

These minutes were approved at the January 6, 2025 meeting.

**DURHAM TOWN COUNCIL
MONDAY, DECEMBER 16, 2024
DURHAM TOWN HALL - COUNCIL CHAMBERS
7:00 PM**

MEMBERS PRESENT: Chair Sally Needell, Chair Pro Tem Joseph Friedman, Councilor Wayne Burton, Councilor Eric Lund, Councilor Darrell Ford, Councilor Heather Grant and Councilor James Bubar.

MEMBERS ABSENT: Councilor Curtis Register, who is sick, and Councilor Emily Friedrichs (who uses the pronouns ze/zir/zirs/zirself and the title Mx. Friedrichs), who joined the meeting on Zoom during the Public Comments period.

OTHERS PRESENT: Administrator Todd Selig, Business Manager Gail Jablonski, Town Planner Michael Behrendt and Planning Board Chairman Paul Rasmussen

I. Call to Order

Chair Needell called the meeting to order at 7 PM.

II. Town Council grants permission for fewer than a majority of Councilors to participate remotely

Councilors voted unanimously to allow Councilor Friedrichs to participate remotely because ze did not have childcare.

III. Roll Call of Members

Councilor Heather Grant, Councilor James Bubar, Chair Sally Needell, Chair Pro Tem Joseph Friedman, Councilor Wayne Burton, Councilor Eric Lund and Councilor Darrell Ford.

IV. Approval of Agenda

*Chair Needell **MOVED** to adopt the agenda. Councilor Lund **SECONDED** the motion. The motion **PASSED** on a unanimous show of hands vote. (No councilors are on Zoom at this point.)*

V. Special Announcements - None

VI. Public Comments

Joshua Meyrowitz, 7 Chesley Road, commented on the proposed changes to the definition of student housing in Ordinance #2025-01, which the first reading of is on the agenda for this meeting under New Business, and urged the Planning Board not to rush its passage and residents to read and fully understand what the changes will mean for

downtown neighborhoods. He said the Public Hearing before the Planning Board is scheduled for Jan. 8 and the board may take action on it that day, which he feels is not enough time for it to be considered and for the town to get sufficient public input. He said the town wants to act preemptively to undermine expected legislation that will undo Durham's three unrelated tenants rule. He recommended residents review the Nov. 13th Planning Board meeting on DCAT.

Diana Carroll, 54 Canney Road, spoke about the quality of leadership in Durham over the last 50 years. She gave examples of vision by Durham residents since she moved here in 1974, from the purchase of Wagon Hill Farm by the town to the Swap Shop to being the first town in New Hampshire to have curbside pickup of recyclables. She said that a budget must include vision for the future and gave thanks to those who in the past had the vision for Durham that it could be a place where people live with a real quality of life.

Robin Mower, 6 Britton Lane, echoed Mr. Meyrowitz' concern about the proposed changes to the definition of student housing and is concerned residents don't know enough about the amendment and requested a single issue notice be sent to residents on the Friday Updates email list. She also suggested that the wording in the Attainable Housing Overlay District be changed to require annual reporting by property owners and to have an audit done every five years. She asked these issues be resolved before the town acts on the proposal.

VII. Report from the UNH Student Senate External Affairs Chair or Designee - None

VIII. Committee Appointments

A. Shall the Town Council, upon recommendation of the Planning Board Chair, appoint Gary Whittington, 6 Old Piscataqua Road, to fill an unexpired Regular Membership position on the Planning Board with a term expiration of April 2027?
Mr. Whittington introduced himself to the Council. He said he moved to town 18 months ago from Iowa City, Iowa where he lived for 25 years. A native of Texas, he is a retired commercial real estate broker. He said he would listen to others and learn about the town, and wants to serve the town as best he can.

Chair Needell MOVED to appoint Gary Whittington to an unexpired Regular Membership position on the Planning Board. Councilor Ford SECONDED the motion. The motion PASSED on a unanimous roll call vote.

Councilor Friedrichs announced ze had joined the meeting on Zoom during Public Comments because ze does not have childcare. Councilors approved zir attending the meeting on Zoom with a unanimous roll call vote.

B. Shall the Town Council, upon recommendation of the Parks & Recreation Committee Chair, appoint alternate Chris Gowland, 28 Newmarket Road, to fill an unexpired Regular Membership position on the Parks & Recreation Committee with a term expiration of April 2025?

Chair Needell explained that the Town Council earlier approved Chris Gowland to serve as an alternate member on the Parks & Recreation Committee, but the opportunity has arisen for him to fill an unexpired Regular Membership position.

