

CITY OF LACONIA - CITY COUNCIL MEETING

August 13, 2018

7:00 P.M.

8/13/2018 - Minutes

1. **CALL TO ORDER**

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

2. **SALUTE TO THE FLAG**

Councilor Bownes 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 are in attendance and a quorum has been established.

5. **STAFF IN ATTENDANCE**

Scott Myers, City Manager, and Donna Woodaman, Finance Director

6. **COUNCIL PROCLAMATION**

6.A. **Proclamation - Celebrate Laconia**

Mayor Engler read into the record a proclamation for Celebrate Laconia. He read the following:

WHEREAS, Celebrate Laconia is a nonprofit organization created by a group of like-minded community members and business owners who love Laconia; and

WHEREAS, the group's focus is to celebrate the past, present and future of our City and to encourage and stimulate its cultural and economic development; and

WHEREAS, the Celebrate Laconia volunteer group has worked tirelessly and enthusiastically over the past year to bring the community together by organizing events such as the 125th Passenger Station Anniversary, Laconia VIBE, Miss Laconia 125th Scholarship Pageant, ManiFEST - 125th Birthday Celebration and, most recently, the spectacular 125th Anniversary Extravaganza; and

WHEREAS, the City of Laconia owes a great deal of thanks and immense gratitude to the volunteer members of Celebrate Laconia listed below:

Becky Guyer - Party in the Park Director

Tony Felch - Parade Co-Coordinator

Chet Cilley - Parade Co-Corrdinator

Jared Guilmett - Incoming Vice President, Publicity Chair and Souvenir Booklet Creator

Pam Clark - Outgoing President and Historical Committee Representative

Alexandra Pelletier - Treasurer and Publicity Committee member

Beth San Soucie - Incoming President and Publicity Committee member

Linda Heney - Incoming Secretary and Party in the Park Community Stage Coordinator; and

WHEREAS, the Laconia City Council, along with all City of Laconia residents, families and friends, would like to express our sincere appreciation for the accomplishments Clebrate Laconia has made to foster pride in the City and to bring our community together;

NOW, THEREFORE, I, Edward J. Engler, Mayor of the City of Laconia do hereby proclaim Monday, August 13, 2018 as

CELEBRATE LACONIA VOLUNTEER APPRECIATION DAY

and urge all citizens to join with the City Council in recognizing the outstanding achievements of these exceptional community-minded men and women.

Beth San Soucie thanked the Council and all of the City departments for their support.

7. ACCEPTANCE OF MINUTES FROM PREVIOUS MEETINGS

7.A. Regular meeting minutes of July 23, 2018

The minutes of the regular meeting were distributed to the City Council on Friday, July 27, 2018. 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

Brian Gallagher, Sanbornton - One of the three Candidates running for the District 1, Belknap County Commissioner seat. B. Gallagher submitted into the record and to the Council a copy of his resume.

10. INTERVIEWS

10.A. Roland Maheu - Seeking reappointment to a regular member position on the Zoning Board of Adjustment for a three year term expiring at the end of August, 2021

Roland Maheu (Ward 6) was interviewed.

11. NOMINATIONS, APPOINTMENTS & ELECTIONS

12. COMMUNICATIONS

13. PUBLIC HEARINGS

14. PRESENTATIONS

15. MAYOR'S REPORT

Mayor Engler made note that the City Manager will report about Motorcycle Week 2018, especially with the new income stream with the trademark rights to the City from Hot Leathers during the Managers Report. Mayor Engler explained what the old process was and what the current process is.

Mayor Engler spoke about the sale of Solar Energy bill that was passed by the legislature to extend the Net Metering Provisioning. Mayor Engler explained that eleven (11) out of the thirteen (13) city mayors in New Hampshire have signed on to an effort to encourage legislators to override Governor Sununu's veto of a bill that would require utilities to buy more surplus power from renewable energy plants. Mayor Engler is asking for the Council to decide whether they would like him to sign on the veto override or not.

Councilor Hosmer made full disclosure that he has in the past worked on behalf of the Clean Energy Collective which supported this bill.

Discussion was had on how this would effect the Solar Garden that was approved and added to the budget.

Councilor Bownes moves to authorize the Mayor to sign the veto override, seconded by Councilor Hamel;

Discussion was had among the Council regarding the pros and cons of the Mayor signing or not signing the veto override.

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, Hosmer, Lipman)

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

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

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

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

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

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

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

17. LIAISON REPORTS

18. CITIZENS REQUESTS TO COMMENT ON CURRENT AGENDA ITEMS

Pete Garnis (Goffstown)- Owner of the New England Southern Railroad - voiced his position regarding the WOW trail. He is opposed to taking the rail away but is in favor of a trail (WOW trail) along the rail ways. He submitted to the Council via email his position on the matter but one was not submitted into the record. Mr. Garnis gave a brief history of his work with the railroads and the need to keep them.

