

CITY OF LACONIA - CITY COUNCIL SUBCOMMITTEE MEETING
Government Operations & Ordinances
December 1, 2023 - 4:00 pm

City Hall - Armand A. Bolduc City Council Chamber

1. **CALL TO ORDER**
2. **SALUTE TO THE FLAG**
3. **RECORDING SECRETARY**
4. **ROLL CALL**
5. **STAFF IN ATTENDANCE**
6. **ACCEPTANCE OF MINUTES FROM PREVIOUS MEETINGS**
 - 6.A. **Approval of Subcommittee Meeting Minutes of September 22, 2023 and October 13, 2023**

Documents:

[STAFF REPORT - APPROVAL OF MEETING MINUTES.PDF](#)
[9-22-23 GOVERNMENT ORDINANCES AND OPERATIONS DRAFT MINUTES.PDF](#)
[10-13-23 GOVERNMENT ORDINANCES AND OPERATIONS DRAFT MINUTES.PDF](#)

7. **GOVERNMENT OPERATIONS & ORDINANCES (Soucy (Chair), Felch, Cheney)**

- 7.A. **City of Laconia Flag Policy**

Documents:

[STAFF REPORT - CITY OF LACONIA FLAG POLICY.PDF](#)
[LACONIA FLAG DISPLAY POLICY FOR CITY OWNED PROPERTY 16OCT2023.PDF](#)

8. **CITIZENS REQUESTS TO COMMENT ON CURRENT AGENDA ITEMS**
9. **Any other business that may come before the Council**
10. **ADJOURNMENT**

This meeting facility is ADA accessible. Any person with a disability who wishes to attend this public meeting and needs additional accommodations, please contact City Clerk Katie Gargano, Meeting ADA Coordinator, at City Hall by calling (603) 527-1265 at least 72 hours in advance so that the City can make any necessary arrangements.

**GOVERNMENT OPERATIONS AND ORDINANCES SUBCOMMITTEE MEETING
DECEMBER 1, 2023**

**STAFF REPORT
AGENDA ITEM 6.A.
APPROVAL OF SUBCOMMITTEE MINUTES OF SEPTEMBER 22, 2023
AND OCTOBER 13, 2023**

Discussion: Minutes of the Government Operations and Ordinances Subcommittee meetings of September 22, 2023 and October 13, 2023 were distributed to members of the Subcommittee on November 29, 2023.

Fiscal Impact: Not applicable.

Staff Recommendation: Not applicable.

This report submitted by: Katie Gargano, City Clerk

Proposed motion:

“With no corrections or changes submitted to the Clerk, the minutes will be accepted as distributed.”

CITY OF LACONIA - CITY COUNCIL SUBCOMMITTEE MEETING
Government Operations & Ordinances
2:00 P.M.

9/22/2023 - Minutes

1. CALL TO ORDER

Chairman Soucy called the meeting to order at 2:00 PM

2. SALUTE TO THE FLAG

Chairman Soucy led the salute to the flag

3. RECORDING SECRETARY

Stacy Anders, Deputy City Clerk

4. ROLL CALL

Deputy Anders called the roll of the following subcommittee members: Councilor Cheney, Councilor Soucy and Councilor Felch.

Chairman Soucy stated that all members were in attendance and a quorum was established.

5. STAFF IN ATTENDANCE

Kirk Beattie, City Manager

6. ACCEPTANCE OF MINUTES FROM PREVIOUS MEETINGS

6.A. Minutes of August 25, 2023

The minutes of the August 25, 2023, meeting were distributed to the committee members on September 18, 2023.

With no corrections submitted to the clerk, the minutes were accepted as distributed.

