

Minutes were approved at the September 12, 2022 City Council Meeting.

**CITY OF LACONIA - CITY COUNCIL MEETING**  
**August 22, 2022 7:00 P.M.**  
**City Hall - Armand A. Bolduc City Council Chamber**

8/22/2022 - Minutes

**1. CALL TO ORDER**

Mayor Pro Tem Haynes Called the meeting to order at 7:00 PM

**2. SALUTE TO THE FLAG**

Councilor Felch led the salute to the flag

**3. RECORDING SECRETARY**

Katie Gargano, City Clerk

**4. ROLL CALL**

City Clerk Gargano called the roll of the City Council: Councilor Cheney, Councilor Soucy, Councilor Haynes, Councilor Hamel, Councilor Felch and Mayor Hosmer via Zoom.

Mayor Hosmer attended the meeting remotely, he verified that it was not practical for him to be there in person. He is out of town, and he was alone in the room.

Mayor Pro Tem Haynes noted that because Mayor Hosmer attended the meeting remotely any votes must be done by roll call vote.

Mayor Pro Tem Haynes stated that 5 members of the Council were present and a quorum was established.

Absent: Councilor Lipman

**5. STAFF IN ATTENDANCE**

Scott Myers, City Manager; Glenn Smith, Finance Director/ IT Coordinator

**6. COUNCIL PROCLAMATION**

**6.A. Proclamation - M/S Mount Washington Day**

Mayor Pro Tem Haynes read the Proclamation as follows:

LET IT BE HEREBY KNOWN to all citizens of the City of Laconia that I, Andrew J. Hosmer, Mayor, do hereby proclaim August 22, 2022 as M/S MOUNT WASHINGTON DAY in the City of Laconia and bestow this honor to recognize the 150th year anniversary of the Mt. Washington's inaugural voyage on Lake Winnepesaukee.

WHEREAS, the first ship named for Mount Washington was a wooden side-wheeler. It was named

the S/S Mount Washington (also known as the "Old Mount") and was first launched in 1872. The vessel transported both cargo and travelers from one side of the lake to the other, transporting approximately 60,000 passengers a year; and

WHEREAS, after the original S/S Mount Washington was lost in a devastating fire in 1939, the new S/S Mount Washington II was launched on August 12, 1940. The ship underwent several revisions, including replacement of the steam engine with a diesel engine and adding an extra 25 feet to the length of the vessel. These revisions resulted in the ship being reclassified by maritime standards to be the M/S Mount Washington as it is known today; and

WHEREAS, the ship has endured for generations in good and bad times. It has seen two World Wars, the Spanish Flu pandemic of 1918, a devastating fire and economic turmoil. However, it continues to be an iconic tradition of Lake Winnepesaukee welcoming both visitors and residents, and providing a place where people can get together, relax and enjoy the outstanding scenery of our lake.

NOW, THEREFORE, I call upon all citizens of Laconia to join with me in recognizing the M/S Mount Washington for its steadfast commitment to our community over the past 150 years, and for providing an opportunity for its passengers to experience the beauty of this region we call home.

Jim Morash, Captain of the M/S Mount Washington, thanked the City Council and the City of Laconia.

## **7. ACCEPTANCE OF MINUTES FROM PREVIOUS MEETINGS**

### **7.A. Regular City Council meeting minutes of August 8, 2022**

Minutes of the regular City Council meeting of July 11, 2022 were distributed to the City Council on August 18, 2022.

With one correction submitted to the Clerk on item 22A reflecting that the vote was 5-1 not 5-0, the minutes were corrected and were accepted as corrected.

## **8. CONSENT & ACTION ITEMS**

### **8.A. Temporary Traffic Order 2022-12, Belknap Mill Sock Hop request to reserve parking and to waive City fees associated with the event**

Temporary Traffic Order 2022-12 – "Sock Hop in Rotary Park" - Belknap Mill's request to reserve parking in connection with the "Sock Hop in Rotary Park" on September 9, 2022 and to waive fees associated with the event.

