

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

Monday July 1, 2002

9:00 A.M. Worksession

**AGENDA**

1. **Citizen Comments?Ralph McKinney**

Mr. Ralph McKinney has requested time on the agenda to make comments to the Commissioners. Please note his written request.

2. **Consider Suspension of Rules for July 1, 2002 Worksession**

The Rules of Procedure to Govern Conduct of Work Sessions, adopted January 27, 1991, state that "work sessions have been initiated for the purpose of discussion only." However, the rules enable the Board by a majority vote to suspend the rules in the event "action is required to be taken on a time-sensitive issue." Inasmuch as the July 1, 2002 meeting is the only meeting for the month of July, several time-sensitive issues have been placed on the agenda on which action needs to be taken.

Resource Person(s): Chuck Kitchen, County Attorney

County Manager's Recommendation: The Manager recommends that the Board vote to suspend its rules in order to take action on several time-sensitive issues.

3. **Appointment?NCACC Annual Conference Voting Delegate**

The Board of County Commissioners is asked to designate a Commissioner or other official as the voting delegate for the Annual Conference of the North Carolina Association of County Commissioners, which is being held in Forsyth County on August 22-25, 2002.

County Manager's Recommendation: Traditionally, the Board has designated the Chairman as the voting delegate and the Vice Chairman as the alternate. The Manager's recommendation is that the Board appoint a voting delegate and an alternate for the annual conference.

4. **4. Consent Agenda**

Street Annexation Petition?Kintail Drive (East of Wexford Woods Trail) and Wexford Woods Trail (The Wexford Subdivision) (adopt the resolution to approve the addition of these streets to the state's road maintenance system subject to the certification of eligibility by the appropriate officials of the NC Department of Transportation.

5. **Request for Donation for Rocket Tee Ball Team**

A request has been received to donate \$312 for the Rocket Tee Ball Team for expenses associated with an outing to Water Country. The request was presented to Commissioner Joe Bowser, who has requested that the matter be placed on the agenda for disposition. By way of background, the County Manager does not have the authority to approve the request inasmuch as the budget ordinance does not include appropriations for recreation as a function.

Resource Persons: Joe Bowser, Commissioner; Mike Ruffin, County Manager

County Manager's Recommendation: The Manager recommends that the Board consider the request and render a decision regarding the approval thereof.

6. **Occupancy Tax for the Forest and Hampton Apartments**

On May 31, 2002, Attorney Charles Mercer tendered two checks for the Hampton Apartments Association in the amount of \$84,934.89 and the Forest Associates, LP in the amount of \$56,093.93 under protest to pay occupancy taxes due from the two named entities.

There was also added a \$10.00-a-day penalty for nonpayment and 5% additional penalty for each additional month or fraction thereof until the occupancy tax is paid in accordance with the previous law which authorized the levy of the occupancy tax. According to the North Carolina General Statute and 1986 Resolution, the Board of Commissioners has the authority to forgive penalties. The penalties owed are as follows: 1) \$151,095.66 for the Hampton Apartments and 2) \$377,493.07 for the Forest Apartments.

Mr. Mercer believes the penalties are illegal, and that the tax does not apply to the apartment complexes. After negotiations, the Hampton Apartments and the Forest Apartments have both agreed to pay the penalties which would have been assessed under current N.C.G.S. § 153A-155 in the amount of \$49,360.09. The County Attorney's Office recommends settling the claim for this amount. As part of the settlement, the apartments have agreed to relinquish any rights of further appeal and any right to claim a refund of monies paid.

Resource Person(s): Chuck Kitchen, County Attorney; Lucy Chavis, Assistant County Attorney.

County Manager's Recommendation: Accept the County Attorney's recommendation.

7. **Families First Project: Insuring Healthy Development of Children**

The Board will have an opportunity to hear a presentation on the "Families First Project: Insuring Healthy Development of Children". Ms. Adele Spitz Roth, Project Director for Families First, Center for Child and Family Policy, and Mr. Matt Epstein, Executive Director of the Center for Child and Family Health, will inform the Board of this multi-million dollar, multi-year initiative recently funded by the Duke Endowment. The Families First initiative, through the development of community collaboration—the families, their neighborhoods, communities, governmental agencies and nonprofit organizations—aims to strengthen the environment in which families live and provide necessary support for healthy family relationships thereby addressing those factors that may place children at-risk for child abuse and neglect. The goal of the project is to reduce child abuse and neglect in Durham County by fifty percent (50%) within the next ten years. The project will develop multi-level interventions to meet this goal. The staff of the Center for Child and Family Policy and the Center for Child and Family Health have already contacted numerous community leaders and agency representatives to help form the partnership.

Representatives of the "Families First Project" are requesting that the Board of County Commissioners endorse this community-wide initiative and are asking that the Board demonstrate its support by requesting that the County Manager appoint a staff representative to help provide leadership for the initiative. No County dollars are being requested for this fiscal year or future years.

Resource Person(s): Carolyn P. Titus, Deputy County Manager

County Manager's Recommendation: The Manager recommends that the Board receive the presentation on the "Families First Project", endorse the initiative, and direct the County Manager to appoint a staff representative to help provide leadership for the project.

8. **Closed Session**

The Board is requested to adjourn to closed session regarding a claim and to preserve the attorney-client privilege pursuant to N.C.G.S. § 143-318.11(a)(3) and regarding the acquisition of property pursuant to N.C.G.S. § 143-318.11(a)(5).