



**LACONIA CITY COUNCIL MEETING  
OCTOBER 22, 2012  
CITY HALL – CONFERENCE ROOM 200A  
7:00 P.M.**

**CALL TO ORDER:**

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

**SALUTE TO THE FLAG:**

Councilor Robert Hamel led the Salute to the Flag.

**ROLL CALL:**

Deputy City Clerk Allen called the roll with the following Councilors present: Councilor Doyle, Lahey, Lipman, Baer and Bolduc. Also present Finance Director Donna Woodaman.

**ADOPTION OF MINUTES OF PREVIOUS MEETINGS:**

- Regular Minutes of October 9, 2012

Councilor Bolduc moved to approve the minutes of the October 9, 2012 regular meeting. Seconded by Councilor Doyle. **Motion passed unanimously.**

**CONSENT AND ACTION CALENDAR:**

1. Reconsideration of vote re: changes to the Boardwalk Policy, Boardwalk Rental Application and Boardwalk Rental Fees for Motorcycle Week 2013

Councilor Baer asked for the re-vote because at the time the Council took the original vote they may have had the impression that when speaking about the number of similar products being limited to two that it was referring to food only. However, after an email from Nancy Brown it was clarified that it pertained to all vendor spots and not just the food vendors.

Mayor Seymour clarified that this means that the City would be limiting all merchandise on the boardwalk and not just food vendors and only two vendors could sell the same item. Mayor Seymour asked what the reason for this vote was for. The verbal vote was thought it was for food only but the written language was for all items.

Councilor Baer indicated that Charlie St. Clair had called her and indicated to her that he did not want it to be for everyone on the boardwalk.

Councilor Doyle indicated that Charlie St. Clair also called her and said he feels that if we ever have an unreasonable City Manager they could limit or determine whether something is appropriate or inappropriate.

Councilor Doyle commented that the limit on food may be because of the permanent business in the Weirs and the City not having direct competition with them so we can support our local businesses.

Councilor Lipman also noted that the City Manager may have wanted this change to make the spots more marketable.

Councilor Lipman moved to clarify that the vote pertains to food only. Seconded by Councilor Hamel.  
**Motion passed unanimously.**

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

**INTERVIEWS:     NONE**

**COMMUNICATIONS:     NONE**

**PUBLIC HEARING:**

1. Public Hearing regarding "Downtown Parking"

Mayor Seymour opened the public hearing at 7:10pm. Mayor Seymour read the notice of posting for the public.

Councilor Bolduc stated the only items needed to be addressed at this hearing is the one on Harvard Street and the back of the railroad station. The other items will be taken care of in the committee portion of the meeting. Mayor Seymour clarified with Councilor Bolduc that the Council will be voting on the loading zone later in the meeting.

Mayor Seymour clarified that the public hearing was posted for all four items and if people want to comment on those items they may.

Drew Seneca from the Downtown Deli, Vice President of the Main Street Initiative of Laconia spoke on behalf of Charlie St. Clair. Mr. Seneca spoke to Mr. St. Clair today and wanted to relay that the only thing important to Mr. St. Clair is the motorcycle parking in the triangular areas that were on the maps given at the committee meeting. He also had no concerns about the loading zone and believes that is unused space and you can put two motorcycles in the triangular areas.

Mayor Seymour clarified that the loading zone discussion at the earlier meeting is taken care of. Mr. Seneca said that was all set and Mr. St. Clair's main concern was the motorcycle parking.

Councilor Lahey clarified that the items voted on were the same as last week.

Chris Santaniello speaking on behalf of Lakes Region Community Services Council (LRCS) to publicly support ending two hour parking at Veterans Square. She encourages her employees to park there to leave visitor space in the parking lot at the office. She stated that a lot of times the two hour spots at Veterans Square are empty and businesses in Veterans Square already have parking spots and the one business that uses the parking spaces is open at night only.

Andy Patterson, Executive Director of the Laconia Clinic spoke and would like the Council to consider ending the two hour only spots on New Salem Street and making them full day spots. He would also like the Council to consider changing the width from ten to nine feet of the current parking spots on New Salem Street to fit more cars. He would also encourage the Council to end the parking on Harvard Street because it does become a line of sight issue as people leave the parking area.

