

CITY OF LACONIA - CITY COUNCIL MEETING

September 10, 2018

7:00 P.M.

9/10/2018 - 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

Cheryl Hebert, City Clerk

4. ROLL CALL

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

Not present: David Bownes and Henry Lipman

Mayor Engler noted four (4) Councilors are in attendance and a quorum has been established.

Mayor Engler is requesting Item 18 to be moved after Item 19b. Council is in agreement.

5. STAFF IN ATTENDANCE

Scott Myers, City Manager

6. COUNCIL PROCLAMATION

7. ACCEPTANCE OF MINUTES FROM PREVIOUS MEETINGS

7.A. Regular meeting minutes of August 27, 2018

The minutes of the August 27, 2018, meeting were distributed to the Council on Wednesday, August 29, 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

Tom Tardiff, Winter Street, Ward 5 - Elm Street School pick up line at 3:00 PM is out of hand - the traffic is backed up to Parade Road and Union Ave. Mr. Tardiff recommends removing sub-lawns directly in front of Elm Street School which would allow the traffic waiting to pick their children up to move over and still allow the flow of traffic. Mr. Tardiff submitted a photo into the record with white-out marks showing his suggested idea for a new traffic pattern. This same situation is happening at the Pleasant Street School as well.

Councilor Hamel - agrees with Mr. Tardiff and has witnessed the above issue himself. Councilor Hamel asked if there was room behind the school.

T. Tardiff stated that behind the school is a playground and playing fields.

Councilor Hosmer moves that the Department of Public Works with the Police Department, does a study regarding the above traffic issue at Elm Street School as well as the same traffic issue at Pleasant Street School and submits a report to the Council, seconded by Councilor Hamel; the ***motion passed with all in favor.***

10. INTERVIEWS

11. NOMINATIONS, APPOINTMENTS & ELECTIONS

12. **COMMUNICATIONS**

13. **PUBLIC HEARINGS**

14. **PRESENTATIONS**

15. **MAYOR'S REPORT**

Mayor Engler would like to remind the public that the State Primary Election is tomorrow starting at 7 AM and ending at 7 PM. All six wards will be open. State and County offices will be on one ballot, wards one and six will each have a ballot with a candidate from each ward with an option for a write in vote, and all six wards will have a paper ballot for the At Large School Board member position. Mayor Engler also reminded everyone that party changes can not happen at a Primary Election. If you are currently Undeclared you can choose which ballot you would like and then have the chance, after you place your vote, to change back to Undeclared.

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**

Councilor Cheney noted that Lieutenant Tom Swett has retired from the Laconia Police Department. Detective Butler has been promoted to Lieutenant and promoted to Sergeant was Richard Carlson. Mayor Engler congratulates both gentlemen on behalf of the Council.

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

This item was discussed after the City Managers Report.

Paul Fitzgerald - respectfully disagrees with Planning Director Dean Trefethen and believes the City has more authority than they think they have regarding short term rentals. Mr. Fitzgerald discussed his issues with a specific property being

used as and Air BnB at 1345 Old North Main Street. This was built as a single family home and has been used as that up until this year. His understand is it is being advertised as a 20 person rental. There has been profanity, music, out door urination, fireworks, car horns, air horns, trespassing and neighbors properties being vandalized. P. Fitzgerald would like to have a discussion with the residents and the Council at some point to look at all options that are available to help with this problem. P. Fitzgerald is suggesting Code and Fire Inspections be done. It is to P. Fitzgerald's understanding that the basement at this property has been turned into a dormitory with multiple bunk beds in it.

Sarah Rosenbloom - 1359 Old North Main - Expressed her concern with the property located at 1345 Old North Main Street. The owners of this property are using it as a business rather than a residence in a residential neighborhood. Ms. Rosenbloom stated the police have better things to do then receiving calls regarding noises in a quiet neighborhood. The City should not be powerless in this situation. S. Rosenbloom suggested changes in zoning need to be made.

Dick Castrucci - 25 Leewood Drive - Spoke in regards to a Zoning Ordinance in Lake Placid, New York that has strict rules regarding short term rentals and would like to think Laconia could follow suit.

Jean Rival - 1336 Old North Main Street - Stated the City is allowing Air BnB's to undermine zoning.

Alan Gauthier - Morningside Drive - there is a Community Association in his neighborhood and there is a deed restriction stating one can not run a business out of their residence. If these people are not paying a rooms and meals tax then they probably should be and if they are paying the rooms and meals tax, then they are conducting a business in a residential area which should be against zoning.

Mark Roche - 1373 Old North Main Street - He moved to the area for a neighborhood feeling and that is what they originally had until 1359 Old North Main Street turned their property into a business which devalues his property.

Greg Peters - 1359 Old North Main Street - the Air BnB is a business and should not be allowed in a residential area.

Andrew Mercer - 1358 Old North Main Street - Concerned with the noise coming from 1345 Old North Main Street as it keeps his daughter up at night. Mr. Mercer would like the Council to ask themselves what kind of people they would like to see move into the City. How are we attracting people to come here?

Representative Charlie St. Clair - Would like the Council to approve the request for the time of the Outdoor loudspeaker license to be extended until 11:00 PM.

Councilor Hosmer would like clarity from legal counsel regarding what rights the City may or may not have regarding short term rentals and why we are waiting for enabling Legislation. Councilor Hosmer has empathy for the residents that are dealing with what seems like a Frat house in their neighborhood.

