

This set of minutes was approved at the June 21, 2010 Town Council meeting

**Durham Town Council Meeting Minutes
Monday May 3, 2010
Durham Town Hall - Council Chambers
7:00 P.M.**

MEMBERS PRESENT: Chair Diana Carroll; Councilor Neil Niman; Councilor Julian Smith; Councilor Doug Clark; Councilor Peter Stanhope; Councilor Mike Sievert; Councilor Robin Mower; Councilor Jay Gooze; Councilor Bill Cote

MEMBERS ABSENT: None

OTHERS PRESENT: Town Administrator Todd Selig, Business Manager Gail Jablonksi, Planner Jim Campbell, Public Works Director Mike Lynch, Recreation Director Mike Mengers

I. Call to Order

Chair Carroll called the meeting to order at 7:01 pm.

II. Approval of Agenda

Councilor Smith MOVED to approve the Agenda. Councilor Mower SECONDED the motion, and it PASSED unanimously 9-0.

III. Special Announcements

None

IV. Approval of Minutes

April 5, 2010 Nonpublic Session Minutes

Councilor Cote MOVED to approve the April 5, 2010 Nonpublic Session Minutes. Councilor Sievert SECONDED the motion.

Change Mr. to Dr. throughout these Minutes.

The motion to approve the April 5, 2010 nonpublic session minutes as amended PASSED unanimously 9-0.

April 5, 2010 Minutes

Councilor Clark MOVED to approve the April 5, 2010 Minutes. Councilor Smith SECONDED the motion.

Page 15, should read “..but not no parking/fire lane.”

The motion to approve the April 5, 2010 minutes as amended PASSED unanimously 9-0.

V. Councilor and Town Administrator Roundtable

Councilor Gooze said the Rental Housing Commission would meet on Wednesday, and said there was a lot on the Agenda, including some draft ordinances and perhaps the election of another Chair. He said the Commission would probably be meeting twice this month in order to move things along.

Councilor Clark said the EDC had met recently, and had looked at the draft RFP for the market study. He said there was extensive discussion about the need for a demand inventory, gap analysis, and using indexes to predict markets. He asked whether the Council was coordinated enough with what the EDC was doing, in order to avoid redundancy and to ensure that the EDC could meet its goals. He said there seemed to be a lot of overlap concerning the B Dennis work.

Administrator Selig said this warranted a conversation, and suggested that the Council talk about this under Other Business, or have a specific agenda item on it at the next meeting.

Councilor Clark said the EDC was poised to get some things done, and said the Council could leverage that.

Councilor Mower said the discussion on the market study RFP now seemed to involve a town wide study, and said she wasn't sure the TC had discussed that, as compared to looking at the commercial core. She said if the study did include more, the Council needed to be in agreement about that.

Chair Carroll asked if Councilors had any comments on this, also noting that the plan was to get the marketing study RFP out soon.

Councilors agreed that this matter could be discussed later at the meeting.

Councilor Smith said the Planning Board had met the previous Wednesday, and held a public hearing on the proposed amendments to the ORLI and MUDOR districts. He said one person spoke in favor of the Zoning changes and a letter was read from a property owner opposed to the amendments. He said the Planning Board had subsequently voted to recommend these changes to the Council with one dissenting vote.

He said there was an acceptance consideration for a site plan review application and conditional use permit application to demolish the current commercial structure on the property at the corner of Pettee Brook Lane and Madbury Road and in its place build a new three-story, mixed use building.

He also said the Planning Board had finally approved the Seacoast Repertory Theatre site plan application and Conditional Use Permit application.

In addition, Councilor Smith said there was continued discussion with Town Engineer Dave Cedarholm on the draft storm water provisions for the site plan regulations and subdivision regulations, and said this discussion would continue at the next meeting. He

noted that it was a complicated subject, and said the Board was slowly making its way through the draft.

Councilor Stanhope made reference to the email being circulated from a student rental property owner, which discouraged further rental property development in Durham because it would devalue the existing rental properties at a time when they were already experiencing vacancies and declining rents.

He said he thought the newer, higher quality housing being created would offset any decline being seen overall in the existing assessed values on rental properties. He also said if competition from newer properties drove down rents, it would draw some of the problems out of the neighborhoods.

He said if a parent could put his child in a good quality rental property at a lower cost than buying a single family home, in time this would mitigate many of the problems being faced now. He said he therefore hoped the Council would keep an open ear to aggressively pursuing high quality student rentals in Durham.

Councilor Cote said the Council had received one email from a property owner who spoke about a soft market. But he said they had heard at a recent Planning Board public hearing that many of the downtown units were already spoken for. He said it seemed that these units would be very desirable, including the fact that renters wouldn't need to have a car.

Councilor Gooze said he agreed with Councilor Cote for the most part, but said there was another side to it. He noted that he'd had discussions with some rental property owners who were concerned because their tax assessments had gone up so high, and they were having difficulty with their competition. He said some were good landlords, and said they worried that it would be difficult for them to keep doing what they were doing. He noted that these properties were older, but their assessments had already gone up, and the concern was that the cost of making improvements to them could put these property owners out of business.

Councilor Stanhope said he'd been concerned for some time that a number of the existing student housing properties were substantially over-assessed, based on what Varsity Durham had paid for its portfolio. He spoke in detail on this, and said it was a single transaction that the former Assessor had used to reset the ad valorem assessments. He said he felt they were in error and would have to be adjusted. He said he was comfortable that doing so would bring equilibrium with the existing stock, but he noted that some of that stock wasn't terribly attractive.

Councilor Gooze said he agreed completely but said he wanted to be able to tell the people he had been talking to that the Council realized what was going on, and that they hadn't been abandoned.

Councilor Clark agreed with the logic, but said he wanted to be sure they had their eyes wide open. He said the Police Chief had told them over and over that students and adults didn't mix very well, and said if there was any reasonable hope of housing for grownups

in the downtown, they had to be careful about how many students they let in, and where. He said it could be fine in terms of balancing the student housing market, but said he worried about what it would mean in terms of the future vision for the downtown in regard to adult housing.

Councilor Niman said that was why, if high quality student housing was put somewhere other than the downtown, and the stocks of this housing increased to the point where rents could drop throughout the Town, it then became possible to position some of the existing buildings, or demolish them and potentially build adult housing. He said it was possible right now to expand student housing beyond the downtown core so they could reconfigure the downtown to get the appropriate mix.

Councilor Clark said that was what he hoped.

Councilor Mower said in the meantime, there was a project before the Planning Board that wanted to put in 4-5 bedroom units, which wouldn't be amenable to modification for adults. She said this was happening because there wasn't a big plan in place. She also said she saw this as a transition time, in that some of the older student rental properties were decreasing in quality, and if they didn't provide enough revenue, they could be sold to someone who wouldn't attempt to maintain them.

