

CITY OF LACONIA - CITY COUNCIL MEETING
August 9, 2021
7:00 P.M.

8/9/2021 - Minutes

1. CALL TO ORDER

Mayor Hosmer called the meeting to order at the above date and time.

2. SALUTE TO THE FLAG

Councilor Lipman lead the Salute to the Flag.

3. RECORDING SECRETARY

Cheryl Hebert, City Clerk

4. ROLL CALL

City Clerk Hebert took a roll call vote with the following Councilors in attendance: Bruce Cheney, Bob Soucy, Henry Lipman, Mark Haynes, Bob Hamel, and Tony Felch

Mayor Hosmer noted all six Councilors were in attendance and a quorum has been established.

5. STAFF IN ATTENDANCE

Scott Myers, City Manager

Glenn Smith, Finance Director

6. COUNCIL PROCLAMATION

7. ACCEPTANCE OF MINUTES FROM PREVIOUS MEETINGS

7.A. Regular meeting minutes of July 26, 2021

Minutes of the meeting were distributed to Council on Tuesday, July 27, 2021. With no corrections or changes submitted to the Clerk, the minutes will be accepted as distributed.

8. PRESENTATIONS

8.A. Discussion pertaining to the State School Property

Mayor Hosmer introduced District 1 Executive Councilor Joseph Kenney and Chairman George Bald of the Lakeshore Redevelopment Planning Commission. Mayor Hosmer explained what the value of the State School property is to the City of Laconia.

Chairman Bald explained he was elected to the City Council of Portsmouth when he was 25 and Mayor at 27 so he has much respect for what municipalities have to deal with. Chairman Bald briefed the Council on the steps that the Lakeshore Redevelopment Planning Commission (LRPC) have been taken. The legislation that created the Commission has not been repealed so the work of the Commission will continue. If the State hires a broker and they find someone to buy it then LRPC will

no longer be. It is the goal of the commission to come up with a plan that creates jobs, creates numerous tax paying entities, and creates something that the community can be proud of. At the next meeting in September, the Commission will have the results of the land survey and will continue with their work.

Councilor Kenney explained a resolution was put together to form a committee to look at the issues of this property. This is how the Commission was formed. Councilor Kenney explained it is apparent that the Governor wants to sell the property and hire a broker and move forward but all of the work over the past few for years of the Commission will not be lost. The Executive Council will look out for the best interest of the City of Laconia. He explained it takes three positive votes out of five from the Executive Council.

Mayor Hosmer thanked both Councilor Kenney and Chairman Bald for looking out for Laconia. He appreciates their responsiveness. Mayor Hosmer hates to think that all of the work that the Commission has put in over the past four years will be thrown aside. Mayor Hosmer personally believes the City of Laconia deserves something more from the State. This property needs work in order to get the maximum value for it.

Councilor Lipman asked for an explanation of what happens between the broker and the Governor and Executive Council when it comes to the sale of state property.

Councilor Kenney explained the process begins by putting out an RFP by Administrative Services, the qualifications of the bidders will be looked at, then reviewed by the Attorney General, then it will come back to the Governor's Council, the Governor will add it to the agenda and the Executive Council will take vote. Any time there is a transfer of State land it has to go through the Governor's Council. Councilor Kenney will inform the other Councilors of the best interest for the City of Laconia. The Executive Council looks at the final sale.

Councilor Soucy asked why the Governor is taking the work of the Commission and pushing it aside?

Chairman Bald doesn't see the Commission's work as having been wasted. The Commission's work has added value to the property.

Councilor Soucy applauds the efforts of the Commission.

Councilor Cheney thanked Chairman Bald for the effort he has put in the past four years. Councilor Cheney has faith that Councilor Kenney will do everything in his power to be sure that Laconia is well represented.

Councilor Hamel thanked both Chairman Bald and Councilor Kenney. Councilor Hamel hopes the Governor will take into consideration the hard work that the Commission has done in the past four years. Councilor Hamel hopes the City and the Commission will still have a say on what happens with that property. The City needs representation in Concord for Laconia.

Chairman Bald explained this property does not include Ahern State Park and the property across the street on Opechee.