Chair Needell MOVED to appoint alternate Chris Gowland to fill an unexpired Regular Membership position on the Parks & Recreation Committee. Councilor Grant SECONDED the motion. The motion PASSED on a unanimous roll call vote.

C. Shall the Town Council, upon recommendation of the Integrated Waste Management Advisory Committee Chair, appoint Peter Yost to fill an unexpired Regular Membership position on IWMAC with a term expiration of April 2025?

Mr. Yost, 32 Worthen Road, introduced himself to Councilors. He moved to Durham with his wife three years ago from Brattleboro, VT. He is a building and closure consultant and has done a lot of work in resource efficiency issues. He said Brattleboro was very progressive in managing waste and it had a curbside composting program.

Chair Needell MOVED to appoint Mr. Yost to the IWMAC. Councilor Grant SECONDED the motion. The motion PASSED on a unanimous roll call vote.

IX. Unanimous Consent Agenda

Shall the Town Council unseal the Nonpublic Session minutes from the year 2007 dated Feb. 5, Oct. 15 and Dec. 17, and from the year 2008 dated Jan. 14 and Jan. 28?

Chair Needell MOVED to unseal these minutes. Councilor Lund SECONDED the motion. The motion PASSED on a unanimous roll call vote.

X. Presentation Items - None

XI. Unfinished Business

A. Continued Deliberation and Possible Adoption of Resolution #2024-26 approving the Administrator's proposed FY 2025 Operating, Capital and Special Fund Budgets, and the 2025-2034 Capital Improvement Plan, as amended.

Business Manager Gail Jablonski joined the Town Council for this discussion.

Chair Needell MOVED the Town Council approve the proposed FY 2025 Operating, Capital and Special Fund Budgets, and the 2025-2034 Capital Improvement Plan, as amended. Council Ford SECONDED the motion. Discussion opened.

Chair Pro Tem Friedman MOVED the two EV chargers not be included in the budget unless the town receives the 80 percent grant it has applied for. Councilor Bubar SECONDED the motion.

Administrator Selig explained the 80 percent grant is a reimbursement grant and the money needs to be in the budget to receive the grant. He agreed not to move forward to

expend the money until the grant is received. He said this is for two four-handled chargers for the Depot Road and Pettee Brook lots, and moving the two-handled charger from Pettee to the Store 24 lot. He said the \$60,000 budgeted is coming from the Municipal Transportation Improvement Fund, which is the fund where \$5 from every vehicle registration in town goes and is used for transportation costs, and will not impact the general fund or the tax rate. He said the town does charge for their use. Discussion continued about the lifespan and return on investment of the chargers. Administrator Selig said the intent is to encourage visitors to come downtown, to support downtown businesses and as a statement of the town's values. Usership of the chargers has increased considerably, Councilor Friedrichs said. Administrator Selig said they are very much in demand. Councilor Grant urged the town to look at charging more for their use to create a profit. The town doesn't have data on whether they're being used by residents or non-residents. Administrator Selig read from the town's application for the grant. Ms. Jablonski suggested a different way to account for the expense as revenue from a grant. Councilors discussed how to estimate the town's carbon offset.

Chair Pro Tem Friedman WITHDREW his motion. Councilor Bubar SECONDED the withdrawal.

Chair Pro Tem Friedman MOVED that the town will only move forward with the installation of two four-handled EV chargers if it receives the 80 percent reimbursement grant. Councilor Grant SECONDED the motion.

Councilor Ford opposed the motion, noting reducing emissions is also a goal of the Town Council, equal to its goal for the 2025 budget, and that the town should purchase them whether the town gets the grant or not. Others agreed.

The motion FAILED on a roll call vote of 2-6.

Councilor Ford - nay; Councilor Lund - nay; Councilor Burton - nay; Chair Pro Tem Friedman - aye; Chair Needell - nay; Councilor Bubar - aye; Councilor Grant - nay; Councilor Friedrichs - nay.

Councilor Friedrichs MOVED to cancel the town's Amazon Prime subscription to encourage the town to purchase supplies locally.

Administrator Selig said the subscription is townwide, part of an efficiency effort across departments, gives the town discounted pricing, and that there are not a lot of places to buy office supplies in town.

No one seconded the motion.

Councilor Lund moved the question. Chair Needell called for a roll call vote if Councilors would like to see the question called and discussion.

The question was CALLED on a unanimous roll call vote.

