



**LACONIA CITY COUNCIL MEETING
DECEMBER 27, 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 Robert Hamel led the Salute to the Flag.

ROLL CALL:

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

Councilor Lahey was excused.

ADOPTION OF MINUTES OF PREVIOUS MEETINGS:

- **Minutes for the December 12, 2011 Council meeting**

Councilor Bolduc moved to approve the minutes for the December 12, 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: NONE

PRESENTATIONS:

- **Council Presentation - Mayor Seymour**

Mayor Seymour presented the 2011 Debra Bienarz award to Bree Dassatti.

- **MTRC Update – Planning, Fire & Police**

Planning Director Shanna Saunders introduced Deputy Fire Chief Charlie Roffo to review the changes to Appendix A of Chapter 195 (see Attachment #1). Deputy Roffo explained that Appendix A is used to promote safety for special events, including Motorcycle Week, within the City and has been updated to bring the City in compliance with State laws. In bringing the City in compliance the vendors have been notified of the changes and the MTRC has worked with the vendors to ensure safety.

Councilor Hamel asked what vendors would be excluded from the requirement to have a fire suppression system in the food trailers. Deputy Roffo replied that this is a State law and most vendors have complied already. This would apply to trailers, buses, etc. This requirement is a State law and has allowed for local exceptions in the past but has been modified to take that away. Councilor Hamel asked if this would include the vendors on Lakeside Ave that are in tents. Deputy Roffo replied that it does not because they are open on all sides and are separated from places of assembly; this applies to concession vehicles and vendors inside of an assembly tent. Councilor Hamel asked for the citation to this requirement. Deputy Roffo replied that he will send the citations for these laws along to the Council.

Deputy Roffo advised that the fee structure for LP Gas storage units to allow flexibility of the Council to change the rates as they see necessary. The requirement to securely attach cylinders with a metal chain, cable or retaining strap to a substantial surface has been removed because the requirement to have a minimum tank size of 50 gallons will make it very unlikely that the tanks can be moved without mechanical assistance. Councilor Lipman asked if requiring the use of larger tanks in conventional in other communities. Deputy Roffo explained that it is not and some towns do allow the use of smaller tanks but there have been several safety issues with the smaller tanks. The vendors have been more receptive to the larger tanks because they require less frequent fills of the tanks and there is less chance they will be the subject of theft.

In regards to the distance required between the tank and ignition source, Deputy Roffo explained that they have been working with the vendors to ensure this will not be an issue this coming year. Councilor Hamel asked if LP appliance and piping installation is currently being completed by a NH licensed gas fitter. Deputy Roffo replied that it is and has been for the last three years in accordance with Amelia's Law. It is the general practice of anyone placing a tank to be a licensed gas fitter and the license number is provided to the Fire Department for tracking purposes.

Deputy Roffo explained that because of some vendors using inadequate extension cords there has been a requirement added to require the cords to be of sufficient size to carry the calculated load and to be free of damage.

Councilor Hamel asked if the City provides listings of professionals to provide assistance to vendors with these requirements. Deputy Roffo advised that they provide guidance, but usually the vendors are aware and have taken care of the profession needs.

Deputy Roffo advised that there was an issue with extension cords crossing public walkways, one even on a crushed bank, and the cords were becoming damaged. For this reason there has been a requirement added to sleeve or bury the cords to eliminate tripping hazards and physical damage.

It was explained that the addition of the requirement for electrical installation to be performed by a NH licensed Master Electrician applies to the installation of the utility boxes that the vendors plug into and is a State law. Councilor Hamel asked if this applies to the property owner. Director Saunders confirmed.

Deputy Roffo explained that the assembly tents are reviewed each year to ensure they are flame retardant. In addition, the requirement that there will be a minimum of 10 feet between tents applies only to assembly tents. This is the standard distance needed between stakes for the assembly tents because the manufacturers are aware of the codes, which are universal.

