

# CITY OF LACONIA - CITY COUNCIL MEETING

March 12, 2018

7:00 P.M.

3/12/2018 - Minutes

## 1. CALL TO ORDER

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

## 2. SALUTE TO THE FLAG

Councilor Haynes lead the Salute to the Flag

## 3. RECORDING SECRETARY

City Clerk, Cheryl Hebert

## 4. ROLL CALL

City Clerk Hebert took the roll call with the following Councilors in attendance: Bruce Cheney, David Bownes, Henry Lipman, Mark Haynes, Bob Hamel

Not in attendance: Armand Bolduc

Mayor Engler noted that five (5) Councilors are in attendance and a quorum has been established.

Mayor Engler noted that Councilor Bolduc is home watching the meeting.

Mayor Engler noted that Item 21 Union Ave/Elm Street intersection from last meetings agenda was tabled until this meeting and will be taken up under unfinished business.

## 5. STAFF IN ATTENDANCE

City Manager Scott Myers

## 6. COUNCIL PROCLAMATION

## 7. ACCEPTANCE OF MINUTES FROM PREVIOUS MEETINGS

### 7.A. Regular Meeting Minutes of February 26, 2018

Council minutes of the February 26, 2018 meeting were distributed on Saturday, March 3, 2018.

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

## 8. CONSENT & ACTION ITEMS

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

No comments were made from the public.

## 10. INTERVIEWS

### 10.A. William Stewart - Seeking appointment to a regular member position on the Planning Board for a three-year term expiring at the end of June, 2021

William Stewart was interviewed.

### 10.B. Dennis Peterson - Seeking appointment to a regular member position on the Planning Board for a three-year term expiring at the end of June, 2021

Dennis Peterson's interview will be held at the April 9, 2018 Council meeting at his request.

### 10.C. Jon Nivus - Seeking reappointment to a regular member position on the Trustees of the Trust Fund for a three-year term expiring at the end of March, 2021

11. **NOMINATIONS, APPOINTMENTS & ELECTIONS**

12. **COMMUNICATIONS**

13. **PUBLIC HEARINGS**

14. **PRESENTATIONS**

15. **MAYOR'S REPORT**

Mayor Engler would like to remind the public that trash pick up is delayed a day due to the impending storm.

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, Bolduc, Lipman)**

16.B.i. **Fair St/Court St traffic problems and accidents**

16.C. **GOVERNMENT OPERATIONS & ORDINANCES (Bownes, Bolduc, 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.D. **LANDS & BUILDINGS (Hamel, Lipman, Haynes)**

16.D.i. **Downtown parking garage**

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

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

Mayor Engler requests Councilor Cheney to fill in temporarily for Councilor Bolduc and Councilor Bownes to be interim Chair for the Public Works Committee.

City Manager Myers explained the need for a meeting regarding retaining walls and driveway cuts and extra width. Staff is looking to set a policy regarding these two issues and the need to have a Public Works Committee meeting.

Councilor Hamel moves to add 16E i, Retaining Wall Policy and 16E ii, Driveway Cut Policy to the agenda for the Public Works Committee, seconded by Councilor Haynes; the ***motion passed with all in favor.***

Councilor Bownes moves to schedule a Public Works Committee meeting on March 26, 2018 at 6:00 PM, seconded by Councilor Lipman, the ***motion passed with all in favor.***

16.E.i. **Proposal to implement City Policies for designating emergency lanes**

17. **LIAISON REPORTS**

Councilor Bownes gave an update on the Master Plan. There will be another meeting in April of 2018 with a vote to take

place.

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

No comments from the public were made.

## 19. CITY MANAGER'S REPORT

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

City Manager Myers reviewed the report.

Councilor Hamel questioned an item regarding a grievance for overdraft fees. City Manager Myers explained that in December there was an issue with the direct deposits for payroll and a paper check was cut to every employee the same day. One employee accrued overdraft fees because of this situation but did not bring it to anyone's attention (including their own bank) until weeks after, so therefore the overdraft fees were not reimbursed. The bank did state had the employee go to the bank at the time this happened they would have waived the fees.