Mayor Hosmer stated an RFP did come out from Administrative Services looking for a broker to bid on an opportunity to market this property. One of the lines that came out that Mayor Hosmer found concerning was "the Department may direct the successful respondent to commence marketing the property to suitable qualified buyers as soon as possible before the end of 2021 summer season.

With or without the regard to the mission findings or recommendations of the Lake Region Planning Commission under RSA 10-5." This is what Laconia is up against right now.

9. CONSENT & ACTION ITEMS

10. CITIZEN COMMENTS FOR MATTERS NOT ON THE AGENDA

Dawn Johnson, State Representative - Mrs. Johnson wanted to make sure the Council received the flyers and handouts that she left. She also thanked the two gentlemen that spoke on behalf of the State School. She utilizes the walking trails up there and does not want to see that taken away. She also had a lot of constituents reach out to her asking her to preserve that land.

Peter Brunette (Zoom in caller) Chair of Planning Board and part of the Master Plan Steering Committee - Mr. Brunette spoke of the State School Property and he is appalled at the turn of events. He stated the Commission has worked very hard to come up with the Master Plan. If the Governor intends to sell this off as one parcel, the City needs to be heard. There have been discussions on how to bring water up to the high points in that area. The State School is situated in an area that could benefit the neighboring homes by bringing the infrastructure up to date. That site is in desperate need of complete replacement of water, sewer, and storm drainage. These costs should not be at the City expense.

Gail Ober, Ward 5 - Vice Chair of the Zoning Board and member of the Master Plan Steering Committee - the State School Property falls under the Performance Zone and therefore the Zoning Board has no input. It falls solely on the Planning Board. Ms. Ober just wants to emphasize that the Zoning Board has no input.

11. INTERVIEWS

11.A. **Michael Foote - Seeking reappointment to a regular member position on the Conservation Commission for a three-year term expiring at the end of August, 2024**

Michael Foote was interviewed.

11.B. **Michael Foote - Seeking reappointment to a regular member position on the Zoning Board of Adjustment for a three-year term expiring at the end of August, 2024**

Michael Foote was interviewed.

12. NOMINATIONS, APPOINTMENTS & ELECTIONS

13. COMMUNICATIONS

14. PUBLIC HEARINGS

14.A. **Public hearing pertaining to the declaration of a portion of Rotary Park as surplus**

Notice of this public hearing was made available in the July 28, 2021 edition of the Laconia Daily Sun, and posted at Laconia City Hall, Public Library, Community Center and the SAU.

Mayor Hosmer opened the public hearing at 7:46 pm

Gail Ober asked if the City declares this surplus, does this have to go through a bidding process?

Hearing no other comments from the public, Mayor Hosmer closed the public hearing at 7:47 pm.

15. MAYOR'S REPORT

Mayor Hosmer had no comment this evening.

16. COUNCIL COMMENTS

Councilor Felch stated that the 98th Annual Leavitt Park Carnival will be held on Saturday, August 21st from 3:00 pm to 6:00 pm.

Councilor Cheney asked for an update on the property on the corner of Rollercoaster Road and Parade Road. He would also like to know who would be responsible for cutting back the growth at that same intersection. Another intersection with overgrowth is Parade and Pickerel Pond Road. He would like to know if the State would do the cut back or allow the City to take care of it.

Councilor Cheney also mentioned a letter that was received from the Kathy Ireland Organization and would like some clarification to what it actually pertains to. Mayor Hosmer will follow up with the organization.

Councilor Haynes mentioned that he met with the City Manager this morning and wanted to congratulate him on some of the out-sourced projects and that they look great.

Councilor Hamel spoke about the Colonial Theatre and the seven shows that took place last weekend. He said he has not heard anything bad about the parking and it all went very well. He stated all the local restaurants were booked solid.

Councilor Lipman echoed Councilor Hamel's sentiments.

