

# CITY OF LACONIA - CITY COUNCIL MEETING

October 12, 2021

7:00 P.M.

10/12/2021 - Minutes

## 1. CALL TO ORDER

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

## 2. SALUTE TO THE FLAG

Councilor Hamel 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 for the record that all Councilor were in attendance and a quorum was 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 September 27, 2021

Minutes of the meeting were distributed to Council on Thursday, September 30, 2021. With no corrections or changes submitted to the Clerk, the minutes will be accepted as distributed.

## 8. CONSENT & ACTION ITEMS

### 8.A. Acceptance of donations for cameras at Bartlett Beach

Brenda Martel donated \$1,500, Patrick's Pub donated \$750, and the WOW Trail donated \$750. The total cost of the cameras and installation is \$5,000. The City will need to offset the amount by \$2,000.

Councilor Haynes moved to accept the donations from Brenda Martel, Patrick's Pub, and the WOW Trail as described above to be used to help offset the cost of purchase and installation of cameras at Bartlett Beach, seconded by Councilor Felch; the *motion passed with all in favor*.

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

Henry Sacco, Representative of Birch Haven Association - Spoke in regards to the beach on Harglen Lane that the City Council spoke of at the September 27 Council Meeting. They have certain concerns that they would like to discuss with the City Manager prior to the sale going through. Mayor Hosmer suggested presenting those concerns via email to the City Manager.

## 10. INTERVIEWS

10.A. **Jonathan Thurston - Seeking appointment as a regular member of the Weirs TIF District Advisory Board to a three-year term expiring at the end of June, 2024**

Jonathan Thurston was interviewed.

10.B. **Scott Ringer - Seeking appointment as a regular member of the Heritage Commission to a three-year term expiring at the end of March, 2024**

Scott Ringer was interviewed.

11. **NOMINATIONS, APPOINTMENTS & ELECTIONS**

12. **COMMUNICATIONS**

13. **PRESENTATIONS**

13.A. **Allan Beetle - WOW Trail Opechee Loop**

Allan Beetle presented a PowerPoint in regards to the WOW Trail Opechee Loop. Mr. Beetle is proposing connecting the WOW trail to make it around Lake Opechee. One part would be to make the sidewalk on Elm Street similar to the two-lane sidewalk on Messer Street. The part of Elm Street past Elm Street School towards Parade Road would need sidewalk improvements and hopefully crosswalk signal at the intersection of Elm and Parade. The next part would lead into Ahern Park towards Shore Drive. Shore Drive would need maybe some paint and signage. The end would be Pleasant Street. These ideas would need funding and would probably need to happen in sections. A copy of the PowerPoint is part of the record. In working with DPW and an engineer to get a scope of the price of the first phase. The WOW Trail is in support of this and Mr. Beetle is hoping the Council would be in support of this as well.

Mayor Hosmer appreciates this idea and explained this is another reason the State School property is important to Laconia.

Councilor Lipman asked about the location of the trail in Ahern Park. Would it stay along the gravel road?

Mr. Beetle is hoping that would be the case. He understands parts of that road would need some improvement. Mr. Beetle would like to start off with the section from Union Ave to Franklin Street.

Councilor Soucy would like lighting to be considered on these trails for safety reasons. Mr. Beetle explained that the trails are only supposed to be used from dawn to dusk.

The Council is in full support of this idea.

City Manager Myers thinks working with DPW is the right first step. The City is a recipient of the TAP Grant (Transportation Alternative Program) through the federal money that is administered by the State of New Hampshire. The details need to be worked through as to when that money is coming.

Councilor Lipman just clarified that the next step is to bring back an engineering proposal to the Council.

14. **PUBLIC HEARINGS**

14.A. **Public hearing of the proposed lease with EJM Holdings, LLC**

Mayor Hosmer has recused himself from this item. Mayor Pro Tem Haynes has taken over.

Notice of this public hearing was made available in the September 15, 2021 edition of the Laconia Daily Sun, and posted at Laconia City Hall, Public Library, Community Center, and the SAU.

Mayor Pro Tem Haynes opened the public hearing at 7:34 pm.

Scott McWilliam, 61 Pearl Street - Mr. McWilliam thinks the loss of 18 parking spots would hurt the downtown businesses. He asks the Council to rethink this agreement and maybe utilize some parking spots in the parking garage. Mr. McWilliam thinks other parking lease agreements for the parking garage would be a good idea as well.

