

CITY OF LACONIA - CITY COUNCIL MEETING

June 8, 2020

7:00 P.M.

6/8/2020 - Minutes

1. CALL TO ORDER

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

As Mayor of the Laconia City Council, due to the COVID-19/Coronavirus crisis and in accordance with Governor Sununu's Emergency Order #12 pursuant to Executive Order 2020-04, this Board is authorized to meet electronically.

Please note that there is no physical location to observe and listen to the meeting, which was authorized pursuant to the Governor's Emergency Order. However, in accordance with the Emergency Order, this is to confirm that we are:

a) Providing public access to the meeting by telephone, with additional access possibilities by video or other electronic means;

We are utilizing the Zoom platform for this electronic meeting. All Council members have the ability to communicate during this meeting through the Zoom platform, and the public has access to watch the live YouTube video at www.youtube.com/laconianh, listen to this meeting through dialing the following phone # 1-646-558-8656 or participate by the Zoom app: Webinar ID: 842 0491 2676 password 134284.

b) Providing public notice of the necessary information for accessing the meeting;

We previously gave notice to the public of how to access the meeting using Zoom, and instructions are provided on the City of Laconia's website at: www.laconianh.gov

c) Providing a mechanism for the public to alert the public body during the meeting if there are problems with access;

If anybody has a problem, please call 524-3877 ext 249 or email cityclerk@laconianh.gov

d) Adjourning the meeting if the public is unable to access the meeting.

In the event the public is unable to access the meeting, we will adjourn the meeting and have it rescheduled at that time.

Please note that all votes that are taken during this meeting shall be done by Roll Call vote.

Let's start the meeting by taking a Roll Call attendance. When each member states their presence, also please state whether there is anyone in the room with you during this meeting, which is required under the Right-to-Know law.

2. SALUTE TO THE FLAG

Councilor Haynes lead the Salute to the Flag.

3. RECORDING SECRETARY

Cheryl Hebert, City Clerk

4. ROLL CALL

City Clerk Hebert took a roll call vote:

Councilor Cheney YES, (physically present)

Councilor Bownes YES, Is anyone in the room with you? NO

Councilor Lipman YES, Is anyone in the room with you? NO

Councilor Haynes YES (physically present)

Councilor Hamel YES, Is anyone in the room with you? NO

Councilor Felch YES, Is anyone in the room with you? NO

Mayor Hosmer noted all six (6) Councilors 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. Special Budget meeting minutes of May 26, 2020

Minutes of the meeting were distributed to the Council on Thursday, May 28, 2020. With no corrections or changes submitted to the Clerk, the minutes will be accepted as distributed.

7.B. Regular meeting minutes of May 26, 2020

Minutes of the meeting were distributed to the Council on Friday, May 29, 2020. With no corrections or changes submitted to the Clerk, the minutes will be accepted as distributed.

8. CONSENT & ACTION ITEMS

9. CITIZEN COMMENTS FOR MATTERS NOT ON THE AGENDA

Stephen Bogert, Ward 5 - Mr. Bogert expressed his concern with a group of people that walks by his house, which is on a dead end street, with a wagon full of furniture and proceeds into the woods. In the past couple of weeks there has been a fire in the said woods that the fire department has had to put out. There has been an expired body pulled out of the woods, and EMS has had to be called numerous times.

Mayor Hosmer thanked Mr. Bogert for sharing his observations and knows there is a problem with the homeless population within the City as is elsewhere. This will be looked into.

10. INTERVIEWS

11. NOMINATIONS, APPOINTMENTS & ELECTIONS

12. COMMUNICATIONS

13. PUBLIC HEARINGS

13.A. Public Hearing for Resolution 2020-05, relative to the Assistance to Firefighters Grant

Notice of this public hearing was made available in the May 29, 2020 edition of the Laconia Daily Sun and posted at Laconia City Hall, Community Center and SAU.

Mayor Hosmer opened the public hearing at 7:30 pm

Hearing no comment from the public, Mayor Hosmer closed the public meeting at 7:31 pm.

13.B. Public hearing for the proposed lease with The Dive, LLC

Notice of this public hearing was made available in the May 29, 2020 edition of the Laconia Daily Sun and posted at Laconia City Hall, Community Center, and SAU.

Mayor Hosmer opened the public hearing at 7:32 pm

Jerry Kennedy (Owner of Insurance Group in Lakes Region and Boston) - spoke in favor of passing the lease with The Dive, LLC.

