

**DURHAM TOWN COUNCIL MINUTES**  
**MONDAY, SEPTEMBER 9, 2002 – 7:00 P.M.**  
**DURHAM TOWN HALL – COUNCIL CHAMBERS**  
**Continued to the meeting on Monday, September 16, 2002**

**MEMBERS PRESENT:** Malcolm Sandberg, Chair; Arthur Grant; Peter Smith; Pete Chinburg; Katie Paine; Mike Pazdon; Mark Morong; Scott Hovey

**MEMBERS ABSENT:** Annmarie Harris

**OTHERS PRESENT:** Todd Selig, Town Administrator; Interested Members of the Public

Chair Sandberg reconvened the meeting at 7:00 PM. He stated that the meeting was a continuation of the agenda of the September 9, 2002 meeting.

**X. New Business**

- C. Ordinance #2002-10: First Reading amending various sections of Chapter 175 "Zoning" in the Durham Town Code by deleting references to the sale of alcoholic beverages in various zoning districts of the Town

Administrator Selig gave an overview of the proposed ordinance.

Arthur Grant spoke about his presentation to the Liquor Commission.

Administrator Selig indicated agreement with Arthur Grant's statement that under the current rules the Liquor Commission has the ability to consider local zoning in the revocation of a license. He also indicated agreement with Arthur Grant's statement that the proposed policy revision would give the Liquor Commission the ability to consider local zoning in the license issuance process as well.

Arthur Grant spoke about why he believed the references to alcohol sales in the ordinance should not be removed, considering the proposed policy revision of the Liquor Commission.

In response to a question from Mark Morong, Peter Smith spoke about the process the draft revised rules of the Liquor Commission would follow through the Joint Legislative Committee on Rules.

***Mike Pazdon MOVED that the Durham Town Council pass on first reading, as presented, Ordinance #2002-10 amending Chapter 175 "Zoning", Sections 175-***

***29(C)(20), 175-30(D)(9) and 175-31(C)(18) of the Durham Town Code by deleting references to the sale of alcoholic beverages in various zoning districts of the Town, and that the Durham Town Council schedule a public hearing to be held on October 7, 2002. Scott Hovey SECONDED the motion.***

Mike Pazdon suggested that the references to alcohol sales could remain if there was reference in the Zoning Ordinance to the Liquor Commission's authority to make the final determination regarding alcohol sales.

Scott Hovey stated that he was concerned because he believed it appeared hypocritical to prohibit alcohol sales in certain zones, in the Zoning Ordinance but to not enforce the prohibition.

Peter Smith believed that solving the alcohol problem in the community will require long-term efforts, as it is complex and it will not be resolved by altering the language in the Zoning Ordinance. He stated that leaving the reference to alcohol sales in the Zoning Ordinance, considering the preeminence of the Liquor Commission on decisions regarding alcohol sales, would undermine the credibility of zoning and code enforcement in the Town.

Mark Morong said he was concerned that by having no reference to alcohol in the Zoning Ordinance, the position of the Town regarding alcohol sales in certain zones would not be represented in a way that would have standing in a decision before the Liquor Commission.

In response to a question from Katie Paine, Administrator Selig stated that he believed the proposed Liquor Commission policy changes were primarily for the purpose of allowing consideration of local zoning. He spoke about how the Town might credibly convey to the Commission the Town's policy regarding alcohol sales in certain locations, in the absence of any reference in the Zoning Ordinance to alcohol sales.

Chair Sandberg spoke about other factors the Liquor Commission will consider, as proposed in the revised policy, as part of the license issuance process.

Arthur Grant stated that he believed it would be unwise to take out the ordinance language the references to alcohol sales, because it would be removing of one of the six criteria that the Liquor Commission could consider.

***The motion PASSED unanimously.***

- D. Ordinance #2002-09: First Reading repealing Chapters 43 and 118 of the Durham Town Code and establishing a new Chapter 118 entitled "Solid Waste" which will implement changes to the Solid Waste Program**

Administrator Selig spoke about the fee structure for multi-unit properties as proposed in the draft ordinance.

Scott Hovey stated that he felt that it was unfair to charge the same fee for a multi-unit property that is charged for a single-family home.

