

This set of minutes was approved at the Town Council meeting on September 8, 2008

**DURHAM TOWN COUNCIL
MONDAY, JULY 7, 2008
DURHAM TOWN HALL – COUNCIL CHAMBERS
7:00 PM**

MEMBERS PRESENT: Chair Neil Niman; Councilor Jerry Needell; Councilor Julian Smith;
Councilor Peter Stanhope; Councilor Henry Smith; Councilor Cathy Leach;
Councilor Mike Sievert; Councilor Doug Clark

MEMBERS ABSENT: Councilor Julian Smith

OTHERS PRESENT: Town Administrator Todd Selig; Town Planner Jim Campbell; Code
Enforcement Officer Tom Johnson; Town Engineer David Cedarholm

I. Call to Order

Chair Niman called the meeting to order at 6:46 pm

II. Nonpublic Session

*Councilor Van Asselt MOVED to go into nonpublic session in accordance with RSA 91-A:3 -
(a) "The dismissal, promotion or compensation of any public employee or the disciplining of such
employee, or the investigation of any charges against him, unless the employee affected (1) has a
right to a meeting and (2) requests that the meeting be open, in which case the request shall be
granted"; and
(c) "Matters which, if discussed in public, would likely affect adversely the reputation of any
person, other than a member of the body or agency itself, unless such person requests an open
meeting. This exemption shall extend to any application for assistance or tax abatement or waiver
of a fee, fine, or other levy, if based on inability to pay or poverty of the applicant".*

*Councilor Henry Smith SECONDED the motion, and it PASSED unanimously 8-0 by roll call
vote.*

<i>Chair Neil Niman</i>	<i>yes</i>	<i>Councilor Henry Smith</i>	<i>yes</i>
<i>Councilor Jerry Needell</i>	<i>yes</i>	<i>Councilor Cathy Leach</i>	<i>yes</i>
<i>Councilor Clark</i>	<i>yes</i>	<i>Councilor Van Asselt</i>	<i>yes</i>
<i>Councilor Peter Stanhope</i>	<i>yes</i>	<i>Councilor Mike Sievert</i>	<i>yes</i>

The Council entered Nonpublic Session at 6:48 PM.

The Council returned to public session at 7:06 pm.

*Councilor Needell MOVED to seal the nonpublic Minutes. Councilor Leach SECONDED the
motion, and it PASSED unanimously 8-0.*

The Council stood in recess from 7:07 until 7:12 PM.

Councilor Needell MOVED to approve the Agenda. Councilor Leach SECONDED the motion.

Councilor Needell MOVED to amend the Agenda to strike Item X.C. Discussion and possible action on the Stone Quarry Drive Development Agreement proposal submitted by Rockingham Properties, Inc. Councilor Henry Smith SECONDED the motion.

Chair Niman said until there was something in writing, this Agenda item would be postponed.

Administrator Selig said he would put what he had expressed into a revised agreement. But he said the specifics were not yet certain.

The motion PASSED unanimously 8-0.

The original motion as amended PASSED 8-0.

III. Special Announcements

Employee service recognition (20 years) – James Lapolla, Firefighter

Chair Niman presented Mr. Lapolla with a plaque in honor of his years of service to the Town.

Administrator Selig said Mr. Lapolla's work, and his compassion for the Town over the past 20 years was very much appreciated.

IV. Approval of Minutes

May 5, 2008

Councilor Van Asselt MOVED to approve the May 5, 2008 Minutes with the following corrections:

On page 12, two paragraphs should be inserted after the paragraph that begins "Councilor Needell said Chair Niman had done a good job..." and before the paragraph that begins "Chair Niman said..." as follows:

The motion PASSED unanimously, 8-0.

Councilor Van Asselt MOVED that the Durham Town Council, under the provisions of Section 175-14B, refer to the Planning Board for its review and study a proposed ordinance to amend Section 175-32, Zoning Map, of the Durham Zoning Ordinance, to extend the Office Research/Light Industry (ORLI) District, as described in the proposed zoning change #2.

Councilor Leach SECONDED the motion, and it PASSED 7-1, with Councilor Henry Smith abstaining because of his absence from that meeting.

May 19, 20008

Page 21, last paragraph, last sentence, should read "There was consensus that he should do this, and he said he would call them."

Councilor Van Asselt MOVED to approve the May 19, 2008 Minutes as amended. Councilor Leach SECONDED the motion, and it PASSED unanimously 8-0.

Although it wasn't noted by the Council during the Minutes corrections, Councilor Van Asselt wasn't listed as being present, although he was at this meeting.

June 2, 2008

Page 2, 2nd paragraph from bottom should read “..that it was critical that there would be a surety guarantee...”

Councilor Van Asselt MOVED to approve the June 2, 2008 Minutes as amended. Councilor Leach SECONDED the motion, and it PASSED 6-1-1, with Councilor Leach voting against the Minutes, and Councilor Needell abstaining because of his absence from that meeting.

V. Councilor and Town Administrator Roundtable

- Administrator Selig said a protest petition had been received from the Pendexter Road neighborhood regarding the proposed Zoning district change.
- He said the Town was moving forward with the construction of a skateboard park in the Woodridge neighborhood, and he provided details on this, including the funding that was available for it. He said it was felt the park would reduce complaints, and would provide a safe area for skateboarders.
- He said the Durham Farmers Market was open at the Pettee Brook parking lot, and would be there every Monday until October 1st.
- He provided details on the fact that a monument and gardens would be installed at Milne park in Durham. He also noted that a statue, which would be a silhouette of the Milnes feeding the swans, would also be placed at this location. He said the Parks and Recreation Committee and the Conservation Commission were participating on this project.
- Administrator Selig said there had been a nonpublic session to discuss two recent resignations from the Police Department. He read a brief statement concerning this.

Councilor Needell updated the Council on the June 18th Planning Board meeting. He noted that there had been a lot of public input concerning the proposed Zoning changes. He also said the Board had approved a Zoning change to make stables a conditional use in the MUDOR zone, and said this proposed change would come forward to the Council at its next meeting.

He said there was a continued public hearing on the Caldarola conservation subdivision. He said the hearing was then closed, and said the Board would begin deliberation on the application at its meeting on Wednesday.

Councilor Needell noted that he had been the Council representative to the Main Street West Improvements Committee. He spoke about continued plans to improve Main Street out toward Route

4, and said that due to his schedule, he couldn't serve on the Committee after July 21st. He said he would appreciate it if another Councilor could serve on the committee.

Councilor Henry Smith said he would serve on the committee. He also reported on the most recent meeting of the HDC the previous Thursday. He said there were no presentations. He said Nick Isaak was re-elected as Chair, and Crawford Mills was re-elected as Vice Chair.

