

**DURHAM, NORTH CAROLINA  
TUESDAY, JANUARY 18, 2005  
7:00 P.M.**

The Durham City Council met in regular session on the above date and time in the Council Chambers at City Hall with the following members present: Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Excused Absence: Mayor Bell.

Also present: City Manager Patrick Baker, City Attorney Henry Blinder, City Clerk D. Ann Gray and Deputy City Clerk Linda Bratcher.

Mayor Pro Tempore Cole-McFadden called the meeting to order with a moment of silent meditation and the Pledge of Allegiance led by Council Member Clement.

Mayor Pro Tempore Cole-McFadden asked for priority items from the City Manager, City Attorney and City Clerk. City Manager Baker noted representatives from NCCU were present to speak on Consent Agenda Item #13 [Facade Grant Awards]. He recognized President Craig Chancellor of the Triangle United Way for a presentation. Mr. Chancellor congratulated City employees for their contribution [\$105,987] to the Seven Stars Campaign and presented Co-Chairs Dan Love and Police Chief Steve Chalmers with a certificate for their outstanding leadership. Dan Love and Police Chief Chalmers recognized the campaign team for their efforts.

Mayor Pro Tempore Cole-McFadden congratulated Patrick Baker on his appointment as the new City Manager.

City Attorney Blinder requested a closed session after the Council Meeting to establish the terms of an employment contract for City Manager Baker pursuant to G.S. 143-318.11(a) (5).

Council Member Clement made comments on holding this item until Thursday when the Mayor is present.

**MOTION** by Council Member Stith seconded by Council Member Catotti to hold a closed session after the January 20, 2005 Work Session to establish the terms of an employment contract for City Manager Baker was approved at 7:09 p.m. by the following vote: Ayes: Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Excused Absence: Mayor Bell.

There were no priority items from the City Clerk.

Council Member Clement made comments on Martin Luther King, Jr. celebrations held throughout the City of Durham. He requested a report on the breakup of a party at 205

**January 18, 2005**

Watts Street by the Sheriff's Office and 31 car break-ins near North Carolina Central University at the January 20, 2005 Work Session .

Police Chief Chalmers reported the Sheriff was hired to work the party; however, the Police Department did respond to the call.

Mayor Pro Tempore Cole-McFadden asked if any citizen(s) or council member(s) wanted to pull any items from the Consent Agenda. Consent Agenda Items # 12, 13, 14 and 32 were pulled. She noted additional information was provided for Consent Item #18 [Land Exchange – City of Durham and the Triangle Land Conservancy].

**MOTION** by Council Member Clement seconded by Council Member Catotti to approve the Consent Agenda as amended was approved at 7:21 p.m. by the following vote: Ayes: Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Excused Absence: Mayor Bell.

**[CONSENT AGENDA]**

**SUBJECT: POLICE PROPERTY ROOM COMPLIANCE AUDIT - DECEMBER 2004**

**MOTION** by Council Member Clement seconded by Council Member Catotti to receive and accept the Police Property Room Compliance Audit (December 2004) as approved at the December 13, 2004 ASOC Meeting was approved at 7:21 p.m. by the following vote: Ayes: Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Excused Absence: Mayor Bell.

**SUBJECT: CABLE TV ADVISORY BOARD - APPOINTMENT**

**MOTION** by Council Member Clement seconded by Council Member Catotti to appoint Ronald Leo Pridgen to fill one (1) vacancy on the Cable TV Advisory Board for a term to expire on October 31, 2006 was approved at 7:21 p.m. by the following vote: Ayes: Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Excused Absence: Mayor Bell.

**SUBJECT: CITIZENS ADVISORY COMMITTEE - APPOINTMENT**

**MOTION** by Council Member Clement seconded by Council Member Catotti to appoint Jason Maynard to fill one (1) vacancy for an At-Large member with a term to expire on June 30, 2006 was approved at 7:21 p.m. by the following vote: Ayes: Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Excused Absence: Mayor Bell.

**January 18, 2005**

**SUBJECT DURHAM BICYCLE & PEDESTRIAN ADVISORY COMMISSION  
- APPOINTMENT**

**MOTION** by Council Member Clement seconded by Council Member Catotti to appoint Sam Hummel to fill one (1) vacancy on the Durham Bicycle & Pedestrian Advisory Commission with a term expiring on August 31, 2006 was approved at 7:21 p.m. by the following vote: Ayes: Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Excused Absence: Mayor Bell.

**SUBJECT DURHAM AREA TRANSIT AUTHORITY – RECEIPT AND  
ACCEPTANCE OF APPLICATIONS**

**MOTION** by Council Member Clement seconded by Council Member Catotti to receive and accept applications to fill one (1) vacancy for an Alternate Member on the Durham Area Transit Authority with a term expiring March 1, 2006 was approved at 7:21 p.m. by the following vote: Ayes: Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Excused Absence: Mayor Bell.

**SUBJECT: ATTENDANCE REPORTS FOR BOARDS, COMMITTEES AND  
COMMISSIONS**

**MOTION** by Council Member Clement seconded by Council Member Catotti to receive Attendance Reports from the following Boards, Committees and Commissions was approved at 7:21 p.m. by the following vote: Ayes: Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Excused Absence: Mayor Bell.

Cable TV Advisory Board, Citizens Advisory Committee, Durham Convention & Visitors Bureau - A Tourism Development Authority, Downtown Design Review Team, Durham Area Transit Authority, Durham Bicycle & Pedestrian Advisory Commission, Durham Board of Adjustment, Durham City-County Appearance Commission, Durham Civic Center Authority, Durham Housing Authority, Durham Open Space & Trails Commission, Durham Planning Commission, Equal Business Opportunity Program Advisory Committee, Environmental Affairs Board, Historic Preservation Commission, Housing Appeals Board, Human Relations Commission, Lyon Park Advisory Board, Multi-Jurisdictional Advisory Board, Passenger Vehicle For Hire Commission, Raleigh-Durham Airport Authority, Recreation Advisory Committee and the Workforce Development Board.

