commission and NC Women United invite you to attend the 2012 Durham County Women’s Agenda Assembly on Saturday, September 22, from 9:00 a.m. to 12:00 noon, to learn, listen, discuss and ask questions regarding public policy issues facing women in Durham County. The event would be held at NC Central University, Miller Morgan Building, 1801 Fayetteville Street. Interested persons should RSVP at DurhamAssembly2012@gmail.com;
- The *Durham Reads Together* series, featuring North Carolina bestselling author, Margaret Maron continues on Sunday, September 16, at 3:00 p.m. at the Main Library. The first book in her Deborah Knott series, *Bootlegger’s Daughter*, addresses the challenges faced by judicial candidate Knott when her father’s bootlegging past becomes

an issue. Join historian Todd Johnson for a look at the illegal liquor trade, from the Whiskey Rebellion to the present, including speeches and stories from personalities on both sides of the law;

- The Department of Social Services to host its 3rd Annual Grandparents Conference on Tuesday, September 18, 8:00 a.m. – 4:00 p.m., at Rogers-Herr Middle School, 911 W. Cornwallis Rd., Durham.

Commissioner Howerton urged citizens to attend the 2012 Durham County Women's Agenda Assembly.

Minutes

Commissioner Howerton moved, seconded by Vice-Chairman Reckhow, to approve as submitted the August 27, 2012 Regular Session Minutes of the Board.

The motion carried unanimously.

Introduction—Department of Social Services Director

Marqueta Welton, Deputy County Manager, introduced Michael Becketts as the newly appointed Director of the Durham County Department of Social Services. Mr. Becketts transplanted from Baltimore, MD where he served as Deputy Director of the Baltimore Department of Social Services and oversaw a workforce of 1100 staff and a budget of approximately \$100 million. One of his major accomplishments in Baltimore was the implementation of strategies which led to the transition of over 800 children from the foster care system.

The DSS Board, who appointed Mr. Becketts on August 6, 2012, expressed confidence that Mr. Becketts would provide excellent leadership for the Department of Social Services and support the agency's mission to partner with families and the community in achieving wellbeing through prosperity, permanence, safety, and support for all Durham residents.

Jane Volland, DSS Board member, spoke on behalf of the DSS Board.

Michael Becketts, Social Services Director, thanked the Board for the introduction and briefly discussed his approach for leading DSS.

Chairman Page welcomed Mr. Becketts to the Durham community.

Recognize Durham County EMS 2012 Recipient of the Vic Pearson Memorial Award

The Board was requested to recognize Rick Johnson, Paramedic, Durham County EMS, as the recipient of the 2012 Vic Pearson EMS Memorial Award. Mr. Johnson was recently recognized at the annual EMS Week celebration in May for his clinical competency and compassion to those he responds to and treats, within the Durham community who suffer from sudden illness or trauma.

Mike Smith, EMS System Director, explained that the Vic Pearson Memorial Fund and Award was established in April 1995 in memory of Vic Pearson, who was a Paramedic with Durham County EMS and died after complications from cancer surgery. In remembrance of Vic, this award is presented to the EMS employee who has displayed the highest levels of competency and compassion to his/her patients during the year. These were strong attributes Vic exhibited while employed with Durham County EMS. Each year, Durham Regional and Duke Emergency Departments select the individual whom they feel best displays these attributes, and recognizes him/her during EMS Week in May. Mr. Johnson was unanimously selected as this year's award winner.

Mr. Johnson thanked the Board for the acknowledgement.

On behalf of Durham County Government, Chairman Page extended congratulations to Mr. Johnson and thanked him for his dedicated service.

Resolution Honoring the Life of Mrs. Joyce Clayton Nichols

A resolution was prepared to honor the life of Mrs. Joyce Clayton Nichols, the first woman and first African-American woman to become a Physician's Assistant in the United States. In addition to her lifetime of outstanding and compassionate work in the healthcare field, Mrs. Nichols also served with distinction as a member of the Durham County Public Health Board. She was remembered for her strong advocacy on behalf of others in need.

