



**LACONIA CITY COUNCIL MEETING
FEBRUARY 9, 2015
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.

ROLL CALL:

Deputy City Clerk Anders called the roll with the following Councilors present: Councilor Doyle, Bownes, Lipman, Baer, Hamel, and Bolduc and Mayor Engler. Also, City Manager Myers and Finance Director Donna Woodaman.

ADOPTION OF MINUTES OF PREVIOUS MEETINGS:

1. Regular meeting minutes of January 26, 2015

*Councilor Bolduc moved to adopt the minutes from January 26, 2015. Seconded by Councilor Hamel. **The motion passed unanimously.***

AWARDS/PROCLAMATIONS: NONE

CONSENT AND ACTION CALENDAR:

1. Laconia Motorcycle Week Association - Bike Show and Swap Meet - Request to raise funds at Opechee Park on June 19, 2015 from 7 am to 3 pm

*Motion made by Councilor Bolduc to approve the Laconia Motorcycle Week Association's request to raise funds at Opechee Park on June 19, 2015 from 7 am to 3 pm. Seconded by Councilor Doyle. **The motion passed unanimously.***

2. Cystic Fibrosis Foundation - Northern New England Chapter - Request to raise funds at the annual Great Strides Fundraising Walk at Opechee Park on May 17, 2015 from 7 am to 1 pm

Motion made by Councilor Bolduc to approve the Northern New England Chapter Cystic Fibrosis Foundation's request to raise funds at the annual Great Strides Fundraising Walk at

*Opechee Park on May 17, 2015 from 7 am to 1 pm. Seconded by Councilor Hamel. **The motion passed unanimously.***

CITIZEN COMMENTS FOR MATTERS NOT ON THE AGENDA:

Mayor Engler stated this is when anyone present could offer comment on any item not on the agenda.

Kathy Matthews, owner of Sharky's Dogs, rents two spots on the City's Boardwalk during Motorcycle Week. She sells only sausages, burgers and hot dogs and drinks. She told Council that last year there was a problem with another vendor that was placed next to her who sold what she sold and more items, and wondered, if that vendor will be allowed back. City Manager Myers noted that only 2 of the 5 spots on boardwalk for food. The rest of the vendors, out of the 13 vendors on the boardwalk, were non food vendors. The vendors are placed in one area where Public Works set up the infrastructure for gray water. K. Mathews has been a vendor for 4 years and lives locally. City Manager Myers noted this has been an ongoing battle and during Motorcycle Week there are multiple staff inspecting the vendors daily. K. Matthews questioned if there was legislative authority to change the non-exclusivity of the types of vendors. The deadline for deposit, \$1250, is due in a few weeks and she questions her return if the problem will still be there. City Manager Myers will provide her with the minutes of the meeting when non-exclusivity for vendors was put into place.

INTERVIEWS: NONE

COMMUNICATIONS: NONE

PUBLIC HEARING: NONE

PRESENTATIONS:

1. Fire Department update regarding the expiration of the SAFER grant for four firefighter positions and potential funding options

Chief Erickson spoke while Assistant Chief Beattie handed out paperwork to Council. The Federal Government approved an extension on the grant until Oct 1, 2015. LRGH will be funding \$127,000 to the Fire Dept on an annual basis to help. With the grant the Fire Dept has seen significant improvements and productivity has increased dramatically. Councilor Baer wanted to know the exact amount of cost for the positions and was told approximately \$250,000 a year. City Manager Myers handed out an overview of the expenditures for the Fire Dept.

Mayor Engler asked Council if they want to revisit this before June, for the budget discussions. Councilor Hamel asked how this will be funded and City Manager Myers said he will add the \$50,000 to his budget and bring it to Council in a couple of weeks. Councilor Lipman asked for a trend of the current year and then a proposed budget.

2. Update on Sanitary Sewer Fund

City Manager Myers gave the background. The sewer fund is an Enterprise fund within the budget but tracked separately and funded by the users. There have been no increase in rates in a few years and no rate increase is proposed for this year.