**SUBJECT: CONTRACTS**

**January 18, 2005**

**MOTION** by Council Member Clement seconded by Council Member Catotti to authorize the City Manager to execute the following list of contracts; and

To authorize the City Manager to make changes to the list of contracts before execution as long as the changes do not increase the dollar amount and remain consistent with the general intent of the contracts was approved at 7:21 p.m. by the following vote: Ayes: Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Excused Absence: Mayor Bell.

Contractor	Contract Description	Dept	CT Amount
Alex Semilof	Performance Management System Training	HR	\$12,000.00
Community Access Providers	Hayti Evaluation	Housing	\$3,500.00
C. B. Anderson	Update Appraisal of 6408 & 6412 Fayetteville Rd	Gen Ser	\$2,100.00
Polytech Inc.	Engineering Service 911 Center	Gen Ser	\$29,790.00

**SUBJECT: BID REPORT - NOVEMBER 2004**

**MOTION** by Council Member Clement seconded by Council Member Catotti to receive a report and to record into the minutes bids which were acted upon by the City Manager during the month of November 2004 was approved at 7:21 p.m. by the following vote: Ayes: Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Excused Absence: Mayor Bell.

CITY OF DURHAM NORTH CAROLINA

December 29, 2004

MEMO TO: Patrick Baker, Interim City Manager

THROUGH: Kenneth C. Pennoyer, Finance Director

FROM: Joseph W. Clark, Purchasing Manager

SUBJECT: Bid Report

To receive a report and to record into the minutes bids which were acted upon by the City Manager during the month of November 2004.

**January 18, 2005**

Apparatus, Supplies, Materials, Equipment, Construction and Repairwork:

1. Bid: Police Uniforms and Accessories

Purpose of Bid: To provide the Durham Police Department with Uniforms and Accessories

Comments: Superior Uniform and Gordon International did not submit samples for review and evaluation; Showfetys Uniform did not meet specs. Section I was awarded to Century Uniform and Sections II & III were awarded to American Uniforms.

Opened: September 23, 2004

**SECTION I – UNIFORM SHIRTS**

Superior Uniform (non-responsive)	\$10,700.00
Seminole, Fl	
Gordon International (non-responsive)	\$13,051.75
Port Chester, NY	
Showfetys Uniforms (Does not meet specs)	\$13,590.00
Greensboro, NC	
Century Uniform	*\$14,190.00
Raleigh, NC	
American Uniforms	\$14,282.00
Fayetteville, NC	
Alliance Uniforms	\$15,258.00
Greensboro, NC	
Safety & Security	\$15,793.75
Brentwood, TN	
ATC Uniforms	\$23,570.00
Long Island City, NY	

**SECTION II – UNIFORM TROUSERS**

Superior Uniform (non-responsive)	\$10,950.00
Seminole, Fl	
Gordon International (non-responsive)	\$14,088.00
Port Chester, NY	
American Uniforms	*\$14,160.00
Fayetteville, NC	
Showfetys Uniforms	\$15,300.00
Greensboro, NC	
Century Uniform	\$15,306.00
Raleigh, NC	
Alliance Uniforms	\$16,194.00
Greensboro, NC	
Safety & Security	\$20,400.00
Brentwood, TN	

**January 18, 2005**

ATC Uniforms \$23,970.00  
 Long Island City, NY

**SECTION III – POLICE UNIFORM ACCESSORIES**

American Uniforms \*\$ 941.60  
 Fayetteville, NC  
 Safety & Security \$1,075.00  
 Brentwood, TN  
 ATC Uniforms \$2,819.75  
 Long Island City, NY  
 Showfety’s Uniforms \$3,222.50  
 Greensboro, NC  
 Century Uniform \$3,561.50  
 Raleigh, NC  
 Alliance Uniforms \$3,828.75  
 Greensboro, NC  
 Superior Uniforms \$4,518.50  
 Seminole, Fl

\*Awarded based on: \_\_\_ Low Bid X Other (See Comments)

**WORKFORCE STATISTICS  
 CORPORATION STATISTICS**

**CENTURY UNIFORM**

Total Workforce	12		# Black Males	2	8%
Total # Females	17	65%	# White Males	7	27%
Total # Males	9	35%	# Other Males	0	0%
			# Black Females	4	16%
			# White Females	12	46%
			# Other Females	1	3%

**AMERICAN UNIFORM**

Total Workforce	17		# Black Males	0	0%
Total # Females	13	75%	# White Males	2	11%
Total # Males	4	25%	# Other Males	2	11%
			# Black Females	2	11%
			# White Females	10	60%
			# Other Females	1	07%

The SDBE Data Base was used in the solicitation of bids for this item.

2. Bid: Office Workstations for the Planning Department

Purpose of Bid: To purchase & install Steel Case brand office workstations for the Planning Department

**January 18, 2005**

Comments: Storr Office Environments is the sole regional source for Steel Case brand products. The Steel Case brand is the only product that will work with the existing workstations.

Opened: November 1, 2004

Bidders: Storr Office Environments \$15,260.82  
Raleigh, NC

\*Awarded based on: Low Bid X Other (See Comments)

**WORKFORCE STATISTICS  
CORPORATION STATISTICS**

Total Workforce	164		# Black Males	29	17%
Total # Females	61	37%	# White Males	70	43%
Total # Males	103	63%	# Other Males	4	3%
			# Black Females	6	4%
			# White Females	52	31%
			# Other Females	3	2%

The SDBE Data Base was used in the solicitation of bids for this item.

3. Bid: Replace the Roof at Fire Station No. 10

Purpose of Bid:

Comments:

Opened: November 4, 2004

Bidders: Allen & Sons Exteriors \* \$10,955.00  
Durham, NC  
Piedmont Roofing and Repair \$12,130.00  
Durham, NC  
Wiles Roofing Company, Inc. \$13,290.00  
Oxford, NC

\*Awarded based on: X Low Bid Other (See Comments)

**WORKFORCE STATISTICS  
CORPORATION STATISTICS**

Total Workforce	6		# Black Males	0	0%
Total # Females	1	17%	# White Males	5	83%

**January 18, 2005**

Total # Males	5	83%	# Other Males	0	0%
			# Black Females	0	0%
			# White Females	1	17%
			# Other Females	0	0%

The SDBE Data Base was used in the solicitation of bids for this item.

