

CITY OF LACONIA - CITY COUNCIL MEETING

November 12, 2019

7:00 P.M.

11/12/2019 - Minutes

1. CALL TO ORDER

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

2. SALUTE TO THE FLAG

Councilor Cheney lead the Salute to the Flag.

3. RECORDING SECRETARY

Cheryl Hebert, City Clerk

4. ROLL CALL

City Clerk Hebert took the roll with the following Councilors in attendance: Bruce Cheney, David Bownes, Mark Haynes, Bob Hamel, and Andrew Hosmer.

Not present: Henry Lipman

Mayor Engler noted five (5) 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 October 28, 2019

Minutes of the meeting were distributed to the City Council on Thursday, October 31, 2019. With no corrections or changes submitted to the clerk, the minutes will be accepted as distributed.

8. CONSENT & ACTION ITEMS

8.A. Acceptance of Unanticipated Funds made available during the Fiscal Year per RSA 31:95-b in amounts less than \$10,000

Councilor Hamel moved to accept the Fiscal Year 2019/2020 Moose License Plate Conservation Grant in the amount of \$3,220 to be used for the purpose of conserving and protecting the Board of Common Council Minutes, Volume Three, 1903-1912, seconded by Councilor Haynes; the *motion passed with all in favor.*

9. CITIZEN COMMENTS FOR MATTERS NOT ON THE AGENDA

David Nims, 36 Ashwood Circle - Mr. Nims asked the Council for a show of hands as to who read his submission from the last Council meeting. Mr. Nims suggested everyone watch the Council meetings on LRPA-TV. Mr. Nims read a prepared statement, but did not submit it into the record. Mr. Nims did submit a document into the record with excerpts from previous Council meeting minutes. Mr. Nims is requesting updates on the construction progress for the Colonial Theater.

Joe Haas, Gilmanton - Mr. Haas stated he was here a year ago regarding RSA 76:11-a, III where he suggested adding an information statement into the tax bills. Mr. Haas stated he sent an email to the Finance Director regarding this. Mayor Engler requested the Finance Director share the email with the Council.

Neil Pankhurst (Meredith), Director of Winnepesaukee Playhouse and owner of 55 Bowman Street - Spoke¹ in regards to Short-Term Rentals. Read a letter he composed and submitted it into the record.

Mayor Engler stated to Mr. Pankhurst that what he is currently doing with his property at 55 Bowman Street is not legal for short term rentals under current Ordinances and this is one of the reasons the Council is looking into the Ordinance.

- 10. **INTERVIEWS**
- 11. **NOMINATIONS, APPOINTMENTS & ELECTIONS**
- 12. **COMMUNICATIONS**
- 13. **PUBLIC HEARINGS**
- 14. **PRESENTATIONS**
- 15. **MAYOR'S REPORT**

Mayor Engler spoke in regards to the Municipal Election. Mayor Engler congratulated Mayor Elect Andrew Hosmer and also congratulated Tony Felch as the new Ward 6 Councilor. Mayor Engler also congratulated everyone on winning their seats as well. Mayor Engler commended the candidates that put their name on the ballot and how much courage that takes.

Mayor Engler also mentioned Thomas Tarr for his years of serving on the Police Commission and welcomed newly elected Scott Davis.

- 16. **COMMITTEE REPORTS**
 - 16.A. **FINANCE (Lipman, Hamel, Cheney)**
 - 16.A.i. **WOW Trail Funding**
 - 16.A.ii. **Downtown TIF Financing**
 - 16.B. **PUBLIC SAFETY (Bownes, Hosmer, Lipman)**
 - 16.C. **GOVERNMENT OPERATIONS & ORDINANCES (Bownes, Hosmer, Cheney)**
 - 16.C.i. **Review of Chapter 167, Noise and Chapter 161 Licensing as it pertains to outdoor sound equipment and loudspeakers**
 - 16.C.ii. **Ordinance Amending Chapter 221, Vehicles and Traffic/Parking on Sublawns**
 - 16.C.iii. **Procedural review of grant applications**
 - 16.C.iv. **Regulation of Short Term Residential Rental Businesses**
 - 16.C.v. **Paid Parking Proposal for Downtown**
 - 16.C.vi. **Proposed Historic Overlay District**
 - 16.C.vii. **Scenic Road Motorcycle Noise Petition**
 - 16.D. **LANDS & BUILDINGS (Hamel, Lipman, Haynes)**
 - 16.D.i. **Downtown parking garage**
 - 16.D.ii. **Repair & maintenance of City buildings**
 - 16.D.iii. **Perley Pond Maintenance**
 - 16.D.iv. **Plan for the DPW Compound**