VI. Public Comments (NLT 7:30 PM)

Amy Peterson, 5 Pendexter Road, said she was greatly concerned about the proposed MUDOR Zoning district change in the area of Pendexter Road. She said the entire area to be rezoned was residential except for a piece on Madbury Road, and said it was backward to change the Zoning in one person's interest. She said she was concerned that this was spot zoning, and said a variance was more appropriate than a zoning change.

Althea Woolf, 3 Pendexter Road, said she had been a resident there for 20 years, and said she was opposed to the Zoning change to MUDOR. She said she'd had students as neighbors, and it was not a pleasant experience, and she provided details on this. She said she was also concerned about increased traffic, noting that this was already an area where there were accidents. She also noted that the water pressure in this area of Town was low.

Chair Niman asked if the Town was aware of the low water pressure situation, and Administrator Selig said it was, stating that if there were further development in that area, there would be infrastructure improvements.

Ms Woolf said she had previously brought this to the attention of the Town, but said the water pressure hadn't changed in 25 years.

Barbara Wright, 6 Pendexter Road, said she would not like to see the MUDOR zoning change, and said she wanted the quiet, safe neighborhood that existed when she purchased her house. She said changing it to transient housing and making it a heavily-traveled road didn't seem fair, and said everyone present from the neighborhood was opposed to it. She said the only person who didn't sign the petition was a nonconforming landlord who rented to approximately 12 unrelated people, though not officially.

She said if student housing became saturated, it could be attractive to families, and could result in low income housing that could increase the Town's tax burden. She said she understood that the request for the zoning change was from one landowner who owned property on Madbury Road who wanted to expand the entire area. She said it seemed like this should be a variance issue. She said changing the Zoning would mean the neighborhood, which was not on Madbury Road, would be non-compliant, and said this just didn't seem fair. She said the residents of the neighborhood had a low impact on the Town.

She said at the Planning Board public hearings, public input on the zoning changes was negative, and the Board's dialogue on the changes was negative. She said making a change on Madbury Road was one thing, but said a zoning change shouldn't swallow up the neighborhood. She said despite big problems with a rental property in the neighborhood, neighbors hadn't called the police. She said she hoped the Council would really consider how this proposed change could impact the Town.

Dick Houghton, 11 Pendexter Road, said he was present to support neighbors in their opposition to the proposed MUDOR zoning change. He said this had been a viable neighborhood since the 1950's, and said he had lived there since the 1960's. He said it was a narrow street, with only one means of egress, and said it couldn't handle multiunit development. He noted that water pressure in the area was not good.

He spoke about the current state of rentals in Durham. He also said that when the Council had been so concerned about the issue of students in the neighborhoods, he couldn't see why it would want this change. He said he had no issues with the apartments in the house in this area, but said if this needed to be expanded, it should be done through a variance, and not through spot zoning.

Roger Speidel, 7 Nobel K. Peterson Drive, updated the Council on his recent discussions with the School Board on the Town's high tax rate, and the impacts of the School budget on this. He asked people to watch the July 16th School Board meeting broadcast on channel 2, to hear his discussion with the School Board.

Seth Bramante, Durham, said he had recently been involved in a very large project with the School District, and said he had been shocked by the lack of policy adherence and the decision making process. He said the end result was a much higher cost, with much less benefit to the students. He said he was coming before the Council now because he was curious what the purchasing policy for the Town was, for a project over \$100,000, whether it was enforced, and how it was currently put into practice.

Administrator Selig provided details on the Town's purchasing policy concerning this. He said that for a project of that size, the Town would go out to bid, and he would then make a recommendation to the Council, which would then make the award publicly, so residents could comment on it. He provided further details on this.

Cynthia Belowski, Chair of the Conservation Commission, said the Commission had significant concerns about the proposed ORLI Zoning change, primarily, the impact that it could have on the Oyster River, which was currently a primary drinking water source, and the Spruce Hole Aquifer, which was under study as a future drinking water supply.

She said Jeff Schloss, Cooperative Extension Professor/Specialist in Water Resources had recently met with the Commission to explore whether these concerns were justified, and to determine if the Commission would decide whether it should make appropriate recommendations to the Council. She said the discussion centered on the most current science regarding land use practices next to drinking water supplies. She said Mr. Schloss could not make specific recommendations regarding the proposed zoning change. She said the meeting with Mr. Schloss was attended by interested citizens as well as the developers and engineers from the JLB Partners development team.

Ms. Belowski provided highlights from this meeting:

- Discussion on various studies on the Spruce Hole aquifer done over the last 15 years. She said it was the Commission's understanding that none of these studies had been conclusive in assessing the functioning and extent of this resource.

- Discussion on the review by Professor Tom Ballestero of the current Aquifer Protection Overlay District provisions of the Zoning Ordinance, in light of more recent research, and stormwater management developments.
- Discussion on the current process the Town is undergoing to obtain a permit from NHDES to perform a pump test on the aquifer, which should lead to a much better understanding of the functioning and extent of the aquifer.
- Discussion on the many variables that control runoff and impact surface water, including soil type, slope, vegetative cover, changing climate regimes, and build-out on the land surface.
- Discussion that the proposed zoning change would increase the maximum allowed impervious cover from 20% to 50% in the area closest to the Oyster River and outside of the Aquifer Protection district. Discussion that studies indicate that even low build-out can result in water quality impairment, more flooding downstream during heavy rain storms, and low flow conditions at times of drought.
- Discussion on the Zoning Ordinance Table of Uses, and the advisability of applying ORLI zoning to any land adjacent to the Town's surface water drinking resource.

Ms. Belowski said it was the Commission's strong conviction that moving to rezone this area to ORLI had the potential to seriously impact the Town's water supply. She said the Commission hoped the final decision to rezone would be delayed until scientifically sound information was available on: hydrologic information regarding the functioning and extent of the aquifer; current stormwater management practices relative to protecting the Oyster River; and the implications of allowing a maximum 50% impervious cover, in an area that included the Town's surface drinking water supply and was adjacent to an aquifer.

Ms. Belowski said if the Council decided to move forward with the rezoning proposal, the Commission believed that prior to this change the Aquifer Protection overlay ordinance should be reviewed by a professional, such as Professor Ballestero, and if needed, changed to ensure the maximum protection to the aquifer; the regulations for the Shoreland Protection Overlay District should be amended to buffer the Oyster River, rather than merely address setbacks; and the Table of Uses for ORLI should be reevaluated and amended to provide better protection for the Town's water supply.

She said as the discussion on the rezoning moved forward, the Commission requested that if have the opportunity to review and comment on future plans.