Councilor Sievert said he had been asked a question about this at the recent Planning Board meeting, and didn't answer because he hadn't spoken to the people he was working for. But he said the answer was that the proposed apartment units on Madbury Road could be converted easily by taking out a wall. But he said the problem was that they weren't going to be adult apartments if there wasn't parking, noting that adult residents would need to have cars because they worked. But he said there were certainly locations downtown that were otherwise amenable to adult housing.

Councilor Gooze noted that the person from Albuquerque he had spoken to about form-based codes had said parking was provided for residents, but when they went to work, it was available for business parking. He said he was told that this system worked very well.

Councilor Mower said it would be a shame if a building being put up now didn't accommodate a future vision for the downtown that had adults in it as well.

On another issue, Councilor Mower asked if the fire lane markings had been completed.

Administrator Selig said all the fire lanes in the initial write-up to the DPW had been done, but said signs still needed to be created for the items that were not on the list.

Councilor Mower noted the meeting that would be held the following day about possible two way traffic on Main Street, and asked Administrator Selig to bring people up to date on this issue.

Councilor Cote said there had been substantial progress in moving toward correcting some of the fire lane issues.

Councilor Sievert said at the most recent Parks and Recreation Committee meeting, there was discussion about projects they had going on, as well as discussion about how well Recreation Director Mike Mengers had been doing. He said the Committee was finding that some of the Town properties that a lot of money had been spent on were underutilized, and said the Council would be hearing a lot more on this from the Recreation Department. He also noted the idea of potentially increasing Mr. Mengers' hours.

Councilor Mower asked if there was tracking of the use of these properties, by age range, etc., and Councilor Sievert said he would find out.

Administrator Selig said the DPW had addressed the issue of markings for fire lanes that had been brought to their attention. He also said Chief Landry had raised the Field House fire lane issues with UNH, and said they would be making some modifications.

He also noted the email from Paul Dean, the Deputy UNH Chief of Police, which indicated that many years ago, parking enforcement had been delegated to UNH Parking Services, although their Police department could take action if needed. Administrator Selig said he'd inquired about what Parking Services was doing regarding fire lanes, and said he had received a letter from Dirk Timmons, the director of that division.

He read this letter out loud, and said after requesting data, he had received statistics on fire lane violations and enforcement concerning them. He said they were in fact writing tickets, and recommended revisiting this topic in July-August with UNH and the Town's Fire Chief.

Councilor Smith said this was a large number of tickets, and asked if Mr. Timmons had indicated how much the charge was for the ticket, and the level of collection.

Administrator Selig said no, and Councilor Smith suggested that there be follow-up on this as well. He said if the ticket was \$5, and it wasn't collected, the data was meaningless.

Administrator Selig noted that at the next Council meeting, resident Dick Lord, who was on the Wiswall Historic Interpretation Committee would be making a presentation to the Council on their work regarding the historic interpretation at the John Hatch Park at the Wiswall historic mill site.

He noted that he had heard from Councilors off and on regarding the issue of conflict of interest. He recommended bringing this forward as an agenda item, and said he would organize this.

Administrator Selig said he was working with DPW on a presentation on the status of the Oyster River dam, which would take place at the May 17th Council meeting.

He noted the issue Councilor Stanhope had raised regarding the email letter that was received, and said he agreed completely with Councilor Stanhope's remarks.

Concerning the issue of possible two-way traffic on Main Street, Administrator Selig said he had asked staff to take the lead on this in determining what made sense. He said there had been two meetings so far, and said the meeting the following day would be to focus on the pros and cons of this approach. He noted the idea of a possible round-about at the intersection of Main Street, Pettee Brook Lane and Quad Way. He noted that the University was already thinking about having a round-about at that location.

He said there was also the possible approach of having a roundabout at the intersection of Main Street and Mill Road. He said there could be possible interim steps to test these and other possible approaches. He said representatives from UNH had been invited to the meeting, along with Strafford Regional Planning Director Cynthia Copeland and traffic planner Rick Chellman. He said anyone interested in sitting in on this meeting was welcome to do so.

Councilor Mower asked why Councilors hadn't been invited to this meeting, and Administrator Selig said he thought it would be too big a group, so wouldn't be productive. But he said individual Councilors were welcome to come.

There was discussion about the fact that a response had been received from the Oyster River School District regarding Resolution 2010-02, and said the Council could discuss this either that evening or at the next Council meeting.

Administrator Selig noted the Agenda item that evening regarding the Town's financial policies, and the fact that Councilor Smith had expressed concern about making the policy documents grammatically tighter. He said there had therefore been interest in pulling this item off the Agenda and letting him do it. He suggested talking about the policies but said there was plenty of time to work on finalizing the policy documents.

Councilor Smith said that the issue from him wasn't the grammar of the documents.

On another issue, Administrator Selig spoke about four possible ordinances that would be discussed by the Rental Housing Commission at its meeting on Wednesday: a disorderly house ordinance, an update of the existing noise ordinance, a rental registry for rental units, and a large gathering ordinance.

Councilor Mower asked if there would be discussion on the test court case for illegal occupancy, and Administrator Selig said Mr. Johnson would provide an update on this.

Administrator Selig said the Town had received a response from the School District.

Regarding the issue of assessments of multi-unit properties, he said the goal was to fairly value these properties. He said the values were established based on recent sales, and also noted that there was an appeals process. He said discussions were being held with landlords about whether adjustments needed to be made, and said this issue would be worked out.

Councilor Clark asked what the repercussions were of the adjustments for the rental properties, and Administrator Selig said everyone else's taxes would go up. He said he

had a lot of empathy for the professional property managers, who had worked hard to better their properties, and had found that their assessments had gone up steeply.

He said the inverse of this was that if the current assessments were accurate, this meant that for some period of time, the rest of the property owners had been paying more than their fair share. He said the goal was to treat everyone fairly. He said over the next few months, the appeals would be resolved.

There was discussion that part of what was looked at in terms of an assessment was cash flow.

Councilor Stanhope also said the same taxation burden being placed on the existing inventory would be applied to newly constructed properties. He said this would consequently bring in new tax dollars, so should offset the decline.

Administrator Selig said many of the single family homes that had been converted to student rentals used to be Durham's affordable housing. He said if they could find an alternative for the students living there, perhaps those properties could transition back.

Administrator Selig said most of the storm debris had been picked up, and said it was impressive to see the amount of debris at the Packers Falls Road gravel pit. He noted that FEMA would cover much of the cost of chipping up this waste. He also said the bulky waste pickup had begun, and noted the positive and negative feedback he received on this program every year, including this year.

Chair Carroll said she had recently visited the Wiswall Bridge, and said the facings being put on the abutments were very impressive and elegant. She also said she had walked the area with Dick Lord, who had spoken with her about other historic mitigation work being done there. She said he would be providing an update to the Council.