John Moriarty, President of Laconia Main Street Initiative spoke regarding parking for motorcycles on Main and Pleasant Street. He believes that Charlie St. Clair is trying to improve conditions by requesting more parking spaces. Mr. Moriarty stated he would like to endorse Mr. St. Clair's request for motorcycle parking. He is hoping that the Council will see this as an improvement of conditions. Mr. Moriarty understands that there are concerns about the motorcycles backing up onto the crosswalk. He wonders if the vehicle traffic is only one way there are really only 3 locations north of the crosswalk and he feels that the way the triangular traffic is they could easily pull out without going over the crosswalk.

Mr. Moriarty stated he has no position on the Harvard Street parking. He does however want the parking on the back side of the train station to be limited to two hour traffic. The Downtown overlay is supposed to be of the benefit for all of Downtown and not a specific business. He does not want to be un- neighborly but the LRCSC did submit plans stating they had plenty of parking. Mr. Moriarty also stated that LRCSC is a non- profit in a multi- million dollar building not paying any taxes. Mr. Moriarty showed a picture on his personal computer of the top of the parking garage showing no cars parked on top of it. He stated the parking garage is four hundred footsteps from the clinic and a little over that to LRCSC. He stated that people who should be promoting health should be using the parking garage and walking to work. He also commented that it is not a stretch to utilize the all-day parking in the garage and on the walk to work they could window shopping.

Mr. Moriarty stated there are some great things happening and could begin to happen in Downtown and there is a plan that is taking shape. He commented that there have been several City employees and Councilors that have looked at the problem in the past but have had no solution. Mr. Moriarty thanks the Council for looking into the parking situation and asks the Council not to be quick to legislate and wants a plan for all parking.

Mayor Seymour asked the Council what the general consensus as a whole was.

Councilor Lipman commented that the use of the Downtown district is changing. The Council should have an open mind about the parking plan. Councilor Lipman also commented that the amount of activity generated from Downtown is a smaller percentage and that he has received feedback from people that the parking garage is a resource for the entire community. He stated he does not think a decision should be made tonight. He commented that the businesses of Downtown should come together to discuss the problems and try to find solutions and we need to look at what the uses are and to put customers and patients first. The parking plan has to use the highest use of economic activity to occur in downtown.

Councilor Lahey commented that the Blooms building finally has a business that seems to be doing well and is busy and plans to be there for a while. Even though there are two pre-existed loading zones that the Public Works committee felt that they should support that business which they are happy to have there.

Councilor Lahey stated he has a concern about the parking at the train station. The main part of the building is not being used at all and the restaurant is doing well and is a night time operation. He feels

we should consider all the parking there. He feels the businesses should come back to the Council with a recommendation.

Mayor Seymour questioned Public Works Director Paul Moynihan regarding the parking behind the train station and where the two hour parking originated from.

Director Moynihan stated he is not familiar with the Harvard Street or the train station question but was present to speak on the Downtown parking. He is not sure how the request came forward.

Councilor Lipman stated that the Public Work department and the City Manager have done a lot of work to make the parking garage better. They improved the lighting, cleanliness and appearance of it and the plan is to use the parking garages like they use in other cities and towns. He commented that the parking garage in Concord is used by many businesses.

Councilor Baer showed a statistic sheet of parking tickets issued. In May there were 45 tickets, June 559 tickets, July 515, August 231 and September 1 parking ticket was issued. The money received was \$435.00 in May, \$2,934.00 in June, \$4,470 in July, \$2,869 in August and \$600 in September which shows there is an overabundance of people parking illegally. Most of the illegal parking is by residents of Downtown. Councilor Baer commented that the police should be in the Downtown area to give parking tickets and also to make a presence in Downtown to establish communication with residents and businesses. She also commented that over time we would lose revenue but it would help free up the parking spaces.

Mayor Seymour commented that the City Manager parks in the parking garage every day. He also commented that he has a concern about making a change right away to the train station parking because Public Works and the business community have not talked together about the problem. He would feel more comfortable if there was more discussion with all of the parties and urged the Council to let the parties give a recommendation together before the Council decides to vote on anything.

Councilor Bolduc agrees with the Mayor and because the Public Works director was not involved the Council should put it back on the agenda.

Councilor Hamel commented that the council should look at all the parking in Downtown to see if changes can be made to all parking. Every party should be involved and look at the entire area.