Tony Holmes NH resident for 60 years - stated he is in favor of The Dive and explained he purchased a second home in Laconia because of The Dive.

Attorney Woodbury (Attorney for The Dive, LLC) - Just wanted to let the Council know that he is available for any questions.

Megan (General Manager of Tower Hill Tavern) - spoke in favor of The Dive. She stated it would be a great addition to the Weirs area and give patrons another option to visit.

Kathleen (Gilford resident and teacher at Pleasant Street School) - spoke in favor of The Dive.

Mayor Hosmer closed the public hearing at 7:44 pm.

Mayor Hosmer reopened the public hearing 7:45 pm.

Dave Wood (no microphone - he typed in his comment) - Glenn Smith read Mr. Woods comment "I live in Weirs Beach, Ward 1 - I would like to speak in support of The Dive. They are a great addition to the Weirs. They have created a number of jobs worked hard to be a part of the community. i would politely like to request the City Council to approve the lease ASAP. I know there needs to be other rules changed but it is time for new blood to be added to the Weirs."

Mayor Hosmer closed the public hearing at 7:46 pm.

13.C. Public hearing of Ordinance 2020-229, to amend Chapter 229, Wharves

Notice of this public hearing was made available in the May 29, 2020 edition of the Laconia Daily Sun and posted at Laconia City Hall, Community Center, and SAU

Mayor Hosmer opened the public hearing at 7:46 pm.

Hearing no comments from the public, Mayor Hosmer closed the public hearing at 7:47 pm

14. PRESENTATIONS

15. **MAYOR'S REPORT**

Mayor Hosmer spoke of the dramatic events that have been happening throughout our Country over the past couple of weeks. There were two events that took place this past weekend. One being at the Congregational Church that took place on Friday evening, which was a silent prayer. The other event that took place was on Sunday at City Hall. There was some anxiety for this event, but it was non violent and very peaceful. Leading up to these events, there was great presence throughout the City and they were very pleasant and approachable and commends Chief Canfield and his department.

Mayor Hosmer also spoke of the loosening of some of the restraints throughout the State and City and hopes all that can will patronize those businesses. Mayor Hosmer also appreciates everyone that is wearing a mask as well as staying socially distance when needed.

Mayor Hosmer also spoke of the progress of the Colonial Theatre.

16. **COMMITTEE REPORTS**

16.A. **FINANCE (Lipman (Chair), Hamel, Cheney)**

16.A.i. **WOW Trail Funding**

16.A.ii. **Downtown TIF Financing**

16.B. **PUBLIC SAFETY (Cheney (Chair), Bownes, Lipman)**

16.C. **GOVERNMENT OPERATIONS & ORDINANCES (Bownes (Chair), Felch, 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. **Proposed Historic Overlay District**

16.C.vi. **Scenic Road Motorcycle Noise Petition**

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

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.D.v. **Continuation of the discussion regarding parking in the Lakeport area**

16.E. **PUBLIC WORKS (Haynes (Chair), Felch, Bownes)**

16.E.i. Retaining Wall Policy

17. LIAISON REPORTS

Councilor Cheney has had conversations with Chief Canfield in regards to purchasing subsequent equipment for the drones that have already been purchased, especially where the Police Department is around \$100,000 under-expended. Councilor Cheney would like to know if there is something that can be done before the end of the current fiscal year to improve the Police Departments abilities to use the drone equipment.

City Manager Myers explained the typical process is once a budget is approved, Department heads have the ability to allocate funds from one fund to another. This isn't always done with Council approval because the funds are already available or funds can be repurposed. There can be a general consensus from the Council, but generally a department head would go through the City Manager to see if the funds are available.

Councilor Bownes briefly stepped away from the meeting at 7:56 pm.

18. CITIZENS REQUESTS TO COMMENT ON CURRENT AGENDA ITEMS

Mr. Wood - Glenn Smith read Mr. Wood's comment into the record "I hope the laws get changed but if not I hope you enforce the laws with the Mount in regards to how they serve alcohol at the dock during bike week and how they serve alcohol before they set sail from the dock while people are boarding."

19. CITY MANAGER'S REPORT

19.A. Financial and Operational Trends Report

City Manager Myers recapped the opening of City Hall to the public. There have been three "greeters" in the lobby of City Hall checking for social distancing and paper work. The three greeters have been Cheryl Hebert, Kalena Graham, and Tara Baker. Finance Director Glenn Smith has also been arriving at 7:30 am every morning taking employee temperatures and asking the appropriate COVID-19 questions. City Manager Myers always reminded the public that we are still encouraging people that there are many transactions that can be processed online.

