



**LEBANON CITY COUNCIL
MAY 4, 2022 - 7:00 PM
COUNCIL CHAMBERS, CITY HALL OR
REMOTE VIA VIRTUAL PLATFORM
LEBANONNH.GOV/LIVE**

1. Call to Order

To participate in this meeting, please [join live via Microsoft Teams](#) or call 929-229-5356 (access code: 486 760 461#). If you have trouble accessing this meeting, please [email Shaun Mulholland](#).

The May 4, 2022 Lebanon City Council Meeting is hereby called to order.

2. Pledge of Allegiance

3. Public Forum Announcement by the Mayor

Any member of the public who desires to speak on any item may do so when the item is taken up by the Council and will be allowed to speak on the subject for not more than three minutes. **(Note: Speakers are asked to state their name, ward of residence, and to use the microphone provided.)**

4. Open to the Public

5. Recognitions: None

6. Approval of Minutes

- A. MOTION TO approve the minutes as presented in the May 4, 2022 agenda packet.

7. Appointments: None

8. Public Hearing Items: None

9. Old Business: None

10. New Business

- A. Discussion & Set Public Hearing for June 1, 2022: Authorize appropriation for Mechanic Street Sidewalk Segment 2
- B. Braver Angels Presentation relative to facilitating difficult discussions and polarized political issues

11. City Manager Report

12. Council Representatives to Other Bodies Report

13. Future Agenda Items

14. Non-Public Session

- A. RSA 91-A:3.II(a) "The dismissal, promotion, or compensation of any public employee..."

15. Adjournment

Meetings are open for in-person and remote attendance. Members of the public that wish to attend remotely may do so by going to LebanonNH.gov/Live where you will find instructions on how to enter the meeting. Members of the public will be able to participate and ask questions through the City's virtual platform or by phone. Please note: Should technical difficulties occur during the meeting that disrupts virtual or phone connection(s), the meeting will continue without remote access capabilities.

FUTURE BOARD/COMMITTEE/COMMISSION APPOINTMENTS

Board/Committee: Airport Tech Park TIF Advisory Board

Position: Regular Member

Applicant: K. Caron

Assigned Councilor: C. Below

Assigned Date: 04/19/2022

Board/Committee: Arts & Culture Commission

Position: Regular Member

Applicant: J. Giordani

Assigned Councilor: G. Sykes

Assigned Date: 02/09/2022

Board/Committee: Pedestrian & Bicyclist Advisory Committee

Position: Regular Member

Applicant: M. McCormick

Assigned Councilor: D. Whittlesey

Assigned Date: 02/09/2022

Board/Committee: Pedestrian & Bicyclist Advisory Committee

Position: Regular Member

Applicant: C. Smith

Assigned Councilor: K. Hill

Assigned Date: 03/03/2022

Board/Committee: Conservation Commission

Position: Alternate Member

Applicant: S. Dittrich

Assigned Councilor: K. Zook

Assigned Date: 01/03/2022

Board/Committee: West Lebanon Revitalization Advisory Committee

Position: Resident

Applicant: L. Stavis

Assigned Councilor: K. Zook

Assigned Date: 03/30/2022

Board/Committee: West Lebanon Revitalization Advisory Committee

Position: Resident

Applicant: J. Sherman

Assigned Councilor: D. Whittlesey

Assigned Date: 03/30/2022

Note: While 1 City Councilor is officially assigned to interview each applicant, any City Councilor may interview any applicant for any position to better inform their decision.

PROPOSED FUTURE AGENDA ITEMS: Dates may be tentative and this list is not considered all-inclusive.

MAY 11, 2022 – Annual Work Session (5:30pm Start)

MAY 18, 2022

PUBLIC HEARING ITEMS:

A. SUPPLEMENTAL APPROPRIATION – Public hearing for the purpose of receiving public input and taking action on a request for supplemental appropriation in the amount of \$187,980.30 for parking lot improvements at the police station.

NEW BUSINESS:

Lebanon City Council Agenda
May 4, 2022

- A. Discussion & Set Public Hearing for June 1, 2022: Ordinance 2022-02 to amend City Code Chapter 115, Enactment of Ordinances (Tentative)
- B. Request from the Lebanon Opera House for an Exemption (per §14-5) of City Code Chapter 14, Alcoholic Beverages, to permit the serving of alcoholic beverages on City property.

MAY 25, 2022 – Special Meeting - Housing (5:30pm Start)

JUNE 1, 2022

PUBLIC HEARING ITEMS:

- A. SUPPLEMENTAL APPROPRIATION – Public hearing for the purpose of receiving public input and taking action on a request for a supplemental appropriation for Mechanic Street Sidewalk Segment 2

**AGENDA
LEBANON CITY COUNCIL
MAY 4, 2022**

6. ACCEPTANCE OF MINUTES:

MINUTES TO BE ACCEPTED

- April 20, 2022 (Regular Meeting)
- April 21, 2022 (Special Meeting – Housing)

MOVED, to approve the minutes as presented in the May 4, 2022 agenda packet.

DRAFT

LEBANON CITY COUNCIL

MINUTES

Wednesday, April 20, 2022, 6:00 p.m.

Remote Via Microsoft Teams: [LebanonNH.gov/Live](https://lebanonnh.gov/Live)

MEMBERS PRESENT: Mayor Tim McNamara, Assistant Mayor Clifton Below, Erling Heistad, Karen Liot Hill, Christian Simon, Douglas Whittlesey, Devin Wilkie, and Karen Zook

MEMBERS ABSENT: George Sykes

STAFF PRESENT: City Manager Shaun Mulholland, City Clerk Kristin Kenniston, Director of Planning & Development David Brooks, Finance Director Vicki Lee, Deputy Finance Director Alesia Williams, Cyber Security Director Perry Eaton

1. CALL TO ORDER: Mayor McNamara called the meeting to order at 6:00 p.m.

2. PLEDGE OF ALLEGIANCE: Councilor Simon led the Council in the Pledge.

3. BOARDS and COMMITTEES REPORTS (1st Quarter 2022):

LEAC (Lebanon Energy Advisory Committee): Updates from Greg Ames, Chair
(Copied from written report.)

LEAC met three times in Q1. We covered several major topics:

Lebanon Community Power/Community Power Coalition of NH.

Assistant Mayor Below gave update on the CPCNH. It has grown to 18 Municipalities, plus Cheshire County, covering approximately 18% of the population of NH. Hope is to launch CPCNH in April 2023 with 8 or 9 initial participating communities.

Assistant Mayor Below has intervened on behalf of the City in several PUC cases and legislative matters at the State House. Examples include EV time of use rates, HB 1635 and SB 321 (which would improve the ability for small power producers of up to 5MW to sell power), HB 1599, and others.

Landfill Gas to Energy

Tad Montgomery and Assistant Mayor Below gave an update on the progress of the Landfill Gas to Energy project, the required interconnect studies, and work at the substation to bring a significant amount of generation online. The study was approved by Liberty Utilities. Next in line are National Grid updates to the substation. The City has hired a project manager who has begun to order turbines and other equipment.

Solar

Solar has been re-installed at the Police station with microinverters, solving the interference issues. Re-installation at the landfill garage is pending finalizing the interconnect agreement for the Landfill Gas to Energy Project.

Additionally, we discussed various City-owned sites for Phase 3 solar, including several at the airport (ground mount north of the parking lot, rooftop on the T-hangers, and potentially on a large City-owned parcel south of the airport), at the swimming pool, the roof of City Hall, Storrs Hill, and Prospect Hill Reservoir, Valley Cemetery Building, and Civic Park Fieldhouse.

EV

We have revived the EV Subcommittee. LEAC's newest member, Sherry Boschert, will Chair the EV Subcommittee. First meeting was last week.

The City has placed an order for an electric F-150, possibly available by summer.

Tad Montgomery led an interdepartmental meeting to discuss future possible municipal EV's in the City, covering charging and everything from electric chainsaws and lawnmowers to EV Police Cars and Fire Trucks.

Mr. Montgomery also worked with the Towns of Hanover, NH and Hartford, VT to put together an RFI for publicly available EV charging stations in the three municipalities.

We met with a representative of Irving Oil who discussed their plans to add EV charging to the future gas station/convenience store at Route 12A and Interstate 89.

Streetlights

Phase 2 of the streetlight conversion continues. Various floodlights around the City (including the high school parking lot), refurbishing ornamental streetlights on N. Park, W. Park, and Court St., and a few other streetlights throughout the City.

Working on Updates to the energy chapter of the master plan.

Status on Green House emissions and Net Zero Goals for the City were discussed.

Pedestrian/Bicyclist Advisory Council: Updates from Colin Smith, Chair

- The Walk by Walk Plan is progressing well. The next Regional Project Advisory meeting will be on April 27, 2022 and they will focus on taking all the information from the survey and other sources of data to start to organize those into a list of priority projects.
- Sidewalks application looks like it will be approved according to Representative Custer and the City should be getting some funding for their most needed locations.
- The City has been given approval to go ahead with the abandonment of the rail line from the end of the Greenway down toward Riverside Skate Park.
- They will be putting together a letter of support for the W. Lebanon Greenway Riverside Trail.
- The River Family Foundation is willing to install a bike pump and repair station in the tunnel and should be installed by DPW in mid-May.
- The Committee has also been coordinating with an Eagle Scout to install a bike pump and repair station and a bike shelter in a different location by the end of September.
- They have been participating in the DOTs Project for Exit 18/Hanover Road section of Rte. 120.
- The Upper Valley E-bike lending library season is getting going. This year, the lending library will be located at DHMC.

- They will be participating with the Recreation Dept. to have a breakfast on the Green on May 13th.

Councilor Liot Hill gave accolades to Rebecca Owens for her presentation and representation of the City to Congresswoman Custer.

Conservation Commission: Updates from Sarah Riley, Chair

- They only had one permit review during the 1st Quarter, which was an expedited wetland permit review on Labombard Rd. Their part of the review involved utilities and had nothing to do with the actual building itself.
- Began the process of updating Chapter 5 of the Master Plan starting with the Vision and Purpose Statement and tweaked it to add reference to climate change mitigation and adaptation measures.
- Began review of Chapter 52 of the Code, which is the Conservation Land Regulations, and started reviewing their rules of procedure.
- In March, they were happy to see the Legislative Policy Proposals from NHMA. We did not have any comments or suggestions this go-around, but will think about this for the future.
- While the Planning Board approved a project on Mt. Support Rd., there was a small conservation victory in that an important Wildlife Corridor will be protected.
- Have been busy working on their Amphibian Crossing Program.
- On April 30th, they will have a vernal pool workshop at the Ticknor Conservation area off of Dulac St.
- Started hosting Wild About Lebanon walks. To date, they have had three walks. There will be another one on Friday (Earth Day) at Starr Hill, 4:00 pm.
- One of their commissioners is busy at Baker's Crossing doing trail and habitat improvements to get a meadow trail ready. Blue Bird boxes have been put in place.
- One member will be seeking a Grant to partially fund a bridge over Great Brook, at the Goodwin Conservation area through the Recreation for Trails Program. The grant will pay 80% of the project and the City would be responsible for 20%.
- In January, they surveyed four properties as part of a point-in-time national homeless count. We looked at Ticknor, Goodwin, Two Rivers, and Starr Hill and luckily did not find anyone camping in those areas.
- Getting trails ready for the season and looking for our next conservation ranger.
- They continue to struggle with conservation easement enforcement (i.e., seeing that somebody has been cutting down vegetation that is not supposed to be cut down; dumping yard waste/other materials). With regard to the East Wilder Boat Launch, which is a conservation area along the Connecticut River, they are struggling to figure out how to educate the public to not cut the native vegetation. Education, outreach and signage could be valuable to curb this problem.

Councilor Liot Hill and Sarah Riley discussed the East Wilder boat launch, the shoreland protection regulations/zones from the State of NH (Connecticut River/Mascoma Lake & River, etc.), and the city-owned property that is protected by a conservation easement through the Society for the Protection of NH Forests.

DEI Commission (Diversity, Equity, and Inclusion): Updates given by Councilors Liot Hill and Wilkie

- This is the first Quarterly Report for the DEI.

- The City will be having their first Juneteenth Celebration on June 19th, 2022 to commemorate the end of slavery in the United States (1867).
- Lebanon Opera House will host the first ever Pride Event on June 17, 2022. They are looking for LGBTQ-related organizations to participate.
- They will be collaborating with the Opera House on doing the first ever Multicultural Festival in partnership with the NEXIS Festival in August 2022.
- They are also looking at policy and structure work: 1) Review of City Policies/Codes/Charters looking at gendered language and trying to remove those and replace them with more gender-neutral terms. 2) Provide more general framework for decision makers to think about equity when they are creating/enforcing policy.
- They have also been discussing what the DEI wants their focus to be in order to build a lasting structure for what the Commission will look like and how it will best support the City and other organizations.
- They plan to have Listening Sessions around different areas in the City. These sessions will be put on the City's website.

