



**LACONIA CITY COUNCIL MEETING
DECEMBER 12, 2011
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 Brenda Baer led the Salute to the Flag.

ROLL CALL:

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

ADOPTION OF MINUTES OF PREVIOUS MEETINGS:

- **Minutes for the November 28, 2011 Council meeting**

Councilor Bolduc moved to approve the minutes from the November 28, 2011 Council meeting. Seconded by Councilor Hamel. **Motion passed unanimously.**

CONSENT AND ACTION CALENDAR: NONE

CITIZEN COMMENTS FOR MATTERS NOT ON THE AGENDA: NONE

INTERVIEWS: NONE

COMMUNICATIONS: NONE

PUBLIC HEARING:

1. Cable Franchise Agreement

Mayor Seymour opened the public hearing at 7:01 p.m. with notice being posted at City Hall, Gale Memorial Library and the Laconia Daily Sun.

City Manager Myers explained that the City, in conjunction with other communities in the region, is in the process of renewing the Cable Franchise Agreement with MetroCast Cablevision. As part of the process several public hearings will be held, with this evenings being the second in the series. The

franchise agreement focuses on the infrastructure investments by the carrier in regards to cable and does not include any aspects of plans or pricing.

Councilor Lipman asked for clarification on what infrastructure needs could be included. City Manager Myers replied that it is focused on the cable access and examples of items include production systems, regional broadcast, equipment in City Hall, or build out into other areas or government buildings in the City that are underserved. Councilor Lipman asked if internet connectivity is included. City Manager Myers stated that it is not.

Councilor Hamel requested to have Jonathan Gardner address the Council with an update on the consortium meetings.

Mr. Gardner advised that there will be a meeting on January 26, 2012; the last meeting was held in October. Councilor Hamel asked if the information regarding the contract will be presented at the January meeting and Mr. Gardner confirmed it will.

Councilor Lipman received a written submission and based on the City Managers response to earlier questions will be submitted as part of the record and not discussed.

Mr. Gardner explained the he has also received email responses. Some related to pricing and will not be discussed.

Donna Faucet from the Southdown Rec Association wrote to Mr. Gardner expressing concerns. She made notice that service is substandard and in some cases unavailable; she has spoken to MetroCast regarding the signal strength and requested an audit. At this time she is awaiting a response.

Dorothy Duffy of 47 Whipple Avenue wrote to Mr. Gardner stating that she supports the renewal noting that she regularly watches LRPA to observe the City Council and School Board meetings at home. She would like to see expanded coverage for the community.

Melissa Beauchaine emailed Mr. Gardner stating she does not have enough good things to say about MetroCast and enjoys the service.

Marge Lynn of 51 Fox Crossing Lane wrote to Mr. Gardner with additional complaints in the Southdown Shores area of the City including poor quality of reception and lack of response.

Councilor Hamel asked Mr. Gardner if he has looked at the providing of service to public buildings and the list of audit questions. Mr. Gardner has not had the opportunity to investigate these matters, but did comment that he with the understanding that the public buildings that receive service do so at no charge with the exception of the Library because they requested a higher quality service that standard.

Councilor Lipman commented that this is not an exclusive franchise agreement although that may be the implication. City Manager Myers confirmed noting that if another company were to make an offer we would match the terms of the agreement made with MetroCast. The likeliness of this happening is not high.

Councilor Hamel stated that it is important to have the equipment for public access for each community upgraded on a regular basis, such as a rotation, and it should be inclusive of LRPA. Mr. Gardner noted these recommendations.

With no other comments, Mayor Seymour closed the public hearing at 7:09 p.m.

2. Parks & Recreation Revolving Fund and User Fee Schedule

Mayor Seymour opened the public hearing regarding the establishment of a revolving fund for Parks & Recreation User Fees at 7:09 p.m. with notice being posted at City Hall, Gale Memorial Library and the Laconia Daily Sun.