Chair Needell MOVED that the Town Council approve the Administrator's proposed FY 2025 Operating, Capital and Special Fund Budgets, and the 2025-2034 Capital Improvement Plan, as amended. Councilor Grant SECONDED the motion. The motion PASSED on a 7-1 roll call vote.

Councilor Ford - aye; Councilor Lund - aye; Councilor Burton - aye; Chair Pro Tem Friedman - aye; Chair Needell - aye; Councilor Bubar - aye; Councilor Grant - aye; Councilor Friedrichs - nay.

B. Continued Deliberation and Possible Approval of Ordinance #2024-09 Amending Chapter 175 "Zoning," Article II, "Definitions," Article XII.1. "Use and Dimensional Standards," Article XVIII, "Personal Wireless Service Facilities Overlay District," Article XIX, "Conservation Subdivisions," and the Zoning Map; and adding a new Article XVIII.1. "Attainable Housing Overlay District."

Town Planner Michael Behrendt and Planning Board Chairman Paul Rasmussen joined the meeting for this discussion. Mr. Behrendt noted John and Maggie Randolph are present at the meeting for questions. Mr. Behrendt said he incorporated many of the Town Council's changes and other changes, all of which were relatively minor, in the updated ordinance the Council has. Mr. Behrendt said his suggestion to include a catchall phrase to give the Planning Board flexibility to change details in the ordinance on the basis of conditional use was not included. Topics discussed included changing the name of the overlay district to Attainable Housing from "Workforce" or "Affordable" Housing after the town attorney's recommendation; going to a story limit on buildings as opposed to a raw height limit, which is three stories, unless there's a setback of a certain amount, then a building can be four stories tall; that everything in the ordinance is in accordance with state law; pedestrian oriented ensemble is creating a pleasant sense of space in a development with multiple buildings, like a quadrangle on a college campus; how the town may require periodic audits to make sure the housing continues as attainable; how the ordinance sets a rental average for the units as a whole; how a third-party guarantee for a renter won't be accepted as a strategy to not create a student housing development; Section 8 and Housing Authority money will be accepted; how the units can be sublet abiding by the same restrictions; how the town is trying to create housing for young adults who can't afford housing in town now; how UNH's master plan includes bringing back student graduate housing; how the no more than three unrelated people living in a unit rule doesn't apply to the attainable housing district, but that the type of units and building and fire codes do have occupancy limits according to square footage.

Mr. Randolph said he has a 200-person waiting list for the 44 cottage he built in Dover so he feels a development in Durham is feasible. He said he has met with the school's previous superintendent to talk about his potential project and its impact on the schools. He said there are very few landlords who accept third-party guarantees and he stays away from them. He said with the town's proposed ordinance there is flexibility to charge a lower rent that the tenant can afford rather than get a third-party guarantee. He

said students who are working while going to UNH would be welcome in the project he envisions, but he doesn't envision it as primarily students.

In all the town's zoning districts, Mr. Behrendt explained when determining the density of a project you first take out wetlands, open water and any soils that are poorly drained before determining the amount of land. In the Attainable Housing Overlay District, the ordinance says you just have to take out wetlands and open water before determining the density a property can hold.

Mr. Behrendt said there is a state law that says every town has to offer its share of workforce housing and he feels that legally the town meets that requirement because of all the student housing it has created. There is no legal requirement for the town to create more workforce housing. He said many people in town feel it is a moral obligation to do so. He said many residents would like an affordable rental in town for themselves or family members, and many feel diversity is important and that the town will be enriched by creating an affordable choice for housing.

Councilor Bubar asked how many units can be created under the ordinance. Mr. Rasmussen said that would be determined by how many properties get developed. Councilor Lund said the Randolphs have said they may develop 200 units on the Keefe property. Mr. Behrendt said the density requirement in the overlay district is generous. He said the Keefe property is the largest lot in the overlay district at 117 acres, which he believes is the largest buildable lot in Durham. He said the ordinance sets a limit of 200 total units in a development project and that only the Keefe property could support that large of a development. The next largest property in the overlay district is a 49-acre lot that is in single family use. He said 121 Technology Drive is 148 acres but is in industrial use. Mr. Behrendt said the density requirement would allow 200 units on the Keefe property, but there is a lot to consider like parking, utilities and drainage, etc., that could reduce the amount of units there. He said he has not heard from any developers interested in other lots. He said the town is trying to create a sweet spot between where it's so difficult to develop attainable housing that no one does it and where it's so inviting that developers are knocking down the door to create projects.

