

## **CITY OF LACONIA - CITY COUNCIL MEETING**

**July 22, 2019**

**7:00 P.M.**

7/22/2019 - Minutes

### **1. CALL TO ORDER**

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

### **2. SALUTE TO THE FLAG**

Councilor Cheney lead the Salute to the Flag.

### **3. RECORDING SECRETARY**

Cheryl Hebert, City Clerk

### **4. ROLL CALL**

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

Mayor Engler noted all six (6) Councilors were in attendance and a quorum has been established.

### **5. STAFF IN ATTENDANCE**

Scott Myers, City Manager

Glenn Smith, Finance Director

Mayor Engler noted that at the end of tonight's meeting there will be a Non-Public Meeting in accordance to RSA 91-A:3, II, Item D. Consideration of the acquisition, sale, or lease of real or personal property which, if discussed in public, would likely benefit a party or parties whose interests are adverse to those of the general community.

### **6. COUNCIL PROCLAMATION**

### **7. ACCEPTANCE OF MINUTES FROM PREVIOUS MEETINGS**

#### **7.A. Regular meeting minutes of July 8, 2019**

Minutes of the meeting were distributed to the Council on Wednesday, July 10, 2019. 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**

John Gatos, Belmont - spoke in regards to the dangerous turn on Scenic Road. He also spoke to the employees at Cactus Jack's that park their cars across the street at the Golf Cart place. He is concerned with the safety of the employees crossing the street in that area. He also expressed his concern with the downtown parking.

City Manager Myers responded to the citizens' concern regarding the employees of Cactus Jack's/T-Bones crossing the road. It will be looked into.

Councilor Hamel expressed maybe the owner of Cactus Jack's should have some financial obligation if

some sort of crosswalk was added in that area.

Representative Charlie St. Clair - When the construction is finished he would like the lights looked at at the Main Street intersection in regards to a left turn arrow. Representative St. Clair expressed his concern with the recycling program. He was behind a recycling garbage truck and saw a lot of glass, liquids, and regular trash. He is concerned with the contamination of recyclables. Representative St. Clair suggests going back to separating our trash.

## 10. INTERVIEWS

## 11. NOMINATIONS, APPOINTMENTS & ELECTIONS

### 11.A. **Lisa Morin - Seeking reappointment as a regular member of the Conservation Commission for a three-year term expiring at the end of August, 2022**

Councilor Hamel moved to reappoint Lisa Morin as a regular member of the Conservation Commission for a three-year term expiring at the end of August, 2022, seconded by Councilor Hosmer; the *motion passed with all in favor.*

### 11.B. **Lois Kessin - Seeking appointment as a regular member of the Heritage Commission for a three-year term expiring at the end of March, 2022**

Councilor Lipman moved to reappoint Lois Kessin as a regular member of the Heritage Commission for a three-year term expiring at the end of June, 2022, seconded by Councilor Haynes; the *motion passed with all in favor.*

### 11.C. **Breanna Neal - Seeking reappointment as a regular member of the Downtown TIF District Advisory Board for a three-year term expiring at the end of August, 2022**

Councilor Hosmer moved to reappoint Breanna Neal as a regular member of the Downtown TIF District Advisory Board for a three-year term expiring at the end of August, 2022, seconded by Councilor Bownes; the *motion passed with all in favor.*

### 11.D. **Charlie St. Clair - Seeking reappointment as a regular member of the Downtown TIF District Advisory Board for a three-year term expiring at the end of August, 2022**

Councilor Hamel moved to reappoint Charlie St. Clair as a regular member of the Downtown TIF District Advisory Board for a three-year term expiring at the end of August, 2022, seconded by Councilor Lipman; the *motion passed with all in favor.*

### 11.E. **Dennis Bothamley - Seeking reappointment as a regular member of the Water Commission for a three-year term expiring at the end of June, 2022**

Councilor Hosmer moved to reappoint Dennis Bothamley as a regular member of the Water Commission for a three-year term expiring at the end of June, 2022, seconded by Councilor Hamel; the *motion passed with all in favor.*

### 11.F. **Thomas Selling - Seeking appointment as a regular member of the Water Commission for a three-year term expiring at the end of June, 2022**

The Mayor and Council thanked Mr. Selling for seeking appointment to the Water Commission.