City Manager Myers reviewed the proposed Resolutions, which would generate approximately \$6,000 per year. If these were to be approved they would go into effect on January 1, 2012.

Councilor Bolduc asked Parks & Recreation Director Kevin Dunleavy if he has received any feedback on this matter. Director Dunleavy stated he has not since he presented to the Council.

Councilor Baer stated that she is opposed to allowing the Parks & Recreation Commission to collect the funds and disperse them at their will. There are many City fees and they are all returned to the General Fund and it is not proper for a Department or Commission to have control of fees that can be accrued. The Resolution is not specific but general; this fund should be included in the budget and approved by the Council.

Chairman of the Parks & Recreation Commission Jeff Pattison explained that the issue of fees has been on the Commission agenda for at least six years. In discussions, it was considered to apply the fees to everyone, including taxpayers, and it was decided that the Commission did not want it to apply to residents of the City. There is currently a fund in place for the use of Bond and Weirs Beach that is used by the Commission to pay the attendants at the beaches which is somewhat similar to the proposed fund. The difference in the proposed fund is that there is no specified purpose at this time and the Commission would make that decision. One example of how the fees could be used is for emergency maintenance to fields.

Councilor Baer stated that she is not opposed to the fees, but to the Commission having control and the fees not being treated like other fees and going into the General Fund.

Councilor Bolduc commented that when an emergency happens with a field condition the Commission does not have the time to wait for approval to spend funds, they need it right away. The Commission is appointed by the Council to run the Parks & Recreation Department and Councilor Bolduc does not have a problem with the Commission regulating how the fees will be used.

Councilor Lipman asked if the Commission would be comfortable with the use of the reserve fund being specified. Chairman Pattison replied that he is unsure of how that would be worked out. Director Dunleavy explained that with the manner by which the Resolution is written, the revolving fund would be set up so the fees that are collected would be put back into the facilities. Generally this would mean this could go to a building, field, or athletic facility but could not be used for salaries or vehicle replacement. Director Dunleavy also stated that the Council does have the ultimate control because they are establishing the fund and they can revoke it if they feel the Commission is not using the fund in a comfortable manner.

Councilor Hamel stated that even though the fees are going into the fund, the check is going to be issued by the City and monitored by the Finance Department. Mayor Seymour clarified that the concern is the fund will not be treated as traditional funds have been in the past. Councilor Hamel noted that the

Council recently allowed the Library to use the funds they generate from the copy machine for their own purposes. Councilor Baer clarified that this issue was a ballot question for a Charter change and was decided by the voters, not the Council.

Councilor Lipman agreed that if the Council does not feel the fund is being appropriately used the Council can then take that into consideration when the budget is reviewed.

With no members of public wishing to comment, Mayor Seymour closed the public hearing at 7:21 p.m.

Mayor Seymour opened the public hearing regarding the Parks & Recreation User Fee Schedule at 7:21 p.m. with notice with notice being posted at City Hall, Gale Memorial Library and the Laconia Daily Sun.

With no members of public wishing to comment, Mayor Seymour closed the public hearing at 7:22 p.m.

PRESENTATIONS:

1. Planning Department Update

a. Motorcycle Week Technical Review Committee proposed changes

Planning Director Shanna Saunders explained that the proposed changes encompass several City Ordinances. The changes have been discussed every year, but after this year's event it has taken form. Meetings were held with City staff and a public meeting with business owners in July, followed by an additional staff meeting to draft the changes and discuss them. On October 5, a public meeting was held to review the changes. The proposed changes would affect Chapter 195 Special Events and Outdoor Assembly and its Appendix A, Chapter 161 Licensing, and the Temporary Traffic Order requested for the event each year. Each of the proposed changes have been reviewed by legal counsel as well as staff from all affected departments.

Director Saunders explained that time is critical in implementing these changes because Motorcycle Week application processes have been pushed to January 20 from an original date in late December. An additional meeting in May is hoped to be added to accomplish all goals before the event takes place in 2012.