Councilor Lund mentioned that the town has learned from Torrington Properties, which owns the Mill Pond Plaza, that it isn't interested in putting student housing or any kind of housing at that site.

Chair Pro Tem Friedman said there's two spots in the ordinance where it sounds like you could do more than 200 units, and it seems arbitrary and not in relation to the specific site. Mr. Behrendt said you can exceed 200 units for good cause or incentive, but it would be tough on any of the existing lots. Administrator Selig said the 60 percent open space requirement will naturally put a damper on a very large development. Mr. Behrendt said the ordinance prohibits getting around the 200 limit by subdividing or phasing.

Councilor Bubar suggested the town set an overall limit on the number of units that can be developed in the overlay district as a whole. Consensus was that the town wouldn't be overrun with projects given the existing available lots. Councilor Burton asked what would be done with the part of the Keefe property that is in Madbury and said it's difficult to get out of the driveway at the property onto Route 4 as it is now. Councilors said there is a possibility of creating an exit onto Route 108 and that would be decided in the project's design process. Mr. Behrendt said the town has met with the DOT about the potential project and there may be a deceleration lane created in the area of the current driveway.

Administrator Selig said the specifics will be determined in the Planning Board review process and that DOT would have to approve any design for the project. He added it could be extremely expensive to create the appropriate changes and entrance to get DOT approval, and the developer would need to get enough density out of the project to afford the changes.

Chair Pro Tem Friedman pointed out language in the fifth whereas in the ordinance that says it's easier to create attainable housing as a rental project, then a project to sell, which he feels is an opinion and unnecessary. Mr. Behrendt said he feels it's difficult to monitor and enforce private sales to make sure the residence stays attainable. Chair Pro Tem Friedman also would like to remove the 8th whereas with the Frequently Asked Questions from the ordinance. Mr. Behrendt doesn't object to removing the two whereas paragraphs.

Administrator Selig asked if he would be willing to pass the ordinance if the two whereas paragraphs were removed and he indicated he would.

Chair Pro Tem Friedman MOVED that the Town Council approve the ordinance with the Council-proposed changes removing whereas 5 and whereas 8. Councilor Grant SECONDED the motion.

In response to questions, Administrator Selig confirmed this is an ordinance and recommended the Town Council formally move to strike the 5th and 8th whereas paragraphs if it wants to remove them.

Councilors discuss whether the vote is on the changes or to pass the ordinance.

Chair Pro Tem Friedman MOVED to pass the ordinance with the change eliminating the current 5th whereas and the 8th whereas at the beginning of the ordinance. Councilor Ford SECONDED the motion.

Discussion opened. Councilor Friedrichs said ze is in favor of changing the language, but not ready to vote on passing the ordinance. Ze said the Council has come a long way on the ordinance, but it still needs some tweaking to incorporate some of the town's stated goals. Ze said in the open space section, for example, where they've heard from the Agricultural Committee that protecting agricultural land is important to them, the

Council could change open space to exclude passive recreation, which would be more favorable to agricultural uses as opposed to baseball fields. Ze is worried about the lack of a height requirement on stories and gave the example of Phillips Exeter Academy's library in Exeter, which came in at essentially eight stories instead of five and required the town to purchase a new fire truck. Ze agrees with Councilor Friedman and is concerned that there isn't an option to sell a property if it's not financially feasible to keep it attainable. Ze said the density bonus should be tied to energy efficiency standards. The town has had a very successful higher standard for efficiency since 2016, which can't be required but could be part of the density bonus. In the state, utilities are considered a part of affordable housing, ze said, so energy efficiency is part of making housing affordable. The ordinance has some conflict with the town's goals and some of residents' opinions can be incorporated into it better.

Mr. Behrendt said in a housing presentation to the Parks and Recreation Committee they emphasized they wanted to incorporate as much recreation opportunities as possible in any development. He reiterated the height limit isn't in feet, but is three stories, unless there's a setback of 100 feet, then a building can be four stories high. He said the Conservation Subdivision section handles the for-sale workforce housing in it and there's a density bonus there. Under the incentive it does mention sustainability in the ordinance, but understands that's not what Councilor Friedrichs wants.

