

REVISED
(Addition?Item No. 2a)
THE BOARD OF COUNTY COMMISSIONERS
DURHAM, NORTH CAROLINA

Monday, March 7, 2005

9:00 A.M. Worksession

AGENDA

1. Cable TV Advisory Board Report

Rev. James Vaughn has requested an opportunity to present a brief report regarding the Cable TV Advisory Board's research on the use of cable systems across the country for PEG (Public Education and Government) channel access.

Resource Person(s): Rev. James Vaughn, Chairman, Cable TV Advisory Board

COUNTY MANAGER'S RECOMMENDATION: THE MANAGER RECOMMENDS THAT THE BOARD RECEIVE THE REPORT AND ADVISE THE STAFF IF ANY ADDITIONAL ACTION IS NECESSARY.

2. Receive Information about the Transportation Improvement Program (TIP) for FY 2007-2013

The NC Department of Transportation [NCDOT] and the Durham - Chapel Hill ? Carrboro [DCHC] Metropolitan Planning Organization [MPO] mutually adopt a 7-year Transportation Improvement Program [TIP]. As part of the updated TIP, the City Transportation staff provides the Commissioners with an overview of the Draft TIP, the project schedules for proposed improvements, and the status of ongoing projects in Durham.

Resource Person(s): Felix Nwoko, Transportation Planning Manager, City Transportation Division

County Manager's Recommendation: The Manager's recommendation is that the Board receive the information on the Transportation Improvement Program. A public hearing is scheduled on this item for the March 14, 2005 meeting.

2a. Nonprofit Application Deadline Appeals

Three applications for nonprofit funding were received after the published deadline of February 28, 2005 at 5:00 p.m. The three applying organizations, the Durham Crisis Response Center, the Summer Enrichment and After School Tutorial Program Enhancement Program, and the Eno River Association have requested an exception to this deadline. The application deadline appeared in bold on the first page of the application instructions. The applications were distributed on January 6, 2005. This deadline was reiterated during the information meeting with prospective applicants that was held on January 28th.

Resource Person(s): Michael M. Ruffin, County Manager; Heidi Duer, Assistant County Manager; and Bill Renfrow, Budget Analyst

COUNTY MANAGER'S RECOMMENDATION: THE MANAGER RECOMMENDS THAT THE REQUESTS BE DENIED.

3. Animal Control License Fee Collections

Pursuant to the County's Animal Ordinance, dog and cat owners are currently charged an annual animal license fee for the privilege of keeping a dog or cat within the County. Animal Control has approximately 53,800 animals licensed within the territorial boundaries of Durham County. Effective July 1, 2003, the County increased the fee for unaltered animals (dogs and cats not spayed or neutered) to \$75 per animal. At the direction of the Board, the County Attorney's Office endeavored to collect those outstanding animal license fees.

The current licensing program is based on rabies vaccination certificates received from veterinarians administering the vaccination within the County. Once the rabies certificates are entered into Animal Control's database, the information is kept indefinitely until an owner shows proof of a change in circumstance with the animal such as spay/neuter, change in ownership, new address, or death of the animal. Animal Control's records contain information on accounts of licensed animals that have been entered in its database since 1998. Each year a bill is automatically generated for every owner in the database in addition to new owners. During our office's collection process this past year, inherent problems with the current Licensing Fee Program were discovered. The problems include:

- (1) Incorrect addresses ? owners move without notifying animal control;
- (2) Duplicate accounts ? an animal may be licensed under husband and wife's name separately, therefore both are billed;
- (3) Deceased animals ? if owner never contacts animal control when their licensed animal dies, a bill continues to be generated each year;

- (4) Animal is no longer owned ? an animal may be sold, given away, or runs away and the owner never notifies Animal Control to correct the account; and
- (5) Animals vaccinated in another county ? since other county veterinarians are not required to forward a rabies certificate to Durham County, a license is never generated without the owner notifying Animal Control and providing proof of vaccination.