Chair Carroll noted that Moe's restaurant had moved to the Phillips gas station, and spoke about the recent grand opening there. She said this was a good reminder for residents to keep shopping in Durham and spend their money locally. She said it was good to see local businesses doing well.

VI. Public Comments (*NLT 7:30 PM*)

Rodger Speidel, 7 Nobel K. Petersen Drive, passed out a chart of 10 school districts he'd contacted, to compare budget, enrollment, costs per student, and the existence of a budget committee with the Oyster River School District. He noted Councilor Stanhope's recent question as to whether the figures he had recently quoted to the Council were correct, and said they were.

He noted that the Oyster River School district's cost per student was \$4,075 higher than the average cost per student of these other school districts, and he spoke in detail about the significant savings the ORSC would see if it could hit that average cost. He said the School Board could lock the barn door in terms of costs by forming a Budget committee and passing a zero increase Budget. He noted that each of the school districts on the list

had a budget committee, and also pointed out that in some NH cities, the city council oversaw the budget committee.

Mr. Speidel said that in the recent elections, the School Board incumbent, who had voted for a budget increase every year, was thrown out by a two to one margin. He said the School Board must pass a 0 increase Budget, and must vote for an advisory budget committee this year, in order to assure the voters that they had been heard. He said the Council's role was to get constituents to call and write the School Board and demand these two things, and to go to School Board meetings.

Councilor Stanhope asked if in these other municipal budgets, the cost per student minus debt service had been calculated. He said he was looking for what was being paid for the operational component.

Mr. Speidel said this had been included in the Budget figures that he had provided to the Council. He also noted that Exeter had a new high school, and was paying for it within its budget.

Bill Hall, Smith Park Lane, provided further details on fire lane violations at the Field House and other locations in Town. He said he thought there was more to this story than was being stated, and spoke further on this.

Mr. Hall also spoke about the article in Fosters about the fact that the charges against Steve Harriman had been dismissed, and said it was time for Administrator Selig to talk with the Police Chief about this issue.

Administrator Selig said that regarding the fire lanes issue, it was likely that neither the Town nor UNH would ever enforce fire lanes the way Mr. Hall believes they should. He said he thought fire lanes were being enforced appropriately, and provided details on this.

Administrator Selig also said that regarding the charges against Mr. Harriman, the article Mr. Hall had referred to was an accurate account of what had occurred. He reviewed the incident that had occurred, and said the Police Department had responded in a way that Councilor Smith and Mr. Hall were not satisfied with. He said ultimately, the prosecution of the case was turned over to the County Attorney's office, and it chose to bring the charges. He said Officer Jack Dalton was an excellent police officer, and said he had every confidence in his ability, honesty, and reputation.

Councilor Smith said some might sense that he was opposed to the Town's Police Department, but said that was not true. He said he would like the department to be more prudent and careful. He said that when he had stood away from the table to discuss this situation as a member of the public, he had said he thought there had been a tremendous overreaction concerning the report of shots fired, noting among other things that Route 108 had been blocked for more than hour.

He said it was very troubling to see this issue dragged on until late April, and said Mr. Harriman had spent more than \$10,000 defending himself against the resisting arrest charge. Councilor Smith said he would like the Police Department to be more prudent and more careful, and said he would continue to be as supportive as he could be.

Administrator Selig said Councilor Smith was entitled to his perspective, and noted that the person who believed he was shot at was impacted by this incident, just as Mr. Harriman was.

Councilor Smith said Mr. Harriman was never charged in connection with the alleged shots, and said the police were not interested in following up the possibility that the allegations were either false or wrong-headed. He said this was an embarrassment to the community and the individuals involved.

Administrator Selig said Councilor Smith was entitled to his perspective, but said this did not mean that it was accurate. He said the Police Department had worked very hard to investigate thoroughly a very challenging scenario involving two Durham residents.

Councilor Cote said the Council had to be very careful about addressing personnel issues. He said he didn't think this was within the purview of the Town Council, and said the matter lay with the Police Department and the parties involved.

Chair Carroll said this was an ongoing issue, and said the Council needed to end the discussion now and not bring it up the issue again unless it came up in some other form.

Steve Kimball, 20 Strafford Avenue, said the Durham Zoning regulations were very complex, and said with respect to parking, he wasn't sure more regulation, including getting into the details of who parking in parking spaces and why was the right answer. He said this was something that would be hard to figure out, from an enforcement perspective.

He said the issue was whether there was a legal parking space where a car was, and said this could be determined by collecting data and looking at existing plans. He said the Town should think of a way to simplify this issue, rather than adding on more complexity.

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

- A. **RESOLUTION #2010-14** authorizing the Town of Durham to open a two million dollar (\$2,000,000) TAN line of credit through Citizens Bank
- B. Shall the Town Council approve closing a portion of Route 108/Newmarket Road and Route 108/Main Street to conduct the annual Memorial Day Parade to be held on Monday, May 31, 2010?
- C. Shall the Town Council approve the water and sewer warrant for spring 2010 totaling \$478,013.96 and authorize the Town Administrator to sign said warrant?
- D. Shall the Town Council, upon recommendation of the Town Administrator, award the engineering contract for the Morgan Way/Route 4 intersection improvements project to CMA Engineers of Portsmouth, NH in the amount of \$69,407 and authorize the Town Administrator to sign a contract for this project?

- E. Shall the Town Council, upon recommendation of the Town Administrator, authorize the purchase of a new compact Telehandler with attachments in the amount of \$56,315.91 from Sunbelt Rentals, Portsmouth, NH, for the Wastewater Treatment Facility?

Chair Carroll said Items B and D would be taken off the Unanimous Consent agenda for discussion.

Councilor Smith said he had asked that Item B be taken off. He spoke about the existing route for the Memorial Day Parade, noting among other things that the bridge on Route 108 was an excellent location for the ceremonies. He asked who had changed the route, and why.

Administrator Selig noted that this issue had been addressed in the Friday Updates. He said historically, the parade had started on Laurel Lane, where marchers assembled, and also noted that in the past, volunteers had organized the parade. He said over time, some items of concern regarding the parade route had been identified, one of which was that with this route, regional and local traffic had to be shut down for a long period of time. He said it was logistically complex for the Police Department to manage the road closings, and also noted that there were issues of traffic safety and noise on Laurel Lane.

He said the organizers of the parade had discussed altering the route over the past few years, and including more of the downtown and Old Landing, but each time, the decision was not to do this. He said the Parks and Recreation Department had now taken on the responsibility for the parade, and came up with a modified route, which among other things reflected a reduced need for Police Department in terms of overtime hours.

Administrator Selig said he had said he was fine with what was proposed, so they had moved ahead with the modified plan. He said the idea was that the Old Landing site was an historic location, noting that the Town had originated there, and said the parade route would then go out to Dover Road, to Church Hill and then to the downtown.