Arts and Culture Commission: Updates given by Councilor Zook from a report from the Chair.

- The Sidewalk Poetry Project: The first strand of poems are moderately active and are being installed in Downtown Lebanon. There will be four poems stamped into the sidewalks in front of City Hall, Mascoma Bank, Court St./Three Tomatoes, and Salt hill Pub.
- The first Poetry Contest is underway.
- An RFP (Request for Proposal) will be going out, which the Economic Development Commission strongly suggested to encourage proposals for nature and other recreation ideas.
- They heard a presentation from the folks who will be putting a new arts-focused tool on the Mall. The idea behind this is that the students will be partnering with local arts organizations to get organizational experience.
- They would like to see some sort of art on the utility closet on the western side of the tunnel and are currently checking to see if they can find any skilled and/or graffiti artists who can give this a nice appearance.
- There have been a lot of conceptual reviews of apartment units, including the one in the Old Village Market area and in the Old Mill on Mechanic St.

Planning Board: No Report

EDC (Economic Development Commission): Updates given by Councilor Liot Hill/William (Bill) Dunn, Chair

- They have been meeting twice each month, with one meeting being a joint meeting between the EDC and Downtown TIF Commission to discuss what can be done with the parking lots behind City Hall for future development.
- The EDC/TIF looked at options (i.e., housing or additional parking, mixed use, retail development, etc.).
- They focused on the portion of the lower lot that runs along the river for a park-like usage. This was the only topic where they had uniform consensus among the different Commissions (Ped/Bike, Conservation Commission, members of the public, etc.). Further studies are taking place as to what the economic development benefits are of green space. Mr. David Brooks is

moving forward with the concept of a request for interest to perhaps tailor this area to any future developer by separating the lower lot from the upper parking area.

- During the EDCs regular meetings, they have been working on old business.

Tree Advisory Board: Updates given by Sarah Riley

- They had a Visioning Exercise to help them focus on what their priorities should be.
- They have been discussing who is responsible for the trees/rights of way in the City; inventory of the trees; figuring out the upkeep of trees (protections from the Emerald Ash Borer); planting more trees; how to map the location of trees.
- Students will be working on maps and collecting data regarding heat islands in the City.

4. PUBLIC FORUM: Mayor McNamara made the Public Forum announcement.

5. OPEN TO PUBLIC: No one came forth.

6. RECOGNITIONS: NONE

7. ACCEPTANCE OF MINUTES: April 6, 2022 (Regular Meeting)

Councilor Heistad MOVED to approve the April 6, 2022 Regular Meeting) minutes as written and presented in the April 20, 2022 City Council agenda packet.

Seconded by Councilor Heistad.

** The Vote on the MOTION was unanimously approved by those present (8-0)*

8. APPOINTMENTS:

- Economic Development Commission, Kevin Purcell (Reappointment Regular Member)

Councilor Simon put forth the NOMINATION of Kevin Purcell for Reappointment as a Regular Member of the Economic Development Commission. Two-Year Term: (4/22-4/24)

Seconded by Councilor Heistad.

** The Vote on the MOTION was unanimously approved by those present (8-0)*

- Library Board of Trustees, Doug Whittlesey (Reappointment Alternate Member)

Councilor Heistad put forth the NOMINATION of Doug Whittlesey for Reappointment as an Alternate Member of the Library Board of Trustees. One-Year Term: (4/22-4/23)

Seconded by Councilor Simon.

** The Vote on the MOTION was approved (7-0). Councilor Whittlesey abstained/Councilor Sykes was absent.*

- Heritage Commission, Noel Figart (Appointment Regular Member)

Councilor Wilkie put forth the NOMINATION of Noel Figart for Appointment as a Regular Member of the Heritage Commission. Three-Year Term: (4/22-4/25)

Seconded by Councilor Simon.

** The Vote on the MOTION was unanimously approved by those present (8-0)*

9. PUBLIC HEARING ITEMS:

A. ORDINANCE #2021-14 - Public hearing for the purpose of receiving public input and taking action on proposed Ordinance #2021-14 to amend City Code Chapter 180, Wards, to redefine ward lines to comply with a constitutional requirement to equalize populations amongst wards.

1 Included in the agenda packet:

- 2 1. Ordinance #2021-14 Chapter 180, Wards (Amended)
- 3 2. November 4, 2021 Legal Opinion by Attorney Christine Fillmore re: Ordinance
- 4 #2021-14 Ward Boundaries – *Page 44*
- 5 3. Existing Chapter 180, Wards – *Page 46*
- 6 4. Map of Current Ward Boundaries (2012)
- 7 5. Map of Proposed Ward Boundaries – *Page 46*
- 8 6. Detailed Maps of Proposed Changes (2022) – *Pages 48-49*

9
10 City Manager Shaun Mulholland reviewed the history and proposed changes to City Ordinance #2021-
11 14 regarding the City's Ward lines.

12 13 **BACKGROUND**

14 In accordance with City Charter §C419:4, Wards are defined every ten years upon the completion of
15 the US Census and the City Council shall review the ward boundaries and adjust them to comply
16 with a Constitutional requirement to equalize populations. The accepted standard deviation of
17 population amongst the wards is 5% or less. According to the 2020 US Census, there is a deviation of
18 more than 8% between Wards 2 and 3. Ward 1 remains in compliance, so no changes are required.

19
20 At the March 13, 2012, Municipal Election, voters approved a Charter amendment which adjusted the
21 ward lines at that time and granted the authority to the City Council for future ward line changes via the
22 ordinance process. The City Clerk's role within this process is to make a recommendation to the City
23 Council for the proposed boundary lines of Lebanon's three wards. The ultimate decision belongs to the
24 City Council.

25
26 If adopted as proposed, Ordinance 2021-14 will reduce the deviation to less than 2% amongst all
27 three Wards. The proposal suggests the following adjustments and amendments:

- 28
- 29 • Adjusting boundary lines between Wards 1, 2 and 3 to reduce current deviation; and
- 30 • Amend language to allow currently elected officials (City Councilors and Election officials) to
- 31 complete their existing terms should the boundary line adjustments place them in a new ward.
- 32

33 In 2012, the language regarding elected officials and their terms was included in the charter revision;
34 however, it only applied to the 2012 amendment. This ordinance will allow for this caveat to be carried
35 forward for all future adjustments to the ward boundaries without creating immediate vacancies in those
36 elected offices.

37
38 On December 1, 2021, Lebanon City Council scheduled a public hearing for May 4, 2022 for the
39 purpose of receiving public input and taking action on Ordinance #2021-14, to amend City Code
40 Chapter 180, Wards, to adjust ward boundaries as required by City Charter Section 419:4 and to
41 clarify that Councilors and Ward officers currently in office who are affected by the ward boundary
42 adjustments shall be permitted to complete the remainder of their current term.

43
44 At the February 16, 2020 meeting, Council was asked to reschedule the public hearing from May 4,
45 2022 to April 20, 2022. Assistant Mayor Below made a presentation at that time for two alternate
46 proposed Ward Line adjustments. Council voted to use his Option #1 for the April 20, 2022 Public
47 Hearing.

48
49 **Mayor McNamara opened the Public Hearing. Hearing no further comments from the public,**
50 **the Public Hearing was closed.**

1
2
3
4 **ACTION:**

5 *Councilor Wilkie MOVED, that the Lebanon City Council hereby adopts Ordinance #2021-14 to*
6 *amend the Code of the City of Lebanon, Chapter 180, Wards, to adjust ward boundaries to remain in*
7 *compliance with City Charter §C419:4, and the New Hampshire Constitutional requirement to equalize*
8 *populations amongst wards.*

9
10 *BE IT FURTHER MOVED, that Ordinance #2021-14 shall be effective May 1, 2022.*

11
12 *Seconded by Councilor Liot Hill.*

13 ** The Vote on the MOTION was unanimously approved by those present (8-0)*
14

15 **CITY OF LEBANON ORDINANCE #2021-14**
16

17 **AN ORDINANCE TO AMEND** Chapter 180, Wards, of the Code of the City of Lebanon, by amending
18 §180-2, Amendments to boundaries; §180-3, Ward 1; and §180-4, Ward 2.
19

20 **BE IT ORDAINED by the Council of the City of Lebanon as follows:**
21

22 Section 1:
23

24 The Code of the City of Lebanon is hereby amended by adding the following language to the end of
25 existing Chapter 180, Wards, Section 180-2, Amendments to boundaries:
26

27 §180-2, Amendments to boundaries
28

29 Notwithstanding any changes in the ward boundaries, the City and Ward officers serving in office, or
30 elected to office, at the time of passage of any amendment to this ordinance, shall continue in said offices
31 until the end of the terms for which they were elected.
32
33

34 Section 2:
35

36 The Code of the City of Lebanon is hereby amended by repealing and replacing in their entirety Sections
37 180-3, Ward 1; and 180-4, Ward 2, for the purpose of adjusting boundary lines to equalize populations of
38 the three wards in response to the 2020 US Census, to read as follows:
39

40 §180-3, Ward 1
41

42 Ward 1 shall consist of all that land in said City of Lebanon beginning at the southwest corner of the
43 Lebanon-Plainfield line; thence easterly along said boundary to Tax Map 188 Lot 49; thence traveling
44 easterly along the southern boundary of Tax Map 188 Lot 49 to a 50' Right of Way extending in a
45 northerly direction through said Tax Map 188 Lot 49; thence northerly along said 50' Right of Way within
46 Tax Map 188 Lot 49 to the southwestern corner of Tax Map 188 Lot 1; thence traveling northerly along
47 western boundary of Tax Map 188 Lot 1 until it connects to Poverty Lane; thence easterly on Poverty
48 Lane until it meets the Hibbard Brook; thence northerly along said road to the intersection of Slayton Hill
49 Road; thence northeasterly along Slayton Hill Road to the intersection of Farnum Hill Road; thence
50 westerly along said road until it meets Old Kings Highway; thence northwesterly along said road until it

intersects with power transmission lines; thence northwesterly along said power lines until it intersects another set of power lines; thence turning 90° and continuing northeasterly along the latter power lines until it meets the Hanover/Lebanon boundary; thence westerly along the Lebanon-Hanover line until it meets the New Hampshire-Vermont boundary; thence southerly along said boundary to the point of beginning.

§180-4, Ward 2

Ward 2 shall consist of all that land in said City of Lebanon north of the Lebanon-Plainfield town line beginning at the Lebanon-Enfield line at the intersection of Interstate 89; thence northwesterly along I-89 until it meets Dartmouth College Highway; thence westerly along Dartmouth College Highway until it intersects with LaPlante Road; thence southerly along LaPlante Road until intersects with Meriden Road (Route 120); thence northerly along said center line until it merges with School Street; thence continuing along the center line of School Street; to the center line of Prospect Street; thence easterly along said center line to the center line of Elm Street; thence northerly along said center line to the center line of Bank Street; thence westerly along said center line to the center line of East Park Street; thence southerly along said center line onto South Park Street; thence westerly along center line of South Park Street continuing until it merges with Route 4; then north along Hanover Street to the Mascoma River; thence easterly along the Mascoma River until reaching the northwestern corner of Tax Map 78 Lot 8; thence crossing the Mascoma River to the northwestern corner of Tax Map 78 Lot 23 where it meets a small stream; thence northeasterly along the stream until it meets I-89; thence northwesterly along I-89 to the intersection of Route 120; then northerly along center line of Route 120 until it intersects with Heater Road; thence northwesterly along the center line of Heater Road to the where Heater Road and Hanover Street converge and intersect with Mt. Support Road; thence northerly along Mt. Support Road until the intersection of Route 120; thence northerly to the Lebanon-Hanover boundary; thence westerly along said boundary to where it meets eastern boundary of Ward 1; thence easterly along the boundary of Ward 1 to the point of beginning.

Section 3: Severability

The provisions of this ordinance are declared to be severable, and if any section, subsection, sentence, clause, or part thereof is, for any reason, held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of any remaining sections, subsections, sentences, clauses, or part of this ordinance.

Section 4: Effective Date

This ordinance shall become effective upon passage.

