

**This set of minutes was approved at the February 21, 2011 Town Council meeting**

**Durham Town Council  
Monday January 10, 2011  
Durham Town Hall - Council Chambers  
7:00 P.M.**

**MEMBERS PRESENT:** Council Chair Pro Tem Neil Niman; Councilor Julian Smith; Councilor Peter Stanhope; Councilor Mike Sievert; Councilor Doug Clark; Councilor Robin Mower; Councilor Jay Gooze; Councilor Bill Cote

**MEMBERS ABSENT:** Council Chair Diana Carroll

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

**I. Call to Order**

Chair Pro Tem Niman served as Chair in place of Councilor Carroll for this meeting, and 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 8-0.*

**IV. Special Announcements**

**IV. Approval of Minutes**

December 6, 2010

Page 9, remove Items A and B under the Unanimous Consent Agenda.

The Minutes taker was asked to check the DVD regarding the motion on Page 1 to approve the Agenda, and ensuing discussion on this.

The Council deferred voting on the December 6, 2010 Minutes until after this information was received.

**V. Councilor and Town Administrator Roundtable**

Councilor Gooze said the Rental Housing Commission would meet on February 2<sup>nd</sup>, when

members would discuss proactive approaches to take regarding rental housing issues over the next year, in order to keep on top of things.

He also said the Inclusionary Zoning Implementation Program (IZIP) Committee, regarding the development of workforce housing, would be meeting on Friday with Town Planner Jim Campbell, who would go over with the committee what consultant Jack Mettee would be proposing to the Planning Board regarding possible Zoning changes.

Councilor Clark said the Economic Development Committee had taken December off. He also said he thought the School District's Advisory Budget Committee report at the last School Board meeting was extremely well done. He said it evaluated the whole situation with the Budget, and provided some logical recommendations, also noting that the Board then voted most of these recommendations down.

But he said progress was being made, and said there was more transparency now. He said community members had taken their job seriously, and said he hoped this was the beginning of a process change that would result in further transparency and more data, in order to find a balance between providing a great education and the needs of the taxpayers.

Councilor Smith noted that he had not been at the December 13, 2010 Council meeting, and had watched it by DVD. He said during the public hearing on the proposal to apply the conservation subdivision regulations in the ORLI and MUDOR districts, Malcolm McNeil had used wording regarding the Council previously "...voting on the Capstone project" and no one had contradicted this. He said no one had pointed out that the Council had never voted on the Capstone matter, but did on July 12<sup>th</sup>, vote to amend the Zoning Ordinance to benefit not just Capstone but any developer who wished to build single family residences in the ORLI and MUDOR districts.

He also said the Planning Board and the Conservation Commission had not yet voted on any Capstone proposal. He said he was looking forward to a series of votes on the Capstone project in the near future, noting that the ZBA might be voting on a Capstone variance application that week. He also said the Planning Board should be voting to accept the two Capstone applications on Wednesday. He said he hoped the public hearing on them would be held at the second meeting in January.

Councilor Smith thanked Town staff for the work they had done over the past few months in consulting with Capstone representatives, and providing guidance on the application process. He said he was in the audience that afternoon for a meeting between Town staff and Capstone representatives and was impressed by their attention to detail and constructive comments. He said the staff had done excellent work in moving the Capstone proposal process forward.

Councilor Smith said on December 14<sup>th</sup>, he had toured the Capstone Cottage Grove student housing development in Gainesville, Florida with John Acken. He said he was very favorably impressed with what he saw and what he learned about their management of the facility.

Councilor Stanhope said the Historic District Commission had met the previous week and reviewed two applications, one regarding the former Houghton Hardware property and the other regarding the 9-11 Madbury Road development that was planned. He said the owners of these properties would be coming forward with a request for tax relief under the program by which Sigma Beta was granted this relief. He noted that he had recused himself in both cases. He said the remaining members then voted to find no historic significance in either property that qualified them for the Heritage Commission's responsibility in that process.

Councilor Stanhope said the HDC had also discussed the bidding process for contractors for the Smith Chapel work, and said the Commission would strongly support the approval of those bids.

Administrator Selig said this would come forward at the next Council meeting, and would be a request that the Council authorize a single source vendor for the work on the roof of the Chapel.