MAYOR'S REPORT:

Mayor Engler wanted to clarify the medical marijuana dispensaries issues and where the City stood on the issue. Four companies around the state will be able to be licensed by the State only. Applications would be made to the State and that process has been completed. There were 14 applications statewide but the who or where is still unknown. On local front, that use isn't covered in the Zoning Ordinance or the Table of Permitted Uses. The Zoning Task Force is in the process of adding that use to the chart for future, so the City would have say where a dispensary could operate. That public hearing is set for Wednesday, February 11, at 6:30 pm. Mayor Engler noted that if a license is granted by the State for a company, the company would still have to come before the appropriate Board, just like any other business, for review or approval.

Mayor Engler stated the other issue was an airport related matter. On the north east shore of Lily Pond in Gilford, there is a parcel owned by the City through the Airport Authority. There had been a proposal to develop that area as a memorial park. The land is currently covered by a conservation easement and the holder is the Gilford Conservation Commission. The reason the project has been brought back up again is that another caveat is that the developer would like to have help in upkeep for the park and the Mayor wanted the Council's thought. Council would not be in favor.

CITIZEN REQUESTS TO COMMENT ON CURRENT AGENDA ITEMS:

Bruce Wright, for Irwin Marine, talked about 21 Elm Street. His concern was what might happen moving forward after declaring the land as surplus. He would like a fair and open process for the decision of the property and for the Council to follow the standard of good faith and fair dealing.

Warren Hutchins of 31 Boathouse Road, spoke about the boat storage change of use to the Shorefront Residential zone. He said Pendleton Beach Road is split into 2 wards. He spoke as a resident for zoning, not as Planning Board Chair. The approved uses provide protection to the property owners and is a primary way to protect landowners. He recommended Council let property owners know that they must follow the laws and regulations in the city to exercise their right before the Zoning Board of Adjustment. Spot zoning is not looked upon fairly by case law.

Mary Spencer Hutchins of 31 Boathouse Rd, feels whatever happens has ripple effects and spot zoning has those effects. Condos have killed the Weirs and she feels it's now becoming a watering hole. When she thinks of Commercial Resort, its businesses that support a resort. Once an exemption is allowed it is allowed forever. Boat storage is not needed in the area. There is no boat ramp in Laconia, so in order for boats to get into the water they would have to go through a business or another town. She doesn't think those that live in the area will pay to store a boat when they can store it on their own property or one of the many marinas down the road. This issue is similar to the Cheapo Depot when they wanted to store trucks in the gate way of Laconia.

COMMITTEE REPORTS:

1. **FINANCE:** (Lipman, Hamel, Baer)
 - a) WOW Trail Fund
 - b) Downtown TIF Financing

No report on any item in committee

2. PUBLIC SAFETY: (Baer, Doyle, Bownes)

- a) Fair St./Court St. traffic problems and accidents

No report on any item in committee

3. GOVERNMENT OPERATIONS & ORDINANCES: (Doyle, Bolduc, Bownes)

- a) Energy Committee
- b) Vending and Licensing Fees
- c) Chapter. 119, Building Construction regarding signed architectural plans for residential units
- d) Ordinance Amending Chapter 221, Vehicles and Traffic/Parking on Sublawns

No report on any item in committee

4. PUBLIC WORKS: (Bolduc, Baer, Bownes)

- a) **Review of Department of Public Works Road Cuts Policy and Manhole Construction/Paving Procedures**

Councilor Bolduc stated Paul Moynihan of Public Works and Busby, were present. There was discussion on deficiency in the roads. One issue was the manhole covers and why that couldn't be solved. The problems will be continued to be looked at to get a report back. There was a policy change and that will be reworded and should be put on agenda in two weeks.