Councilor Sievert said this proposal had already been explained well.

Chair Carroll noted that when Councilors had a question about something like this, they could talk with Administrator Selig or a department head.

Councilor Stanhope said his concern was that this was not a Town Council matter, and instead was an administrative matter. He said the implication of some emails on this issue was that the HDC was opposed to the new route, but he said the issue had never come before them. He asked that the Council be careful in micromanaging the responsibilities of the Town Administrator.

Councilor Mower said there were times that it was important that certain explanations be made at the Council level, so members of the public would know why something had been decided. She said it was rare that an average citizen would read the Council Communications, and said with a change like this to the parade route, it was a good idea to explain why it was being done.

Administrator Selig noted that there had been complaints from some of the marchers that the parade would be too long. He said after the parade, this would be reviewed, and if needed further modifications could be made. He said the approach being taken was consistent with the Kaizen method, and said hopefully the new parade route would work.

Councilor Gooze MOVED to approve Unanimous Consent Agenda Item B. Councilor Sievert SECONDED the motion, and it PASSED 8-1, with Councilor Smith voting against it.

Councilor Gooze asked if it was certain that the Town would receive reimbursement from the State for the Morgan Way improvements.

Administrator Selig said it was likely that the Town would be reimbursed, although noting that there was no guarantee. He provided details on this.

Councilor Clark MOVED to approve Unanimous Consent Agenda items, A, C, D, and E. Councilor Sievert SECONDED the motion, and it PASSED unanimously 9-0.

VIII. Committee Appointments

None

IX. Presentation Items

None

X. Unfinished Business

A. Continued discussion regarding the development of Town Council goals for 2009/2010

Chair Carroll noted that the goals had been consolidated, and asked Councilors to consider whether they felt the most recent draft contained the things they wanted to move forward with.

Administrator Selig said at the previous meeting, the Council had decided it wanted to go with the main headers for the goals, and include a few bullets under each in terms of priorities under each goal. He said he had received eight versions back from Councilors as to what the main goals and priorities under them should be. He said these responses were all over the place, and said he had taken the best of the suggestions and then condensed them, and had then sat down with Chair Carroll to refine them further.

Councilor Gooze said he thought the draft document now said what the Council wanted, and allowed them to include items that met the goals while not holding them hostage to any particular item.

Chair Carroll noted that she and Administrator Selig had tried to put the items under each goal in some kind of priority order.

Councilor Mower asked about the shift from having a Core Purpose statement to a Mission statement. She also said she thought the Council's main job had less to do with shaping the vision for the future than to address some of the concepts in the former Core Purpose.

Councilor Gooze said he didn't see that there had been a real shift.

Administrator Selig said he had thought the thrust of the Core Purpose statement was too narrow, so was trying to think more broadly.

Councilor Mower said it was somewhat over-reaching to talk about creating a community in the Mission statement.

Councilor Niman said he thought Administrator Selig and Chair Carroll had done a great job in refining the document. He said he would like to talk about the items under the revitalization of the Central Business District. He said he liked the Mission Statement, and said he had never liked the Core Purpose statement in the Goals document.

He also said he had heard complaints over the last eight years that there wasn't much community in Durham, so liked the comment on creating a greater sense of community. He said he absolutely thought that was the role of the Council.

Councilor Smith said this draft was a great improvement over previous drafts, but said he would still prefer to have a one page statement, which didn't include a Mission statement or Core Values statement, or bullet points. He said there were really no goals in the document, noting the wording "strategic priorities and tactics". He said he would like that phrase to disappear. He also critiqued the wording "...a community that seamlessly intertwines..." He also said he hoped they could remove the word "justice", which was a legal abstraction, and should be left to the court system.

There was further discussion by the Council on whether the Goals document was ready to vote on.

Councilor Stanhope MOVED to adopt the Council Goals. Councilor Sievert SECONDED the motion.

Councilor Mower agreed that this draft had much of what the Council would be happy to work with. But she said she thought there were still some language improvements to be made that were more than cosmetic. Regarding the wording "fostering community", she said believed the Council should do what it could regarding this, but simply didn't think it was their primary function.

Councilor Mower also questioned the specific reference to the Kaizen principles in goal #1, and said the Town could use any innovative approach to develop leaner operations.

Administrator Selig said the Town was devoting a lot of time and attention to initiatives using the Kaizen approach, and he provided details on this. He noted that the word "customer" had been dropped from the Goals document because it was offensive to some Council members.

Councilor Smith said he didn't intend to move any amendments to the motion that had just been made, and said he hoped the motion would be withdrawn. He said he had at least 6 to 7 points to make regarding some of the statements in the document. He said he

would prefer that there be agreement by the Council that the most recent draft was a good start, but said if the vote was taken now, he would have to vote against it. He said it just wasn't ready yet.

Councilor Stanhope said the Council had been working on the document for a month and a half. He agreed that Administrator Selig and Chair Carroll had done an excellent job of putting this into a manageable format, and said while it was still wordy, it worked. He said while the Council could continue the discussion, at some point he would move the question.

Councilor Mower said there were still some substantive changes she thought needed to be made. She noted goal #3, and said it shouldn't just say Zoning regulations, and instead should include other town codes, like noise ordinances.

Councilor Gooze said he thought the next part of the sentence "...thoughtful evaluation of potential new regulatory strategies.." took that into account. He said the goals were what the Council was going to bring to Administrator Selig over the next year to get things done, and said this simple document allowed that to happen.

Administrator Selig said the focus of goal #3 was maintaining the integrity of the neighborhoods, but said what was there was not an all inclusive list of what they could do.

Councilor Mower said her point was that she wanted goal #3 to be broad enough, and Councilor Gooze said he thought it was.

Councilor Cote said goal #3 was a run-on sentence, and could lead to misinterpretations. He said if the Goals document was passed, he would go in and make the wording into bullets. But he said what was in the goal was certainly fine.

Councilor Clark said he was pleased that the Council was finally talking about more than things that could get done and be checked off, and would actually have some continuity in the goals from last year to this year. He said the language could perhaps be a little clearer, but said what it came down to was what the Council was really going to do with the goals document. He said the most recent draft included what was needed to give direction to what the Council would like to see done.

Councilor Mower noted the wording in goal #9, regarding substance abuse, and asked how this was a function of the Town Council.

Councilor Clark said this issue was related to the School, but said he felt that Town support was needed as well. He said the Town needed to be part of the dialogue with the School District, in order to fix what he saw as a major problem in Town.

Councilor Smith noted that goal #9 didn't start with a verb as did all the others. He suggested tabling the motion, and doing this and other minor editing.

Councilor Gooze said substance abuse could be the Council's business, and said having it as part of a goal provided a way for the Council to discuss it.