Councilor Stanhope said the process had begun for seeking funding to develop an application to place Smith Chapel on the National Historic Register. He said if that happened, it would open up a variety of federal and State grant opportunities that could contribute funds for the work in process and/or additional work.

Councilor Mower said the Energy Committee would meet with the Planning Board on Wednesday to review a checklist of energy efficiency measures it would like to see the board consider in discussion of site plan applications. She said providing a copy of this checklist on the Town website would provide a basis for the public to understand the discussion with the Planning Board.

She said this was not a question of requiring energy efficiency measures, and said the idea was to get these topics front and center. She noted that some applicants over the past few years had already taken advantage of some of these measures, but said it was easy to lose track of what the measures were, which was why the checklist would be useful.

Councilor Gooze said there had been some emails recently about some houses in Durham that had been converted from rental units to owner-occupied family units. He noted that this was partly an economic situation in that prices and appraisals were going down. He also said some people had asked him about the Zoning for non-owner-occupied properties, and whether perhaps it should be changed, in terms of labeling, to show that it wasn't just a single family house and was being used as a commercial venture, which meant taxes, depreciation, etc., were done differently. He said some people thought it was unfair to handle a single family home that was being used only as a rental property the same as an owner-occupied single family home.

Councilor Mower asked if this was something the Council could ask the representatives to the Planning Board to bring up at the Planning Board, for potential Zoning rewrite. Councilor Stanhope asked Councilor Gooze what it was anticipated would be accomplished by doing this.

Councilor Gooze said he wasn't sure how properties being used for rental income were being assessed, and said he believed that commercial units were assessed based on the revenue being generated.

Councilor Stanhope said when a residence had historically been a single family home that had been rented, it was going to be assessed as the highest and best use, and what could legally be done. He said absent the Town saying a property couldn't be rented, which he said he didn't think the Town could do, the property would be assessed at what it could be sold for. He said if the rents supported a higher price than what it would sell for as a single family home, he assumed that the Assessor would use that as the basis. There was discussion.

Councilor Gooze asked if there was something that could be looked at for how the property was being used. He asked whether, if a single family home was being used as purely a rental property, it should perhaps be assessed differently than if it was owner-occupied. He noted that some people had asked him about that, and that he had wondered about this.

Councilor Stanhope said he suspected it would be a lower value, which was indicated by the fact that they were now seeing properties that were rentals being acquired as single family residences, which investors could have bought.

Chair Niman said perhaps a better approach would be that if single family home student rentals could be designated as commercial properties, they could be regulated differently than residential properties, and it would be through this that perhaps some of the goals Councilor Gooze had in mind could be accomplished.

Councilor Mower said a concern was that there wasn't a definition of residential in the Zoning Ordinance, and said it might be a place to start.

Chair Niman said before they went down the road, he'd like to know what value there would be in doing that. He said a question was whether the Town had the capacity and the right to provide more oversight to commercial properties regarding health and safety issues than to residential properties. He said he didn't know if the Town had that power.

Councilor Gooze said that was very well put.

Administrator Selig recommended that this issue be sent to the Rental Housing Commission for further informed conversation on it. He said there was the ability to regulate to a much higher degree for-profit properties, as compared to owner-occupied properties, but he said the Town had to be sure it was treating similar type properties the same way. He said a clear rationale would be needed for why single family non-owner-occupied properties were being inspected vs. general multiunit properties and other types of properties.

He also agreed that properties were assessed based on their highest and best use, and suggested that the Town's contracted assessing firm could attend an RHC meeting in order to have a conversation on this.

Councilor Gooze said the RHC could at least get a conversation started at the next meeting, and then see where they wanted to go from there.

Councilor Clark asked where the line was that distinguished a commercial from a residential use. He said there were three kinds of residential properties: single family owner-occupied houses, single family homes that were rented to families, and single family homes that were rented to students for profit. He said he believed the latter type property did cross the line and was commercial. He said a question was whether it could legally be defined this way, and said the issue wasn't how to assess such a property, but how it was regulated. He said the problem was that there were commercial uses in residential neighborhoods.

Councilor Smith said before mentioning this issue to the Planning Board, he would like to hear more discussion by the Council after getting information back from the RHC. He noted that before changing the Zoning Ordinance to allow single family houses in the ORLI and MUDOR districts, he had suggested a new category in the Table of Uses to accommodate free standing cottages, not on separate lots, in a complex of buildings. He said he thought they should still consider doing that, and said these houses would be primarily for commercial use. He said this might be even more inviting to some developers.

