

**DURHAM, NORTH CAROLINA  
MONDAY, APRIL 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 Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Absent: None.

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

Mayor Bell called the meeting to order with a moment of silent meditation and the Pledge of Allegiance led by Council Member Clement.

Mayor Bell read a proclamation designating April 23, 2005 as Durham Earth Day.

Mayor Pro Tempore Cole-McFadden requested that Consent #22 [Housing Bond Funding] and GBA #33 [Rezoning - Lincoln Memorial Baptist Church] be heard at the beginning of the meeting.

Council Member Catotti discussed the visit she made to a 4<sup>th</sup> grade class at Forest View Elementary School.

Council Member Stith informed the administration that he received correspondence from Senator Dole's office outlining that agriculture officials will be at Elon College on May 5 to discuss funding for local communities relative to economic development.

Council Member Clement thanked Duke University Health Systems and all participants for the Health Summit that was held last Monday.

Council Member Brown thanked Tom White for his leadership since he's leaving his post as Executive Director of the Durham Chamber of Commerce.

Mayor Bell asked for priority items from the City Manager, City Attorney and City Clerk. Relative to the Troop Care Packages, City Manager Baker recognized Virginia Jones who provided a thank you DVD from Robert Matthews to the City of Durham. Also, he shared an article that was written in the March 2005 edition of *Urban Land Institute* by James Fraser concerning downtown Durham. He acknowledged Dr. Fraser for comments.

There were no priority items from the City Attorney and City Clerk.

Mayor Bell asked if any citizen(s) or council member(s) wanted to pull any items from the Consent Agenda. Consent Agenda Items # 10 [Site Plan – Child Care Resources Center], 22 [Housing Bond Funding for Low Income Housing Tax Credit Projects] and 27 [Economic Incentives] were pulled.

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**MOTION** by Mayor Pro Tempore Cole-McFadden seconded by Council Member Stith to approve the Consent Agenda as amended was approved at 7:23 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

**[CONSENT AGENDA]**

**SUBJECT: APPROVAL OF CITY COUNCIL MINUTES**

**MOTION** by Mayor Pro Tempore Cole-McFadden seconded by Council Member Stith to approve minutes for the March 21, 2005 regular City Council Meeting; and

To approve City Council action taken at the March 10, 2005 City Council Work Session was approved at 7:23 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

**SUBJECT: DURHAM OPEN SPACE & TRAILS COMMISSION – RECEIPT AND ACCEPTANCE OF AN APPLICATION**

**MOTION** by Mayor Pro Tempore Cole-McFadden seconded by Council Member Stith to receive and accept an application for a citizen to fill one (1) vacancy representing Ward 3 on the Durham Open Space & Trails Commission with a term to expire on June 30, 2007 was approved at 7:23 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

**SUBJECT: DURHAM BOARD OF ADJUSTMENT – RECEIPT AND ACCEPTANCE OF AN APPLICATION**

**MOTION** by Mayor Pro Tempore Cole-McFadden seconded by Council Member Stith to receive and accept an application for a citizen to fill one (1) vacancy on the Durham Board of Adjustment for an alternate member with a term to expire on June 30, 2006 was approved at 7:23 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

**SUBJECT: AUDIT SERVICES OVERSIGHT COMMITTEE – RECEIPT AND ACCEPTANCE OF APPLICATIONS**

**MOTION** by Mayor Pro Tempore Cole-McFadden seconded by Council Member Stith to receive and accept applications for citizens to fill one (1) vacancy on the Audit Services Oversight Committee to represent the Business Community (Finance Industry) with a term to expire on May 31, 2009 was approved at 7:23 p.m. by the following vote: Ayes: Mayor Bell,

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Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

**SUBJECT: HUMAN RELATIONS COMMISSION – RECEIPT AND ACCEPTANCE OF AN APPLICATION**

**MOTION** by Mayor Pro Tempore Cole-McFadden seconded by Council Member Stith to receive and accept an application for a citizen to fill one (1) vacancy for a Non-Minority Female member in accordance with Section 2-41(b) of the Durham City Code with a term to expire on June 30, 2008 was approved at 7:23 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

**SUBJECT: CONTRACTS**

**MOTION** by Mayor Pro Tempore Cole-McFadden seconded by Council Member Stith to authorize the City Manager to execute contracts as listed below; and

To authorize the City Manager to make changes to 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 7:23 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

Contractor	Contract Description	Dept	CT Amount
Krista Phillips	Water Safety Instructor	P&R	\$800.00
Emmanuel Love	Umpire	P&R	\$2,300.00
Wendy Craven	Umpire	P&R	\$2,300.00
Barbara Robinson	Umpire	P&R	\$2,300.00
Roy Williams	Umpire	P&R	\$2,300.00
Leonard Smith	Umpire	P&R	\$2,300.00
Anthony Crutchfield	Umpire	P&R	\$2,300.00
Keith Nesbit	Umpire	P&R	\$1,200.00
Don Aikens	Tennis Instructor	P&R	\$2,100.00
John Melvin	Umpire	P&R	\$1,200.00
James Hawley	Umpire	P&R	\$2,300.00
TROSA	Caterer Youth Explosion	P&R	\$2,810.00
Zachary Viana	Judo Instructor	P&R	\$600.00
Susan Reeves	Summer Concert	P&R	\$787.50
The Environmental Group	Asbestos Abatement	Gen Ser	\$9,500.00
Triangle Urban League	WIA FBCO Administrator	OEED	\$27,095.00
Jantech Service	UPS Maintenance for Data Center	TS	\$2,200.00

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Gibbs Grading	Demolition	Housing	\$25,475.00
Johnson Zaber Mcmanus	Marketing Research Service	Public Affairs	\$21,800.00
Durham Marriott	Facility & Food for National Landlord Training	Housing	\$6,500.00

Note: The Gibbs Grading; Johnson Zaber McManus and Durham Marriott Contracts were approved at the April 7, 2005 Work Session with a vote of 5/0.

