



**LACONIA CITY COUNCIL MEETING
APRIL 9, 2012
CITY HALL – CONFERENCE ROOM 200A
7:00 P.M.**

CALL TO ORDER:

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

SALUTE TO THE FLAG:

Councilor Armand Bolduc led the Salute to the Flag.

ROLL CALL:

City Clerk Reynolds called the roll with the following Councilors present: Councilor Lahey, Lipman, Baer, Hamel and Bolduc. Also present City Manager Scott Myers and Finance Director Donna Woodaman.

Councilor Doyle was excused.

ADOPTION OF MINUTES OF PREVIOUS MEETINGS:

- **Regular and Non-Public Minutes of March 26, 2012**

Councilor Bolduc moved to approve the regular and non-public minutes of March 26, 2012. Seconded by Councilor Hamel. **Motion passed unanimously.**

CONSENT AND ACTION CALENDAR:

- 1. Request by Lakes Region Rotary Club to Raise Funds on City Property for the Yard Sale Fundraiser on May 19, 2012**
- 2. Temporary Traffic Order 2012-04 American Red Cross Blood Drive**

Councilor Bolduc moved to approve the Consent and Action Calendar as presented. Seconded by Councilor Hamel. **Motion passed unanimously.**

CITIZEN COMMENTS FOR MATTERS NOT ON THE AGENDA: NONE

INTERVIEWS: NONE

COMMUNICATIONS: NONE

PUBLIC HEARING: NONE

PRESENTATIONS:

- Economic Development & Tourism – Councilor Baer

Councilor Baer stated the following:

“Six years ago when I was first elected to the council, I received a letter from my son-in law Ken who in the past had served in local government. He sent me some advice which I have tried to follow. Among the guidelines was:

1. When confronted with difficult issues, always try to determine what is in the best interest of the City and its citizens.
2. Work on making the community a better place for today and tomorrow.
3. The “right” solution is rarely the easy one.
4. Try and always look out for those that have no one else to look out for them.
5. Remain optimistic about the future of our City.

My thoughts might not be the “right” solution and they are not quick, but Laconia is in the difficult position of being the County seat which means we are the providers of housing, medical and social solutions for the whole County at great expense. However, most of the money coming into the County from Tourism is not flowing back to Laconia. We must find ways to bring that revenue to our City.

As councilors we have several obligations i.e. setting budgets, passing ordinances, fixing fees, establishing goals. We also have another obligation – initiating economic programs that will bring development and prosperity to our citizens as well as to the City itself, increasing property values and tax revenues.

I have supplied you with a packet containing information from Destination Development and hope you have had a chance to review it. I would like to bring Roger Brooks of this organization here to present his 4 hour presentation on Branding and Creating Outstanding Destinations Roger is the President and CEO of this company and has been involved with over 1000 communities, here in the United States, Canada, and internationally. I along with other City officials and business people from throughout the region attended one of his programs in 2007. Everyone left that meeting vowing to follow through on what they had learned. They were full of enthusiasm and determination. That was five years ago. We must come up with new ways to appeal to the groups with money to spend. Roger has outlined many of them in your brochures, but Roger’s goal is to instill enthusiasm and determination in the business community.

Second, I find that most committees and studies that we have been dealing with most always include the same people and we get the same questions and the same answers. All of them are to be commended for their years of commitment, but I believe we have left out the people who best know what is needed and are also the ones with investments in our area with the most to win or lose. This past year we met at a Goals forum and came up with some of the same observations that we will hear from Roger, but again, the people present were councilors and City Dept. Heads. I suggest if we decide to hold this presentation, we invite developers, hotel people, restaurateurs, bankers, real estate people, downtown merchants and the Chamber of Commerce from here as well as the rest of the Lakes Region. After all they are the ones with an investment or the desire to make future investments.

The price I quoted last week of 6500 is now 7500.00 for a four hour, 8am to 12 noon presentation. So, lunch would not be necessary, but an early morning coffee would be had. There are a few June and July openings available. The program starts at 8AM -9:45 with Art of Branding; 10AM-11:30 AM Ingredients for an Outstanding Destination, and then 11:30 AM to 12 noon for questions and answers.

I ask for your consideration and possible motion to expend \$7500.00 to proceed with this and appoint the Mayor, City Manager, and myself to initiate this first step.”

Councilor Lipman commented that this is a good catalyst idea, having gone through the program. For planning, Councilor Lipman would consider building this into next year’s budget and having the program later.