17. COMMITTEE REPORTS

17.A. FINANCE (Lipman (Chair), Hamel, Cheney)

17.A.i. WOW Trail Funding

17.A.ii. Downtown TIF Financing

17.B. PUBLIC SAFETY (Cheney (Chair), Soucy, Lipman)

17.C. GOVERNMENT OPERATIONS & ORDINANCES (Soucy (Chair), Felch, Cheney)

17.C.i. Review of Chapter 167, Noise and Chapter 161 Licensing as it pertains to outdoor sound equipment and loudspeakers

17.C.ii. Ordinance Amending Chapter 221, Vehicles and Traffic/Parking on Sublawns

17.C.iii. Procedural review of grant applications

17.C.iv. Regulation of Short Term Residential Rental Businesses

17.C.v. Proposed Historic Overlay District

17.C.vi. Scenic Road Motorcycle Noise Petition

17.C.vii. Use of public property by for-profit entities

17.D. LANDS & BUILDINGS (Hamel (Chair), Haynes, Felch)

17.D.i. Downtown parking garage

17.D.ii. Repair & maintenance of City buildings

17.D.iii. Perley Pond Maintenance

17.D.iv. **Plan for the DPW Compound**

17.D.v. **Continuation of the discussion regarding parking in the Lakeport area**

17.E. **PUBLIC WORKS (Haynes (Chair), Felch, Soucy)**

17.E.i. **Retaining Wall Policy**

17.E.ii. **Discussion for converting from a manual to an automated solid waste curbside collection service**

18. **LIAISON REPORTS**

19. **CITIZENS REQUESTS TO COMMENT ON CURRENT AGENDA ITEMS**

Sherri Bolduc - Admissions Representative for Empire Beauty School - She stated the students use the parking garage as it is their only option for parking. There are eight faculty and staff and between 45 and 55 students throughout the year that use that garage and it would be detrimental if it was torn down.

20. **CITY MANAGER'S REPORT**

20.A. **Financial and Operational Trends Report**

City Manager Myers reviewed the report.

21. **NEW BUSINESS**

21.A. **First reading of Resolution 2021-16, relative to authorizing application for a \$400,000 loan from the NH Clean Water State Revolving Loan Fund for the Elm Street Sewer Project**

City Manager Myers briefed the Council on this item. Extended bond terms will be looked into.

Councilor Cheney moved to waive a reading of this Resolution in its entirety and to read by title only, seconded by Councilor Haynes; the ***motion passed with all in favor.***

Councilor Felch moved a first reading of Resolution 2021-16, a Resolution authorizing application for a \$400,000 loan from the New Hampshire Clean Water State Revolving Loan Fund for the Elm Street Sewer Project and appropriating funds for same, seconded by Councilor Cheney; the ***motion passed with all in favor.***

Councilor Haynes moved to schedule a public hearing on August 23, 2021 during the Regular Council meeting to gather public input prior to any action being taken, seconded by Councilor Felch; the ***motion passed with all in favor.***

21.B. **City Council options for Plantation and Colonial Roads**

City Manager Myers briefed the Council on the background to this item. Service will not immediately stop on these roads but a reasonable time frame will be given as to when it will stop.

Mayor Hosmer used to represent this area and is familiar with these two roads. Mayor Hosmer noted that it is a norm after heavy rainfall there is significant run off on 11b.

Councilor Felch agrees that this needs to be looked into.

Councilor Hamel asked if there is a current owner of this road.

City Manager Myers stated yes but back in the 1970's the Council's directive was to plow any roads where people are living. Current law states public fund can not be expended on privately owned roads. Where ownership was not identifiable, emergency lanes or "as-is" was used. City Manager Myers explained this has not been discussed within the past year because we feel this will bring out a lot of people to the meeting and felt that during the height of the pandemic was not the time to bring in a large group, plus the Council was meeting virtually.

Councilor Soucy asked if notice would be given to the residents that June 1, 2024 would be the day that the City no longer maintains the road.

City Manager Myers explained that is the plan to not stop services until June 1, 2024 in order to allow plenty of time for them to form some sort of association.