Also discussed is how the Weirs Beach area will look this summer in regards to social distancing. The City cannot limit the use of the Weirs beach to Laconia residents only as there have been federal grants received in the past that prevents that. There will be restrictions but what those will look like are not set in stone as of yet. This will be worked on in the next two weeks to be finalized before the July 4, 2020 weekend.

City Manager Myers administratively approved the Arts in the Park. It will be held in the Laconia City Hall municipal parking lot this year, drive-in style, with the use of every other parking spot to be sure social distancing is happening.

City Manager Myers explained the details of what the Laconia High School Class of 2020 graduation ceremony will look like this Friday night, June 12, 2020. Following the ceremony the Police and Fire Departments will take the graduating class on a parade around Lake Opechee.

City Manager Myers spoke of the employees Flexible Spending Account. This account is an account that employees put their own money in to be able to be used for necessary medical procedures or medicine. With a lot of the medical procedures and doctors offices being closed, due to COVID-19, usually these funds need to be expended by September 15, 2020 with receipts being submitted no later than September 30, 2020. City Manager Myers administratively approved, with guidance from the IRS, the extension of the Flexible Spending Account expenditure to December 15, 2020 with receipts being submitted no later than December 31, 2020.

City Manager Myers reviewed the report.

20. **NEW BUSINESS**

20.A. **Request to appoint Karen Sullivan as Ward 3 Ward Clerk for a term expiring at the end of November, 2021**

Councilor Lipman moved to appoint Karen Sullivan as Ward 3 Ward Clerk for a term expiring at the end of November, 2021, seconded by Councilor Felch;

City Clerk Hebert took a roll call vote:

Councilor Cheney YES

Councilor Bownes YES

Councilor Lipman YES

Councilor Haynes YES

Councilor Hamel YES

Councilor Felch YES;

the motion passed with all in favor.

20.B. **First reading of Resolution 2020-06, relative to making itemized appropriations for the General Fund for the Fiscal Year beginning July 1, 2020 and terminating June 30, 2020**

Councilor Cheney moved to waive a reading of this Resolution in its entirety and to read by title only, seconded by Councilor Haynes;

City Clerk Hebert took a roll call vote:

Councilor Cheney YES

Councilor Bownes YES

Councilor Lipman YES

Councilor Haynes YES

Councilor Hamel YES

Councilor Felch YES;

the motion passed with all in favor.

Councilor Cheney moved a first reading of Resolution 2020-06, a resolution relative to making itemized appropriations for the General Fund for the Fiscal Year beginning July 1, 2020 and terminating June 30, 2021, seconded by Councilor Haynes;

City Clerk Hebert took a roll call vote:

Councilor Cheney YES

Councilor Bownes YES

Councilor Lipman YES

Councilor Haynes YES

Councilor Hamel YES

Councilor Felch YES;

the motion passed with all in favor.

Councilor Haynes moved to schedule a public hearing on June 22, 2020 during the regular City Council meeting to gather input prior to adoption, seconded by Councilor Cheney;

City Clerk Hebert took a roll call vote:

Councilor Cheney YES

Councilor Bownes YES

Councilor Lipman YES

Councilor Haynes YES

Councilor Hamel YES

Councilor Felch YES

the motion passed with all in favor.

20.C. **First reading of Resolution 2020-07, relative to making itemized appropriations for anticipated grants for the fiscal year beginning July 1, 2020 and terminating June 30, 2021**

Councilor Cheney moved to waive reading of this Resolution in its entirety and to read by title only, seconded by Councilor Haynes;

City Clerk Hebert took a roll call vote:

Councilor Cheney YES

Councilor Bownes YES

Councilor Lipman YES

Councilor Haynes YES

Councilor Hamel YES

Councilor Felch YES

the motion passed with all in favor.

Councilor Cheney moved a first reading of Resolution 2020-07, a resolution relative to making itemized appropriations for anticipated grants for the Fiscal Year beginning July 1, 2020 and terminating June 30, 2021, seconded by Councilor Haynes;

City Clerk Hebert took a roll call vote;

Councilor Cheney YES

Councilor Bownes YES

Councilor Lipman YES

Councilor Haynes YES

Councilor Hamel YES

Councilor Felch YES

the motion passed with all in favor.

Councilor Haynes moved to schedule a public hearing on June 22, 2020 during the regular Council meeting to gather public input prior to adoption, seconded by Councilor Cheney;

City Clerk Hebert took a roll call vote:

Councilor Cheney YES

Councilor Bownes YES

Councilor Lipman YES

Councilor Haynes YES

Councilor Hamel YES

Councilor Felch YES

the motion passed with all in favor.