Councilor Hamel stated that he does not disagree, but feels this should be done with the Chamber of Commerce or Belknap County Economic Development Council (BCEDC). Councilor Baer agreed that it would be nice to be funded by another group rather than the City.

Councilor Baer commented that everyone can agree on the premise, but action needs to be taken.

Councilor Hamel asked if there is time available in the fall. Councilor Baer replied that she is sure there is but that the instructor likes to come in the best season. Councilor Hamel commented that some time should be taken to gather interest because we don’t want to spend money if no one is going to come.

Councilor Lipman suggested contacting the Chamber of Commerce or BCEDC in regards to sharing the expense. Mayor Seymour replied that he and Councilor Baer would be willing to do this.

Councilor Lahey asked if the Downtown TIF funds could be used for this purpose. City Manager Myers replied that the TIF funds are for physical improvements.

- Proposed 2012 Budgets
 - a) City – City Manager Myers

City Manager Myers presented the proposed 2012-2013 City Budget (see Attachment #1).

Councilor Baer asked for clarification on the reserve account being proposed for health insurance costs. City Manager Myers explained it would be utilized to accommodate the changes in premium costs from year to year, in turn having less of an impact on the yearly budget. If there are years that the impact is less than anticipated, or there is a decrease, there can be adjustments made into the funding.

Councilor Hamel commented that although the Council had made the recommendation to wait on increased fees at the transfer station being implemented on October 1, he would like to see the increase done in a two step process; increase the fees by half of the actual rate on July 1 and the remainder on October 1. City Manager Myers replied that he will adjust for that and get information to the Council.

Councilor Hamel suggested considering bonding once for the fire truck and equipment at the Public Works Department to avoid bonding multiple times and spending additional funds. City Manager Myers replied that they can complete an amortization schedule and discuss the options.

Councilor Hamel asked if funds left over in individual departments would be placed in stabilization accounts. City Manager Myers explained that because the Contingency was over funded last year because of the unknown costs of retirement increases there is a substantial surplus that he recommends being placed in other stabilization accounts. Not all funds would be placed in the stabilization accounts with some flowing back into the General Fund.

Councilor Lipman asked when the new revolving accounts should be established. City Manager Myers recommended they be established prior to the conclusion of the current fiscal year. The consensus of the Council was to have City Manager Myers draft language to establish the accounts and bring it before the Council.

b) School – Superintendent Bob Champlin

Superintendent Champlin presented the proposed 2012-2013 School Budget (see Attachment #2).

Councilor Hamel asked if the \$150,000 for the Huot Technical Center Project is being contributed in the current proposal. Supt. Champlin stated that it is built into the budget. Councilor Hamel asked if the funds that is currently in the Contingency is going to be used for the building or the bond debt payment. Supt Champlin replied that the hope is to utilize it for the building, possibly the science labs. Councilor Hamel replied that his understanding was that this was going to be used to pay down debt. Supt Champlin replied that this was the original plan because the QZAB was unknown; at this time it is known and the funds could be used to invest in the project. Councilor Hamel stated that he was with the understanding the funds were going to be used to pay down debt, not for capital.

Councilor Hamel asked if a line item budget would be presented to the Council. Supt Champlin replied that it would and that if the Council supports a specific number the School Board will make that number actual.

Councilor Hamel asked where the School District stands with contracts. Supt Champlin replied that they do not expire until June 30, 2013 and they will begin looking at them in the fall. Councilor Hamel commented that he would like to see the extended health insurance for those School District employees that retire before 65 years of age removed from the contract. Supt Champlin replied that they would look into this. Councilor Hamel also commented that he would like to see any pay increases to be done on a merit system rather than steps and COLA. Supt Champlin replied that the State of NH is working on a system that would spell out the pay system for all teachers and they have the same type of recommendation that would not have an automatic increase concept.

Councilor Lipman asked what the enrollment numbers are throughout the District. Supt Champlin replied that the incoming kindergarten last year was approximately 170, and a number of things drive the enrollment. After the kindergarten registrations in May, they will have a better idea of what the upcoming class will look like. At this time there are approximately 2,200 students District wide.

Councilor Lipman asked when the bids for the Huot Technical Center Project would be received/opened. Supt Champlin replied that May 18 would be the bid opening and there would be a meeting of the Joint Building Committee on April 27 at 3:00 p.m. for preliminary discussions.