**SUBJECT: BID REPORT - FEBRUARY 2005**

**MOTION** by Mayor Pro Tempore Cole-McFadden seconded by Council Member Stith to receive a report and to record into the minutes bids which were acted upon by the City Manager during the month of February 2005 was approved at 7:23 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

CITY OF DURHAM NORTH CAROLINA

March 31, 2005

MEMO TO: Patrick Baker, 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 February 2005.

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

1. Bid: Banquet Hall Furniture

Purpose of Bid: To provide the Civic Center with Hall Furniture

Comments:

Opened: January 26, 2005

Bidders: Shelby Williams Industries, Inc. \* \$37,223.50  
Greensboro, NC  
Overlees & Associates \$39,057.31

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Greensboro, NC  
Falcon Manufacturing \$40,945.66  
St. Louis, MO

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

WORKFORCE STATISTICS  
CORPORATION STATISTICS

Total Workforce	1980		# Black Males	150	8%
Total # Females	1089	55%	# White Males	643	32%
Total # Males	891	45%	# Other Males	98	5%
			# Black Females	304	15%
			# White Females	670	34%
			# Other Females	115	6%

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

2. Bid: Protective Concealable Vests

Purpose of Bid: To provide the police department with protective concealable vests  
25 each – Level II @ 377.83 and Level III @ 419.47

Comments: RBR Tactical did not bid on all vests and Arrington Police Safariland vest  
did not meet specifications.

Opened: December 29, 2005

Bidders:	RBR Tactical (non-responsible)	\$15,625.00
	Richmond, VA	
	Arrington Police (does not meet specifications)	\$19,749.50
	Greensboro, NC	
	American Uniform	*\$19,932.50
	Fayetteville, NC	
	Lawmen's Safety	\$23,242.00
	Raleigh, NC	

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

WORKFORCE STATISTICS  
CORPORATION STATISTICS

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%

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# White Females	10	60%
# Other Females	1	7%

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

3. Bid: Ready Made Traffic Signs

Purpose of Bid: To provide the Public Works Department with Traffic Signs

Comments:

Opened: February 17, 2005

Bidders:	Vulcan Signs	* \$15,734.00
	Foley, AL	
	Signs & Blanks, Ltd.	\$15,853.40
	Akron, OH	
	Korman Signs	\$21,354.50
	Richmond, VA	

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

WORKFORCE STATISTICS  
CORPORATION STATISTICS

Total Workforce	150		# Black Males	38	25%
Total # Females	26	17%	# White Males	84	56%
Total # Males	124	83%	# Other Males	2	1%
			# Black Females	4	3%
			# White Females	21	14%
			# Other Females	1	1%

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

4. Bid: Speed Shore Trench Box Replacement Parts

Purpose of Bid: To purchase parts to repair broken trench boxes.

Comments: Coble Trench Safety is the sole regional source for Speed Shore brand replacement parts.

Opened: February 12, 2005

Bidders:	Coble Trench Safety	* \$13,302.00
	Raleigh, NC	

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

WORKFORCE STATISTICS  
CORPORATION STATISTICS

Total Workforce	9		# Black Males	0	0%
Total # Females	0	0%	# White Males	9	100%
Total # Males	9	100%	# Other Males	0	0%
			# Black Females	0	0%
			# White Females	0	0%
			# Other Females	0	0%

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

5. Bid: Thermal Imaging Camera

Purpose of Bid: To provide the Fire Department with a Thermal Imaging Camera

Comments:

Opened: February 15, 2005

Bidders:	Newton's Fire & Safety	* \$15,000.00
	Sweptonsville, NC	
	First Choice Fire & Safety	\$15,775.00
	Chapel Hill, NC	
	Metrolina Fire & Rescue	\$16,475.00
	Lincolnton, NC	

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

WORKFORCE STATISTICS  
CORPORATION STATISTICS

Total Workforce	10		# Black Males	0	0%
Total # Females	1	10%	# White Males	9	90%
Total # Males	9	90%	# Other Males	0	0%
			# Black Females	0	0%
			# White Females	1	10%
			# Other Females	0	0%

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

6. Bid: 7" Underground Piercing Tool

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Purpose of Bid: To provide the Water & Sewer Maintenance Division with an underground piercing tool.

Comments:

Opened: February 16, 2005

Bidders: Vermeer Mid Atlantic, Inc. \* \$15,500.00  
Garner, NC  
United Rentals \$16,600.00  
Durham, NC

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

WORKFORCE STATISTICS  
CORPORATION STATISTICS

Total Workforce	4		# Black Males	0	0%
Total # Females	0	0%	# White Males	4	100%
Total # Males	4	100%	# Other Males	0	0%
			# Black Females	0	0%
			# White Females	0	0%
			# Other Females	0	0%

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

7. Bid: Installation and Disposal of the Lights at the Durham Bulls Athletic Park

Purpose of Bid:

Comments: Bids were solicited from 18 contractors and only one response was received.

Opened: February 18, 2005

Bidders: Tommy Lawrence Electrical Contractors, Inc. \* \$26,253.00  
Roxboro, NC

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

WORKFORCE STATISTICS  
CORPORATION STATISTICS

Total Workforce	12		# Black Males	0	0%
Total # Females	1	8%	# White Males	11	92%

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Total # Males	11	92%	# Other Males	0	0%
			# Black Females	0	0%
			# White Females	1	8%
			# Other Females	0	0%

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

8. Bid: Self Contained Storage and Incident Command Center

Purpose of Bid: To purchase six (6) self contained storage units for the Police Department

Comments: Bids were sent to several vendors and only one response was received.