Councilor Mower said this might be a classic example of where they'd want to find out what other towns that hosted colleges in New Hampshire did.

Chair Niman noted the conservation subdivision Zoning change issue still before the Council, and the idea previously suggested of asking the Planning Board to come up with some wording that everyone might be comfortable with. He said his concern was that if they left this up to the Planning Board, it might take them some time to come up with the wording.

He said he therefore had come up with some wording that addressed concerns about McMansions, etc., and noted that Administrator Selig had then asked him about duplexes.

Administrator Selig said the conservation subdivision provisions also referenced duplexes, and he also noted that both single family homes and duplexes were allowed in the MUDOR and ORLI districts now. He said his question was therefore whether the Council would want to focus on duplexes too. He said he had thought the concern had been not just about discouraging McMansions, but also about discouraging residential uses that were not of a commercial nature in that zone. He said duplexes in these zones would be good candidates for affordable housing because there could be a greater density than for single family homes.

He said they would need to add something under Article XIX, Section 175-107 B Conservation Subdivisions, Applicability that said "All residential subdivisions in the Residence A District, Residence B District, Residence Coastal District, Rural District, and those consisting of detached, single family and duplex dwellings on individual lots located in the Office Research Light Industrial District and Multiunit Dwelling Office Research District shall be developed as Conservation Subdivisions..."

Chair Niman said he was not suggesting a Council-initiated zoning change, and was trying to see if there could be some agreement on the Council about some language that they could provide to the Planning Board that it might not be troubled by, so the Council could be done with this process.

Councilor Gooze said doing that would take the commercial aspect out of it, and said he was for that, but said he didn't see that the Planning Board would look at it differently than what was sent to them before.

Councilor Smith suggested that this be put on the Agenda for the next meeting. He said it would be useful to have the existing language, some definitions and some proposed language. He said perhaps there could be some suggestions from other members of the Council on language. He said he thought there should be some formal agreement from the Council before sending this to the Planning Board.

Chair Niman said he apparently wasn't being successful in coming up with simple solution, and Councilor Smith said there were no simple solutions.

Councilor Mower said a reason she didn't think it was so simple was that the wording referred only to single parcels, which ran counter to the concept of conservation subdivision.

Chair Niman said he wasn't interested in a single parcel, because to him that wasn't a subdivision. He noted that the wording mentioned residential subdivisions, and the "on individual lots" referred to that.

Administrator Selig said his point was not losing sight of duplexes.

Councilor Niman noted that duplexes had already been permitted in the MUDOR district before the recent Zoning change, so adding this language now would add a new restriction, which wasn't neat and clean.

Councilor Gooze suggested that the change could just be made for the ORLI district, stating that there wouldn't be a subdivision in the MUDOR district anyway.

Councilor Stanhope said rather than going through prolonged discussion on exact wording, he agreed with Councilor Niman's suggestion to send wording the Council had some agreement on to the Planning Board, to see what it thought about it. He said if the Planning Board said it didn't want to talk about it anymore, the Council could then go forward on its own. He noted that Councilor Niman had said he would bring this issue back up at a date certain, before the next election.

There was further review of the wording that had been suggested

Councilor Mower noted the related issues concerning the Table of Dimensional Requirements, and asked if this proposed wording might prompt the Planning Board to look at these additional issues.

Chair Niman said he was simply trying to make the correction he had promised, and said he hoped the Planning Board would pick up the ball and fix all the other things. He said this was being done in the spirit of trying to work with the Board, and not be adversaries.

It was noted that Mr. Campbell was present, and he could pass this on to the Planning Board.

**VI. Public Comments**

**Roger Speidel, 7 Nobel K. Petersen Drive**, explained that the taxpayers and some School Board members were having a hard time reading the tax bills, and he provided details on this. He said the result was that it looked like there had been an increase in the School tax, when it actually had been reduced as a result of efforts made by the School Board in 2010. He said in the spirit of cooperation, he would like the Council to let the taxpayers know why it looked like the School tax had gone up when it had actually gone down. He said the School Board had turned back over \$2 million to the taxpayers.

Administrator Selig said Town staff would try to clarify this.