16.E. **PUBLIC WORKS (Bownes, Hosmer, Haynes)**

16.E.i. **Retaining Wall Policy**

17. **LIAISON REPORTS**

Councilor Bownes updated the Council on the Historic Overlay District. The Planning Board will be sending this topic back to the Council for the Council's review.

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

Tara Shore (Adams Street) - Mrs. Shore read a letter on behalf of an idea from Jared Guilmett regarding the parking in the Lakeport area. (Mayor Engler noted for the record that Jared Guilmett is a local architect.)

Councilor Bownes requested that the information Tara Shore read could be shared with the Council.

George and Karen Gallitano (Willow Street) - Mr. Gallitano first asked for everyone to have a moment of silence to show respect for Private John Sanborn who the Sanborn Park was named after. Mr. Gallitano read a prepared statement but did not submit it into the record. Mr. Gallitano is against losing the Sanborn Park green space.

David Nims - Suggested Scott Everett bring his theater to the Colonial and he take over the parking garage.

Lisa Morin, 42 Valley Street - Questioned where the development of Sanborn Park fits into the Master Plan of the village concept for Lakeport. Ms. Morin disagrees with the green space at Sanborn Park being turned into a parking lot. Ms. Morin would like to know what the Council's long term plans are for the south eastern side of Lakeport and are they just considering the Elm Street side of Lakeport the only residential area.

Steve Fay (Lakeport) - Mr. Fay would like to look at all alternatives for parking in the Lakeport area. Mr. Fay also would like to know, if Sanborn Park green space is turned into a parking lot, then what are the alternatives to replace that green space.

Elise Hubbard - Ms. Hubbard spoke of her concern of losing any green space in Laconia. She would like the Council to not rush into any decision. She noted that she drives by Sanborn Park on a daily basis and sees that park being used everyday. Ms. Hubbard stated that the City is trying to build the community not tear it down and if we continue removing green space, it will not bring young families to the area. Ms. Hubbard is also concerned with bringing traffic into a neighborhood area. Ms. Hubbard wants to know what other alternatives has the Council looked into rather than taking the green space of Sanborn Park away.

Mayor Engler interjected and explained to the public that the Council has not looked into any alternatives as of yet because this is the first formal proposal they have received and this is the first time the Council has had any chance to discuss any options.

Councilor Bownes explained that he has tried to be clear that the Council is not rushing into this and they are looking at all options. Councilor Bownes does not want anybody to think that this is the beginning of the end of Sanborn Park.

Mayor Engler explained this is on the agenda tonight because a developer came forward with a formal proposal and in order for the Council to have any discussion regarding the proposal it needed to be placed on the agenda. When an item is on the agenda it does not mean the Council is required to make a decision.

Elisa Hubbard expressed that it would be a detriment to the Lakeport area to put a parking lot in lieu of the green space at Sanborn Park.

19. **CITY MANAGER'S REPORT**

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

City Manager Myers stated for the record that the tax rate has been set by NH DRA last week and the tax bills be going out this week and due mid December, 2019. For the record, because of an increase in assessed values city-wide, the tax rate dropped from \$20.85 per thousand to \$20.59 per thousand.

City Manager Myers reviewed the report.

20. **NEW BUSINESS**

20.A. **Request to approve Temporary Traffic Order 2019-17, Holiday Parade on December 1, 2019 beginning at 2:00 pm and ending at 7:00 pm and the request to waive all fees associated with the event**

Beth San Soucie and William Paquet (Celebrate Laconia) - They spoke on behalf of the Temporary Traffic Order changes for the Holiday Parade. Ms. San Soucie also spoke about the festivities that will be happening during the day.