Councilor Niman said he hoped the Council could vote on the Goals document that evening, stating that he would like to making progress on the things in it rather than refining the language further. He said any nervousness he had regarding the document was regarding the three points under goal #2. He said he wanted to be sure that in voting for the Goals document, he was not necessarily supporting all three things, and also said he didn't wish to limit items to be addressed to these three. He said he thought there were some things missing that they would need to do in order to move this goal forward.

Chair Carroll asked Councilor Niman for an example of what he was saying.

Councilor Niman said his concern was whether the market study would mean something, noting that they had gone down this road before, and nothing had happened. He said identifying demanded didn't necessarily mean that it would be filled. He said he thought they needed to spend more time talking about changing how the economics of the Town worked to create a more favorable business environment, rather than identifying businesses that might want to come to Town. He said he worried that they were putting the cart before the horse, in doing the market study.

Councilor Gooze said he was a little uncomfortable with the wording regarding the evaluation and the refinement of the B. Dennis Strategic Plan. There was discussion that the wording should say "...to a point where it may be used if appropriate..". rather than "...to a point where it can be used..".

Councilor Niman said he would prefer that the bullet points under #2 be removed, but was willing to leave it as is in order to pass the motion.

Councilor Gooze said he wanted it to be clear that the Council had not made a commitment to the B. Dennis plan in any way.

Councilor Gooze MOVED to add to bullet #1 under goal #2 " B. Dennis Strategic Plan to a point where it may be used if appropriate, as a framework...". Councilor Cote SECONDED the motion.

[Councilor Smith MOVED to amend the motion to say "...B. Dennis Strategic Plan as a potential framework for the revitalization of Durham's Commercial Core."

Councilor Gooze said he was ok with this, and he and Councilor Cote withdrew their motion.

Councilor Gooze SECONDED the motion, and it PASSED unanimously 9-0.

Councilor Mower said she liked the idea of removing the three points under goal #2, because this would provide the Council with more flexibility. She said they should either do that, or include an introductory sentence that provided clarification that the bullet points included were directional but not definitive.

Councilor Mower MOVED to amend the motion to remove the bullet points under goal #2. Councilor Smith SECONDED the motion.

Councilor Clark said he would not support the motion. He said he didn't want what had been learned over the past year to be forgotten, and said the three bullet points spelled this out. He said if they were taken out, they ran the risk of having to start over.

Councilor Sievert said he agreed and said the bullet points should not be removed. He said he looked at this document as being amendable, so that additional things could be put in it, and things could be taken out of it.

Councilor Mower and Councilor Smith withdrew their motion.

Councilor Smith MOVED to amend the motion to revise #9 to read "encourage the Oyster River School District to be more open and transparent in communication." Councilor Mower SECONDED the motion, and it PASSED unanimously 9-0.

Chair Carroll said the document could still be fine tuned, but said the Council was anxious to get working on it and see something done in the community. She said she hoped they could move forward with it now, and then see it translated into items on the Council's agenda.

The original motion as amended PASSED 8-1, with Councilor Smith voting against it.

The Council stood in recess from 8:54 to 9:03 PM.

B. Discussion regarding the rental of parking spaces within the Town of Durham

Chair Carroll noted that Councilor Niman had brought this item forward to the Council.

Councilor Niman said the purpose of doing so was not to formulate new policy, or ban the rental of parking spaces. He said the reason he had done this was because of his concern about the possibility of selective enforcement regarding the rental of parking spaces. He said if there was going to be enforcement, this should be done equally across the board, and said he was not in favor of identifying certain categories and individuals, such as absentee landlords and business owners, for selective enforcement.

Councilor Gooze noted he was an abutter to Mr. Kimball, a rental property owner who had spoken earlier at the meeting and was concerned about parking on his property. But he said he was not uncomfortable speaking to the general policy that was involved. He said he didn't want to see little parking lots all over Durham, and said perhaps Mr. Johnson and Mr. Campbell could fill the Council in about what the current parking policy was, and what was being done concerning it.

Administrator Selig suggested that Mr. Campbell could provide the Council with an update on what had caused the issue of the rental of parking spaces to be raised.

Councilor Smith asked if there was selective enforcement going on now.

Administrator Selig said no, and said the Town was acting under the "don't ask/don't tell" policy. He said Town staff knew that parking spaces in Town were being rented by

businesses, apartment owners, homeowners, etc., and were not enforcing the regulations. He noted that during a site plan application review in 2009, it had come to light that parking spaces at Mill Plaza were being rented that were not part of an approved site plan.

Mr. Campbell said this topic came to a head with the Mill Plaza site plan application to expand their parking lot. He said the owner's representative said they were leasing some of the parking spaces there, and the Board's attorney had told the Planning Board that if it approved the new site plan application, it would be approving a second use on the property that had never been applied for.

Mr. Campbell said the Attorney felt the owner needed to file a site plan application in order to have those parking spaces, and that they had violated the 1979 site plan approval. He spoke further on this.

Councilor Smith spoke about the 1979 site plan application for Mill Plaza, which required the owner to provide up to a certain number of parking spaces over time. He said when the second building on the site was built, the former Mill Plaza owners said they didn't need that many spaces, and he provided details on this. He noted that he was on the Planning Board in 2002 when a similar application to expand parking was denied.

He said he had spoken with Mr. Pinto about the idea of renting spaces at Mill Plaza by the hour, which would be beneficial to a greater number of citizens. He said he thought the Plaza could make more money if it did this, and said he would support this as the Council's representative to the Planning Board. He said Mr. Pinto should be encouraged to rethink his plan for those spaces.

Mr. Campbell said he wouldn't disagree with that, but said the Board's attorney had thought the owner should in the meantime cease the leasing, since approval was never received for this.

Administrator Selig said the inference was that the Town should proceed with enforcement to desist, or the owner should file a site plan application with the Planning Board. But he said he was not comfortable making that decision. He said he didn't think the Town should get into enforcement on this issue, and said he thought it should be more concerned with where and how many parking spaces were allowed on a property, and not whether they were rental spaces there or not. He suggested that the Council should talk about modifying the ordinance to make legal what was already being done.

Chair Carroll said she had done some research that day, and had found out that churches and other nonprofits could rent parking spaces and not have to pay taxes or fees because they were an asset of the church.

Councilor Stanhope said he thought this spoke to the taxation of the rents they might derive from renting spaces, and didn't give them the authority to rent spaces.

Councilor Gooze said they were talking about apples and oranges, and said if churches rented parking spaces, they wouldn't have to pay taxes on the rent, but the Town would still make the determination as to whether or not they could rent the spaces in the first place.

Administrator Selig said legal representation from the Plaza had said that if the Town moved ahead with enforcement concerning renting of the spaces, it would provide a list of other parts of Town where rental of parking spaces was occurring.

