

**CITY OF LACONIA - CITY COUNCIL MEETING**  
**September 23, 2019**  
**7:00 P.M.**

9/23/2019 - Minutes

**1. CALL TO ORDER**

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

**2. SALUTE TO THE FLAG**

Councilor Hamel 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 quorum has been 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. Regular meeting minutes of September 9, 2019**

Minutes of the meeting were distributed to the Council on Tuesday, September 10, 2019. With no corrections or changes submitted to the Clerk, the minutes will be accepted as distributed.

**8. CONSENT & ACTION ITEMS**

**8.A. Temporary Traffic Order 2019-15, Penny Pitou Community Blood Drive**

Councilor Hamel moved to approve Temporary Traffic Order 2019-15, Community Blood Drive, to be held on Saturday, October 5, 2019 from 9:00 am to 2:00 pm, seconded by Councilor Haynes; the *motion passed with all in favor.*

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

No comments from the public were made

**10. INTERVIEWS**

**11. NOMINATIONS, APPOINTMENTS & ELECTIONS**

**11.A. Request to reappoint Wesley Anderson as the City's representative to the Winnepesaukee River Basin Program Board for a three-year term expiring at the end of September, 2022**

Councilor Hosmer moved to reappoint Wesley Anderson as the City's representative to the Winnepesaukee River Basin Program Board for a three-year term expiring at the end of September, 2022, seconded by Councilor Hamel; the ***motion passed with all in favor.***

12. **COMMUNICATIONS**

13. **PUBLIC HEARINGS**

13.A. **Public hearing relative to Ordinance 2019-201-13 relative to updating the City's Ordinances on obstructing sidewalks**

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

Mayor Engler opened the public hearing at 7:06 pm.

Hearing no comments from the public, Mayor Engler closed the public hearing at 7:07 pm.

13.B. **Public hearing relative to Ordinance 2019-47, relative to updating the City Ordinances relative to parking fines**

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

Mayor Engler opened the public hearing at 7:08 pm.

Hearing no comments from the public, Mayor Engler closed the public hearing at 7:09 pm.

14. **PRESENTATIONS**

15. **MAYOR'S REPORT**

Mayor Engler spoke of the grand opening of the Chaos and Kindness store and would like to thank them for bringing such positivity to the City of Laconia. Mayor Engler stated from all reports the event was well attended and was a positive event. Mayor Engler also extended his gratitude to all of the City employees that had a hand in pulling this event together in such a short amount of time. Mayor Engler also extended his gratitude on behalf of the City to Michelle Dupont from the Opechee Inn and Spa to open up her parking lot to host the event.

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.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**

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

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

Councilor Bownes stated there was a final committee meeting and the proposal will go before the Planning Board in the beginning of October.

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

This item will be discussed under the City Managers Report.

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

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

17. **LIAISON REPORTS**

Councilor Haynes stated the Heritage Committee met and two demolition permits were discussed but nothing regarding St. Joseph's Church.

Councilor Cheney complimented the Laconia Police Department Color Guard who participated in the opening ceremonies at the New England Patriots game yesterday (September 22, 2019) in Foxboro. For those that would like to watch the presentation, it is on the Laconia Police Department Facebook page.

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

Tom Tardiff, Winter St. - Expressed his concern about the second reading that is scheduled for tonight regarding parking on sidewalks. Mr. Tardiff does not feel this Ordinance is necessary and that all sidewalks should be handicap accessible. He stated most of the streets in Laconia are 30 to 40 feet wide. Mr. Tardiff stated if this Ordinance was adopted tonight, the Public Works Director would need to paint all the white lines delineating the yellow lines. Mr. Tardiff spoke of Winter Street specifically and stated if the vehicles couldn't park on the sidewalks the school buses would not be able to pass safely.

Mayor Engler responded to Mr. Tardiff's comment and explained that it is already illegal within the City to park on any sidewalk and what the Council will be voting on this evening is to change some of the language within the Ordinance by striking out the words punishable by imprisonment.

Mr. Tardiff also submitted into the record a laminated piece of paper regarding rule 27.

Jeannette Van De Water, 1A Gables Drive - She is new owner to Laconia. They purchased their home with the hopes of being able to utilize short term rentals to help with the expenses of their new home.

Sara Rosenbloom, 1359 Old North Main Street - Spoke of the short term rentals. She stated she spoke of this same topic last year when she was having issues with her neighbor renting out their home. Mrs. Rosenbloom doesn't have any issues with the stipulations that the City is proposing this evening. What she

would like to see happen is that a stipulation be added regarding owners that do not live locally. There should be a requirement that the owner doing a short term rental, it should be their primary residence.