There was discussion on the study done by Underwood Engineering on the aquifer. Administrator Selig said the Town could ask Underwood to evaluate the implication of a change like this on the resource.

Ms. Belowski said the Conservation Commission was aware of the Underwood study, but she said it didn't address whether it made sense to change the zoning in this way.

Peter Andersen, 6 Chesley Drive, said he was concerned about the proposed zoning change concerning the Church Hill District. He said the area in question was previously zoned residential when he moved there. He said one of his concerns was the notification process regarding the zoning change, and he asked that in the future, the Town would not just notify immediate abutters.

He said two years ago, the district had changed from Residential to Church Hill, which had allowed a dramatic increase in density. He said the proposed Zoning change to make part of Church Hill into the Central Business district would result in a significant increase in the square footage allowed for a building. He said a building that could fit 2000 students could be built there, and said this intensity was comparable to Portsmouth's downtown.

He said this degree of intensive development that could occur as a result of the Zoning change would have a negative impact on the surrounding neighborhood. He noted that there were already problems with late night vandalism, and said the Council needed to consider whether that sort of development was really desirable. He said the Town could get a small increase in tax revenues at the expense of destroying the Town.

Bob Russell, 8 Croghan Lane, read a letter from Dennis Meadows. Mr. Meadows said his tax bill had doubled since 1989, when he had moved to Durham, and said he was very interested in any project that would lessen the tax burden. He reviewed the Stone Quarry Drive project, and said the assumptions for the project last August had been questionable. He said the cost estimates then were now obsolete, stating that every factor that would generate costs for the Town had increased significantly, while the factors that would generate income for the Town had declined. He provided details on this.

He said the general consensus was that inflation and fuel costs would continue to rise, and real estate values would continue to decline. He said any honest assessment now would conclude that the TIF district was a big money loser for Durham, and would increase his taxes. He said it was clear last August that the situation had changed. He noted the EDC Minutes, which included the recommendation that as part of the documentation on the project to be provided to the Council, there should more financial numbers to allay concerns and further clarify the impact of the TIF for citizens. He asked why these numbers had not been made more widely available, and said perhaps they showed that the project was a money loser for the Town.

He said he respected the senior personnel of Rockingham Properties, but said if they were unwilling to provide Durham with the guarantees it needed that the TIF project would not cost the Town money, there was a good reason for that, that they expected the project would cost the Town money. He said it was time for clear thinking regarding the goals of developers, and said their only goal was to make a profit from their land. He said that was to be expected, but said the Town Council's goal should be to serve the long-term interests of the Town. He said perhaps this project seemed to have served that goal at one point, but he said things had changed enormously over the past 12 months, and said the good times wouldn't be back again soon.

Mr. Meadows said the Town needed to focus on reducing its energy costs, and enhancing employment and commercial options in the zone that could be reached on foot by the majority of citizens, and that could enhance the features of the Town that justified the relatively high taxes Durham's houses still demanded. He said taking on debt and raising taxes to finance infrastructure to outlying areas to benefit one developer did not meet those goals. He said it was time to move on, to efforts that would improve conditions for most people in Town. He said he did not feel he was obligated to pay higher taxes so Rockingham Properties could make a profit.

Mr. Russell then read a letter he had written. He said he was against going forward with the TIF unless the Town received a surety bond for the full amount of the cost of the proposed

improvements. He said consultant Don Jutton had recommended a full surety bond, and said it was fiscally irresponsible for the Council to go forward with this TIF without requiring the bond, especially since the cost, updated for this market, was probably closer to \$1 million. He said it was especially irresponsible, given the current state of the real estate market in the country, and he said it was also not fiscally conservative.

He said anything less than a surety bond was tax and speculative; would be gambling with the tax money put up by Durham's citizens; and worse, would be using taxpayer money to assume the developer's risk, although the Town would not be reaping any of the developer's profits. He said in the current economic climate, it was highly likely that the Town would be left holding the bag.

Mr. Russell said the Town's credit rating would be adversely affected by a deal like this, and said this would then cost the Town on future bonding projects. He also said this was the first TIF district the Town would be creating, and he asked the Council to do it right, according to the spirit of the law voted in last year, and the rhetoric used repeatedly to sell the idea of TIF. He quoted from Councilor Van Asselt regarding this, that the Town wouldn't move ahead unless there was a surety bond.

He said he didn't remember a single Councilor selling the idea that the Town could and should approve a TIF proposal without 100% surety bond. He also said the Council would set a dangerous precedent by requiring less than 100% surety. He said once the Town assumed the burden of risk for this developer, the question was why subsequent developers wouldn't demand the same. He asked what the basis would then be for denying them.

Robin Mower, 11 Faculty Road, spoke concerning the Stone Quarry development as well as the proposed rezoning to expand the ORLI district. She said Town scuttlebutt suggested that prior to this Council, every effort was made to fend off development, by the Council and residents. She said it was now suggested in Town that the pendulum had swung in the opposite direction. She said scuttlebutt stated that developers unequivocally hated working in Durham, but she asked whether the answer was to simply give away the store now, in the hope of attracting developers tomorrow, when it was not certain that the Town and the developers had the same goals in mind.

She said speaking in black and white terms drove a wedge between neighbors, and blocked any real discussion about how Durham wanted to see itself in the future: where it wanted to see change; and where did it want to protect what had historically informed the Town's character.

She said if they didn't make the right decisions on these two current proposals, there was the risk of further polarization. She said they also risked the Town's very future by prematurely cutting off options, and by setting up opposition to future opportunities.

Ms. Mower said it would be prudent for the Council to take the time to ensure that the terms and conditions of the Stone Quarry development, and the implications of the various rezoning proposals made sense for the long view of the Town's interests. She said that as part of the potential tax benefits and ways to guarantee the Town against financial risk, the Stone Quarry discussions should include discussion on protecting scenic gateways. She also said that along with discussion on potential permanent donation of conservation lands and benefits to the tax base, the rezoning discussions should include discussion on protection of the Town's drinking water supply.

She said the Town had yet to explore the concept of balance between development and protection of the Town's character, despite the fact that this was the goal that topped this year's Council goal list. She said there was now the perfect opportunity to match that goal with action.

Peter Smith, 100 Piscataqua Road, commented on the proposed changes Section 175-133 B of the Zoning Ordinance, under "Signs and Utility Structures", regarding snipe signs. He noted that the Council a few years back had made an emergency change to this provision, with the understanding that other problems in the provisions would be dealt with when more global changes were made to the Sign ordinance.