Out of approximately 1,100 delinquent accounts, only 579 complaints were filed. Most accounts were found to be flawed in some manner as discussed above. Of the 579 complaints filed, 121 default judgments were obtained, resulting in approximately \$10,425 in judgments against animal owners.

Overall, the collection process was not the success that we had envisioned due to the inherent problems in the current License Fee Program and resulting database.

The Board has directed that the County Attorney's Office evaluate the current program and suggest ways to increase collections. It is apparent that the current License Fee Program is not a reliable or effective program to generate revenue. Further, there is the potential for charging an owner a fee for an animal that he/she no longer owns. The only way to determine whether an owner is still responsible for the annual license fee is to investigate each animal owner every year; an impossible task.

Our office, along with Animal Control and the Tax Department, have met to discuss ways to improve the program, increase its reliability, and enhance collections; as a result, we have concluded that there are few alternatives to make the license fee work effectively and reliably.

The remaining alternatives include doing away with the license fee all together, or changing the fee to a tax. Pursuant to N.C.G.S. §153A-153, the County may levy an annual license tax on the privilege of keeping dogs and other pets within the county. Durham County used to levy a tax but did away with the tax in 1996, converting to a fee and the current procedure. The annual listing of dogs and cats would alleviate the inherent problems with the current licensing system and provide for a system of collections.

If the Board decides to levy an animal tax in lieu of the fee, each animal owner would be responsible for listing their dog(s) or cat(s) as personal property each year just as other personal property is listed. The first listing would go out January 2006. The tax would be effective July 1, of each year, beginning July 2006. It is recommended that the County issue a license tag that would be required for every dog and cat to wear to identify the owner and whether the animal is currently listed with the County. Collection of the animal license tax would be handled utilizing the same collection procedures as other delinquent taxes: discovery, levy, attachment, garnishment, and debt set-off through the Tax Department.

Resource Person(s): Carol Hammett, Assistant County Attorney; Cindy Bailey, Animal Control Administrator; and Ken Joyner, Tax Administrator

County Manager's Recommendation: The Manager recommends that the Board receive the presentation and discuss imposing an animal license tax effective July 2006 in lieu of a fee.

4. Revaluation Date

The Board of County Commissioners is requested to receive a presentation from the Tax Administrator outlining valuable information necessary for the establishment of Durham County's next revaluation date.

Resource Person(s): Kenneth L. Joyner, Tax Administrator

County Manager's Recommendation: The Manager recommends that the Board receive the presentation from the Tax Administrator.

5. Creation of Youth Council

At the August 2, 2004 Worksession, the Board of County Commissioners discussed the creation of a Youth Council pursuant to a request for the City of Durham to contribute \$42,000 to assist with the staffing and operational costs. The Board agreed in principle with the creation of a Youth Council, but deferred any action on the City's request until organized youth groups and the Durham Public Schools were given an opportunity to review it and offer comments and suggestions. Subsequent to that decision, newly appointed City Manager Patrick Baker advised the County Manager on December 30, 2004 that the City desired to pursue independently the creation thereof. Chairman Reckhow, after receiving several emails from a citizen as to why the County was not involved, has asked that the matter be placed on the Board's agenda for further discussion inasmuch as two new members have joined the Board since the August 2, 2004 decision was made.

Resource Person(s): Mike Ruffin, County Manager; Becky Heron, County Commissioner (Youth Council Subcommittee member); Deborah Craig-Ray; Assistant County Manager (Youth Council Subcommittee member); Cheryl Lloyd, Cooperative Extension Director (Youth Council Subcommittee member)

COUNTY MANAGER'S RECOMMENDATION: THE MANAGER RECOMMENDS THAT THE BOARD DISCUSS THE ITEM AND ADVISE THE STAFF IF ANY ADDITIONAL ACTION IS NECESSARY.

6. Closed Session

Pursuant to G.S. § 143-318.11(a)(5), the Board of Commissioners is requested to adjourn to closed session to instruct staff concerning the position to be taken on the terms of possible acquisition of property known as the Preserve at Erwin Trace, PIN # 0801-03-12-7186, owned by Duke University.