Councilor Gooze said the Town had to be careful about allowing rental of spaces everywhere, and said a question was whether they were going to be legalizing parking lots. He also said a question was whether the Town was assessing people who did this at a higher rate.

Councilor Stanhope said property owners had a legal right to park a certain number of cars, and said if this was exceeded, there should be enforcement concerning this anywhere in Town. He said selective enforcement was profiling. He also said the Planning Board's decision concerning Mill Plaza was being trumpeted as an example of why businesses would never want to come to Durham.

Councilor Gooze said he respectfully disagreed with Councilor Stanhope about the Planning Board's decision. He said there was a lot more to the denial of the application than the issue of the rental of parking spaces.

Councilor Sievert said he thought Councilors were all saying similar things, which was that they didn't care about who was parking as long as the parking spaces were legal. He noted the point Mr. Kimball had made that if a parking lot, as a structure, met the regulatory requirements including being properly screened, it didn't matter who parked there. He said if structured parking was allowed in a zone, it could be done.

Mr. Campbell agreed, and noted that there were certain districts where structured parking was allowed as a principal use.

Councilor Cote said this was an unenforceable regulation. He noted that Tom Richardson had spoken about how he managed parking, and he said it was a landlord issue, not a Town issue. Regarding the parking at Mill Plaza, he said the Town had parking regulations based on business use, and said a question was whether when businesses were booming at the Plaza, they would throw out the people who were leasing spaces so there would be sufficient parking for customers.

Councilor Smith said he was surprised there was not a recommendation from Councilor Niman to do nothing, and admit that Durham wanted to be as accommodating to businesses and property owners as possible. He said this was the simplest way to handle this matter.

Councilor Cote asked what prohibited him from renting out parking spaces, as long as he met the setbacks, etc.

Mr. Campbell said if it was not an accessory use in a residential zone, he couldn't do that. He said structured parking was not allowed.

Code Administrator/Enforcement Officer Tom Johnson said that selective enforcement did occur, because a neighbor would complain to him about a property, and illegal

parking on a property would then come up as part of investigating occupancy, trash, or other complaints. He spoke in detail on this, explaining how accessory surface parking for residential use was allowed but was often violated. He said these parking issues were widespread in Durham.

Mr. Johnson said he currently was getting a lot of complaints regarding occupancy as well as parking issues, including curb cut violations, driveway violations, and parking in setbacks. He noted that property owners often created parking structures without a building permit.

There was discussion on the parking requirements for a single family house in the Rural district.

Councilor Gooze said for practical purposes, there were some things in Town that were selectively enforced, such as underage drinking, and occupancy. He said he thought there was a good reason for this, and spoke in detail on this.

Councilor Mower said there was the issue of nonconforming use in general, and said if there were regulations on primary and accessory uses, they would wind up with nonconforming uses. She said if that was the case, and a property owner having a nonconforming property came before the Planning Board with an application, a question was whether a do nothing policy would make it easier for the Board to disregard that nonconforming use when making a decision on the application.

She also asked whether if there was a “don’t ask/don’t tell” policy, rental of parking spaces would possibly push cars that would otherwise be legally parked into illegal areas, so that they wound up with mini-parking lots in residential neighborhoods, more people parking on lawns, more curb cuts, etc.

Councilor Niman said if he rented parking spaces, he would be worried about someone telling on him, when he was doing what others were doing. He also said if he was doing what everyone else was doing and wanted to improve his property, he would pay a penalty because he would run the risk of not getting a project approved because of the parking issue, and not getting the revenue he was receiving from parking. He said this was a real disincentive, and said it could turn out that it was only the property owners who were forced to fix up there properties who would do so.

He said the reason he had written the Council Communication was because of these two issues. He said if the Council ignored enforcement concerning rental of parking spaces, it was okay with him, but said he was very nervous about letting things lie.

Councilor Clark said he agreed that they had to do something about this issue, and said he thought there was consensus that if cars were parked legally on a property, that was okay. He asked if the ordinance was written so that it didn’t matter who was parking in a parking space, and also asked why it was a change of use if parking spaces were leased. There was discussion, and Councilor Clark said it sounded like they needed to change the ordinance.

Councilor Gooze said the rental of spaces at Mill Plaza had made a difference to the Planning Board because it wasn't a legal use.

Mr. Campbell said it could be a legal use, but the owner had never gotten approval for it.

There was further discussion. Mr. Campbell said the parking needed to be accessory to the use. He said a single family home with five parking spaces couldn't rent out those spaces to someone not living there, because this made it a principal use, which had nothing to do with the single family home.

Councilor Stanhope said the whole Town was populated with that violation.

He referred to a list of facilities downtown that contained a total of 186 rental parking spaces, and said he didn't think any of them had gone to get approval to lease those spaces. He noted the existing parking crunch downtown, and said if the Ordinance was enforced, a question was where all of those people would park.

Councilor Smith said the Council had just adopted a Mission Statement that noted that Durham was a university town, and said inherent in this was the idea of being welcoming. He said it was entirely appropriate to allow someone to rent space in a driveway to a student, University staff, etc., and said he didn't care what the Ordinance said about this. He said he hoped they wouldn't bother with enforcement on this, and said he thought there should be a policy that was consistent with the Mission Statement he hadn't wanted.

Administrator Selig said the goal in discussing this now was to bring the Council up to speed on this issue. He recommended having the Planning Board look at it and recommend a change to the Zoning Ordinance, and said the Council could then review what was proposed. He said in the meantime, he was comfortable not taking an enforcement action at Mill Plaza.

Councilor Gooze said he didn't see a problem with rental of spaces in residential areas, assuming the setbacks were met. He said what he didn't want was properties that exceeded the amount of parking that was allowed. He said whatever the Planning Board did, the parking would still have to be legal.

Councilor Stanhope said he thought Councilor Gooze had summarized the sense of the Council. He said the only thing he would suggest in communicating to the Planning Board was to give them a sense of what the Council would like them to work toward. He said it sounded like Administrator Selig didn't want the Town to have to enforce the issue of rental of parking spaces. He said this issue needed to be corrected.

Chair Carroll asked Mr. Campbell if he was comfortable with the sense of the Council, in taking this to the Planning Board.

Mr. Campbell said he would like something concrete to give to the Planning Board.

Councilor Clark suggested that recommendation #2 be used, minus the words "in close proximity to the University."

Chair Carroll read the recommendation: “Ask the Planning Board to develop a change in the existing ordinance that would allow property owners to rent legal parking spaces.”

Councilor Mower said this issue was part of some much bigger issues concerning parking in Town that they needed to have. She said it involved the idea of a parking garage, UNH transportation policies, not basing parking on the square footage of a business, considering parking metering throughout the Town, etc. She said in many ways, it came back to what type of community they wanted. She said the amount of pavement allocated to parking was appalling, from a social, economic, and environmental perspective, and said efforts to revitalize the downtown were worthless unless the parking issue was addressed.