Opened: February 22, 2005

Bidders: Armadillo Truckvault dba Truck Vault, Inc. \*\$19,712.52  
Sedro Woolley, WA \$3,285.42/each

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

WORKFORCE STATISTICS  
CORPORATION STATISTICS

Total Workforce	30		# Black Males	0	0%
Total # Females	9	30%	# White Males	20	60%
Total # Males	21	70%	# Other Males	1	10%
			# Black Females	0	0%
			# White Females	9	30%
			# 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: PIGGY-BACK PURCHASE – AUTOMATED SIDE LOADING REFUSE COLLECTION VEHICLES - CAROLINA ENVIRONMENTAL SYSTEMS, INC.**

**MOTION** by Mayor Pro Tempore Cole-McFadden seconded by Council Member Stith to authorize the City Manager to enter into a contract with Carolina Environmental Systems, Inc., in the amount of \$387,716, for providing the City with two Automated Side Loading Refuse Collection Vehicles; and

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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 7:23 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

**SUBJECT: PIGGY BACK PURCHASE – ROTARY PARALLELOGRAM VEHICLE LIFT - AUTO EQUIPMENT COMPANY, INC.**

**MOTION** by Mayor Pro Tempore Cole-McFadden seconded by Council Member Stith to authorize the City Manager to enter into a contract with Auto Equipment Company, Inc., in the amount of \$76,402.11, for providing the City with a Rotary Parallelogram Vehicle Lift; 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 7:23 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

**SUBJECT: STREET CLOSING: SC04-29– SET HEARING ON THE CLOSING OF 279 LINEAR FEET OF CROMWELL ROAD, SOUTH OF PINAFORE DRIVE**

**MOTION** by Mayor Pro Tempore Cole-McFadden seconded by Council Member Stith to adopt a resolution to set a public hearing on the proposed closing of 279 linear feet of Cromwell Road, south of Pinafore Drive for May 2, 2005 was approved at 7:23 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

**Resolution #9243**

**SUBJECT: WATER & SEWER EXTENSION AGREEMENT WITH M/I HOMES OF RALEIGH, LLC - CHELSEA MEADOWS II**

**MOTION** by Mayor Pro Tempore Cole-McFadden seconded by Council Member Stith to authorize the City Manager to enter into a Water & Sewer Extension Agreement with M/I Homes of Raleigh, LLC to serve Chelsea Meadows II, PIN 0718-02-40-6217, -04-50-1633; Tax Map 527-01-028, 012 was approved at 7:23 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

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**SUBJECT: WORKFORCE INVESTMENT ACT (WIA) GRANT – HEALING WITH CAARE, INC. CONTRACT**

**MOTION** by Mayor Pro Tempore Cole-McFadden seconded by Council Member Stith to authorize the City Manager to execute a WIA contract with Healing with CAARE Inc. in the amount of \$76,160; and

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 7:23 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

**SUBJECT: WORKFORCE INVESTMENT ACT (WIA) GRANT– DURHAM AREA CORP, INC. CONTRACT**

**MOTION** by Mayor Pro Tempore Cole-McFadden seconded by Council Member Stith to authorize the City Manager to execute a WIA contract with Durham Area Corp Inc. in the amount of \$49,942; and

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 7:23 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

**SUBJECT: WORKFORCE INVESTMENT ACT (WIA) GRANT – KB CAREER COUNSELING & PROFESSIONAL DEVELOPMENT CENTER**

**MOTION** by Mayor Pro Tempore Cole-McFadden seconded by Council Member Stith to authorize the City Manager to execute a WIA contract with KB Career Counseling & Professional Development Center in the amount of \$48,000; and

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 7:23 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

**SUBJECT: DECREASED WIA DISLOCATED WORKER AND INCREASED ADULT ALLOCATIONS FOR 2002 TO 2006 TRAINING BUDGET**

**MOTION** by Mayor Pro Tempore Cole-McFadden seconded by Council Member Stith to authorize the City Manager to adopt the amended grant project ordinance to decrease the WIA Dislocated Worker allocations and increase the WIA Adult allocations in the 2002-2006 Employment and Training Budget for a total of \$2,025,598 was approved at 7:23 p.m. by the

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following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

**Ordinance # 13093**

**SUBJECT: EXTENSION OF TIME FOR AMERICAN THEATER FOR THE PERFORMING ARTS ASSOCIATES AS PREFERRED DEVELOPER FOR THE EVENTS CENTER – PHILIP SZOSTAK ASSOCIATES, GARFIELD TRAUB DEVELOPMENTS, LLC, TURNER CONSTRUCTION AND THEATRE PROJECTS CONSULTANTS**

**MOTION** by Mayor Pro Tempore Cole-McFadden seconded by Council Member Stith to authorize the City Manager to execute a Memorandum of Understanding with American Center for the Performing Arts Associates extending their preferred developer status for approximately two months to June 6, 2005; and

To authorize the City Manager to execute such additional extensions as may be needed to bring the project to a successful conclusion was approved at 7:23 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

**SUBJECT: EXTENSION OF TIME FOR OPTION TO PURCHASE DATA SITE, AMENDMENT 3 – AMERICAN CAMPUS, LLC**

**MOTION** by Mayor Pro Tempore Cole-McFadden seconded by Council Member Stith to approve the option extension and authorize the City Manager to execute the amended option agreement with ACL;

To authorize the City Manager to make changes to the option agreement before execution, provided that the changes do not increase the dollar amount of the option agreement and are on terms and conditions not less favorable to the City of Durham; and

To authorize the City Manager to execute such additional extensions as may be needed to bring the project to a successful completion was approved at 7:23 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

**SUBJECT: SALE OF PROPERTY AT 821 SHARI COURT – ELVIS N. MITCHELL AND BETTY S. CLARK**

To accept the offer of \$65,000 from Elvis N. Mitchell and Betty S. Clark to purchase the property at 821 Shari Court contingent upon final approval of the first mortgage lender;

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To authorize the City Manager to sell the property pursuant to Chapter 86 of the City Charter; and to execute any related legal documents necessary to do so; and

To authorize the Mayor to convey the property by a non-warranty deed.

