

**CITY OF LACONIA - CITY COUNCIL MEETING
7:00 P.M.**

2/13/2023 - Minutes

1. CALL TO ORDER

Mayor Hosmer called the meeting to order at 7:03 PM

2. SALUTE TO THE FLAG

Councilor Haynes led the salute to the flag

3. RECORDING SECRETARY

Katie Gargano, City Clerk

4. ROLL CALL

Clerk Gargano called the roll of the Councilors; Councilor Cheney, Councilor Soucy, Councilor Lipman, Councilor Haynes, Councilor Felch and Mayor Hosmer.

Mayor Hosmer confirmed 5 councilors were in attendance and a quorum was established.

Absent: Councilor Hamel

5. STAFF IN ATTENDANCE

Kirk Beattie, City Manager; Glenn Smith, Finance Director

6. COUNCIL PROCLAMATION

7. ACCEPTANCE OF MINUTES FROM PREVIOUS MEETINGS

7.A. Regular City Council meeting minutes of January 23, 2023

Minutes of the regular City Council meeting of January 23, 2023 were distributed to the City Council on January 27, 2023.

With no corrections or changes submitted to the Clerk, the minutes were accepted as distributed.

8. CONSENT & ACTION ITEMS

8.A. Temporary Traffic Order 2023-01 - Wake the Lake

A request has been received to hold Wake the Lake on Lakeside Avenue on May 19 – May 21, 2023 from the hours of 5:00 pm on Friday, May 19, 2023 to 5 pm on Sunday, May 21, 2023. (Actual hours of operation for the event will be from 5 pm to 2 am on Friday, May 19; from 7 am to 2 am on Saturday, May 20; and from 7 am to 5 pm on Sunday, May 21.)

Section 161-4 of the City's Code states in part that outdoor sound shall not operate past the hour of 9:00 pm Sunday through Thursday and 10:00 pm on Friday and Saturday (with the exception of Motorcycle Week).

The organizer of the event is requesting that the time set forth as shown above be extended to allow bands to play until 11 pm on Friday, May 19 and Saturday, May 20.

The Special Events Review Committee approved this request at their February 1, 2023 meeting.

A map of the event is attached to the agenda as additional information.

Please note that paid parking on Lakeside Avenue will not yet be in effect during this event.

Councilor Felch made a motion to approve Temporary Traffic Order 2023-01, Wake the Lake, to approve a waiver of all licensing and special event fees, extend the hours of operation of sound equipment and/or loudspeakers for Wake the Lake from 10:00 pm to 11:00 pm on Friday, May 19, 2023 and Saturday, May 20, 2023, and allow alcohol consumption on City property in the designated areas only. Seconded by Councilor Soucy **Discussion:** None. The ***motion passed with all in favor.***

8.B. **Temporary Traffic Order 2023-02 - Laconia Biketemberfest**

A request has been made to hold the 6th annual Laconia Biketemberfest on September 15 – September 17, 2023 from the hours of 5 pm on Friday, September 15 to 5 pm Sunday, September 17. (Actual hours of operation for the event will be from 5 pm to 2 am on Friday, September 15; from 7 am to 2 am on Saturday, September 16 and from 7 am to 5 pm on Sunday, September 17.)

Section 161-4 of the City's Code states in part that outdoor sound shall not operate past the hour of 9:00 pm Sunday to Thursday and 10:00 pm on Friday and Saturday (with the exception of Motorcycle Week).

The organizer of the event is requesting that the time for outdoor sound as shown above be extended to allow bands to play until 11 pm on Friday, September 15 and Saturday, September 16.

The Special Events Review Committee approved this request at their February 1, 2023 meeting.

A map of the event is attached to the agenda as additional information.

The organizer of the event is also asking for a waiver of all licensing and special event fees associated with the event.