This year's "Sock Hop in Rotary Park" will be held on Friday, September 9, 2022. In connection with the event the Belknap Mill has requested that 18 reverse angled parking spots on Beacon Street East adjacent to the Belknap Mill and Rotary Park and the small parking lot adjacent to the Belknap Mill, be reserved for the event as detailed in TTO 2022-12. The "Sock Hop in Rotary Park" will close out the Arts in the Park summer series and will feature the Rockin' Daddios and a full band, a radio station with a live broadcast, and vintage 50s/60s vehicles. The parking spaces on Beacon St. East are necessary to accommodate some of the vintage vehicles as well as vehicles related to the band and the radio station. The parking spaces in the small parking lot adjacent to the Belknap Mill will be used for display of additional vintage vehicles.

Councilor Felch made a motion to approve Temporary Traffic Order 2022-12 in connection with the request by The Belknap Mill to reserve parking spaces in connection with the "Sock Hop in Rotary Park" as requested and to waive fees associated with the event. Seconded by Councilor Soucy.

**Discussion:** None.

Roll Call Vote:

Councilor Cheney: Yes    Councilor Soucy: Yes    Councilor Lipman: Absent

Councilor Haynes: Yes    Councilor Hamel: Yes    Councilor Felch: Yes

**9. CITIZEN COMMENTS FOR MATTERS NOT ON THE AGENDA**

None

**10. INTERVIEWS**

**11. NOMINATIONS, APPOINTMENTS & ELECTIONS**

**12. COMMUNICATIONS**

**13. PUBLIC HEARINGS**

**14. PRESENTATIONS**

**15. MAYOR'S REPORT**

Mayor Pro Tem Haynes commented about the fall festivities that are coming including Multicultural Day, the Timberman Triathlon and the Pumpkin Festival.

**16. COUNCIL COMMENTS**

Councilor Cheney looked at the City pamphlet "Knowing your Government Officials" and noticed it needing to be updated and notified the Manager. He also asked where the City was in the process of putting solar panels at the Transfer Station. Manager Myers commented that the project has been put on hold due to legislation not being passed. Approvals have now been finalized at the state level, they are working with Eversource and all indications show that construction should begin in the spring.

Councilor Felch mentioned the Leavitt Park Carnival was this past weekend, it was very well attended. He thanked all the volunteers who helped make it a great success.

**17. COMMITTEE REPORTS**

Items will be discussed as needed. Not all items will be brought before the full Council at this evening's meeting.

**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)**

Chairman Soucy told the Council the Government Operations & Ordinances Committee held a meeting last week and discussed the topics of the definition of agriculture in regards to goats, chickens and the definition of gardens. The Committee decided to not recommend the change for

goats or chickens because they feel it would create a precedent in the City. They did act on the amendment of gardening as recommended by the City Planner. Another subject discussed was the development of a flag policy; they have decided not to change or create a City flag policy. They agreed to only fly the American flag, the State flag and the City flag at City Hall. Councilor Cheney asked about the Committee finding another place in the City to have various flags flown. City Manager Myers confirmed that this was discussed, but it was ultimately decided that the Mayor could decide to recognize various groups with Proclamations instead of their flags being flown.

**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.C.viii. Short Term Rentals**

**17.C.ix. Naming privilege's to public areas**

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

**17.D.i. Downtown parking garage**

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

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

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

Chairman Haynes is looking to set a meeting of the Public Works Committee for August 25, 2022 at 4pm in Council Chambers, if available. The topic of discussion is the number of trash containers to be allotted to households.