20.D. **First reading of Resolution 2020-08, relative to making itemized appropriations for City Enterprise Funds: Sanitary Sewer Fund and Water Fund for the fiscal year beginning July 1, 2020 and terminating June 30, 2021**

Councilor Cheney moved to waive a reading of this Resolution in its entirety and to read by title only, seconded by Councilor Haynes;

City Clerk Hebert took a roll a call vote

Councilor Cheney YES

Councilor Bownes YES

Councilor Lipman YES

Councilor Haynes YES

Councilor Hamel YES

Councilor Felch YES;

the motion passed with all in favor.

Councilor Cheney moved a first reading of Resolution 2020-08, a resolution relative to making itemized appropriations for City Enterprise Funds: Sanitary Sewer Fund and Water Fund for the Fiscal Year beginning July 1, 2020 and terminating June 30, 2021, seconded by Councilor Haynes;

City Clerk Hebert took a roll call vote:

Councilor Cheney YES

Councilor Bownes YES

Councilor Lipman YES

Councilor Haynes YES

Councilor Hamel YES

Councilor Felch YES;

the motion passed with all in favor.

Councilor Haynes moved to schedule a public hearing on June 22, 2020 during the regular City Council meeting to gather input prior to adoption, seconded by Councilor Cheney;

City Clerk Hebert took a roll call vote:

Councilor Cheney YES

Councilor Bownes YES

Councilor Lipman YES

Councilor Haynes YES

Councilor Hamel YES

Councilor Felch YES;

the motion passed with all in favor.

20.E. **First reading of Resolution 2020-09, relative to making itemized appropriations for the Internal Services Fund for the fiscal year beginning July 1, 2020 and terminating June 30, 2021**

Councilor Cheney moved to waive a reading of this Resolution in its entirety and to read by title only,

seconded by Councilor Haynes;

City Clerk Hebert took a roll call vote:

Councilor Cheney YES

Councilor Bownes YES

Councilor Lipman YES

Councilor Haynes YES

Councilor Hamel YES

Councilor Felch YES;

the motion passed with all in favor.

Councilor Cheney moved a first reading of Resolution 2020-09, a resolution relative to making itemized appropriations for the Internal Services Fund for the Fiscal Year beginning July 1, 2020 and terminating June 30, 2021, seconded by Councilor Haynes;

City Clerk Hebert took a roll call vote:

Councilor Cheney YES

Councilor Bownes YES

Councilor Lipman YES

Councilor Haynes YES

Councilor Hamel YES

Councilor Felch YES;

the motion passed with all in favor.

Councilor Cheney moved to schedule a public hearing on June 22, 2020 during the regular Council meeting to gather public input prior to adoption, seconded by Councilor Haynes;

City Clerk Hebert took a roll call vote:

Councilor Cheney YES

Councilor Bownes YES

Councilor Lipman YES

Councilor Haynes YES

Councilor Hamel YES

Councilor Felch YES;

the motion passed with all in favor.

20.F. **First reading of Resolution 2020-10, relative to making itemized appropriations for the following City Special Revenue Funds - Motorcycle Week Fund and Ambulance EMS Fund for the fiscal year beginning July 1, 2020 and terminating June 30, 2021**

Councilor Haynes moved to waive a reading of this Resolution in its entirety and to read by title only, seconded by Councilor Cheney;

City Clerk Hebert took a roll call vote:

Councilor Cheney YES

Councilor Bownes YES

Councilor Lipman YES

Councilor Haynes YES

Councilor Hamel YES

Councilor Felch YES;

the motion passed with all in favor.

Councilor Cheney moved a first reading of Resolution 2020-10, a resolution relative to making itemized appropriations for the Special Revenue Funds - Motorcycle Week Special Revenue Fund and Ambulance EMS Special Revenue Fund for the fiscal year beginning July 1, 2020 and terminating June 30, 2021, seconded by Councilor Haynes;

City Clerk Hebert took a roll call vote:

Councilor Cheney YES

Councilor Bownes YES

Councilor Lipman YES

Councilor Haynes YES

Councilor Hamel YES

Councilor Felch YES;

the motion passed with all in favor.

Councilor Haynes moved to schedule a public hearing on June 22, 2020 during the regular City Council meeting to gather public input prior to adoption, seconded by Councilor Cheney;

City Clerk Hebert took a roll call vote:

Councilor Cheney YES

Councilor Bownes YES

Councilor Lipman YES

Councilor Haynes YES

Councilor Hamel YES

Councilor Felch YES;

the motion passed with all in favor.