7. GOVERNMENT OPERATIONS & ORDINANCES (Soucy (Chair), Felch, Cheney)

7.A. Ordinance 2023-194-1, 194-8 - Proposal to change the City's Solid Waste Ordinances to reduce customers leaving the Transfer Station without paying

Discussion: The fee for Transfer Station customers disposing of household waste, construction and demolition debris and metal are based on the weight of the material. A customer's vehicle is weighed before disposing of the material and after disposing of the material. A customer with both household trash and construction and demolition debris is weighed after disposing of each type of material. The fee is calculated using the difference between the vehicle weights before and after disposing of the waste. When a customer crosses the scale for the first time, the Transfer Station operator enters their license plate number into the Transfer Station's operating software. When a customer who is disposing of household waste, construction and demolition debris or metal leaves the Transfer Station without coming across the scale to weigh out (drive off), the City only knows the vehicle's entry weight not their final weight so the City cannot provide the weight of materials brought into the

Transfer Station. Thus, the City does not have a means of determining the value of the service. During the summer the Transfer Station has as many customers during the 4 hours it is open on Saturday as it has during a weekday. Many weekend customers have different types of materials with different fees that result in more processing time. Recently the Department has seen an increase in the number of customers who do not come across the scale to weigh after disposing of their solid waste (driveoffs) from about 1 per quarter to an average of 1 per weekend. For most residential customers with only household waste charges will not exceed \$100 per "use". For construction debris most residential customers' charges will not exceed \$300. For mixed loads most will not exceed \$300. In order for the City to recover its costs, the scale operator must report the incident to Police. This would occur after the Transfer Station closes resulting in an increase in the solid waste program's overtime costs. To recover the City's costs and to act as a deterrent to potential drive offs, Public Works is proposing that the City include the following in its solid waste Ordinance:

First offense – a fine of \$500 with no suspension of Transfer Station privileges.

Second Offense - a fine of \$1,000 and suspension from use of the Transfer Station for one month

Third Offense - a fine of \$2,000 and the City may seek an injunction from use of the Transfer Station from the Belknap County Superior Court.

Public Works recommends that the City Council schedule a public hearing on September 25, 2023, to receive input from the public. At the September 11, 2023, City Council meeting this agenda item was referred back to the Government Operations & Ordinances Committee for further review.

Proposed Ordinance 2023-194-1, 194-8 is attached to the agenda.

Director Anderson gave the committee some background on the issue, people who bring multiple categories of items like demo, household trash and electronics or appliances. Must make multiple trips through the scale to complete their transaction. This is resulting in drive-offs that occur more on the weekends when the transfer station is shorter staffed. The City knows the customer because they record every license plate number, the thing they don't know is how much trash they disposed of because they didn't go back through the scale. The change through the ordinance came from our City Attorney. Councilor Cheney asked if there was video recording at the transfer station. Director Anderson confirmed that there is. Councilor Felch wants to make sure that there is proper signage of the change in violations so people are aware.

The committee agreed they were all fine with the proposed changes.

7.B. Discussion regarding impact fees and tax incentives in the City of Laconia

Discussion: At the July 24, 2023 City Council meeting Councilor Cheney requested that the Government Operations and Ordinances Subcommittee review impact fees and tax incentives in the City of Laconia. The Government Operations and Ordinances Committee subsequently discussed this matter at their August 25, 2023 meeting, and requested that it be again included on this agenda for further review and discussion.

Manager Beattie told the committee that this topic came up with Councilor Cheney at a Planning Board Meeting. The question is the planning board waiving impact fees that shouldn't be waived or are they waiving too much. The amounts of what are charged was just amended in the last year and was approved by the council. The current reductions that are allowed are up to 60 % for affordable low to moderate income properties. And up to 80 % for an existing developed neighborhood. The 80% is only available in certain zones. Chairman Soucy asked when the definition could be amended, councilor Cheney thinks that the 80% is too much. The ordinance is set by the Council, the ordinance is interpreted by the planning board. Councilor Felch explained the tax incentives offered should not benefit any future property owners. The committee feels there is a gap where training is needed to ensure the board members filling these seats know what the regulations are.

There will be some amendments to the current ordinance once the board reviews it as well and reports any feedback to the subcommittee.

Manager Beattie is going to work with legal about RSA 79-E to remove transfer of the incentive to a new buyer. They want it to be terminated upon transfer of ownership.

7.C. Discussion of performance zoning

Discussion: Councilor Soucy requested that the Government Operations and Ordinances Subcommittee discuss performance zoning in the City of Laconia.