**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, upon recommendation of the Town Administrator, award the construction contract for the Strafford/Woodside sewer repair and rehabilitation project to S.U.R. Construction, Inc. of Rochester, NH and authorize the Town Administrator to sign associated documents?
- B. **FIRST READING ON ORDINANCE #2011-01** amending Chapter 132 “Tax exemptions and Credits” of the Durham Town Code by Adding a New Section: Section 132-8 “Central Wood-fired Heating Systems”

***Councilor Stanhope MOVED approval of the Unanimous Consent Agenda. Councilor Mower SECONDED the motion, and it PASSED unanimously 8-0.***

**VIII. Committee Appointment**

Shall the Town Council appoint Christopher Skoglund, 283 Packers Falls Road, as a member to the Durham Energy Committee?

Mr. Skoglund spoke before the Council, and provided information on his background. He noted that he had moved to Durham in 2009, was currently an energy policy analyst for NHDES, and was the coordinator for the State’s Climate Action Plan. He said he currently served on the Statewide Municipal Energy Working Group as well as the Local Energy Committee Working Group, which were looking to understand ways state agencies could promote greater energy efficiency and renewable energy at the municipal level. He said he was also working with commissioners of several state agencies to implement the Climate Action Plan through the Energy and Climate Collaborative.

***Councilor Mower MOVED to appoint Christopher Skoglund, 283 Packers Falls Road to the Durham Energy Committee. Councilor Stanhope SECONDED the motion.***

Councilor Mower said the Energy Committee was very happy to have Mr. Skoglund join them, and Councilor Niman agreed that they all should be grateful for his willingness to serve.

***The motion PASSED unanimously 8-0.***

Councilor Smith said he was very happy to see Mr. Skoglund join the Energy Committee, and noted that Packers Falls Road had a long history of service by those living on it, on town boards and committees.

## **IX. Presentation Item**

Master Plan Update Process – Jim Campbell, Director of Planning and Community Development

Administrator Selig noted that the Council had talked very little yet about the upcoming Master Plan update process. He said Mr. Campbell would provide an overview of the process. He said Councilor Sievert was the Council's representative to the Master Plan Advisory Committee, and also said Councilor Mower had been active as Conservation Commission's representative to the Advisory Committee.

Mr. Campbell provided details on the formation of the Master Plan Advisory Committee, as well as the Visioning Forum subcommittee and the Survey subcommittee. He explained that the Town had received a grant to get some technical assistance from Charlie French and Michele Craig of UNH Cooperative Extension to organize and facilitate the upcoming visioning forum on January 28<sup>th</sup>, as well as assist the Town in developing a survey that would be sent out to residents.

He provided some details on what would be entailed with both of these processes, including the promotional efforts to ensure a good response by residents. He said Co-op Extension would provide a summary report of the visioning process 2 weeks after the visioning forum, and a full report within 30 days, which he said would be very useful when the Town started updating the Master Plan.

Mr. Campbell also explained that members of the Survey subcommittee were speaking with the respective boards they served on to get input on possible questions that should be included in the survey. He said this input was due by January 21<sup>st</sup>, and said a draft of the survey would hopefully be provided to the Planning Board for its meeting on January 26<sup>th</sup> and approved at that time.

He said the actual updating of the Master Plan chapters would be done with the assistance of the Planning Board's consultant, once the information from the forum and the survey was available. He said there would be public hearings held on the chapters that were developed.



Councilor Mower said there had been some discussion about the idea of putting the Master Plan update on Facebook, and Mr. Campbell said a Google group had been set up: [masterplanvisioning@gmail.com](mailto:masterplanvisioning@gmail.com). He said a link to this would be put on the Town website, and said it would be an interactive spot where people could blog/post comments and get answers to questions. He said this could later be put into a book form and could be included as an appendix to the Master Plan.

Councilor Gooze received confirmation that the commercial core being focused on in the Master Plan update include the Central Business district, the Professional Office district, the Church Hill district, the Courthouse district, and the Coe's Corner district.

Councilor Mower said she was interested to see a comment she hadn't seen before regarding testing of the survey to be sure that it was understandable to users. She asked if this had been discussed with Charlie French, and Mr. Campbell said not for awhile, but said this would be something that Charlie would do.

Councilor Mower noted for those who might be concerned about whether the visioning forum and the survey would provide sufficient information to update the Master Plan that there would be many ways that residents could make their voices heard by the Planning Board and the committees working on the update.

