

FINAL

**LEBANON CITY COUNCIL
REGULAR SESSION MINUTES
Wednesday, January 18, 2023 6:00 p.m.
Remote Via Microsoft Teams: [LebanonNH.gov/Live](https://lebanonnh.gov/Live)**

MEMBERS PRESENT: Assistant Mayor Clifton Below, Erling Heistad (Remote), Karen Liot Hill, Christian Simon, George Sykes, Douglas Whittlesey, Devin Wilkie, and Karen Zook

MEMBERS ABSENT: Mayor Tim McNamara

STAFF PRESENT: City Manager Shaun Mulholland, Deputy City Manager David Brooks, Director of Planning & Development Nathan Reichert, Associate Planner Rebecca Owens, Finance Director Vicki Lee, Deputy Finance Director Alesia Williams, Energy & Facility Manager Tad Montgomery

1. **Call To Order:** Assistant Mayor Below called the meeting to order at 6:04 p.m.
 - City Manager Shaun Mulholland announced the meeting criteria for the public.
 - Assistant Mayor Below was acting on behalf of Mayor McNamara for this meeting.
 - Councilor Heistad stated the reason for attending remotely was due to him recovering from COVID.

2. **Pledge Of Allegiance:** Councilor Simon led the Council in the Pledge.

3. **Boards and Committee Reports (4th Quarter 2022)**

Planning Board (PB) – Matthew Hall, Chair

Chair Hall updated the Council on the following, noting they have been giving considerable thought to the following:

- Working with staff to evaluate the current Master Plan
- Capital Improvement Project (CIP) Process and how they interact with the City Council and the School Board
- Zoning Regulations
- Chair Hall's goal is to take a revaluation of some of the PB's regulations that may need to be amended, removed, or streamlined for the residents of Lebanon.

Pedestrian/Bicyclist Committee – Shaun Dittrich (member)

Mr. Dittrich updated the Council regarding the work the committee has been working on as follows:

- Proposed approach to improving crosswalk visibility: Their proposal is to repaint crosswalks in a few locations within the City into high contrast colors in order to increase visibility for cars, especially in winter when the roads are covered in snow, ice or road salt. This is a method that has been implemented in other cities. He presented a slide deck to the Council that showed different colors/designs they are looking at, noting this is the same type of paint used for standard crosswalks so application and maintenance issues should be fairly straight forward. This has already been discussed with the City Manager and the Department of Public Works and will be put into their spring plan. (See sample screenshots below.)



A color palette that inspired me to think of using contrasting red/orange/yellow circles or squares between the white bars:



Shape: square
Description: automatically generated



Chair Shaun Dittrich was inspired to develop this proposal based on last winter when salt was on the roads causing the crosswalks to become less visible. This is a low cost and common sense plan to address visibility and safety issues for crosswalks during the wintertime and the hope is to pilot this project sometime during the upcoming year. Mr. Dittrich will send the slide deck to Assistant Mayor Below so he can share it with Council members.

- They also have the potential to work with the Arts & Culture Department to design the crosswalks.

Conservation Commission – Sarah Riley, Chair

Chair Riley updated the Council on the following:

- Reviewed one (1) Wetland Permit
- Reviewed work they are doing on the Strategic Plan
- Reviewed proposed Zoning Amendments
- Continue to work on Chapter 5, Natural Resources in the Master Plan
- Held two (2) Wild About Lebanon events
- In December they started reviewing a list of 17-18 city owned properties to evaluate for disposition (i.e., open space value; if they could potentially be sold for housing).
- Bridge over Great Brooks Grant: Staff working on finding a suitable design.
- Reviewing the impacts that trails have on wildlife and on sensitive habitats

Chair Riley also spoke about reducing the deer (doe) population and potentially re-introducing the cougar population in our area, if the population is amenable.

Economic Development Committee – Bill Dunn, Chair

Chair Dunn updated the Council on the following:

- Have been meeting with the TIF Advisory Board regarding the Downtown Parking lots. They have received three (3) proposals and will be hearing presentations from the respondents on Wednesday, January 25th, 2023. The EDC is in the early phases of selecting a vendor.