Councilor Lipman expressed that there is concern that the changes that are being requested may hinder the event from being successful. Deputy Roffo advised the Council that the intention is not to give the MTRC reasons to shut vendors down, which has never been done. The issues that may arise from non-compliance are mitigated and everyone is willing to work with the vendors for compliance. Most of the rules outlined in Appendix A are pre-existing law and is being provided to the vendors so they know what is expected and they can be in compliance.

Councilor Hamel asked if there was a public meeting held by the MTRC regarding these changes. Director Saunders explained that there was a meeting held on July 20 and October 5 with all of the involved parties, including the property owners. All of the proposed amendments were discussed.

Councilor Hamel asked if there is anyone from the Weirs Action Committee or the Motorcycle Week Association on the MTRC. Director Saunders replied that there is not because there has been the understanding that the business owners wanted separation of the rule making entity and the promoting entity, but they would be a welcomed addition.

City Manager Myers explained that the intention is not to have a decision on these items this evening and that a public hearing is being requested for the January 9, 2012 Council meeting.

Director Saunders reviewed the changes to Chapter 195 regarding burn out pits and dynotuners. These changes allowed the dynotuners and prohibited burn out pits because they are in violation of the City noise ordinance. Captain Steve Clarke was invited to address the Council.

Captain Clarke explained that with regards to the dynotuner there is a legitimate purpose of tuning the motorcycle, unlike with the burn out pit which is for entertainment value only. When discussing these items among the MTRC it was concluded both items are in violation of the ordinance prohibiting the revving of an engine and the squeal of a tire, however, the ultimate decision to not allow these items falls on the Council. Captain Clarke recommended that if the Council would like to continue to allow burn out pits that they mandate a special permit, just like with other vendors, for this item which would allow for specific criteria to be followed, such as disqualifying highly populated or residential areas.

Councilor Hamel commented that a few years ago Budweiser did a burn out show at the Naswa. Captain Clarke replied that they have been done at the Lobster Pound, the Broken Spoke and the Naswa during prior events as promotional. Councilor Hamel stated that he would not like to see burn out pits banned, but permitted would be a better solution because the events are entertaining.

Captain Clarke advised that the dynotuners have insulation and are self contained. They are not disruptive to the public and can be adjusted in a particular way so they are not infringing on other people's rights.

Councilor Lipman asked if there is a feeling that there is a benefit to having a location where the burn out pits are permitted rather than banning them all together. Captain Clarke replied that if they are permitted anywhere than people are going to leave that location and replicate the act on the street. Councilor Lipman clarified that the proposal is to permit rather than ban. Captain Clarke replied that he

is offering the permit as an alternative to banning. Director Saunders corrected that the proposal is to eliminate the burn out pits all together.

Councilor Hamel stated that if the support for the ban is because there is an ordinance relative to the noise than there is hardly ever a Harley Davidson motorcycle driving on the boulevard that doesn't have a straight pipe and is loud and should be stopped by the Police. Captain Clarke disagreed and offered to discuss this issue at another time.

Councilor Doyle commented that it is irrelevant where the burn out pit is taking place because the odor and the smoke are not contained. Captain Clarke agreed and reiterated that the dynotuner is a contained unit and a burn out pit is not. Captain Clarke explained that a few years ago, the Fire Department stopped at the Naswa for a fire call because a burn out pit had taken place and the actual emergency was on Weirs Blvd at another location. There was an excessive amount of smoke and it caused a safety hazard. Councilor Doyle commented that there are a number of burn outs done on Route 3 and it results in damage to the roadways and unpleasantness to the neighboring properties.