Councilor Felch made a motion to approve TTO 2023-02, Laconia Biketemberfest, to approve a waiver of all licensing and special event fees associated with the event, extend the hours of operation of sound equipment and/or loudspeakers for Biketemberfest from 10:00 pm to 11:00 pm on Friday, September 15, 2023 and Saturday, September 16, 2023, and allow alcohol consumption on City Property in the designated areas only. Seconded by Councilor Cheney **Discussion:** None. The ***motion passed with all in favor.***

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

Representative Steven Bogert from Spruce Street in Ward 5, spoke to the Council about a large number of dislocated people residing in the woods off his street. He'd like to see the City move them out of the woods. He feels there are several laws being violated, and the homeowners cannot enjoy their properties because of the large number of people. It is a great safety concern for children to be able to play in their own yards. He personally has had to get someone away from his neighbor's house from trying to steal packages and another asking him for money. He believes this is a matter of when something is going to happen not if something happens. He'd like to see the council expedite this matter. He thanked the council for their consideration.

10. **INTERVIEWS**

11. **NOMINATIONS, APPOINTMENTS & ELECTIONS**

12. **COMMUNICATIONS**

13. **PUBLIC HEARINGS**

13.A. **Public Hearing - Request to approve angled parking on Winnisquam Avenue**

Notice of this Public Hearing was made available in the January 25, 2023 edition of the Laconia Daily Sun, and posted at Laconia City Hall, Laconia Community Center, Laconia Public Library and the offices of the SAU.

Action on this item may be taken up under Unfinished Business.

Mayor Hosmer opened the Public Hearing at 7:14 PM

Jessica Jacobson, a project engineer representing the Knotty Pine Marina stood before the council to license seven parking spaces that partially encroach upon the right of way where head in parking historically has always encroached the right of way along the frontage. The seven spaces proposed reduces the previous number of parking spaces where the encroachment happens but still be able to provide parking to users of the marina. The number of boat slips will not be changing in the proposal. This is in the performance zoning overlay.

Councilor Cheney asked how far the average pick up truck would stick out. Ms. Jacobson explained that the proposed spaces are twenty feet long which she states is the size of a regular parking space. The max number of feet that a vehicle would encroach upon the right of way is approximately five feet.

Councilor Soucy asked Public Works Director Wes Anderson how they would handle maintenance in regard to this type of encroachment. Director Anderson stated that the State of NH calls all parking that is not parallel parking angled parking of some sort. The encroachment requires the legislative body to approve said parking. If any maintenance was required, those parked there would have to move out of those spaces like any other parking spot and it is a seasonal business so there is no concern for plowing the road in the winter months.

Councilor Soucy also asked the Fire Chief Tim Joubert who was present in the audience if he saw any possible obstructions for their equipment and he said no.

Mayor Hosmer closed the Public Hearing at 7:20 PM

13.B. **Public Hearing - Laconia Fire Department Walmart Grant Acceptance**

Notice of this Public Hearing was made available in the January 25, 2022 edition of the Laconia Daily Sun, and posted at Laconia City Hall, Laconia Community Center, Laconia Public Library and the offices of the SAU.

Action on this item may be taken up under Unfinished Business.

Mayor Hosmer opened the Public Hearing at 7:21 PM

No one spoke during the public hearing.

Mayor Hosmer closed the Public Hearing at 7:22 PM

13.C. **Public Hearing - Request to increase sanitary sewer rates**

Notice of this Public Hearing was made available in the January 26, 2023 edition of the Laconia Daily Sun, and posted at Laconia City Hall, Laconia Community Center, Laconia Public Library and the offices of the SAU.

Action on this item may be taken up under Unfinished Business.

Mayor Hosmer opened the Public Hearing at 7:22 PM

No one spoke during the public hearing.