Patrick Wood - Ward 3 - Mr. Wood thanked Councilors Haynes and Cheney as well as the City Manager for the meeting with himself and Mr. Sawyer in regards to moving the parking spots. A petition was submitted to the Council suggesting the parking spaces be moved farther back. The petition also asked the Council to review the parking. Mr. Wood suggests moving this item to one of the Council Committees. Mr. Wood thinks a 99 year lease is too long. He also thinks the snow removal should be spelled out in the lease agreement. He compared boat slip lease agreements to parking spot lease agreements. Boat slips will go for thousands of dollars and they are only used for part of the year. He also does not agree having fixed assessed values for the 99 years.

Councilor Cheney asked what Mr. Wood's suggestion would be for a reasonable amount of time for this lease. Mr. Wood thinks five-year increments would be better. Financing issues could arise if the buyers did not having parking.

Councilor Hamel stated for the last 20 years he has never had a hard time finding a parking spot downtown. He does think we need to start utilizing the parking behind the church.

Robert Sawyer is in favor of Patrick Wood's suggestions. Mr. Sawyer has spoken to many of the downtown business owners and he would like to see the parking spaces closer to their businesses open and moving the proposed leased spaces further away. The suggestion is to move the proposed spaces to the back corner of the City Hall parking lot. Mr. Sawyer also spoke to some of the potential Colonial apartment owners and they do not want to take away from the current businesses. Mr. Sawyer noted that most people visiting the downtown area businesses are not staying for hours, they are in and out. We do not need long term parking.

Mark Condodemetraky, 8 Edgewater Ave - He is in agreement with Mr. Sawyer and Mr. Wood. He is also concerned with the language and terms of the lease. He is in full support of the Colonial redevelopment and this will have long term benefits for the City. He thinks there should be more details in regards to the snow period. There should be something in the lease that defines the penalties to the lessee for failure to remove their vehicles during a snow period. In section 6.4 of the lease, it talks about the fixed assessed value for the term of the lease, he is not sure that is legal. Mr. Condodemetraky also stated there is a demand for parking and the City could benefit by this. Mr. Condodemetraky thinks the solution is having these 18 spaces essentially end up in the parking garage once that is done. In the interim, the spaces need to be in the back part of the City Hall parking lot.

Bre Neal - Mrs. Neal suggests using the lot behind the Church that the City purchased for the Colonial apartments. Mrs. Neal is concerned about the Commercial overlay district. The City has historically always told residents that live downtown that they need to park in the parking garage.

Michelle Rush, Gilford resident - In the process of purchasing one of the condo's above the Colonial. She does not want to impede on any of the businesses. She would like to the Council also to take into consideration people who work in the evening and may not feel safe walking from the behind the Church in the evenings. She also does not want to see parking in front of businesses taken away. She would love to have a parking spot in the parking garage once it is redone.

Jim Daubenspeck (Daub's Cobbler Shop) - He is excited about what has been happening downtown. The biggest thing he would like to mention is parking enforcement. He thinks this needs to be addressed year round, not just through the summer months.

Charlie St. Clair (via Zoom) - Mr. St. Clair agrees with Pat Woods' proposal and also agrees with Bre Neal.

Hearing no other comments from the public, Mayor Pro Tem Haynes closed the public hearing at 8:12 pm.

#### 14.B. **Public hearing on an application for tax relief under RSA: 79-E for the property at 51 Elm Street**

Mayor Hosmer rejoined the meeting at 8:13 pm.

Notice of this public hearing was made available in the September 29, 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 8:14 pm.

Ron DeCouler representing ownership of 51 Elm Street - stated he was present in case anyone has any questions regarding the application.

## 15. **MAYOR'S REPORT**

Mayor Hosmer spoke of a proposed letter that he intends on sending to Executive Councilor Joseph Kenney with consensus from the Council regarding the Executive Council voting on the marketing of the State School property. He read an excerpt from the letter: "On behalf of the Laconia City Council, I request you oppose this contract. The City of Laconia has done more than its fair share in carrying this property on behalf of the state for over 100 years. We ask that any contract for the sale of the property include a strongly worded provision that calls for the City Council being consulted and in formal support of any proposed marketing and sale. This collaborative relationship would ensure the property being used for its highest and best purpose as determined by residents of the City. Again Councilor Kenney, thank you for your support and I hope you are able to persuade your colleagues of how important it is for the City of Laconia to have a significant role in the marketing, sale, and development of the land."

Councilor Soucy would like the letter to be worded in a stronger way.

Councilor Lipman recommends suggesting to Executive Councilor Kenney to table this item to have more time to work with his fellow Councilors. He is more likely to get a tabled motion rather than just voting it down.

Councilor Soucy wants to know if our County Delegation has spoken about this at all.