He first said the language "not including elections signs", under Section 175-133 B. 2, should be struck. He said it had the unfortunate effect of limiting the language further on in that section: "signs that express political speech", which was a much broader concept than an election sign. He noted that he had spoken with Mr. Campbell concerning this problem. He also noted 175-133 B. 4, regarding "Signs within a public right of way", and said some work needed to be done on it as well. He said he had discussed this with Mr. Campbell.

Mr. Smith said a final problem with these provisions was language under 175-133 B: "Such signs are limited to a period of 45 days preceding and seven (7) days after the relevant event." He said there had potentially been three major constitutional problems with this ordinance several years ago, the first regarding the number of signs, which had been dealt with. He said the second problem, regarding the size of snipe signs, had also been dealt with, and he said what was in the Ordinance now, 12 sf, would pass constitutional muster.

But he said the time constraint language in the Ordinance represented a major constitutional problem. He said this language did not accord with recent US Supreme Court decisions, which emphasized the right of political speech that went beyond an election, and addressed someone who wanted to protest politically an ongoing event like the Iraq War. He said he would hate to see these constitutional problems not solved, as part of the effort to update the Sign regulations.

Chair Niman asked Mr. Smith if he was volunteering to work on this, and Mr. Smith said he would be more than glad to do this.

Mr. Smith also said he underlined and supported the comments of the Conservation Commission. He said there was an overwhelming need to flesh out information on how the Town's water supply could be affected, before engaging in major rezoning.

Regarding TIF, he hypothesized a situation where a member of the public filed suit against the Council regarding the TIF district because of a substantial monetary loss to the Town to the detriment of the taxpayers, which would open Councilors to being defendants in an action that could include the attachment and sale of their houses to pay the cost. He said if that scenario existed, no member of the Council would approve this project without the most air-tight assurances. He said in his view, that ought to be the standard for making a decision.

Diane McCann read a letter from Mr. Don Lowee, Oyster River Road. In the letter, Mr. Lowee said he was disturbed by Councilor Van Asselt's comments at a recent Council meeting that the Council make a compromise regarding the surety bond. He said this would set a bad precedent. He said to back away regarding the surety bond was troubling. He said he knew Councilor Van Asselt had

extensive background in public service, especially in the area of public housing. and the Council was fortunate to have him. But he said he would like Councilor Van Asselt to stay with the plan, and not veer away from principles already established. He said Mr. Garvey would find a way to address the situation, if he wanted to move forward with the project.

Ms. McCann said she agreed with the comments of Peter Andersen regarding the rezoning of Church Hill. She read comments from the Exeter Conservation Commission regarding a proposed development in that town, and said the situation there paralleled the issues involved with the proposed 700-unit student rental development. She also noted that water use for the proposed development in Durham would probably be greater than would be the case for a single family development. She said she also wondered about the use of water for the swimming pool.

Joshua Meyrowitz, 7 Chesley Drive, said he echoed Peter Andersen's comments about notification of abutters concerning the proposed zoning changes and the hearings on them, stating that the information provided had not been specific as to where the changes would occur, and what the implications were. He said people at the Planning Board public hearing had spoken eloquently against the rezoning of Church Hill, and said there was no one in favor of the proposed change.

But he said here it was on the Agenda this evening. He discussed his concerns about potential destruction of a key buffer in the commercial core, the potential for high density development, the removal of a stone wall, the reality of having a zero setback, and the likelihood of further increases in light, litter and noise. He spoke about the aesthetic and psychological value of the existing greenway, and said people went out of their way to walk the path there, including kids.

Mr. Meyrowitz noted that the neighborhood had supported the idea of the redevelopment of Mill Plaza as long as the buffer wasn't impacted, and he said this proposed change was inconsistent with that. He said the neighborhood would support some redevelopment, but said rather than re-zoning, why not come up with a plan for the Kyreages property so people could see what they were approving. He said it wasn't clear what the plan was, and said it was important to have one before talking about a major change in a buffer between the commercial core and a residential area.

Beth Olshansky, Packers Falls Road, said she was present to talk about the proposed zoning change from RB to ORLI. She said her comments at the Planning Board hearing was that it made sense to look at what the best rezoning for that area would be. She said perhaps it could be OR, perhaps the Table of Uses could be revised to eliminate uses that would be egregious, in a way that would be protective of the Town's water supply. She also said that perhaps this area could have its own zone, like the Durham Business Park.

She said what was attractive about Mr. Farrell's proposal was that it involved a voluntary setting aside of acreage, and she also said his proposal to apply conservation subdivision standards to his project was a great idea. But she said if the area was rezoned to ORLI and he had to sell, conservation subdivision would not be required for a future development on this land. She said she hoped that as part of working on its goals, the Council would look at the idea of extending conservation subdivision to some of the commercial districts, such as ORLI, MUDOR, and OR 108. She said in this way, the Town could get the benefits of protecting the gateways and cluster development, which everyone agreed would benefit the Town.

VII. Unanimous Consent Agenda (Requires unanimous approval. Individual items may be removed by any councilor for separate discussion and vote)

- A. Shall the Town Council approve a water abatement for the spring of 2008 in the amount of \$1,957.24 as recommended by the Business Manager and authorize the Town Administrator to sign said abatement?
- B. Shall the Town Council authorize award of the West End sewer rehabilitation engineering contract to Hoyle Tanner & Associates of Manchester, NH for a sum not to exceed \$54,997.98 and authorize the Town Administrator to sign said contract?
- C. Shall the Town Council accept a non-industrial sewer connection permit application submitted by the University of New Hampshire for the Southeast Community Hall Building C and refer said application to the Durham Water, Wastewater and Solid Waste Committee for detailed review and development of recommendations?

Councilor Van Asselt MOVED to approve Unanimous Consent Agenda Items A, B and C as submitted. Councilor Leach SECONDED the motion, and it PASSED unanimously 8-0.

VIII. Committee Appointment

Shall the Town Council appoint Matt Courtland, 12 Sumac Lane, to the Integrated Waste Management Advisory Committee?

Mr. Courtland said he had moved to Durham the previous fall, and was about to receive a master's degree in environmentally sustainable business. He said he had started the Green Committee at the company he currently worked at, and said his education and experiencing guiding his company along a more earth friendly path, as well as his teaching background made him an ideal member for this committee. He said he looked forward to serving the Town.

Councilor Clark asked Mr. Courtland what specifically he would like to accomplish on the committee.

Mr. Courtland said he was impressed with existing recycling efforts in Durham. He said he would like to broaden education on recycling, but had no specific goals yet.

Councilor Stanhope MOVED to appoint Matt Courtland, 12 Sumac Lane, to the Integrated Waste Management Advisory Committee. Councilor Van Asselt SECONDED the motion, and it PASSED unanimously 8-0.

The Council stood in recess from 8:49 to 9:00 PM.