Chairman Page read the resolution into the record as follows:

RESOLUTION

WHEREAS, Joyce Clayton Nichols, the daughter of a tobacco farmer and a teacher, was born in rural Person County; and

WHEREAS, understanding the value of education, she attended North Carolina College (now North Carolina Central University), Durham Technical Community College, the University of North Carolina at Chapel Hill, and the Duke University Physician Assistant Program, becoming the first woman and African-American woman Physician Assistant in the country; and

WHEREAS, prior to enrolling in Duke's Physician Assistant training, Mrs. Nichols worked as a nurse in the cardiac care unit at Duke University Medical Center; and

WHEREAS, Mrs. Nichols was a charter/founding member of both the American Academy of Physician Assistants and the North Carolina Academy of Physician Assistants and served on both boards, helping to craft bylaws; and

WHEREAS, during a highly productive 23-year career at Lincoln Community Health Center as a Senior Physician Assistant, Mrs. Nichols served as a role model and was greatly admired for her devotion and support of the Center's mission; and

WHEREAS, this trailblazer and pioneer started the first Rural Health Clinic in North Carolina to show the impact and effectiveness of Physician Assistants providing quality health care to medically underserved communities; and

WHEREAS, Mrs. Nichols was inducted into the Duke University Physician Assistant Hall of Fame in 2002 and served for many years as a member of the Durham County Board of Health and as a Commissioner to the Durham Housing Authority; and

WHEREAS, Mrs. Nichols will forever be remembered for her love of people, strong work ethic, and advocacy on behalf of the medically underserved:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Durham County Board of Commissioners, do hereby resolve to pay tribute to

MRS. JOYCE CLAYTON THORPE NICHOLS

for her lifelong work to enhance the profession of Physician Assistant and for her dynamic efforts to provide medical education and treatment for those battling a host of chronic illnesses. We call upon all citizens of Durham County to remember this phenomenal woman who tirelessly worked to improve the quality of life for so many.

This 10th day of September, 2012.

Chairman Page recognized persons present in honor of Mrs. Nichols and invited them to make comments.

Vice-Chairman Reckhow spoke to her experiences with Mrs. Nichols and of Mrs. Nichols' contributions to healthcare in the Durham community.

A spokesperson for the family thanked the Board and accepted the resolution

Resolution Honoring Olympic Medalist Megan Hodge

Chairman Page introduced a resolution to honor Megan Hodge, who is a member of the United States Indoor Volleyball Team and a winner of a silver medal in the London Olympics last month. Ms. Hodge, national player of the year at Riverside High School and NCAA player of the year at Penn State University, played in her first Olympic competition in the position of outside hitter. Ms. Hodge has been called "the best girls' volleyball player in North Carolina history."

Chairman Page read the following resolution into the record:

RESOLUTION

WHEREAS, Megan Hodge is an outstanding young woman who early demonstrated her keen athletic abilities growing up in Durham; and

WHEREAS, during 1996 – 2000, she was a member of the Bouncing Bulldogs Jump Rope Demonstration team, earning a silver medal in the 12-14 age division in the World Championship as a member of the USA Jump Rope Team; and

WHEREAS, during a highly productive career at Riverside High School, Megan received many honors including the 2006 National High Schools Coaches Association National High School Senior Athlete of the Year, 2006 AAU All American, and the 2006 News and Observer North Carolina High School Female Athlete of the Year; and

WHEREAS, Megan was highly recruited upon graduation and attended Penn State where she again enjoyed an outstanding academic and athletic career; and

WHEREAS, she was a four-time First Team All American and was named the NCAA National Championship Most Outstanding Player in 2007 and 2008; and

WHEREAS, Megan Hodge, also regarded as the best girls volleyball player in the history of North Carolina, successfully and skillfully competed for Team USA playing outside hitter in the 2012 Summer Olympics in London and earned a silver medal:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Durham County Board of Commissioners, do hereby resolve to pay tribute to

MEGAN HODGE

an outstanding USA Team volleyball player who successfully competed in her Olympic debut in London. We call upon all citizens of Durham County to recognize her dynamic accomplishment and to wish her well as she continues her career as a professional athlete on the world stage.

This 10th day of September, 2012.

Vice-Chairman Reckhow extended congratulations to Megan and her family and thanked Michael Hodge, Megan's father, for serving as the Riverside High School volleyball coach for numerous years.

Commissioner Howerton echoed Vice-Chairman Reckhow's statement of congratulations.

Mr. Hodge introduced his family and issued a statement of pride for Megan's success. He briefly shared Megan's volleyball journey with the public.