20.G. **First reading of Resolution 2020-11, relative to making itemized appropriations for the City's three Tax Increment Finance Districts - Downtown TIF, Lakeport TIF, and Weirs TIF for the fiscal year beginning July 1, 2020 and terminating June 30, 2021**

Councilor Haynes moved to waive a reading of this Resolution in its entirety and to read by title only, seconded by Councilor Cheney;

City Clerk Hebert took a roll call vote:

Councilor Cheney YES

Councilor Bownes YES

Councilor Lipman YES

Councilor Haynes YES

Councilor Hamel YES

Councilor Felch YES;

the motion passed with all in favor.

Councilor Haynes moved a first reading of Resolution 2020-11, a resolution relative to making itemized appropriations for the City's three Tax Increment Finance Districts - Downtown TIF, Lakeport TIF and Weirs TIF for the fiscal year beginning July 1, 2020 and terminating June 30, 2021, seconded by Councilor Cheney;

City Clerk Hebert took a roll call vote:

Councilor Cheney YES

Councilor Bownes YES

Councilor Lipman YES

Councilor Haynes YES

Councilor Hamel YES

Councilor Felch YES;

the motion passed with all in favor.

Councilor Haynes moved to schedule a public hearing on June 22, 2020 during the regular City Council meeting to gather input prior to adoption, seconded by Councilor Cheney;

City Clerk Hebert took a roll call vote:

Councilor Cheney YES

Councilor Bownes YES

Councilor Lipman YES

Councilor Haynes YES

Councilor Hamel YES

Councilor Felch YES;

the motion passed with all in favor.

21. UNFINISHED BUSINESS

21.A. **Second reading of Resolution 2020-05, relative to authorizing the City Manager to accept and expend a grant on behalf of the City in an amount up to \$12,500 for the Assistance to Firefighters Grant**

Councilor Cheney moved to waive reading of this Resolution in its entirety and to read by title only, seconded by Councilor Haynes;

City Clerk Hebert took a roll call vote:

Councilor Cheney YES

Councilor Bownes YES

Councilor Lipman YES

Councilor Haynes YES

Councilor Hamel YES

Councilor Felch YES;

the motion passed with all in favor.

Councilor Felch moved a second reading of Resolution 2020-05, relative to authorizing the City Manager to accept and expend a grant on behalf of the City in an amount up to \$12,500 for the Assistance to Fire fighters Grant, seconded by Councilor Haynes;

City Clerk Hebert took a roll call vote:

Councilor Cheney YES

Councilor Bownes YES

Councilor Lipman YES

Councilor Haynes YES

Councilor Hamel YES

Councilor Felch YES;

the motion passed with all in favor.

Councilor Bownes moved to approve Resolution 2020-05, relative to authorizing the City Manager to accept and expend a grant on behalf of the City in an amount up to \$12,500 for the Assistance to Fire fighters Grant, seconded by Councilor Hamel;

City Clerk Hebert took a roll call vote:

Councilor Cheney YES

Councilor Bownes YES

Councilor Lipman YES

Councilor Haynes YES

Councilor Hamel YES

Councilor Felch YES;

the motion passed with all in favor.

21.B. The proposed lease with The Dive, LLC

Councilor Felch moved to waive a reading of the proposed lease with The Dive, LLC in its entirety and to read by title only, seconded by Councilor Bownes;

Councilor Lipman would like the City Manager to review the changes that were made since the last Council meeting.

City Manager Myers sent out a red-lined version earlier today and he reviewed those items. He said a couple of the items were housekeeping or formatting items.

1. Page One - bottom paragraph where it references the finger dock, that is now referenced as Attachment A

2. Page Two, paragraph three - last sentence, a semi-colon was added between "under The Dive's control and their"

3. Page Three deals specifically with the ramp and the City and The Dive not having access to the ramp. A new line was added saying that The Dive will have the ability to use all points of entry that the City is empowered to authorize to have access to temporary dock space. It shall be The Dive's sole responsibility to ensure ADA compliance of this temporary dock space is existing. The Dive shall provide ADA compliance accommodations for all patrons while operating from the temporary dock space while not limited to alternate pickup ADA compliant locations to facilitate transport to

The Dive.

4. Page three, paragraph two basically spells out the ADA accommodations to the new dock that is to be constructed.

5. Page seven, under Insurance and Indemnification, small letter c - the amount of the umbrella liability insurance has gone from \$3 million to \$4 million.