B. RECLASSIFICATION OF CLASS VI ROAD #11 – A public hearing for the purpose of receiving public input and taking action on the reclassification of Class VI Road #11, (portion of) Monica Road to a Class A Municipal Trail. **(HEARING POSTPONED – RESCHEDULED DATE TO BE DETERMINED)**

C. EXTENSION OF 79-E APPROVAL – Public hearing for the purpose of receiving public input and taking action to extend tax relief under the provisions of the Community Tax Relief Incentive Program (NH RSA 79-E) to 1 Mechanic Street, LL

1 Included in the agenda packet:

- 2 1. March 22, 2022 letter from Jeremy Katz - Request for Extension of Property Tax Relief
- 3 for 1 Mechanic Street – **Page 54**
- 4 2. Declaration of Covenants – **Pages 55-57**
- 5 3. March 26, 2021 Memo from Planning & Development Director David Brooks –
- 6 Community Revitalization Tax Relief Incentive Program (RSA 79-E) Application for One
- 7 Mechanic Street, LLC – **Pages 58-68**
- 8 4. Excerpt of April 21, 2021 City Council meeting minutes – **Pages 69-73**
- 9 5. Council Policy, CC-105, Community Revitalization Tax Relief Incentive Program
- 10 Guidelines – **Pages 74-77**

11
12 Mr. David Brooks (Director of Planning & Development) and Mr. Jeremy Katz (Manager of One
13 Mechanic Street, LLC) reviewed the history and reasons for the request regarding the provisions of the
14 Community Tax Relief Incentive Program (NH RSA 79-E) to 1 Mechanic Street, LLC

15
16 On April 21, 2021, the Lebanon City Council approved an application from One Mechanic Street, LLC
17 for seven (7) years of limited property tax relief pursuant to the City’s Community Revitalization Tax
18 Relief Incentive (RSA 79-E) Program. The tax relief was requested and granted in connection with a
19 project to convert an existing commercial building into eighteen (18) dwelling units on property located at
20 1 Mechanic Street (Tax Map 91, Lot 264). Attached hereto is an excerpt of the Planning Department’s
21 original agenda packet dated March 26, 2021 and an excerpt of the minutes from the Council’s April 21,
22 2021 meeting.

23
24 Under the terms approved by the City Council, the project is required to be completed on or before April
25 21, 2022, “unless otherwise extended by the City Council in writing.” On March 22, 2022, Jeremy Katz,
26 Manager of One Mechanic Street, LLC, submitted a request for an extension of time associated with the
27 approved property tax relief. In the request, Mr. Katz noted that while the project was started in a timely
28 fashion, the Covid-19 pandemic and resulting supply chain disruptions and other delays have prevented
29 the project from proceeding as expected, and he did not expect to meet the April 2022 deadline for the
30 completion of work.

31
32 In considering the request to extend the tax relief associated with the project, the Council is, in
33 essence, verifying that the proposed project and property continue to comply with the provisions of the
34 79-E program and would be re-approving the applicant’s participation in the program. Under the terms of
35 the 79-E program, the City Council must hold a public hearing on the request to determine whether the
36 proposed project still qualifies for the tax relief incentive.

37
38 The property at 1 Mechanic Street remains a *Qualifying Structure* located within the designated
39 Downtown Lebanon 79-E district and the project continues to exceed the required threshold to be
40 considered a *Substantial Rehabilitation*. In addition, staff presumes that the previously
41 documented *Public Benefits* approved by the City Council still apply to the project, including:

- 42 1. Enhancement of the economic vitality of Downtown Lebanon, and
- 43 2. Promotion of the preservation and reuse of existing building stock, and
- 44 3. Promotion of the development of municipal centers, providing for efficiency, safety, and a
- 45 greater sense of community consistent with RSA 9-B, and
- 46 4. Increasing residential housing in municipal centers.

47
48 Since the tax relief was originally granted, there have been no changes to the location or extent of the
49 designated 79-E districts. It is noted, however, that the City Council adopted policy #CC-105
50 (Community Revitalization Tax Relief Incentive Program Guidelines) in August 2021, which established

1 a process and guidelines for the City Council’s consideration of applications for 79-E tax relief. Whereas
2 the property is also situated within the Downtown Tax Increment Finance District, Section 5.3 of the
3 Policy normally requires review of the request by the Downtown TIF District Advisory Board. However,
4 since this is a request for re-approval of the same project for the same time period of tax relief, staff does
5 not believe it is necessary for the Downtown TIF Advisory Board to review the project again pursuant to
6 the policy.

7
8 **Mayor McNamara opened the Public Hearing. Hearing no further comments from the public, the**
9 **Public Hearing was closed.**

10
11 **ACTION:**

12 ***Councilor Liot Hill MOVED the following RESOLUTION:***

13
14 **RESOLUTION**

15
16 ***BE IT HEREBY RESOLVED by the Lebanon City Council, after a duly-notice public hearing that:***

17
18 ***WHEREAS, the City Council has determined that the application of One Mechanic Street, LLC***
19 ***(hereinafter the “Applicant”) for property assessment tax relief under the City’s 79-E Program is***
20 ***complete enough to commence consideration, and***

21
22 ***WHEREAS, the City Council has determined that the Applicant’s property, located at 1 Mechanic***
23 ***Street, Tax Map 91, Lot 264, (hereinafter the “Property”) is situated in the Downtown Lebanon 79-E***
24 ***District as adopted by the City and, therefore, meets the 79-E Program requirement as a Qualifying***
25 ***Structure, and***

26
27 ***WHEREAS, the City Council has determined that the Applicant’s project to convert an existing***
28 ***commercial building into eighteen (18) dwelling units on the Property pursuant to plans and***
29 ***information provided in the original application (hereinafter the “Project”) exceeds the lesser of 15%***
30 ***of the original pre-rehabilitation assessed valuation or \$75,000 and, therefore, meets the 79-E Program***
31 ***requirement as a Substantial Rehabilitation, and***

32
33 ***WHEREAS, the City Council has determined that the Applicant’s proposed Project will***
34 ***generate one or more Public Benefits to the City, including:***

- 35 ***1. Enhancement of the economic vitality of Downtown Lebanon, and***
36 ***2. Promotion of the preservation and reuse of existing building stock, and***
37 ***3. Promotion of the development of municipal centers, providing for efficiency,***
38 ***safety, and a greater sense of community consistent with RSA 9-B, and***
39 ***4. Increasing residential housing in municipal centers.***

40
41 ***NOW THEREFORE, pursuant to the provisions of the Community Revitalization Tax Relief Incentive***
42 ***(NH RSA 79-E) Program and City Council Policy #CC-105, as adopted, the City Council hereby grants***
43 ***to the Applicant seven (7) years of property assessment tax relief for the Property to commence upon***
44 ***completion of the Project, with the following conditions:***

- 45
46 ***1. The Applicant shall grant to the City of Lebanon a Declaration of Covenants to be recorded in the***
47 ***Grafton County Registry of Deeds ensuring that the Project shall be maintained and used in a manner***
48 ***that furthers the Public Benefit(s) set forth above for which this property tax relief is granted. The term***
49 ***of the Declaration of Covenants shall be effective for fourteen (14) years, which is twice the duration***
50 ***of the approved tax relief period as permitted under RSA 79-E:8, II.***

2. The Applicant shall obtain and maintain property and casualty insurance, as well as flood insurance, if appropriate, for twice the number of years of property tax relief granted to ensure proper restoration or replacement of the Project and the Property. Such insurance shall, effective as of the date on which the Project is completed, name the City as an additional insured by endorsement and the City shall be provided with certificates of insurance annually. The applicant agrees to have the City made a Loss Payee of the proceeds of any property or casualty insurance coverage, subject to the rights of any current or future mortgagee of the Property and any structures thereon, for the purpose of ensuring proper and timely restoration or demolition of the Property, including any damaged structures thereon. The City further requires that restoration or demolition commence within one year following the date of any occurrence or incident for which an insurance claim is or could be made; otherwise the Applicant shall be subject to the termination provisions set forth in RSA 79-E:9, I. The obligation to name the City as an additional insured and a Loss Payee shall remain in effect for the term of these Covenants.

3. The Project, which has already obtained a building permit and commenced work, shall be completed on or before March 31, 2024, unless otherwise extended by the City Council in writing.

Seconded by Councilor Simon.

*** The Vote on the MOTION was unanimously approved by those present (8-0)**

D. ORDINANCE #2022-01 – Public hearing for the purpose of receiving public input and taking action to adopt proposed Ordinance #2022-01 to delete and repeal City Code Chapter 31, Article VI, Licensing Board

Included in the agenda packet:

1. Proposed Ordinance 2022-01
2. City Code Chapter 31, Article VI, Licensing Board

City Manager Shaun Mulholland reviewed the reasons behind adopting proposed Ordinance #2022-01.

On April 18, 1990, in accordance with NH RSA 286:3, the City established a Licensing Board with the authority to issue licenses and permits in accordance with State Statute, namely:

- Licensing amusement places (RSA Chapter 286)
- Pawnbrokers (RSA 398:4)
- Permits for soliciting funds (RSA 31:91)
- Street fairs (RSA 31:100)
- Fireworks (RSA 160-B-7)
- Billiard tables (RSA 286:6)
- Raffles (RSA 287-A:7)
- Parades (RSA 286:2)

The Licensing Board is comprised of the Mayor, the Police Chief (or designee), and one member of the public.

In an effort to streamline permitting for use of City-owned property, administration requested that the Council consider repealing the requirement for a Licensing Board and delegating authority for permitting of those items to the City Manager.

It is the intent of administration to continue to create efficiencies in the permitting process. As such, a

comprehensive overhaul of the City Code will be presented in the near future which will result in the repeal of many existing chapters and the repeal and replacement of current Chapter 49, Use of City Property. When Chapter 49 is brought forward, it is the intent of administration to include the delegation of permitting authority to the City Manager as part of that chapter.

Mayor McNamara opened the Public Hearing and the following came forth to speak:

Mr. Bill Dunn (no ward given): He spoke about his reasons in favor of adopting the proposed ordinance, noting that the EDC (Economic Development Commission) felt this was a good move.

Hearing no further comments from the public, the Public Hearing was closed.

ACTION:

Councilor Wilkie MOVED, that the Lebanon City Council hereby adopts Ordinance #2022-01 to delete and repeal City Code Chapter 31, Article VI, Licensing Board.

Seconded by Councilor Heistad.

**** The Vote on the MOTION was unanimously approved by those present (8-0)***

CITY OF LEBANON ORDINANCE #2022-01

AN ORDINANCE TO AMEND the Code of the City of Lebanon, Chapter 31, Boards, Committees, and Commissions by deleting and repealing Article VI, Licensing Board.

Be it ordained by the Council of the City of Lebanon as follows:

Section 1.

The Code of the City of Lebanon is hereby amended by deleting and repealing City Code Chapter 31, Boards, Committees, and Commissions, Article VI, Licensing Board.

Section 2. Severability

The provisions of this ordinance are declared to be severable, and if any section, subsection, sentence, clause or part thereof is, for any reason, held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of any remaining sections, subsections, sentences, clauses or part of this ordinance.

Section 3. Effective Date

This ordinance shall become effective upon passage.

10. OLD BUSINESS: NONE

11. NEW BUSINESS

- A.** Action to delegate permitting authority to the City Manager for all permits previously granted by the Licensing Board.

Action to repeal the requirement for a Licensing Board was taken by the Council through the adoption of Ordinance 2022-01. The Council is now asked to delegate permitting authority to the City Manager for all permits previously granted by the Licensing Board.

As previously stated, a comprehensive overhaul of the City Code is to be presented in the near future which will result in the repeal of many existing chapters and the repeal and replacement of current Chapter 49, Use of City Property. When Chapter 49 is brought forward, it is the intent of administration to include the delegation of permitting authority to the City Manager as part of the chapter.

ACTION:

Councilor Whittlesey MOVED the following RESOLUTION:

FOR THE PURPOSE OF authorizing the City Manager to issue all permits previously under the authority of the Licensing Board.

WHEREAS, Article VI of Chapter 31 has been rescinded by action of the City Council, dissolving the Licensing Board.

NOW THEREFORE BE IT RESOLVED, by the City of Lebanon, that with the dissolution of the Licensing Board effective April 20, 2022, the City Manager is authorized to issue, administer, suspend, and revoke all licenses and permits previously under the authority of the Licensing Board to include:

- *Licensing amusement places (RSA Chapter 286)*
- *Pawnbrokers (RSA 398:4)*
- *Permits for soliciting funds (RSA 31:91)*
- *Street fairs (RSA 31:100)*
- *Fireworks (RSA 160-B-7)*
- *Billiard tables (RSA 286:6)*
- *Raffles (RSA 287-A:7)*
- *Parades (RSA 286:2)*

NOW THEREFORE BE IT FURTHER RESOLVED, that the City Manager's decision regarding licenses and permits may be appealed to the City Council through a written request received within seven (7) days after written notice of such decision is issued. A hearing before the Council on the appeal will be held within 30 days after such appeal is filed with the Council.

NOW THEREFORE BE IT FURTHER RESOLVED, that such authority is effective immediately and shall remain in effect until specifically rescinded by action of the City Council.

Seconded by Councilor Liot Hill.

**** The Vote on the MOTION was unanimously approved by those present (8-0)***

- B.** Authorization for the City Manager to execute a lease with 30 Airport Road, LLC for office space at 30 Airport Road for the relocation of the Cyber Services Department.

City Manager Shaun Mulholland reviewed the reasons for a lease with 30 Airport Road, LLC.

As of June 1, 2022, the Lebanon Opera House will be occupying/renovating the current office space of the Cyber Services Department. City Administration has been searching for adequate space and has reached a 3-year agreement with 30 Airport Road, LLC for 1800 square feet of office space. This agreement has the option for 2 additional 3-year terms should it be necessary. The space includes 2 offices and an open floor plan at a cost of \$17.85/SF for the first year. This location will provide adequate space for staff, easy access, and the necessary connectivity infrastructure.

