



**LACONIA CITY COUNCIL MEETING  
JANUARY 25, 2016  
CITY HALL – CONFERENCE ROOM 200A  
7:00 P.M.**

**CALL TO ORDER:** Mayor Edward Engler called the meeting to order at the above date and time.

**SALUTE TO THE FLAG:** Councilor Brenda Baer led the Salute to the Flag.

**RECORDING SECRETARY:** City Clerk Mary Reynolds

**ROLL CALL:** City Clerk Reynolds called the roll with the following Councilors in attendance: Councilor Ava Doyle, Councilor Henry Lipman, Councilor Brenda Baer, Councilor Robert Hamel and Councilor Armand Bolduc.

Mayor Engler noted that five (5) Councilors are in attendance and a quorum is established.

**STAFF IN ATTENDANCE:** City Manager Scott Myers and Finance Director Donna Woodaman

**ACCEPTANCE OF MINUTES OF PREVIOUS MEETINGS:**

1. Regular meeting minutes of January 11, 2016

Minutes of the regular meeting were distributed by City Clerk Reynolds on January 20, 2016 and no corrections have been received. With no further corrections from the Council the minutes are accepted as distributed.

Councilor David Bownes joined the meeting at 7:02 p.m.

**CONSENT AND ACTION CALENDAR:**

1. Temporary Traffic Order 2016-02, Laconia Little League Opening Day Parade

*Motion to approve as presented made by Councilor Bolduc and seconded by Councilor Hamel; vote was 6-0 and the **motion passed**.*

**CITIZEN COMMENTS FOR MATTERS NOT ON THE AGENDA:** NONE

**INTERVIEWS:** NONE

**COMMUNICATIONS:** Mayor Engler received a post card from the Laconia Heritage Commission thanking them for their efforts to save the oak tree on Union Ave, which was done by Council resolution requesting the Planning Board to amend their approval of the site plan.

**PUBLIC INPUT:**

1. Review of zoning in the Weirs Beach Commercial Resort (CR) Zone

Time has been set aside for public comment on reviewing zoning in the Weirs Beach area, specifically the Commercial Resort (CR) Zone. Letters were sent on December 17, 2015 notifying property owners with significant amounts of land or frontage in the Rt. 11B and Rt. 3 area (from White Oaks Rd. to the Meredith town line) of the dates of these meetings.

No members of the public were in attendance to address this topic. Mayor Engler reviewed maps of the City identifying under developed and undeveloped commercial areas; a list of commercial development potential in the City was also reviewed and it was noted that 80% of the under developed and undeveloped commercial property is in the zone being discussed. Additionally 85% of the tax burden falls on residential and 15% falls on commercial, when a healthy amount is 60-70% residential in most cities.

Councilor Bownes asked if there has been any input from anyone regarding this item. Mayor Engler noted that several contacts have been made to the City Manager's Office and there have been others scheduled to come that had conflicts. Councilor Bownes noted that only one person has actually commented and recommended sending this to the Zoning Task Force for review because there are other ways to incorporate efforts, such as tax incentives.

Mayor Engler commented that his general thought is that in March there would be a formation of the recommendation to the Planning Board and at that time ask them to do a more expansive study. Councilor Bownes stated that he does not disagree but he feels that in February there will be just as much input as there has been now.

Councilor Lipman commented that he appreciates the direction of this item and he feels that the knowledge that we need to expand on our commercial tax burden is good to know.

Councilor Hamel asked if there is an opportunity to delay this until the spring when more property owners are local and not at their winter homes. Mayor Engler replied that this is a long process and this needs to be incorporated into the Master Plan, therefore waiting too long is not an option. It was also noted that a directive was given to the Planning Board last year in a vague sense and there was little comment from the public until the end of the process.

## **PRESENTATIONS:**

### 1. Comprehensive Annual Financial Report (CAFR)

Pat Mohan from Melanson Heath and Company presented the CAFR to the Council and noted that the City is in compliance with standard financial practices at this time. The public may view the CAFR by visiting the "Current Reports" at [www.cityoflaconianh.org](http://www.cityoflaconianh.org) or in the Finance and City Clerk's Offices at City Hall.

P. Mohan reviewed the Management Letter and noted that there are no material weaknesses or deficiencies. Comments from the previous audit were addressed and it was noted that procedural items have been addressed as requested. Current year recommendations include to improve Trust Fund accounting, Laconia Airport Authority separation from the City,

Mayor Engler thanked Finance Director Woodaman and Assistant Finance Director Woodaman for the efforts on this report.

Follow-up of the Management Letter was discussed and how it will be implemented internally. Council will be updated at the approximate mid-year time frame.

Councilor Hamel asked what is done with the single line audits. Finance Director Woodaman advised that programs over \$300,000, which included federal grant allocations, are tested to ensure procedures are followed. It is also at the discretion of the auditors to review any account they choose.

City Manager Myers thanked the various City departments for their prudence throughout the year because without it the General Fund would not have an inflow.