6. Page nine, under Maintenance and Repairs, paragraph one - the word ramp has been stricken due to the uncertainty that the City can promise use of the ramp.

7. Page 10, the word ramp is again stricken.

City Manager Myers explained after completion and review of this by staff, legal, and himself, this was sent down to Primex for further review regarding indemnification but has not heard back from them as of yet. Approval of this could be contingent upon final review and approval from Primex.

Councilor Lipman is concerned with the situation that happened in Moultonborough and how this contract would affect Laconia. City Manager Myers explained we are covered on page seven, under the heading Insurance and Indemnification, paragraph four.

Councilor Lipman also expressed concern in regards to boats tying up to The Dive while docked in the Weirs like what happens at sand bars. What provisions would prevent that from happening in the Weirs.

City Manager Myers stated it is his understanding that in order for patrons to receive food or beverages they need to be on board The Dive.

Councilor Hamel questioned the rafting of the boats as well to The Dive.

The City Manager is not concerned with that happening in the Weirs as that location is not a sand bar area where people can be out of their boats walking up to The Dive. The City Manager also explained that on nicer days The Dive is usually out on the lake and not docked.

Mayor Hosmer called the question:

City Clerk Hebert took a roll call vote:

Councilor Cheney YES

Councilor Bownes YES

Councilor Lipman YES

Councilor Haynes YES

Councilor Hamel YES

Councilor Felch YES

the motion passed with all in favor.

Councilor Felch moved a second reading of the proposed lease with The Dive, LLC, seconded by Councilor Haynes;

City Clerk Hebert took a roll call vote:

Councilor Cheney YES

Councilor Bownes YES

Councilor Lipman YES

Councilor Haynes YES

Councilor Hamel NO

Councilor Felch YES

the motion passed with five (5) in favor and one (1) opposed.

Councilor Felch moved to approve the lease with The Dive, LLC, as presented, subject to appropriate revisions to Chapter 229 if approved, seconded by Councilor Bownes;

Councilor Cheney moved to have a friendly amendment added using the wording "and appropriate successful review from the Primex, the City's insurance carrier, seconded by Councilor Felch;

City Clerk took a roll call vote:

Councilor Cheney YES

Councilor Bownes YES

Councilor Lipman YES

Councilor Haynes YES

Councilor Hamel NO

Councilor Felch YES

the amendment to the motion passed with five (5) in favor and one (1) opposed.

Councilor Cheney expressed that he will be voting no this evening because he is concerned about future requests of City facilities, particularly in the Weirs, as a result of this lease. He also has difficulty with providing three years rent free because The Dive is building the dock. Councilor Cheney is not opposed to The Dive, but he has difficulty with The Dive using a public dock for their private business.

Councilor Hamel agrees with Councilor Cheney and also expressed his concern with voting yes to something that future Council's will have to deal with.

Councilor Lipman asked the City Manager to address the Councilor's concerns regarding the lease being commercially reasonable.

City Manager Myers explained the cost of the new dock is about \$100,000 and upon completion will immediately be turned over to the City. Under state law The Dive will be paying property taxes for that dock.

Councilor Lipman would like to hear from The Dive's attorney confirming that this will be a cooperative

relationship and avoids litigation with the City.

Councilor Bownes does not share the same reservations that Councilor's Cheney and Hamel have. Councilor Bownes is also concerned with what future Councils will have to face but this is a new adventure, a public-private business relationship.

Councilor Bownes does have a reservation in terms of the ADA language on page three and the elimination of the word ramp. Councilor Bownes thinks that these are substantive changes, which would call for a need to have another public hearing. Councilor Bownes also has concern with the City's access to the ramp and would like that issue to be resolved.

Councilor Bownes appreciates the efforts from The Dive, City staff, and City Manager Myers in putting this together.

Councilor Haynes asked if it is possible that the City would need to build a handicap ramp?

City Manager Myers explained it is stated in the proposed lease that The Dive is responsible for being ADA compatible. City Manager Myers does not think these proposed changes are substantive changes, therefore does not need another public hearing. City Manager Myers does agree with Councilor Bownes that further study needs to be done in regards to the present ramp and the Mount Washington.

Councilor Haynes would also like to express that he has his own reservations but having said that has not heard anyone from the public speak negatively about The Dive. Councilor Haynes would like to move forward with this.

Mayor Hosmer asked Attorney Woodbury to address Councilor Bownes' concerns.