1
2 Authorization from the Council is required for the City Manager to execute a lease agreement with 30
3 Airport Road, LLC.
4

5 **ACTION:**

6 *Councilor Liot Hill MOVED, that the Lebanon City Council hereby authorizes the City Manager to*
7 *enter into and execute a lease agreement in the amount of \$32,130 with 30 Airport Road, LLC for the*
8 *first year of a three-year lease of office space at 30 Airport Road, West Lebanon, to house the Cyber*
9 *Services Department.*

10 *Seconded by Councilor Whittlesey.*

11 ** The Vote on the MOTION was unanimously approved by those present (8-0)*
12

13 C. Authorization for the City Manager to execute a new lease agreement with Lebanon Opera
14 House Improvement Corporation to permit the occupancy of additional space in City Hall

15 Included in the agenda packet: Exhibit A – Plan of Leased Premises – 2022 Lease Agreement with
16 Lebanon Opera House Improvement Corporation. **Pages 87-90**
17

18 City Manager Shaun Mulholland reviewed the reasons for a new lease agreement with the Lebanon
19 Opera House Improvement Corporation.
20

21 The office for the Cyber Services Division of the City is currently located on the main lobby level of City
22 Hall (front entrance). The Opera House is requesting to occupy this portion of the building for additional
23 office and concession space. If this additional area is leased to the Opera House, it will provide them with
24 an expanded and consolidated operational space. Administration has been working with the Opera House
25 on their plans to improve the lobby to better accommodate the public during opera house events and is in
26 agreement that the additional space would be of great benefit to their operation.
27

28 The additional space consists of approximately 600 square feet and the initial term of the lease would be
29 for 35 years, expiring in 2057. Under the terms of the new lease, there would continue to be no rent
30 charged to the Opera House and the City would continue to receive 10 percent (10%) of their “gross”
31 concession sales (total amount in dollars of the actual sales price for all concession sales). They will
32 continue to be required to pay for their electric and communication needs and must maintain insurance for
33 their space at all times. There is also a provision in the terms whereby the Opera House agrees to comply
34 with City Code Chapter 185, “Welcoming Lebanon.”
35

36 One change to the terms of the lease is the inclusion of the sale/consumption of alcoholic beverages. The
37 Opera House intends to sell alcoholic beverages as part of their concession services. It is understood by
38 both parties that this service will be reviewed annually by the Council as outlined in Chapter 14 of the
39 City Code and that the Opera House will be fully required to abide by the laws of the City as well as the
40 State of New Hampshire.
41

42 **ACTION:**

43
44 *Councilor Wilkie MOVED, that the Lebanon City Council hereby authorizes the City Manager to*
45 *enter into and execute a lease agreement with the Lebanon Opera House Improvement Corporation*
46 *for leased premises within City Hall as shown on “Exhibit A – Plan of Leased Premises – 2022 Lease*
47 *Agreement with Lebanon Opera House Improvement Corporation,” and included in the April 20,*
48 *2022 City Council Agenda Packet.*

Seconded by Councilor Heistad.

*** The Vote on the MOTION was unanimously approved by those present (8-0)**

- D.** Request from the Lebanon Opera House for an Exemption (per §14-5) of City Code Chapter 14, Alcoholic Beverages, to permit the serving of alcoholic beverages on City property.

Included in the agenda packet:

1. April 6, 2022 Letter from Operations Manager Brian Cook, Lebanon Opera House – **Pages 92-93**
2. Location Map of Outdoor Areas – **Pages 95-96**

Mr. Brian Cook, Operations Manager for the Lebanon Opera House, reviewed his reasons for permitting the serving of alcoholic beverage on City property.

Lebanon Opera House is requesting an exemption for the serving of alcoholic beverages on City-owned property to include the alley between City Hall and the neighboring building located at 55 North Park Street, the back parking lot behind City Hall, the sidewalk in front of City Hall and all other areas immediately surrounding the building.

City Manager Shaun Mulholland noted that City Administration has no objection to the above.

City Code Chapter 14, Alcoholic Beverages, §14-5, Exemption states that, “Any person, publicly recognized organization, organized group, family group or business may be exempted from the provisions of this article for a short period of time not exceeding 12 hours, upon first obtaining permission from the City Manager after consultation with and approval by the Chief of Police. For a period of time exceeding 12 hours but not exceeding one year, permission must first be obtained from the Lebanon City Council and reviewed on an annual basis.” Due to the nature of the business and the desire to continue to serve alcohol on City-owned property, Council approval is required pursuant to §14-5 above.

ACTION:

Councilor Wilkie MOVED, that the Lebanon City Council hereby grants an exemption pursuant to §14-5 of City Code Chapter 14, Alcoholic Beverages, to Lebanon Opera House to serve alcoholic beverages in the alley between City Hall and the neighboring building located at 55 North Park Street, the back parking lot behind City Hall, the sidewalk in front of City Hall and all other areas immediately surrounding the building as shown on the map included in the April 20, 2022 City Council Agenda Packet. Exemption shall be valid beginning April 20, 2022 and shall expire on December 31, 2022.

Seconded by Councilor Heistad.

*** The Vote on the MOTION was unanimously approved by those present (8-0)**

- E.** Request from Lalo’s Taqueria for an Exemption (per §14-5) of City Code Chapter 14, Alcoholic Beverages, to permit the serving of alcoholic beverages on City property.

Included in the agenda packet:

1. Letter from Nick Yager, Lalo’s Taqueria requesting exemption pursuant to City Code Chapter 14 (Letter undated. Received by the City Manager’s Office April 7, 2022) – **Page 98**
2. Map depicting proposed outdoor seating area – **Page 99**

Mr. Nick Yager spoke about his request to serve alcohol at Lalo's Taqueria.

BACKGROUND

Lalo's Taqueria, located at the west end of the pedestrian mall established an outdoor dining area in 2021 and is planning to continue the service in 2022. As the restaurant serves alcoholic beverages as part of their dining menu, they would like to serve alcohol as part of their outdoor dining service. In order to do so, an exemption from City Code Chapter 14 is required.

City Code Chapter 14, Alcoholic Beverages, regulates the consumption of alcohol on City- owned property. Section 14-5, Exemption, states that, "Any person, publicly recognized organization, organized group, family group or business may be exempted from the provisions of this article for a short period of time not exceeding 12 hours, upon first obtaining permission from the City Manager after consultation with and approval by the Chief of Police. For a period of time exceeding 12 hours but not exceeding one year, permission must first be obtained from the Lebanon City Council and reviewed on an annual basis."

ACTION:

Councilor Whittlesey MOVED that the Lebanon City Council hereby grants an exemption pursuant to §14-5 of City Code Chapter 14, Alcoholic Beverages, to Lalo's Taqueria to serve alcoholic beverages on the Lebanon Pedestrian Mall within the area shown on the maps included in the April 20, 2022 City Council Agenda Packet.

Exemption shall be valid beginning April 20, 2022 and shall expire on December 31, 2022.

Seconded by Councilor Simon.

** The Vote on the MOTION was unanimously approved by those present (8-0)*

F. Discussion and Set Public Hearing for May 18, 2022: Request for supplemental appropriation in the amount of \$187,980.30 for parking lot improvements at the police station.

Included in the agenda packet:

1. April 10, 2022 Memo from Police Chief Phil Roberts re: Supplemental Appropriation Request – **Page 101**
2. March 24, 2022 Plan for Lebanon Police Station Parking Lot Improvements – **Page 102**

BACKGROUND

The police department maintains one building for all operations. Construction on the current facility was completed in 1991 and includes a visitor parking area consisting of 8 parking spaces (two of which are designated handicapped spaces) and 1 cement pad for motorcycle parking. The parking area for staff includes 9 spaces for marked cruisers, and 31 spaces for staff.

Presently, the department has 26 vehicles in the fleet and total staffing of 56 employees. In the 30+ years since the construction of the station, the parking areas have not been expanded or improved. There is great need for additional parking, and improvements are required to effectively address both the safety and appearance of driveways, sidewalks, and curbing. Infrastructure for future charging stations for electric vehicles is also planned to be installed during construction.

The estimated total cost of the project is \$307,980.30. One Hundred Twenty Thousand Dollars (\$120,000) was encumbered from 2021 leaving the need for \$187,980.30 to complete the project. Funds for

the additional appropriation are to be transferred from Police Department Impact Fees to the Capital Improvements fund so there will be no impact to the tax rate.

City Manager Mulholland noted there was no need for the City to spend funds on a Canine Training Facility as Vermont would be setting one up in the near future that can be used by the Lebanon Police Department.

ACTION:

Councilor Liot Hill MOVED, that the Lebanon City Council hereby schedules a public hearing for Wednesday, May 18, 2022, beginning at 7:00pm in Council Chambers, City Hall, and remote via the City's Virtual Platform for the purpose of receiving public input and taking action to appropriate \$187,980.30 for Lebanon Police Department Parking Lot Expansion & Improvements; and to authorize disbursement of \$187,980.30 in Police Public Facilities Impact Fees as the means to pay for the work.

Seconded by Councilor Whittlesey.

**** The Vote on the MOTION was unanimously approved by those present (8-0)***

G. Release of Collected Public School Impact Fees

Included in the agenda packet:

1. Impact Fee Report as of 3/31/2022

2. November 22, 2021 Memorandum of Understanding between the City of Lebanon and The Lebanon School District, SAU#88 – Pages 105-106

BACKGROUND

A Memorandum of Understanding (MOU) was developed in 2010 between the City and the School District for the quarterly transfer of collected Public Schools Impact Fees to the Lebanon School District for application toward the payment of debt on the (then) new middle school.

On October 12, 2021, the Planning Board authorized a broader use of Public Schools Impact Fees to include construction, renovation, improvement, or expansion of K-12 school buildings and related building systems, equipment, and furnishings. A revised MOU was developed and signed on November 22, 2021.

To date \$551,701.02 has been disbursed to the Lebanon School District.

7/17/2013	\$83,690.78	7/15/2015	\$1,627.50	2/7/2018	\$41,262.70
11/6/2013	\$14,651.99	11/4/2015	\$936.00	9/5/2018	\$12,564.45
5/21/2014	\$19,407.00	3/2/2016	\$3,156.00	2/6/2019	\$1,833.10
8/6/2014	\$2,122.75	5/18/2016	\$864.00	8/7/2019	\$8,822.20
2/18/2015	\$723.00	5/17/2017	\$5,230.00	4/15/2020	\$40,432.02
5/20/2015	\$2,819.00	12/6/2017	\$6,140.75	7/15/2020	\$123,709.65
12/2/2020	\$57,567.42	1/21/2021	\$102,409.40	8/4/2021	\$12,695.86
1/19/2022	\$9,035.45				

The City Council was asked to authorize disbursement of \$3,216.15 in collected Public School Impact Fees (through 3/31/2022) to the Lebanon School District.

	PAID BY/LOCATION	CURRENT OWNER	MAP/LOT/PLOT	<u>School</u>	
			Balance 12/30/2021	\$ 207,375.81	pending for project completion
			Interest to date 7/1-12/31/2021	\$ 184.70	
2/16/2022	Rock Ridge Lebanon LLC	Same	74/3/182	\$ 1,272.05	
2/16/2022	Rock Ridge Lebanon LLC	Same	74/3/161	<u>\$ 1,759.40</u>	
			Monies owed to School District	\$ 3,216.15	

ACTION:

Councilor Whittlesey MOVED, that in accordance with Section 213.10 (Administration of Impact Fees) of the Lebanon Zoning Ordinance, and the November 22, 2021 Memorandum of Understanding between the City of Lebanon and the Lebanon School District, SAU 88, the City Council hereby authorizes the disbursement of \$3,216.15 in collected Public Schools Impact Fees to the Lebanon School District to be applied toward the construction, renovation, improvement or expansion of K-12 school buildings and related building systems, equipment, and furnishings.

Seconded by Councilor Wilkie.

** The Vote on the MOTION was unanimously approved by those present (8-0)*

H. Review and Approval of City Manager Job Description

Included in the agenda packet: Draft City Manager job description – **Pages 108-113**

BACKGROUND

In a history dating back to the late 1950s, the City Council has not been presented with a request to approve a job description for the City Manager. In an effort to better describe and document the duties of the City Manager, City Manager Mulholland presented a draft job description for Council's consideration in October 2021. Council requested that City Manager Mulholland work with the Governance Committee to refine the draft, which was completed on March 14, 2022.

The job description as presented in the agenda packet is in compliance with the City's job description requirements and meets ADA and other applicable standards.

Mayor McNamara felt the Draft City Manager job description, as modified, was very thorough and it accurately represents the City Manager's job responsibilities.