Mayor Engler agrees with Mr. Fitzgerald and would like to sit down and discuss what Laconia can enforce legally with the appropriate parties.

Councilor Hamel wants to know why zoning can not step in if that neighborhood is strictly residential how is a business being allowed.

Mayor Engler wants the answer to whether the City has the power to regulate short term rentals or not.

Councilor Haynes believes this is an enforcement issue and some things are getting out of control.

Councilor Cheney suggests that staff have discussion with Mr. Fitzgerald and the Municipal Attorney Group.

19. CITY MANAGER'S REPORT

19.A. Financial and Operational Trends Report

City Manager Myers reviewed the report. City Manager Myers introduced the new EMS Billing report and explained the report in detail and how adjustments are still being worked on. Councilor Hosmer requests that percentages be added to the EMS report. City Manager Myers also reminded the Council with this billing the monies coming in are not usually with in the same month they are billed. The lag time could be up to 90 days.

19.B. Discussion of Short Term Rentals

Dean Trefethen, Planning Director discussed the issue of short term rentals. An information sheet was passed out to the Council and submitted into the record. Under current NH Law the banning of short term rentals is not

allowed. D. Trefethen also made note that a lot of the complaints that his department has been receiving are in regards to noise complaints, trespassing, and trash being left on the side of the road for a number of days. The department has been directing these calls to the police department and Public Works.

Councilor Cheney is concerned with the number of people and vehicles at these locations at one given time. Councilor Cheney would like to see a solution to this issue sooner rather than later.

City Manager Myers stated that one of the policies being worked on at the NH Municipal Association level is regarding short term rentals. The Council would like to see this item be brought up to a higher tier if it is only at the policy making level with the NH Municipal Association.

D. Trefethen also noted that these properties are not always being rented out by them but could be rented out by some one renting or leasing from the property owner. Legal Counsel has stated that NH is still a property owner state, meaning the property owner can do what they want with their property in regards to this topic.

20. NEW BUSINESS

20.A. **First reading of Resolution 2018-31 relative to authorizing the City Manager to accept and expend a grant on behalf of the City in the amount of \$13,694.51 for DWI/DUI Patrols, and request to schedule a public hearing on September 24, 2018 during the regular City Council meeting**

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

Councilor Hamel moved the first reading of Resolution 2018-31 relative to authorizing the City Manager to accept and expend a grant on behalf of the City in the amount of \$13,694.51 for DWI/DUI Patrols, seconded by Councilor Hosmer; the *motion passed with all in favor*.

Councilor Hosmer moved to schedule a public hearing on September 24, 2018, during the regular City Council meeting, seconded by Councilor Haynes; the *motion passed with all in favor*.

20.B. **First reading of Resolution 2018-32 relative to authorizing the City Manager to accept and expend a grant on behalf of the City in the amount of \$6,194.35 for Distracted Driving Enforcement Patrols, and request to schedule a public hearing on September 24, 2018 during the regular City Council meeting**

Councilor Hosmer 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 Hamel moved the first reading of Resolution 2018-32 relative to authorizing the City Manager to accept and expend a grant on behalf of the City in the amount of \$6,194.35 for Distracted Driving Enforcement Patrols, seconded by Councilor Cheney; the *motion passed with all in favor*.

Councilor Hosmer moved to schedule a public hearing on September 24, 2018, during the regular City Council meeting, seconded by Councilor Haynes; the *motion passed with all in favor*.

20.C. **First reading of Resolution 2018-33 relative to authorizing the City Manager to accept and expend a grant on behalf of the City in the amount of \$11,815.58 for Sustained Traffic Enforcement Patrol (STEP), and request to schedule a public hearing on September 24, 2018 during the regular City Council meeting**

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 Cheney moved the first reading of Resolution 2018-33 relative to authorizing the City Manager to accept and expend a grant on behalf of the City in the amount of \$11,815.58 for Sustained Traffic Enforcement Patrol (STEP), seconded by Councilor Hosmer; the *motion passed with all in favor*.

Councilor Cheney moved to schedule a public hearing on September 24, 2018, during the regular City Council meeting, seconded by Councilor Haynes; the *motion passed with all in favor*.

20.D. **Request to extend hours of operation of sound equipment and/or loudspeakers for Biketemberfest**

Councilor Cheney moved to approve the request to extend hours of operation of sound equipment and/or loudspeakers for Biketemberfest from 10:00 pm to 11:00 pm for the duration of this year's event, seconded by Councilor Hosmer; the ***motion passed with all in favor.***

Mayor Engler would like to ask the Council if these types of requests should continue to come before the Council or to be handled administratively. The Council agrees to allow the City Manager to handle these items administratively.

21. **UNFINISHED BUSINESS**

22. **COUNCIL COMMENTS**

Councilor Cheney would like to thank his wife of 35 years for dealing with him and that they have been the best years of his life and wished her a very Happy Anniversary.

Councilor Hamel mentioned that the Multicultural Festival took place on Saturday, September 8, 2018, and there was a great turn out.

Councilor Haynes is amazed on how well the dog park came out and thanks the organizers for all their hard work. Councilor Haynes commended Kevin Dunleavy for all of his hard work.

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**

With no further business to come before the Council and hearing no objection, Mayor Engler adjourned the meeting at 9:10 PM.

Respectfully Submitted,

Cheryl Hebert, City Clerk

MINUTES OF THIS MEETING WERE APPROVED ON SEPTEMBER 24 2018