Captain Clarke continued by addressing the proposed changes to the Temporary Traffic Order for Motorcycle Week. The Fire Department and Department of Public Works were consulted to identify what could be changed to make the traffic flow more efficient. One of the changes requested is to not allow four wheeled vehicles on Lakeside Ave from the beginning of the event on, rather than permitting them on the first Friday, Saturday and Sunday. This has caused sufficient confusion for people and has been prohibiting for the vendors setting up in there spaces. As a cost saving measure, this would allow the Department of Public Works to set up the barricades once rather than several times in the first three days of the event.

The next item recommended to change is the closing of the Weirs Bridge. When it was originally decided to close the bridge, there was a need for the closure. Over the last several years, the attendance at the event has become manageable and there is a feeling that the closure is no longer necessary. In 2010, the bridge was ordered to be closed and the Police Department chose to keep the bridge open and test the efficiency; there was no need to close the bridge at all. If the Weirs Bridge were to remain open, it would eliminate the need for traffic control and save money on the event.

Councilor Hamel asked if there would be wording allowing the Police Department to use discretion and to close the bridge if they felt necessary. Captain Clarke replied that the Police Department has the legitimate right to close down a road if they deem necessary and the option would still be there.

The final change being requested to reinstate parking for emergency vehicles on Lakeside Ave. Captain Clarke explained that the current parking is being provided on New Hampshire Ave, which is a private road, and it is not sufficient for the number of vehicles that need to park in the area. At the last event, there were two accidents involving police vehicles because the area is not sufficient. Although the Police Department is thankful to the Ames Family and the Veterans Home for allowing them to park and congregate, it is not sufficient.

Captain Clarke explained to the Council that the temporary police location known as Station W has been closed because it is not being used and all booking operations were conducted at the Laconia Police Department. Without the parking on Lakeside Ave there is not a place for the Police Department to park their vans, cruiser and motorcycles where they will be accessible. In the proposed traffic order, it has been requested that the six parking spaces designated for Progressive Insurance be reinstated to the Police Department for their use. Captain Clarke asked that if the Council chooses to allow Progressive

Insurance to remain on the six parking spaces that the Police Department is given six parking spaces in the center lane that is now used for motorcycle parking. Captain Clarke reiterated that one way or another, the Police Department needs parking on Lakeside Ave.

Councilor Hamel asked why the transport van cannot be parked at State W. Captain Clarke replied that this is not a large van and the arrests occur mainly on Lakeside Ave. Councilor Bolduc asked why they need to have the parking moved back to Lakeside Ave when the Police Department willingly gave up the spaces because they didn't need them. Captain Clarke explained that this was a decision made by former Chief Moyer and at that time the concern was logistics and now they need to prevent accidents and blocking employee access for the private road.

Councilor Lipman asked for a description of the accidents that took place on New Hampshire Ave. Captain Clarke replied that one resulted from a cruiser attempting to turn around and striking a rock and the other from a motorcycle tipping over on the steep slope of the roadway.

Councilor Hamel commented that it would take longer to negotiate, and be more hazardous, for the vehicle to park on Lakeside Ave in the proposed locations and asked why they were not considering a location closer to the Weirs Beach sign. Captain Clarke replied that a majority of the arrests made during the event are in the area of the Paradise Beach Club and the Tower Hill Tavern and being down by the sign would not be beneficial. The sign is also scenic and would be discouraging to patrons.

Councilor Lipman asked if all six parking spaces need to be grouped together. Captain Clarke replied that they do not.

Director Saunders explained that the language of the traffic order does not need to be approved until approximately two weeks before the event. In an effort to relay information to applicants earlier, the information was being submitted in conjunction with the other proposed changes. It is not necessary to approve the traffic order at this time.

Director Saunders advised that the restriction of topography preventing vending on certain slopes was removed because it is covered in other areas of the Chapter that are pre-existing. At this time, Director Saunders requested input on the dynotuner and burn out pit issues and for the public hearing to be scheduled. The request would be to have the public hearing scheduled for the next Council meeting to allow for submittals of applications and MTRC meetings to begin. Councilor Bolduc asked if they have until the last meeting in January and Director Saunders confirmed.