Dr. Carmen Samuel-Hodge, Megan's mother, thanked the Board for the recognition and relayed regrets for Megan's absence.

Chairman Page congratulated the family and presented them with the resolution.

Proclamation—Recovery Month in Durham County

The Board was requested to adopt the proclamation designating September as Addiction Recovery Month in Durham County.

Recovery Month is a national observance that educates Americans on the fact that addiction treatment and mental health services can enable those with a mental and/or substance use disorder to live a healthy and rewarding life. The observance's main focus is to laud the gains made by those in recovery from these conditions, just as we would those who are managing other health conditions such as hypertension, diabetes, asthma, and heart disease. Recovery Month spreads the positive message that behavioral health is essential to overall health, prevention works, treatment is effective, and people can and do recover.

The 2012 Recovery Month theme, "Join the Voices for Recovery: It's Worth It," emphasizes that while the road to recovery may be difficult, the benefits of preventing and overcoming mental and/or substance use disorders are significant and valuable to individuals, families, and communities. People in recovery achieve healthy lifestyles, both physically and emotionally, while contributing in positive ways to their communities. They also prove to family members, friends, and others that prevention works, treatment is effective, and people recover.

PROCLAMATION

WHEREAS, behavioral health is an essential part of health and one's overall wellness; and

WHEREAS, prevention of mental and/or substance use disorders work, treatment is effective, and people recover in our area and around the nation; and

WHEREAS, the benefits of preventing and overcoming mental and/or substance use disorders are significant and valuable to individuals, families, and the community at large; and

WHEREAS, people in recovery achieve healthy lifestyles, both physically and emotionally, and contribute in positive ways to their communities; and

WHEREAS, we must encourage relatives and friends of people with mental and/or substance use disorders to implement preventive measures, recognize the signs of a problem, and guide those in need to appropriate treatment and recovery support services; and

WHEREAS, in 2010, 2.6 million people received specialty treatment for a substance use disorder and more than 31.3 million adults aged 18 or older received services for mental health problems, according to the *2010 National Survey on Drug Use and Health*. Given the serious nature of this public health problem, we must continue to reach the millions more who need help; and

WHEREAS, to help more people achieve and sustain long-term recovery, the U.S. Department of Health and Human Services (DHHS), the Substance Abuse and Mental Health Services Administration (SAMHSA), the White House Office of National Drug Control Policy (ONDCP) invite all residents of Durham, North Carolina to participate in National Recovery Month:

NOW, THEREFORE, BE IT RESOLVED that I, Michael D. Page, Chairman of the Durham Board of County Commissioners, do hereby proclaim the month of September 2012 as

NATIONAL RECOVERY MONTH

in Durham, North Carolina. I call upon the people of Durham to observe this month with appropriate programs, activities, and ceremonies to support this year's theme, "*Join the Voices for Recovery: It's Worth It.*"

This 10th day of September, 2012.

Gudrun Parmer, Director, Criminal Justice Resource Center, thanked the Board for the proclamation.

Johnny Pompey, Substance Abuse Counselor, Criminal Justice Resource Center, informed the public of events and activities planned for National Recovery Month.

Chairman Page presented the proclamation to Mr. Pompey.

Consent Agenda

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

- *a. Amend the contract with Tax Management Associates Inc. for the property value discoveries and approve Budget Ordinance Amendment No. 13BCC000012 in the amount of \$350,000. Payment is made to TMA only after the County has collected the tax, at a rate of 30% of the amount collected. There is no additional cost to the County whereas this fee is deducted from new revenue collected;
- *b. Amend the contract with County Tax Services Inc. for the property value discoveries and approve Budget Ordinance Amendment No. 13BCC000013 in the amount of \$150,000. Payment is made to CTSI only after the County has collected the tax, at a rate of 30% of the amount collected. There is no additional cost to the county whereas this fee is deducted from new revenue collected;
- *c. Approve Budget Amendment No. 13BCC000014 to recognize \$250 for activities related to National Recovery Month;
- *d. Approve Budget Amendment No. 13BCC000015 to recognize \$22,331 for the Mental Health Outreach Project;
- *e. Approve Budget Ordinance No. 13BCC000016 to recognize additional revenues in the amount of \$3,678,534 for Child Care, LIEA & CIP Administration, LINKS Program, and Progress Energy's Energy Neighbor Program;