Mayor Hosmer closed the Public Hearing at 7:23 PM

14. PRESENTATIONS

14.A. **Laconia Motorcycle Week presentation - Jennifer Anderson, Deputy Director, Laconia Motorcycle Week Association**

Jennifer Anderson, Deputy Director of Laconia Motorcycle Week Association gave a slideshow presentation to the City Council on Laconia Motorcycle Week showing the history leading up the 100th year. The annual event began in 1916 with focus on parades, rider skill contests, hill climbs and racing with over 100 of riders. Jump forward to the 1960's, through the 1980's and this event attracted between 30,000 and 40,000 visitors over a 3-day period. Jump forward to 2023 and it is considered a world class event spanning over a full week instead of only 3 days. The number of visitors is now averaging between 275,000 and 325,000 each year. Two-thirds of those people come from out of state. Jennifer briefly talked about how long visitors stay in the area, male to female ratios, and age of the average visitor. She also mentioned how communities have been able to capitalize on the event by hosting events outside of Laconia. She continues to explain the breakdown of what people coming to NH are spending their money on over the course of several years. There are many charitable organizations and non-profits throughout the state are also able to capitalize on the increase in attendees and recognition during this week. Mayor Hosmer thanked Jennifer for the presentation because it served as a great reminder that the impact the motorcycle week has on the local community and across the state.

15. MAYOR'S REPORT

Nothing to report.

16. COUNCIL COMMENTS

Councilor Haynes attended the lakes region public access meeting. They are working on their budget. The heritage commission has appointed Marjorie Wilkins as the new chairperson. Councilor Haynes and Councilor Felch attended the annual meeting of Laconia Historical and Museums and wants the councilmen to stay tuned for what's to come from them.

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.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)

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

Representative St Clair spoke to the Council about trying to get more rooms and meals tax back to the City. He then spoke on the sidewalk and parking situation on Elm Street, since the last meeting he has heard from several residents who agree with him and they hope that the City doesn't give away any spaces.

Patrick Wood from Shore Drive spoke about the parking on Elm Street and Railroad Avenue, he thinks the City should wait and see what happens first and then decide based off the needs of the area once the development is up and working.

20. CITY MANAGER'S REPORT

20.A. Financial and Operational Trends Report

Manager Beattie presented the financial and Operational Trends highlights include building permits, fire/ rescue calls, welfare assistance, property tax collection, motor vehicle registration revenue, overtime data, parks & rec, grievances, code office statistics are now in the packet, boat tax, revenue and expenditures and the storm clean up costs.

Councilor Soucy has asked that building permits year to date be added to the next report.

Manager Beattie presented a packet to the Councilors reviewing the EMS billing since they have separated from the hospital 4 years ago. The collection and expense amounts were briefly mentioned.

Councilor Soucy asked if Manager Beattie knew how the numbers for Laconia stood in comparison to other communities. He was unable to answer that question easily because of the different demographics and amounts billed out by those communities.

Mayor Hosmer suggests that the Councilors review this packet and take a few weeks to review and read it. If anyone has questions to address them individually to the City Manager.

Councilor Lipman said that what's different from 5 years ago to now is the difficulty of other communities getting EMS needs fulfilled. He has received concerns from nursing homes and hospitals about their ability to accomplish transfers without challenge. He believes this service is a hidden asset that Laconia has and takes for granted.

Councilor Cheney made a comment on what's important to him is seeing the talent that it takes to make the numbers in the packet happen. He is grateful for the quality of services that are provided by the current staff of first responders in the City.

Councilor Haynes asked about the State paying for the Court Street Bridge, Director Anderson said that he is working with the State on how much the City will be getting back. Hopefully by the end of the month, the State will be able to provide how much that will be.

Mayor Hosmer thanked Fire Chief Joubert and Deputy Chief Bean for coming to the meeting tonight.

21. NEW BUSINESS

21.A. Request to reappoint Wesley Anderson, Public Works Director, as the City's representative to the Winnepesaukee River Basin Program Board

Public Works Director Wes Anderson has served as the City's representative to the Winnepesaukee River Basin Program Board since 2016. With the Council's approval, he has agreed to continue in this role.

The WRBP has indicated that Laconia is the only member of the Board that sets an expiration date for their representative. To ensure continuity, we are requesting that this reappointment be open-ended with no expiration date.

Councilor Soucy made a motion to reappoint Wesley Anderson, Public Works Director, as the City's representative to the Winnepesaukee River Basin Program Board. Seconded by Councilor Felch
Discussion: Councilor Lipman is supportive of the appointment but not supportive with the open-ended term expiration. He doesn't think that any other board or commission has an open-ended term Councilor Felch made an amendment to the motion to set a term of 3 years, it was seconded by Councilor Soucy. The amendment passed with all in favor. The motion passed with all in favor as amended.