## 12. COMMUNICATIONS

## 13. PUBLIC HEARINGS

### 13.A. **Public hearing for Resolution 2019-19, relative to the financing of the repair and restoration of the historic Colonial Theater**

Notice of this public hearing was made available in the July 10, 2019 edition of the Laconia Daily Sun, and posted at City Hall, Community Center, and Laconia Public Library.

Mayor Engler opened the public hearing at 7:19 pm.

Marcia Haywood, Wildwood Road - Would like clarification regarding the second and third stories of the Colonial. Would the City become in another sticky situation in future years like the parking garage with multiple owners? Mayor Engler explained how it would work.

John Pelletier, 129 South Main Street - If we got out of the Colonial Theater project all together would the City be saving money. He doesn't see any value of the Colonial Theater to the City.

Mayor Engler explained that the City has already committed \$1.4 million to the Colonial Theater. The Colonial Theater will be a City amenity like the football stadium, or the Public Library.

Representative Charlie St. Clair - Commended the Council and Mayor for taking this leap and moving forward with the Colonial Theater. Representative St. Clair expressed he feels the Colonial Theater is a really good thing.

Davy Kontz 743 Union Avenue - Would like to know the square footage of the Colonial Theater. Would like to know if it would be cheaper to tear the building down and build a modern apartment complex. Would like to know if the Colonial is a City Asset or liability?

Mayor Engler explained there is already \$1.4 million invested and once the project is completed the worth will be much more than what has been spent.

John Pelletier - If the \$1.4 million can not be recouped why was a loan made to BEDC?

Mayor Engler responded by stating that is what it cost to purchase the property and the City knew they over spent with the purchase knowing that the finished product would be worth much more.

Patrick Wood - Explained he had five children go through the Laconia High School and many of them were in the plays. The opportunity that the kids at Laconia High School will have by having the Colonial Theater will put Laconia at the top compared to the rest of the State. The Colonial Theater is worth while doing.

Hearing no other comments from the public, Mayor Engler closed the public hearing at 7:34 pm.

13.B. **Public Hearing for the proposed amendment to Laconia City Charter for Acceptance and Expenditure of Unanticipated Funds Made Available during the Fiscal Year per RSA 31:95-b**

Notice of this public hearing was made available in the July 11, 2019 edition of the Laconia Daily Sun, and posted at City Hall, Community Center, Laconia Public Library and the SAU.

Mayor Engler opened the public hearing at 7:36 pm.

Hearing no comment from the public, Mayor Engler closed the public hearing at 7:37 pm.

14. **PRESENTATIONS**

15. **MAYOR'S REPORT**

Mayor Engler reported in regards to the Laconia Airport Authority. Financially, the Laconia Airport is in the best shape it has ever been in with a \$360,000 Operating Revenue, 25% Operating Margin, and a net worth

just under \$1 million. The operating margin is probably twice as high as in recent years due to a number of projects that have continued from last fiscal year to this fiscal year.

## 16. COMMITTEE REPORTS

### 16.A. FINANCE (Lipman, Hamel, Cheney)

There will be a Finance Committee meeting immediately following the end of this meeting.

#### 16.A.i. WOW Trail Funding

#### 16.A.ii. Downtown TIF Financing

### 16.B. PUBLIC SAFETY (Bownes, Hosmer, Lipman)

### 16.C. GOVERNMENT OPERATIONS & ORDINANCES (Bownes, Hosmer, Cheney)

#### 16.C.i. Review of Chapter 167, Noise and Chapter 161 Licensing as it pertains to outdoor sound equipment and loudspeakers

#### 16.C.ii. Ordinance Amending Chapter 221, Vehicles and Traffic/Parking on Sublawns

#### 16.C.iii. Procedural review of grant applications

#### 16.C.iv. Regulation of Short Term Residential Rental Businesses

Councilor Bownes updated the Council of the outcome from the last Planning Board meeting. The short term residential rental businesses item was referred to a committee.