Note: This item was approved at the April 7, 2005 Work Session with a vote of 5/0.

**SUBJECT: DOWNTOWN TRAIL – INCREASING PROJECT CONTINGENCY**

**MOTION** by Mayor Pro Tempore Cole-McFadden seconded by Council Member Stith to adopt an Ordinance Amending the Capital Project Ordinance, Fiscal Year 2004-05, as amended, the same being ordinance #12972, for the purpose of appropriating \$45,000 from the Open Space and Greenway Preservation Project-North/South Greenway to the Downtown Trail Project; and

To authorize the City Manager, or his designee, to increase the established project contingency fund by \$45,000 for any unforeseen project related expenses and to negotiate and execute change orders for the project provided that the total cost of the project does not exceed \$906,695 was approved at 7:23 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

**Ordinance #13092**

**SUBJECT: DONATION OF X-RAY FLUORESCENCE (XFR) MACHINE TO THE DURHAM COUNTY HEALTH DEPARTMENT**

**MOTION** by Mayor Pro Tempore Cole-McFadden seconded by Council Member Stith to authorize the City Manager to donate the X-Ray Fluorescence (XFR) Machine to the Durham County Health Department was approved at 7:23 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

**SUBJECT: CONTRACT FOR A MARKETING AND COMMUNICATIONS AGENCY OF RECORD FOR APRIL 2005 – JUNE 2007 – CASSELL DESIGN GROUP**

**MOTION** by Mayor Pro Tempore Cole-McFadden seconded by Council Member Stith to authorize the City Manager to execute a contract with Cassell Design Group in an amount not to exceed \$160,000 for two years to serve as the City's marketing and communications agency of record; and

To authorize the City Manager to modify to the contract before execution provided that the modifications do not increase the dollar amount of the contract and the modifications are

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consistent with the general intent of the existing version of the contract was approved at 7:23 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

**SUBJECT: RIGHT-OF-WAY ORDINANCE AMENDMENT - DUKE POWER**

**MOTION** by Mayor Pro Tempore Cole-McFadden seconded by Council Member Stith to adopt an Ordinance Amending City Code Section 18-41 to clarify various provisions was approved at 7:23 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

**Ordinance #13094**

**SUBJECT: CONTRACT WITH DURHAM HOUSING AUTHORITY (DHA) FOR PROVISION OF SUPPLEMENTAL POLICE SERVICES**

**MOTION** by Mayor Pro Tempore Cole-McFadden seconded by Council Member Stith to authorize the City Manager to enter into a contract with the Durham Housing Authority for the provision of supplemental police services; 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 7:23 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

**SUBJECT: RALEIGH-DURHAM AIRPORT AUTHORITY-FEDERAL AVIATION ADMINISTRATION GRANT OFFER – RUNWAY SAFETY AREA IMPROVEMENTS**

**MOTION** by Mayor Pro Tempore Cole-McFadden seconded by Council Member Stith to accept the Federal Aviation Administration Grant Offer of \$7,229,652 for a Runway Safety Area Improvements, RDU 080409, FAA AIP Grant No. 3-37-0056-33; and

To authorize the City Manager to execute the Grant Agreement and to authorize the City Attorney to give assurances with respect thereto was approved at 7:23 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

**SUBJECT: CRIMESTOPPERS REPORT FOR CALENDAR YEAR 2004**

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**MOTION** by Mayor Pro Tempore Cole-McFadden seconded by Council Member Stith to receive a presentation on the CrimeStoppers Report for Calendar Year 2004 was approved at 7:23 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

**SUBJECT THE COUNCIL FOR SENIOR CITIZENS**

To receive comments from Bill Anderson regarding combining two vacant City owned lots with the lot dedicated to the new Center for Senior Life.

Note: This item was withdrawn.

**SUBJECT: TIME WARNER CABLE**

**MOTION** by Mayor Pro Tempore Cole-McFadden seconded by Council Member Stith to receive a report on Time Warner Cable was approved at 7:23 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

**[ITEM PULLED FROM CONSENT AGENDA]**

**SUBJECT: CONDITIONAL COMMITMENT OF HOUSING BOND FUNDING FOR LOW INCOME HOUSING TAX CREDIT PROJECTS – STEWART HEIGHTS (CLEARVIEW HOUSING AKA MUTUAL HEIGHTS) AND WATERFORD POINTE – WOODLAND ASSOCIATES**

Larry Jarvis, Associate Director of Housing & Community Development, made comments on this item.

Mayor Pro Tempore Cole-McFadden made comments on the demographics of individuals being affected by this project.

Marsha Early, of 509 E. Cornwallis Road, noted she does not have any information regarding the renovation of Mutual Heights and would like to receive answers relative to the rent increase and relocation process.

James Stewart, representing Clearview Housing Corporation, gave an overview of this project highlighting why the renovation is needed and that the rent would increase from \$335 to \$375.