Councilor Wilkie agreed that the job descriptions sounded great, but in the spirit of addressing the DEI concerns, particularly regarding some items that were brought up at the DEI Commission, he requested the following changes be made:

1. On page 110, the description for Chief Equity Officer, 2nd sentence, starting with he/she, be removed and replaced with either “this position” or “this person”.
2. In regard to “physical requirements,” some of these seem potentially unnecessary to certain positions. He was unsure if it was necessary that a City Manager be expected to stand, walk, etc., noting that a wheelchair bound person, for instance, could be barred from being employed as City Manager. He also saw “colored vision” in the job description, which he also felt might be unnecessary.

Mayor McNamara noted these questions were also raised during the Governance Committee meeting, but noted that the City Manager mentioned the last sentence of that section was intended to address these issues under the Reasonable Accommodation Section. None of us ever had the intention of precluding someone who was wheelchair bound/color blind/unable to carry objects weighing 20 lbs. from one level to another, etc. from any City position. Rather than taking some things out, the City Manager suggested we have this last sentence which would allow for these types of accommodations.

City Manager Mulholland stressed the City looks at a position and what the requirements are for a specific position. If there is someone who qualifies but has disabilities, we would make accommodations.

Councilor Liot Hill noted one of the DEI Commission members volunteered to look into this matter because there were some questions raised about similar language in other job descriptions. Would it make sense for us to adopt this job description in its current language and then have the DEI Commission in the next couple of months come back with any recommendations for alternative language? If necessary, we could make an amendment(s) to this job description at that time.

Mayor McNamara explained that we all have the same position on this topic, noting we always want the best person for the position regardless of any disabilities that may come with it. As we all know, there are people who might not be able to do everything on this job description but who may make a fantastic City Manager.

Councilor Wilkie agreed with Councilor Liot Hill’s comments and felt the Council should not delay in approving this job description but hoped that the Council would be receptive to his suggested changes. Yes, by law, we are required to make reasonable accommodations, and that clause at the end of the Physical Requirements Section does allow for that. However, it can be unnecessarily discouraging to have an emphasis on this list if it is not strictly necessary for the position.

Councilor Whittlesey noted his concerns about how someone might not be interested in applying for this position and suggested the last paragraph be moved up and make it the first paragraph under Physical Requirements and adjust the language to say: *“The City will make reasonable accommodations regarding the physical requirements list hereunder.”*

Mayor McNamara also suggested having the next sentence say: *“In the absence of the need for accommodations, employees will be required to…….”*

These changes would be an interim solution and would address what is trying to be accomplished at present.

ACTION:

Councilor Wilkie MOVED, that the Lebanon City Council hereby approves the job description for the position of City Manager as included in the April 20, 2022 City Council Agenda Packet changing the one instance of “he/she” in the descript of Chief Equity Officer to the City Manager; moving the paragraph beginning with “The City will make reasonable accommodations...” to the beginning of the Section titled Physical Requirements, and then beginning the next paragraph with the phrase “In the absence of the need for reasonable accommodations....”

Seconded by Councilor Whittlesey.

**** The Vote on the MOTION was unanimously approved by those present (8-0)***

12. City Manager Report:

City Manager Shaun Mulholland gave updates on the following:

- Briefed the Council on the ICMA (International City/County Management Association) conference that he attended and spoke about the Braver Angels group and addressing “wicked” problems and explained how their goals could be beneficial to the City in the future if necessary.
- Changing the dynamics of the City’s Strategic Model by next year.
- Congressional/Community funding priorities.
- Home Grown Grant/Family Childcare: If/when the City receives funding, Early Childhood Education will manage these grant funds
- Mayor McNamara noted City Staff is actively working on the \$100M grant and explained how these funds could be used.

13. COUNCIL REPRESENTATIVES TO OTHER BODIES:

Assistant Mayor Below spoke about three Legislative Bills he was involved with, specifically noting SB 321, which included an alternative to net metering.

14. FUTURE AGENDA ITEMS: NONE

15. NON-PUBLIC SESSION: NONE

16. ADJOURNMENT:

Councilor Liot Hill MOVED for adjournment.

Seconded by Councilor Heistad.

**** The Vote on the MOTION was unanimously approved by those present (8-0)***

The meeting was adjourned at 8:31 PM.

Respectfully submitted,

Dona E. Gibson

Recording Secretary

DRAFT

**LEBANON CITY COUNCIL
SPECIAL MEETING MINUTES
Wednesday, April 21, 2022, 6:00 p.m.
Remote Via Microsoft Teams: LebanonNH.gov/Live**

MEMBERS PRESENT: Mayor Tim McNamara, Assistant Mayor Clifton Below, Erling Heistad, Karen Liot Hill, Christian Simon, George Sykes (arrived 6:48 PM), Douglas Whittlesey, Devin Wilkie, and Karen Zook

MEMBERS ABSENT:

STAFF PRESENT: City Manager Shaun Mulholland, City Clerk Kristin Kenniston, Director of Planning & Development David Brooks, Finance Director Vicki Lee, Deputy Finance Director Alesia Williams, Human Services Director Lynne Goodwin

1. CALL TO ORDER: Mayor McNamara called the meeting to order at 6:00 p.m.

2. PLEDGE OF ALLEGIANCE: Councilor Simon led the Council in the Pledge.

3. HOUSING IN LEBANON:

A. What is the City's role in the development of housing in Lebanon?

This meeting was limited to housing in Lebanon and was intended to be a meeting where the Council discusses some of the housing concepts that they have talked about so far. Below, there is some proposed language to adopt for various initiatives.

Mr. David Brooks sent the following proposed DRAFT RESOLUTION on various initiatives to the Council for their consideration prior to this meeting and it summarizes some of the steps that were talked about at the March 23, 2022 City Council meeting:

RESOLVED, for the purpose of enhancing the development of housing in the City of Lebanon to address the documented housing shortage and the escalating cost of housing in the City, the Lebanon City Council hereby directs the City Manager to take steps to Enable, Incentivize, and Partner in the development of housing through the following actions:

1. Prepare amendments to the Zoning Ordinance to enable the creation of “cottage cluster” housing developments on appropriate parcels in the City.
2. Prepare amendments to the Zoning Ordinance to revise the regulations for Manufactured Home Parks, Manufactured Home Subdivision, and Manufactured Home Planned Unit Residential Developments (PURDs) to better reflect the existing Manufactured Home developments within the City and manufactured homes that are in production today.
3. Prepare amendments to the Zoning Ordinance to complete the Increased Density Bonuses table set forth in Section 507.1 and to develop Criteria for the Award of Bonus set forth in Section 507.2.
4. Develop regulations and guidance for the creation of Housing Opportunity Zones (pursuant to RSA 79-E:4-c) and/or Residential Housing Revitalization Zones (pursuant to RSA 79-E:4-b) to incentivize desirable forms of development.
5. Partner with the Lebanon Housing Authority and other residential developers to utilize city-owned properties for the development of new housing units, including the possibility of a “demonstration project” on a city-owned parcel with high visibility and an opportunity for a reasonable number of

- 1 units to help overcome barriers to affordability.
- 2 6. Add on from initial draft sent to the Council: Study and evaluate the benefits and impacts of
- 3 Accessory Dwelling Units (ADUs) and potential barriers to ADU development and prepare guides,
- 4 fact sheets, and educational materials to help reduce potential impacts and reduce regulatory and non-
- 5 regulatory barriers.

6

7 Mr. Brooks noted the Council has already seen all of the information he provided over the last couple of

8 months regarding the steps the City can choose to take in order to be more involved in the development of

9 housing in the City. He had one amendment to offer regarding ADUs (Additional Dwelling Units), which

10 is listed as Item #6, and discussed the first applicant who applied for the first ADU, noting he could be a

11 good resource in helping the City with both regulatory/nonregulatory issues to help promote, educate, and

12 make people understand what these are and are not.

13

14 City Manager Mulholland noted there were a number of options provided to the Council at the last

15 meeting, but some of those options the Council decided not to pursue further, so City Staff narrowed the

16 options down to the ones the Council wanted to pursue.

17

18 Mr. Brooks reviewed and explained the six (6) items provided to the Council. He also mentioned the

19 Lebanon Housing Authority and Twin Pines Housing are both interested in the idea of partnering with the

20 City. He also spoke about the information sent out to the Council by the City Manager regarding Pattern

21 Zoning. Pattern Zoning is an idea of establishing some pre-approved (construction) designs that could

22 really cut into the soft costs of a development and would make developers aware of what to expect when

23 they choose to utilize those pre-approved designs.

24

25 Mayor McNamara spoke about what is commonly referred to as the “missing middle,” which are units not

26 presently being constructed by developers. As we all know, most of the development that has occurred in

27 the last decade has been multi-family projects (100 units or more) and there has been a limited amount of

28 other types of housing development (single-family, detached, condominiums, smaller apartment units,

29 duplexes, etc.). Commercial Developers are going to move toward what is the most profitable for them,

30 but this is not always what is needed for balance in the City’s housing portfolio. Since 2012, if we count

31 the units that are either under construction or are in the review process, we are looking at just over 1K

32 units on Mt. Support Road alone. At the present time, the only single family home projects he knows

33 about are the remaining units at Rock Ridge and Prospect Hills, and these pale in comparison to rental

34 apartments and are relatively expensive. He felt the Council’s focus should really be on those types of

35 units that the market is not currently supplying us with. On a personal note, he also has concerns that

36 there needs to be not only a diversity of housing types and prices, but there needs to be some sort of

37 progression and explained his reasons. He was very interested in *Pattern Zoning* where areas could be

38 established in the municipality with an overlay district, and within that overlay district, developers

39 literally have a set of designs that have been done for them and are provided to the developer as part of

40 this package. The developer then saves on soft costs, it speeds up there permitting because they are

41 limited to these types of design done for them, and developers would be taking a design and adapting it to

42 a Site Plan that fits the lot(s) they are looking at. He also spoke about the \$5M stimulus fund grant from

43 the State that is designed to go specifically to municipalities to work on zoning and planning issues and

44 explained how the City could use these funds.

45

46 Councilor Whittlesey spoke about the rampant growth of housing costs in the City and how it affects the

47 local economy, noting the more people pay on their mortgage, water & sewer is less money they have to

48 spend in the community. While he liked the 6 items presented, he felt this is only what the Council can do

49 right now and is just a start. We need to keep having discussions on longer-term plans and spoke about

1 the disadvantages of the market-driven impacts of development. He questioned how we can
2 economically incentivize/create the housing that we know is not going to be created through these 6
3 points (i.e., affordable workforce housing). What can we do, in conjunction with other Upper Valley
4 Municipalities, to make it economically feasible to build the kind of housing that we know is going to fall
5 by the wayside? He explained his idea about a possible workforce housing loan fund.

6
7 Councilor Liot Hill noted there is something to be said about staying in our lane. Zoning is very pertinent
8 to the Council and is something for us to really focus on because any changes in zoning will need to go
9 through lots of public hearings and discussions that will provide the opportunity for people to participate
10 and help guide us as we move forward. She spoke about how ADUs are really promising and was happy
11 this got added to the list. This list is a good starting point, but was interested in having a broader
12 discussion on housing in the future (i.e., through a retreat/summit). She also spoke about having a
13 diversity of housing types and funding to bring in housing that the market is not bringing in. Hopefully,
14 what we are addressing now will help with the missing middle piece, but it will not address the very
15 bottom end where we have a serious deficit. This deficit should be part of our longer-term discussion.

16
17 Mayor McNamara spoke about his worries of over-shooting the mark of one type of product (now large
18 multi-family units), which could bring about more than the market can utilize and, in turn, impact the City
19 due to a drop in property evaluations.

20
21 Councilor Whittlesey spoke about the need for the Council to do a deeper dive to examine what the
22 barriers are in the development of the types of housing we are looking at (i.e., the missing middles,
23 Cluster Housing, Workforce Affordable Housing, etc.). Some of this is completely out of our control, and
24 again questioned what the Council can do as an incentive regarding loan costs or certain other costs that
25 are under our control. He felt we need to have guidelines in place to help us scale in whether it is tax
26 relief or other incentives.

27
28 The following people from the public came forth to speak:

29 *Terry Grigsby:* She spoke about living in a condominium, the numbers of new housing units that have or
30 will be built in the City, and the need for families to have single housing units, especially for their
31 children.

32
33 *Jay Campion:* He has properties in Lebanon and spoke about the positive things that are being done in
34 the City. He also spoke about the costs of infrastructure for developers, noting there are a lot of ways the
35 City can move forward (i.e., having the City accept a tax forgiveness for the developers costs in
36 infrastructure until the costs for that infrastructure have been paid off). He spoke about how Hanover is
37 reducing their overall costs of housing, and used the Grassy Road development as an example.

38
39 *Robin Carpenter:* He noted he often plays the skunk at the garden party, and this is his role tonight. He
40 spoke about how politicians (City Council) are inherently impatient and us skunks would like to slow
41 things down. He spoke about the immense potential of zoning changes in the memo, noting that many
42 people look to zoning to try and stabilize things. He gave his opinions on the market value of homes,
43 subsidized housing, and how employees will only be paid what their employers are willing to pay, and
44 City-owned lots. He urged the Council to slow down.