Mr. Beetle - spoke in regards to the railroad study and suggests there should be a public hearing in order for more public input to be heard. Mr. Beetle encourages the Council to have the study completed to continue building the WOW trail. Mr. Beetle suggests that the City needs the WOW trail in order to help with the economy by bringing more people to the City. Mr. Beetle encourages the Council to have this study completed.

Richard Mailloux - Akwa Marina - expressed concerned with high taxes and Laconia schools in need of improvement. Mr. Mailloux expressed that a train disrupts the view of our lakes, which in turn discourages potential population growth. Mr. Mailloux expressed his concern with the noise that a train makes and it discourages people from building in Laconia along the rails.

19. CITY MANAGER'S REPORT

19.A. Financial and Operational Trends Report

explained to the Council that the City Clerk's office rolled out a new software program two weeks ago called Clerk Works. Some of the highlights for the residents are: faster processing times, ability to scan registrations and licenses which help with less human error, option to email residents dog renewal notices, and ability to input our plate and decal inventory for better record keeping.

City Manager Myers submitted into the record the Motorcycle Week 2018 final numbers. City Manager Myers reviewed the report.

Councilor Cheney moves to approve the City to expend \$10,000 to the Motorcycle Week Association as a portion of the trademark revenue, seconded by Councilor Hosmer;

Councilor Lipman suggests that more planning be done in regards to expenses and fees in the future in regards to Motorcycle Week in order to come out on the positive side.

Councilor Hamel made note that the Council is a part of the Motorcycle week association and pay them \$5,000 a year plus allow them, free of charge, approximately 80 feet of vendor space on the boardwalk.

Mayor Engler noted the money in question has never been in the City's revenue stream.

Mayor Engler called the question; the ***motion passed with all in favor.***

City Manager Myers spoke in regards to the City on the Lakes Tri Festival. All six New England States were represented as well as other states. The person that puts this event on does a great job. There was a 20% increase of participants from last year.

20. **NEW BUSINESS**

20.A. **Tentative agreement between Laconia School District and Educational Assistants of Laconia**

It would be in violation of the Collective Bargaining Law to speak of the details of the this agreement until it is approved.

Councilor Hamel moves that the City Council approve the tentative agreement between the Laconia School District and Educational Assistants of Laconia for the period from July 1, 2018 through June 30, 2019 with a first year cost impact of \$82,234.00, seconded by Councilor Haynes; the ***motion passed with all in favor.***

Superintendent Minnihan explained some of the details of this agreement.

20.B. **New Hampshire Municipal Association Legislative Policy Process**

City Manager Myers explained that he serves on the Board of the NH Municipal Association. City Manager Myers explained the attached memorandum.

Councilor Bownes moved the approval of the NHMA Legislative Policies that are presented in the attached memorandum, seconded by Councilor Haynes; the ***motion passed with all in favor.***

20.C. **Amendment of Lakeport TIF Budget Resolution 2018-23**

City Manager Myers explained the reason for the amendment is do to the transposition of numbers.

Councilor Hosmer moved to amend Resolution 2018-23 for the Lakeport TIF District to the correct FY 2019 appropriation to \$7,981.00, seconded by Councilor Lipman;

Councilor Lipman stated this amount does not change the bottom line.

Mayor Engler called the question; the ***motion passed with all in favor.***

20.D. **Resolution RES-2018-30 - Railroad Corridor Study**

Councilor Lipman clarified that this resolution is for the study of the trail and there would not be any City tax dollars used.

Mayor Engler read into the record Resolution 2018-30:

In the year of our Lord two thousand and eighteen,

BE IT RESOLVED, WHEREAS, the state-owned Concord to Lincoln RR corridor was built to bring tourists and spur economic development in the Lakes Region and beyond (circa 1850), and

WHEREAS, a portion of this 50-mile corridor is now used, under a lease agreement with the state, for certain train operations with a degree of benefit to the surrounding communities, and

WHEREAS, there is an identified regional trail project from Weirs Beach to Franklin that could have the potential to yield significantly more economic and recreational benefits to the abutting communities, the region and the state of NH by better utilizing this publicly-owned space, and

WHEREAS, the building of the remaining 10 miles of trail project IN PLACE of rail would substantially reduce cost, alleviate abutter concerns, and provide an enhanced trail for users, and

WHEREAS, the state-owned corridor would be maintained in perpetuity for NH DOT with the understanding that rail would be reinstalled at a future date if it was determined that rail was a better and higher use.

NOW, THEREFORE, BE IS RESOLVED that the Laconia City Council endorses a proposal for the City to commission professional research, to be paid for by the WOW Trail Committee, to study the pros and cons of continuing to build this regional recreation trail NEXT TO the existing railroad tracks or IN PLACE OF the railroad tracks.