Sufficient funds were available at the time of the award. The Administration recommends acceptance of the above bids denoted by an asterisk (\*).

JWC:lm

**SUBJECT: BIDS – ONE (1) THREE CUBIC YARD WHEEL LOADER - ROB’S HYDRAULICS, INC.**

**MOTION** by Council Member Clement seconded by Council Member Catotti to accept the bid from Rob’s Hydraulics, Inc., in the amount of \$117,500 for providing the City with a Three Cubic Yard Wheel Loader;

To authorize the City Manager to enter into a contract with Rob’s Hydraulics, Inc., in the amount of \$117,500 for providing the City with a Three Cubic Yard Wheel Loader; and

To authorize the City Manager to modify the contract before execution provided that modifications do not increase the dollar amount of the contract and the modifications are consistent with the general intent of the existing version of the contract was approved at 7:21 p.m. by the following vote: Ayes: Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Excused Absence: Mayor Bell.

**SUBJECT: MEMORANDUM OF UNDERSTANDING, LITTLE LICK CREEK LOCAL WATERSHED PLAN, NORTH CAROLINA ECOSYSTEM ENHANCEMENT PROGRAM – CITY OF DURHAM – COUNTY OF DURHAM**

**MOTION** by Council Member Clement seconded by Council Member Catotti to authorize the City Manager to execute a Memorandum of Understanding for planning purposes in the Little Lick Creek Watershed was approved at 7:21 p.m. by the following vote: Ayes: Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Excused Absence: Mayor Bell.

**SUBJECT: MAJOR SITE PLAN – TREYBURN VILLAGE, PHASE 1 (D04-321)**

**January 18, 2005**

**MOTION** by Council Member Clement seconded by Council Member Catotti to approve a major site plan for “Treyburn Village, Phase 1”, submitted by Tony M. Tate, Landscape Architecture, PA on behalf of Treyburn Village, Phase 1 for 69 single-family residential lots on a 33.78 acre site zoned PDR 2.240 and F/J-B, property is located on the east of Sawmill Creek Parkway and Snow Hill Road, north of Torredge Road and west of the Little River, PIN 0845-01-17-2289 (partial) was approved at 7:21 p.m. by the following vote: Ayes: Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Excused Absence: Mayor Bell.

**SUBJECT    2004 FIRE ACT GRANT - CITY OF DURHAM AND THE U.S.  
DEPARTMENT OF HOMELAND SECURITY**

**MOTION** by Council Member Clement seconded by Council Member Catotti to adopt the City of Durham and the U.S. Department of Homeland Security Assistance to Firefighters Grant Project Ordinance and corresponding Memorandum of Agreement between the City of Durham and the U.S Department of Homeland Security; and

To authorize the City Manager to execute the grant agreement in the amount of \$98,000 was approved at 7:21 p.m. by the following vote: Ayes: Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Excused Absence: Mayor Bell.

**Ordinance #13066**

**SUBJECT:    AMENDMENT TO SUB-RECIPIENT AGREEMENT – JOHN  
AVERY BOYS AND GIRLS CLUB, INC., FACILITY  
IMPROVEMENTS – 808 E. PETTIGREW STREET**

**MOTION** by Council Member Clement seconded by Council Member Catotti to authorize the City Manager to amend the sub-recipient agreement with John Avery Boys and Girls Club, Inc. for improvements to the facility located at 808 East Pettigrew Street; and

To authorize the City Manager to modify the amendment before execution provided that the modifications do not increase the dollar amount of the agreement, lessen the obligations of the contractor, or extend the term of the contract beyond July 31, 2005 was approved at 7:21 p.m. by the following vote: Ayes: Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Excused Absence: Mayor Bell.

**SUBJECT:    AGREEMENT FOR LANDSCAPE ARCHITECTURAL SERVICES  
FOR CAMPUS HILLS PARK IMPROVEMENTS - REGENBOGEN  
ASSOCIATES**

**January 18, 2005**

**MOTION** by Council Member Clement seconded by Council Member Catotti to authorize the City Manager to enter into a contract with Regenbogen Associates for design development and construction documents for Campus Hills Park for the sum of \$41,375 and a \$4,137 contingency;

To authorize the City Manager to negotiate and execute change orders; and

To make changes to the contract before execution provided the changes do not increase the compensation to be paid by the City and do not decrease the goods and services to be provided to the City was approved at 7:21 p.m. by the following vote: Ayes: Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Excused Absence: Mayor Bell.

**SUBJECT: LAND EXCHANGE BETWEEN THE CITY OF DURHAM AND THE TRIANGLE LAND CONSERVANCY**

**MOTION** by Council Member Clement seconded by Council Member Catotti to adopt a resolution pursuant to G.S. 160A-271, Exchange of Property, authorizing the exchange of approximately 57.8 acres of City Tract #1993 (PIN 0845-01-28-3800) and a payment of \$30,000 in return for approximately 105 acres of land owned by the Triangle Land Conservancy (PIN 0835-01-39-4090) was approved at 7:21 p.m. by the following vote: Ayes: Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Excused Absence: Mayor Bell.