Chair Carroll noted that University planner Steve Pesci would be at the next Council meeting to discuss UNH transportation initiatives, and suggested that some of the parking issues could be brought up then.

Councilor Mower asked what the directive was to Mr. Johnson to address the issue of parking in residential neighborhoods in non-legal spaces, on lawns, extra curb cuts, etc. She noted that there were a large number of them in some neighborhoods, yet Mr. Johnson had his hands full with other issues.

Mr. Johnson said at Rental Housing Commission meetings, there had been discussion that rather than write new ordinances, they should enforce what they already had. He spoke in detail on how parking violations could be addressed as part of investigating other violations at student rentals. He said he wasn't looking at parking violations at properties that weren't student rentals, stating that he couldn't even keep up with the violations at the student rental properties.

Administrator Selig said if a resident called Mr. Johnson and complained about the parking at a neighbor's property, he would respond.

Mr. Johnson said he would try to talk this person out of filing a complaint, but said if the house was on the market and this person therefore wanted to clean up the neighborhood, he would do the enforcement.

Councilor Mower said some people did have concerns that there were little parking lots in residential neighborhoods.

Councilor Gooze said if people could rent out spaces and didn't have to worry about the change of use issue, the Town might get more than what it had bargained for. He said if someone determined that he could legally build out his driveway, this might be an unintended consequence. He said it was something to think about.

Mr. Johnson said a good example of that was Coe Drive. He said a few years ago, there was illegal parking on the grassy knoll, and enforcement was done. He said the owners got permits for parking on the driveway, and now had cars parked 2-3 wide, and 3 and 6 deep on a gravel/pervious parking area.

Councilor Gooze said because of possible unintended consequences, it was important to consider not allowing this on residential areas or areas abutting residential areas. He said they needed to think this through.

Councilor Niman said the direction the Council was going in was to ask the Planning Board to think this through, and said one thing they could think about was not allowing people to widen their driveways.

Mr. Johnson said they hadn't widened the driveway, and said it was basically a 12 ft curb cut. He said as soon as they crossed the town right of way onto their property, they could widen the driveway to 22 ft. He said once they got beyond the frontyard setback, they had the building footprint they could fill up with a variety of structures, including parking.

Councilor Niman asked if the Ordinance could be revised to not make that possible.

Mr. Johnson suggested that the Planning Board could play with the impervious cover ratios, green space ratios, etc.

Councilor Smith noted the reference in the Council Communication to the rental of parking spaces to UNH students, and noted that some spaces were rented to employees of businesses, UNH faculty members, etc. He then spoke of a situation in Town when a family bought a rental property near a high school so their son and his friends could park on the lawn. He said the rent was not necessarily the issue, and asked how they were supposed to distinguish these things.

Administrator Selig said he would ask the Planning Board to look into possible solutions, and said meanwhile, the Town would continue with not doing enforcement concerning the rental of parking spaces at the Plaza.

Chair Carroll confirmed that Councilors were okay with this approach, and noted that it would have to be a very carefully crafted ordinance.

XI. New Business

- A. **PUBLIC HEARING AND ACTION ON RESOLUTION #2010-15** authorizing long-term debt not to exceed one million, four hundred and sixty-seven thousand, three hundred and thirty-eight dollars (\$1,467,338.00) for the purpose of bonding 2008-2010 capital projects and equipment purchases

Councilor Smith MOVED to OPEN the public hearing on Resolution #2010-15 authorizing the issuance of long-term debt not to exceed One Million, Four Hundred and Sixty-Seven Thousand, Three Hundred and Thirty-Eight Dollars (\$1,467,338.00). Councilor Mower SECONDED the motion, and it PASSED unanimously 9-0.

Councilor Smith MOVED to CLOSE the public hearing on Resolution #2010-15 authorizing the issuance of long-term debt not to exceed One Million, Four Hundred and Sixty-Seven Thousand, Three Hundred and Thirty-Eight Dollars (\$1,467,338.00). Councilor Sievert SECONDED the motion, and it PASSED unanimously 9-0.

Councilor Stanhope MOVED to APPROVE Resolution #2010-15 authorizing the issuance of long-term debt not to exceed One Million, Four Hundred and Sixty-Seven Thousand, Three Hundred and Thirty-Eight Dollars (\$1,467,338.00) and authorize the Council Chair to sign all documents relating to the bonding. [2/3 vote required]. Councilor Mower SECONDED the motion, and it PASSED unanimously 9-0.

Councilor Gooze asked for clarification on the language within the Council Communication which refers to the Council's ability to approve the issuance of bonds or notes for "less than \$1,000,000 per issue", however, Section 5.12 of the Charter states "not exceeding \$1,000,000." Administrator Selig said while the Town Charter language was confusing, the Town has received consistent legal interpretation distinguishing between a distinct project for which the Town is bonding and consolidating multiple projects that cumulatively exceed \$1,000,000 in order to garner the most competitive interest rate. He also noted that a 2/3 vote of the Council was required.

It was then noted that the Resolution had inadvertently already been voted on by the Council, before discussion.

Councilor Smith MOVED that the Town Council RECONSIDER its vote on Resolution #2010-15. Councilor Mower SECONDED the motion, and it PASSED 8-1, with Councilor Stanhope voting against it.

Councilor Gooze MOVED to APPROVE Resolution #2010-15 authorizing the issuance of long-term debt not to exceed One Million, Four Hundred and Sixty-Seven Thousand, Three Hundred and Thirty-Eight Dollars (\$1,467,338.00) and authorize the Council Chair to sign all documents relating to the bonding. [2/3 vote required]. Councilor Mower SECONDED the motion.

For the benefit of the public, Town Administrator Selig listed the projects and equipment purchases included within the resolution.

Councilor Gooze noted a discrepancy with two of the figures within the resolution. Chair Carroll indicated that she had noticed these as well and had spoken to Business Manager Gail Jablonski and Administrative Assistant Jennie Berry earlier in the day and that they had been corrected. She apologized for not pointing this out earlier.

Councilor Cote noted that earlier under Agenda Item, VIIE, the Council voted to authorize the purchase of a new compact Telehandler (loader) for the Wastewater Treatment Facility for approximately \$56,000. However, the amount listed for this equipment within Resolution #2010-15 was for \$65,000. He asked how the cost difference could be explained.

Ms. Jablonski explained that the bid award was for one piece of equipment. Additional funds would be spent on the purchase of additional items such as lighting that the Town would install and radio equipment, etc., which would be purchased through different vendors. She said what the Council had approved earlier was the actual piece of equipment through one vendor.

Referring to the \$390,000 figure for the improvement of Morgan Way intersection, Councilor Gooze asked what would happen if the State did not end up giving the Town the money. Town Administrator Selig said the Town would pay it. He explained that the Town chose to bond this amount rather than pay cash in expectation of being reimbursed.