Administrator Selig said he did bring up energy efficiency being part of the density bonus earlier in the process and in Section T it does mention that the Planning Board can bring up sustainability measures with a developer, and asked if that would be sufficient for Friedrichs' intent. Councilor Friedrichs said ze has heard complaints the Planning Board is sometimes too flexible, that having specific benchmarks for efficiency spelled out would be advisable and that the town should offer the energy requirements as a bonus. Chair Pro Tem Friedman questioned if that is allowed by state law. Councilor Grant said leaving it open allows for discussion at the time the project is being reviewed. Councilor Bubar brought up maintenance on rental properties over time, and said home ownership makes sure maintenance is kept up. Mr. Rasmussen prefers a project to be one or the other, and not a mix of rentals and home ownership, and the group decided to focus just on rentals in the ordinance to be able to produce the ordinance within a year. He said they next want to work on the Conservation Subdivision section and that would address sales. Discussion continued on home ownership vs. rental developments. Mr. Behrendt said the ordinance was about how to create a good number of relatively affordable housing units in town. Ms. Friedrichs said ze is worried in the future if the rental model isn't bringing in enough money to maintain what would then be an old building, that there needs to be the option for units to be sold. Mr. Randall said there's always a capital investment plan and that the HUD market rate does go up every year so it should keep up with the cost of maintenance. He explained why putting a cap on sales hurts the homeowner and if you don't put a cap in, a unit won't stay affordable. He said he feels some of the changes suggested at the meeting may or may not make the ordinance better and that the amount of density in the ordinance is needed to be able to pay for getting water, sewer, etc. to the development and he feels it is a project that will

be sustainable into the future. Councilor Lund made the point that home ownership doesn't guarantee maintenance is kept up.

Councilor Ford MOVED the question. Councilor Lund SECONDED the question. The motion to move the question PASSED on a 6-2 roll call vote.

Councilor Ford - aye; Councilor Lund - aye; Councilor Burton - aye; Chair Pro Tem Friedman - aye; Chair Needell - aye; Councilor Bubar - nay; Councilor Grant - aye; Councilor Friedrichs - nay.

Chair Needell then had the Town Council vote on Chair Pro Tem Friedman's original motion. ***The motion PASSED on a 6-2 roll call vote.***

Councilor Ford - aye; Councilor Lund - aye; Councilor Burton - aye; Chair Pro Tem Friedman - aye; Chair Needell - aye; Councilor Bubar - nay; Councilor Grant - aye; Councilor Friedrichs - nay.

XII. Councilor and Town Administrator Roundtable

Chair Needell - Human Rights Commission

Chair Needell reports the group met on Dec. 4, heard Sally Tobias' Housing Task Force presentation and discussed a letter that is being written in support of Indigenous Peoples' Day for the town's state legislators to take to the Legislature about the bill being considered to allow the name of the holiday to stand on its own and not have to include Columbus Day as state law now requires. Leslie Schwartz joined the commission as a voting member bringing it to five voting residents and Chair Needell and Administrator Selig as non-voting members. Next meeting is Feb. 5.

Chair Pro Tem Friedman - Parks and Recreation Committee

He said the group was happy to see the Town Council tour Jackson Landing, and continues to focus on Jackson Landing as well as Woodridge Park developing a recommendation for improvements to them to bring to the town. The meeting this month was cancelled. Next meeting is Jan. 28.

Chair Pro Tem Friedman - Seacoast Economic Development Stakeholders

He said the group had a Zoom meeting about the day care challenges the area faces and heard suggestions for what could be done. It is an ongoing discussion among the towns.

Chair Pro Tem Friedman

He commented on the UNH Master Plan presentation last week. He thinks the Town Council may want to move the Planned Unit Development ordinance forward faster than it was expecting to help move the Edge project along so development that will benefit the town with tax dollars can actually occur there. It would help other buildings be built there in addition to the University buildings and provide flexibility.

Councilor Burton - Conservation Commission

The Conservation Commission meets next Monday, Dec. 23.

Councilor Lund - Energy Committee

He said the Energy Committee met Dec. 3 and discussed the Seacoast Challenge of CPCNH and the proposed site plan regulation changes about EV charging capabilities that has gone to the Town Planner, Police and Fire for review. It will likely go to the Planning Board in January or February.

Councilor Lund - Historic District Commission

He said the group met on Dec. 5 and approved an application for installing exterior storm windows at 15 Main Street instead of replacing the wood frame windows with vinyl. The group set its 2025 meeting dates. In January, July and October, it will meet on the second Tuesday of the month to avoid holidays.

Councilor Ford - Land Stewardship Sub-Committee

He said the group met Dec. 11 and discussed Oyster River Forest management priorities, mainly making the trail accessible all the time. It's taking on high water because of beaver activity. The group met the new Land Stewardship Coordinator, Veronique Luddington. Next meeting is Jan. 8.