Councilor Cheney moved to schedule a public hearing on the plan for Plantation and Colonial Roads and on declaring the two roads emergency lanes for the temporary process for the proposed date of June 1, 2024, seconded by Councilor Soucy; the ***motion passed with all in favor.***

21.C. Request by the WOW Board to use City property

Councilor Haynes moved to approve the request from the WOW Board for the use of Opechee track, parking lot, and WOW Trail on Friday, October 15, 2021 from 5:00 am to 4:00 pm for the 6th Annual Pumpkin 5/10k fundraiser event, seconded by Councilor Hamel;

Councilor Lipman noted for the record that they are raising money to support the WOW Trail.

Mayor Hosmer called the question.

the ***motion passed with all in favor.***

21.D. Application for tax relief under RSA 79-E for the property at 781 Union Ave

City Manager Myers briefed the Council on RSA 79-E.

Councilor Lipman moved to schedule a public hearing during the regular Council Meeting on August 23, 2021, to gather public input prior to any action being taken, seconded by Councilor Cheney; the ***motion passed with all in favor.***

21.E. Application for tax Relief under RSA 79-E for the property at 50 Church Street

Councilor Soucy moved to schedule a public hearing during the regular Council Meeting on August 23, 2021, to gather public input prior to any action being taken, seconded by Councilor Cheney; the ***motion passed with all in favor.***

21.F. Request to approve Temporary Traffic Order 2021-10, Triathlon

Councilor Soucy moved to approve Temporary Traffic Order 2021-10, Timberman, to be held on August 22, 2021 as presented, seconded by Councilor Haynes;

Councilor Soucy asked if this follows the original plan?

City Manager Myers explained yes, but this is a learning curve and there will probably be some moving parts on the day of the event.

Councilor Soucy thinks this a great event.

Councilor Hamel asked about the no parking on Beacon Street East. Will there be travel allowed?

City Manager Myers explained the reasoning for no parking is to allow for a travel lane and a lane for bicycles.

Mayor Hosmer called the question.

the *motion passed with all in favor.*

22. UNFINISHED BUSINESS

22.A. Discussion on the parking garage

DPW Director Anderson brought the Council up to date on the current status of the parking garage. Director Anderson stated the reason the second floor of the parking garage is still allowed to be used is the amount of wood reinforcement that is being done for the structural steel. Every year a safety inspection is done. The City is spending an average between \$20,000 and \$30,000 a year on temporary repairs. Director Anderson stated at some point in the future the temporary repairs will not be enough to maintain use of the garage. We are at the point now where the City needs to make a decision if they want to deconstruct it or rehabilitate it. The 2019 estimate for rehabilitation was \$4,525,000 and deconstruct it about \$2,000,000. Since the start of the pandemic there has been a significant cost of materials and labor increase. The next annual safety inspection is scheduled for September.

Mayor Hosmer explained the current state of the garage is the third deck can not be used at all and not all the spaces can be used on the second floor.

Director Anderson stated the parking garage is structurally sound as long as it continues to be cribbed. If we don't continue then it is not structurally sound to use.

Councilor Hamel explained he didn't call this as just a committee meeting, he wanted to the entire Council to hear it from Director Anderson as a whole. Director Anderson provided a packet to the Council and one for the record with pictures and explanations of the condition of the parking garage. The Turner Group was also asked to come look at the garage. Councilor Hamel explained this has been put off long enough and a decision needs to be made. Councilor Hamel thinks this needs to be fixed. The City is in need of parking especially with the downtown bringing in more and more people. Councilor Hamel also thinks paid parking needs to be looked at in the downtown area as well.

Councilor Lipman agrees with Councilor Hamel's position.

City Manager Myers explained to rehab the parking spaces will probably cost around \$25,000 per space. We also need to keep in mind the 18 spaces that were part of the deal with Rusty McClear for the the condo units. Also the City Manager has been approached about leasing other parking spaces in the downtown area.

Councilor Soucy asked if renovations were done, would the businesses be allowed to remain open during construction. Councilor Hamel thinks that would be part of the plan to see how that could happen.

Mayor Hosmer explained first impressions make a difference and the parking garage is the first thing people see when coming downtown. Mayor Hosmer also expressed with the economic activity happening downtown, the parking spaces are needed.

Councilor Felch reminded the Council about the report from Dubois and King that came out a few

years ago.

Councilor Haynes wants to make sure the public is well educated of the cost. If we deconstruct the parking garage, what happens then? And what happens to the businesses?