Mayor Seymour stated that Director Paul Moynihan will need to get together with the City Manager and Police Department to look at all the parking issues including the Harvard Street area. Director Moynihan stated he would get together with the City Manager to start the process in getting all the businesses together to start communicating.

A brief discussion was made with Director Moynihan about when and what material they use for curbing in the City.

With no additional members of the public wishing to speak Mayor Seymour closed the public hearing at 7:38 p.m.

#### **PRESENTATIONS:**

1. Proclamation for Project EXTRA!: Lights On Afterschool

Mayor Seymour read the proclamation

## 2. Discussion on the Need to Update the Noise Ordinance

Planning Director Shanna Saunders stated that the Planning Board has struggled with proposals that have a noise factor associated with them for outdoor events and music venues. There are two entities that deal with noise in the city; Chapter 167 is the noise ordinance and Chapter 161 which handles Outdoor Loudspeaker Licenses.

Director Saunders stated the Licensing Department and Planning Department have met to discuss the issues and it was concluded that the regulatory rule in Chapter 167 needs to be updated in three areas. The first item was the potential of adding a decibal level to a time frame to measure and a certain place to measure. She commented that it is very difficult to take a decibel measurement directly outside of an establishment. Director Saunders noted that Chapter 167 is not within the jurisdiction of any department but the group is happy to work with the process if it is something the Council wants to consider.

Councilor Lahey asked what specific reasons brought the situation here and noted that what may be bothersome to someone may not actually be over a certain decibel level. Director Saunders read part of Chapter 167 regarding what violations would be.

Mayor Seymour commented that someone would have to set a guideline on measuring at a certain distance from the area. He also questioned who would be enforcing it.

Councilor Lahey asked where the complaints were originating from and if it was specifically the weirs beach. Director Saunders indicated that the complaints are coming from the Weirs Beach area but sometimes complaints arise because of construction sites because there is not a start time for starting projects in the morning. Director Saunders also indicated that problems arise from people that take home work trucks as well. The current proposal is from the Weirs Beach but it is a City wide problem.

Councilor Doyle commented that the Police Department wanted the businesses to come together to discuss the issues of the noise. The Weirs businesses are all dependent on each other and they need to work together. There are also more residents than there used to be. She commented that Governors Island and Meredith can hear some of the Weirs noises. Councilor Doyle asked if the Planning Department is willing to get together to start getting the businesses together. Director Saunders commented that she will get together with a consultant and try to get the businesses together.

Councilor Lahey commented that the current problem is with an indoor proposal and there already are existing businesses that have the same thing happening and it is working fine.

Councilor Bolduc commented that the outside venues are the problem and not the inside businesses. Director Saunders commented that the problems are with both inside and outside.

Mayor Seymour questioned Director Saunders on what her recommendation would be. Director Saunders responded that her recommendation would be to have the Council grant her the permission to go over the public process and come back to the Council with a proposal for them to consider.

Councilor Lipman motioned to allow Planning Director Saunders to start with the process. Seconded by Councilor Bolduc. **Motion passed unanimously.**

Council Bolduc asked if Director Saunders would be looking at other resort areas to see if how they handle noise. Director Saunders replied that she would be.

Director Saunders also discussed the Community Planning Grant that the Planning Department received several months ago. They will begin working on it soon and the end product will be finalizing the Village Overlay Districts. Part of the grant is the story telling booth displayed at the public library. They are purchasing digital and audio equipment for people to tell their stories.

Director Saunders also advised the Council that the Lakes Region Planning Commission approached the City, as well as other surrounding municipalities, to come up with a storm water ordinance. The Lakes Region Planning Commission is hoping that with this it will look at the watershed as a whole and hoping the three towns can come up with plans that are similar. Director Saunders also stated that they would be getting a consultant to be ahead of the curve.

### **MAYOR'S REPORT:**

Mayor Seymour mentioned that money was conveyed from Bank of New Hampshire where they officially donated the \$250,000 for the Huot Technical Center Capital Campaign. Mayor Seymour thanks them for all the support in the community.

Mayor Seymour also thanked School Board Chairman Bob Dassati for spending the last nine years on the School Board and has worked very well with the City Council. The Mayor wishes him well and thanked him for his efforts.