21.B. Request to approve extension of City water and sewer services to the portion of Mountain Lake Village, LLC that lies in Belmont

Laconia Water Works and Public Works have been working with the owner/developer on this project for many years, and have had the chance to review all plans, making changes as necessary.

This would bring approximately 30 housing units into Laconia and approximately 18 housing units into Belmont. All of these housing units would be connected to the Laconia water system and City sewer system.

All Belmont units would purchase a meter from Laconia Water Works, and consumptions would be read and billed by Laconia Water Works staff, as any Laconia home would be.

As stated in our tariff, the Belmont units would also have a 15% increase in the rates, as they are outside City limits, the same as we have in Gilford. The same applies to sewage fees.

Laconia Water Works would inspect all infrastructure, and take ownership upon one year of successful operation, less the portion from the curb stop to the house (the same as any other home on our system). Belmont will own the sewer collection system in their municipality and Belmont's sewage use Ordinances will apply to their portion of the system.

The quantity of sewage from Belmont will be allocated against the plant capacity purchased by the town of Belmont.

All installation and inspection costs are to be borne by the owner/developer.

Laconia Water and Sewer Departments have determined that the City of Laconia water and sewer systems contain sufficient capacity to accommodate this request and the addition will create no adverse effect on the existing water system or our current customers.

Laconia Water Works and the Board of Water Commissioners, and Public Works fully support this development as it would bring more users onto our system.

Councilor Haynes made a motion to approve the request to extend City water and sewer services to the portion of Mountain Lake Village, LLC that lies in Belmont as presented, and to authorize the City Manager to execute any required documents in relation to the extension. Seconded by Councilor Felch **Discussion:** None. ***The motion passed with all in favor.***

21.C. **Resolution 2023-02 - Request to submit a grant application to, and accept grant funding from, the Clean Water State Revolving Fund (CWSRF) for wastewater and stormwater asset management**

The American Rescue Plan Act ("ARPA") provides \$350 billion in additional funding for state and local governments. The New Hampshire Department of Environmental Services is making ARPA funds available for Planning, Asset Management, and Energy Audit Measure Implementation projects identified on their 2022 Clean Water State Revolving Fund (CWSRF) Project Priority List (PPL). Laconia is listed as programs 9 and 10 on the Asset Management Programs.

On March 20, 2022, a pre-application was submitted to NHDES to create an Asset Management plan of our wastewater and stormwater systems. The wastewater program will include both horizontal assets (gravity mains, force mains, siphons, manholes, vents) and vertical assets (pump stations). The data and analyses will become an integral part of the capital planning process and Capacity, Management, Operations and Maintenance (CMOM) program. The Asset Management program will include an update of the City's current asset inventory, a condition assessment, a determination of Level of Service goals, a criticality assessment and resulting prioritization, a cost and funding strategy, and an implementation and communication plan.

The City of Laconia has been granted \$60,000 for Wastewater Asset Management and \$30,000 for

Stormwater Asset Management. If implemented, we plan to start work on May 8, 2023 and complete by August 7, 2023. There is no match required for this grant.

Councilor Cheney made a motion to waive a reading of Resolution 2023-02 in its entirety and to read by title only. Seconded by Councilor Haynes **Discussion:** None. The ***motion passed with all in favor.***

Councilor Felch made a motion to move a first reading of Resolution 2023-02, relative to authorizing application and acceptance of \$90,000 grant funding from the Clean Water State Revolving Fund (CWSRF) for wastewater and stormwater asset management. Seconded by Councilor Soucy **Discussion:** None. The ***motion passed with all in favor.***

Councilor Cheney made a motion to schedule a public hearing on February 27, 2023 during the regular City Council meeting to gather public input prior to any action being taken. Seconded by Councilor Felch **Discussion:** None. The ***motion passed with all in favor.***

21.D. **First reading of Resolution 2023-03, relative to the acceptance of the NH Department of Safety Homeland Security and Emergency Management grant in the amount of \$20,948.28**

The New Hampshire Homeland Security and Emergency Management Grant in the amount of \$20,948.28 will fund the purchase of four sets of Night Vision Devices (NVDs) to be used in search and rescue operations by the Belknap County SWAT Team.