Councilor Hamel asked why there is a recommendation for appropriate clothing. Director Saunders replied that there is a fine line between public nudity and clothing. This is not intended for the customers or patrons, but for the vendors that are being issued a license by the City. At the last event there was a particular vendor with employees clothed in bikini bottoms and pasties and it was felt that it is not appropriate clothing for a vendor.

City Manager Myers advised the Council that we need Council feedback for the posting of the public hearing. After the public hearing the Council will have the ability to make adjustments to the proposals.

Mayor Seymour asked Charlie St. Clair, President of the Motorcycle Week Association, to address the Council regarding the matters brought forward this evening.

Mr. St. Clair commented that there is no doubt that burn out pits, if in the wrong location, are a nuisance but disagrees that people would attend the event and then mimic the actions on the street. The burn out pits are performed by professionals and permitting the event is better than banning them. If they are permitted or licensed then there is ample time to notify abutters. These events are popular in the motorcycle community and at some rallies they are a big attraction.

Councilor Bolduc asked if Budweiser was approved by the City when it was done. Mr. St. Clair replied that they were licensed. Councilor Bolduc asked if there were many complaints from the events. Captain Clarke replied that there were complaints from the smoke and odor.

Mr. St. Clair asked for clarification on the proposed restriction of banners and signs on a public way, particularly if it would apply to sponsor banners. Director Saunders replied that this was intended for people walking with signs on their body that are blocking sidewalks and obstructing traffic.

Mr. St. Clair commented that the traffic order for Lakeside Ave should become one way on the first Friday of Motorcycle Week. As far as the cars on Lakeside Ave it should be considered that many locals will not get to drive through and look at the event and this is, in many cases, the only chance they would have to visit the event.

Mr. St. Clair addressed the six parking spaces on Lakeside Ave being assigned to the Police Department. Putting the Police Department in the spaces on Lakeside Ave is not a good idea and they should consider a different area and recommended to speak with the Mt. Washington Cruise lines and see if they would be willing to offer there parking spaces in the main lot.

Councilor Hamel asked if Progressive Insurance will be returning this year and if there is an agreement with them. Mr. St. Clair confirmed they will be and the agreement was for five years.

Councilor Hamel stated that he has no disagreement with the proposed dynotuner changes, but the burn out pit should be permitted in specific areas and not banned all together. Noise is something that happens with the event itself and as long as smoke doesn't interfere with traffic and residents that it should be permitted.

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) 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)

- 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:

- **Economic Development Report**

City Manager Myers reviewed the Economic Development Report (See Attachment #3).

Councilor Lipman asked to have the average CPIU reported rather than a year over year. City Manager Myers will have this changed for next month.

There has been an indication of interest at the Lakes Business Park and more information will be released by the developer within an acceptable time frame.

City Manager Myers reviewed the Recycling Challenge update (see Attachment #4). Individual routes showed increases and looking back from November there has been an increase of 3% on recycling. Trending in a positive manner will assist in reaching the 25% goal by March.

Councilor Hamel requested to add overtime expenditures by department to the Economic Development Report. City Manager Myers advised that he will have that information for the Council next month.

NEW BUSINESS:

- 1. Transfer Request for Weirs Roundabout in the Amount of \$20,000**

Councilor Hamel moved to transfer \$20,000 from account 01-431-343-0000 Contingency to account 64-401-303-0003 Route 3 & 11B Roundabout. Seconded by Councilor Bolduc. **Motion passed unanimously.**

2. First Reading of a Resolution Relative to Authorizing the Expenditure for Capital Improvements of up to \$120,000 Representing the Unexpended Proceeds of Certain Bonds Issued on July 16, 2009

Councilor Doyle moved a first reading of a Resolution Relative to Authorizing the Expenditure for Capital Improvements of up to \$120,000 Representing the Unexpended Proceeds of Certain Bonds Issued on July 16, 2009. Seconded by Councilor Bolduc. **Motion passed unanimously.**

3. Request to Designate Funds from the Non-Capital Reserve Fund to Replace the Roof at Memorial Park House

Parks & Recreation Director Kevin Dunleavy explained that the roof of Memorial Park House is in need of repair. The cost for an asphalt roof is approximately \$27,000, while the cost of a metal roof would be approximately \$30,000.