- f. Approve employment contract for Clerk to the Board;
- g. Approve the proportional match of the 40 hours of special leave awarded to eligible employees from the North Carolina Cooperative Extension Service by the 2012 General Assembly;
- h. Authorize the County Manager or his/her designee to execute all documents and give the assurances necessary to accept Federal Aviation Administration Discretionary Grants to be utilized by the Raleigh-Durham Airport Authority at the Raleigh-Durham International Airport, and to authorize the County Attorney or his/her designee to execute all related documents and give the related necessary assurances;
- i. REMOVED PRIOR TO MEETING;
- j. Accept the recommendation as presented and approve the revenue agreement with Compass Group USA Inc. to provide, supply, install, maintain and service drink and snack vending machines to 20 Durham County Government buildings;
- k. Authorize the County Manager to enter into an Interlocal Agreement with the City of Durham for services to be provided by its Solid Waste Management Department for fiscal year 2013. The compensation paid to the City of Durham shall not exceed \$89,470;
- l. Authorize the County Manager to enter into a contract with Schneider Electric to perform the Andover Continuum security surveillance computer upgrade at the Durham County Detention Center as defined in the proposal not to exceed \$65,936.00;
- m. Approve the proposed revised Trip Reduction Ordinance;
- n. Approve the NCACC Legislative Goals for 2013 and transmit to NCACC for consideration;
- o. Authorize the execution of an architectural design contract with MHAworks, PA for renovations to the Durham County Storage Facility in the amount of \$48,000.00 plus reimbursable expenses not to exceed \$5,000.00, thus totaling \$53,000.00;
- p. Appoint Youth Home Director, Angela Nunn; Ann Oshel, Alliance Behavioral Healthcare designee; and County Manager designee, Lee Worsley, to the Juvenile Crime Prevention Council; and
- q. Award the HVAC maintenance contract to Schneider Electric Buildings Americas, Inc. for certain County facilities in an amount not to exceed \$46,449.75 and authorize the County Manager execute same.

The motion carried unanimously.

In relation to Consent Agenda Item No. k, Vice-Chairman Reckhow extended congratulations and gratitude to Motiryo Keambiroiro, General Services Director, for negotiating a contract that would save the County over \$500,000 in the upcoming year. She beseeched other department heads to take heed to accomplish such savings.

Ms. Keambiroiro acknowledged Brian Haynesworth, Solid Waste Program Manager, for his role in securing the contract.

Commissioner Howerton thanked Mr. Haynesworth for providing her with requested information prior to the meeting.

*Document(s) related to this item follow:

Consent Agenda Item No. a.

DURHAM COUNTY, NORTH CAROLINA
FY 2012-13 Budget Ordinance
Amendment No. 13BCC000012

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2012-13 Budget Ordinance is hereby amended to reflect budget adjustments.

Revenue:

<u>Category</u>	<u>Current Budget</u>	<u>Increase/Decrease</u>	<u>Revised Budget</u>
<u>GENERAL FUND</u>			
Taxes	\$267,430,631	\$350,000	\$267,780,631

Expenditures:

<u>Function</u>			
<u>GENERAL FUND</u>			
General Government	\$81,719,284	\$350,000	\$82,069,284

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

This the 10th day of September, 2012.

Consent Agenda Item No. b.

DURHAM COUNTY, NORTH CAROLINA
FY 2012-13 Budget Ordinance
Amendment No. 13BCC000013

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2012-13 Budget Ordinance is hereby amended to reflect budget adjustments.

Revenue:

<u>Category</u>	<u>Current Budget</u>	<u>Increase/Decrease</u>	<u>Revised Budget</u>
<u>GENERAL FUND</u>			
Taxes	\$267,780,631	\$150,000	\$267,930,631

Expenditures:

<u>Function</u>			
<u>GENERAL FUND</u>			
General Government	\$82,069,284	\$150,000	\$82,219,284

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

This the 10th day of September, 2012.

Consent Agenda Item No. c.

DURHAM COUNTY, NORTH CAROLINA
FY 2012-13 Budget Ordinance
Amendment No. 13BCC000014

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2012-13 Budget Ordinance is hereby amended to reflect budget adjustments.