Councilor Friedrichs - Planning Board

The board continued its ongoing discussion of changing the no more than three unrelated tenants rule and public concern about the change. It heard a proposal to redevelop the old Cumberland Farms building next to the Mobil Station into a Dunkin' Donuts that would move across the street from the Irving Station. It also continues to review site plan improvements for the Mill Pond Plaza and the public's comments on those. Ze said there was some concern expressed about a subdivision on Durham Point Road where a portion of property is in the Wetland Overlay District where there has been significant intrusion and grading. Mr. Behrendt is following up on that report.

Councilor Bubar - IWMAC

The committee met on Dec. 4 and talked about composting. He said it came up that a better sign is needed at the transfer station so people know they can compost there. He also mentioned there is no signage on Route 108 to direct residents to the transfer station. Chair Needell said it is difficult to get the DOT to approve signs. He said the committee also discussed the leaf and brush collection and that 20 percent of the town used the pickup service.

Administrator Selig

Administrator Selig said the Town Clerk's Office was notified by LHS Associates that the updated automated voting machines will not be received by the town before the March 11 election because of a delay by the N.H. Secretary of State's Office in approving the machines. He said across departments, staff is transitioning to end-of-year activities, building the town's Annual Report and financial reporting.

Public Works is looking at Phase 3 of the Madbury Road project and is interested in amending the current contract to have its excellent pricing extended to the next phase. He said it will come to Town Council in January with a bid modification.

Last week, he attended the training and qualification process of police officers on firearms. He was impressed with the training on guns, handcuffs, searches, and shooting at the White Birch armory. He was interested to learn each officer is responsible for every round they fire and accounting for it. He said the town's officers had to qualify on all three types of weapons they use: a Sig Sauer revolver, a 12-gauge shotgun and an AR-15 style rifle.

XIII. Approval of Minutes - Nov. 18, 2024 and Dec. 2, 2024

Chair Needell MOVED the Town Council approve the minutes of its meeting on Nov. 18, 2024. Councilor Lund SECONDED the motion.

Councilor Burton said his vote to stop discussion wasn't recorded in one of the votes at this meeting. Chair Needell asked him to send the change to Karen Edwards.

The minutes were ACCEPTED on a unanimous roll call vote.

Councilor Lund said part of a motion in one of the appointments confirmed at the Dec. 2 meeting was omitted on Page 7, Line 11, and confirmed he had sent the change to Ms. Edwards.

Chair Needell MOVED the Town Council approve the minutes of its meeting on Dec. 2, 2024, as amended. Councilor Lund SECONDED the motion. The minutes were ACCEPTED on a unanimous roll call vote.

XIV. New Business

First Reading on Ordinance #2025-01 Amending Chapter 175 "Zoning," Article 11, "Definitions," Article XII.1, "Use and Dimensional Standards," Article XV, "Flood Hazard Overlay District," Article XVI, "Aquifer Protection Overlay District," Article XVII, "Durham Historic Overlay District," Article XVIII, "Personal Wireless Service Facilities Overlay District," Article XX.1, "Standards for Agricultural Uses," and Article XXIII, "Signs and Communications Devices." A Public Hearing can be set for Feb. 3, 2025.

Councilor Bubar asked why the Public Hearing wasn't set for the Town Council's January meeting. Administrator Selig said the Council only has one meeting in January and its agenda is full. He also said if Councilors want to meet one-on-one with Mr. Behrendt to talk about the definitions and the rationale behind them, he wanted to make sure there was time to do that before the Public Hearing. He also offered if a group of councilors are interested in meeting with Mr. Berendt a special work session could be set.

Councilor Lund questioned the definition of the fall zone for the Personal Wireless Overlay District. Mr. Rasmussen explained the definition was taken from language used by the federal government and wasn't written by the town. Discussion covered extending the fall zone and how the fall zone is for ice or other material falling off the tower, not the tower. Mr. Behrendt said some of the earlier comments from the Town Council were incorporated into the updated proposal and some were not. Councilor Lund asked for a new version, which indicates what has changed since the last time the Town Council saw the ordinance. Chair Needell said the Council could consider this at its Jan. 6 meeting, but encouraged Mr. Behrendt to get that document to the Council before the meeting so they have time to read and consider it, and can go right to making motions at the meeting.

XV. Nonpublic Session - Not Required

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

Councilor Lund MOVED to adjourn the meeting. Councilor Ford SECONDED the motion. The motion PASSED on a unanimous roll call vote.

The meeting adjourned at 10:03 PM.

- Jane Murphy, Minutes Taker