The entire cost of purchasing the four sets of Night Vision Devices is covered by the HSEM grant; there is no local match requirement.

Councilor Haynes made a motion to waive a reading of Resolution 2023-03 in its entirety and to read by title only. Seconded by Councilor Cheney **Discussion:** None. The ***motion passed with all in favor.***

Councilor Felch made a motion to move a first reading of Resolution 2023-03, relative to the acceptance of the New Hampshire Department of Safety Homeland Security Grant in the amount of \$20,948.28 to fund the purchase of four sets of Night Vision Devices to be used in search and rescue operations by the Belknap County SWAT Team. Seconded by Councilor Cheney **Discussion:** None. The ***motion passed with all in favor.***

Councilor Haynes made a motion to schedule a public hearing on February 27, 2023 during the regular Council meeting to gather public input prior to adoption of Resolution 2023-03. Seconded by Councilor Soucy **Discussion:** None. The ***motion passed with all in favor.***

22. **UNFINISHED BUSINESS**

22.A. **Request to approve angled parking on Winnisquam Avenue**

The Planning Board has an application pending from Knotty Marina on Winnisquam Avenue for a redevelopment of the marina.

Part of the proposal is Knotty Marina wants to have angled parking (head in parking) on a limited section of Winnisquam Avenue. Under state law RSA 265:71-I:III, angled parking is permitted with authorization from the City Council. (See attached plan to the agenda for the area of proposed angled parking.)

The applicant has approached Ward Councilor Mark Haynes about the Council approving angled parking at the site. Historically, the previous owner had angled parking on a longer section of Winnisquam Avenue. This requires a change to Ordinance 221 Parking, Standing and Stopping,

section 28 Angle parking. A proposed amendment to the Ordinance is attached to the agenda.

A Public Hearing was held on this matter earlier in this evening's meeting.

Councilor Haynes made a motion to waive reading of this Ordinance in its entirety and to read by title only. Seconded by Councilor Felch **Discussion:** None. The ***motion passed with all in favor.***

Councilor Haynes made a motion to move the second reading of Ordinance 2023-221-28, Angled Parking, to allow angled parking on a limited section of Winnisquam Avenue. Seconded by Councilor Felch **Discussion:** None. The ***motion passed with all in favor.***

Councilor Haynes made a motion to approve Ordinance 2023-221-28, Angled Parking, to allow angled parking on a limited section of Winnisquam Avenue, and authorize the City Manager to sign any required documents. Seconded by Councilor Felch **Discussion:** None. The ***motion passed with all in favor.***

22.B. **Laconia Fire Department Walmart Grant Acceptance**

Accept grant award of \$22,500.00 for the purchase of medication pumps, associated equipment, and various EMS training.

This grant acceptance is recommended due to IV Medication Pumps with associated equipment being required at the ALS level and the benefit of increased EMS training.

Because of the amount of the grant, a Public Hearing was required and was held earlier in the agenda.

Councilor Haynes made a motion to waive a reading of Resolution 2023-01 in its entirety and to read by title only. Seconded by Councilor Cheney **Discussion:** None. The ***motion passed with all in favor.***

Councilor Cheney made a motion to move a second reading of Resolution 2023-01, relative to the acceptance of the Walmart Community Grant in the amount of \$22,500.00 for the Laconia Fire Department. Seconded by Councilor Soucy **Discussion:** None. The ***motion passed with all in favor.***

Councilor Felch made a motion to approve acceptance of the Walmart Community Grant in the amount of \$22,500.00 for the Laconia Fire Department, and authorize the City Manager to sign any required documents. Seconded by Councilor Cheney **Discussion:** None. The ***motion passed with all in favor.***

22.C. **Request to increase Sanitary Sewer rates**

The City Council approved the last series of sewer rate increases in 2019. Public Works requested 9.5% per year for three years. The Council approved 9.5% for the first year and 3.5% for the following two years. The last of the three rate increases was in February of 2021.