Revenue:

<u>Category</u>	<u>Current Budget</u>	<u>Increase/Decrease</u>	<u>Revised Budget</u>
<u>GENERAL FUND</u>			
Intergovernmental	\$47,444,589	\$250	\$47,444,839

Expenditures:

<u>Function</u>			
<u>GENERAL FUND</u>			
Public Safety	\$45,869,512	\$250	\$45,869,762

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

This the 10th day of September, 2012.

Consent Agenda Item No. d.

DURHAM COUNTY, NORTH CAROLINA
FY 2012-13 Budget Ordinance
Amendment No. 13BCC000015

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2012-13 Budget Ordinance is hereby amended to reflect budget adjustments.

Revenue:

<u>Category</u>	<u>Current Budget</u>	<u>Increase/Decrease</u>	<u>Revised Budget</u>
<u>GENERAL FUND</u>			
Intergovernmental	\$47,444,839	\$22,331	\$47,467,170

Expenditures:

<u>Function</u>			
<u>GENERAL FUND</u>			
Public Safety	\$45,869,762	\$22,331	\$45,892,093

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

This the 10th day of September, 2012.

Consent Agenda Item No. e.

DURHAM COUNTY, NORTH CAROLINA
FY 2012-13 Budget Ordinance
Amendment No. 13BCC000016

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2012-13 Budget Ordinance is hereby amended to reflect budget adjustments.

Revenue:

<u>Category</u>	<u>Current Budget</u>	<u>Increase/Decrease</u>	<u>Revised Budget</u>
<u>GENERAL FUND</u>			
Intergovernmental	\$47,467,170	\$3,677,762	\$51,144,932
Contributions & Donations	\$750,611	\$772	\$751,383

Expenditures:

<u>Function</u>			
<u>GENERAL FUND</u>			
Human Services	\$80,302,634	\$3,678,534	\$83,981,168

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

This the 10th day of September, 2012.

Public Hearing for Private Activity Bonds—Voyager Foundation Inc.

Carol Hammett, Deputy County Attorney, requested that the Board of Commissioners hold a public hearing concerning the issuance and sale by the Public Finance Authority, which is a public authority existing under Wisconsin law, of its Charter School Revenue Bonds (Voyager Foundation, Inc. Project) Series 2012A (the “Bonds”), in an amount not to exceed \$17,000,000, and, if appropriate, approve the Resolution authorizing the issuance of the Bonds. The Bonds would be used to (1) finance the acquisition and equipping of charter school buildings with an aggregate square footage of approximately 76,000 square feet on a site of approximately 8.5 acres located at 4302 Ben Franklin Boulevard in Durham, North Carolina, (2) fund a debt service reserve for the Bonds, and (3) pay all or a portion of the costs of issuing the Bonds. Voyager Foundation Inc. would be solely responsible for the repayment of the bonds. The County would have no financial responsibility for the debt.

Per Vice-Chairman Reckhow’s request, Jeff Poley, Bond Counsel for Voyager Foundation Inc., explained why funding would be provided by an out-of-state finance authority.

Commissioner Howerton inquired about the purpose of the Public Finance Authority and the proposed issuance of Bonds.

Chairman Page opened the public hearing that was properly advertised. He recognized signed speaker Jeff Poley, 150 Fayetteville Street, Ste. 1400, Raleigh 27601, for comments.

As no one else requested to speak, Chairman Page closed the public hearing and referred the matter back to the Board.

Vice-Chairman Reckhow moved, seconded by Commissioner Karriker, to approve the resolution authorizing the issuance of the Bonds.

The motion carried unanimously.

Chairman Page recognized Voyager Foundation staff for their diligent work and for taking time to provide the Board with a tour of Voyager.

**RESOLUTION OF THE DURHAM COUNTY BOARD OF COMMISSIONERS
APPROVING THE ISSUANCE BY THE PUBLIC FINANCE AUTHORITY
OF BONDS ON BEHALF OF VOYAGER FOUNDATION, INC.**

WHEREAS, Voyager Foundation, Inc., a North Carolina nonprofit corporation (the “Borrower”), has requested that the Public Finance Authority, a public authority existing under Wisconsin law (the “Authority”), issue its Charter School Revenue Bonds (Voyager Foundation, Inc. Project) Series 2012A (the “Bonds”) in an amount not to exceed \$17,000,000 to (1) finance the acquisition and equipping of charter school buildings with an aggregate square footage of approximately 76,000 square feet on a site of approximately 8.5 acres located at 4302 Ben Franklin Boulevard in Durham, North Carolina (the “Project”), (2) fund a debt service reserve for the Bonds and (3) pay all or a portion of the costs of issuing the Bonds; and