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

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

**17.F. APPOINTMENTS (Councilors Soucy (Chair), Cheney and Haynes)**

**18. LIAISON REPORTS**

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

None

## 20. CITY MANAGER'S REPORT

### 20.A. Project Updates Report

Manager Myers discussed road projects updates with the Council, The Water Department has completed water main replacement on Franklin Street Phase 2. Roadway and sidewalk reconstruction is scheduled to begin in the next several weeks. Final paving was completed on Mechanic, Clinton, Cole, Prospect, Hill and Pear. Paving on Addison and Durkee Streets will be in September depending on the paver's schedule. The stormwater system replacement was completed this month on Jefferson Street and is about 75% complete on Massachusetts Avenue. Once the storm drain work is complete the roadway and sidewalks will be paved. The State of NH also had a paving project that occurred on Parade Road. During that project there was a leak from one of the trucks that caused some sticky adhesive being dumped in the roadway causing some issues. The State has been contacted about clean up and the DPW has put down sand to try to dry it up. City Manager Myers also had an update on the Native American sculpture at Opechee Park. The pieces of the sculpture have been 3-D printed and are on their way.

### 20.B. Monthly Economic Development Report

City Manager Myers presented his Monthly Economic Development Report to the Council noting that unemployment numbers are 2% or less, and inflation was 8.5% in July.

City Manager Myers gave an update on the Timberman Triathlon. As of last week 1,357 people were signed up for the race with over 1,000 participants from the US, over 250 from Canada as well as some participants from the following countries: United Kingdom, Belgium, Chile, Bermuda, Mexico, France, Germany, Dominican Republic, Israel, New Zealand, and Ireland.

Mayor Pro Tem Haynes asked a question about the minutes of the recent Water Department meeting. Those minutes mentioned funding for a bridge, and he wondered if they were having trouble funding it. Councilor Soucy clarified they are working on dividing up the cost between the State and the Water Department.

Mayor Pro Tem Haynes also mentioned to City Manager Myers that the stone wall at Stewart Park needs some attention, and the welcome signs are weathered in the South End of the City as well.

Councilor Hamel mentioned the Messer Street Bridge has a huge shift in pavement, and he was wondering what was going on there. City Manager Myers confirmed that the City is aware of it and working on repairing it. Councilor Hamel also spoke about the entrance way to the south end of the City where there is an island near Wyatt Park. There used to be flowers there that are now gone. He would like to see the area addressed with some fall flowers. City Manager Myers believes it used to be an Adopt a Spot and he thinks there is someone who is going to be taking that over again.

## 21. NEW BUSINESS

### 21.A. Temporary Traffic Order 2022-11 - Request to approve Ironman Timberman 70.3 Triathlon request for parking restrictions and road closures in connection with the "Triathlon" on September 18, 2022

This is a request for approval of a Temporary Traffic Order for the Timberman Triathlon race to be held on September 18, 2022. This event was approved at the Special Events Committee on August 3, 2022.

Councilor Felch made a motion to approve Temporary Traffic Order 2022-11, Timberman Triathlon, to be held on September 18, 2022, as presented, seconded by Councilor Soucy. Discussion- None.

Roll Call Vote:

Councilor Cheney: Yes   Councilor Soucy: Yes   Councilor Lipman: Absent

Councilor Haynes: Yes   Councilor Hamel: Yes   Councilor Felch: Yes

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

#### 21.B. **Sale of Lot #1 in Lakes Business Park**

The Lakes Business Park Commission approved the sale of Lot #1 in Lakes Business Park at its meeting on July 6, 2022 contingent upon the approval of the Gilford Board of Selectmen and the Laconia City Council. The offer for Lot #1 was received from Fat Boy Kole, LLC, Steve Olson and Kara Olson in the amount of \$165,000.00. The use of the lot would be consistent with the Lakes Business Park covenants. The Purchase and Sale Agreement is attached to the agenda.

Councilor Soucy made a motion to approve the vote of the Lakes Business Park Commission for the sale of Lot #1 in the Lakes Business Park in the amount of \$165,000 and to authorize the City Manager to sign the required documents in connection with the sale. Seconded by Councilor Hamel, **Discussion:** Councilor Soucy is questioning how many lots are left, City Manager Myers said there are probably four lots left.