45
46 *Susan Almy:* She spoke about and expressed her opinions regarding how Condo & Homeowner
47 Associations are not trained on how to govern; how some with low incomes cannot afford to live in
48 Lebanon; how there are too many 1-2 person rental units in towers; encouraging developers of

1 condominium units to build family units; manufactured housing parks; the manufacturing housing
2 industry; and, the need to solve the severe availability of land in the City.

3
4 **Councilor Sykes arrived at 6:48 PM.**

5
6 In response to Council Liot Hill's request, Mr. Brooks gave a history of and summarized how each of the
7 6 items in the Resolution would proceed and what the Council and public's participation would be in this
8 process. He also spoke about how #5 would proceed as a next step, noting numbers 1-3 may need to go
9 to ballot.

10
11 City Manager Shaun Mulholland explained the policy process that was developed in 2018 (CC-102), and
12 that each of these 6 points listed in the Resolution would be coming back to the Council as individual
13 agenda items.

14
15 The Council discussed the 20 city-owned properties; the 70-80 vacant/underdeveloped properties the City
16 does not own but are within the core area served by utilities; how most of the larger projects being built in
17 Lebanon are done by out-of-state developers, but Lebanon has a number of good, local developers who
18 are really capable of doing smaller projects that the larger developers are not interested in; Lebanon
19 might be able to provide financial incentives to the smaller Lebanon developers; consider adding a 7th
20 item to the Resolution that would read...*in each of the above actions, consider enabling and incentivizing*
21 *or demonstrating affordable net zero energy or zero energy ready homes*; flushing out the preamble of the
22 Resolution to only include the language: ***Resolution that the Lebanon City Council hereby directs the***
23 ***City Manager to take steps to Enable, Incentivize, and Partner in the development of housing needs not***
24 ***currently being addressed by the market through the following actions.***

25
26 After more discussion regarding what should/should not be included in the preamble of the Resolution
27 and the development of a City Policy Statement in the future, the Council took the following action:

28
29 **Councilor Whittlesey MOVED the following:**

30
31 ***RESOLVED, that the Lebanon City Council hereby directs the City Manager to take steps to Enable,***
32 ***Incentivize, and Partner in the development of housing needs not currently being addressed by the***
33 ***market through the following actions:***

- 34
35 1. ***Prepare amendments to the Zoning Ordinance to enable the creation of "cottage cluster" housing***
36 ***developments on appropriate parcels in the City.***
37
38 2. ***Prepare amendments to the Zoning Ordinance to revise the regulations for Manufactured Home***
39 ***Parks, Manufactured Home Subdivisions, and Manufactured Home Planned Unit Residential***
40 ***Developments (PURDs) to better reflect the existing Manufactured Home developments within the***
41 ***City and manufactured homes that are in production today.***
42
43 3. ***Prepare amendments to the Zoning Ordinance to complete the Increased Density Bonuses table set***
44 ***forth in Section 507.1 and to develop Criteria for the Award of Bonus set forth in Section 507.2.***
45 4. ***Develop regulations and guidance for the creation of Housing Opportunity Zones (pursuant to***
46 ***RSA 79-E:4-c) and/or Residential Housing Revitalization Zones (pursuant to RSA 79-E:4-b) to***
47 ***incentivize desirable forms of development.***

- 1 **5. Partner with the Lebanon Housing Authority and other residential developers to utilize city-owned**
2 **properties for the development of new housing units, including the possibility of a “demonstration**
3 **project” on a city-owned parcel with high visibility and an opportunity for a reasonable number of**
4 **units to help overcome barriers to affordability.**
- 5 **6. Study and evaluate the benefits and impacts of Accessory Dwelling Units (ADUs) and potential**
6 **barriers to ADU development and prepare guides, fact sheets, and educational materials to help**
7 **reduce potential impacts and reduce regulatory and non-regulatory barriers.**
- 8 **7. In each of the above actions, consider enabling, incentivizing, or demonstrating affordable net zero**
9 **energy or zero energy-ready homes.**

10
11 *Seconded by Councilor Wilkie.*

12 **The Vote on the MOTION was unanimously approved (9-0).*

13
14 **4. ADJOURNMENT:**

15
16 *Councilor Heistad MOVED for adjournment.*

17 *Seconded by Councilor Liot Hill.*

18 **The Vote on the MOTION was unanimously approved (9-0)*

19
20 **The meeting was adjourned at 7:31 PM.**

21
22 Respectfully submitted,

23 Dona E. Gibson

24 Recording Secretary

**AGENDA
LEBANON CITY COUNCIL
MAY 4, 2022**

10. NEW BUSINESS:

10.A – DISCUSSION & SET PUBLIC HEARING FOR JUNE 1, 2022:
REQUEST FOR SUPPLEMENTAL APPROPRIATION
FOR MECHANIC STREET SIDEWALK SEGMENT 2

BACKGROUND

The Slayton Hill Road/Mechanic Street intersection sidewalk project (Segment 2 of the attached Map) is a subcomponent of a larger 1.3-mile roadway corridor project between the intersection of Mechanic Street and High Street, and Interstate 89, Exit 19.

The estimated total cost of the project is \$425,000. Two hundred ninety thousand two hundred Fifty Dollars (\$290,250) has been approved under the “Community Project Funding Request Process for the 117th Congress”. The difference of One hundred Thirty-Four Thousand Seven Hundred Fifty (\$134,750) will be through utilization of unassigned fund balance.

Please see the attached memorandum from Jay Cairelli, Interim DP Director, for detailed explanation regarding the need for this appropriation.

ACTION

The following motion is offered for Council consideration:

MOVED, that the Lebanon City Council hereby schedules a public hearing for Wednesday, June 1, 2022, beginning at 7:00pm in Council Chambers, City Hall, and remote via the City’s Virtual Platform for the purpose of receiving public input and to take action to appropriate \$425,000 for Mechanic Street Sidewalk Segment 2 Improvements; and to authorize the transfer in the sum of \$134,750 from unassigned fund balance.

Included in this Section:

1. April 25, 2022 Memo from Jay Cairelli, Interim DPW Director re: Supplemental Appropriation Request
2. March 30, 2022 Plan for Mechanic Street Proposed Sidewalk

TO: Honorable Mayor and City Council
CC: Shaun Mulholland, City Manager
FROM: Jay Cairelli, Interim DPW Director
DATE: April 25, 2022
RE: Supplemental Appropriation Request

INTRODUCTION

Request for supplemental Appropriation in the amount of \$425,000 for the Slayton Hill Road/Mechanic Street intersection sidewalk project.

BACKGROUND

The Slayton Hill Road/Mechanic Street intersection sidewalk project (Segment 2 of the attached Map) is a subcomponent of a larger 1.3-mile roadway corridor project between the intersection of Mechanic Street and High Street, and Interstate 89, Exit 19. The corridor was first put on NHDOT's "Urban Road List" in 1987 for reconstruction. That list was superseded by the State's [Ten Year Plan](#) (TYP), which this stretch of Route 4 has been programmed in since 1998. The scope was substantially scaled down into [phases](#) in recent years. For example, the current TYP slates only the Slayton Hill intersection for improvements—but not until 2029. While the subject sidewalk project will tie into the Slayton Hill intersection project, any continued deferment of address to this area increases risks and hinders revitalization of the area. As a result, the City regards near-term incremental improvements to Mechanic Street as an imperative, hence our interest in pursuing interim opportunities via federal funding.

In April 2021, the City of Lebanon submitted an application for FY22 Community Project Funding. Letters of support were included from Upper Valley Business Alliance, Advance Transit, Lebanon Pedestrian and Bicyclists Advisory Committee, Ed Kerrigan (developer/195 Mechanic Street), Upper Valley Lake Sunapee Regional Planning Commission, and Alice Peck Day Memorial Hospital.

There continues to be a critical, if not growing, need for pedestrian facilities between downtown Lebanon and West Lebanon, for which Route 4/Mechanic Street is the main route. Active build-out of this corridor has intensified even since 2021. Two large multifamily developments, at 2 Mascoma Street and 1 Foundry Street, commercial infill on the Miracle Mile, and smaller residential projects—all within 1 mile of the project location—are among the outpouring of applications that the City's Planning office continues to field.

As another update since 2021, the Upper Valley Regional Planning Commission completed its [Corridor Plan](#). In addition, the City of Lebanon is building upon the priorities identified by the UVLSRPC with its [Walk Bike Ride Lebanon](#) (WBRL) multimodal and complete streets implementation plan. Please refer to the attached "Needs Summary" from UVLSRPC for details.

RECOMMENDATION / RATIONALE

The Federal Government has agreed to fund \$290,250 for the Slayton Hill Road/Mechanic Street intersection sidewalk project under the "Community Project Funding Request Process for the 117th Congress". In order to receive the \$290,250, the money must first be appropriated by the city. Once the money is spent, the city can submit for reimbursement of the funds. The current cost estimate for design and construction is \$425,000 leaving \$134,750 that requires funding directly by the city.

Mechanic Street proposed Sidewalk - Conceptual Plan of Segments 1, & 3


**MAP FOR REFERENCE ONLY
NOT A LEGAL DOCUMENT**

City of Lebanon, NH makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map.

Geometry updated 10/23/2018
Data updated 11/15/2018



LEBANON, NH

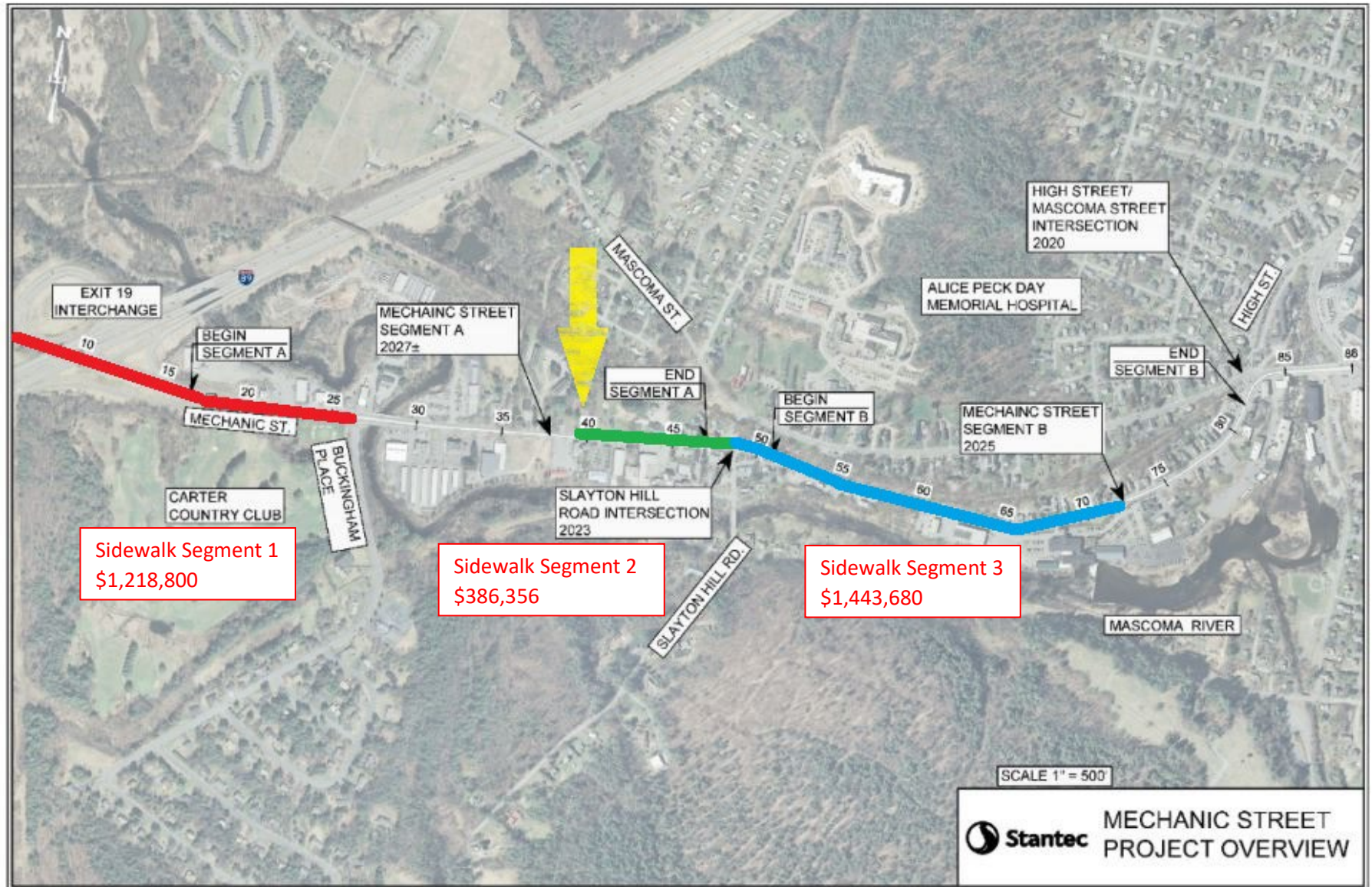
U.S. ROUTE 4/MECHANIC STREET

SIDEWALK GAPS

1. Area Map
2. Project Overview
3. Cost Estimate
4. Needs Summary

Area Map

2



Project Overview

Date: April 13, 2022

Location: American Legion at 189 Mechanic St. / U.S. Route 4, Lebanon, NH (Area Map “Segment 2”)

Site Walk: Congresswoman Ann McLane Kuster and staff
Lebanon Mayor and City Councilors
Lebanon City Manager’s Office, Public Works and Planning & Development staff
Upper Valley Lake Sunapee Regional Planning Commission staff
Lebanon Pedestrian and Bicyclist Advisory Committee representative

Brief: As expressed in manifold City and regional planning studies, Route 4 is a narrow, high traffic road and safe connectivity is its main challenge. Yet while Mechanic Street is ripe for attention, it is limbo as we wait for the State’s Ten Year Plan to come to fruition. The City of Lebanon is more concerned than ever for the welfare of residents and visitors and cannot ask more of taxpayers than we already do.