Peter Smith stated that he believed that multi-unit properties produce significantly more trash than single-family homes, and for that reason it would be unfair to charge the same fee for each.

Mark Morong stated that it should be clarified in the draft ordinance that only one electronics/appliance sticker will be needed for removal of a computer system, rather than for a computer component.

In response to a question from Arthur Grant, Administrator Selig spoke about the reasoning behind the amount of the permit fee. He spoke about the reasoning behind charging for one permit per taxable property, and not per dwelling unit.

In response to a question from Mark Morong, Mike Lynch stated that the Solid Waste Committee did not consider other, more complex, fee schedules that took into account the number of units in a building.

Chair Sandberg asked if there was empirical evidence before the Solid Waste Committee that helped them to determine that multi-unit properties do not use the transfer station much. Mike Lynch stated that there was no concrete data because it is difficult to track that type of use.

Katie Paine suggested that they might consider what commercial/multi-unit properties utilize dumpsters, in assessing what the commercial/multi-unit property trash impact might be.

Mike Pazdon stated that he believed that the current permit fee structure does need to be changed, and he suggested that the Council move the draft Ordinance forward and make revisions in the consideration process.

Pete Chinburg suggested that they might want to consider the number of occupants per unit or building in determining the permit fee amounts.

In response to a question from Arthur Grant, Administrator Selig spoke about how the multi-unit property permits would be sold. He spoke about the reasoning behind making owners of multi-unit properties pay for all of their permits at once.

Mark Morong stated that he has a concern that an owner of several buildings with few units would be paying more than the owner of one building with many units. He stated that he is concerned because larger multi-unit buildings, that usually house students, generate a lot of expensive waste such as couches and mattresses due to the rate of turnover.

Pete Chinburg stated that he had an issue with the penalty fees and aspects of the screening requirement proposed in the draft ordinance.

Chair Sandberg stated that he would like the Council to convey a sense of what portions of the draft ordinance might be changed, and how they might be changed.

Katie Paine stated that the permit fee should be charged per dwelling unit, rather than per taxable unit.

Pete Chinburg stated that the permit fee should be charged on a graduated system, and not be charged per dwelling unit.

Arthur Grant suggested that they keep the current coupon system.

Mike Pazdon stated that keeping the coupon system would be logical, but the permit fee needs to be raised to \$25.

Mark Morong stated that he prefers the coupon system because it would keep a control on the amount of trash being brought to the transfer station, particularly that which comes from other towns.

Chair Sandberg stated that he believed that the coupon system is not fair for those bringing smaller loads to the transfer station.

Peter Smith stated that that student apartment turn-over needs to be considered in determining the permit fees.

Chair Sandberg stated that the only solution that would address all of the issues that have been raised, would be to have scales installed at the transfer station.

Administrator Selig stated that he agreed with Chair Sandberg's statement, that the only reliable solution would be scales, although purchasing them would be expensive.

Peter Smith suggested that, until the landfill is capped and more information on the cost of scales can be provided, that the permit price should be raised and the coupon system should remain.

Mark Morong suggested that, even if the current coupon system remains, the proposed special fees should be adopted. Mike Pazdon stated that he agreed with Mark Morong's suggestion.

- E. Ordinance #2002-11: First Reading amending certain portions of Chapter 153 "Vehicles and Traffic", Section 153-29 "Metered Parking Areas" of the Durham Town Code by increasing the current parking meter fees from \$1.00 per hour to \$1.50 per hour

Administrator Selig gave an overview of the proposed ordinance. In response to a question from Chair Sandberg, Administrator Selig spoke about why he presented the change to the parking fee schedule as part of the proposed ordinance, rather than proposing it as a resolution.

***Scott Hovey MOVED that the Durham Town Council pass on first reading Ordinance #2002-11 amending certain portions of Chapter 153 "Vehicles and Traffic", section 153-29 "Metered Parking Areas" of the Durham Town Code by increasing the current parking meter fees from \$1.00 per hour to \$1.50 per hour on first reading as presented and schedule a Public Hearing for October 7, 2002. Mike Pazdon SECONDED the motion.***

Mark Morong suggested having the Transfer Station permits allow citizens other benefits in Town, such as free parking in the Pettee Brook Lane parking lot.