Roll Call Vote:

Councilor Cheney: Yes   Councilor Soucy: Yes   Councilor Lipman: Absent

Councilor Haynes: Yes   Councilor Hamel: Yes   Councilor Felch: Yes

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

#### 21.C. **Sidewalk Performer Guidelines**

The City occasionally receives inquiries and requests from individuals regarding whether a license or permission is needed to perform music or otherwise present their talents in a public space, on a City sidewalk, etc. While not wanting to over-regulate this activity, having some guidelines in place to share the City's expectations would be helpful to both our staff and the performers. The City feels that appropriate street performers add to the charm of a community and would like to be able to welcome them to share their skills and talents with our residents and visitors.

Councilor Felch made a motion to approve the Sidewalk Performer Guidelines as presented. Seconded by Councilor Cheney, **Discussion:** Mayor Pro Tem Haynes highlighted the guidelines for the audience.

Roll Call Vote:

Councilor Cheney: Yes   Councilor Soucy: Yes   Councilor Lipman: Absent

Councilor Haynes: Yes   Councilor Hamel: Yes   Councilor Felch: Yes

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

#### 21.D. **Allocation of 2023 ARPA funds for previously identified projects**

During the FY23 budget preparation process the City Manager proposed that certain projects be funded through anticipated 2023 American Rescue Plan funds. These are listed in the table below.

Police Security fence \$134,555

Resurface City Hall Parking Lot \$100,650

DPW Garage Vehicle Lift \$ 60,000

Northern Boardwalk Eng. \$ 15,000

Resurface Memorial Park Tennis Court \$ 49,400

Police Radar Equipment \$ 16,000

ADA Transition Plan \$ 30,000

Weirs Community Center Doors \$ 20,000

Wyatt Park ADA improvements \$ 11,000

Code Office Renovation \$ 50,000

Support for IronMan event 2023 \$ 15,000

Police Surveillance Cameras \$ 54,000

Colonial Condo Association Fee \$ 43,788

IT Security Enhancements \$ 50,000

Oak/North Main Traffic Signal Camera \$ 22,300

Total \$671,693

On July 29, 2022 the Governor's Office for Emergency Relief and Recovery confirmed Laconia's 2023 ARPA funding in the amount of \$867,929.53. Acceptance of these funds was included in the 'Anticipated Grants' portion of Resolution 2022-08, the FY23 Budget Resolution. A public hearing was held for Resolution 2022-08 on June 13, 2022. Fiscal Impact: Approval of this motion would commit \$671,693 in previously accepted 2023 ARPA funds toward certain projects as recommended by the City Manager, leaving an uncommitted balance of \$196,236.53.

Councilor Cheney made a motion to approve the allocation of funds to previously identified projects as presented. Seconded by Councilor Soucy, **Discussion:** City Manager Myers said that some of these items have gone out to bid and these numbers have been updated. There is a new item on the list which is the traffic camera at the Oak and Main Street intersection. Councilor Felch asked City Manager Myers to please explain what the Colonial Condo Association charges were and where the money goes to and what is it used for. City Manager Myers explained the Colonial is divided into three separate condos, one is the theater, lobby and Canal Street side of the building, the second is the four retail store fronts, and the third consists of the nine residential condos. The fee has been divided amongst all parts and is known as general maintenance fees to cover things like insurance, as well as routine maintenance such as shoveling etc. This expense will need to be built into future budgets as a recurring expense.