Director Saunders reviewed the proposed changes to each chapter (see Attachment #1). Many changes were grammatical and others were to encompass more events than just Motorcycle Week, such as car rallies and large shows.

Director Saunders explained that in 195-6 section F was added to make it understood that property owners that have outstanding fees owed to the City from a prior event would need to pay the fees before the application could be approved. Item G was added to coincide with the City's current Noise Ordinance.

Councilor Hamel asked if there is a wide interpretation of how certain items can be enforced as it relates to Motorcycle Week. Director Saunders confirmed. Councilor Hamel asked why we would be prohibiting certain events when someone could have a safe place to conduct them and they are done during the day time hours. Director Saunders stated that the Police could not justify allowing it anywhere because it is in conflict with the Noise Ordinance. Councilor Hamel countered that if this is the case, than a bike going down the street at 10:00 p.m. without a muffler is a violation of the Noise Ordinance and nothing

is done with that. Director Saunders agreed but does not feel that permitting it on specific sites could cause a situation that is out of hand.

In section 195-7 proposed changes includes the addition of the requirement for all vendor staff to wear appropriate clothing. This addition was requested because there was an issue of vendor staff and the lack of clothing being worn.

Councilor Hamel referred back to item 4 relating to topography and the prohibition of certain food vendors from operating on slopes. Councilor Hamel noted that almost every vendor on Lakeside Ave is on a slope and asked if they are now going to be prohibited. Director Saunders stated that this has been in Appendix A and it was felt that it needed to be moved into the chapter. In the past, food vendors have been permitted to rise the unit flat to stabilize. The Fire Department wanted to make this restriction more prominently known by placing it directly in the chapter. Councilor Hamel stated that if it was desired, the entire strip on Lakeside Ave could be shut down. Director Saunders stated that the intent is not to shut them down and it can be reworded so the intent is not to shut them down but to allow for the Fire Department to require stabilized cooking and cleaning surfaces. Councilor Hamel stated he does not agree with this item at all. Director Saunders will bring this concern back to the Fire Department.

Mayor Seymour asked if item 13 regarding Dyno tuners are in direct conflict with the Noise Ordinance as is the case with the burn out pits. Director Saunders replied that she will bring this back to the Police Department.

Director Saunders reviewed the addition of 195-7 section D Beer Tents. This has been added because there was not guideline for this in the past and it needs to be clear. As this type of vending progresses the section can be adjusted. Councilor Hamel asked if 1:00 a.m. was a shut down time under State regulations for the Liquor License. Director Saunders stated that it is possible. City Manager Myers interjected that this also requires the tent to close at 1:00 a.m. as well as the discontinuation of alcohol sales. Director Saunders recalled that she was with the understanding the State restricted sales to end at 12:00 a.m. and the time of 1:00 a.m. was to limit a large group exiting a tent all at once.

With section 195-8 B (3) there has been an addition for temporary signs to include those held by a person. This was brought forward because the situation arose this past year and it was difficult to regulate.

Moving on to Appendix A, Director Saunders explained that these are relative to safety. Item 2 was changed to become compliant with a new State requirement and exempts tents with open sides. Councilor Hamel asked if a specific vendor would be required to have a suppression system. Director Saunders would like to refer that to the Fire Department and will get back to the Council. Mayor Seymour clarified that this is not being brought forward by the City but is to allow for alignment with State requirements. City Manager Myers further explained that this is for mobile concession systems.

Councilor Lahey asked what the intended meaning was of fire suppression system. Director Saunders replied that it may be various things and would need to refer to the Fire Department for their definition.

Councilor Lipman commented that the general sentiment is that the Council would like a safe but not suppressed means for the vendors to conduct their business and cause a flashback on the Council that they are prohibiting the event. City Manager Myers explained that this has been discussed with the property owners and there was very little opposition.