**Resolution #9207**

**SUBJECT: MUNICIPAL AGREEMENT, CONTRACT AND GRANT PROJECT ORDINANCE FOR THE OLD DURHAM-CHAPEL HILL ROAD BICYCLE/PEDESTRIAN FEASIBILITY STUDY – TOWN OF CHAPEL HILL – KIMLEY-HORN & ASSOCIATES, INC.**

**MOTION** by Council Member Clement seconded by Council Member Catotti to authorize the execution of a municipal agreement between the City of Durham and the Town of Chapel Hill, requiring the municipalities to share the cost of the local match for the Old Durham-Chapel Hill Road Bicycle/Pedestrian Feasibility Study;

To authorize the City Manager to execute the supplemental agreement with on-call consultant Kimley-Horn and Associates, Inc, for a lump-sum amount of \$62,500, to complete the Old Durham-Chapel Hill Road Bicycle/Pedestrian Feasibility Study;

**January 18, 2005**

To adopt the DCHC MPO Surface Transportation Project-Direct Allocation 2004-2005 Grant Project Ordinance, and authorization to execute a grant agreement, in the amount of \$62,500; and

To authorize the City Manager to modify the aforementioned agreements, provided that modifications do not increase the dollar amount of those agreements and the modifications are consistent with the general intent of the existing version of the agreements was approved at 7:21 p.m. by the following vote: Ayes: Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Excused Absence: Mayor Bell.

**Ordinance #13067**

**SUBJECT: PROPOSED AMENDMENTS TO THE PASSENGER VEHICLE FOR HIRE ORDINANCE – OPERATING PERMIT AND ALCOHOLIC BEVERAGES**

**MOTION** by Council Member Clement seconded by Council Member Catotti to adopt Ordinances Amending the Passenger Vehicle for Hire Ordinance was approved at 7:21 p.m. by the following vote: Ayes: Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Excused Absence: Mayor Bell.

**Ordinance #s 13068 - 13069**

**SUBJECT: C.M. HERNDON PARK CONSTRUCTION – CONTRACT AMENDMENTS - R.P. CONSTRUCTION - LAPPAS AND HAVENER, P.A. - MACTEC FEDERAL PROGRAMS, INC.**

To find the C.M. Herndon park project is at least 47% necessitated by new construction and that up to 47% of the capital costs of that project may be paid by impact fees collected within the same service zone and collected for the same purpose;

To adopt an Ordinance Amending the General Capital Improvement Project Ordinance, Fiscal Year 2004-05, as amended, the same being Ordinance #12972 for the purpose of allocating \$224,021 in Zone 1 Impact Fees and transferring \$95,975 from Park Renovations Capital Project Ordinance;

To authorize the City Manager to execute a change order to the contract between the City and R.P. Construction, increasing the amount to be paid by \$493,198.56, plus an amount not to exceed \$30,000 for additional rock allowance, increasing the total amount of the contract from \$2,438,649 to an amount not to exceed \$2,961,847, and extending the date of substantial completion from October 30, 2004 to May 31, 2005;

**January 18, 2005**

To authorize the City Manager to amend the contract between the City and Lappas and Havener, P.A. by \$24,000, increasing the total from \$174,800 to \$198,800; and

To authorize the City Manager to amend the contract between the City and MACTEC Federal Programs, INC. by \$11,500 increasing the total from \$4,000 to \$15,500.

Note: This item was approved at the 01/06/05 Work Session with a vote of 6/0.

**Ordinance #13065**

**[GENERAL BUSINESS AGENDA – PUBLIC HEARINGS]**

**SUBJECT: CONFIRMATION OF ASSESSMENT ROLL - WATER MAIN ON RIDGEVIEW ROAD**

Public Works Director Katie Kalb made comments on this item.

Mayor Pro Tempore Cole-McFadden opened the public hearing. There being no one to speak in support for or against this item, the Mayor Pro Tem declared the public hearing closed.

**MOTION** by Council Member Clement seconded by Council Member Catotti to receive citizens' comments; and

To adopt a resolution confirming the assessment roll for Water Main on Ridgeview Road from Milton Road to and including Tax Map 865-1-7 was approved at 7:25 p.m. by the following vote: Ayes: Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Excused Absence: Mayor Bell.

**SUBJECT: CONFIRMATION OF ASSESSMENT ROLL - CURB, GUTTER AND PAVING ON SHAWNEE STREET**

Public Works Director Katie Kalb made comments on this item.

Mayor Pro Tempore Cole-McFadden opened the public hearing. There being no one to speak in support for or against this item, the Mayor Pro Tem declared the public hearing closed.

**MOTION** by Council Member Clement seconded by Council Member Catotti to receive citizens' comments; and

To adopt a resolution confirming the assessment roll for Curb, Gutter and Paving on Shawnee Street from Center Line of Lynch Street to N & W Railway Right-of-Way was approved at 7:25 p.m. by the following vote: Ayes: Mayor Pro Tempore Cole-

**January 18, 2005**

McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Excused Absence: Mayor Bell.

**SUBJECT: CONFIRMATION OF ASSESSMENT ROLL - CURB, GUTTER AND PAVING ON DODSWORTH COURT**

Due to an objection, Public Works Director Katie Kalb requested Council to confirm the assessment roll except for the property of James and Susan Alexander, to refer that property to the March 7, 2005 City Council Work Session for further consideration and to continue the public hearing for the Alexander property without further advertising.

Mayor Pro Tempore Cole-McFadden opened the public hearing. There being no further objections and/or allegations, the Mayor Pro Tem declared the public hearing closed.

**MOTION** by Council Member Clement seconded by Council Member Catotti to receive citizens' comments; and

To adopt a resolution confirming the assessment roll for Curb, Gutter and Paving on Dodsworth Court from Lochn'ora Parkway South to Cul-de-sac and to refer the property of James & Susan Alexander to the March 7, 2005 City Council Work Session [public hearing for the Alexander property continued without further advertising] was approved at 7:25 p.m. by the following vote: Ayes: Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Excused Absence: Mayor Bell.

**SUBJECT: CONFIRMATION OF ASSESSMENT ROLL - SEWER MAIN ON LEONARD DRIVE**

Public Works Director Katie Kalb made comments on this item.

Mayor Pro Tempore Cole-McFadden opened the public hearing. There being no one to speak in support for or against this item, the Mayor Pro Tem declared the public hearing closed.

**MOTION** by Council Member Clement seconded by Council Member Catotti to receive citizens' comments; and

To adopt a resolution confirming the assessment roll for Sewer Main on Leonard Drive from East Property Line of Tax Map 566-4-6 to Turner Street was approved at 7:25 p.m. by the following vote: Ayes: Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Excused Absence: Mayor Bell.