MAYOR'S REPORT: NONE

CITIZEN REQUESTS TO COMMENT ON CURRENT AGENDA ITEMS: NONE

COMMITTEE REPORTS:

1. FINANCE: (Lipman, Hamel, Baer)

- a) WOW Trail Fund
- b) Special Item Budget Requests Procedural Review
- c) Huot Center

No report on any item in committee

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

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

No report on any item in committee

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

- a) Energy Committee
- b) Vending and Licensing Fees
- c) Chapt. 119, Building Construction regarding signed architectural plans for residential units

No report on any item in committee

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

- a) Ordinance Amending Chapter 221, Vehicles and Traffic/Parking on Sublawns
- b) Proposed ordinance regarding vehicles over 18,000 lbs. and engines idling between the hours of midnight and 6:00 a.m.
- c) Proposed ordinance regarding large vehicles parked on City streets and sidewalks

No report on any item in committee

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

- a) Repair & maintenance of City Buildings
- b) Former Laconia Police Department Building

No report on any item in committee

LIAISON REPORTS: NONE

MANAGER'S REPORT:

City Manager Myers presented the Council with the Project Update (see Attachment #3); Financial & Operational Trends (see Attachment #4) and the Recycling Challenge (see Attachment #5).

Councilor Lipman commented that there have been savings of approximately \$16,000 because of recyclables being diverted from the trash stream.

Councilor Hamel commented that there are abandoned telephone poles appearing in various areas again and he would like to see them gone. City Manager Myers replied that he would look into this and find a solution.

NEW BUSINESS:

1. Temporary Traffic Order 2012-04 Timberman Triathlon

Councilor Hamel asked if the Police Department would be posting the “No Parking” signs or if they would be provided to the event and they would post them. City Manager Myers replied that these are signs the City has on hand and may be reused for other purposes; therefore the Police Department would be handling the signs.

Councilor Lipman moved to approve Temporary Traffic Order 2012-04 Timberman Triathlon. Seconded by Councilor Hamel. **Motion passed unanimously.**

2. The Aviation & Aerospace Education Center at Winnepesaukee, d/b/a WinnAero – request to waive site plan fees

Don Moracy addressed the Council. Mr. Moracy explained that the St. Helena Church has approved the organization to their property during Motorcycle Week, but because they have never had a vendor there before they would need to have a Site Plan approved by the Motorcycle Week Technical Review Committee (MTRC) at a cost of \$175.00. The WinnAero organization is a non-profit organization.

Mr. Moracy also explained that WinnAero is an educational organization based at the Laconia Airport; its mission is to bring aviation-related career information and hands-on experience to area youth.

Councilor Lipman asked if any other vendors were being proposed for this site. Mr. Moracy replied that there are not and the waiver is for their use only.

Councilor Hamel asked for a brief explanation of what WinnAero does. Mr. Moracy explained that they offer various camps and classes to school age children to educate them on the many aspects of aviation.

Councilor Lahey moved to waive the MTRC site plan fees for the Aviation & Aerospace Education Center at Winnepesaukee, d/b/a WinnAero. Seconded by Councilor Lipman. **Motion passed unanimously.**

3. Request by Filterswep Electronic Music Festival to Allow Use of Outdoor Loudspeaker in excess of 10:00 p.m.

Christina Contardo, representing Filterswep, addressed the Council. Ms. Contardo explained the event and venue for the Council, expressing that the License Board had referred her to them for a waiver of the Outdoor Loudspeaker Ordinance that would restrict her event to concluding at 10:00 p.m.

Councilor Lahey asked if the neighbors had been consulted. Ms. Contardo replied that Mr. Foote would be best to answer that and that the biggest issue would be ambient noise. There have been concerns regarding sleeping, which are understandable, and attendees potentially walking on private property unintentionally. Ms. Contardo further stated that she would be working with City officials on a plan that would limit attendees from going on private property.

Councilor Hamel asked what kinds of followers attend these events. Ms. Contardo replied that when people use the term “electronic music” they think of a rave, and that is not what this event will be. Although it cannot be guaranteed that no one will bring a substance that is illegal, it is not generally a widespread problem. Ms. Contardo advised that she will be working with Chief Adams to ensure the safety of the attendees. Having attended these events before, Ms. Contardo assured the Council that these events are very similar to any other concert at another venue. In reality, you are dealing with 18 to 35 year old people and a lot of noise.

Councilor Hamel asked how many attendees they are expecting. Ms. Contardo replied that with this being the first year, it is hard to gauge and she planned on limiting sales to 6,000 per day, noting that there would need to be at least 3,000 attendees to cover the cost of the event.