**PUBLIC HEARING:** NONE

**MAYOR'S REPORT:** Mayor Engler made committee and liaison appointments to be the same as currently standing as listed in the attached outline. Councilor Bownes indicated he would like to be included as a fourth member of the Land and Buildings. It was reviewed by Clerk Reynolds that Council Rule 24 permits only three (3) members and a change to the Council Rules would need to be formally adopted. Mayor Engler and Councilor Hamel advised that any Councilor choosing to attend a meeting and be seated in the audience are always welcome to do so.

Mayor Engler reminded the Council that there will be a Goal Setting session scheduled for February 5, 2016 from 1:00 p.m. to 4:00 p.m. This session will be open to the public.

**CITIZEN REQUESTS TO COMMENT ON CURRENT AGENDA ITEMS:** NONE

**COMMITTEE REPORTS:**

*\*Not all items in this section may be acted on. Reports and updates will be made as necessary.*

1. **FINANCE:** (Lipman, Hamel, Baer)
  - a) WOW Trail Fund
  - b) Downtown TIF Financing
2. **PUBLIC SAFETY:** (Baer, Doyle, Bownes)
  - a) Fair St./Court St. traffic problems and accidents
3. **GOVERNMENT OPERATIONS & ORDINANCES:** (Doyle, Bolduc, Bownes)
  - a) Ordinance Amending Chapter 221, Vehicles and Traffic/Parking on Sublawns
  - b) Review of Chapter 167, Noise and Chapter 161, Licensing as it pertains to outdoor sound equipment and loudspeakers
  - c) Procedural review for grant applications
4. **PUBLIC WORKS:** (Bolduc, Baer, Bownes)
  - a) Review of proposed speed table on Summit Avenue
5. **LAND & BUILDINGS:** (Hamel, Lipman, Bolduc)
  - a) Repair & maintenance of City Buildings
  - b) Downtown parking garage

**LIAISON REPORTS:** Councilor Bownes reported that the applicant removed his application to remove the oak tree on Union Ave.

**MANAGER'S REPORT:**

City Manager Myers reviewed the Project Updates and the Quarterly Recycling Report.

Councilor Baer congratulated City Manager Myers on his position as the Chair of the New Hampshire Municipal Association.

**NEW BUSINESS:**

1. First reading of resolution 2016-02 relative to acceptance of donations from Spinnaker Cove Yacht Club for the Black Brook Geomorphic Study in the amount of \$500 and a request to schedule a public hearing on February 8, 2016 during the regular Council Meeting

City Manager Myers reviewed the donation and its use with the Council.

*Motion to waive a reading of the resolution in its entirety and to read by title only by Councilor Baer and seconded by Councilor Hamel; the vote was 6-0 and the **motion passed.***

*A first reading of resolution 2016-02 to accept donation from Spinnaker Cove Yacht Club for the Black Brook Geomorphic Study in the amount of \$500 and to schedule a public hearing for February 8, 2016 during the regular Council Meeting moved by Councilor Bolduc and seconded by Councilor Baer; vote was 6-0 and the **motion passed.***

2. City Council action granting approval for the Mayor or City Manager to sign the "Certificate of Final Completion of Work" required by the State DOT related to the rehabilitation of the Main St. Bridge

City Manager Myers reviewed the request in detail with the Council.

*Motion to approve the authorization for the City Manager to sign the Certificate of Final Completion as requested by Councilor Lipman and seconded by Councilor Bownes; vote was 6-0 and the **motion passed.***

**UNFINISHED BUSINESS:**

1. Offer to purchase City-owned property on Davis Place, and request to schedule a public hearing

City Manager Myers took direction from the Council to reach out to Harry Bean regarding his offer. A clarified offer has been received from H. Bean for parcel 412-60-59 and 426-60-22 located adjacent to his property. A memorandum was also received from Planning Director Shanna Saunders indicating that the land cannot be altered because it is in a waterbody buffer under State of NH DES guidelines and would require a conditional use permit. It was advised that any dead vegetation could be handled and removed but any live vegetation would need to be maintained because it is within the buffer.

Mayor Engler advised that this item was placed on the table at the last meeting and a motion is necessary to remove it from the table.

Councilor Bownes commented that he is not necessarily opposed but questions the offer. It is his understanding that Mr. Wylie has made offers for the property in the past and it was refused. Councilor Bownes further stated that the fair market value of the property is unknown and there is reluctance to sell without an appraisal.

Mayor Engler invited H Bean to address the Council. H Bean advised that there is a parking area in an open area and it was requested by an abutter so that the parking lot could not be expanded; this area is not the same section and is a wooded area along the brook that has become a dumping ground for the public.

Councilor Hamel clarified that just the wooded area is being requested. H. Bean replied that he does not want any parking areas or grass and wants to make it look nice just like he has with other properties in the City.

Mayor Engler advised that the lots on Davis Place that currently have houses on them have a land value of \$30,000 and this lot is not able to be developed. In discussion with the Assessor it would increase the value of H. Bean's lot by \$10,800. The tax map with the lots was reviewed with the Council.