The City seeks federal funding to enable construction of sidewalks on one side of Mechanic Street, between the American Legion and Slayton Hill Road. This short but significant segment is one of the last connections that we need to enable safe passage by pedestrians between transit stops and more generally, between east and west Lebanon. **The ultimate goal is to achieve a complete sidewalk network between Lebanon’s two downtown hubs.** We’re concurrently working to construct sidewalks on Miracle Mile, just west on Route 4, as a direct City investment.

The enclosed information highlights the prominence of Mechanic Street in Lebanon, the continued delays in state-led improvements to it, and a diversity of strong, documented community support for multimodal connectivity and accessibility along this roadway.

Site: Mechanic Street is the segment of U.S. Route 4 that connects historic downtown Lebanon and I-89 Exit 19. It is the primary local and regional route for east-west vehicle traffic. Despite being heavily used (see attached traffic volume estimates) and developed, Mechanic Street lacks consistent and accessible pedestrian infrastructure. There also is poor access management due to numerous, uncontrolled curb cuts that exacerbate safety (see image on page 3 of bus rider exiting into parking/access area). In winter months, pedestrians and transit users are forced to walk in traffic on the road because without sidewalks the shoulders become snow storage.

For further context, Mechanic Street is a busy location with growth pressures due to its proximity to the Lebanon Downtown District, General Commercial zoning under active redevelopment, and three major neighborhoods including at least one low-income housing property whose occupants regularly walk on the road, as well as continued conversion of properties to higher density residential uses on this stretch.

Status: The problem is not new; this section of roadway has been identified as an area in need of improvement for decades. The Slayton Hill Road/Mechanic Street intersection project is a subcomponent of a larger 1.3-mile roadway corridor project between the intersection of Mechanic Street and High Street and Interstate 89, Exit 19. The full scope was programmed in the Ten-Year Plan (TYP) for many years—since 1998—before being substantially scaled

down into [phases](#) in recent years. Before the TYP, this section of Route 4 was put on NHDOT's "Urban Road List" in 1987 for reconstruction. Any continued deferment of address to this area increases risks and hinders revitalization of the area. As a result, the City regards near-term incremental improvements to Mechanic Street as an imperative, hence our interest in pursuing interim opportunities via federal funding.

In April 2021, the City of Lebanon submitted an application for FY22 Community Project Funding. Letters of support were included from Upper Valley Business Alliance, Advance Transit, Lebanon Pedestrian and Bicyclists Advisory Committee, Ed Kerrigan (developer/195 Mechanic Street), Upper Valley Lake Sunapee Regional Planning Commission, and Alice Peck Day Memorial Hospital.

The funding opportunity did not progress. However there continues to be a critical, if not growing, need for pedestrian facilities between downtown Lebanon and West Lebanon, for which Route 4/Mechanic Street is the main route. Active build-out of this corridor has intensified even since 2021. Two large multifamily developments, at 2 Mascoma Street and 1 Foundry Street, commercial infill on the Miracle Mile, and smaller residential projects—all within 1 mile of the project location—are among the outpouring of applications that the City's Planning office continues to field.

As another update since 2021, the Upper Valley Regional Planning Commission completed its [Corridor Plan](#). In addition, the City of Lebanon is building upon the priorities identified by the UVLSRPC with its [Walk Bike Ride Lebanon](#) (WBRL) multimodal and complete streets implementation plan. Please refer to the attached "Needs Summary" from UVLSRPC for details.

Obtaining federal funds to support the construction of sidewalks on any one piece of Route 4 would help build infrastructure that was identified as deficient even decades ago and which continues to be pushed out to the future, otherwise.

Impact:

1. *Accessibility.* NHDOT's Ten Year Plan stated that the purpose of the project [full Mechanic Street reconstruction] is to increase traffic capacity, improve corridor safety and accessibility for all users, enhance aesthetics, and address operational deficiencies." The Project Need was further summarized as:
 - Lack of consistent and accessible pedestrian facilities along the project corridor.
 - Mechanic Street serves as a connection from I-89 to the historic downtown area. It has limited existing public green space.
 - Narrow shoulders that do not meet bike lane criteria.
 - Poor access management due to numerous curb cuts and many oversized and uncontrolled driveway openings.
 - Confusing and poorly functioning intersections at Slayton Hill Road and Mascoma/High Street.

The proposed construction of "Segment 2" on Mechanic Street would be a key incremental improvement toward addressing the TYP needs in lieu of the TYP's implementation.

2. *Connectivity.* Mechanic Street at Slayton Hill Road is a crossroads for neighborhoods on either side of the community. Yet currently, Mechanic Street has several sidewalk gaps, including the section that ends abruptly east of 195 Mechanic Street, a new multifamily housing project, such that its residents

will have to walk in the road to go to bus stops, downtown Lebanon, and other destinations. Buckingham Place residents and other citizens living in the densely populated Mechanic Street corridor are similarly stranded.

In 2014, the Upper Valley Lake Sunapee Regional Planning Commission completed a *Safe Routes to Play* study for the City of Lebanon. A focus of this study, which included survey and community events, was also to identify barriers which may prohibit or discourage families from using active transportation. Study participants identified several [8] intersections or sections of road that they consider especially unsafe for bicycle or pedestrian use. These include Mechanic Street between High Street and I-89 Exit 19, and a new sidewalk was suggested along Mechanic Street, extending from Carter Country Club to downtown Lebanon.

3. *Safety.* The Advance Transit red line route, which utilizes Mechanic Street, has had the highest number of boardings per hour of any transit route in New Hampshire (pre-COVID), but Mechanic Street is hazardous. According to the *2010 Lebanon Bus Stop Design Study*, “Mechanic Street in this area is only two lanes wide, but the high volume of traffic and the lack of stops makes it difficult to cross the street. This area should be designed for a safe interchange of

bikes, pedestrians and transit. The plan calls for a bus stop on either side of the street that is oriented to a new accessible walkway up to the Mascoma River Greenway path and the Alice Peck Day (APD) complex.” An associated graphic is copied here. This sidewalk will help fulfill the recommendation and the City is prepared to examine opportunities for crosswalks as a complement to this project.



4. *Economic development.* The 2012 Lebanon Master Plan identifies numerous objectives to improve the mobility and safety of people. Among references to Mechanic Street, one outcome focused on revitalizing our downtown states “Encourage pedestrian access along Mechanic Street in the NH DOT 10-year plan and CIP to improve linkages between that area’s residential neighborhoods and the CBD.”

While not specific to Lebanon, it’s worth noting that according to the draft (2020) *New Hampshire DOT Statewide Pedestrian & Bicycle Transportation Plan and Economic Impact Study, Technical Memorandum #4*, “for every vehicle-mile reduced from increased walking and bicycling, New Hampshire can expect to generate \$0.81 in transportation benefits.” The study further enumerates related returns on investment, indicating “If NH’s walking and bicycling rates were to be supported more, to the numbers seen in Maine and Vermont, it is estimated that NH could save approximately \$0.5 billion to \$1 billion beyond the existing \$2.14 billion in transportation, environmental and health cost savings (over 20 years) that are currently projected due to such transportation

alternatives in NH. This sidewalk would help encourage more walking, reduce VMT and contribute to local as well as state savings.

5. *Equity.* People without cars should be able to get to critical service areas and public recreation facilities safely. In addition to bus stops, pedestrians use this route to access Alice Peck Day Hospital's (APD) medical campus and the Harvest Hill senior housing community, the Mascoma River Greenway (MRG), and various local businesses in the vicinity. As a reflection of this need, the 2010 *Transportation Service Plan for APD* states that "NHDOT should...construct a pedestrian tunnel and an associated walkway to facilitate pedestrian access between Mechanic Street bus stops and Alice Peck Day and neighboring residences". This sidewalk will help fulfill the recommendation.
6. *Responsiveness.* Extensive outreach to all Mechanic Street abutters and the community in general, including site walks and several public meetings, was conducted by the City and consultants in 2018. At the time, the Ten Year Plan was moving forward. One of the top comments and aspects of public support for roadway improvements was to construct sidewalks on Mechanic Street.
7. *Responsibility.* The City has led significant investments to pedestrian infrastructure in Lebanon. Lebanon adopted a *Complete Streets Policy* in 2017. We just completed the addition of new sidewalks on Route 12A in two sections, and all of our CSO projects have added new or upgraded existing pedestrian facilities. The City has been chipping away at other incremental improvements too, including to the Route 4 corridor. For example, between 2019-2021, the City completed two-thirds of the sidewalk facilities needed on the Miracle Mile just west of the subject project location.

The City is currently preparing its Capital Improvements Program (CIP) to budget projects 2023-2028+ and as it does each year, it includes proposals for projects that will help implement the City's Complete Streets Policy and fill in walk-bike network gaps. As the theme goes, there is not enough funding to do every project that is proposed. The current CIP will include the final/third Miracle Mile section as well as the outstanding sidewalk segments #1-3 on Mechanic Street; this project is Segment 2, an approximately 530-foot stretch (see Area Map). These links represent several million dollars of local investment funded in large part by local taxpayers. Much has already been dedicated, thanks to attentive leadership—but much is also still lacking, due to the significant overall cost. The City intends to pursue additional/matching funds that ensure our ability to close the most significant gaps in related infrastructure, especially as national trends hit a multi-year mark in rising traffic fatalities.



Cost Estimate

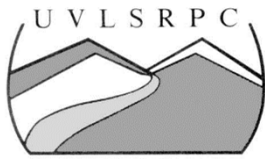
In 2021, the project cost estimate was \$386,356 for construction (see summary below). Costs have been rising and bids have followed suit. An additional 10% contingency has been added to the 2021 estimate due to the current variability of the market. The project is now anticipated to require approximately \$425,000. Major project costs include pavement, railing, granite curb, retaining walls, uniformed officers and flaggers, and mobilization, as well as design and permitting, and construction administration.

Mechanic Street Sidewalk -Slayton to Legion +20' walk carpetmill
26-Mar-21

		CITY			
Item Number	Item	Quantity	Unit	Unit Price	Total
<u>Mechanic Street</u>					
201.1	Clearing and Grubbing	1	Lump Sum	\$2,000.00	\$2,000.00
201.22	Removing Large Trees	4	EA	\$700.00	\$2,800.00
202.5	removal of catch basins, drop inlets and manholes	0	SY	\$500.00	\$0.00
203.1	common Excavation	353	CY	\$15.00	\$5,295.00
203.2	rock Excavation /structure excav	5	CY	\$200.00	\$1,000.00
203.6	embankment-in-place	175	CY	\$10.00	\$1,750.00
206.19	common structure excavtion exploratory	5	CY	\$60.00	\$300.00
214	fine grading	1	U	\$2,500.00	\$2,500.00
304.3	Crushed Stone	242	cy	\$40.00	\$9,680.00
304.4	crushed stone - fine gradation	10	CY	\$40.00	\$400.00
304.5	crushed stone - coarse gradation	10	CY	\$35.00	\$350.00
403.11	hot bituminous pavement, machine method, sw	77	TON	\$150.00	\$11,550.00
403.12	hot bituminous pavement, hand method	67	Ton	\$150.00	\$10,050.00
417	cold planning bituminous surfaces	270	SY	\$4.00	\$1,080.00
604.4	Reconstructing/Adjusting Catch Basin and Drop Inlet	2	LF	\$500.00	\$1,000.00
604.5	Reconstructing/Adjusting Manholes	1	LF	\$600.00	\$600.00
608.24	4" concrete Sidewalk	3	SY	\$100.00	\$300.00
608.54	detectable warning devises, cast iron	8	sf	\$450.00	\$3,600.00
609.01	Straight granite curb	530	LF	\$50.00	\$26,500.00
609.02	curved granite curb	60	LF	\$50.00	\$3,000.00
	railing	150	LF	\$125.00	\$18,750.00
	Readyrock wall	950	SF	\$50.00	\$47,500.00
611.811	adjusting/relocating hydrants	1	EA	\$4,000.00	\$4,000.00
611.90001	adjusting water gates and shutoffs set by others	3	EA	\$350.00	\$1,050.00
615.03	Traffic sign Type C	9	sf	\$57.50	\$517.50
x	removing Business sign/rebuild	1	EA	\$7,500.00	\$7,500.00
615.034	Relocating Sign	2	EA	\$1,000.00	\$2,000.00
618.61	Uniformed Officers with Vehicle	1	Allow	\$23,000.00	\$23,000.00
618.7	Flaggers	800	hr	\$35.00	\$28,000.00
619.1	Maintenance of Traffic	1	U	\$5,000.00	\$5,000.00
628.2	Sawed Bituminous Pavement	930	lf	\$3.00	\$2,790.00
632.3104	thermosplastic Pave. Marking, 4" Line	735	lf	\$3.00	\$2,205.00
632.3118	thermosplastic Pave. Marking, 12" Line	140	lf	\$8.00	\$1,120.00
641	Loam-turf establishment	60	CY	\$55.00	\$3,300.00
644.15	Park Seed Type 15	15	lb	\$10.00	\$150.00
692	mobilization	1	U	\$10,000.00	\$10,000.00
699	erosion control	1	Allow	\$5,000.00	\$5,000.00
	Project Records- Asbuilt survey	1	u	\$5,000.00	\$5,000.00
619.25	variable message boards	4	bd/m	\$900.00	\$3,600.00