#### 16.C.v. Paid Parking Proposal for Downtown

Councilor Bownes suggested postponing the meeting scheduled for August 12, 2019 for the Government Operations and Ordinances Committee for the purpose of discussing Item 16.C.V until a report from the Downtown TIF Advisory Board is completed. The Downtown TIF will be going around to all of the Downtown business owners asking them to fill out a questionnaire in regards to their parking uses. The Committee is in agreement with the postponement.

#### 16.C.vi. Proposed Historic Overlay District

The Planning Board, at it's last meeting, referred this item to a subcommittee. This subcommittee met last week, with another meeting being scheduled for July 29th or 30th at 5:00 pm. Councilor Bownes anticipates a proposal will be made some time in September.

### 16.D. LANDS & BUILDINGS (Hamel, Lipman, Haynes)

#### 16.D.i. Downtown parking garage

There was a Land and Buildings Committee at 6:15 pm this evening. The purpose of the meeting was to get an update regarding the Downtown parking garage. Councilor Hamel updated the Council on the condition of the parking garage, the cost to refurbish it, and a time frame. Everyone was given a copy of the report done by DuBois and King, Inc. More discussion will be needed in order to decide on what is going to be done with the parking garage, including the funding.

Mayor Engler felt that Patrick Woods comment in regards to looking at the downtown parking issue as a whole and how does the parking garage fit in to that plan was spot on. There needs to be a total, long-term solution. Mayor Engler also would like to discuss pay versus free also where does the public's obligation extend to this area. Meaning the business owner's providing

parking for their employees and customers themselves.

Councilor Hamel stated these are reasons why the entire situation needs to be addressed.

Councilor Bownes noted he has been a vocal critic of the parking garage. After looking at the recommendations presented earlier this evening they are not acceptable. Another alternative needs to be looked into that does not include the downtown parking garage.

Councilor Hamel moved to schedule a meeting of the Land and Buildings Committee on August 26, 2019 at 6:30 pm for the purpose of discussing the Downtown Parking Garage, seconded by Councilor Cheney; the ***motion passed with all in favor.***

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

16.D.iii. **Perley Pond Maintenance**

16.D.iv. **Plan for the DPW Compound**

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

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

17. **LIAISON REPORTS**

Councilor Haynes mentioned the Heritage Commission July meeting where two members were asked to recuse themselves when the subject of the St. Joseph's Church was brought up. Those two members have sought legal counsel before the next meeting.

City Manager Myers briefed the council on the status of this. City Manager Myers and Director Trefethen thought it makes sense that the entire Heritage Commission be a part of the conversation as it can be a learning point. They were waiting to schedule that meeting until after tonight's vote so it would include the new member.

Mayor Engler expressed concern as to whether or not the City is fully explaining what the expectations are when people apply for positions on boards or committees within the City.

City Manager Myers explained that people that are on City boards or committees need to realize they are held to a different standard and need to be aware of comments made out of a public meeting.

Councilor Lipman pointed out that any board that has authority that the Council has appointed has certain obligations to follow. There have been other situations where the Council has had to review statements or actions and take remedial counseling to make sure people are fulfilling their obligations as they should be.

Councilor Bownes wants to appoint people that have a passion for what they are applying for. He suggests allowing legal counsel to sort what is right and what is wrong.

Councilor Cheney agrees with the Mayor that when the Council appoints people that they need to be aware of their obligations to the position they are applying for.

Councilor Bownes reminded everyone that the Municipal Association offers many training opportunities and people should take advantage of those.

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

No comments from the public were made.

## 19. CITY MANAGER'S REPORT

### 19.A. Project Updates Report

City Manager Myers reviewed the report.

### 19.B. Monthly Economic Development Report

City Manager Myers reviewed the report.

There will be some sewer lining being done this week on Court Street during the evening hours from 6:00 pm to 6:00 am.

There is a dedicated group on taking the lead on raising some funds to do some research on Milfoil. There will be a comedy show at the Margate on August 29, 2019 in order to try and raise some money.