The fund's revenue and budget are impacted by the following:

- The sanitary sewer rate is based on both a fixed unit fee and a water consumption fee. Laconia Water Works' sale of water over the last 10 years has reduced by an average of 1.5% per year thus reducing the sewer fund's annual revenue.

- Inflation; particularly the increase in the cost of electricity, supplies, and design/construction services.
- The Winnepesaukee River Basin Program's (WRBP) budget increase programmed for FY2024. The City's payments to the Program represent 55% of the sanitary sewer fund's budget.

The WRBP is increasing its fees by 26% in FY 2024. The City's share of this fee increase is approximately \$707,000. There is also a \$394,000 2023 O&M overage that we must pay back in 2024. That is \$1.1m of additional 2024 cost to the SSF.

o WRBP's budget increase is due to the impact of Inflation, the increase in the cost of electricity and chemicals used in the treatment process, the cost of disposing of sludge, and the age/condition of the equipment in WRBP's system which results in the Program having to replace versus repair equipment over the next several years.

· A \$322,000 increase in Laconia's debt service payments to the WRBP in FY 2026. This increase is due to the significant projects necessary to maintain a 40-year-old sewage treatment system.

Every \$100,00 increase in expenses represents approximately 2% of the sanitary sewer system's budget. Thus, WRBP's FY 2024 proposed rate increase represents a 14% increase in the City's sanitary sewer fund budget.

Additionally, Public Works was requested to determine the cost of the sanitary sewer fund managing and funding the cleaning and inspection of private sewer systems in the City. Private sewer systems must also meet the City's EPA sewage system permit requirement. There are approximately 100 private sewer collection systems in the City. Public Works analyzed the cost of cleaning and inspecting these systems assuming that 20% of the private sewer systems are inspected every year, resulting in completing the inspection of private sewer systems every 5 years.

Public Works analyzed the first-year annual cost of the City performing the inspections and the average cost per property owner of the Associations performing their inspections. The results follow:

· The cost for the City to manage and perform the program is \$204,000 per year. This estimate includes the cost of a new employee, cleaning, jetting and video recording all of the private sewer mains.

There is a chart that summarizes the projected cost increases not including inflation over the next three fiscal years. Included in the staff report attached to the agenda.

Failure to increase rates will reduce the Department's ability to operate and maintain the City's sanitary sewer system under the EPA's operating permit. Any less than the proposed rate increase, will further defer our sewer's maintenance needs.

Manager Beattie briefly explained the items listed above.

Councilor Cheney thanked Councilor Lipman and the team for working together on this.

Councilor Lipman commented saying it was a true team effort and how hard it was to look at all the expenses and still try to make it feasible to the taxpayers.

Councilor Cheney made a motion to waive a reading of this Ordinance in its entirety and to read by title only. Seconded by Councilor Haynes **Discussion:** None. The ***motion passed with all in favor.***

Councilor Felch made a motion to approve the second reading of Ordinance 2023-189-50-01, an Ordinance amending Chapter 189-50, Sewer Charges. Seconded by Councilor Soucy **Discussion:** None. The ***motion passed with all in favor.***

Councilor Soucy made a motion to approve Ordinance 2023-189-50-01, an Ordinance amending Chapter 189-50, Sewer Charges, as presented. Seconded by Councilor Felch **Discussion:** None. The ***motion passed with all in favor.***

22.D. Granting an easement on City land (Parcel #458-205-20)

The Planning Board approved a 90-unit apartment complex for property on Province Street, which requires a second driveway for safety access and to help spread out traffic volume away from Province Street. The proposed second access driveway would cross currently vacant City owned land. This land is between Spruce Street and Growth Road, and also includes the City's dog park. The easement would allow construction of the second driveway, at the applicant's expense and future maintenance obligations, while still allowing access to the dog park.

The apartment complex is proposed to be affordable housing, which is desperately needed in the City.