Councilor Hosmer moved to approve Temporary Traffic Order 2019-17 for the Holiday Parade on December 1, 2019 beginning at 2:00 pm and expiring at 7:00 pm and the request to waive all fees associated with the event, seconded by Councilor Bownes; the ***motion passed with all in favor.***

20.B. **Request to approve the 2019 second half sewer warrant**

Councilor Hosmer moved to approve the 2019 second half Sewer Warrant, seconded by Councilor Bownes; the ***motion passed with all in favor.***

21. **UNFINISHED BUSINESS**

21.A. **Authorization to move forward with a purchase of a new ambulance**

Chief Beattie stated there is no money required down on this purchase. There is also different financing options. Chief Beattie also spoke with Danny Walker from DPW as well as the company that the ambulance will be coming from and they both suggest using diesel. The Chief also will be purchasing an extended warrantee. Discussion was had what the warrantee will cover and the reasons for purchasing a diesel rather than gasoline vehicle. The bid process was also discussed.

City Manager Myers explained that the 4.85% interest rate is not ideal and when the time comes to choose a finance option the rates will be better and those rates will be brought to the Finance Committee for a final decision.

Councilor Bownes questioned why we don't purchase two used ambulances rather than one used and one brand new. Chief Beattie explained in order to keep with the replacement schedule the purchase of the new one will last longer.

Councilor Bownes moved to approve the purchase of a new ambulance, with financing terms to be approved by the Finance Committee at a later date, and a price not to exceed \$315,000, seconded by Councilor Haynes; the ***motion passed with four (4) in favor and one (1) opposed (Bownes).***

21.B. **Continuation of the discussion regarding the green space at Sanborn Park in Lakeport**

Steve Smith, Steve Smith Associates - Mr. Smith is representing Scott Everett and the formal request of turning the green space at Sanborn Park into a public parking lot for the Opera House. Mr. Smith submitted into the record a Concept Plan for a Parking Facility. The Lakeport Opera House is under administrative review to be used for office space, a coffee house, and salon on the first floor. The second floor plan is being worked on for use as an opera house, and the third floor with two residential units. Mr. Smith did state that other parking locations have been being looked into. The Sanborn Park is just one option. After Mr. Smith submitted this plan, he found out that federal funding was used to purchase Sanborn Park and in order to change the park into any other use, the City would need to find new outdoor recreation land with final approval from the Department of the Interior. Mr. Smith stated he did look into public parking on Elm Street between Railroad Ave and Park Street, a building is being torn down and turned into parking spaces, and he has spoken to property owners in regards to using their parking at certain times of the evening.

Mayor Engler read the official request dated October 15, 2019 for the publics benefit.

Councilor Bownes stated this applicant went before the Planning Board with a Performance Zoning concept for the Opera House and it was tabled until the next meeting in December. Councilor Bownes thinks it is a good idea to keep this discussion going in order to discuss all possible options. He does like the idea of an elevated park.

Councilor Hamel suggested that Mr. Everett speak to the owners of O's Steak and Seafood about building a parking garage in their parking lot. Councilor Hamel is against using Sanborn Park green space as a parking lot.

Mr. Smith stated that all avenues are being looked in to, including a discussion with the owners of O's Steak and Seafood restaurant.

Councilor Haynes understands there is a parking problem but agrees with Councilor Hamel and is against this parking idea.

Mayor Engler strongly encourages the Parks and Recreation Department and the Parks Commission to become involved in this and explain what, if any, long term plans are for this section of Sanborn Park. He stated that the green space is very nice but is surrounded by a very inhospitable eight-foot chain-linked fence and a locked gate. It is hardly inviting. Mayor Engler would like to know what the short and long term plans are for this grassy area of Sanborn Park that is empty.

Councilor Hamel stated this was brought up at one of the Parks and Recreation Commission meetings and it was admitted that this space was not used as much as it used to be.

Councilor Hosmer stated he was a coach that had to use that field for soccer practice years ago but agrees it is not inviting with the fence and the lack of parking.

Councilor Bownes made it clear that he is not an advocate for turning the green space into a parking lot.

Councilor Bownes moved to refer this to the Land and Buildings Committee for further study, seconded by Councilor Hosmer;

Councilor Haynes wanted to clarify that he is not opposed to looking into all options but he is opposed to paving over the Sanborn Park green space.

Mayor Engler called the question; the ***motion passed with three in favor and two opposed (Haynes and Hamel).***

Mayor Engler requested for the Clerk to add this to the Lands and Building Committee as Item number five (5).