Administrator Selig and some Councilors said in that case, the Town would provide the funds. There was discussion that there was a significant safety issue concerning Morgan Way, so the Town was not waiting for the State to address it. Administrator Selig noted that the Town was facing the same kind of thing with the flooding issues on Route 108.

The motion PASSED unanimously 9-0.

- B. Shall the Town Council, upon recommendation of the Town Administrator, adopt an Investment Policy, General Fund-Fund Balance Policy, and Debt Policy for the Town of Durham?

Chair Carroll noted that this issue had been discussed earlier at the meeting, and it was suggested at that time that the Council would ask some questions and provide suggestions regarding redrafting the document, and that Councilor Smith would make some recommendations concerning language.

Councilor Smith said he also had recommendations to make concerning logic and completeness.

Councilor Niman said the policies themselves were fine. He said if Councilors wanted to work on the language, the document could then be put on the Unanimous Consent Agenda.

Chair Carroll asked if Councilors wished to suggest any changes.

Councilor Cote said it was very wise to have this on the books, and said he supported it wholeheartedly.

Councilor Gooze agreed.

Administrator Selig said a few years ago, the Town's auditor had suggested that the Council consider developing these policies. He noted that the investment policy specifically was required by law, and the Council was required to adopt it annually. He said Ms. Jablonski had found some boilerplate documents and had then modified them for Durham. He said the Trustees of the Trust Fund, the Town Treasurer and the Town's auditor had all looked at the documents that were developed, and their feedback was received.

Concerning the fund balance policy, he said the hope was that this would forestall the annual, predictable conversation on the fund balance. He also said the debt policy that was proposed was good practice. He said while the Town already adhered to an investment policy, but said it was good to put it into writing.

Chair Carroll said she had expected a lot of discussion on the fund balance policy that was proposed.

Councilor Stanhope said Durham was very fortunate to have the Administration it did. He said this was a well written document, and said he was very comfortable with it. He said Councilor Smith should speak with Administrator Selig and Ms. Jablonski regarding further editing of the document.

Councilor Smith said these three policies that were proposed were based on boilerplate language, and said he was happy to vote on them although he wasn't sure they were needed. He said a large part of his reaction to the proposal had to do with the Council Communication itself, and the references in it to the Town Attorney having reviewed the documents. He read from the Communication, and said it didn't reflect that a legal opinion had been obtained.

Administrator Selig said Attorney Laura Spector thought the documents were good. He said she had suggested some modifications to the draft, which were incorporated. He also said he and Ms. Jablonski had subsequently refined it further because they felt the boilerplate language was somewhat cumbersome.

Councilor Niman MOVED to adopt the Investment Policy, General Fund-Fund Balance Policy, and Debt Policy for the Town of Durham. Councilor Smith SECONDED the motion.

Councilor Smith said it was the rationales for this identified in the Council Communication that he had had a problem with, but said he was now happy to vote for this.

The motion PASSED unanimously 9-0.

Chair Carroll said the Council was indebted to Ms. Jablonski and Administrator Selig for their work on this.

C. Other business

Councilor Mower asked when the Council would get to discuss the proposed RFP for the market analysis.

Administrator Selig said the Economic Development Committee had said there was some urgency on this, but said they didn't own this proposal. He said if the Council wanted to discuss it further, including how it would move forward in tandem with the EDC, he was willing to be responsive concerning this.

Councilor Mower MOVED to extend the meeting for 5 minutes. Councilor Cote SECONDED the motion, and it PASSED 8-1, with Councilor Stanhope voting against it.

Councilor Mower said her understanding was that the Council had discussed the idea of a market analysis that would focus on the Central Business core. But she said what Mr.

Campbell had written in the RFP was a town-wide market analysis. She said the Council should be clear on what the analysis would entail.

Councilor Clark said he was not sure who gave the directive, but did understand why it changed. He noted that every time they spoke about student housing, Councilor Niman said maybe the answer for this wasn't in the commercial core. He said it was risky to spend market analysis money in a way that was so focused, and didn't even consider Durham as a whole, for the different economic activities they considered to be the industry of the Town.

Councilor Mower asked if having a town wide market analysis would drive up the cost.

Councilor Clark said the EDC asked Mr. Campbell to develop the RFP for a market study that analyzed the capacity of the Town if fully developed, including the Central Business district, the commercial core, as well as outlying areas, in order to get a sense of what the potential was, and what the possible demands could be.

Councilor Niman said he would hate to see a market study that said there should be only 3 new restaurants, when in reality there could be a situation where the Town could have 5 new restaurants if the definition of the commercial core was broadened so that there could be other businesses in the area. He said if they truncated things, this might then limit what the study said they could have downtown.

He said there had to be a structure to support the level of activity he thought they would like to see, and said it would be useful to determine if this was achievable in Durham. He said if it wasn't, perhaps they needed to reduce their expectations and dreams of what the downtown would be. He said he was therefore in favor of a widened approach with the market study.

Chair Carroll said she took the other view, in that the market study could point out things they could do outside the commercial core, such as a gas station off of Route 4, and sprawl development on Route 108. She said she was therefore concerned about extending the study to the whole town, and said this also might mean they wouldn't spend enough time focusing on the downtown and commercial core.

Councilor Mower said there was a point at which they did need to think bigger than the downtown, but said she thought there should be an explanation for the public about why the bigger picture was being considered.

There was reference to an article Councilor Mower had provided. Administrator Selig said it would be helpful to hear what someone thought would work in Durham, and said the Town could then choose what it wanted and didn't want.

Councilor Clark said he agreed with Councilor Mower that there was a need for some explanation. He said he thought the EDC had discussed the fact that the primary purpose of the market study was to figure out what kind of industry there could be, in order to create different types of employment and add real value to the Town and then extend to retail business development.

Councilor Clark said everyone said they wanted to see nicer restaurants in Town, but said they weren't asking how to create a diverse, robust commercial core. He said the market study needed to tell them the overall economic potential, so they could decide whether to focus on the Central Business District, or if longer term they would have to incorporate the commercial core. He said these were the questions they didn't have answers to right now.

Councilor Gooze said they needed to know if there would be a research and development area at the west end of Town, what kind of businesses could be supported because of the University, etc.

Councilors agreed that they were comfortable with the EDC's recommended approach for doing the market study.

Councilor Cote noted that he had been approached about the difficulties that trades people doing construction work downtown were having finding parking.

Administrator Selig said that was the other side of the enforcement issue, and said he appreciated this feedback.

XII. Nonpublic Session (if required)
None

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

XIV. Adjourn (NLT 10:15 PM)

Councilor Cote MOVED to adjourn the meeting. Councilor Gooze SECONDED the motion, and it PASSED unanimously 9-0.

Adjournment at 10:25 pm

Victoria Parmele, Minutes taker