**January 18, 2005**

**SUBJECT: CONFIRMATION OF ASSESSMENT ROLL - CURB, GUTTER AND PAVING ON LARCHWOOD DRIVE**

Public Works Director Katie Kalb made comments on this item.

Mayor Pro Tempore Cole-McFadden opened the public hearing. There being no one to speak in support for or against this item, the Mayor Pro Tem declared the public hearing closed.

**MOTION** by Council Member Clement seconded by Council Member Catotti to receive citizens' comments; and

To adopt a resolution confirming the assessment roll for Curb, Gutter and Paving on Larchwood Drive from Booker Avenue to Fayetteville Road was approved at 7:25 p.m. by the following vote: Ayes: Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Excused Absence: Mayor Bell.

**SUBJECT: CONFIRMATION OF ASSESSMENT ROLL - SEWER MAIN ON HADDON ROAD**

Public Works Director Katie Kalb made comments on this item.

Mayor Pro Tempore Cole-McFadden opened the public hearing. There being no one to speak in support for or against this item, the Mayor Pro Tem declared the public hearing closed.

**MOTION** by Council Member Clement seconded by Council Member Catotti to receive citizens' comments; and

To adopt a resolution confirming the assessment roll for Sewer Main on Haddon Road from the West Property Line of Tax Map 448-3-8 to the East Property Line of Tax Map 448-3-6 and Doubleday Place from Haddon Road to North Property Line of Tax Map 448-4-1 was approved at 7:25 p.m. by the following vote: Ayes: Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Excused Absence: Mayor Bell.

**SUBJECT: FY 2005-2010 CONSOLIDATED PLAN PUBLIC HEARING**

Housing & Community Development Director Mike Barros made comments on this item noting the purpose of this hearing is to receive input from citizens to set goals for the next five years.

Mayor Pro Tempore Cole-McFadden opened the public hearing.

**January 18, 2005**

Denise Hester, of 3526 Abercromby Drive, urged Council to use CDBG funds for walking and bicycle patrols for community policing dedicated to the southeast Durham Business District and corridor improvements along Fayetteville Street Historic District [handout provided].

The following individuals spoke in support of the 2005 Campaign for Decent Housing Goals: Diane Wright, Carrie Mowry, Doug Osborn, Lorisa Seibel, Lenora Smith, Rich Lee, Lanier Blum and Lenora Smith. They gave an overview of the following goals and discussed strategies to achieve them [handouts provided]:

1. Accountability: Rebuild a strong housing committee to advise the City and County on housing goals, funding priorities and code enforcement policies by March 2005;
2. Safe neighborhoods: Eliminate unsafe properties and reduce crime in current target areas by December 2005;
3. Safe housing: Get all 781 substandard, vacant houses from the 2004 survey up to code by 2007;
4. Healthy homes: Inspect 6,000 high-risk properties and remove lead and other hazards from 1,500 homes by 2010; and
5. Affordable housing: End chronic homelessness by 2015.

Victoria Peterson, representing Triangle Citizens Rebuilding Communities, asked Council to provide funds for rehabilitation for individuals that have been involved in criminal activity.

Council Member Brown made comments on the safe housing survey and housing tour. He suggested that the administration examine Detroit's Blight Court and noted the issue of abandon boarded up houses and commercial buildings should be a top priority.

City Manager Baker noted the abandon housing issue is a number one priority and will be working with CENAT [Code Enforcement Nuisance Abatement Team] in Housing to get more cases into the under utilized Community Life Court. Also, the City Manager reported the administration will provide a report on the number of violations issued in 2004 by the code enforcement team and the disposition of them at a Work Session within two cycles.

Council Member Clement thanked the Durham Affordable Housing Coalition for their work and invited everyone to attend Coffee with Council sessions.

Mayor Pro Tempore Cole-McFadden declared the public hearing closed.

**MOTION** by Council Member Clement seconded by Council Member Catotti to receive citizens' comments on the FY 2005-2010 Consolidated Plan on housing and community development needs in Durham was approved at 8:02 p.m. by the following vote: Ayes: Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Excused Absence: Mayor Bell.

**January 18, 2005**

**SUBJECT: REZONING MATTER CASE [P04-61] - 6408 FAYETTEVILLE ROAD - CITY OF DURHAM**

To receive citizens' comments on rezoning Case P04-61 (6408 Fayetteville Road); and

To adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the described property in rezoning Case P04-61 out of O&I-2; F/J-B and MTC and placing same in and establishing same as NC; F/J-B and MTC.

Planning Department: Approval

Zoning Committee Recommendation and Vote: Denial - (6-6)

City/County Planning Director Frank Duke briefed Council on the staff report noting there is no development plan associated with this proposal. He noted this request is consistent with the small area plan, staff recommended approval and the Planning Commission denied this request based on the lack of a development plan.

Mayor Pro Tempore Cole-McFadden opened the public hearing. There being no one to speak in support for or against this item, the public hearing was declared closed.

**MOTION** by Council Member Stith seconded by Council Member Best to receive citizens' comments on rezoning Case P04-61 (6408 Fayetteville Road); and

To adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the described property in rezoning Case P04-61 out of O&I-2; F/J-B and MTC and placing same in and establishing same as NC; F/J-B and MTC was approved at 8:08 p.m. by the following vote: Ayes: Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Excused Absence: Mayor Bell.

**SUBJECT: REZONING MATTER CASE (P04-34) - PISTACHE – PERIMETER DEVELOPERS, LLC – OLD CHAPEL HILL ROAD AND WATKINS ROAD**

To receive citizens' comments on rezoning Case P04-34 (Pistache); and

To adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the described property in rezoning Case P04-34 out of R-20; F/J-B and placing same in and establishing same as PDR 5.61; F/J-B.