Councilor Hamel moved that the Council go on record that any Lakeport area parking solution, the Council will not consider paving over Sanborn Park, seconded by Councilor Haynes,

Councilor Hosmer doesn't understand why this decision isn't being made at the Land and Buildings Committee. Councilor Hosmer stated he is not an advocate for paving over Sanborn Park but he is an advocate for finding a solution that can fuel the development and further investment in Lakeport.

Councilor Hamel stated the intent is to take the Sanborn Park green area off the table but other options can be discussed at the Land and Buildings Committee.

Councilor Hosmer moved to table the motion proposed by Councilor Hamel; seconded by Councilor Bownes; the ***motion failed with two (2) in favor and three (3) opposed (Cheney, Haynes, Hamel).***

Mayor Engler called the main motion; the ***motion passed with three in favor and two opposed (Bownes and Hosmer).***

22. COUNCIL COMMENTS

Councilor Cheney apologized for not showing up to the last Council meeting as he had an emergency come up very late in the day.

Councilor Cheney requests from staff to get an update regarding the brick tower at the Lakeport Fire Station. The late Armand Bolduc had one wish and that was that the brick tower be kept during the reconstruction. Councilor Cheney stated it has been over a year without any brick work.

City Manager Myers stated it was not in the original agreement that brick be the material that had to be used to reconstruct the fire tower. It is the current owners intent that the tower be completed with an exterior finish that works with the building and is low in maintenance.

Councilor Cheney complimented the City Manager in regards to a situation with a resident of Ward 1 that had a walkway taken out by a catch basin that was clogged. The City Manager personally went out to her property to assess the damages and made sure the repairs were fixed in a timely fashion and to the original condition. Councilor Cheney thanked the City Manager for being attentive to the matter.

Councilor Cheney has notice some work on the bump outs on Beacon Street West and is in hopes that the bump outs

do not happen as he feels the painted lines have done the job. His concern is with the plowing, the bump outs could pose issues.

City Manager Myers explained the Council previously approved the bump outs for the safety of the pedestrians crossing the road. The City Manager did state that depending on the weather, he is not sure if the bump outs will be completed this year or not.

DPW Director Anderson stated at the minimum, a curb cut and ramp will be done so the pedestrians can still get across the road safely. The full bump outs won't be constructed until spring.

Councilor Cheney spoke of the poles that were being put up in the state park area of Parade Road by Eversource. A number of neighbors, including himself, contacted Eversource with their concerns that these poles were being put on state park areas. Eversource listened to the concerns and removed the poles and used the old path. Councilor Cheney would like to personally thank Eversource for listening to the citizens and compliment them for reacting positively.

Councilor Hamel thanked City Manager Myers for getting the trench on Union Ave paved. Councilor Hamel also brought up the street light that is out and has been for two years.

Councilor Hamel does not think there is a need for the bump outs on Beacon Street West and feels the solar flashing yellow lights will be better in that area.

Councilor Hamel requested that the Council be updated on the construction projects for next year.

City Manager Myers explained that the construction plan will be formalized and brought to the Council.

City Manager Myers also stated if it is the will of the Council to not move forward with the bump outs, he would like to have guidance on it sooner rather than later.

Mayor Engler suggested the Councilors that are opposed to the bump outs to bring it forward to administration to add it to the next agenda.

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**

Councilor Haynes moved to go into non-public session at , under 91-A:3, II (d), consideration of the acquisition, sale or lease of real or personal property which, if discussed in public, would likely benefit a party or parties whose interest are adverse to those of the general community, seconded by Councilor Hosmer;

City Clerk Hebert took the roll call vote:

Councilor Cheney: YES

Councilor Bownes: YES

Councilor Haynes: YES

Councilor Hamel: YES

Councilor Hosmer: YES

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

Mayor Engler noted five (5) Councilor were in attendance and quorum was established.

Councilor Hosmer moved to exit non-public, seconded by Councilor Cheney; the ***motion passed with all in favor.***

Councilor Hamel moved to seal the non-public minutes for two (2) years, seconded by Councilor Hosmer; the ***motion passed with all in favor.***

With no further business to come before the Council and hearing no objection, Mayor Engler adjourned the meeting at 9:37 pm.

Respectfully submitted,

Cheryl Hebert, City Clerk

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