IX. Presentation Item

- A. Kaizen initiative (Total Quality Management) update – Jerry Gottsacker

Administrator Selig said Mr. Gottsacker had expertise in total quality management, and said he had asked him if he would be willing to work with Town staff on a voluntary basis to provide training on developing continuous improvements to the various processes in Town departments. He said it was

important that there be town-wide support for such an effort, and he noted that there might be an initial investment needed.

Mr. Gottsacker explained that he had observed Town operations in various areas over the past few years. He noted recent discussion on possible reductions in Town departments, involving layoffs, etc., and said he had realized that he would like to apply to Town operations some of the techniques for continuous improvement that worked in the private sector. He said with Kaizen, the thinking was that there were always things to improve on. He said reducing the budget didn't necessarily mean laying people off, or reducing services, and said there were activities that added value but not cost.

He said he had asked Town staff to look at three processes, regarding bulky wastes, building permits, and payroll. He said towns generally had problems with the permitting process, noting that there were all kinds of permits in Durham, and that citizens were often frustrated when they had to get them. He said he had tried to find all the permits one could get in Durham, and noted that 11-12 were needed in order to build a house.

Mr. Gottsacker said difficulties in organizations were often due to processes, and not people (97% process/3% people). He said he believed that a lot of the bad rap Durham got about being unfriendly to business was due to processes. He said he had asked Towns staff to evaluate permitting processes based on a list of best practices, and said it was found that there was a lot of opportunity for improvements. He said there were huge opportunities to fix problems like this, but said it would take a lot of work on behalf of himself and staff. He said it wasn't worth his time to do this if people were satisfied with the status quo.

Councilor Needell said he was curious what the downside was, and why someone would not want to go through this process.

Mr. Gottsacker said there wasn't a downside. He said the list of permits wasn't by design, and had evolved over time. He said if it were fixed, customer satisfaction would go up, employee satisfaction would go up, and costs would go down. He said the only downside was asking people to commit the time and effort to making this work. He said when a Kaizen effort failed, it was largely due to a failure of leadership. He noted that the Council might say right now that it wanted to go forward with this, but then at some point, a future Council might say that it didn't really mean this. He said that was extremely demoralizing for everyone involved.

Councilor Needell said in his own work, the idea of process improvement was important. But he said the problem the Town had was to implement this approach in a way that was valued, and wasn't just about creating busywork to satisfy process, which didn't really accomplish anything. He asked how this could be avoided.

Mr. Gottsacker said there were structured techniques and methodology that were used, and said this avoided fixing things just for the sake of fixing them. But he said it did concern him that the Council membership changed frequently.

Councilor Sievert said permitting was a great place to start, and he also noted that this problem didn't exist just in Durham. He said it would be good to focus first on some things where they could be successes, so the Council would see that this approach really worked.

Mr. Gottsacker agreed that there should be some focus, which was they had focused first on three Town processes. He described in some detail how the payroll process was being looked at.

Councilor Stanhope said he liked what was proposed, but said his main concern was that people got excited conceptually about solving problems, but then many departments had turf issues. He said a question was how to overcome this as part of correcting deficiencies.

Mr. Gottsacker gave as an example of this, where there were two different inspectors inspecting the same things. He said there were methods to deal with this, and said this was where the importance of leadership came in. He also said the stickier issues could be left until later on.

Councilor Van Asselt asked whether solving the process problems also got rid of bad employees.

Mr. Gottsacker said his experience was that when people were given a bad process, they looked like they weren't good employees. He said once the process problems were dealt with, the deadwood issue could be looked at. He noted that Town Planner Jim Campbell was stuck with a lot of processes he didn't like, and that people blamed him, not the processes.

Councilor Clark questioned whether the permit process was the best place to start. He said that having sat through the discussions on the Zoning Ordinance, perhaps that was a higher priority than the permit process.

There was discussion on how to proceed. Mr. Gottsacker said if the Council wanted to go forward with looking at Town processes, he, Administrator Selig, and Business Manager Gail Jablonski would make a plan, and then would start attacking it.

Councilor Needell asked Administrator Selig what his impression was of using the Kaizen approach.

Administrator Selig said he had a very positive impression of this, and said Town departments were open to using it. He said people realized that with the economy, increasing efficiency was important. He emphasized that as Town staff was urged to talk about problems with processes, it would be important to support them, and to allow them to solve these problems.

There was discussion that it was very important to involve the staff who worked daily with the processes where there were problems.

Councilor Leach asked if would be of benefit to get perspective from people other than Town staff, because there were things that people who worked with processes every day might not see.

Mr. Gottsacker said that sometimes people who worked with processes every day didn't see that there was any other way, and he also noted that there was often no motivation to change the system. He said complaints from people who didn't work for the Town could provide needed perspective, and could be an important part of the evaluation process.

Councilor Henry Smith asked to receive some of the literature on total quality improvement and Administrator Selig said he would circulate this information.

B. Wiswall Bridge Update - David Cederholm

Town Engineer Dave Cedarholm said the present design for the bridge was a basic bridge, with no frills such as a fancy railing or sidewalk. He said they were headed in the direction of eliminating the stone façade, with the Division of Historic Resources. He said the engineering team had developed a U-back wingwall that would have less wetland impact.

John Byatt of CLD Consulting Engineers reviewed where the design was at when it was last before the Council. He said the recommended option at that time was to build a single bridge where the pier in the middle was removed and replaced the stone abutments with concrete abutments. He said sidewalks were included in the design, but said since that time, they had been removed. He noted the 30 mph design included flared wingwalls, because they were the shortest, but he said they had the most wetland impact.

He said they were required to reduce impacts further, on wetlands, abutters, and on the historic stone façade. He also said the Division of Historic resources had found that the bridge and the abutments were eligible for inclusion in the Historic Register. He said they had therefore gone to a 20 mph design speed, which reduced project impacts and footprint; reduced impacts to abutting properties; lowered costs; and allowed the road to the east to remain at the existing grade. He said the negatives were that it reduced the profile transition smoothness and the sight distance. But he said probably got the Town out of having to do an archeological impact study.

He noted that DES had preferred that full length U-back wingwalls be used to limit wetland impacts.

He said the Council at its last meeting on this project had asked for the lowest cost project that could be permitted; had asked that Mr. Byatt negotiated with DES to reduce the wingwall lengths; and had also asked him to keep the historic mitigations costs as low as possible.

He said the U-back wingwall design was dropped down to 100 ft from 280 ft, which would result in less impacts and less cost to the Town. He said there had been negotiations with DES concerning this, and the agency had agreed with the design.