Planning Department: Approval

Zoning Committee Recommendation and Vote: Denial - (9-3)

**January 18, 2005**

City/County Planning Director Frank Duke briefed Council on the staff report highlighting the committed elements. He noted proposal is consistent with Southwest Durham Plan, staff recommended approval and the Planning Commission denied this request because of the issue raised by DOST relative to potential stream impacts as a result of mass grading.

Council Member Best asked staff if all requirements have been met relative to stream protection, amount of feet and fencing.

Planning Director Frank Duke noted this proposal does meet all ordinance requirements for stream buffer and setbacks. He noted the developer would have to meet all the Durham County sedimentation and erosion control ordinances during the development process. Also, he briefed Council on the issue of phasing.

Mayor Pro Tempore Cole-McFadden opened the public hearing.

### **Proponents**

Tony Tate, representing the developer, noted the developer would do everything that is required to protect the streams and reported the project would be broken into three small phases that will help limit detrimental factors that may be a part of mass grading.

Leonard Doucette, the property owner, spoke in support of this rezoning request commenting on the property, stream and support for the plan as proposed by the developer. He urged Council to approve this rezoning request.

No one spoke in opposition to this rezoning request.

The Mayor Pro Tem declared the public hearing closed.

**MOTION** by Council Member Clement seconded by Council Member Stith to receive citizens' comments on rezoning Case P04-34 (Pistache); and

To adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the described property in rezoning Case P04-34 out of R-20; F/J-B and placing same in and establishing same as PDR 5.61; F/J-B was approved at 8:18 p.m. by the following vote: Ayes: Council Members Best, Brown, Catotti, Clement and Stith. Noes: Mayor Pro Tempore Cole-McFadden. Excused Absence: Mayor Bell.

**SUBJECT: REZONING MATTER CASE (P04-42) – VESTAVIA HILLS – THE JOHN R. MCADAMS COMPANY, INC. – 2706 AND 2718 CARPENTER ROAD**

**January 18, 2005**

To receive citizens' comments on rezoning Case P04-42 (Vestavia Hills); and

To adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the described property in rezoning Case P04-42 out of RD and I-2; F/J-B and placing same in and establishing same as PDR 2.0; F/J-B.

Planning Department: Approval

Zoning Committee Recommendation and Vote: Approval - (12-0)

City/County Planning Director Frank Duke briefed Council on the staff report highlighting proposal is consistent with Northeast Durham Plan, committed elements relative to the number of dwelling units, lot size, open space, tree cover, left-turn lane on Carpenter Road at the site entrance, right-of-way dedication and the private pedestrian/bicycle trail. He noted there are no environmental constraints and outlined road impacts and school capacity. He noted staff and the Planning Commission recommended approval.

Mayor Pro Tempore Cole-McFadden opened the public hearing asking if there were questions for the applicant. There were no questions.

No one spoke in opposition to this rezoning request.

The Mayor Pro Tem declared the public hearing closed.

**MOTION** by Council Member Stith seconded by Council Member Clement to receive citizens' comments on rezoning Case P04-42 (Vestavia Hills); and

To adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the described property in rezoning Case P04-42 out of RD and I-2; F/J-B and placing same in and establishing same as PDR 2.0; F/J-B was approved at 8:21 p.m. by the following vote: Ayes: Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Excused Absence: Mayor Bell.

**SUBJECT: REZONING MATTER CASE (P04-43) – PLAY NATION –  
CREDLE ENGINEERING COMPANY, INC. – PARKRIDGE  
ROAD, KESTREL DRIVE AND HOPE VALLEY ROAD**

To receive citizens' comments on rezoning Case P04-43 (Play Nation); and

To adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the described property in rezoning Case P04-43 out of OI-1; F/J-B and placing same in and establishing same as NC(D); F/J-B.

Planning Department: Approval

**January 18, 2005**

Zoning Committee Recommendation and Vote: Approval - (12-0)

City/County Planning Director Frank Duke briefed Council on the staff report commenting on the committed elements relative to the maximum square feet of office/retail building, prohibited uses, 25 additional feet of right-of-way dedication and vehicular cross connections to the neighboring properties through the use of cross access easements subject to the approval of the City's Transportation Department. He noted proposal is consistent with NC 54/I-40 Corridor Study Plan, there are no environmental constraints on site, staff and Planning Commission recommended approval.

Mayor Pro Tempore Cole-McFadden opened the public hearing.

Council Member Catotti made comments in support of Transportation's request for the developer to construct a left-turn lane which did not come forward as a committed element.

Cliff Credle, the developer, commented on the use by previous franchises and stated the construction of a turn lane at this site with its tapers and current speed in that corridor would result in about two-thirds of the budget of this entire site and would make this project a no go if a turn lane was constructed at this time.

City/County Planning Director Frank Duke noted he spoke with Transportation and they have indicated at this time it may not be necessary to require a turn lane into the site; however, this issue will be reviewed during site plan process by the Transportation Division and NCDOT if the applicant does not make the turn lane a committed element tonight.

No one spoke in opposition to this rezoning.

Mayor Pro Tempore Cole-McFadden declared the public hearing closed.

**MOTION** by Council Member Clement seconded by Council Member Stith to receive citizens' comments on rezoning Case P04-43 (Play Nation); and

To adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the described property in rezoning Case P04-43 out of OI-1; F/J-B and placing same in and establishing same as NC(D); F/J-B was approved at 8:26 p.m. by the following vote: Ayes: Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Excused Absence: Mayor Bell.

**SUBJECT: MAJOR SPECIAL USE PERMIT - W. G. PEARSON  
ELEMENTARY SCHOOL (M04-04) – DURHAM PUBLIC  
SCHOOLS, PHYLLIS VERBAL, KELLY AQUILAR-ALEMAN  
AND MICHAEL & NELLY JONES - NORTH OF HILLSIDE HIGH**

**January 18, 2005**

**SCHOOL – EAST SIDE OF FAYETTEVILLE STREET AND  
NORTH OF TIMOTHY ROAD AND SOUTH OF E. CORNWALLIS  
ROAD**

To hold a quasi-judicial public hearing to consider a Major Special Use Permit for the construction of an 82,474 square-foot public elementary school on a 42.245 acre site, with enrollment capacity of 720 students.

