

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