Councilor Cheney agrees with suggesting to table this item.

Mayor Hosmer will try to phone Executive Councilor Kenney this evening and will mention the tabling idea, as well as reiterate how the City of Laconia feels.

Mayor Hosmer mentioned the homeless situation throughout the City. The task force was able to open a low barrier shelter last winter but was only used a few times due to the timing of it opening. The working groups for the task force did a very good job. Mayor Hosmer would like to make the Task Force a permanent committee under the Council. He will be reaching out to the Council to discuss this with them. This is an issue that needs to be prioritized.

## 16. **COUNCIL COMMENTS**

Councilor Felch voiced a concern about the unique property that the City sold at the last meeting. Councilor Felch explained when he voted on that property he was under the impression it was a different property than what the actual property was.

Councilor Lipman asked if the City Manager has any perspective on Councilor Felch's concern.

City Manager Myers explained the background on the community beach that was Councilor Felch is referencing. City Manager Myers explained he will not sign over the deed until everyone is comfortable with it. This is a unique property because there is only limited access to it. The City Manager has spoken to the necessary parties, explaining they would need to figure out how they address the beach, maybe forming a beach association. He also explained that nobody has lost any of their deeded beach rights. There are three distinct neighborhoods around this beach.

Councilor Felch is concerned with any legal problems if we were confused as to which property we were voting on.

City Manager Myers explained in the minutes it defines which property was being voted on by referencing the Tax Map and Lot.

Councilor Lipman recommends that we follow the vote that the Council made on September 27, 2021.

City Manager Myers will keep the Council updated.

Councilor Felch would like to find out if the other people that have deeded rights, if they are allowed to join this association.

City Manager Myers explained he thinks an overlay association would need to be formed for this particular beach, but that is the responsibility of them.

Councilor Hamel asked if it would be prudent for the City to send out letters to the residents to explain what was discussed this evening?

City Manager Myers explained he has spoken to a person on Bobby Way today and he said he would send out notification to the other residents. He explained the word is out in the affected neighborhoods.

## 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)

City Manager Myers explained the proposed Ward population shifts. A map was displayed using colors to explain the proposed ward boundary changes. Both a copy of the map and an explanation sheet is included for the record. With the proposed changes, we would lose the Beane Conference Center as a voting location in Ward 1. State law requires polls to be within the Ward boundary lines. The City Clerk is in the process of looking at alternatives.

Councilor Lipman wanted to make sure the public is aware that the voting location in ward 1 would not change until 2022.

Councilor Lipman would also like this made available to the public sooner rather than later.

Councilor Cheney suggests having a map with the current boundary lines as well as the proposed changes available for the public to view as soon as possible. Councilor Cheney would also like to see a before and after snapshot.

City Manager Myers said we will schedule one more Government Operations and Ordinance meeting to get confirmation and then bring it to the full Council for consensus, and then it will be available for viewing at the polls.

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

#### 17.D.i. Downtown parking garage

Councilor Hamel would like to schedule a Lands & Buildings meeting on October 25 2021 at 6:00 pm.

#### 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**

Councilor Hamel stated that there will not be Christmas Village again this year because of COVID. LRPA has stated they would produce three one-hour shows pertaining to Christmas Village. If there is a parade Christmas Village will participate in that.

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

No comments were made.

20. **CITY MANAGER'S REPORT**

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

City Manager Myers reviewed the report.

Mayor Hosmer requested that the City Manager add the previous years ambulance billing cycle and to present it some time in November or December just to show a comparison.

Court Street Bridge will be closed next Monday, October 18, 2021, safety services and the State is fully aware. The State has installed temporary lights at the end of the bypass on Prescott Hill. Pedestrians can use the WOW trail and there is signage stating so.

21. **NEW BUSINESS**

22. **UNFINISHED BUSINESS**

22.A. **Proposed lease agreement with EJM Holdings, LLC**

This item was discussed after 22B.

Mayor Hosmer recused himself from this item.

Councilor Cheney moved to waive a reading of the proposed lease with EJM Holdings, LLC in its entirety and to read by title only, seconded by Councilor Lipman; the ***motion passed with all in favor.***

Councilor Felch would like to see all 18 spots be at the back of the City Hall parking lot, not split into two different lots. He is opposed to the length of the lease and the pricing of the lease. The proposed pricing is barely going to cover our expenses for winter maintenance.

Councilor Lipman would like to see this item tabled to give the City Manager more time to work through more details of the lease before any final decisions are made.