Councilor Hamel asked what times attendees will be on the premises. Ms. Contardo replied that they would open around 1:00 p.m. on Friday and will run as late as they can get approved for and begin again on Saturday around 12:00 p.m. At this point they can’t move forward because they cannot have a show without an Outdoor Loudspeaker License or an Entertainment License, and they can’t book any talent to decide on a time because they don’t have the preliminary step completed.

Councilor Lipman asked how they planned on limiting attendance. Ms. Contardo replied that they will put a limit on the number of tickets sold.

Mayor Seymour confirmed that the request is for an extension of 2:00 a.m. Ms. Contardo confirmed. Mayor Seymour stated that the License Board had noted that they would like to see the extension not to exceed 12:00 a.m., asking if the format of the show would be impacted by the recommendation. Ms. Contardo replied that it is significant because she would like to encourage continued patronage for future years and if people need to leave and are bored because the festivities end earlier than other events, they won’t return. Many other locations have these types of events all night.

Councilor Bolduc asked how people would be controlled and prohibited from entering through the woods. Ms. Contardo advised that they would need to secure the entire area to ensure safety. They will do this by working with the abutters that are closer to the road.

Councilor Baer commented that there was an application for an extension from the Lobster Pound a few years ago and they were denied because there is an ordinance; if this type of extension is granted, it could open up for many other businesses to request the same and it would be just for them to do so. Ms. Contardo replied that this is understandable and that there is a precedence set with every decision the Council makes but this could be a good time to try out a waiver and see if it works and have grounds to turn people down in the future if this proves not to be a good decision. Ms. Contardo explained that this would bring a different demographic to the area and that she has been coming here for 30 years and came here permanently five years ago and wants to see others from the younger demographic do the same.

Councilor Lahey agreed that this did happen with the Lobster Pound but that is a different location right in the center of the Weirs. Councilor Lahey further commented that he would like to go down the road and look at the area to have a better understanding of what the event would entail.

Michael Foote, the property owner of the proposed event site at 222 Rollercoaster Road, requested to address the Council. Mr. Foote explained that if people can walk through the woods and make it

through the swamps and wildlife would have quite a difficult time. The site is six and a half acres of mowed field that is a natural amphitheatre and commercial property. The proposed idea is another way to bring good business to the area; the Soulfest is the week before and the Timberman Triathlon is the week after. Mr. Foote continued by stating that the City is accommodating to the Bike Week event and that he and Ms. Contardo are trying to come up with some different ideas that may not be as obtrusive as the Full Throttle and Broken Spoke are during Bike Week. In this type of music and demographic you will have people enjoying themselves in a controlled environment; the entrances will be well maintained and will make improvements to make this event successful and positive for the local economy.

Councilor Lipman asked if there is a way to test the noise that will be generated in advance. Ms. Contardo replied that there is, but the materials that can be used to absorb or redirect the sound are substantially expensive to test and without the direction from the Council it would not be a wise way to expend the funds. If the Council would like to approve the extension, Ms. Contardo would be willing to test the noise closer to the event and give the Council feedback; however, this would not give an answer at this time. All of the factors weigh on what the sound will be and that cannot be determined until closer to the event. Councilor Lipman commented that the ability to hold the event is not a concern, but the ability for the neighborhood to live peaceably and conduct business. Ms. Contardo replied that she is open to any suggestions there may be from the Council or other City Boards that would be assisting in the set up of the event.

Councilor Baer stated that the point of coming before the Council for a variance is that you come with a plan and answers; the Council cannot make a decision if there are not answers to the questions. Ms. Contardo replied that she is being led by the Technical Review Committee and the License Board in regards to the process and permits and she is working with them; however no one has asked for anything as specific as the Council is. Ms. Contardo made the point that there is a good chance the Council is not going to approve the variance and for her to invest \$30-40,000 into a test and still have the variance turned down is unrealistic. Concrete answers cannot be given without the test and without a variance she cannot begin the process.

Councilor Hamel asked who would be responsible for safety service. Ms. Contardo replied that her assumption is that she will be billed by the City for the services. Mayor Seymour commented that the issue at hand this evening is not related to the set up of the event but to the request for a variance to the Outdoor Loudspeaker Ordinance.

Councilor Bolduc stated that the abutters that are in the audience should be heard from. Mayor Seymour agreed and requested any further Council comments at this time. With none, Mayor Seymour asked for any public comment on this issue.