WHEREAS, the Project will be initially owned by the Borrower and leased to Voyager Academy, Inc., a North Carolina nonprofit corporation and charter school (the "Charter School"); and

WHEREAS, the Bonds or a portion thereof will be "private activity bonds" for purposes of the Internal Revenue Code of 1986 (the "Code"); and

WHEREAS, pursuant to Section 147(f) of the Code, prior to their issuance, the Bonds are required to be approved by the "applicable elected representative" of a governmental unit having jurisdiction over the entire area in which the Project is located, after a public hearing held following reasonable public notice; and

WHEREAS, the members of the Durham County Board of Commissioners (the "Governing Body") of the County of Durham, North Carolina (the "County") are the applicable elected representatives of the County; and

WHEREAS, the Borrower has requested that the Governing Body approve the financing of the Project and the issuance of the Bonds in order to satisfy the public approval requirement of Section 147(f) of the Code and the requirements of Section 4 of the Amended and Restated Joint Exercise of Powers Agreement Relating to the Public Finance Authority, dated as of September 28, 2010 (the "Joint Exercise Agreement") and Section 66.0304(11)(a) of the Wisconsin Statutes; and

WHEREAS, pursuant to Section 147(f) of the Code, the Governing Body, following notice duly given in the form attached hereto as Exhibit A (the "TEFRA Notice"), held a public hearing today regarding the financing of the Project and the issuance of the Bonds, and now desires to approve the financing and the issuance of the Bonds; and

NOW, THEREFORE, the Board of Commissioners of Durham County, meeting in regular session in Durham, North Carolina, on September 10, 2012, does the following:

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS FOR DURHAM COUNTY:

Section 1. The above recitals are true and correct.

Section 2. In order to comply with Section 147(f) of the Code, the Governing Body hereby ratifies (i) the publication of the "Notice of Public Hearing" in the form of the TEFRA Notice, in a newspaper qualified to carry legal notices and having general circulation within the County of Durham, North Carolina and (ii) the public hearing held by the Governing Body.

Section 3. The Governing Body hereby approves the issuance of the Bonds by the Authority for financing the Project. It is the purpose and intent of the Governing Body that this resolution constitute approval of the issuance of the Bonds by the applicable elected representative of the governmental unit having jurisdiction over the area in which the Project is located, in accordance with Section 147(f) of the Code and Section 66.0304(11)(a) of the Wisconsin Statutes and Section 4 of the Joint Exercise Agreement.

Section 4. The officers of the Governing Body are hereby authorized and directed, jointly and severally, to do any and all things and to execute and deliver any and all documents that they deem necessary or advisable in order to carry out, give effect to and comply with the terms and intent of this resolution and the financing approved hereby.

Section 5. Durham County, its officers or Governing Body has no responsibility for the payment of the principal of or interest on the Bonds or for any costs incurred by the Borrower with respect to the Bonds or the Project.

Section 6. THE BONDS DO NOT CONSTITUTE A DEBT OF THE STATE OF NORTH CAROLINA OR ANY POLITICAL SUBDIVISION OR ANY AGENCY THEREOF, INCLUDING THE AUTHORITY OR THE COUNTY, OR A PLEDGE OF THE FAITH AND

CREDIT OF THE STATE OF NORTH CAROLINA OR ANY POLITICAL SUBDIVISION OR ANY SUCH AGENCY, INCLUDING THE COUNTY.

Section 7. This resolution is effective immediately on its passage.

City Local Historic Landmarks, Background Information

Lisa Miller, Senior Planner, City-County Planning Department, presented a report to the Board on the proposed landmark designations—Greystone (LD1200001) and East Durham Graded School (LD1200002).

Ms. Miller addressed questions posed by the Board regarding the following:

- East Durham Graded School (land designation) current development
- Do nonprofit charter schools pay taxes?

Directive

Ms. Miller to research tax status of East Durham Graded School; County Manager to verify tax-exempt status of nonprofit charter schools in Durham.

Adjournment

There being no further business, Chairman Page adjourned the meeting at 7:51 p.m.

Respectfully Submitted,



Yvonne R. Jones
Deputy Clerk to the Board