City Manager Myers noted that after meeting with Pat Wood, Councilor Cheney and Mr. Sawyer, it was suggested moving the spots from the front row of the City Hall parking lot to the back portion of the parking lot. Everyone was in agreement with this move. A copy of the proposed parking spots are included for the record. This would be less of an impact on the two-hour spots. City Manager Myers explained if the Council chose to move forward with the lease tonight, the motion could reflect an amendment with the new proposed parking spots. City Manager Myers stated he would hope we would not have issues with tenants moving their vehicles. The City already has a few spots leased out to tenants of another location, and we have not had any issues. City

Manager Myers explained the bigger picture is that it isn't all about the revenue of these spots. It was about getting a "mothballed" project completed. The residential units were going to be mothballed because the City did not receive all of the funds that were needed, such as the New Market Tax Credits. By being able to bring on 9 units to the tax rolls, that is where the payback to the City comes from. Three years ago, the Council mentioned going to paid parking and at that time, it was not feasible. Knowing we do not have a paid parking program, the City does not want to be chasing monthly parking rent, that is why it is proposed to be paid in five-year increments. City Manager Myers is in full support of putting language into the lease agreement that once the parking garage is complete, the spots could be moved in there. Rusty McLear pointed out that when someone is trying to get financing, parking is essential for approval. City Manager Myers can present the parking garage option to Mr. McLear.

Councilor Hamel agrees with what the City Manager just stated. There was a steering committee on this. When the City did not receive the New Market Tax Credits, the two floors above the Colonial would have been left untouched. There has already been \$14 million invested in downtown and we can already see the benefits. The time frame of 99 years is a concern of Councilor Hamel. He suggested looking at it every five years as well as adding the parking garage option once that project is completed.

City Manager Myers believes Rusty McLear needs this document completed to wrap up his financing in order to sell the units. City Manager Myers stated, if there is consensus from the Council, he would bring to Rusty McLear the proposed new parking spots, and will discuss lowering the terms from 99 years to 40 years, and also include the parking garage transition.

Councilor Hamel moved to extend the meeting, seconded by Councilor Felch; the ***motion passed with all in favor.***

Councilor Cheney asked if the City Manager could survey other City's or Towns that are leasing parking spaces and see what they are charging. Councilor Cheney likes the idea of 40 years rather than 99 years. Councilor Cheney would also like to see what the fair market value is for leasing parking spots.

Councilor Lipman doesn't want to see us undermine the investment that is being made here over the price of a parking space.

Councilor Felch mentioned moving all 18 spaces to where the proposed 10 spaces are.

Councilor Haynes stated there have been some reasonable changes but we need to stop nickel and diming this issue.

Councilor Lipman moved to table this item to allow the City Manager to tighten up the proposed lease, seconded by Councilor Cheney; ***the motion passed with all in favor.***

## 22.B. **Review and discussion on an application for tax relief under RSA: 79-E for the property at 51 Elm Street**

This item was discussed prior to 22A.

City Manager Myers reviewed the background to this item. If the Council were to approve tax relief tonight, the baseline assessment of where the property stands today, becomes the baseline of the property assessment until the project becomes substantially completed. Right now the lots have been merged from a planning perspective, for assessment purposes the lots are still two different lots as the tax year runs from April 1st through March 31st every year. The assessed values for each lot are \$53,100 and \$60,500. Once they are merged, the assessed value will be about \$80-\$90,000. The anticipated date of substantial completion of the project is expected to be December, 2023. The governing body may grant such tax assessment relief for a period of up to 5 years, beginning with the completion of the substantial rehabilitation.

Councilor Lipman is in support of the Council using this incentive. He also said the most recent one we approved, we tied the approval with when the expected tenancy would be.

City Manager Myers explained it wasn't really tied to tenancy, it was approved until April of 2023 based on that developers timeframe of completion. They are paying taxes based on \$600,000 right now.

Mayor Hosmer asked if it is the will of the Council to grant this tax relief up to five years.

Councilor Lipman suggests making it somewhat comparable to the last one we just did.

City Manager Myers explained a decision does not have to be made tonight. The Council could list the public benefits to this and then work out the terms and vote at a later date.

Councilor Soucy does not want to see us deter the developer.

Mayor Hosmer, in consensus with the Council, stated the the public benefits to this project are:

1. It enhances the economic vitality of the downtown, this being Lakeport
2. It promotes development of municipal centers, providing for efficiency, safety, and a greater sense of community, and
3. It increases residential housing in urban or town centers, going from 16 residential units to 20 residential units.

Councilor Felch moved to table this item, seconded by Councilor Lipman; 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 Pro Tem Haynes adjourned the meeting at 10:05 pm.

Respectfully submitted

Cheryl Hebert, City Clerk