Mr. Campbell agreed, and said residents could send him their perspectives at any time.

Councilor Gooze said he wanted to be sure that with this Master Plan update, if there was anything in the Master Plan that was changed and would affect an individual resident, that this person would be informed in a different way than had occurred previously. He noted that with the creation of the Professional Office district and following the Zoning Rewrite process which resulted in the redrawing of the zoning district lines, resident Arthur DiMambro's property was rezoned to become a part of the Professional Office district but he wasn't told about this.

He said when Mr. DiMambro did discover this, he was told that there was no reason why the Town had to tell individual property owners about such rezoning, and that he should have known what was going on. Councilor Gooze said he didn't want to see that kind of thing happen again.

Administrator Selig noted that the Master Plan was a vision of what the Town wanted, and Councilor Gooze said people should still be informed about what was proposed in it.

Councilor Mower noted that as part of the process of developing the survey, town boards and committees had been asked to provide suggestions on topics/questions for the survey. She asked if perhaps the Council would like to suggest some topics that might not otherwise be touched upon by the boards and committees. She suggested that a question on demographics might be appropriate, and also noted that among other things, the Master Plan was concerned with the allocation of Town resources as well as general policy decisions having to do with taxes, land use and zoning.

Chair Niman received clarification that the Planning Board was the entity that would adopt the survey. In answer to Councilor Mower's question as to whether some things that needed to be in the survey might be missed, he said he wouldn't know until he saw the survey. Councilor Clark said he saw the Council goals as the starting place for things the Council would want to be considered in the survey. He also said he hoped the survey was structured so that the questions weren't isolated from one another.

Councilor Mower said the idea of providing questions on possible tradeoffs was being considered. But she said she understood that it was difficult to do something like this in a survey, which needed to be short in order to get as much response as possible from residents. She also said there were certain formatting constraints so that there would be consistency in terms of the types of responses. She provided details on a possible framework for structuring some questions.

Councilor Clark noted that he had been involved in developing the EDC's business visitation survey, and said it became really obvious to him that without building context around a question, a person would have an immediate gut reaction to it. He said with the context provided, the answer could be completely opposite, and could result in some thoughtful responses.

Councilor Mower asked if she was hearing from Councilor Clark that he would be willing to have fewer questions, as long as the context was clearer.

Councilor Clark said yes. He also said he hoped the survey approach wasn't intended to ask what the next evolution for Durham was, and instead would provide the opportunity for residents to envision something that had never been considered before for the Town.

Councilor Mower noted that a member of the survey subcommittee had pointed out some of the things in the world that hadn't existed 10 years ago, such as the Internet. She said it was that hard-to-imagine future that the subcommittee is also trying to encourage respondents to envision in this survey process. She noted that the visioning forum would probably be able to bring out some of those kinds of discussions, even if the survey could not.

Chair Niman asked if the survey subcommittee would be supplied with the Council goals, to give it a sense of what the Town's governing body saw as the short and perhaps long term direction for the Town.

Councilor Sievert said he didn't think this was necessary, and said he believed that some of the Council goals were being put forward by the Town's boards and committees. He noted that he was on the Recreation Committee, and said the Council's goal of developing recreational opportunities was reflected on that committee. He said the questions for the survey that this committee had suggested were therefore based on the Council's goals.

Councilor Mower agreed.

Councilor Clark said over the last few years, the Council had done a better job of balancing snapshot/short-term goals with goals that would take longer to achieve.

Councilor Mower said she didn't think there was the risk of the Council's goals being ignored. She also said the survey committee understood that hashing out short term and long term goals and how they should be reflected in the survey was an intense process.

Chair Niman said his inclination was to trust in the process, where the committees in the Town that were created to represent important interests were submitting questions to the survey subcommittee. He said what he was hearing from Councilor Sievert was that this was taking place.

Councilor Mower asked whether in the past, there had been input from the Council at this stage of the Master Plan update process.

Mr. Campbell said he didn't think so, and said if there was, it wasn't heavy involvement.

Councilor Clark said he was only concerned with what had been brought up over the last few years, and said some big strides had been made to fix it. But he said the inherent flaw in the system was a number of isolated committees with specific agendas, and said what was missed with this was the ability to create collaboration and cross-functional strategies across committees that came from diverse thinking instead of specific thinking. He said with the Master Plan updated, it was critical to find a way to connect diverse and isolated points of view and put them into comprehensive plans that satisfied multiple groups.