Jarvis Martin, of 3608 Mossdale Avenue, noted he is one of the partners with Jim Pou of Woodland Associates which is acquiring and renovating 64 of units at Mutual Heights and would like to acquire all the units and renovate them with City bond money and tax credits. He made

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comments on the meeting held at White Rock Baptist Church over a year ago and meetings held by tenant council. Mr. Martin stated after tonight he will keep the tenants better informed.

James Pou, President of Woodland Associates, made comments on work history and proposal. He highlighted that in phase 1 there would be 64 units and size of property is 147 units. He noted the plan is to acquire property and proceed over a period of time to full renovation of the property and commented on the challenge to come up with affordable rents while investing a substantial amount of money.

Ellawese Bridgers, of 902 Atlantic Street, expressed concern with drainage problems in her backyard, not enough lighting and not having a handicap ramp.

James Pou, President of Woodland Associates, spoke on the drainage issue, noted the applicant would be addressing all ADA accessibility issues and the goal would be to provide adequate lighting for ingress/egress security issues.

Mayor Pro Tempore Cole-McFadden stated the Mutual Heights complex is in need of renovation and urged the developer to do everything they can to keep the current senior residents. She expressed concern with the impact this would have on the elderly regarding issues relative to moving and relocating.

James Pou, President of Woodland Associates, noted in this proposal, the developer has proposed relocation costs to deal with existing residents, they don't expect anyone to move from the site, and there would be no permanent relocation issues but temporary relocation for all of the members whose units will be renovated.

Mayor Pro Tempore Cole-McFadden expressed concern with the residents not being kept up-to-date on the renovation of this project.

Mr. Pou made comments on the meetings that had taken place relative to this issue and the information that was provided to the tenant resident council comprised of all the areas of the property [detailed list of renovations proposed, floor plan and rendering, renovation issues, 64 units ---Phase 1 area which is western part of Atlantic Avenue, Cornwallis Court and Mutual Court]. He noted they are working on the final version of the relocation plan.

Mayor Pro Tempore Cole-McFadden asked if certain conditions could be met by developer before funds are released.

Director of Housing & Community Development Mike Barros replied yes.

Council held discussion on timeline, additional phases and project monitoring.

James Pou, of Woodland Associates, noted Phase 1 of this project would start in the fall of 2005.

Housing & Community Development Director Mike Barros noted if directed by Council and the Manager, staff could do an additional monitoring by using community relations individuals to

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work with the developer to try and solve problems that might arise and report back on a regular basis issues that may come up regarding relocation/displacement.

Council Member Catotti expressed concern with rental increases.

Darlene Tilley, of 105 Cornwallis Court, noted the developer should keep the residents better informed. She asked the developer questions regarding the rents, financing, renovations and minor repairs.

Mr. Pou noted he would not be interested in doing minor repairs because of the commitment to renovate the entire property.

Mayor Bell asked staff to work with the developer in arranging scheduled meetings with the community. Also, he asked questions relative to pro forma and rents. Relative to the monitoring of this program, the Mayor requested that Council have input on rent increases.

Mayor Pro Tempore Cole-McFadden disclosed that her sister lives in Stewart Heights [Mutual Heights] and she will not benefit from this project.

**MOTION** by Council Member Brown seconded by Council Member Clement to authorize the City Manager to extend a commitment of \$300,000 in 1996 Housing Bond funds to The NRP Group, LLC, conditional upon project selection by NCHFA, in the form of second mortgage permanent financing at an interest rate of 2% with a term of 20 years;

To authorize the City Manager to extend a commitment of projected program income in the amount of \$500,000 to Woodland Associates, Inc., conditional upon receipt of program income in FY2006 and project selection by NCHFA, in the form of second mortgage permanent financing at an interest rate of 2% with a term of 20 years; and

To authorize the City Manager to execute legal documents confirming the City's conditional commitment of housing bond funds, so long as those documents are consistent with the general intent of this agenda item and these motions passed by City Council was approved at 8:26 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

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

**SUBJECT: REZONING CASE (Z05-09) – LINCOLN MEMORIAL BAPTIST CHURCH – THE SMITH ARCHITECTURAL PRACTICE – 109 & 111 MOLINE STREET, BETWEEN S. ROXBORO STREET AND SOUTH STREET**

To receive public comment on rezoning Case Z05-09 (Lincoln Memorial Baptist Church);

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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 Z05-09 out of R-3 and placing same in and establishing same as R-5.

Planning Department Recommendation: Approval

Planning Commission Recommendation and Vote: Approval, 11-0

City/County Planning Director Frank Duke briefed Council on this rezoning request noting it is consistent with the Comprehensive Plan.

Mayor Bell opened the public hearing. There being no one to speak in support for or against this item, the Mayor declared the public hearing closed.

**MOTION** by Council Member Clement seconded by Council Member Brown to receive public comment on rezoning Case Z05-09 (Lincoln Memorial Baptist Church);

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 Z05-09 out of R-3 and placing same in and establishing same as R-5 was approved at 8:29 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

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

Due to objections, Lee Murphy, of Public Works Department, requested Council to confirm the assessment roll, except for Linda T. Monk, Brian English and Sarah Nicholson properties, continue the public hearing for those assessments without further advertising and to refer those assessments to the May 19, 2005 City Council Work Session for further consideration.

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no further objections and/or allegations, the public hearing was declared closed.

**MOTION** by Council Member Clement seconded by Mayor Pro Tempore Cole-McFadden to receive public comments; and

To adopt a resolution Confirming the Assessment Roll for Water Main on Massey Chapel Road from Abron Drive to Fayetteville Road except for the Linda T. Monk, Brian English and Sarah Nicholson properties to be referred to the May 19, 2005 City Council Work Session for further consideration [public hearing continued without further advertising] was approved at 8:29 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

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

Due to objections, Lee Murphy, of Public Works Department, requested Council to confirm the assessment roll, except for the Franklin O. & Lynn K. Pendergraft and Kenneth M. & Sharon H. Cameron, Jr. properties, continue the public hearing for those assessments without further advertising and to refer those assessments to the May 19, 2005 City Council Work Session for further consideration.