### **CITIZEN REQUESTS TO COMMENT ON CURRENT AGENDA ITEMS:**

Brett Loring spoke regarding the noise ordinance. He was wondering if people are complaining about music why they are not complaining to the business owners. Mr. Loring asked why he was not notified and feels that they heard about the meeting by chance this afternoon.

Mayor Seymour commented that this was not done secretly and that no decision has been made until all business owners and residents have come together to discuss the matter so the Council is sure everyone will be in agreement, as much as possible, before a decision is made.

Councilor Lahey commented that Director Saunders stated it was not just the businesses that the noise problems are coming from but all over the City.

Mayor Seymour stated that the agenda is posted on the City website and he thanked Mr. Loring for coming to the meeting.

### **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) (Report on meeting held this evening at 6:00 p.m regarding item d)**

- 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
- d) **Downtown Loading Zone**

Councilor Bolduc reported that the Committee discussed the Downtown motorcycle parking and the loading zone. They had made a vote at the previous meeting and the current vote changed this. Councilor Lahey stated that this was to reaffirm the vote that was taken last meeting. Initially they talked about problems with the new loading zone being close to the crosswalk. They discussed extending it by taking the next parking space however merchants did not want to lose any parking spots. A new reconfigured map showed spots that showed a loading zone that was not as big as the one presented last week. This new loading zone would make it so the three parking spots to remain.

Councilor Bolduc moved to keep the three parking spots as is and to make the loading zone smaller. Seconded by Councilor Baer. **Motion passed unanimously.**

Mayor Seymour clarified that this new zone is right in front of the new antique center.

**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:**

- Recycling Report
- Monthly Economic Development Update

Finance Director Woodaman present the Recycling Report (see Attachment #1) and Monthly Economic Development Update (see Attachment #2).

Councilor Hamel commented that the recycling is at this point not making an impact and we should come up with a time frame to start considering other options.

Councilor Lipman commented that the lost opportunity states we have saved the tax payers \$124,000 for this fiscal year. If we were operating at a 30% the city would have saved another \$105,000. Now we are facing a new retirement cost for next fiscal year and an increase in the county budget. We have to address next year's budget.

Councilor Hamel commented that this is a way the taxpayers can help with taxes by recycling.

Councilor Baer commented that setting a timeframe is a good idea. Councilor Baer hopes that the large tote bins will have a bigger impact on recycling. Councilor Baer also stated she received a recommendation from resident Barbara Tuttle about the excessive garbage after a holiday. Councilor Baer commented that if residents have the big tote bins they will recycle more.

Councilor Baer asked Finance Director Woodaman when the totes will be arriving. Finance Director Woodaman commented that she was not sure when they will be arriving.

Councilor Doyle commented that residents do not have to hold on to their recycling and can bring it to any of the remote sites. Councilor Doyle asked what the increase has been at the remote sites. Finance Director Woodaman stated she will find the information out.

Councilor Bolduc commented that he sees the recycling site behind the railroad station being removed twice a week.

A discussion was made regarding other options to get people to recycle and all the steps they and public works has taken to try and make people recycle more.

Mayor Seymour commented that if we don't have a drop dead date we will always have this problem.

Councilor Baer commented that we pay a set fee for all the recycling. It does not make a difference how much recycling we have. The problem is how much regular garbage there is and we will continue to pay for the trash.

Councilor Bolduc commented that Barbara Tuttle also brought the suggestion regarding the extra holiday recycling to him. Councilor Bolduc brought the idea to the City Manager who also agreed that the suggestion to have more recycling during the holidays is a good idea.

Councilor Lahey questioned if we should do something before the next budget. Councilor Lipman replied that we will ultimately be forced to do so because we are facing unexpected increases in the next budget.

Councilor Hamel commented that something should be implemented. He also commented that the dumpsters should be in the calculation.

Councilor Bolduc questioned the recycling efforts of South Down and Briarcrest Estates. Councilor Baer responded that these locations have private pickup. If the owner wants to add recycling the residents would have to pay for it.

Mayor Seymour asked Finance Director Woodaman to speak with the City Manager to let him know about the discussion. Finance Director Woodaman stated they are in the very beginning stages of the budget.

**NEW BUSINESS:**

**1. Request by Dandar Fitness LLC to Raise Funds at Leavitt Park from October 23 through December, 2012**

Councilor Lipman moved to approve the request by Dandar Fitness LLC to raise funds at Leavitt Park from October 23 through December 2012. Seconded by Councilor Doyle.