Mayor Engler brought to the Councils attention that the parking spots at the Elm Street/Union Ave intersection the snow has not been removed and the spots were all empty, is this because of the snow not being removed or are the spots normally not used. DPW Director Wes Anderson explained there is a process with the snow removal and the Lakeport area is on the list and it was just timing with the storms.

City Manager Myers explained the Senate Bill 403 regarding the exemption for recreational vehicles from property taxation. Back in 2014, there was legislation introduced that would eliminate a municipalities ability to tax permanently placed RV's in campgrounds as real estate (RSA 72:7-d). Mayor Engler, Councilor Hamel, and City Manager Myers attended the Public Hearing and testified against the proposed legislation. The law as it currently stands says if an RV is in a campground for six months or less, it is not taxed as real estate, if an RV is in a campground for more than six months, it shall be taxed as real estate unless it has a valid motor vehicle registration (owners choice), and a campground owner is required to provide the municipality with a list of owner's name/address for RV's that are on sites for more than six months. In January of this year, SB 403 was introduced which would have repealed RSA 72:7-d in its entirety. City Manager Myers went to the Ways and Means Committee Public Hearing and testified against the bill and indicated that what was done in 2014 appeared to be a good compromise between municipalities and campground owners, and should be left alone. Last week, the Ways and Means Committee amended SB 403 and undid all of what was agreed to in 2014. It basically says an RV at a campground shall not be taxed as real estate, campgrounds are designed for recreational dwellings and RV's can be there for an undetermined or indefinite amount of time, and there is no requirement for campground owners to provide names/addresses any more as RV's can be there indefinitely and are no longer taxable. Council recommends the City Manager to reach out to Senators as well as the House (if it should get there).

Councilor Lipman asked for an updated status regarding HB 1381, regarding the Utility Pole Taxation. City Manager Myers explained this has not gone to a vote as of yet, there was a reasonable amendment to it, which was a compromise and wouldn't harm us.

City Manager Myers stated Barbara Bobby Thomas has resigned from the Laconia Housing Authority due to health reasons. Sonya Misiaszek will be filling the remainder of the term, ending October 2021.

City Manager Myers handed out two documents to be added to the minutes; RFP No. 1801-02 - Land Lease Proposals and the Lakes Region Facility Redevelopment Market Analysis and Strategy Kick Off Meeting. Discussion was had and City Manager Myers is requesting feedback at the next Council Meeting.

Chief Erickson was contacted by the Winnepesaukee River Basin Program Sunday, March 11, 2018 regarding a discharge of raw sewage at the Maiden Lady Cove. There was a couple thousand gallons of raw sewage released, lime and chlorine bleach was spread and some did get into the lake but with the ice coverage the feeling was that it wasn't of a significant nature. The flow was diverted to the non active pipe. Once a report is finalized the City Manager will let the Council know. The City is not repairing it but will need to pay its share into the program.

LRGHealthcare has chosen not to continue their ambulance relationship with the City and the contract will end June 30, 2018 - Right now the City does operate the ambulance and transport but LRGH was responsible for the billing aspects of it so the hospital receives all the revenue. Final numbers are still being worked on as to the affect this will have on the City and will be included in the final budget. Collection companies have been reached out too to get some numbers. Councilor Hamel would really like to see the City do a RFP and see what kind of numbers come back to us. City Manager Myers has agreed that an RFP would be drafted.

City Manager Myers is hoping to have more discussion regarding budgets at the March 26, 2018 meeting. The cities current tax cap is \$1.3 to \$1.4 million of allowable increased spending.

## 20. NEW BUSINESS

### 20.A. Fencing Repurpose Request

Councilor Bownes moves to approve moving \$3,133.00 from account 01-497-479-0007, Basketball Court Resurfacing to account 01-497-479-0003 for Opechee Park Fencing Improvement, seconded by Councilor Hamel; the *motion passed with all in favor.*

Councilor Hamel moves to approve moving \$5,084.00 from account 01-497-479-0007, Basketball Court Resurfacing to account 84-301-479-0003 for Robbie Mills Fence Repairs, seconded by Councilor Haynes; the *motion passed with all in favor.*

### 20.B. Item for Adopting the Policy on Building Permits

City Manager Myers explained the current procedures for building permits and the reasons for adopting a new policy.