Lebanon Energy Advisory Council (LEAC) – Greg Ames, Chair

Chair Ames updated the Council on the following LEAC topics:

- Continued their work on the Master Plan revisions
- Lebanon Community Power & the Community Power Coalition of NH
- Landfill Gas-to-Energy Project & Phase III Solar: Microturbines for the generating equipment arrived in October. Phase III solar will not begin until the landfill solar is back online and up and running. There were some issues with the capacity of power lines and back feeding net metered power when you add in both the Landfill Gas-to-Energy output and the peak solar output, as well as the risk of too much capacity to be used on that circuit during a possible power outage.
- EV (Electric Vehicle) Subcommittee:
 - Expecting to stay in a General Motors program, which allows local dealers to supply up to five (5) charging stations to local municipalities for public use.
 - Working on GIS Map, which would show known locations for public EV charging stations in the Upper Valley and would allow the public to mark locations where they feel public charging stations are needed (primarily focusing on Lebanon, Hanover and Hartford, VT)
 - There was discussion around the EV charging amendments in the Zoning Ordinance.
 - Advance Transit has received two (2) electric buses that will be launched soon
- Discussion has taken place with landlords about launching a pilot project for decarbonization and energy efficiency in lower income multi-unit housing.

Diversity, Equity and Inclusion Committee (DEI) – Councilor Devin Wilkie

Councilor Wilkie updated the Council on the following topics (Chair Walton submitted an email report):

- Wrote a land acknowledgement and was submitted to the City Council
- Reviewed and shared feedback on the City’s Strategic Plan
- Reviewed and shared feedback on the Administrative Purchasing Policy and the pending Council policy
- Completed a Discrimination Survey to get input from the community. They have not yet had a chance to review the results but will be doing so soon
- Discussed the gender neutral language provisions that will be going before the voters on the ballot in March 2023.

Heritage Commission – Councilor Devin Wilkie

Councilor Wilkie updated the Council on the following:

- Reviewed a couple of inquiries for the Woolen Millen and Lebanon Rest Area (VPAC)
- Discussing the signage that exists in the City
- Submitted a total of ten (10) landmark designations, which the Council will be reviewing next month
- Updated Kiosk Informational Display on the Lebanon Mall
- Has undertaken doing an informational video project to examine the history/precolonial history of Lebanon.

Cemetery Board of Trustees: No verbal report given. The Council received a written report from the City Clerk’s Office.

Arts & Culture Commission – Councilor Wilkie

Councilor Wilkie updated the Council on the following topics:

- There were four (4) winners of the sidewalk poetry contest, whose names/poems will be imprinted on City sidewalks with the next sidewalk project (2024)
- Provided contributions for the Recreation Arts & Parks ‘Tis the Season Festival, and the holiday light display
- Discussing additional updates to the banners on light poles around the Colburn Park area
- They also will be sponsoring an Ice Sculpture Event that will be taking place on Saturday, January 21, 2023

4. Public Forum: Assistant Mayor Below made the Public Forum announcement.

5. Open To Public:

Mr. Tom Jasinski (no ward given): He spoke about his concerns regarding what he thought was a required Opt-Out option for the Lebanon Power Coalition as written in a Valley News article. He felt this should be an Opt-In option. Assistant Mayor Below noted there was a correction printed in the Valley News today and noted that any customers who are on competitive supply will stay on that competitive supply and have the option to “Opt-In.” People will not be required to switch over.

The Lebanon Outing Club will be celebrating their 100th Anniversary this upcoming weekend.

6. Recognitions: NONE

7. Acceptance Of Minutes: January 4, 2023 (Regular Meeting)
Amendments: Page 9, Line 6: Change “read” to “cited.”

**Councilor Liot “Hill *MOVED* to approve the January 4, 2023 minutes as amended and presented in the January 18, 2023 City Council agenda packet.
*Seconded by Councilor Whittlesey.***

Roll Call Vote:

Assistant Mayor Below, and Councilors Heistad, Liot Hill, Simon, Sykes, Whittlesey, Wilkie, Zook and all voted Yea.

None voted Nay.

****The Vote on the MOTION was approved (8-0).***

8. Appointments: NONE

9. Public Hearing Items:

A. Zoning Amendments Proposed for Placement on the March 2023 Ballot:

A public hearing for the purpose of receiving public input and taking action on proposed amendments to the Lebanon Zoning Ordinance in advance of placing amendments on the 2023 Municipal Ballot.