H. Bean advised the Council that he was told by the Assessor's office that the value of the property was \$6,000 to \$7,000. With a purchase price of \$1,000 and additional fees of \$5,000, that would come to a value noted by the Assessor. Councilor Bownes asked if H. Bean felt that not making a fair market value offer on the property should be accepted by the Council. H. Bean replied that that he thought putting the property on the tax rolls and having the property maintained was fair.

Councilor Hamel asked if the \$5,000 cost was accurate. H. Bean replied that the surveyor that completed the rebuild of the apartment units gave that quote.

Councilor Bolduc stated that he can't see why the City would not want to sell this property and noted that there was small lot on Gilford Ave sold in the same manner. Selling the property to H. Bean would be in the best interest.

Councilor Baer asked if an easement was being requested. City Manager Myers replied that there wouldn't be a need. Councilor Baer commented that she feels there have been other offers. City Manager Myers advised that he has spoken with Mr. Wylie and he brought an offer to purchase a parcel as well, which will be on the Council agenda in two (2) weeks, and it was discussed having an easement to maintain a Riverwalk segment and it was indicated that he wasn't willing.

*Motion to remove from the table made by Councilor Doyle and seconded by Councilor Bolduc; vote was 6-0 and the **motion passed.***

In accordance with §183-7 and §183-8 of the City Code the Council would need to hold a public hearing to make a declaration of City owned property as surplus which would then allow for the unsolicited sale of the property if the Council should choose.

*Motion to schedule a public hearing on February 8, 2016 during the regular Council Meeting regarding the declaration of City owned property on Davis Place as surplus by Councilor Bolduc and seconded by Councilor Doyle;*

Councilor Bownes stated that he feels this action is premature and not an appropriate way to conduct business. Councilor Lipman noted that scheduling a public hearing does not mean the City needs to take any action.

Mayor Engler called the question. *Vote was 5-1 and the **motion passed.** (Ayes: Doyle, Lipman, Baer, Hamel, Bolduc; Nays: Bownes)*

2. Second reading of a resolution relative to authorizing the City Manager to accept and expend grants on behalf of the City in the amount of \$19,956.30 for Laconia DWI Patrols

Mayor Engler advised that a confidential memorandum has been received and is considered attorney/client and is not public. Reference to the memorandum in general description is permitted but making quotes from the memorandum is not. If the Council would like to make this memorandum public they would need to do so with a formal motion.

*Motion to release to the public a memorandum dated January 21, 2016 from Attorney Jae Whitelaw of the Mitchell Municipal Group of Laconia, to the City Manager Scott Myers regarding Councilor Resolution 2016-1, DWI Patrols made by Councilor Hamel and seconded by Bolduc; vote 6-0 and the **motion passed**.*

No further comments were made by the Council.

*Motion to remove from table made by Councilor Bolduc and seconded by Councilor Hamel; vote was 6-0 and the **motion passed**.*

*Motion to waive a reading of the resolution in its entirety and to read by title only by Councilor Bolduc and seconded by Councilor Baer; the vote was 6-0 and the **motion passed**.*

*A second reading of resolution 2016-01 as presented was moved by Councilor Doyle and seconded by Councilor Bownes*

It was noted that the questions regarding the Chief of Police authority and the City Manager authority have been confirmed by the City Attorney.

Mayor Engler called the question; *vote was 6-0 and the **motion passed**.*

#### **NOMINATIONS, APPOINTMENTS & ELECTIONS: NONE**

**COUNCIL COMMENTS:** Councilor Baer requested clarification on the surplus designation request. City Manager Myers confirmed that nothing other than what was requested is being discussed and no other portions.

Councilor Hamel asked if an assessment could be done of each portion of the lots. City Manager Myers replied that an appraisal would be for its highest yield and it could be skewed. It would be difficult to have comparables for the property because of the unique nature of the lots requested. Councilor Bownes asked if an assessment could be done to get a fair market value. City Manager Myers replied that it would add \$10,800 of assessed value of the property and that is very different than what an appraisal would come back.

Mayor Engler added that one of the issues is that we are not discussing a current lot with value and we are talking about something completely different because the value is based on the use. Council discussion followed regarding the value of the property.

#### **NON - PUBLIC SESSION: NONE**

#### **FUTURE AGENDA ITEMS**

1. Ordinance amendment relative to Chapter 167, Noise and Chapter 161, Licensing as it pertains to outdoor sound equipment and loudspeakers (tabled at the meeting of 9/28/15)

2. Second reading of a resolution relative to the adoption of RSA 31:95-b, Appropriation of funds made available during the year (tabled at the meeting of 11/23/15 pending the outcome of legal matters)
3. Milfoil Treatment Funding Request
4. WOW Trail
5. Master Plan
6. Sewer & Water Master Plan
7. Single Stream Recycling/Concord Co-Op/Solid Waste Disposal Cost Reduction
8. Strategic Planning/Goal Setting

**ADJOURNMENT:** *Motion to adjourn at 9:42 p.m. made by Councilor Bolduc and seconded by Councilor Lipman; vote was 6-0 and the **motion passed.***

Respectfully Submitted:

Mary A Reynolds  
City Clerk

**These minutes were accepted by the City Council as distributed on February 8, 2016**