Attorney Woodbury explained The Dive has enjoyed the working relationship throughout this process. The Dive wishes to be a good citizen in the Weirs and wishes to continue a good working relationship with the City.

Councilor Lipman expressed his concern with The Dive that Laconia doesn't end up in situations like Braun Bay in Moultonborough.

Attorney Woodbury stated if you know the owners of The Dive, they are flexible and willing to listen, and they want to work things out peacefully when situations arise. They want to be a positive admission to the Weirs and foster positive relationships.

Councilor Lipman wants a guarantee that the relationship will be a give and take one, not just a one-sided relationship. Councilor Lipman recognizes that The Dive takes care of their patrons very well, but he would like reassurance that neighbors will be treated the same.

Attorney Woodbury stated if there is any complaints The Dive will be committed to be active listeners and willing to resolve these complaints with mutual understandings.

Councilor Felch would like to remind everyone that there has been many positive statements heard from not only patrons of The Dive, but local Weirs businesses. The Council also heard that The Dive is willing to help the City fundraise in order to update the City's other docks.

Councilor Felch moved to call the vote, seconded by Councilor Haynes;

City Clerk Hebert took a roll call vote:

Councilor Cheney YES

Councilor Bownes NO

Councilor Lipman NO

Councilor Haynes YES

Councilor Hamel NO

Councilor Felch YES

Mayor Hosmer NO

with a tied vote of three to three, Mayor Hosmer voted NO to break the tie. The motion to call the vote failed.

Councilor Bownes supports the lease agreement and thinks it is good for not only the Weirs but for the City of Laconia. Councilor Bownes still feels the ADA changes are substantive changes and does not want to move forward with the vote to approve the lease agreement until another public hearing is had.

Councilor Bownes moved to schedule a public hearing on the new proposed lease agreement Monday, on June 22, 2020 during regular Councilor Meeting, seconded by Councilor Lipman;

Councilor Felch does not agree with this as both the City Manager and City attorney do not feel that these proposed changes are substantive enough to require another public hearing.

Councilor Hamel agrees with Councilor Bownes.

Mayor Hosmer does not think another motion can be made at this time as there has already been a motion made and seconded, therefore that would need to be voted on prior to another motion being made.

Councilor Bownes thinks the timing of his motion is right because if the Council votes on something and then finds out later what they voted on had substantive changes, it could have a negative affect on the lease agreement. Councilor Bownes thinks procedurally his motion is timely.

Mayor Hosmer does not agree that Councilor Bownes motion is a timely motion due to the fact that there is already a motion on the floor with a second. If Councilor Bownes would like make a motion after the original motion has been voted on, then that would be the time to do so.

Councilor Felch agrees with Mayor Hosmer, the City Manager, and the City attorney that the ADA changes are not enough to have to hold another public hearing.

Councilor Lipman suggested bringing this to another public hearing only so there is no other issues further down the road. This way we can approve the lease and the entire Council can feel good about their vote.

Mayor Hosmer called the original motion as amended.

City Clerk took a roll call vote;

Councilor Cheney NO

Councilor Bownes NO

Councilor Lipman YES

Councilor Haynes YES

Councilor Hamel NO

Councilor Felch YES

Mayor Hosmer YES

the motion passed with four (4) in favor and three (3) opposed.

21.C. **Second reading of Ordinance 2020-229, to amend Chapter 229, Wharves**

Councilor Felch moved to waive a reading of this Ordinance in its entirety and to read by title only, seconded by Councilor Haynes;

City Clerk Hebert took a roll call vote:

Councilor Cheney NO

Councilor Bownes YES

Councilor Lipman YES

Councilor Haynes YES

Councilor Hamel NO

Councilor Felch YES

the motion passed with four (4) in favor and two (2) opposed.

Councilor Felch moved a second reading of Ordinance 2020-229, to amend Chapter 229, Wharves, seconded by Councilor Haynes;

City Clerk Hebert took a roll call vote:

Councilor Cheney NO

Councilor Bownes YES

Councilor Lipman YES

Councilor Haynes YES

Councilor Hamel NO

Councilor Felch YES

the motion passed with four (4) in favor and two (2) opposed.

Councilor Haynes moved to approved Ordinance 2020-229, to amend Chapter 229, Wharves,

seconded by Councilor Felch;

City Clerk Hebert took a roll call vote:

Councilor Cheney NO

Councilor Bownes YES

Councilor Lipman YES

Councilor Haynes YES

Councilor Hamel NO

Councilor Felch YES

the motion passed with four (4) in favor and two (2) opposed.