Attached is Chapter 235-21.1 of the City's Code containing information about the Performance Zoning Overlay District.

Councilor Soucy wants to know what the definition of the performance zone is. The state school properties and casinos are areas in question. The rule has been if the business type is not listed in the ordinance, then it is not allowed and that is what the planning department has been facing. There are only two areas in the City where performance zoning is allowed. One is the Union Ave area and the state school property.

Manager Beattie is going to work the interpretation of this for the subcommittee for the next meeting.

8. CITIZENS REQUESTS TO COMMENT ON CURRENT AGENDA ITEMS

9. Any other business that may come before the Council

10. ADJOURNMENT

Chairman Soucy adjourned the meeting at 2:45 PM.

Respectfully Submitted,

Katie Gargano, City Clerk

CITY OF LACONIA - CITY COUNCIL SUBCOMMITTEE MEETING
Joint Meeting - Government Operations & Ordinances Subcommittee and the
Laconia Human Relations Flag Subcommittee
4:00 P.M.

10/13/2023 - Minutes

1. CALL TO ORDER

Chairman Soucy called the meeting to order at 4:00 PM

2. SALUTE TO THE FLAG

Chairman Soucy led the salute to the flag

3. RECORDING SECRETARY

Stacy Anders, Deputy City Clerk

4. ROLL CALL

Deputy Anders called the roll of the following committee members: Councilor Cheney, Councilor Soucy, and Councilor Felch.

Chairman Soucy stated that all committee members were in attendance and a quorum was established.

Members of the human relations committee were also in attendance.

5. STAFF IN ATTENDANCE

Kirk Beattie, City Manager

6. ACCEPTANCE OF MINUTES FROM PREVIOUS MEETINGS

7. GOVERNMENT OPERATIONS & ORDINANCES (Soucy (Chair), Felch, Cheney)

7.A. Discussion regarding City of Laconia Flag Policy

Discussion: In March of this year the Laconia City Council initially discussed implementation of a flag policy for the City. Further discussion of this item was referred to the Government Operations and Ordinances Subcommittee. At a Subcommittee meeting on June 19, 2023, the suggestion was made that a meeting be held at a future date with the Laconia Human Relations Flag Subcommittee. A copy of a draft Flag policy is attached to the agenda.

Patrick Wood of the human relations committee began the discussion. Government speech is what is allowed on the flag poles. The committee feels the city should decide what should be flown. They added a distinction of the difference between banners and flags. Councilor Cheney would like to see all banners on any city road in Laconia should be vetted by the city because whatever is displayed on those banners is a representation of the city.

Councilor Cheney would like to look into vertical banners. Manager Beattie said that most are on private property, but if there is something offensive or vulgar; that we have a way to address it.

Patrick Wood went over Section 5 on Page 2 lists the flags that can be flown on city own property. He thinks this addresses the concerns that Councilor Cheney raised.

Section 6 addresses banners, like the ones on the poles in downtown or in the weirs. It lays out who can apply for a banner. The application process is still in the works, they'd like to see the City Manager accept them and then be referred to the human relations committee for approval. Councilor Cheney would like it to be given a recommendation from the Human Relations Committee. The final approval will come from the City Manager.

An amendment will be needed to section 6 to reflect the requested changes listed above.

Councilor Soucy said that Section 3 may need to have changed as well. Manager Beattie agreed that it appears to be grammatical.

The committees agreed that Mayoral Proclamation should be stricken.

Councilor Soucy mentioned that the City Hall Flagpole was off limits, the veterans park and veterans square flag poles were all off the table. Then which poles are they referring to? The human relations committee said all the poles in downtown that currently have banners on them from Celebrate Laconia. There is concern about business owners being upset about a particular banner that was approved to be hung outside of their business that they may not agree with.

Manager Beattie brought up that other communities have a designated pole instead of worrying about all the flag poles, light poles and banners.

Patrick Wood would like this to go back to the City Attorney, get clarification on the items they discussed today. They do not feel there is a reason to be expedited to City Council. They'd all like to see this done right and done well the first time.