Questions the study should address will include:

- How much would it cost to complete the entire trail project (+/- 10 miles) by building the path alongside the railroad tracks?
- How much would it cost to complete the entire trail project (+/- 10 miles) by replacing the tracks with the trail?
- What is the economic impact to the region and the state of NH based on the current use of the rail system?
- What would the economic impact to the region and the state of NH be with a completed trail system from Weirs Beach to Franklin in place of a rail system?
- What recreation, transportation and health benefits might be realized from a completed rail trail from Weirs Beach to Franklin?
- How would a completed trail system, in place of rail, impact the snowmobile community?
- Is it feasible for the current lessee, Plymouth & Lincoln Railroad, to continue to operate the tourist trains and maintenance business with an interrupted line?
- If the current rail line was interrupted from Weirs Beach to Northfield to construct a trail, what impact would this have on tourism and future commercial rail uses?

Councilor Lipman moved to approve Resolution 2018-30 - Railroad Corridor Study as presented, seconded by Councilor Hosmer;

Councilor Bownes stated that he is in support of this resolution.

Mayor Engler called the question; the *motion passed with all in favor.*

20.E. **Request to authorize 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 in connection with the application and study**

Mayor Engler explained the reason for this. In order for a study to be completed, the contractor would need permission from the NH DOT for access to the privately owned rails.

Councilor Haynes moved to authorize 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 in connection with the application and study, seconded by Councilor Hosmer; the ***motion passed with all in favor.***

21. UNFINISHED BUSINESS

21.A. **Motorcycle Week Trademark License Agreement with Laconia Harley Davidson**

Councilor Hamel moved to approve the attached Laconia Motorcycle Week Rally Trademark License Agreement between the City of Laconia and Laconia American Road, LLC and authorize the City Manager to execute all necessary documents, seconded by Councilor Cheney; the ***motion passed with all in favor.***

22. COUNCIL COMMENTS

Councilor Cheney asked if someone from either Public Works or Parks and Rec could explain to the Council what the progress is and what is being done at Perley Pond.

Councilor Cheney also expressed his concern that the sight of view is being lost at the cove at Opechee Park and would like to know what is being done about that. Would like a description from Parks at the next meeting.

Councilor Cheney would like an update from Code Enforcement in regards to any code enforcement issues that have been long standing problems and how we are going to start enforcing the problems. Mayor Engler did note that at one point it was due to the lack of staffing. Councilor Cheney did speak with the Director of Code and letters are being sent, but wants to know if the Council could do anything to help with these long standing code enforcement issues.

Councilor Cheney brought up the subject of unaccepted roads, in particular Pendleton Beach Road. The residents of this road would like to know when they will be receiving letters in regards to plowing sooner rather than later. Councilor Cheney has spoken with the DPW Director and knows his plan but thinks it would only be right for the residents to be aware as well.

City Manager Myers stated the Pendleton Beach Road is a private road and the Home Owners Association is well aware that this road will not be plowed by the City unlike years in the past.

Councilor Cheney asks that letters be sent to the individual home owners, not just the Home Owners Association.

Councilor Cheney would like something from the staff in regards to the Air BnB issue. City Manager Myers reminded the Council that the State Legislature is aware of the Air BnB's and they are trying to come up with proper legislature. Councilor Cheney has had constituents address him in regards to homes being advertised inappropriately and trash being left out numerous days before trash pickup and noise issues. City Manager Myers explained that staff has reached out to these particular property owners in regards to these issues as well as legal.

Councilor Haynes would like to thank Wes Anderson and the Department of Public Works for their help in regards to Mile Hill.

23. FUTURE AGENDA ITEMS

23.A. **Improvement of Union Ave/Elm Street intersection**

23.B. **Ordinance amendment relative to Chapter 167, Noise and Chapter 161, Licensing as it pertains to outdoor sound equipment and loudspeakers**

23.C. **Second reading of a resolution relative to the adoption of RSA 31:95-b, Appropriation of funds made available during the year**

23.D. **Master Plan**

23.E. **Milfoil Treatment funding requests**

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

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

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

23.I. **WOW Trail**

23.J. **Proposal to implement City Policies for designating emergency lanes**

23.K. **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. **Any other business that may come before the Council**

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

26. **ADJOURNMENT**

Councilor Hosmer moved to go in to a non public meeting at 9:22 pm under RSA 91-A:3, II, Item D, to discuss property acquisition sale or lease of real personal property when discussed in public, would likely benefit a party or parties whose interest are adverse to those of the general community, seconded by Councilor Haynes;

A roll call vote was taken:

Councilor Cheney - YES

Councilor Bownes - YES

Councilor Lipman - YES

Councilor Haynes - YES

Councilor Hamel - YES

Councilor Hosmer - YES

the motion passed with all in favor.

Councilor Cheney moved to exit non-public meeting at 9:55 PM, seconded by Councilor Bownes; the ***motion passed with all in favor.***

Councilor Hamel moved to seal the non-public minutes for 6 months, seconded by Councilor Haynes; 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 9:56 pm.

Respectfully submitted,

Cheryl Hebert, City Clerk

Minutes of this meeting were approved on August 27, 2018