Councilor Haynes moves to approve the proposed policy authorizing the Director of Code Enforcement to approve Building Permits on Private and Class VI roads, seconded by Councilor Lipman; the *motion passed with all in favor.*

### 20.C. Designation of the City Council as the body responsible for making the decisions and taking the actions described in RSA 72:83, "Application for Exemption"

City Manager Myers explained the need for this designation. This is to clarify what body has the authority to make the decisions and take the actions described in RSA.72:83

Mayor Engler clarified that this is only intended for Industrial Use.

Councilor Lipman moves to designate the City Council as the body responsible for making the decisions and taking the actions described in RSA 72:83, "Application for Property Tax Exemption," seconded by Councilor Cheney; the *motion passed with all in favor.*

## 21. UNFINISHED BUSINESS

Councilor Bownes moves to take the Elm Street/Union Ave Intersection item off the table, seconded by Councilor Haynes; the *motion passed with all in favor.*

DPW Director Anderson gave the Council the traffic counts they requested and he explained the counts. The system that is working now is based on the time of day and day of week for those traffic counts. W. Anderson went on to explain in detail the numbers that were presented to the Council.

Mayor Engler noted that the Allen brothers that were present at the last meeting visited him at his office the day after the meeting regarding the properties they own and their long-term vision for that area of Lakeport. They are in hopes to see more businesses and less residential in the Lakeport Union Ave area. They have many properties, including residential, and have ideas of tearing down some of their properties in hopes to add parking.

Councilor Hamel commented if traffic is turning left into Fratello's the traffic gets backed up or if north bound traffic is turning left onto Elm, traffic can get backed up as far as Cantins.

Another temporary fix could be to schedule the traffic lights for left turn only coming from Elm and coming from Clinton Streets. Councilor's mentioned how the public would need to be retrained for this option.

Councilor Lipman suggests a longer term look at this and to partner with the TIF District to facilitate something.

Councilor Bownes states everything brought up tonight is appropriate but would rather see a little money spent now for the engineering but not necessarily to make a decision now.

Councilor Hamel questioned the time frame of the Court Street project. Keasor Court to Fair Street is the first phase of

the Court Street project. W. Anderson does not want to have both Court Street and the Union Ave/Elm Street projects going at once for traffic flow reasons as this would be a struggle for the downtown area. Therefore if anything was to happen on the Union Ave/Elm Street project, it wouldn't start until 2019.

Councilor Haynes moves to table the Elm Street/Union Ave Intersection item until the March 26, 2018 meeting, seconded by Councilor Hamel; the ***motion passed with all in favor.***

## 22. **COUNCIL COMMENTS**

Councilor Cheney has been attending the Lakeshore Redevelopment meetings. Councilor Cheney expressed that there needs to be more coordination between that commission and the City planners. The consultant team plans on having a report this May. Our representatives should present the report to us once it is ready.

## 23. **FUTURE AGENDA ITEMS**

- 23.A. **Ordinance amendment relative to Chapter 167, Noise and Chapter 161, Licensing as it pertains to outdoor sound equipment and loudspeakers**
- 23.B. **Second reading of a resolution relative to the adoption of RSA 31:95-b, Appropriation of funds made available during the year**
- 23.C. **Master Plan**
- 23.D. **Milfoil Treatment funding requests**
- 23.E. **Sewer & Water Master Plan**
- 23.F. **Single Stream Recycling/Concord Co-op/Solid Waste disposal cost reductions**
- 23.G. **Strategic Planning/Goal Setting**
- 23.H. **WOW Trail**
- 23.I. **Proposal to implement City Policies for designating emergency lanes**
- 23.J. **Resolution 2017-30 relative to authorizing the City Manager to apply to the State of NH DOT for a temporary use agreement in the City's name that will allow for the completion of a study concerning the different options and benefits of how to build Phase 3 of the WOW Trail and to sign all necessary documents**

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

## 25. **ADJOURNMENT**

With no further business to come before the Council and without objection Mayor Engler closed the meeting at 9:11 pm

Respectfully Submitted

Cheryl Hebert, City Clerk

These minutes were approved by the Council on March 26, 2018