There was a further discussion on timeframes for the displays.

Councilor Cheney would like to see the Council notified upon approval by the City Manager for any permits issued.

Manager Beattie stated that he needs a fully vetted revised copy to hand off to the City Attorney. The committees agreed that they would work on this outside of the meeting and would work collaboratively together.

8. CITIZENS REQUESTS TO COMMENT ON CURRENT AGENDA ITEMS

9. Any other business that may come before the Council

Manager Beattie would like to see another meeting scheduled in about 2 weeks to discuss casinos. He has some information to be shared and they have notified the people interested in having casinos in the city, and they are waiting for the plan and he doesn't want to leave them hanging.

10. ADJOURNMENT

Chairman Soucy adjourned the meeting at 4:53 PM.

Respectfully submitted,

Katie Gargano, City Clerk

DRAFT

**GOVERNMENT OPERATIONS AND ORDINANCES SUBCOMMITTEE MEETING
DECEMBER 1, 2023**

**STAFF REPORT
AGENDA ITEM 7.A.
CITY OF LACONIA FLAG POLICY**

Discussion: In March of this year the Laconia City Council initially discussed implementation of a flag policy for the City. Further review of this item was referred to the Government Operations and Ordinances Subcommittee and discussed during previous meetings.

A copy of a the most current version of the draft flag policy is attached.

Fiscal Impact:

Staff Recommendation:

This report submitted by: Kirk Beattie, City Manager

Proposed motion:

Laconia Flag and Banner Display Policy for City Owned Property

16 October draft

Section 1 Purpose

The intent of this Policy is to enact guidelines for the display of flags, other than the flag of the United States of America, the flag of the State of New Hampshire, and the flag of the City of Laconia, and banners on City Owned Property.

Flags flown on City Owned Property shall be done as government speech. Banners flown on City Owned Property shall not constitute government speech but should represent the values and interests of City of Laconia. This Policy establishes guidelines for requests to fly any other flag or banner on City Owned Property.

Section 2 Location

This Policy governs, and is limited to, the flying of flags or banners on external City Owned Property which, for the purposes of this Policy, includes flagpoles and light poles owned or controlled by the City of Laconia within the City of Laconia.

Section 3 Definitions

Annual Observance are those as delineated by the Administrative Office of the U.S. Courts, which include: National Law Day, Constitution Day, Citizenship Day, Anniversary of the Federal Court System, Bill of Rights Day, African American History Month, Women's History Month, Asian Pacific American Heritage Month, LGBTQ+ Pride Month, Hispanic Heritage Month, and Native American Heritage Month.

A **banner** is elongated and usually rectangular and is attached at both ends between brackets or between two poles. Banners carry general messages about people, events, or places of interest or importance to the City of Laconia.

City Council Proclamation is the act of the City Council recognizing an individual, entity, event, accomplishment, anniversary, or any other event worth recognizing in the discretion of the City Council.

City Owned Property for the purposes of this Policy refers to property owned or controlled by the City of Laconia including streets, sidewalks, and external flagpoles and light poles within the City of Laconia.

Event is defined as any happening organized, hosted or produced by the City of Laconia, the Laconia School District, or by any person, business, organization, corporation, or charitable organization, for a particular and limited purpose and time, including but not limited to community-wide or charitable races/walks, fundraisers, concerts, cultural events, food fairs, exhibitions, farmers markets, flea markets. Banners on City Owned Property shall not be permitted solely for commercial advertising or purposes.

Exclusive Use is defined as the continuous display of the flag or banner that was the subject of the Application on the City Owned Property. This term does not allow for any other use of City Owned Property.

A **flag** is oblong, triangular, or square and is attached on one side to a pole or the rigging of a ship. Flags represent symbols such as flags of a nation, state, or city. Flags may also be used for sending messages such as maritime flags.

Holiday is as delineated by the State of New Hampshire unless otherwise noted.

Official Ceremonies are official actions of the City, ceremonial items of the City, and/or proclamations of the City.