Director Saunders explained that the requirements for LP fuel storage has been added to Appendix A but has been the process and this is just putting it in writing. Councilor Hamel asked if someone comes with a 100 pound cylinder they need to hire a licensed gas fitter to connect. Director Saunders explained that when the containers are delivered in most cases the person delivering will make the connection and this has been standard practice for several years. There was no ability to enforce this in the past. Mayor Seymour asked if there had been an issue with this in the past. Director Saunders stated there have been a few in reference to connections being moved. Councilor Doyle asked if this is in connection with a State law as a result of a fire happening in the past. Director Saunders replied that she is unaware.

Director Saunders reviewed the changes to the requirements of electrical cords stating they were made to protect the cords from becoming damaged.

Items 16-19 have been added to allow the Fire Department the right to regulate the requirements that have been enforced in the past. Councilor Hamel stated that item 17 is inhibiting on the vendors because it is going to prohibit spaces. Director Saunders stated that she does not believe that was the intent but will clarify with the Fire Department. The intent is not to prohibit Motorcycle Week but to ensure that what is being enforced in the field is in the regulations and to make the public aware of what is going to be expected of them in the process.

Director Saunders continued with the proposed changes to Chapter 161 Licensing.

The addition of Organized Outdoor Event has been added. Councilor Hamel asked is this would apply to the farmers market and they would pay a one-time fee. Licensing Board Chairman Jim Rogato explained that the definition was being added for this type of event. In section 161-3, D it is specified that the individual vendors are not required to obtain licenses which give the ability to be flexible.

An addition has been proposed to 161-11 by adding item G which specifies what a photographer may and may not do during the Motorcycle Week event, including the ability to move from location to location. Councilor Bolduc asked if they will be required to have a tag identifying themselves. Chairman Rogato replied that this is something that they are looking into doing.

Councilor Lipman asked if this would apply to other businesses, such as the Chamber of Commerce, for use in promotional publications. Chairman Rogato replied that this would be for someone selling the pictures. Councilor Lipman expressed concern with this item being more broadly applied. Chairman Rogato replied that this is specifically for a temporary photographer and will not apply to newspapers or businesses that are already established in the City.

Chairman Rogato reviewed the proposed changes to 161-19 Fees. Item A changes the location of the required posting of fees to the Licensing Department rather than the Police Department. This was done because the licenses are not issued at the Police Department.

In regards to item D wording was added to grant the City Council the authority to waive or reduce the fees in the Chapter 161. In the past this was not in the ordinance and was done with the assumption that the Council had the authority and they did not. Additional changes to the fee schedule include the addition of the Organized Outdoor Event, including those for non-profit, as well as the fees for Photographer Badges.

Councilor Hamel asked if someone was in a vendor location and taking pictures in there booth would they need to obtain the photographers license and badge as well. Chairman Rogato replied that they would not because the photography license would apply to those individuals roaming the area not those that are stationary.

The final item proposed to change is the Temporary Traffic Order for the Motorcycle Week event. These changes are presented to address the closing of the Weirs Bridge and the four wheel vehicular traffic on Lakeside Ave. Director Saunders reviewed that Lakeside Ave would be closed one day earlier to four wheeled vehicles and be designated one way.

Director Saunders noted that there has also been a proposed change to the designation of six parking spaces on the east side of Lakeside Avenue beginning at the crosswalk just north of New Hampshire Avenue. During the past two events those spaces have been occupied by Progressive Insurance and it has caused restriction for access for pedestrians. The proposed change would revert these spaces back to parking for emergency vehicles.