He said NHDOT didn't allow a 20 mph design speed, but said it would allow a 25 mph design, through a design exception, which would involve the Town having to accept some of the liability concerning the bridge. He said a design exception would also required for a single lane bridge. He said right now, the design was for 25 mph, and said the design exception had been written and provided to the Town for its review.

Mr. Byatt said the NH Division of Historic Resources and FEMA had asked for the concrete to be colored in order to reduce the visual impact, and also wanted black railings. He said they would also like to see an historic exhibit at the site focused on historic bridge elements, and had also asked the Town to consider including a stone facades, which would be pretty expensive. He said discussion on this was on-going, to see what could be done instead of the façade. He said the façade would increase the cost by about \$153,000. He said the new wingwall option would save about \$167,000.

He reviewed other costs involved with the current design and the requests from the Division of Historic Resources. He said he had spent a lot of time going through the various options, and the engineering fee had therefore gone up by about \$26,000. He said FEMA had said it would pay for 75% of the exhibit, and said the agency had also been asked if it would pay for 75% of the historic

mitigation, but there was no answer on this yet. He noted that another item of interest to them was the Town's completion of the formal documentation necessary to expand the boundaries of the current National Registered mill district. He said he would be having further discussions with them on Friday.

Councilor Van Asselt said when the Council had previously discussed the Wiswall Bridge proposal, there hadn't been discussion on the historic issues. He said he didn't understand how this had evolved.

Mr. Byatt provided details on this, explaining that in December they had determined that the archeological work didn't have to be done, but that historic elements did have to be addressed. He said the discussion on this had been a slow process.

Councilor Leach asked how making this an historic area, and including it in the Historic Register would impact what could be done in that area from a recreational point of view.

Mr. Byatt said the Town needed to talk with the agencies about that.

Councilor Leach said she was concerned about future impacts on recreation and other activities of benefit to the Town that might be conducted out there. There was discussion.

There was discussion about what getting a design exception from NHDOT for a 25 mph, single lane bridge would involve.

Councilor Leach said she was glad to hear that FEMA had agreed to pay 75% for the interpretive display. Concerning the recommendation that the railing should be painted black, she said a resident had noted at one of the public hearings had said he didn't like the idea of painting the railings, and had noted that the black paint on the railings at the Packers Falls Bridge was chipping off and falling into the water. She also said painting the rails would require more upkeep. In addition, she said there had been a comment that reusing the existing stones would result in more wear to them than if the stones were left the way they were. She asked Mr. Byatt for his perspective concerning this.

Mr. Byatt said the stones would definitely need be moved, but said he didn't know if this would affect their historic aspect. He said the bridge railing would be anodized black aluminum, so wouldn't be painted. He said the metal guard rails were proposed to be painted, and said that would be a maintenance issue. Further detail on this was provided.

Mr. Cedarholm said Public Works was proposing two bar aluminum rails on the bridge, then galvanized rails on the approaches. He said they would all be the same gray color.

There was further discussion on the costs, including the stone façade issue, and whether the Town would be required to provide the façades.

X. Unfinished Business

- A. Public Hearing and Action on Ordinance #2008-08 amending Chapter 175 "Zoning", Article XXI "Off-street Parking and Loading", Sections 175-110 to 175-117 of the Durham Town Code to be consistent with the Town Master Plan and to make overall content updates.

Councilor Henry Smith MOVED to open the Public Hearing on Ordinance #2008-08 amending Chapter 175 “Zoning”, Article XXI “Off-street Parking and Loading”, Sections 175-110 to 175-117 of the Durham Town Code to be consistent with the Town Master Plan and to make overall content updates. The motion was SECONDED by Councilor Leach.

Bill Hall, Smith Park Lane, said he had watched for a long time as the problem concerning not having enough parking downtown had developed. He said when there wasn't enough parking, people parked where they wanted, and there was chaos. He provided details on this, and said the Council needed to think about this proposed change very carefully.

Councilor Leach asked Mr. Hall if he had specific concerns.

Mr. Halk said he was concerned that greater density would be created downtown, and that there wouldn't be the parking to support it. He provided details on this.

Chair Niman asked Mr. Campbell to respond to these comments.

Mr. Campbell said Mr. Hall's concern would only apply to the Central Business District. He said the proposed revisions to the Off-street Parking and Loading provisions concerning the Central Business District had come out of recommendations in the Master Plan. He provided details on these provisions.

Councilor Sievert said it looked like parking for residential properties actually went up, with these proposed changes.

There was discussion between Administrator Selig and Mr. Campbell about the degree to which encouraging mass transit and less use of vehicles had factored into the Planning Board's discussion on these proposed changes.

Robin Mower, Faculty Road, said she echoed Mr. Hall's concerns. She said she liked the idea of limiting parking downtown in order to encourage pedestrians, but she noted that there was a lot of parking by students in the Town's neighborhoods. She said she didn't know exactly how to address this, but said it was something to be aware of in making decisions like this.

She also noted section 175-116 E on “On-Site Landscaping and Exterior Screening”, regarding screening for parking lots that were adjacent to residential zones. She said she questioned whether a six ft high screen would be high enough, and said the Council might consider the idea of higher screening.

Councilor Van Asselt MOVED to close the public hearing. Councilor Stanhope SECONDED the motion, and it PASSED unanimously 7-0.

(Councilor Leach was not in the room at the time.)

Councilor Van Asselt MOVED to approve Ordinance #2008-08 amending Chapter 175 “Zoning”, Article XXI “Off-street Parking and Loading”, Sections 175-110 to 175-117 of the Durham Town

Code to be consistent with the Town Master Plan and to make overall content updates. Councilor Henry Smith SECONDED the motion.

Councilor Van Asselt asked whether there was an issue concerning what Mr. Hall had spoken about.

Councilor Needell said the intent of the Master Plan was to remove the parking requirements from the Central Business district. He said this idea had been in the works for a long time, in order to allow more intense development there. He said the overall impact of this on other places had to be considered and dealt with, and he said it might need to be dealt with through enforcement. He said the issue of people living in the district who wanted to have a car wasn't dealt with in these provisions, and said that was intentional.

Councilor Van Asselt said there were those like him who thought it might not be such a bad idea for people to live downtown, in buildings of 3-4 stories, and he asked how adopting these provisions impacted that.

Councilor Needell said these provisions didn't preclude someone from providing parking, but he said the economics would probably drive this, and that if a developer couldn't fill units because parking wasn't provided, they probably wouldn't be built. He said his guess was that this change would drive most of the housing downtown to be student housing.

Councilor Van Asselt said he wasn't sure that this change was the right way to go.

Councilor Clark said he felt strongly that changing the parking in this way made sense if the Town wanted a robust downtown. But he said this couldn't be done in isolation. He said an important second step was addressing cars, and providing mass transit that connected people to the places they needed to go. He said this proposed change to the Zoning Ordinance was an important first step, as long as it was understood that there was more to do. He said it was frustrating having this conversation without knowing how step 2 would be addressed.