Roll Call Vote:

Councilor Cheney: Yes    Councilor Soucy: Yes    Councilor Lipman: Absent

Councilor Haynes: Yes Councilor Hamel: Yes Councilor Felch: Yes

The motion *passed with all in favor.*

21.E. **First reading of Resolution 2022-11 authorizing acceptance and appropriation of \$1,044,400 for replacement of the water main on Weirs Boulevard and request to schedule a Public Hearing on September 12, 2022**

The July 10, 2018 Planning Board's conditional approval of the Langley Cove Development required the developer to replace 1,900 ft. of water main on Weirs Blvd. and then reclaim/pave the roadway in the same limits (Planning Board Conditional Approval dated 7/10/2018, item 2.a.iii and item 2.a.vii.(5) second sentence).

The developer has proposed providing the City with the funds (\$1,044,400.00) to perform this work in lieu of the developer contracting out the work. The proposed transfer represents the full cost to complete the work as required per the Planning Board's conditional approval. If the Council agrees, Public Works will manage the water main replacement and associated paving on Weirs Boulevard utilizing funds received from the developer.

Public Works will amend the existing contract with Busby Construction, Inc to perform the work in the spring of 2023. Based on the current lead time on the pipe necessary for the project, the contractor will have to order the pipe in September to ensure delivery in time to start work next spring.

The amendment with Busby Construction will be signed prior to agreeing to the developer's proposal to protect the City's interests.

If the funds are accepted, the developer will have satisfied the requirements in the Planning Board's conditional approval and may receive building permits within the development, provided that all other restrictions pertaining to building permit issuance have been satisfied.

Councilor Cheney made a motion to waive a reading of this Resolution in its entirety and to read by title only. Seconded by Councilor Felch, **Discussion:** None

Roll Call Vote:

Councilor Cheney: Yes Councilor Soucy: Yes Councilor Lipman: Absent

Councilor Haynes: Yes Councilor Hamel: Yes Councilor Felch: Yes

The motion *passed with all in favor.*

Councilor Soucy made a motion for a first reading of Resolution 2022-11, a Resolution authorizing acceptance of \$1,044,400.00 for replacement of the water main on Weirs Blvd. and appropriating funds for same. Seconded by Councilor Cheney Discussion: None.

Roll Call Vote:

Councilor Cheney: Yes Councilor Soucy: Yes Councilor Lipman: Absent

Councilor Haynes: Yes Councilor Hamel: Yes Councilor Felch: Yes

The motion *passed with all in favor.*

Councilor Felch made a motion to schedule a Public Hearing on September 12, 2022 during the



regular City Council meeting to gather input prior to adoption. Seconded by Councilor Cheney, **Discussion:** none.

Roll Call Vote:

Councilor Cheney: Yes    Councilor Soucy: Yes    Councilor Lipman: Absent

Councilor Haynes: Yes    Councilor Hamel: Yes    Councilor Felch: Yes

The motion *passed with all in favor.*

## 21.F. **Appointments for Selectmen vacancies**

Per Laconia City Charter Section 2.05 “.....All vacancies in the office of Moderator, Ward Clerk or Selectman shall be filled by the City Council.” Appointments will be valid until the end of December 2023 after the next City Election in November 2023. The Council is requested to consider the following appointments: Appointment of Rick Wilson for Selectman for Ward 1. Appointment of Robert Harrington for Selectman for Ward 2. Appointment of Jane LaRoche for Selectman for Ward 3. Appointment of Ruth O’Hara for Selectman for Ward 5.

Councilor Cheney made a motion to appoint Rick Wilson for Selectman for Ward 1, Robert Harrington for Selectman for Ward 2, Jane LaRoche for Selectman for Ward 3, and Ruth O’Hara for Selectman for Ward 5, all with a term expiring at the end of December, 2023. Seconded by Councilor Soucy, **Discussion:** None.