Included in the agenda packet: *(Pages 26-44, Council agenda packet)*

1. January 10, 2023 Memo to the Lebanon City Council from Planning & Development Department Staff re: Public Hearing on Zoning Ordinance Amendments for March Ballot, which includes the following:
 - Draft Zoning Amendments for March Ballot (12 Pages)

Complete Details Available:

[January 4, 2023 City Council Agenda Packet](#)

Deputy City Manager David Brooks, and Director of Planning & Development Nathan Reichert presented the background and reviewed the Draft Zoning Amendment for the March Ballot.

BACKGROUND

At the October 5, 2022 meeting, the City Council was presented with a number of proposed amendments to the Zoning Ordinance. The Council took action to accept the amendments as presented and forwarded them for review and comment by the Planning Board, Conservation Commission, and Zoning Board of Adjustment. Legal review has been obtained, and all boards have completed their review.

The final proposed amendments along with Board/Commission comments were presented to the City Council on January 4, 2023. Four (4) of the proposed amendments are required to be placed on the municipal ballot for consideration by Lebanon voters pursuant to the process outlined in Section 1000.4 of the Zoning Ordinance, including the following:

Amendment #1 – To adopt a new Section 509 (“Cottage Developments”) as a use allowed by Conditional Use Permit in the R-1, R-2, R-3, R-O, and R-O-1 Districts. **(Zoning Ordinance ADD Section 509 and**

amend Sections 308.2, 309.2, 310.2, 311.2, and 311A.2, with related amendments to Section 205.1, Section 500, and Appendix A)

Sample Layout:



Amendment #2 – To amend and rename the Manufactured Home regulations in Sections 503 and 504. **(Zoning Ordinance Sections 503 and 504, with related amendments to Sections 209, 308.2, 312.2, 313.2, 500, 501.2.C, and Appendix A)**

Amendment #3 – To amend the RL-3 District Table of Uses to change “accessory use to any, one-family dwelling” from a use allowed by Special Exception to a Permitted Use. **(Zoning Ordinance Section 314.2)**

Amendment #4 – To amend the Accessory Dwelling Unit (ADU) regulations in Section 610 to allow an accessory dwelling unit for an owner-occupied two-family dwelling. **(Zoning Ordinance Section 610)**

► **NOTE:** Adding an attached ADU to a two-family dwelling converts the building to a multi-family dwelling for fire and building code purposes

Please see attached memo from the Planning Department Staff along with proposed Zoning Ordinance amendments for detailed information.

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

Mr. Matt Hall (Ward-3), Planning Board Chair: The Planning Board approved moving forward with these amendments. He spoke about why the City should think about the aesthetics (i.e., emphasizing the New England style of architecture; porch requirements consideration).

Mr. Clay Adams (Hanover and works at Mascoma Bank): He presented a signed letter to the City Manager from 19 different businesses in the Upper Valley that described the plight employers are in to identify/hire employees for their organizations. He spoke about the reasons why the impact of (affordable) housing is having an effect on businesses being able to hire employees and encouraged the Council to pass these amendments.

Ms. Barbara Hirai (Ward-1): She commented on and spoke about the amendments to Manufactured Housing. Her concerns included the decrease in open space requirements for new development(s), steep slopes, and wetlands in that open space.

Councilor Liot Hill noted the new language in this amendment is to make it consistent with how other Planned Unit Developments (PUD) are treated. Right now, manufactured housing is being treated differently and what this language does is to bring it into uniformity with how other housing in Lebanon is treated.

Mr. Brooks concurred with Councilor Liot Hill and noted that in a standard subdivision, as well as any other form of planned unit development, steep slopes and wetland areas count towards the density and they can be included in the open spaces. This is the only other type of development currently where those areas cannot be included as open space. Steep slope areas and wetlands are often specifically put into the open space areas of a standard subdivision or PUD because they are the natural resources that ought to be protected.

Mr. Reichert also noted that both the wetlands and steep slopes will trigger other protections within the Zoning Ordinance that prevent additional development in those areas. While most of them will simply be off limits for additional development for any use at all, other elements of the Zoning Ordinance would apply and gave examples.