Chair Niman said he assumed that this was the task of the Planning Board.

Mr. Campbell said he thought that survey questions reflecting isolated points of view would be caught at various levels of the Master Plan update process, either by the subcommittee, Mr. French or the Planning Board. He said in some cases the question could be rephrased and put into a broader context.

Councilor Mower said what she also thought Councilor Clark was asking was how to get this process to be synergistic rather than piecemeal. She said the visioning forum break out sessions might help with that, and allow cross fertilization, depending on how they were organized.

Chair Niman said the survey was a Planning Board document, and the Master Plan update was a Planning Board process. He said planning expertise was being provided to help the Board with these things, and said he therefore didn't think it was up to the Council to micromanage them.

He said he agreed with the points made by Councilor Clark, but said he wasn't sure it was up to the Council to ensure that what he would like to see actually happened. He said the Council could communicate through Mr. Campbell that it would like to see this as part of the process, but said he wasn't sure it was appropriate to go beyond that, because the Master Plan was not the Council's document.

Councilor Gooze said the Council's goals were represented on the various committees. He said he agreed with Chair Niman that the Council had done its part and had provided its vision for the Town. He said he wasn't sure it was appropriate to weigh in as Council now. He said individual Councilors had opinions, but noted that the Town Council changed every year. He said he would like to see the Master Plan update process play out through the committees and the Planning Board.

Councilor Mower noted that she had been asked to bring this question to the Council, and she had now heard its response.

Mr. Campbell said no matter what and how this process was done, there would be different opinions, and criticism. He said this process needed to move forward, and said they all needed to trust in it and the people involved to get the best product they could.

Councilor Clark said seven out of ten people doing a survey would simply check things off, and only a few would go further than that. He said probably only one person out of the ten would have incredible insights. He said he hoped there was a way to capture the 30% of respondents who provided the thoughtful ideas, and make sure that they were fully explored and developed.

Councilor Mower noted that Keene's Master Plan included an appendix of 91 "ideas and inspiration for the future" which couldn't be incorporated into the Master Plan for one reason or another. She said she believed that every attempt would be made to capture these kinds of ideas with Durham's visioning forum, survey and ensuing meetings.

Mr. Campbell said that absolutely was the case.

Councilor Stanhope said the initial survey would provide some direction of the thinking in the community. But he said within that body of information, individuals could then be identified who should be revisited with a more comprehensive interview. He said whether these people had majority or minority views, if there was some strength in those views, exploring them could result in some hard and fast answers.

Councilor Mower said there was discussion by the survey subcommittee on whether to do a more general survey or to get into more specifics. She noted that there would be a tweaking of the draft survey as a result of the visioning forum, but said it was the nature of the beast that it probably still wouldn't be perfect.

Councilor Gooze left the meeting at 8:23 pm.

## **X. Unfinished Business**

**FIRST READING ON ORDINANCE #2011-02** amending Chapter 38 "Building Construction", Sections 38-1 and 38-5 of the Durham Town Code relating to energy efficiency standards

Chair Niman noted that the Council had discussed this proposed Ordinance at a previous meeting.

Councilor Mower said she had brought this Ordinance forward on behalf of the Energy Committee. She noted that the Council Communication provided figures on the minimal differential in construction costs involved in applying the standards. She said a key point to remember was that the one time installation cost should not significantly affect the cost of a new building, relative to costs savings over the life of a structure. She noted the movement being seen across the country toward greater energy efficiency standards, as people learned more about the benefits of doing this.

***Councilor Stanhope MOVED on First Reading Ordinance #2011-02 amending Chapter 38 “Building Construction”, Sections 38-1 and 38-5 of the Durham Town Code relating to energy efficiency standards, and schedules a Public Hearing for January 24, 2011. Councilor Sievert SECONDED the motion, and it PASSED unanimously 7-0.***

Councilor Mower said Code Officer Tom Johnson had been very helpful in providing assistance to the Energy Committee on this item.

**XI. New Business**

**XII. Nonpublic Session (if required)**

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

**XIV. Adjourn (NLT 10:30 PM)**

***Councilor Smith MOVED to adjourn the meeting. Councilor Sievert SECONDED the motion, and it PASSED unanimously 7-0.***

Adjournment at 8:26 pm

Victoria Parmele, Minutes taker