Councilor Baer commented that this business is not a resident of the City and they are for profit. They are also charging admission. It has been the city policy not to grant the space.

Councilor Hamel asked if Parks and Recreation was charging for the use. The applicant replied that they were not.

Kristin Dandar, representing Dandar Fitness LLC, stated that right now the request is thru December but will more than likely move inside when the weather is not good to be outside. The plan is to find an inside facility but right now she has not found anywhere to be.

Ms. Dandar is a certified personal trainer and is certified in perinatal fitness. She offers stroller fitness classes when mothers can come with babies and they exercise. They will start with a warm up around the park and stop for exercises and then continue walking. This will help mothers be able to work out with their babies and not have to get daycare.

Councilor Hamel asked if Ms. Dandar has a business in the area. Ms. Dandar replied that she did not and she was new to the area.

Mayor Seymour commented that the applicant was asking for Tuesdays only from 10:00 a.m. to 11:00 a.m.

Councilor Bolduc asked why Ms. Dandar does not go to Tilton if that is where she is from. Ms. Dandar replied that most of her clients were from the Laconia area and it is more convenient for her to come to Laconia. Leavitt Park is the best place to do this type of activity.

Councilor Lipman explained that the reason for all of the comments from the Council is because the Parks & Recreation Department charges a user fee to cover the use.

Councilor Bolduc asked why the request includes use of bathroom facilities. Ms. Dandar replied that she does not need the bathrooms and she could let her clients know that in advance.

Mayor Seymour called the question. **Motion passed 4-2 with Councilor Baer and Councilor Bolduc opposed.**

**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:**

- **Zoning Board of Adjustment:** *(3 alternate positions vacant)*

1. Kate Geraci - seeking appointment as an alternate member for a 3-year term expiring 2015

Councilor Hamel moved to appoint Kate Geraci as an alternate member of the Zoning Board of Adjustment for a 3-year term expiring 2015 seconded by Councilor Bolduc. **Motion passed unanimously.**

- **Heritage Commission:** *(1 alternate position vacant)*

1. Mary Ellen (Paradis) Boudman - seeking appointment as an alternate member to fill the unexpired term of Wanda Tibbetts, expiring 2014

Councilor Hamel moved to appoint Mary Ellen (Paradis) Boudman as an alternate member of the Heritage Commission to fill the unexpired term of Wanda Tibbetts expiring 2014. Seconded by Councilor Bolduc. **Motion passed unanimously.**

#### **COUNCIL COMMENTS:**

Councilor Hamel inquired about the Boardwalk request for setting the vendor fees. Councilor Lahey stated that they had already made the vote at the last meeting. Finance Director Woodaman clarified that this was voted on and included in the packet at the last meeting.

Councilor Hamel stated that he met with Molly King regarding the WLNH Children's Auction and wants everyone to know that the auction is six weeks away and they really need donations to run it. He encourages business owners to donate and to go to the website: [info@wlnh.com](mailto:info@wlnh.com). The auction provides a lot of money for organizations in the area.

#### **NON - PUBLIC SESSION:**

Councilor Lahey moved to enter into non-public session according to RSA 91-A:3, II: (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 Bolduc.

Mayor Seymour advised that the Boys and Girls Club to participate in the meeting and that business may be discussed after the non-public session.

On roll call vote of the Council it was entered into non-public session.

Councilor Bolduc moved to come out of non-public session at 9:24 p.m. Seconded by Councilor Hamel. **Motion passed unanimously.**

Councilor Hamel moved to seal the minutes of the non-public session for one year. Seconded by Councilor Bolduc. **Motion passed unanimously.**

Councilor Lipman moved to schedule a public hearing to consider declaring City owned property on Davis Place as surplus with consideration of sale to the Boys and Girls Club and requiring written notice of the hearing to abutters. Seconded by Councilor Hamel.

A discussion and decision was made to hold the public hearing on Monday November 26<sup>th</sup>.

**Motion passed unanimously.**

**ADJOURNMENT:**

Councilor Bolduc moved to adjourn at 9:27 p.m. Seconded by Councilor Hamel. **Motion passed unanimously.**

Respectfully Submitted:

Lindsey Allen  
Deputy City Clerk