Councilor Hamel asked is Progressive Insurance is planning on returning for the next Motorcycle Week event. Director Saunders replied that she assumes they will. Councilor Hamel stated that he has spoken to the Police Department and they have no use for the spaces and he would like to see Progressive Insurance be allotted the six spaces. Councilor Hamel commented that they have done their part to protect the public and there is an equal amount of congestion in the entire area for the event. Councilor Bolduc commented that the Police parks on New Hampshire Ave. Director Saunders replied that her understanding is that the space will be utilized for ambulance staging. This has been a concern of the committee and if Progressive Insurance draws a larger crowd it could become a safety concern. Director Saunders commented that there are several other sites, including the Boardwalk that could accommodate an acceptable amount of foot traffic and ensure safety.

Director Saunders reviewed the proposed change to allow four wheeled vehicles to cross the Weirs Bridge at all times. This is being proposed because of the drop in attendance numbers and the shift in vendor locations to the northern end of the Weirs area. Councilor Doyle confirmed that the bridge can be closed if it is felt necessary. Director Saunders replied that it could if the Police Department felt it was necessary.

City Manager Myers requested that the Councilors please submit a list of any items they would like clarified as soon as possible. Director Saunders stated that it is her hope to have the Council schedule a public hearing at the next meeting. At that meeting the Fire Department and Police Department will be back if needed.

b. Zoning Change to Ahern Park

Director Saunders explained that this is a change that was discussed when the Laconia Prison Property was rezoned. At that time it was discovered that Ahern Park is a separate parcel and it fits the requirement for preservation under the Rural Residential Zoning.

c. Proposed change to Impact Fee Ordinance

Director Saunders explained that the Planning Board has been enforcing the Impact Fee Ordinance for a few months and they have realized that in the definition of Infill Rehab and Reuse the Commercial

Resort (CR) Zone was not included. Since that time there have been a few proposals in the CR Zone that are indeed Infill Rehab and Reuse. The proposed change would add the CR Zone.

MAYOR'S REPORT:

Mayor Seymour commented that there has been some discussion to not have a formal inauguration this year as there will be no changes at the Council table. The Council confirmed this is the case.

Councilor Bolduc and Councilor Hamel were thanked for their participation in Christmas Village. Mayor Seymour also thanked Ernie Bolduc and the countless volunteers in the community. Christmas Village was very successful again this year and was enjoyed by the community.

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) Oak & North Main St. Intersection
 - c) Proposed ordinance regarding vehicles over 18,000 lbs. and engines idling between the hours of midnight and 6:00 a.m.
 - d) Proposed ordinance regarding large vehicles parked on City streets and sidewalks

No report on any item in committee

5. **LAND & BUILDINGS:** **(Hamel, Lipman ,Bolduc) (Report on item b from meeting of 12/12 at 6:30 p.m.)**
 - a) Repair & maintenance of City Buildings
 - b) Former Laconia Police Department Building

Councilor Hamel explained that at the Committee meeting it was decided to propose an expression of interest for the property. The party coming back with the best idea for a use of the building would be granted the building and it would come back into the tax rolls.

Councilor Lipman used the example of the City of Clairmont putting an old mill building back into use as an inn and restaurant and brought economic success to the community and placed it in the tax rolls. Although the former police department building is smaller, we have the option to consider using the building for the highest use that would be beneficial for the community. There was some public testimony that there may be an abutting property going up for sale soon and this may be included in any publication. The recommendation of the committee is to have the Council move the expression of interest forward.

City Manager Myers explained that there are a lot of facets to this with the City owned parcel and the private parcel and the access to the river. At this time the abutting property is not projected to be placed for sale until February. If the expression of interest is requested more time should be given to complete them.

Councilor Baer asked if it is possible to post the property for \$1.00 or does the property need to be offered as a bid. City Manager Myers replied that he does not believe there needs to be a minimum bid and the Council can make that determination. At the last time the property was placed for sale the minimum bid inhibited the sale of the property.

Councilor Hamel moved to allow the City Manager to present a proposal to the Council on the details of the expression of interest. Seconded by Councilor Bolduc. **Motion passed unanimously.**

LIAISON REPORTS: NONE

MANAGER'S REPORT:

City Manager Myers reviewed the operational trends, noting that building permits have increased and can be attributed to renovations at two local automobile dealerships. Police Department activity has also been added to the report.