Director Anderson explained the lease agreement states the City is responsible for maintaining the roof. The lease would need to be renegotiated if the parking garage was deconstructed and the roof replaced to state this is now your roof. In order to take the entire thing down to the ground, the City would need to purchase the building it sits on.

City Manager Myers suggested using the estimated numbers from 2019 rather than delaying the process. In the last year, we now have the Busiel Mansion on the tax roll, the condos above the Theatre and the four store fronts coming on the tax roll and soon the old Holy Trinity School building coming on the tax roll. In new assessment numbers are throwing out some more money. These are some of the reasons the City invested in the Colonial, to help with debt service. It won't cover it all but it will help.

Mayor Hosmer thinks it is critically important to give the public ample opportunity to give input as this could be a significant expenditure. We need to provide good data and make it completely transparent.

City Manager Myers stated if there is consensus of the Council to rehabilitate the parking garage, a precise package will be put together and presented to be completely transparent. This could be placed on the next agenda and referred to a public hearing and formal action by the end of September.

Mayor Hosmer would like to see us go above and beyond when it comes to allowing the public to speak on this item.

Councilor Lipman thinks there are three important factors: What does this do to my tax bill? What does it mean for parking? And, what will we have to give up for this project?

Councilor Hamel asked the Mayor to see if there is consensus of the Council to move forward.

Councilor Cheney supports the rehabilitation of the parking garage but does not want to drag this out as the interest rates will now remain as low as they are now. He said a couple interest points could save the tax payers money by getting a lower interest rate now rather than a couple months from now. Councilor Cheney would like to see the paper do a write up and maybe have the radio stations talk about it.

Mayor Hosmer asked the Council if there is consensus, based on the numbers from 2019 and figuring in inflation and to add the packet to the August 23rd agenda with referral to a public hearing at the first meeting in September.

There is consensus from the Council to move forward as the Mayor just presented.

22.B. Request to approve the declaration of a portion of Rotary Park as surplus

Mayor Hosmer moved this item to be discussed before 22A.

City Manager Myers explained that declaring surplus does not require a sale. This also does not require it to go out to bid.

Councilor Hamel asked if this is declared surplus, does the Council have the right to decide if this is a sale, license, or lease?

City Manager Myers explained if the Council decides not to declare this as surplus, then nothing moves forward. If the Council decides to declare this surplus then the Council can direct the City Manager to form a lease agreement or license agreement and bring that document back to Council for further approval.

Councilor Lipman moved to approve a portion of Rotary Park, the property in proximity to the patio outside The Powerhouse of the Belknap Mill as surplus, seconded by Councilor Soucy; the ***motion passed with all in favor.***

which gives the Council several options available to them including licensing or leasing the requested land as opposed to a direct sale, seconded by Councilor Soucy; the ***motion passed with all in favor.***

Councilor Lipman moved to direct the City Manager to bring back an option to the Council other than a sale, in the form of a license or lease with an adequate term to suit both parties, seconded by Councilor Haynes;

Councilor Lipman assumes the license or lease would state the conditions on what will be done with that footprint.

City Manager Myers confirmed.

Mayor Hosmer called the question;

the motion passed with all in favor.

23. **FUTURE AGENDA ITEMS**

23.A. **Master Plan**

23.B. **Milfoil Treatment funding requests**

23.C. **Sewer & Water Master Plan**

23.D. **Single Stream Recycling/Concord Co-op/Solid Waste disposal cost reductions**

23.E. **Strategic Planning/Goal Setting**

23.F. **WOW Trail**

23.G. **Weirs Beach Restoration Project**

23.H. **Fair St/Court St traffic problems and accidents**

24. **Any other business that may come before the Council**

25. **NON-PUBLIC SESSION (According to RSA 91-A:3, II)**

26. **ADJOURNMENT**

With no further business to come before the Council and hearing no objection, Mayor Hosmer adjourned the meeting at 9:00 pm.

Respectfully submitted

Cheryl Hebert, City Clerk

MINUTES OF THIS MEETING WERE APPROVED BY COUNCIL ON AUGUST 23, 2021