

Minutes were approved on June 5, 2023, by the Government Operations & Ordinances Subcommittee.

CITY OF LACONIA - CITY COUNCIL SUBCOMMITTEE MEETING
Government Operations & Ordinances
City Hall - Armand A. Bolduc Council Chamber
6:00 P.M.

4/24/2023 - Minutes

1. CALL TO ORDER

Chairman Soucy called the meeting to order at 6:00 PM

2. SALUTE TO THE FLAG

Councilor Felch led the salute to the flag.

3. RECORDING SECRETARY

Katie Gargano, City Clerk

4. ROLL CALL

City Clerk Gargano called the roll of the following committee members: Councilor Soucy (chair), Councilor Cheney, Councilor Felch.

5. STAFF IN ATTENDANCE

Kirk Beattie, City Manager; Glenn Smith, Finance Director; Amy Lovisek Parks and Rec Director; Dean Trefethen, Planning and Code Director; Tim Joubert, Fire Chief.

6. ACCEPTANCE OF MINUTES FROM PREVIOUS MEETINGS

6.A. Approval of draft Government Operations & Ordinances Subcommittee minutes of March 27, 2023

Minutes of the meeting of March 27, 2023 were distributed to the members of the City Council Government Operations and Ordinances Subcommittee on April 4, 2023.

With no corrections or changes submitted to the Clerk, Councilor Cheney made a motion to accept the minutes as distributed. Seconded by Councilor Felch.

The motion passed with all in favor.

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

7.A. Progress on updating the Short-Term Lodging Ordinance

The Planning Department is working with various parties to update the Short-Term Lodging Ordinance to try and make the Ordinance stronger and clearer. In particular, we are concentrating on creating definitions for some of the terms used that are subject to interpretation and adding some

additional restrictions.

Also, a general discussion about aspects of the regulations that may need to be added or changed needs to occur.

Director Trefethen went over the following list of the items the Planning Department is working on which may be added to as the result of discussion with the Subcommittee.

Items being discussed and defined:

- Creating a definition for "owner-occupied" and "principal place of residence". Owner-occupied is used in other unrelated sections of the Zoning Ordinance as well as the STL Ordinance. It has only been an issue with the STL Ordinance. The intention is to create a definition with a verification aspect that can be used universally. The Principal Place of Residence definition could be used in the update to the STL Ordinance, and other unrelated sections of zoning, so it would be useful to have one.
- Adding a provision that in multi-family structures (3+ units) in addition to being owner-occupied in one unit (if applicable by zone), then only ONE unit could be STL, not all others. This would not apply to condo developments, although technically multi-family, their ownership is individual.
- Tighten definition of SEASONAL, to make it clear that a seasonal structure can NOT be used by anyone for any purpose, even the owner, between Nov 1 and April 30. This is to try to take care of the true camps that are still left in the City.
- Strengthen the awareness of the requirement for there to be an available "agent" to answer and act on complaints in a timely manner. See section 2:b.
- Discuss possible change in permit fee, currently \$250 for two years.

Councilor Cheney would like to see 200-210 days as a requirement for residency, he also thinks there needs to be a better definition of "commercial" He'd like to see our legal counsel spoken to about defining and stiffening up commercial. Housing in the city is desperate already and he just keeps seeing short term rentals taking over. He would like a document to be signed under penalty of perjury that they live at the said address for however many days they decide upon.

Councilor Felch mentioned a letter that was sent to the Council via email by resident Dorothy Duffy, the subcommittee liked the examples she gave about having the definitions of occupancy.

Councilor Soucy wants to increase the application fees to: \$500/year. Councilor Cheney agrees.

Councilor Felch would like to keep it at \$500 for every 2 years.

Councilor Soucy would like to see ordinances for Portsmouth, Rye, Hampton on what their application fees are.

Councilor Soucy asked what the timeline needed to get this passed. Director Trefethen said he'd like to see this get to the planning board on May 3rd.

Director Trefethen noted that he knows people see short term lodging as a vacation, but there are other times where there are business men who want the at home feel, the families who are looking to have a reunion and cannot do that in a hotel. There are approximately 100 permitted short-term rentals in the City. There has only been 1 complaint on the permitted properties. The outside help will help the department identify the unlicensed homes.

Councilor Soucy asked if there is a revocation process for the permit. The answer is yes, if 3 or more

complaints are filed, the permit can be revoked and they will not be able to reapply for at least 1 year. There are always appeals processes available. Councilor Cheney would also like to see better enforcement.