Fred Clausen from Proctors Lakehouse Cottages addressed the Council. Mr. Clausen stated that he sells sleep and that is his main concern. His business is located one half mile south of the proposed event and he is concerned with how the sound will travel down the Weirs Channel. One issue is that most of the summer residents are not back for the season yet; the Ordinance time is set and in his particular business of booking for a week beginning on a Sunday this would inhibit two weeks of his business.

Dennis Dearborn (Rollercoaster Road) is across the street from the proposed event site. Mr. Dearborn stated that he is totally against the event. His family has been there for 60 years and they don't want a big concert with all of the noise. Mr. Dearborn further commented that this was not published in advance if it wasn't by chance he would not have known about the request. It was further commented

that they deal with the noise of Bike Week each year, which is loud and clear coming from Route 3, and it is overwhelming and they don't need any more noise.

Tracey Grasso (95 Rollercoaster Road) addressed the Council. Mrs. Grasso explained that she would have a good view of the event site because it is up on a hill on the property, which is across the road from her home. Mrs. Grasso commented that her concern is the impact on the environment, not only the speakers but the attendees leaving all at once and it will be a burden on the area. The Broken Spoke was granted a variance before of 12:00 a.m. and if one is granted than it should be the same; not 2:00 a.m. Mrs. Grasso further commented that the trees being the primary buffer of the noise is going to be ineffective and the noise is still going to be excessive and will carry from the hill.

Mayor Seymour asked Ms. Contardo is she had any comments on the concerns. Ms. Contardo stated that she is looking for a compromise and apologized if anyone on the Council feels she has wasted there time; she is here under recommendation and has been trying to cooperate with the City. Ms. Contardo stated that she appreciates the time she has been given and she looks forward to any feedback the Council may have because if the Council decides to deny her request there won't be a show.

Councilor Bolduc stated that he has had phone calls from establishments and residents in the area and they are against it. The people that fill the Weirs in the summer on not here and it makes it a tough situation. Councilor Bolduc further stated that he cannot vote to extend the Ordinance, referring back to the Lobster Pound request a few years ago.

Mayor Seymour requested a motion if the Council would wish. No motion was made on the matter.

Mayor Seymour advised Ms. Contardo that her presence before the Council is not wasting time. At anytime that someone is trying to bring and event to the City, especially with the goals of the Council, and her efforts are admirable. The issues at hand are the outdoor sound and the variance does not have Council approval. Mayor Seymour thanked Ms. Contardo for her diligent effort.

UNFINISHED BUSINESS:

1. Council membership on the CIP Committee
2. Milfoil Treatment Funding Request
3. WOW Trail
4. Master Plan
5. EPA Update
6. Sewer & Water Master Plan
7. Single Stream Recycling/Concord Co-Op/Solid Waste Disposal Cost Reduction
8. Strategic Planning/Goal Setting
9. **Proposed Ordinance to Amend Chapter §221-36 Winter Parking**

Councilor Hamel moved to approve the proposed Ordinance Amendment to Chapter §221-36 Winter Parking as presented. Seconded by Councilor Bolduc. **Motion passed unanimously.**

NOMINATIONS, APPOINTMENTS & ELECTIONS: **NONE**

COUNCIL COMMENTS:

Councilor Lipman commented that he, as well as the other Councilors, has received a letter from Laconia Savings Bank regarding the Council's position on the two-way traffic pattern and the Downtown. Councilor Lipman recommended that City Manager Myers and Mayor Seymour communicate the position of the Council to Laconia Savings Bank in the form of a letter. Mayor Seymour affirmed that this will be followed up on.

NON - PUBLIC SESSION:

Councilor Bolduc moved to enter into non-public session according to RSA 91-A:3, II:(a) The dismissal, promotion or compensation of any public employee, or the investigation of any charges against him, unless the employee affected (1) has a right to a meeting and (2) requests that the meeting be open, in which case the request shall be granted; and (d) Consideration of the acquisition, sale or lease of real or personal property which, if discussed in public, would likely benefit a party or parties whose interests are adverse to those of the general community. Seconded by Councilor Lahey.

On a roll call vote of the Council it was entered into non-public session at 9:16 p.m.

Councilor Bolduc moved to come out of non-public session at 10:19 p.m. Seconded by Councilor Hamel. **Motion passed unanimously.**

Councilor Bolduc moved to seal the minutes of the non-public session for a period of two years. Seconded by Councilor Hamel. **Motion passed unanimously.**

ADJOURNMENT:

Councilor Bolduc moved to adjourn at 10:20 p.m. Seconded by Councilor Hamel. **Motion passed unanimously.**

A True Record Attest:

Mary A. Reynolds
City Clerk