Total Construction Cost	\$254,237.50
Contingency (15%)	\$38,135.63
Design and Permitting (20%)	\$50,847.50
Construction Administration (15%)	\$38,135.63
Right-of-Way Acquisition	\$5,000.00

Total Project Cost \$386,356.25



Upper Valley Lake Sunapee
Regional Planning Commission

Needs Summary

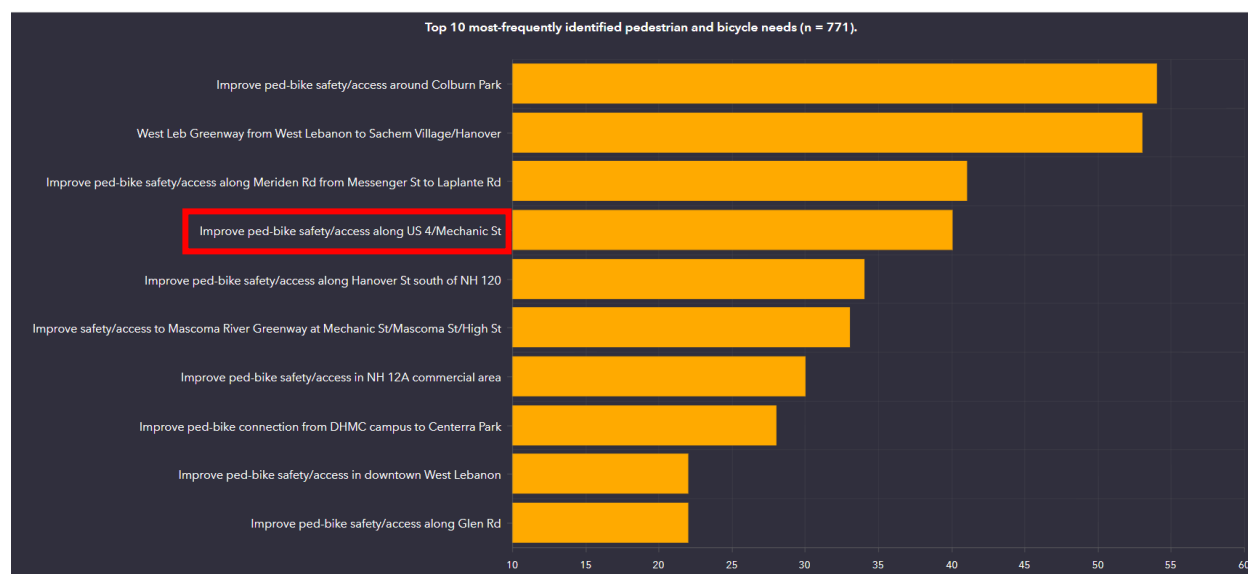
LEBANON, NH – US 4/MECHANIC SIDEWALK

UVLSRPC *Regional Corridor Transportation Plan* (2022):

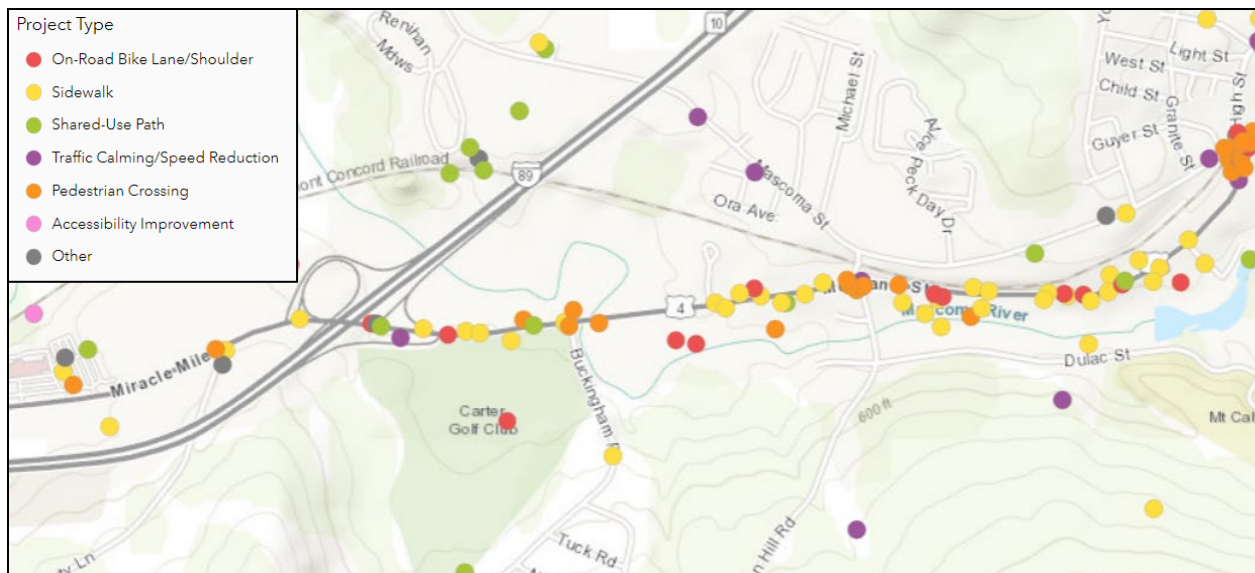
- The *Regional Corridor Transportation Plan* is the long-range regional transportation plan covering a 15-year window of transportation infrastructure needs and investments in the Upper Valley – Lake Sunapee region. The plan can be viewed at www.uvlsrpc.org/corridorplan.
- P. 111: The plan notes “gaps in the sidewalk network along US 4 between downtown Lebanon and West Lebanon” as a primary transportation mobility, safety, and accessibility challenge in the US Route 4 corridor.
- P. 116: The plan includes a Tier 1 priority project to “Address sidewalk network gaps along US 4 Route/Mechanic St/Miracle Mile between downtown Lebanon and West Lebanon.”

Walk, Bike, Ride, Leb – Multi-Modal and Complete Streets Implementation Plan (ongoing):

- *Walk, Bike, Ride Leb* will be a plan to create a safe, comfortable, and connected walking and bicycling network in the City of Lebanon, including connections to public transportation. The City is actively working to complete this plan. The project website is www.lebanonnh.gov/walkbikerideleb. An online survey was distributed in March 2022. The survey results dashboard can be accessed at <https://uvlsrpc.maps.arcgis.com/apps/dashboards/2a550b38caca48f780f6bd3d47a0073a>.
- Survey respondents were invited to mark locations on an interactive map that were in need of improvements for pedestrian and bicycle access and safety. Improving pedestrian and bicycle safety along US 4/Mechanic St was the fourth-most-identified need in this exercise.



Top 10 most frequently identified pedestrian and bicycle needs, March 2022



Map markers placed by survey respondents, March 2022.

- Respondents could also leave comments as part of the map exercise. Selected comments on the need for sidewalk connectivity in the US 4/Mechanic St corridor are included below:
 - “I see lots of pedestrians here, including parents with baby strollers, trying to walk alongside the road, and it is not safe for them, or for drivers.”
 - “There needs to be a sidewalk all the WAY or a very clear, safe method of getting from the greenway to the Miracle mile stores.”
 - “continuous sidewalk needed. busy road, hi speed traffic”
 - “This is a high speed high traffic area with lots of disconnected shopping areas. Sidewalks start and end often on opposite sides of the street. There is no sidewalk to pass by the highway. when the Mascoma Greenway is covered in snow this is the alternate route for walkers and bikers.”
 - “No sidewalk and potential for more foot traffic, especially when the new apartments are completed”

Traffic Volume Data:

- As 2019 (pre-COVID-19), the annual average daily traffic volume (AADT) on Mechanic St between I-89 and Slayton Hill Rd was over 14,000. These traffic volumes are comparable to volumes experienced on major collector roadways in much more populous New Hampshire cities and towns, such as Derry (NH 102/East Broadway).

**AGENDA
LEBANON CITY COUNCIL
MAY 4, 2022**

10. NEW BUSINESS:

10.B – BRAVER ANGELS PRESENTATION

BACKGROUND

Braver Angels was created in 2016. The organization is a national citizens' movement to bring liberals, conservatives and others together at the grassroots level - not to find centrist compromise, but to find one another as citizens. Through workshops, debates, campus engagement, and more, Braver Angels helps Americans understand each other beyond stereotypes, form community alliances, and reduce the vitriol that poisons our civic culture.

The City Manager recently attended an ICMA (International City Manager's Association) conference where a presentation by Braver Angels of New Hampshire was made. Although the City of Lebanon seems to have an appropriate temperature of civil discourse, there is value in learning about a program of this nature to foster healthy public policy discussions in our community.

Braver Angels offers training relative to facilitating healthy discussions on public policy matters. The City Manager would like to propose developing a core of city staff and elected/appointed officials to be trained in facilitation of difficult public policy matters.

ACTION

No Action is required by the Council; however, the Council may ask the City Manager to move forward with developing a core group of city staff and elected/appointed officials to be trained by Braver Angels to facilitate difficult public policy matters.

Included in this Section:

1. Braver Angels Politics Offerings for Elected and Public Officials, Their Staff, and Their Constituents

Available but not Included in this Section:

1. Braver Angels website <https://braverangels.org/what-we-do/>



Introducing Braver Politics Offerings for Elected and Public Officials, Their Staff, and Their Constituents

Braver Politics, the newest initiative of Braver Angels, fosters opportunities for elected officials, their staff, and constituents – at the national, state, county, and community levels – to develop the skills and commitment to work together in goodwill across political differences. Our vision for Braver Politics:

American political institutions operating in the spirit of citizenship and common purpose, where elections are viewed as valid by voters in both parties and trust is restored between voters and the officials they elect.

We offer the following facilitated experiences *at no charge*.

Managing Difficult Conversations with Constituents and Colleagues

This workshop presents listening and speaking skills for elected officials at all levels, within the framework of how to deal with disagreeing constituents and colleagues. It is nonpartisan, making it especially useful for nonpartisan local officials.

Participants: no limit on size

Duration: 2 hours

Red/Blue Workshop for Elected Officials

This workshop includes discussion of life experiences which have influenced personal values and beliefs about public policy and community well-being, offers insight into and understanding of the thought processes of those across the aisle (fishbowl exercise), and forges stronger inter-party relationships.

Participants: Republican/Democratic balance; 5-6 from each side.

Duration: 3 or 6 hours

Red/Blue Workshop for Staff of Elected Officials

This workshop includes discussion of life experiences which have influenced personal values and beliefs about public policy and community well-being, a fishbowl exercise that centers around specific issues of importance to each side, and forges stronger inter-party relationships.

Participants: Any staff member of an elected official.

Duration: 3 or 6 hours

Constituent Conversations: A Workshop with Elected Officials

This is a moderated discussion between the elected official and a small group of politically diverse constituents who share their views on two issues which are chosen in advance. The focus is on how participants' life experiences play into their concern about the issue, and the elected official also shares perspectives.

Participants: Any elected official and their constituents.

Duration: 2 1/2 hours

Braver Politics Town Halls

The Braver Angels Town Hall focuses on an issue chosen in advance. Hour 1: citizens in small, mixed groups discussing the issue and finding common ground. Hour 2: moderated conversation among the citizens and one or two elected officials.

Participants: Any constituent or member of the public.

Duration: 2 hours

One-to-One Conversations between Elected Officials

This is a structured conversation between two elected officials where they discuss life experiences that influenced policy views, how polarization has impacted government, and what can be done to address it. A moderator is present for state and national-level officials, ensuring that guardrails stay in place.

Participants: 2 elected officials at any level of government, a moderator

Duration: 1 hour