Peter Smith asked if there was any data about the effect of raising the meter fee on patronage of the downtown businesses.

Administrator Selig spoke how the increase in demand for parking downtown justifies the reasonability of the proposed meter fee.

In response to a question from Peter Smith, Chief Kurz stated that their goal is to encourage turn over in the downtown metered parking spots.

Katie Paine stated that she would like to know how raising the meter prices will effect the downtown businesses.

Arthur Grant stated that he did not support the proposed ordinance because he did not believe it was the appropriate way to solve the parking problem downtown.

Scott Hovey stated that he was in favor of the changes to the Town parking areas proposed by the ordinance.

Mark Morong stated that he was not opposed to the parking area changes, rather he was opposed to the proposed parking fee.

Administrator Selig spoke about the parking permit fee system that would be priced based on the proximity of the parking area to downtown.

Chief Kurz spoke about the Police Department's reasoning behind the fees proposed in the draft ordinance. He stated that he had met with the downtown merchants, who indicated that their concern was not with the parking fee, but with not having the downtown parking turn over fast enough.

***The motion PASSED 5-3 (Mike Pazdon, Arthur Grant, Katie Paine were opposed)***

- F. Ordinance #2002-12: First Reading amending Chapter 153 "Vehicles and Traffic", Article IV "Metered Parking" of the Durham Town Code by creating Section 153-30 entitled "Business Permit Parking Areas" and initiating a parking permit system on a portion of Madbury Road, Cowell Drive and Pettee Brook Road parking lots.

Chief Kurz spoke about the current Downtown business parking permit system and about the proposed ordinance. He spoke about proposed permit fees and number of permits sold.

Katie Paine stated that she believed that a \$25 savings might not be enough to encourage a purchaser to buy a permit for the parking area further away from downtown.

Mark Morong stated that he agreed with Katie Paine's statement, that the \$25 difference between the permit prices was not enough.

Scott Hovey stated that he agreed with Katie Paine's statement, that the difference between the permit prices should be greater. He stated that the current permit price has been in effect a long time, and he believed it would be appropriate to raise the price.

Chief Kurz stated that he was concerned that if the permit prices for the current parking permit areas was increased by as much as 50%, that doing so would send an anti-business message to the downtown merchants.

Arthur Grant stated that he believed that the Pettee Brook Lane parking lot would be the most appropriate area to encourage parking turnover.

***Katie Paine MOVED that the policy be established by the Town Administrator with the advice and consent of the Durham Town Council, and that such language should be incorporated into the draft of Ordinance #2002-12 for the first reading. Mike Pazdon SECONDED the motion.***

Pete Chinburg stated that he believed that the Council should allow the Town Administrator to handle establishment of the policy.

Peter Smith stated that it is appropriate for the Council members to convey advice about the policy to the Town Administrator, but it is not appropriate for the Council to be adopting regulations.

***The motion FAILED unanimously.***

***Scott Hovey MOVED that the Durham Town Council pass on first reading Ordinance #2002-12 amending Chapter 153 "Vehicles and Traffic", Article IV "Metered Parking" of the Durham Town Code by creating Section 153-30 entitled "Business Permit Parking Areas" and initiating a permit system on a portion of Madbury Road, Cowell Drive and Pettee Brook Road parking lots as presented on***

***first reading and schedules a Public Hearing for October 7, 2002. Katie Paine SECONDED the motion and it PASSED unanimously.***

**G. Other Business**

Administrator Selig spoke about his discussion with John Aber, Chair of the Library Board of Trustees, to coordinate a workshop meeting between the Council and the Board. In response to a question from Mark Morong, He stated that it would be appropriate to meet as a group with the Board of Trustees as they are a public Town Board.

**XI. Nonpublic Session (if needed)**

There was no nonpublic session required.

**XII. Adjourn (NLT 10:00 PM)**

***Katie Paine MOVED to adjourn. Mark Morong SECONDED the motion and it PASSED unanimously.***

The meeting adjourned at 9:17 PM.

Carrie White, Minute Taker