To direct the Planning Director to prepare an order for adoption, for 1) approval, 2) approval with conditions or 3) denial, or to continue this hearing to a specified later meeting. (A draft order for approval with staff recommended conditions will be available at the meeting).

Mayor Pro Tempore Cole-McFadden informed everyone that this public hearing is a continuation from the January 3, 2005 City Council Meeting and reminded witnesses who were previously signed up to testify that they were still under oath.

City Clerk Gray swore in the following individuals: George Koop, Estella Bell, Sandra Alston and Anita Keith-Foust.

Mayor Pro Tempore Cole-McFadden opened the public hearing.

**Testimony from Staff**

Michael Stock, of the City/County Planning Department, noted this is a continuation of a public hearing for W. G. Pearson Elementary School site located on Fayetteville Street. He noted staff was directed to address an issue raised during the public hearing regarding the specimen tree on the property adjacent to the access drive at Cornwallis Road and Fayetteville Street. Additions were made and updated in the staff report and staff requested that the revision be entered into the record. The issue was addressed by the way of a revised draft order which states that prior to the construction of the access drive at the intersection of Cornwallis Road and Fayetteville Street and the sidewalk along Fayetteville Street south of Cornwallis Road, the services of an arborist will be retained by Durham Public Schools for the purpose of evaluating the impacts upon the oak tree located on the property described as 3303 Fayetteville Street. The arborist shall identify methods of minimizing impacts upon the tree during construction of said sidewalk and access drive, which shall be utilized by the Durham Public Schools. The arborist shall also evaluate and inspect the tree protection measures during construction. Durham Public Schools, prior to the issuance of a Certificate of Occupancy, shall provide the results of a final inspection by the arborist that the improvements have been installed in accordance with the identified methods. However, the property owner has discretion to forgo efforts to minimize impacts to the existing tree and instead have the tree removed and replaced at the expense of Durham Public Schools.

The Mayor Pro Tem asked if there were questions for staff or Ms. Hill. There were no questions.

**January 18, 2005**

**Testimony from Applicant**

Hugh Osteen, of Durham Public Schools, noted he met with Ms. Hill regarding the tree issue and she asked that DPS remove the tree. He made comments on the revised letter that was sent to Ms. Hill that addresses the removal of the tree which will be replaced with new ones. He stated regarding other items -- her concerns have been addressed.

The Mayor Pro Tem asked if there were questions for the applicant. There were no questions.

**Testimony from Opponents**

Gwendolyn Waller, representing Fisher Heights Neighborhood Association – 1321 Timothy Avenue, noted the neighbors are not opposed to the new construction of W. G. Pearson Elementary School. However, we do object to the current site location, but are willing to work with Durham Public Schools to find a resolution for everyone. Also, she expressed concern about the lack of proper notification to the members of the Fisher Heights Community regarding the existing site plan for the new W. G. Pearson Elementary School and the location of notification displayed advising the community of meetings held January 10 and 15, 2005.

Sandra Alston, of the Fisher Heights Community – 1318 Tralea Drive, expressed the following issues: untimely notification of meeting of all stakeholders, safety, location and no major renovations to Fayetteville Street Elementary School.

The Mayor Pro Tem asked if there were questions for Ms. Waller and Ms. Alston. There were no questions.

Anita Keith-Foust, 323 W. Trinity Avenue, noted her main concern is making sure all neighborhoods are involved in the building of these facilities. She noted she cannot support the location knowing that this neighborhood has been ignored and asked Council to postpone making their decision to make sure these residents have their say.

**Testimony from Applicants**

George Koop, Principal of W. G. Pearson Elementary School, noted the current facility is out of date, DPS is committed to offering children a quality education with an updated facility and the passage of this Major Special Use Permit will ensure the building is opened on time.

Estella Bell, PTA President -- 1103-B Merrick Street, spoke in support of the Major Special Use Permit expressing concern with the mold situation at the current school. She urged Council to think about the children and what's more important for them.

**January 18, 2005**

**Staff Recommendation**

Michael Stock, of the Planning Department, stated based upon the technical requirements of the Zoning Ordinance, staff recommends approval subject to two conditions: The first one being the tree issue already stated earlier in the meeting and secondly, the project shall be completed in accordance with the approved site plan, including any additional corrections and verification.

Council Member Stith raised a concern with the lack of communication between the neighborhood and Durham Public Schools.

Hugh Osteen, of DPS, addressed how he communicated with the neighborhood highlighting the fall community meeting and two meetings recently held at Fayetteville Street Elementary School for the Fisher Heights Community.

Gwendolyn Waller, of Fisher Heights Neighborhood Association, expressed concern with how the notice was posted for the meeting and provided pictures as evidence.

City Attorney Blinder asked if there were objections to Ms. Waller offering this information to the City Council. There were no objections.

In addition, Ms. Waller made comments expressing traffic concerns.

Council Member Stith asked Mr. Osteen if any of the recommendations made at the meeting were considered by Durham Public Schools.

Hugh Osteen, of DPS, noted options were not practical solutions for the safety of the children and parents entering the site. Relative to the Timothy intersection, he noted the level of service will be maintained at level A, center turn lanes will be added and the road widen. Also, he made comments on the concerns raised relative to the location of the notice of meeting and noted Fayetteville Street Elementary School will receive a \$6 million upgrade expansion as a result of the bond.

Council Member Clement asked applicant if there are plans for a buffer between Hillside High School and proposed W. G. Pearson Elementary School.

Hugh Osteen, of DPS, stated the two sites do offer ample buffer.

City Clerk Gray swore in Steve Scott-Martin.

Council Member Brown asked Mr. Scott-Martin to make comments on behalf of the school board regarding this issue.

Steve Scott-Martin, of Durham Public Schools Board, made comments on the delay if permit is not issued, noted school board voted unanimously to approve plans for this

**January 18, 2005**

location and discussed thoroughly the issue of an alternative site. He made comments on the increase in school enrollment and addressed why DPS could not build on the old site.