Roll Call Vote:

Councilor Cheney: Yes    Councilor Soucy: Yes    Councilor Lipman: Absent

Councilor Haynes: Yes    Councilor Hamel: Yes    Councilor Felch: Yes

The motion *passed with all in favor.*

## 22. **UNFINISHED BUSINESS**

### 22.A. **First reading of Ordinance 2022-235-41:N amending Chapter 235, Zoning, Section 41 to add a new Section "N" relating to home gardens, and related amendment to Table 1, Table of Permitted Uses, and request to schedule a Public Hearing**

At the August 8, 2022 City Council meeting the Council was presented with an amendment to the Zoning Ordinance which, if approved, would allow a property in the Residential Single Family (RS) or Residential General (RG) zones to have a maximum of two sheep or two goats. At that meeting the Council referred this matter to the Government Operations and Ordinances Committee for review. The Government Operations and Ordinances Committee met on August 15, 2022; the consensus of the Committee was to recommend to the full Council that the Ordinance as originally presented be amended to remove the reference allowing two sheep or two goats in the RS or RG zones, and to amend the percentage of cultivation area for home gardens from 20% to 25%. Ordinance 2022-235-41:N, as presented, has been amended to reflect those changes.

Staff recommends the City Council discuss the proposal and schedule a second reading and public hearing for September 12, 2022.

Councilor Cheney made a motion to waive a reading of this Ordinance in its entirety and to read by title only. Seconded by Councilor Felch, **Discussion:** None.

Roll Call Vote:

Councilor Cheney: Yes    Councilor Soucy: No                      Councilor Lipman: Absent  
Councilor Haynes: Yes    Councilor Hamel: Yes                      Councilor Felch: Yes

The motion ***passed with 4 in favor.***

Councilor Felch made a motion to move a first reading of Ordinance 235-41-N, amending Chapter 235, Zoning, Section 41 to add a new section "N" relating to agriculture in residential zones, and related amendment of Table I, Table of Permitted Uses, as presented. Seconded by Councilor Cheney, **Discussion:** None

Roll Call Vote:

Councilor Cheney: Yes    Councilor Soucy: No                      Councilor Lipman: Absent  
Councilor Haynes: Yes    Councilor Hamel: Yes                      Councilor Felch: Yes

The motion ***passed with 4 in favor.***

Councilor Cheney made a motion to schedule a Public Hearing on September 12, 2022, during the regular City Council meeting to gather input prior to any action being taken. Seconded by Councilor Hamel, **Discussion:** None.

Roll Call Vote:

Councilor Cheney: Yes    Councilor Soucy: Yes                      Councilor Lipman: Absent  
Councilor Haynes: Yes    Councilor Hamel: Yes                      Councilor Felch: Yes

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

22.B. **Sale of unique property located at 20 Indian Path, Tax Map 180/516/15**

The City acquired a parcel of land by tax deeding in 1994 which was referred to as Community Beach Lot, Map 150, Street 346, Lot 32A. The property identification was subsequently reclassified to be Tax Map 180/516/15. This is a deeded community beach lot for residents of Harglen Lane, Hillcroft Road, Bobby's Way and limited properties on Hilliard Road. These properties are in the process of creating a new entity to be known as Paugus Bay Beach Association.

There is no purpose for the City to retain ownership of the parcel because of the uniqueness of the circumstances regarding the deeded ownership by multiple properties in this area. The Paugus Bay Beach Association has expressed interest in buying the property.

Under Chapter 183-5 of the City Code, the City Manager may bring forward a written certification to the City Council that a specific property has certain characteristics and, that in the City Manager's opinion, because of these characteristics, the property should not be sold according to the procedures identified in Chapter 183-3 of the City Code

Transfer of ownership of this parcel to the Association will allow the Association to care for and make whatever improvements to the community beach it desires, subject to any deed restrictions.

The new Paugus Bay Beach Association is comprised of 51 homeowners on Harglen Lane, Hillcroft Road, Bobby's Way and Hilliard Road. A survey was conducted with 77% of the residents

responding. As shown in information presented, the results of the survey show that a majority of those homeowners are in favor of the Association purchasing the property as proposed.