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no further objections and/or allegations, the public hearing was declared closed.

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

To adopt a resolution Confirming the Assessment Roll for Water Main on Massey Chapel Road from NC 751 Hwy to Abron Drive and Abron Drive from Massey Chapel Road to end of cul-de-sac except for the Franklin O. & Lynn K. Pendergraft and Kenneth M. & Sharon H. Cameron, Jr. properties to be referred to the May 19, 2005 City Council Work Session for further consideration [public hearing continued without further advertising] was approved at 8:30 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

**SUBJECT: ZONING ORDINANCE TEXT AMENDMENT – PERFORMANCE STANDARDS FOR NEW DEVELOPMENT IN THE NEUSE RIVER BASIN (TC05-01)**

To Repeal Section 8.2 'Performance Standards for New Development in the Neuse River Basin' of the Durham Zoning Ordinance and renumber the Ordinance if necessary to accommodate this change.

Planning Department Recommendation: Approval  
Planning Commission Recommendation and Vote: Approval (10-0)

City/County Planning Director Frank Duke briefed Council on the text amendment noting this is a request from the Storm Water Department to remove the Neuse River Basin's performance standards from the Zoning Ordinance in order for it to be inserted into the Stormwater Ordinance.

Mayor Bell opened the public hearing. There being no one to speak in support for or against this item, the Mayor declared the public hearing closed.

**MOTION** by Council Member Clement seconded by Council Member Catotti to Repeal Section 8.2 'Performance Standards for New Development in the Neuse River Basin' of the Durham

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Zoning Ordinance and renumber the Ordinance if necessary to accommodate this change was approved at 8:31 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

**SUBJECT: PERFORMANCE STANDARDS FOR STORMWATER IN THE NEUSE RIVER BASIN**

Paul Weibke, of Stormwater Management, briefed Council on this item.

Mayor Bell opened the public hearing. There being no one to speak in support for or against this item, the Mayor declared the public hearing closed.

After the public hearing was closed, a citizen requested to be heard.

Marion Lamberth, of 913 Dale Street, made comments on the nitrogen level guidelines.

**MOTION** by Council Member Catotti seconded by Mayor Pro Tempore Cole-McFadden to receive public comments on the Performance Standards for Stormwater in the Neuse River Basin; and

To adopt an Ordinance Amending Section 23 of the Durham City Code to Add Performance Standards for Storm Water in the Neuse River Basin was approved at 8:36 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

**Ordinance #13095**

**SUBJECT: REZONING CASE (P04-02)– DANIEL TRACT – A. WAYNE DANIEL, DEBORAH D. HUNT, BOBBY V. HUNT, PATRICIA B. DANIEL, DORIS H. DANIEL – EPHEBUS CHURCH ROAD AND POPE ROAD**

To receive public comment on rezoning Case P04-02 (Daniel Tract);

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 P04-02 out of RD, R-20 and placing same in and establishing same as PDR 2.1.

Planning Department Recommendation: Approval  
Zoning Committee Recommendation and Vote: Approval, 10-0

City/County Planning Director Frank Duke briefed Council on this item noting at the January 3, 2005 City Council Meeting, the applicant requested to withdraw the townhome portion from their request. He noted there was a protest petition submitted with the original application;

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however, due to significant revisions that were made to the original request no subsequent protest petition was filed. Mr. Duke noted the revised request is for a smaller area, briefed Council on committed elements on page 2 of staff report highlighting number and size of single family lots, open space, road improvements and traffic calming measures. He noted the request is not consistent with Comprehensive Plan. Since this request was consistent with the small area plan at the time of submittal, staff is recommending approval.

Mayor Bell opened the public hearing.

### **Proponent**

Bill Harris, representing the applicant, spoke in support of the revised rezoning request emphasizing the committed elements relative to road improvements. He urged Council to support this rezoning request.

### **Opponents**

Bebe Smith, of 5509 Baker's Mill Road, noted she is uncomfortable with the plan as proposed expressing concern with remaining acres that the Daniels took out of the development and amount of development going on in the area.

Dr. Rob Stiefvater, of 5302 Beaumont Drive, expressed concern with open space not being developed and the lack of park development.

Kevin Kirk, of 5311 Beaumont Drive, noted he is much more pleased with current development since the density has been lowered, there would be no Randle Road connection and townhomes have been removed.

Mayor Bell declared the public hearing closed.

Council Member Catotti asked staff to confirm that there is nothing that would prevent residents from expressing their concern in the form of a protest petition for future land use development.

City/County Planning Director Frank Duke replied that's correct.

Council Member Catotti asked the applicant if he had considered sidewalks along the long cul-de-sac and internal roads and a tot lot.

Paul Meder, representing the applicant, noted applicants are willing to commit to providing a sidewalk on one side of cul-de-sac and have not considered a tot lot.

For clarification, City/County Planning Director Frank Duke asked David Daniel if he was committing to providing sidewalks along the internal streets consistent with the draft of the Unified Development Ordinance (UDO) that is in effect on April 18, 2005.

Mr. David Daniel, applicant, stated that's fine.

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Council held discussion on road capacity and safety standards for pond.