With the Property Tax Collection, the December warrant was not issued until the end of November and would not have projected accurate number and was not updated at this time.

The recycling update was reviewed. The City has increased 2% and is recycling just over 12% with several days showing increases. The hope is that there will be a larger increase. Mayor Seymour reminded everyone that recycling bins are available. City Manager Myers advised that there has been a meeting with the haulers utilizing the transfer station where they received good feedback. Another meeting will be scheduled and City Manager Myers will present the information gathered to the Council.

Councilor Lipman asked if a value can be placed on the savings by increased recycling. City Manager Myers explained that the cost of disposal of rubbish is approximately \$150 per ton. If four tons is reverted to recycling every two weeks, that would be equal to approximately \$600 in savings.

Councilor Hamel advised that he had a conversation with an individual on the committee for the single stream recycling facility and the estimated opening is December 2012.

City Manager Myers has scheduled an AED presentation for the January 9 meeting and an invitation is being sent to the local delegators to attend the January 23 meeting to give an update.

Councilor Hamel asked if there is any further information on the traffic light upgrade at Oak Street. City Manager Myers stated that as soon as the equipment is in it will be functional and the left hand turn will be permitted.

Councilor Bolduc asked to have the “No Parking” signs placed on Mechanic Street per the Council vote. Signs have only been placed on one side of the street at this time.

NEW BUSINESS:

1. Request to reappoint Barbara Cushing-Moore as Supervisor of the Checklist in Ward 5

It was requested to table this appointment until December 27.

UNFINISHED BUSINESS:

1. Second Reading of a Resolution Relative to the Establishment of a Parks & Recreation Facility Revolving Fund

Councilor Lahey moved the second reading of a Resolution Relative to the Establishment of a Parks & Recreation Facility Revolving Fund. Seconded by Councilor Bolduc.

Councilor Baer stated that she will not object to the resolution as she has trust in the Parks & Recreation Commission.

Motion passed unanimously.

2. Second Reading of a Resolution Relative to the Establishment of Non-Resident User Fees, Concession Stand Use Fees and Storage Bay Use Fees for Certain Park Facilities

Councilor Hamel moved the second reading of a Resolution Relative to the Establishment of Non-Resident User Fees, Concession Stand Use Fees and Storage Bay Use Fees for Certain Park Facilities. Seconded by Councilor Bolduc. **Motion passed unanimously.**

3. Council membership on the CIP Committee
4. Milfoil Treatment Funding Request
5. WOW Trail
6. Master Plan
7. EPA Update
8. Sewer & Water Master Plan
9. Single Stream Recycling/Concord Co-Op/Solid Waste Disposal Cost Reduction
10. Strategic Planning/Goal Setting

NOMINATIONS, APPOINTMENTS & ELECTIONS:

NONE

COUNCIL COMMENTS:

Councilor Bolduc stated that Christmas Village was a lot of fun and everyone enjoyed it. Some even stated that the three hour wait was well worth it. Councilor Bolduc also thank the WLNH Children’s Auction for their support of the community.

Councilor Baer thanked Mayor Seymour for his work at the WLNH Children’s Auction, Alan Beetle, who raised \$110,000, and the community for all of their efforts.

Councilor Hamel noted that the money raised at the WLNH Children’s Auction goes to social service organizations and is supplemental to cuts being made on State levels for their services. The check presented by Patrick’s Pub was an amazing amount and they did a tremendous job. In addition, Councilor Hamel commended Mayor Seymour for his contribution of time to the WLNH Children’s Auction.

NON - PUBLIC SESSION: NONE

ADJOURNMENT:

Councilor Bolduc moved to adjourn at 8:35 p.m. Seconded by Hamel. **Motion passed unanimously.**

A True Record Attest:

Lindsey Allen
Deputy City Clerk