Councilor Cheney made a motion to accept the written recommendation of the City Manager that Tax Map Lot 180/516/15 has unique characteristics and understand it will be the intent of the City to enter into a negotiated sale of the property with Paugus Bay Beach Association as a single, private purchaser for \$1. Seconded by Councilor Soucy, **Discussion:** City Manager Myers said there may be an amendment coming forth if a particular street doesn't want to take part.

Roll Call Vote:

Councilor Cheney: Yes    Councilor Soucy: Yes    Councilor Lipman: Absent

Councilor Haynes: Yes    Councilor Hamel: Yes    Councilor Felch: Yes

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

Councilor Felch made a motion to schedule a Public Hearing on September 12, 2022 to receive public comment on the proposed sale of a unique property located at 20 Indian Path, Tax Map 180/516/15. Seconded by Councilor Hamel **Discussion:** None

Roll Call Vote:

Councilor Cheney: Yes    Councilor Soucy: Yes    Councilor Lipman: Absent

Councilor Haynes: Yes    Councilor Hamel: Yes    Councilor Felch: Yes

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

22.C. **Taylor Community's Request for rehearing of the City Council's previous decision to grant a petition to lay out the Cottonwood Avenue cul de sac**

Included in the agenda packet for this meeting is a letter dated July 26, 2022 from Christopher Cole, legal counsel for the Taylor Community, requesting that the City Council grant a re-hearing of their June 27, 2022 decision granting the petition to lay out the Cottonwood Avenue cul de sac.

At the June 27 meeting the Council unanimously approved a motion as shown below:

"Councilor Lipman made a motion that they grant the petition to lay out the Cottonwood Drive cul de sac as petitioned by Nancy Ettelson and find that an occasion to do so exists for the following reasons: First, it is important to note that they are not being asked to decide between the cul de sac as it presently exists on the ground and the T or hammerhead proposed by Taylor Community. Nor are they accepting the dedication of the cul de sac. They have been asked to lay out a public cul de sac over the existing private road cul de sac. While Taylor Community has granted permission for the City and public to utilize that public road, that permission may be withdrawn for everyone other than Ms. Ettelson at any time. The reasoning:

1. The cul de sac will integrate well with the existing road system. It was dedicated to public use in 1987, and has in fact been used as part of the existing road system for decades, with the City maintaining it until 2021 with no objection from the Taylor Community.
2. Laying out the cul de sac will result in improvement to the convenience of traffic. Without the cul de sac, there is no area for any car to turn around at the dead end of Cottonwood Drive.
3. Laying out the cul de sac will facilitate the transportation of school children because it will provide a place for school buses to turn around at the end of Cottonwood Drive.

4. Laying out the cul de sac will result in improved and more efficient accessibility for fire, ambulance, emergency, and police services to serve the City at large where seconds count. And it will as well serve to support the more efficient removal of snow and public works services.

5. If the cul de sac is laid out, it is anticipated that it will be used daily.

6. Laying out the cul de sac will cause the City to incur only minimal additional yearly costs for maintaining the road, as evidenced by the City's maintenance of the cul de sac between 1987 and 2021.

No damages are assessed to Taylor Community, which dedicated the cul de sac to public use in 1987. The motion was seconded by Councilor Soucy, Discussion- None. The motion passed with all in favor."

If the Council identifies anything in the motion presented above that warrants a re-hearing, a motion should be made to that effect. Barring that, a motion should be made to deny.

Councilor Hamel made the motion to deny the re-hearing request, seconded by Councilor Felch.

**Discussion:** None.

Roll Call Vote:

Councilor Cheney: Yes    Councilor Soucy: Yes    Councilor Lipman: Absent

Councilor Haynes: Yes    Councilor Hamel: Yes    Councilor Felch: Yes

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**

Mayor Pro Tem Haynes adjourned the meeting at 8:11 PM

Respectfully Submitted,

Katie Gargano, City Clerk