Mayor Engler reminded the public that the City Council approved a suggested Ordinance change regulating Short Term Rentals. He also reminded the public that as of right now, it is not legal to be operating a short term rental business within the City of Laconia unless you are in the Weirs. That Ordinance has been on the book for decades.

Marc Burrell, 68 Warren St - Addressed Ms. Rosenbloom's concern regarding Air BnB. It wasn't designed to undermine hotels, it was designed to provide a more personal service.

Paula Hiuser - Stated she is on her fourth season of being a super host with Air BnB. She is not at the property while she is renting it out but is only in Meredith. This is her primary residence. She stated that the Air Bnb is a wonderful platform. Mr. Heiser stated that Air Bnb is a good thing for Laconia because it brings in new people and profits for the City and local businesses.

Kevin Morrisette 518 Shore Drive - He also owns 226 Eastman Shore Road and has rented it out since the day he purchased it. It is basically rented for Motorcycle Week and maybe eight (8) other weeks throughout the year. Mr. Morrisette questioned the proposed abutter notification and the definition of the short term lodging.

Dick Astrucchi - He spoke of the proposals from July 18, 2019 and August 14, 2019. He only saw one paragraph removed. Mr. Astrucchi questioned how the determination of parking spaces will be allowed and if there will be any stipulations for homeowners that live out of town. Another issue that he is concerned with is the septic capacity.

## 19. **CITY MANAGER'S REPORT**

### 19.A. **Project Updates Report**

City Manager Myers reviewed the report.

Councilor Lipman would like to see a better format put together when it comes to the road construction so the public has a better understanding what the end goal is. City Manager Myers stated the public can always look on the City website ([www.laconianh.gov](http://www.laconianh.gov)) for project updates as well as the weekly newsletter that goes out on Fridays. City Manager Myers will look to improve the communication with the public on the projects that are happening throughout the City.

### 19.B. **Monthly Economic Development Report**

City Manager Myers reviewed the report.

City Manager Myers would like to reappoint Ken Malone to another five (5) year term to the Laconia Housing Authority Board of Commissioners.

City Manager Myers submitted an aerial view of Scenic Road into the record and discussed the details of it with the Council. City Manager Myers stated that Chief Canfield has added extra patrol in this area. The installation of the solar powered radar feedback speed limit sign, solar powered flashing yellow beacon, and painting 30 mph emblem on the pavement will be installed in the spring and will roughly cost around \$7,000.

Discussion was had pertaining to the Weirs Beach restoration process.

## 20. **NEW BUSINESS**

### 20.A. **Temporary Traffic Order 2019-16 - 2019 Pumpkin Festival**

There have been some slight changes from last years request that is why this is under new business.

Councilor Hosmer moved to approve Temporary Traffic Order 2019-16 for the 2019 Pumpkin Festival as presented, pending approval by the Special Events Review Committee, seconded by Councilor Bownes; the ***motion passed with all in favor.***

20.B. **Amend City Code Zoning 235-41, adding a new section M Short Term Lodging and adding a new definition for the same at 235-13**

Councilor Bownes gave a brief history of the short term lodging topic. This type of platform is illegal in all areas of Laconia except the Commercial Resort Zone. He explained that this topic was referred to the Planning Board for recommendations. What came from the Planning Board is what is before the Council this evening.

Planning Director Trefethen reviewed the provisions proposed to the Council. Some of the key points were: permits for all short term rentals with the Planning Department, notification of abutters, occupancy limits, banning of on-street parking, and safety inspections. Director Trefethen address some of the residents comments that were presented tonight. Director Trefethen explained that the Planning Board decided that for every 200 square feet of the home would allow one person, therefore a 1,000 square foot home would allow five (5) occupants. There will be an appeal process through the Zoning Board of Adjustment for both the applicants as well as the abutters. There has been considerable research done throughout the State to see what other communities are doing with short term rentals, and Laconia is the first to try and regulate it. Other communities are waiting to see what Laconia does.

Mayor Engler submitted a document into the record dated 9/23/2019, titled Short-Term Lodging - EJE notes for 9/23/2019 City Council Meeting. Mayor Engler stated it was important to maintain the residential character of the neighborhoods and to preserve the housing stock. The Council was in agreement with the suggestions from the Mayor.

Mayor Engler stated the Council informally agreed as to what they wanted as a philosophy for the short term rentals. Mayor Engler read the preamble to what is being proposed tonight.

Discussion was had among the Council regarding the pros and cons of trying to regulate short term lodging. Council wants to know if this is more of an enforcement issue. The Council agrees that neighborhoods need to be preserved as residential.