Councilor Bolduc moved to designate an amount not to exceed \$30,000 from the Non-Capital Reserve Fund for the repair of the roof at the Memorial Park House. Seconded by Councilor Doyle. **Motion passed unanimously.**

4. Schedule Public Hearing on January 9 during the regular Council meeting for proposed Zoning Change to Ahern State Park (Map-Street-Lot 333-310-3) from Residential Singe Family to Rural Residential 1

Councilor Doyle moved to schedule a Public Hearing on January 9, 2012, during the regular Council meeting, for proposed Zoning Change to Ahern State Park (Map-Street-Lot 333-310-3) from Residential Singe Family to Rural Residential 1. Seconded by Councilor Bolduc. **Motion passed unanimously.**

5. Schedule Public Hearing on January 9 during the regular Council meeting for proposed Ordinance Change to Chapter 235 Impact Fees for the Addition of the Commercial Resort (CR) Zone

Councilor Bolduc moved to schedule a Public Hearing on January 9, 2012, during the regular Council meeting, for proposed Ordinance Change to Chapter 235 Impact Fees for the Addition of the Commercial Resort (CR) Zone. Seconded by Councilor Doyle. **Motion passed unanimously.**

6. Schedule Public Hearing on January 9 during the regular Council meeting for proposed Ordinance Changes to Chapter 161 & Chapter 195 (with Appendix A)

Councilor Lipman moved to schedule a Public Hearing on January 9, 2012, during the regular Council meeting, for proposed Ordinance Change to Chapter 235 Impact Fees for the Addition of the Commercial Resort (CR) Zone. Seconded by Councilor Bolduc. **Motion passed unanimously.**

7. Request to appoint Election Officials in Ward 5

Councilor Bolduc moved to appoint Barbara Cushing-Moore as Supervisor of the Checklist in Ward 5 and Kaileif Mitchell as Moderator in Ward 5, both for a term to expire in 2013. Seconded by Councilor Hamel. **Motion passed unanimously.**

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

NOMINATIONS, APPOINTMENTS & ELECTIONS: **NONE**

COUNCIL COMMENTS:

Councilor Bolduc commented that in the recent issue of the Legislative Bulletin, it was reported that the Poll Tax exemption could be placed back in effect on January 4, 2012 should the legislature choose to vote to remove it from the table. City Manager Myers that this is the case and the City has received approximately \$16,000 from the billing of the Poll Tax this year to the exempted entities. Councilor Baer stated that she thinks the Council should send a letter that the City supports the tax. City Manager Myers replied that he will draft a letter for Mayor Seymour to sign.

Councilor Lipman noted that the delegation will be in attendance at the January 23, 2012 Council meeting. City Manager Myers noted that they have received some affirmative responses.

Councilor Bolduc commented that a representative from Senator Kelly Ayotte's office will be holding a session at City Hall each month.

NON - PUBLIC SESSION:

Councilor Hamel 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 Bolduc.

On a roll call vote of the Council it was entered into non-public session at 8:39 p.m.

Councilor Hamel moved to come out of non-public session at 9:27 p.m. Seconded by Councilor Bolduc.

Councilor Bolduc moved to seal the minutes for one year. Seconded by Councilor Hamel. **Motion passed unanimously.**

ADJOURNMENT:

Councilor Hamel moved to adjourn at 9:28 p.m. Seconded by Councilor Bolduc. **Motion passed unanimously.**

A True Record Attest:

Mary A. Reynolds
City Clerk