Council Member Brown made comments in favor of the Major Special Use Permit.

Mayor Pro Tempore Cole-McFadden asked Mr. Martin to explain how citizens were involved in the planning process with school board.

Steve Scott-Martin, of Durham Public Schools Board, noted there were presentations and public hearings on bonds; plans were made available at library branches, site plan was presented to school board for approval and the public had an opportunity to comment on this issue. During the bond referendum and approval process, the public had five different opportunities at the school board alone to address the W. G. Pearson Elementary School issue.

City/County Planning Director Frank Duke briefed Council on criteria that should be met in order to grant this permit.

Council Member Clement asked Ms. Hill to affirm what Mr. Osteen noted earlier in the meeting.

Patricia Hill, of 922 Jerome Road, noted Mr. Osteen sent her a revised letter Saturday noting it was best to take down the tree due to age and size and replace with substantial new trees. She noted there is a statement that says that if there is any damage to her property as a result of blasting or construction or trucks that DPS will be responsible for repairs. Also, she noted a protective barrier will be placed around the new gas pack on her property at 3303 Fayetteville Street.

Council Member Clement asked Mr. Osteen are there plans for the present W. G. Pearson Elementary School site.

Hugh Osteen, of DPS, noted that decision is left up to the school board to reuse or close that site and there are no plans at this time.

**MOTION** by Council Member Brown seconded by Council Member Clement to adopt order granting , upon certain conditions, a major special use permit [as amended] for W. G. Pearson Elementary School Case M04-04 was approved at 9:13 p.m. by the following vote: Ayes: Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Excused Absence: Mayor Bell.

**Ordinance #13070**

**SUBJECT: MAJOR SITE PLAN - W. G. PEARSON ELEMENTARY (D04-578)**

**January 18, 2005**

**MOTION** by Council Member Clement seconded by Council Member Stith to approve a major site plan for W.G. Pearson Elementary School, submitted by Moseley Architects, on behalf of Durham Public Schools, to construct a new 82,474 square foot elementary school on a 42.245 acre site zoned R-5 and R-3, the site is located on the east side of Fayetteville Street, north of Riddle Road and south of Cornwallis Road, PIN: 0820-16-83-3423, 0820-15-64-6334, and 0820-15-64-8220 was approved at 9:14 p.m. by the following vote: Ayes: Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Excused Absence: Mayor Bell.

**[ITEMS PULLED FROM CONSENT AGENDA]**

**SUBJECT: MAJOR SITE PLAN – SUMMER MEADOW, PHASE 5 (D03-778)**

**MOTION** by Council Member Stith seconded by Council Member Best to approve a major site plan and preliminary plat for “Summer Meadows, Phase 5”, submitted by Tony M. Tate, Landscape Architecture, PA on behalf of Crossman Communities of NC, Inc. for 53 single-family residential lots and 14 townhouse lots on a 20.097 acre site zoned PDR 4.69, E-B and F/J-B, property is located north of Hebron Road and east of Denfield Street, PIN 0834-03-11-6522 (partial), 0834-03-31-7450, 5464 was approved at 9:14 p.m. by the following vote: Ayes: Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Excused Absence: Mayor Bell.

**SUBJECT: FAÇADE GRANT AWARDS**

Becky Winders, of NCCU, made comments on the collaboration between NCCU’s Urban Economic Development class and the Office of Economic & Employment Development to publicize the facade grant program reporting that it was a great learning experience for the students.

Dorothy Henderson, NCCU Student, highlighted students perspective and experience on working with this project to upgrade businesses in the community.

**MOTION** by Council Member Stith seconded by Council Member Catotti to award a total of \$8,995 in Façade Grants to the following five applicants upon their successful completion of all grant requirements was approved at 9:21 p.m. by the following vote: Ayes: Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Excused Absence: Mayor Bell.

1. \$1,900 to The Chicken Hut – Peggy Tapp
2. \$1,850 to Edgemont Laundromat & Cleaners – Betty Reed
3. \$1,900 to Harvey Maynard’s Used Cars - Harvey Maynard
4. \$1,445 to Handi-Mart - Willie Lee Buckley, Jr.
5. \$1,900 to Community Food Mart (Nobis 1 Venture, Inc.) – Emar

**January 18, 2005**

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**SUBJECT: CATALYST SOLUTIONS CUSTOMIZED TRAINING CONTRACT  
EXTENSION WORKFORCE INVESTMENT ACT (WIA) GRANT  
AMENDMENT**

Victoria Peterson urged Council to make sure companies are hiring local African Americans when using economic development funds.

Pat Sturdivant, of the Office of Economic and Employment Development, noted this company is located in Durham and as stipulated in their contract, they can only hire Durham residents.

**MOTION** by Council Member Catotti seconded by Council Member Stith to authorize the City Manager to make an amendment to Catalyst Solutions' customized training contract to add an additional \$90,000 to provide training to 20 Durham residents, extend the end date of the contract to June 30, 2006; and

To authorize the City Manager to make such other changes to the contract as may be needed so long as they do not increase the contract amount nor alter the completion date of the contract was approved at 9:26 p.m. by the following vote: Ayes: Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Excused Absence: Mayor Bell.

**SUBJECT: HARVEY GOODWIN**

**MOTION** by Council Member Stith seconded by Council Member Catotti to receive comments from Harvey Goodwin regarding the waste in the citizens (taxpayers) of Durham money was approved at 9:27 p.m. by the following vote: Ayes: Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Excused Absence: Mayor Bell.

**SUBJECT: CONCERNED CITIZENS FOR ACCOUNTABLE GOVERNMENT**

To receive comments from Charlotte Woods regarding an audit follow-up.

Note: This citizen did not appear at the 01-06-05 Work Session.

**January 18, 2005**

There being no further business to come before the City Council, the meeting was adjourned at 9:27 p.m.

Linda E. Bratcher  
Deputy City Clerk

D. Ann Gray, CMC  
City Clerk