**MOTION** by Council Member Clement seconded by Council Member Stith to receive public comment on rezoning Case P04-02 (Daniel Tract);

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 P04-02 out of RD, R-20 and placing same in and establishing same as PDR 2.1 was approved at 9:00 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

**SUBJECT: STREET CLOSING (SC05-01) – 608.83 LINEAR FEET OF LYON STREET, EAST OF ANGIER AVENUE AND WEST OF STOKES STREET – THE COMMUNITY BUILDERS, INC.**

City/County Planning Director Frank Duke informed Council that this street closing is related to the Hope VI project.

Due to the fact that Items 35-41 were related, Mayor Bell opened the public hearing on all street closings.

Beart Truitt-Braswell, of 2005 Otis Street, spoke against all streets and bridges being closed from the public.

Marion Lamberth, of 913 Dale Street, spoke in support of this street closing.

Denise Hester, of 3626 Abercromby Drive, asked the developer questions relative to street closing: will streets be repaved or resurfaced as part of development, recombining issue, public vs. private streets, maintenance, street width/row, ingress/egress and appearance.

Tom Davis, of The Community Builders, noted streets that are being closed are dirt ones that will be paved with curb, gutters, sidewalk, etc. He discussed connectivity issues, noted most of the streets will be public but one area will be private (southern portion of Laurel Street) and the maintenance will be taken care of by the owner of the rental community.

Mayor Bell expressed concern with rental tenants being responsible for maintaining streets.

Council Member Clement made comments in support of this street closing as an affirmation of the HOPE VI project.

Discussion was held on street standards and service agency impacts.

Mayor Bell declared the public hearing closed.

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**MOTION** by Mayor Pro Tempore Cole-McFadden seconded by Council Member Best to receive public comments; and

To adopt an Order permanently closing – 608.83 linear feet of Lyon Street, east of Angier Avenue and west of Stokes Street was approved at 9:32 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

**Ordinance #13096**

**SUBJECT: STREET CLOSING (SC05-02) – 323.36 LINEAR FEET OF LYON STREET, WEST OF ANGIER AVENUE AND EAST OF RAMSEUR STREET**

For citizens' comments, refer to Street Closing Case SC05-01.

**MOTION** by Mayor Pro Tempore Cole-McFadden seconded by Council Member Best to receive public comments; and

To adopt an Order permanently closing 323.36 linear feet of Lyon Street, west of Angier Avenue and east of Ramseur Street was approved at 9:32 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

**Ordinance #13097**

**SUBJECT: STREET CLOSING (SC05-03) – 203.32 LINEAR FEET OF STOKES STREET IMMEDIATELY NORTH OF ANGIER AVENUE – THE COMMUNITY BUILDERS**

For citizens' comments, refer to Street Closing Case SC05-01.

**MOTION** by Mayor Pro Tempore Cole-McFadden seconded by Council Member Best to receive public comments; and

To adopt an order permanently closing 203.32 linear feet of Stokes Street immediately north of Angier Avenue was approved at 9:32 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

**Ordinance # 13098**

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**SUBJECT: STREET CLOSING: SC05-04 – 170.80 LINEAR FEET OF ANGIER AVENUE IMMEDIATELY NORTH OF LAUREL STREET- THE COMMUNITY BUILDERS, INC.**

For citizens' comments, refer to Street Closing Case SC05-01.

**MOTION** by Mayor Pro Tempore Cole-McFadden seconded by Council Member Best to receive public comments; and

To adopt an order permanently closing 170.80 linear feet of Angier Avenue immediately north of Laurel Street was approved at 9:32 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

**Ordinance # 13102**

**SUBJECT: STREET CLOSING: SC05-05 – 400.73 LINEAR FEET OF CALVERT PLACE, EAST OF LAUREL STREET AND WEST OF STOKES STREET – THE COMMUNITY BUILDERS**

For citizens' comments, refer to Street Closing Case SC05-01.

**MOTION** by Mayor Pro Tempore Cole-McFadden seconded by Council Member Best to receive public comments; and

To adopt an order permanently closing 400.73 linear feet of Calvert Place, east of Laurel Street and west of Stokes Street was approved at 9:32 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

**Ordinance #13099**

**SUBJECT: STREET CLOSING: SC05-06 – 216.49 LINEAR FEET OF SUNSHINE LANE, EAST OF RAMSEUR STREET AND SOUTH OF LYON STREET - THE COMMUNITY BUILDERS**

For citizens' comments, refer to Street Closing Case SC05-01.

**MOTION** by Mayor Pro Tempore Cole-McFadden seconded by Council Member Best to receive public comments; and

To adopt an order permanently closing 216.49 linear feet of Sunshine Lane, east of Ramseur Street and south of Lyon Street was approved at 9:32 p.m. by the following vote: Ayes: Mayor

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Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

**Ordinance # 13100**

**SUBJECT: STREET CLOSING: SC05-07 – 381.97 LINEAR FEET OF LAUREL STREET, SOUTH OF ANGIER AVENUE – THE COMMUNITY BUILDERS, INC.**

For citizens' comments, refer to Street Closing Case SC05-01.