5. LAND & BUILDINGS: (Hamel, Lipman, Bolduc)

- a) Repair & maintenance of City Buildings

No report on any item in committee

LIAISON REPORTS:

Councilor Bownes noted the Planning Board adopted an expedited approach to the early street acceptance.

MANAGER'S REPORT:

1. Financial and Operating Trends Report

City Manager Myers noted the assessing value is at \$28.6 million. January taxes are 95.7% of the collection rate. Motor Vehicle is at 62% of projections. City Manager Myers thanked Public Works crews over the last few weeks and the great job that has been done. There is about \$60,000 remaining.

2. Monthly Economic Development Report

City Manager Myers noted the unemployment report is trending favorably. The final CPI for December at .8% and for the year 1.6%.

3. Quarterly Recycling Report

City Manager Myers noted that solid waste collection has run about \$11,000. The sled dog races will be this weekend. To clarify the articles over the weekend of a shortage of road salt. There is no shortage, just the trucks are snow hauling and can't deliver as much. It's not a supply issue, but a delivery issue. City Manager Myers discussed the upcoming budget schedule. Councilor Lipman asked to add the top down look then Council input on March 9 for the big picture.

NEW BUSINESS:

1. Request to schedule a Public Hearing on February 23, 2015 for the purpose of declaring City-owned property at 21 Elm Street as surplus

Mayor Engler gave a background. The parcel has been leased for the past 30 years from Lakeport Landing and there has been an offer to purchase the parcel for the assessed value of \$331,400 by the lessee. In order for that to happen the Council needs to declare the property as surplus.

Motion made by Councilor Lipman to schedule a Public Hearing on February 23, 2015 for the purpose of declaring City-owned property at 21 Elm Street as surplus. Seconded by Councilor Baer.

Councilor Bownes is not ready to schedule a public hearing and would like to know what the City can or can't do. Councilor Baer stated that public input has happened and the questions have been answered.

The motion passed 5-1.

2. Discussion regarding Planning Board review of the Shoreline Residential Zone to allow "watercraft long-term storage" and "indoor storage"

Councilor Bolduc asked Attorney Paul Fitzgerald to present the proposal. Paul Fitzgerald of Westcott Law stated that the client is PEM Realty LLC and represented Peter and Kevin Morrissette. The proposal is to take the use of watercraft long-term storage and indoor storage, that is not permitted in the Shorefront Residential zone and make it permitted. The request is the right to be considered at the Planning Board, he is not asking to vote or approval. P. Fitzgerald feels the use complements the zone and doesn't see an adverse impact on other properties. The word "shorefront" assumes marine activity. The City has taken enforcement to remove boats and trailers out of yards and he feels this will help. He is not asking for spot zoning, he is asking for the use to be allowed in the entire zone. Councilor Doyle said a lot of people are not around in the area and doesn't feel that is fair to consider it at this time. She has heard from several residents that do not want boat storage in the SFR zone. Councilor Doyle can't support sending the proposal to the Planning Board for consideration. Councilor Bolduc thought that it should be sent to see what happens.

*Motion made by Councilor Bolduc to send the review of the Shoreline Residential Zone to allow "watercraft long-term storage" and "indoor storage" to the Planning Board. Seconded by Councilor Lipman. **The motion failed 2 – 4.***

UNFINISHED BUSINESS:

1. Milfoil Treatment Funding Request
2. WOW Trail
3. Master Plan
4. EPA Update
5. Sewer & Water Master Plan
6. Single Stream Recycling/Concord Co-Op/Solid Waste Disposal Cost Reduction
7. Strategic Planning/Goal Setting

NOMINATIONS, APPOINTMENTS & ELECTIONS: NONE

COUNCIL COMMENTS: NONE

NON - PUBLIC SESSION: NONE

ADJOURNMENT:

*Councilor Bolduc moved to adjourn at 9:30 pm. Seconded by Councilor Hamel. **The motion passed unanimously.***

Respectfully Submitted,
Kalena Graham

Acting Recording Secretary