Councilor Sievert discussed how the possible redevelopment of Mill Plaza played into the idea of reducing parking requirements in the downtown area.

Councilor Needell read from the Master Plan regarding this proposed change. He said there was still the question of what the development of commercial properties, which was spoken about in the Master Plan, would offer.

Councilor Van Asselt said the Master Plan was written 12 years ago, and said he wasn't sure that was where things were headed with the downtown.

Administrator Selig said what Councilor Clark had mentioned was a common theme, that the current parking requirements were an impediment to redevelopment. He said there was a limited area as well as a height restriction, and said if there could be 5-6 stories, a lot more could be done with parking. Concerning the mass transit elements, he said the University had been doing a great job with this with its shuttle buses. He said there was much greater usage of them now, and noted that it was the most widely used mass transit system in the State.

He said there had been consistent enforcement of parking compliance, and noted that the number of tickets given out had dropped because of greater compliance. He said it was believed this was driven by the availability of mass transit and the fact that there was more parking available around the campus area, for example at the Town's Depot Road parking lot.

Regarding the idea of people living in apartments downtown other than students, he said these would have to be designed specifically for that clientele. He said such tenants would pay a premium, and would be provided with parking. But he noted that residents of the neighborhoods wanted student rentals to be downtown. He said this proposed Zoning change was consistent with the Master Plan, and moved the Town closer to increased density downtown, where the infrastructure was available.

Chair Niman said that concerning the idea of a parking structure as part of the redevelopment of Mill Plaza, he didn't see the economics for this right now. But he said this Ordinance change could increase the demand for parking space there, so might be a good step toward that.

Councilor Sievert noted that with things so tight downtown, it was difficult to meet all of the parking requirements for islands, etc. He also said that in terms of runoff, it was better to have buildings than parking lots.

Administrator Selig noted parking available at the West End lot. He also said the Main Street improvements out to Route 4 would include a pedestrian walkway that would make the West End lot more accessible.

Councilor Needell noted that the change to Section 175-116 E was to specify that screening could be composed of evergreens or fencing. He asked if this was considered a structure, and Mr. Campbell said if it was over six feet, it was considered a structure and therefore had to meet the setback requirements. He said that was the reason for putting the height at six feet. He also said the idea with the screening was to block headlights.

Councilor Needell said for special cases like Mill Plaza, imposing higher screening requirements could be better addressed in the site plan.

The motion PASSED unanimously 8-0.

B. FIRST READING ON ORDINANCE #2008-09 amending Chapter 175 "Zoning", Article XXIII "Signs and Utility Structures", Sections 175-126 to 175-137 of the Durham Town Code to make overall content updates.

Chair Niman noted the changes proposed by Peter Smith, and asked how the Council should proceed with this.

Administrator Selig recommended opening the public hearing and then continuing it to the next meeting. He said the Council could then decide if it would be a substantive change.

Mr. Campbell reviewed the changes recommended by Councilor Peter Smith. He said removing "not including election signs" from Section 175-133 B. 2. would not be a problem. He also said that concerning Section 175-133 B. 4., the wording could be changed to "...twenty-two foot area for a private driveway, and..." He said he didn't feel that either of these would be substantive changes.

He said he considered the idea of revising the wording concerning time constraints for snipe signs in 175-133 B to be a substantive change.

Councilor Leach noted Peter Smith's comment about defining "relevant event".

There was further discussion, that the change needed concerning time constraints for snipe signs was a substantive change.

Councilor Sievert MOVED to open the Public Hearing on ORDINANCE #2008-09 amending Chapter 175 "Zoning", Article XXIII "Signs and Utility Structures", Sections 175-126 to 175-137 of the Durham Town Code to make overall content updates. Councilor Leach SECONDED the motion, and it PASSED unanimously 8-0.

Beth Olshansky, Packers Falls Road, said she felt that the square footage allowed under Section 175-133 L. 1. for free standing or ground mounted signs for multi tenant developments seemed really large.

Mr. Campbell said the Irving sign was 58.2 sf. He noted that there were complaints by Mill Plaza tenants about the lack of signage. He also said Board member Steve Roberts wanted to allow up to 100 sf, to allow the Planning Board some flexibility.

Councilor Needell noted that the signage plan for any development would have to be approved by the Planning Board.

Ms. Olshansky said she had seen businesses go to the ZBA to get a variance concerning signage, so there was always the opportunity to get a larger sign. She said she felt putting 100 sf in the Ordinance was an invitation to have signs that size.

Robin Mower, 11 Faculty Road, suggested that there should be something like design standards to ensure that signs were appropriate. She said that otherwise, this would depend on the composition of the Planning Board at the time of a particular development.

Administrator Selig noted Section 175-133 H. on Directory Signs, and he suggested that instead of saying "Town Council", it should say "Town Administrator". It was agreed that this would not be a substantial change.

Councilor Needell said the concern that Peter Smith had raised was an important one, that a time period restriction for political expression signs was unreasonable. He said he would like to see it removed.

There was further discussion on how to handle this, procedurally.

Administrator Selig said the changes to the Signs and Utility Structures provisions of the Ordinance were overall quite positive, and said the snipe sign time constraint issue could be addressed separately. He said he didn't see the need to stop the other changes from moving forward while this was addressed.

Councilor Needell said given earlier discussion with Peter Smith, he suggested continuing the public hearing, to allow for any further changes.

Councilor Needell MOVED to continue the public hearing to the next meeting, and to welcome any changes during that time. Councilor Henry Smith SECONDED the motion.

Councilor Leach said the Council didn't know if all the changes to the provisions would be available by then.

Councilor Needell recommended continuing the hearing to the next meeting. He said prior to the next meeting the changes the Council had agreed were non-substantive could be made, and a copy could be sent to Peter Smith, asking for his comments.

Councilor Sievert said he felt Ordinance #2008-09 could be approved that evening, and said Peter Smith could deal with the snipe sign portion separately. Councilor Sievert said in terms of concerns expressed at the public hearing, he didn't have a problem with a 60 ft sign, and said giving the Planning Board the option to allow it to be bigger than that was a good idea. He said it was a great opportunity to not have to get the ZBA involved. He noted Mr. Gottsackers's comments about eliminating steps in Town processes where possible.

There was further discussion on how to proceed.

Councilor Needell MOVED to continue the meeting. Councilor Sievert SECONDED the motion, and it PASSED 7-1, with Councilor Stanhope voting against it

Administrator Selig said his impression was that Peter Smith was comfortable with the other two changes.