22. COUNCIL COMMENTS

Councilor Cheney complimented the City on the quick reactions to the concerns expressed with the Flags at Opechee Park.

Councilor Cheney would like a report on the status of improvements on the Skate Park.

Councilor Cheney also had a discussion with the City Manager in regards to the crosswalk in the Weirs at Hilliard Road and Tower Street. There was discussion of having the Lakes Region Planning Commission take on this task. Councilor Cheney would like the City Manager to report back to the Council on any progress that has been made, if any.

Councilor Cheney would like an update on the status of St. Joseph's Church.

Councilor Hamel would like to add a discussion in regards to Motorcycle Week to the next Council meeting's agenda.

Councilor Haynes asked about the crosswalk on Keasor Court and if it was just removed due to phase three of the Court Street construction. His concern is, if school starts back up in September, that area is a school bus stop and is frequently used.

City Manager Myers said he will make sure it is back.

Councilor Felch stated there is a meeting of the Motorcycle Week Association before our next Council meeting.

Councilor Felch asked about the missing crosswalk at the bottom of Stark Street.

City Manager Myers stated the crosswalks will be put back at the bottom of Stark Street. In addition the plan is to have it go through the island to make it a safer crossing.

Councilor Bownes moved to delay the implementation of the lease agreement for two weeks and schedule a public hearing on June 22, 2020 with respect to The Dive lease agreement,

Councilor Lipman asked for Councilor Bownes explanation of what he expects to happen at the next Council meeting if his motion was approved.

Councilor Bownes explained there would be a second public hearing to address his concerns with the changes to the ADA wording plus it would delay with moving forward with the lease agreement until there was a second public hearing.

seconded by Councilor Lipman;

Mayor Hosmer recessed the meeting at 9:56 pm

Mayor Hosmer reconvened the meeting at 9:57 pm

Mayor Hosmer called the question by Councilor Bownes;

City Clerk Hebert took a roll call vote:

Councilor Cheney YES

Councilor Bownes YES

Councilor Lipman YES

Councilor Haynes NO

Councilor Hamel YES

Councilor Felch NO

the motion passed with four (4) in favor and two (2) opposed.

City Manager Myers would like clarification in regards to the scheduling another public hearing pertaining to the proposed lease agreement with The Dive. Will there be another item to come after the public hearing under Unfinished Business to reaffirm the vote or will there just be another public hearing and tonight's vote stands as it is?

Councilor Bownes explained his idea was to hold another public hearing and then to vote on the implementation of the lease.

City Manager Myers explained his take on holding another public hearing. There should be another reaffirming vote of approving the lease. If a motion to reconsider happens at a meeting that you are presently in, it works one way, but if a motion to reconsider happens at another meeting then it works in a different way. If a public hearing is had but no additional action is taken, that could put the City in a situation.

Councilor Lipman moved to extend the meeting no later than 10:30 pm, seconded by Councilor Cheney;

City Clerk Hebert took a roll call vote;

Councilor Cheney YES

Councilor Bownes YES

Councilor Lipman YES

Councilor Haynes YES

Councilor Hamel YES

Councilor Felch YES

the motion passed with all in favor.

Councilor Cheney doesn't recall that the motion was to just delay, but rather it was to delay it two weeks.

Councilor Lipman moved to reconsider the vote to move this to a public hearing, seconded by Councilor Bownes;

City Clerk Hebert took a roll call vote;

Councilor Cheney YES

Councilor Bownes YES

Councilor Lipman YES

Councilor Haynes NO

Councilor Hamel YES

Councilor Felch NO;

the motion passed with four (4) in favor and two (2) opposed.

Councilor Lipman moved to schedule a public hearing on June 22, 2020 during the regular Council meeting, seconded by Councilor Bownes;

City Manager Myers will check with legal counsel as to what will need to happen after the public hearing is held.

Mayor Hosmer thinks this is a mistake and hopes it doesn't have a chilling affect.

Mayor Hosmer called the question.

City Clerk Hebert took a roll call vote;

Councilor Cheney YES

Councilor Bownes YES

Councilor Lipman YES

Councilor Haynes NO

Councilor Hamel YES

Councilor Felch NO

the motion passed with four (4) in favor and two (2) 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**
- 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 Hosmer adjourned the meeting at 10:16 pm.

Respectfully submitted

Cheryl Hebert, City Clerk

MINUTES OF THIS MEETING WERE APPROVED BY COUNCIL ON JUNE 22, 2020