Mayor Engler read his document into the record that he presented to the Council earlier this evening:

1. Short-term lodging (see definition) is prohibited in all zones except Commercial Resort and Shorefront Residential.
2. Short-term lodging definition shall be amended to state the ordinance applies to any rental of less than 90 consecutive days at a time.
3. Short-term loding definition shall be amended to state that the owner-occupied buildings are exempted from the ordinance.
4. Owner-occupied buildings shall be defined as those where the owner lives on the premises for not less than a total of 150 days per year.
5. Short-term lodging is not permitted under any circumstances in zone Industrial Park, Industrial, and Airport Industrial.

6. As proposed by the Planning Board, all short-term rental businesses (regardless of zones) must obtain a short-term lodging permit under the terms and conditions suggested.

It was the consensus of the Council that a vote would not be taken tonight due to the fact that there are still many questions to be answered. It was suggested to send this back to the Planning Department for further review with the suggestions stated above.

This item will remain under Unfinished Business.

20.C. **Request for an emergency purchase of a new inflatable/towable rescue boat for the fire department**

Chief Kirk Beattie explained the need for his request for a new inflatable/towable rescue boat for the fire department.

Councilor Hamel told the Council that a few weeks ago there was an incident that required the Fire Department to use a boat and because their boat is out of service they had to call in to Gilford for help. Due to this reason, Councilor Hamel stated this is a request that he agrees with and hopes the Council does as well. Councilor Hamel would like to see the money for this request come from the Motorcycle Week Fund rather than the Non-Capital Reserve Account.

Councilor Hamel moved to approve the purchase of a new inflatable/towable rescue boat for the fire department with funds from the Motorcycle Week Special Revenue Account, in an amount ranging from \$18,000 to \$21,000 based on the awarded bid through the City's purchasing process, seconded by Councilor Haynes ; the ***motion passed with five (5) in favor.***

Councilor Bownes was absent for this vote.

21. **UNFINISHED BUSINESS**

21.A. **Second reading and approval to update the City's Ordinance on obstructing sidewalks and parking fines**

Councilor Hosmer moved to waive a reading of Ordinance 2019-201-13 in its entirety and to read by title only, seconded by Councilor Cheney; the ***motion passed with all in favor.***

Councilor Hosmer moved a second reading of Ordinance 2019-201-13, relative to amending Chapter 201, Streets and Sidewalks, seconded by Councilor Cheney; the ***motion passed with all in favor.***

Councilor Hosmer moved to approve Ordinance 2019-201-13, relative to amending Chapter 201, Streets and Sidewalks, seconded by Councilor Cheney; the ***motion passed with all in favor.***

Councilor Haynes moved to waive a reading of Ordinance 2019-221-47 in its entirety and to read by title only, seconded by Councilor Hosmer; the ***motion passed with all in favor.***

Councilor Hamel moved a second reading of Ordinance 221-47, relative to amending Chapter 221, Vehicles and Traffic, seconded by Councilor Haynes; the ***motion passed with all in favor.***

Councilor Haynes moved to approve Ordinance 2019-221-47, relative to amending Chapter 221, Vehicles and Traffic, seconded by Councilor Cheney;

Councilor Bownes does not agree with the increases.

Mayor Engler called the question: the ***motion passed with four (4) in favor, two (2) opposed (Bownes and Cheney).***

21.B. **Resident request for a four way stop sign at the intersection of Sheridan and School Streets**

Councilor Lipman moved to remove this item from the table, seconded by Councilor Cheney; the *motion passed with all in favor.*

City Manager Myers stated that no public input has been received regarding this topic.

Councilor Hosmer moved the approval of Public Works installing a stop sign on the dead end leg of School Street, at the intersection of Sheridan Street and School Street, seconded by Councilor Bownes; the *motion passed with all in favor.*

22. **COUNCIL COMMENTS**

Councilor Hamel attended most of the Chaos and Kindness Event and it went very well. Councilor Hamel extends many thanks to City Manager Myers and his staff for everything they did to get the event to take place.

Councilor Hamel also addressed the carpet at the Police Department. He would like the other Councilors to visit the Police Department and assess the carpet that needs replacing. He would like to take a vote at the next meeting to replace the carpet and use money from the Non-Capital Reserve Account. The replacement of the carpet would approximately cost \$23,000.

City Manager Myers noted that the Blues Festival also had a great event, as well has Laconia High School's Homecoming.

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

23.H. **Weirs Beach Restoration Project**

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 9:34 pm.

Respectfully submitted,

Cheryl Hebert, City Clerk

MINUTES OF THIS MEETING WERE APPROVED BY COUNCIL ON OCTOBER 15, 2019