An update on the abandoned house on Court Street. According to property tax records it is owned by George C. Stafford. There are plans to do something with that property but not sure when.

The Skate Park by the Laconia PD opened in 2004 by some Huot students at Laconia High School. The material used did not last with the weather. Concrete is the preferred use for skate parks. A reasonable number is about \$45 per square foot or \$75,000 would be needed in order to rebuild the skate park. City Manager Myers does not believe that there is an active group trying to raise some funds. The park was well used when it was in its prime and by people of all ages.

City Manager Myers updated the history of the Kiosks. This is the third year of using the Kiosks.

Councilor Hamel spoke of a visit to New York and made comment that the area is similar to Laconia and they even had kiosks on their docks and maybe that is something to consider.

Councilor Cheney questioned the type of ambulance and the cost effectiveness versus the smaller gas driven one.

Councilor Cheney asked for an update in regards to the emergency funds from Comcast. City Manager Myers stated the \$10,000 check has been received from Comcast but nothing has been done with it as of yet but it can be brought to the forefront and worked on at the Council's request.

Councilor Cheney questioned when the brickwork on the old fire station in Lakeport will be finished up. There is no update as of yet.

Councilor Cheney would like a progress report on The Dive business.

City Manager Myers explained what The Dive is. This is the first year that they have been located in the Weirs and tied up to the left of the Pier. Some residents have expressed concern with the noise from The Dive. The owners of the business have been in constant contact with the necessary parties to make sure everything is in compliance. A letter has been sent to the property owner from the Planning Department stating this could be a change of use. There has been some talk about moving The Dive to the other side of the Pier to help with a sound barrier.

Councilor Cheney is hoping with the hiring of a full-time Code Enforcement Officer that more timely responses to complaints will happen. Councilor Cheney would also like to have a more definitive time frame with the property on Court Street that is owned by George C. Stafford.

## 20. NEW BUSINESS

### 20.A. Request by Sarah Jenna for fundraising on City park property

Councilor Haynes moved to approve the request by Sarah Jenna for the use of Wyatt Park Basketball court for the Lance Reason Basketball Tournament on Saturday, August 10, 2019 (rain date August 17th) from 10:00 am to 3:00 pm, seconded by Councilor Bownes; the ***motion passed with all in favor.***

20.B. **City Manager contract extension discussion**

Councilor Hamel moved to extend the contract of City Manager Scott Myers, as outlined in Section 2 of his Employment Agreement, until June 30, 2021, seconded by Councilor Cheney; the ***motion passed with all in favor.***

21. **UNFINISHED BUSINESS**

21.A. **Second reading and approval of Resolution 2019-19, relative to the financing of the repair and restoration of the historic Colonial Theater**

Mayor Engler has been in contact with Justin Slattery from the Belknap Economic Development Council. Mr. Slattery has been working diligently with the three contractors for this project and the bids that were originally done on this project were over two years old. Therefore the bids would need to be redone. Bonnette, Page and Stone is reporting that the primary numbers are right on target with the original bids.

Councilor Hosmer moved to waive a reading of this Resolution in its entirety and to read by title only, seconded by Councilor Cheney; the ***motion passed with all in favor.***

Councilor Hosmer moved to approve a second reading of Resolution RES-2019-19, a Resolution relative to authorizing the City Manager to take any actions necessary to issue bonds for the repair and restoration of the historic Colonial Theater in the amount of \$6,700,000, seconded by Councilor Hamel; the ***motion passed with all in favor.***

Councilor Hamel moved to approve Resolution 2019-19, a Resolution relative to authorizing the City Manager to take any actions necessary to issue bonds for the repair and restoration of the historic Colonial Theater in the amount of \$6,700,000, seconded by Councilor Bownes; the ***motion passed with all in favor.***

21.B. **Schedule a public hearing for Resolution 2019-16, relative to authorizing the City Manager to take any actions necessary to issue bonds for Court Street Reconstruction Phase 2, and Fire Engine Replacement projects**

Due to a clerical posting error this Resolution needs to be sent to a public hearing. Bank of New Hampshire has confirmed that the rates they bid will still be valid.