Councilor Leach said there was also a vehicle in place to bring back the change Peter Smith wanted, even if the hearing was closed.

The motion to continue the public hearing on Ordinance 2008-#09 FAILED 4-4 for lack of a majority, with Councilor Leach, Councilor Sievert, Councilor Van Asselt, and Councilor Niman voting against it.

Councilor Van Asselt MOVED to close the public hearing. Councilor Leach SECONDED the motion, and it PASSED 5-3, with Councilor Clark, Councilor Needell, and Councilor Stanhope voting against it.

Chair Niman called for a motion to approve ORDINANCE #2008-09 amending Chapter 175 "Zoning", Article XXIII "Signs and Utility Structures", Sections 175-126 to 175-137 of the Durham Town Code to make overall content updates, with the following changes: change "Town Council" to Town Administrator" in Section 175-133 H; remove the language "not including election signs" in Section 175-133 B.2.; and change the language in Section 175-133B.4. to read "twenty-two foot area for a private driveway". The motion PASSED unanimously 8-0.

- C. Discussion and possible action on Stone Quarry Development Agreement proposal submitted by Rockingham Properties, Inc.

Postponed

There was discussion on how to proceed with the rest of the meeting, given the time. Chair Niman said he had no intention of finishing the discussion on the proposed Zoning changes prematurely.

Chair Niman said he had initiated these changes, but he noted that there was another potential change he had initiated that hadn't even made it here. He said people needed to trust in the process, and said nothing was a done deal. He said it wasn't clear to him that any of the things he had suggested would make it to public hearing, let alone be adopted.

He said the reason he had proposed the Zoning changes, and had put them together on the same agenda was that he felt they were interconnected. He noted the Planning Board, in its haste to change the Zoning to permit stables on a property, had recommended to take the only large piece of property where there could be any sizable multi-unit development out of the MUDOR District.

He said people on Pendexter Road didn't want student housing near them and people on Chesley Drive had said not to put students in the Central Business district. He said people living in the Spruce Woods area had also told the Planning Board that they didn't want to see student housing near them. He said at some point there needed to be a substantive discussion about where to put students in Durham, or whether to put them anywhere at all. He said he therefore didn't want to discuss each of these changes in isolation, because changing one had ramifications for the others.

Chair Niman said the other general question was regarding commercial development in Durham, and where it could occur. He said he had proposed the Beech Hill area near Goss, but that was wildlife habitat so it couldn't be done there. He said some people had said a project in the ORLI district was good because one wouldn't be able to see it, but then it was said that doing the development far from the road would put it near the Town's water supply. He said that basically eliminated the ORLI district from consideration for commercial development.

He then spoke in some detail about issues involved with developing the TIF district, the Central Business district, and the Professional Office district. He said once again, when he looked at the map of Durham, he saw nothing that could be developed, other than one or two possible lots that were part of the proposed Zoning changes. He said he was bringing these Zoning initiatives forward in the hope that the Town would discuss whether it wanted student housing or not, and whether it wanted commercial development or not. He said the problem was that there weren't a lot of options to try to make things work

Councilor Needell said there was nothing wrong with having a conversation like that, but he said he thought it was the wrong approach to propose the Zoning changes before having that conversation. He said he felt the Planning Board should probably be doing this, or, the Council needed to do the work and present the vision and the plan for the Town. He said Chair Niman was raising important questions, but said he questioned the process that had been created. He provided details on this.

Chair Niman said this was a chicken and egg problem, stating that it was hard to get anyone to do a plan until they saw the zoning.

Councilor Van Asselt said he was not sure the response from the public that evening wouldn't have occurred, if these had been Planning Board initiated zoning changes. He also said he didn't understand where people in Durham wanted students to live. He said it was ironic that 97% of the people in Durham earned a living from the University, but didn't want students. He spoke in detail on this, and said instead of fooling with these other zones, perhaps it was time to go to the University about developing a partnership to provide student housing on University land.

Councilor Needell said these were great points. But he noted that not one person had spoken in favor of the proposed zoning changes, to balance those speaking against them.

Councilor Van Asselt said the Council had a responsibility to have a discussion about what kind of development there should be in Durham. He said if people didn't want students, or kids in the Oyster River School district, they should say so. He said it was important to have the discussion Chair Niman had spoken about. He said the current process was not productive.

Councilor Clark said he appreciated Chair Niman's words, but said he didn't think the message was that the Town didn't want student housing. He said the frustration was that the ordinance process was too rigid. He asked why new zones couldn't be created, and why it was so hard for the Council to do the right thing. He said this was the reason a strategic plan was needed, so things could be discussed comprehensively and not in isolation.

There was then detailed discussion on how to proceed with these Agenda items. Administrator Selig said a reasonable next step would be to schedule these items for first reading at the next meeting. There was further discussion, and the consensus of the Council was to do this. Councilor Clark and Councilor Henry Smith agreed that as part of this process, there needed to be a global discussion about what the Council was trying to accomplish.

Councilor Needell said he was opposed to the proposed Zoning changes going on to public hearing, and he spoke in detail about this.

Chair Niman noted a parcel that it had been requested should be removed from the proposed ORLI change. There was brief discussion on this.

- D. **DISCUSSION AND FIRST READING ON ORDINANCE #2008-10**, a Council-initiated ordinance to amend Chapter 175 "Zoning", Section 175-32, Zoning Map, of the Durham Town Code to expand the Central Business (CB) district into the Church Hill (CH) district to Smith Park Lane.
- E. **FIRST READING ON ORDINANCE #2008-11**, a Council-initiated ordinance to amend Chapter 175 "Zoning", Section 175-32, Zoning Map, of the Durham Town Code to expand the Multi-Unit Dwelling/Office Research (MUDOR) district into the Residence B (RB) district to include land north of Route 4 and east of Madbury Road.
- F. **FIRST READING ON ORDINANCE #2008-12**, a Council-initiated ordinance to amend Chapter 175 "Zoning", Section 175-32, Zoning Map, of the Durham Town Code to expand the Office and Research & Light Industry (ORLI) district into the Residence B (RB) district to include the remaining land of Sprucewood to the Lee Town line.
- G. Develop action plan to begin implementing the 2008/2009 list of Town Council goals adopted on June 2, 2008.

XI. New Business

There was no new business.

XII. Nonpublic Session (if required)

XIII. Extended Councilor and Town Administrator Roundtable (if required)

XIV. Adjourn (NLT 10:30 PM)

Councilor Van Asselt MOVED to adjourn. Councilor Henry Smith SECONDED the motion, and it PASSED unanimously 8-0.

The meeting ADJOURNED at 11:03 pm

Victoria Parmele, Minute Taker