At the December 27, 2022 Council meeting, Councilors asked for additional language to be added to either the Planning Board's approvals and/or the easement. The Planning Board imposed additional conditions of approval at their January 10, 2023 meeting (see the attached Notice of Action).

A public hearing on this matter was held at the Council's January 23, 2023 meeting and following discussion, the Council voted to table this item pending additional information.

Manager Beattie confirmed this item was not ready for tonight's meeting.

This agenda item was not taken off the table.

22.E. **Parking options requested by Scott Everett for his property in Lakeport at 51 Elm Street**

Developer Scott Everett, Paugus Properties, LLC, has requested that the City Council explore parking options in connection with his development at 51 Elm Street in Lakeport. The project, scheduled to open in the spring of 2023, will consist of a 40,000 plus sq. ft. building which will feature covered parking, condominiums and first floor retail shops as well as co-working spaces.

Mr. Everett first presented information regarding this development at the Council's December 27, 2022 meeting. A public hearing was scheduled and held at the January 9, 2023 Council meeting. Mr. Everett's request was discussed at that meeting and again at the Council's January 23, 2023 meeting, at which time a motion was approved to table this agenda item.

The City Manager will update the Council with any available additional information.

Legal Counsel has created a limited license agreement for patron use.

Councilor Soucy made a motion to take this agenda item off the table. Seconded by Councilor Haynes.

Councilor Lipman spoke on topics of residents of Lakeport and their concerns of parking that the museum accesses. Upon review, that is state owned property. Secondly, trying to come up with ways to maximize access to parking to businesses and visitors. Lipman is looking for some level of partnership between the City and the developer.

Manager Beattie went through and highlighted some of the features within the agreement. This would be a five-year license agreement. After the first year, negotiations are available if changes need to be made. It is \$10,000 per year to have this license agreement. There will be limited exclusivity for certain parking spaces and will have a time limit. Majority of them will be for business hours or just longer than business hours. There is a tax of \$1,000 dollars per space which is standard. Inspections and maintenance will be required of those parking spots by the developer.

Mayor Hosmer commented saying that he knows the desire in the City is to protect the public interest and believes this agreement does that. Allowing private interested parties getting to be able

to have limited use to these spaces but also keeping the residents of Lakeport in mind. Hosmer believes Scott Everett and his team truly have the City in their best interest as they continue to develop within the City.

Councilor Soucy is looking at 5.4 on page 3, and he likes that it has a 2-hour limit, creating turnover for the people who were concerned with this. He also thanked Councilor Lipman for his work on this subject as well.

Councilor Cheney questioned the one-year review and section 7.3 that states "other than the case of default as set forth in this agreement, this license cannot be terminated prior to expiration date without the written consent of both parties." Councilor Lipman helps explain that the license itself doesn't expire but it allows the council allows the spaces to be put under review. Both parties would be responsible for making any necessary adjustments after said review. Mayor Hosmer helps explain also that this provides an opportunity to see what's working and what is not.

Councilor Felch commented about his concerns the public expressed to him and how no one agrees with it that he has heard from. He wants to table this, and he wants time to read this agreement that was just received and he questions if the developer is truly working with the City when they have an issue with an easement on Park street. He thinks the developer has bought enough buildings in lakeport to make his own parking.

Mayor Hosmer brought up section 5.1, non-renewal is in the sole discretion of the renewing party. This would require both parties to agree to a renewal.

Councilor Felch made a motion to table, seconded by Councilor Cheney. The ***motion failed 2-3 with Councilors Soucy, Lipman and Haynes opposed.***

Councilor Soucy made a motion to give the City manager authority to finish negotiations and sign the proposed agreement on behalf of the City. Seconded by Councilor Haynes **Discussion:** None. The ***motion passed 4-1 with Councilor Felch Opposed.***

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**

24. **Fair St/Court St traffic problems and accidents**

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

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

27. **ADJOURNMENT**

Mayor Hosmer adjourned the meeting at 8:49 PM.

Respectfully submitted,

Katie Gargano, City Clerk

DRAFT