NOTE: When this Ordinance is finalized, the Planning Board must approve the proposed language and schedule a Public Hearing at a subsequent meeting (minimum two-month process). The Board will then need to vote on a recommendation to the City Council. Once the Board has agreed to post the Public Hearing (schedule it), then the new language would take effect at that point, although the Council could later amend (minor changes) or approve/reject.

7.B. Discussion of naming privileges for public areas

Councilor Felch requested that the Governmental Operations & Ordinances Committee discuss naming privileges for public areas.

Pursuant to Councilor Felch's request, City Manager Beattie researched several New Hampshire cities to determine how they handle the naming of city buildings, fields and places (other than streets), and presented that information to the Government Operations & Ordinances Subcommittee at their March 27, 2023 meeting. At that meeting Committee members requested the City Manager to develop an Ordinance specific to Laconia.

Draft Ordinance language is attached to the agenda for the Committee members' review.

Manager Beattie discussed the draft version of the ordinance of how they would go through the naming process. It would end with the City Council but it will seek recommendation from each affected department like parks, schools, the historic district, etc. he'd like the committee to review the language, Councilor Felch made a motion to bring the proposed language to the City Council to schedule a public hearing, seconded by Councilor Cheney. ***The motion passed with all in favor.***

7.C. Progress on creating a Hazardous Building Ordinance

The Fire and Planning Departments are working with various parties to create an Ordinance that would allow City staff and the City Council to take action against hazardous and dilapidated buildings, like the ongoing situation on Bay Street, following a fire.

The current International Property Maintenance Code, which the City has adopted, calls for the Code Enforcement Director to be able to declare a structure, or it's rubble, to be unsafe and, if deemed necessary, to have it razed and debris removed, with the City being able to attach the cost of that work as a lien to the property. In practice, however, that process takes a considerable amount of time due to posting requirements and their timelines, but also still needing a court's decision that the action is appropriate, and that the lien can be placed.

It is believed that by enacting a section in our City Code, in either Chapter 119-Building Construction or Chapter 155-Housing Standards, that specifically gives the power to the City Council, at the Code Department's recommendation, to order the demolition or removal of the structure, that the process would be quicker. The City would still need a court order to take the actions and to place the lien.

The list attached to the agenda represents the items the Fire Chief has suggested could be fashioned into an Ordinance.

Manager Beattie started the discussion about the planning director and the fire chief working together on making homeowners act on dilapidated and burned-out buildings.

Councilor Soucy asked how the process would work, would we take it by emanate domain? Manager Beattie said no most likely what we do is have the city clean out the property and will place a lien on the parcel. The city would not want to own the parcel, the funds would be recovered if or when the

parcel sells.

Chief Joubert would like to make sure that the ordinance recommendation doesn't conflict with other parameters that are already in place.

Councilor Cheney wants to make sure that the ordinance reflects that either fire or code can deem a property as hazardous and make their recommendation to the council, he wants them to be constantly working together.

Manager Beattie asked what the plan from the board is. Councilor Soucy asked that we turn to the fire chief and planning director to include all aspects of dilapidated, not just burned down.

Councilor Felch would like to be tightened up and brought back to them, he likes the start. The goal will be to have this by the 2nd meeting in May.

7.D. Discussion of time frame for demolition permits

Councilor Soucy wants to know about demolition permits that have been applied for but have not been granted.

Director Trefethen explained about 4 years ago there was an application filed by the diocese and there was a huge level of public outcry. The diocese stated they'd like to place their application on hold. Because there is no time frame in our current ordinance. According to our legal counsel they said that if they requested to put it on hold than it can remain on hold until they wish to because there is no specified timeline in the current ordinance. It was asked to relook into the request.

Councilor Soucy would like to see a rewrite of the current ordinance that creates a timeline, he wants the City Council to have the final say on all demolition permits.

Director Trefethen said that he would have to ask legal counsel on if that is even permissible.

8. CITIZENS REQUESTS TO COMMENT ON CURRENT AGENDA ITEMS

9. Any other business that may come before the Committee

Councilor Felch asked Director Trefethen about Accessible Dwelling Units. Currently they go through the zoning board. There have been discussions between the city manager, the planning director, the mayor and councilor Lipman. There are some revisions that councilor Lipman would like to see regarding a few definitions and clarification. Director Trefethen did not know all the specific details but thinks they can have it before the council sometime in May. A public hearing was held on this a while back, but they should probably hold another one because there have been enough changes to the language.

10. ADJOURNMENT

Chairman Soucy adjourned the meeting at 6:50 PM

Respectfully Submitted,

Katie Gargano

City Clerk