City Manager Myers has confirmed with the bank the rates will remain the same as originally discussed.

Councilor Haynes moved to waive a reading of this Resolution in its entirety and to read by title only, seconded by Councilor Cheney; the ***motion passed with all in favor.***

Councilor Hosmer moved to schedule a public hearing of Resolution 2019-16, during the regular Council meeting on August 12, 2019 to gather public input prior to adoption, seconded by Councilor Hamel; the ***motion passed with all in favor.***

21.C. **Schedule a public hearing for Resolution 2019-17, relative to authorizing the City Manager to take any actions necessary to issue bonds for Endicott Street Water Line Project, Court Street Bridge Replacement Project and Sewer Upgrades - Union Avenue and Lakeport/Elm Street project**

Due to a clerical posting error this Resolution needs to be sent to a public hearing. Bank of New Hampshire has confirmed that the rates they bid will still be valid.

Councilor Haynes moved to waive a reading of this Resolution in its entirety and to read by title only, seconded by Councilor Hamel; the ***motion passed with all in favor.***

Councilor Lipman moved to schedule a public hearing of Resolution 2019-17, during the regular Council meeting on August 12, 2019 to gather public input prior to adoption, seconded by Councilor Bownes; the ***motion passed with all in favor.***

21.D. **Proposed amendment to Laconia City Charter for Acceptance and Expenditure of Unanticipated Funds Made Available during the Fiscal Year per RSA 31:95-b**

Councilor Hosmer moved to authorize the City Clerk to add the proposed Charter Amendment question to the November 5, 2019 Municipal Election Ballot per RSA 49-B:5, regarding the Acceptance and Expenditure of Unanticipated Funds Made Available during the Fiscal Year per RSA 31:95-b, seconded by Councilor Haynes; the ***motion passed with all in favor.***

22. **COUNCIL COMMENTS**

Councilor Cheney met with residents up at Meredith Bay. The residents expressed concern with motorcycle noise and traffic issues. Most of the units are on the Scenic Drive side. The residents have started a petition. Councilor Cheney asks that the appropriate committee look in to these residents concerns in regards to the traffic and noise issues.

Councilor Bownes is not sure if this would go to the Government Operations and Ordinances Committee or Public Safety Committee. Councilor Bownes would like to review the citizens concerns and will make a motion at the next Council meeting to schedule a committee meeting.

Councilor Bownes brought up the subject of the municipal filing period for running for offices.

City Manager Myers stated that the City Clerk has reached out to the printing company and the ballots can be printed in a timely fashion in order for a hand count to not happen if a Primary Municipal Election is needed.

Councilor Hamel would hope that next year on Scenic Road during Motorcycle Week that signs be put up as to what is coming up ahead. City Manager Myers stated that could be incorporated into the meeting regarding the petition.

23. **FUTURE AGENDA ITEMS**

23.A. **Master Plan**

23.B. **Milfoil Treatment funding requests**

23.C. **Sewer & Water Master Plan**

23.D. **Single Stream Recycling/Concord Co-op/Solid Waste disposal cost reductions**

23.E. **Strategic Planning/Goal Setting**

23.F. **WOW Trail**

23.G. **Weirs Beach Restoration Project**

23.H. **Fair St/Court St traffic problems and accidents**



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

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

26. **ADJOURNMENT**

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

City Clerk Hebert took a roll call vote:

Councilor Bruce Cheney: yes

Councilor David Bownes: yes

Councilor Henry Lipman: yes

Councilor Mark Haynes: yes

Councilor Bob Hamel: yes

Councilor Andrew Hosmer: yes

Mayor Engler noted all six (6) Councilors are in favor, ***the motion passed with all in favor.***

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

Councilor Haynes moved to exit the non-public meeting at 9:32 pm, seconded by Councilor Hosmer; the ***motion passed with all in favor.***

With no further business to come before the Council and hearing no objection, Mayor Engler adjourned the meeting at 9:33 pm.

Respectfully submitted

Cheryl Hebert, City Clerk

MINUTES OF THE MEETING WERE APPROVED BY COUNCIL ON AUGUST 12, 2019