Section 4 Eligible Participants

Eligible Participants are only those individuals, groups, and entities who are residents of the City of Laconia, and/or are affiliated with an Event, Annual Observance, Holiday, and/or City Council Proclamation occurring in the City of Laconia.

Section 5 Eligible Flags

The only flags eligible to be flown without City approval on City Owned Property are the official flags of the United States of America, the state of New Hampshire, and the City of Laconia, and the POW/MIA flag. Any flag flown on City Owned Property becomes the property of the City of Laconia. Flags flown on City Owned Property shall be done at the sole discretion of the City Council and in accordance with the provisions of 4 United States Code 8, Respect for Flag.

Ceremonial flags may be flown on City Owned Property based on the determination by the City Council that such a display is the City's "speech" under First Amendment analysis, rather than the creation of a public forum for the display of flags not of the City's choosing.

Flags of governments recognized by the United States may be displayed on the occasion of an official visit to the City by dignitaries or in conjunction with a special occasion or ceremony approved by the City Council.

Section 6 Process

Any Eligible Participant may apply to the City Manager for the use of City Owned Property to display a banner or banners on City Owned Property and said application must be accompanied by a picture or complete description of the banner or banners to be displayed.

The banner or banners must symbolize or represent an Event, Annual Observance, Holiday, or City Council Proclamation. The Application shall include a detailed explanation of how the banner or banners symbolize the category under which it is submitted and the period of time the banner or banners are to be displayed. If the banner or banners are determined to symbolize something other than what was set forth in the Application, the City may require immediate removal of such banners.

Applications for banners depicting or symbolizing items other than City Council Proclamations shall be reviewed by the Laconia Human Relations Committee prior to approval for compatibility with the vision and mission statements of the Laconia Human Relations Committee and a report of the review shall be forwarded to the City Manager. The City Manager shall consider the report of Laconia Human Relations Committee prior to issuing a permit.

The City Manager shall notify the City Council of the status of any applications for

permits and the City Council shall have the final authority to grant or deny any application.

If the Application is approved, the exclusive use of the City Owned Property is granted to the Eligible Participant for the requested period of time which shall not exceed one month or such lesser time – but not less than two weeks - as determined by the City Manager, unless a longer time is granted by the City Council.

However, if any other use is made of the City Owned Property other than that as permitted by the Exclusive Use, the City may revoke the approval and the City shall remove the banner or banners within 48 hours of notification of revocation.

Failure to complete the Application in its entirety and/or failure to include the picture or description of the banner or banners to be displayed are grounds for denial of the Application.

Applications will be available at the Office of the City Manager, and online at the City's website www.laconianh.gov.

The Application shall include the name of the Eligible Participant and all relevant contact information for the Eligible Participant. Any obligation to contact the Eligible Participant concerning the Application and the use of the City Owned Property shall be deemed satisfied upon one attempt by the City utilizing the contact information provided. Notification shall be done either electronically or by US mail.

Applications shall be submitted no less than sixty (60) days prior to the requested exclusive use period, and not more than one year prior to the requested exclusive use period.

Requests will be accepted and acted upon on a first come first serve basis. Approval of an application will be in the sole discretion of the City Manager. No appeal of that determination is afforded.

Section 7 Display

Banners shall be displayed in accordance with all Federal and State laws and shall commence at 8 a.m. on the first day of the Exclusive Use period and shall cease at 5 p.m. on the last date of the Exclusive Use period.

By submitting the Application, the Eligible Participant waives any and all claims against the City of Laconia for use of the City Owned Property including, but not limited to, claims of property damage, personal injury, and any and all other tortious claims.

The City of Laconia reserves the right to revoke the any approval under this Policy at any time, upon 24-hour notice, and no cause is necessary.

Section 8 Fee

If the use of the City Owned Property requires a fee, of an amount to address maintenance, upkeep, installation and removal costs, said Fee shall be clearly delineated on the Application and shall be paid prior to the usage of the City Owned Property.

Banners displayed by the City of Laconia or any department, board, or committee of the City, shall be exempt from fees. Banners proposed to be displayed by any other governmental agency may also be exempt from fees at the discretion of the City Manager.