**MOTION** by Mayor Pro Tempore Cole-McFadden seconded by Council Member Best to receive public comments; and

To adopt an order permanently closing 381.97 linear feet of Laurel Street, south of Angier Avenue was approved at 9:32 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

**Ordinance #13101**

**SUBJECT: MAJOR SITE PLAN AND PRELIMINARY PLAT – EDGEMONT AND CALVERT PLACE, (D03-482) [This is not a Public Hearing]**

**MOTION** by Mayor Pro Tempore Cole-McFadden seconded by Council Member Stith to approve a major site plan and preliminary plat for “Edgemont and Calvert Place”, submitted by The John R. McAdams Company, Inc., on behalf of The Community Builders Inc., for 17 single family lots north of Angier Avenue and a 28 unit multi-family complex along with nine triplex and six duplex townhouse lots south of Angier Avenue on a 9.98 acre site, proposed project is located within the Alston Avenue Initiative and the Hope VI area, it straddles Angier Avenue and is bounded on both sides by Lyon and Stokes Streets, north of Ramseur Street, the project will be accessed by the proposed realignments of Ramseur and Lyon Streets and Angier and Laurel Avenues [PIN(s) 0831-13-24-1062 et. al.] was approved at 9:32 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

**SUBJECT: DRAFT 5-YEAR CONSOLIDATED ACTION PLAN AND FY 2005-2006 ANNUAL ACTION PLAN FOR USE OF CDBG, HOME AND ESG FUNDS**

Katherine Simmons, of Housing & Community Development, made comments on this item.

Council Member Stith requested staff to provide information on fiscal and performance audits for agencies that are receiving funding.

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Mayor Bell opened the public hearing.

Ellen Holliman, of 815 Green Street and Durham Center, made comments on the plan asking that the definition be expanded to include persons with mental illness, developmental disability and substance abuse.

Lorisa Seibel, representing Durham Affordable Housing Coalition, urged Council to invest funding for the following initiatives: lead poisoning, pay housing inspectors out of regular city budget, provide grants and zero interest loans to repair homes of the elderly, disabled and other very low income residents of Durham. Also, she invited Council to attend Community Day on Hillside Avenue on May 7.

Gene Cook, of Campaign for Decent Housing, urged Council to pay staff out of the General Fund.

Eva Morgan, representing PEACH, spoke in support of funding for lead poisoning.

Rich Lee, of Durham Affordable Housing Coalition, provided Council with a list of recommendations that were made to the Housing Department to improve the Consolidated Action Plan asking them to put more emphasis on benchmark/goals for each of the four priority housing needs.

Terry Allebaugh, of Housing for New Hope, urged Council to not fund staff out of CDBG funds.

Selina Mack, of Durham Community Land Trustees, spoke in support of funding for CHODO (Community Housing and Development Organization) administration allocation and requested staff to provide information on what has happened to CHODO administration dollars over the last five years.

Beart Truitt-Braswell, of 2005 Otis Street, spoke in support of funding for special programs for the less fortunate and requested that staff for code enforcement be funded out of other resources instead of CDBG funds.

Gwen Simpson, representing Durham Housing Authority, noted some of the information in the plan is not correct and will contact staff concerning this issue. Also, she requested that the plan provide funds in the Hope VI area and NECD.

Dabney Hopkins, representing People's Alliance, made comments expressing concern with the use of CDBG funds for staffing. She noted the funds should be used for repair services and other benefits to homeowners.

Regina King, of 508 W. Knox Street, expressed concerns about the accountability of how the funds will be used for the non-profits.

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Nancy Bryan, of Next Step Housing, urged Council to fund projects for the special needs population.

Rena Abayhan, Vice Chair of CAC, noted CDBG funds should not be used to pay salaries for code enforcement officials but diverted to programs that benefit low income population. She urged Council to support funds for community and social benefit programs, target areas spread over a few years, increase homeownership for low-income individuals and promotion of program for greater participation for the low-income population.

Lanya Shapiro, CAC Chair, urged Council to use funds for target areas and noted CDBG funds should not be replacing monies for CORE functions.

**MOTION** by Council Member Best seconded by Council Member Stith to continue the meeting beyond 10:00 p.m. was approved at 10:09 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

Ray Eurquhart, 703-C South Street, made comments on the Community Clean up Day on May 7 and expressed concern with CDBG monies being used for staff when it should come out of the General Fund.

Mayor Bell declared the public hearing closed.

Council Member Clement urged his colleagues and staff to look at the repeated requests that CDBG monies not be used for CORE programs.

**MOTION** by Council Member Clement and seconded by Mayor Pro Tempore Cole-McFadden to receive public comments on the Draft 5-Year (FY 2005-2010) Consolidated Action Plan and FY 2005-2006 Annual Action Plan on April 18, 2005 to receive citizen comments was approved at 10:14 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

**[ITEMS PULLED FROM CONSENT AGENDA]**

**SUBJECT: MAJOR SITE PLAN – CHILD CARE RESOURCE CENTER (D04-793)**

**MOTION** by Council Member Clement seconded by Council Member Best to approve a major site plan for 'Child Care Resource Center', submitted by Little & Little, on behalf of Child Care Services Association, for a 26,937 square foot, two-story office building with 130 parking spaces on a 4.57 acre site zoned I-2 was approved at 10:14 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

**SUBJECT: PRESENTATION ON THE STATUS OF ECONOMIC INCENTIVES**

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To receive a presentation on the Status of Economic Incentives.

Lillian Lennon, of 810 Fayetteville Street, informed Council that she was promised \$35,000 in 2000 from the small business loan program. She provided background information on this item since 2000. Relative to the Mayor's comments to help Ms. Lennon, she expressed concern that the Mayor indicated that she needed collateral.

Denise Hester, of 3526 Abercromby Drive, expressed concern with the City making loans to certain groups and not to neighborhood businesses. She urged Council in approving this item to consider offering terms that are conducive to small business owners as others have had in the past.

Relative to Ms. Lennon's situation, Mayor Bell noted he indicated that he would try to assist in possibly finding some type of financing. He noted individuals he had spoken to needed some type of hard collateral and they would not accept inventory based on past practices.

Note: No action was taken by Council on this item.

There being no further business to come before the City Council, the meeting was adjourned at 10:25 p.m.

Linda E. Bratcher  
Deputy City Clerk

D. Ann Gray, CMC  
City Clerk