Ms. Sarah Riley (Chair of Conservation Commission): The discussion above just clarified some of their (Conservation Commission) concerns. The reason behind this Zoning Amendment did not come up in our discussion regarding bringing manufactured housing developments into alignment with other housing developments and felt it not appropriate to continue our concerns with this particular change.

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

Council Discussions:

Councilor Wilkie questioned amendment #4 regarding Accessory Dwelling Units (ADU) and asked why this proposed amendment will only apply to owner occupied dwellings. Is this political?

Mr. Brooks noted that this is a political issue. Many larger communities that are dealing with even worse housing situations have begun to roll back the owner occupancy requirements. The effect of this is to make a two/three-family unit as a Permitted Use in that Zoning District and spoke about the history of this amendment.

There will be continued discussions regarding ADU ownership requirements next year.

While the public hearing was closed, Assistant Mayor Below accepted comments from the following:

1) Mr. Andrew Faunce: Spoke about ADUs.

Assistant Mayor Below noted that one of our housing problems is that investors are buying up residential properties, converting them to rentals, and this is making it more difficult for people to buy homes. In some sense, if properties are developed with an ADU with this current requirement, we would be keeping them off the market from out of the area speculative investors who are buying up real estate to rent. This is a good issue for further discussion (at a later time).

ACTION:

Councilor Liot Hill MOVED, that the Lebanon City Council hereby requests that the City Clerk place Amendments #1-4, as listed above, on the March 14, 2023 Municipal Election Ballot for consideration by Lebanon Voters.

Seconded by Councilor Wilkie.

Councilor Liot Hill spoke to her motion by saying the City Council has made housing a priority over the past year and will be a real priority for the coming year. The lack of affordable housing has been a consistent problem and has only gotten worse over time and is really creating a head wind on our ability to allow businesses to grow and for our communities to remain vital. She felt these four amendments are a good step moving forward and while these will not solve the problem, hopefully they will provide some additional tools moving forward.

Assistant Mayor Below recognized Cory Hirai (Ward-1, member of Planning Board) who spoke about her reasons for not supporting porch requirements in cluster housing.

Ms. Cori Hirai spoke about her reasons against having porch requirements in Cluster Developments, and in response, the Council briefly discussed their reasons supporting porches.

Roll Call Vote:

Assistant Mayor Below, and Councilors Heistad, Liot Hill, Simon, Sykes, Whittlesey, Wilkie, Zook and all voted Yea.

None voted Nay.

****The Vote on the MOTION was approved (8-0).***

B. Proposed Amendments to the Zoning Ordinance for COUNCIL ADOPTION:

A public hearing for the purpose of receiving public input and taking action on proposed amendments to the Lebanon Zoning Ordinance in advance of approving and/or placing amendments on the 2023 Municipal Ballot.

The City Council scheduled this public hearing at its January 4, 2023 regular meeting.

Included in the agenda: *(Pages 45-46 , Council agenda packet)*

1. January 10, 2023 Memo to the Lebanon City Council from Planning and Development Department Staff re: Public Hearing on Zoning Ordinance Amendments for Consideration and Adoption by the City Council, which includes the following:

- Draft Zoning Amendments for COUNCIL ADOPTION (14 Pages)

Complete Details Available:

[January 4, 2023 City Council Agenda Packet](#)

Deputy City Manager David Brooks, and Director of Planning & Development Nathan Reichert presented the background and reviewed/explained the ten (10) Draft Zoning Amendments for COUNCIL ADOPTION.

BACKGROUND

At the October 5, 2022 meeting, the City Council was presented with a number of proposed amendments

to the Zoning Ordinance. The Council took action to accept the amendments as presented and forwarded them for review and comment by the Planning Board, Conservation Commission, and Zoning Board of Adjustment. Legal review has been obtained, and all boards have completed their review.

The final proposed amendments along with Board/Commission comments were presented to the City Council on January 4, 2023. Ten (10) of the proposed amendments may be approved by the City Council pursuant to the process outlined in Section 1000.4 of the Zoning Ordinance. Alternatively, the Council may decide that any or all amendments shall be submitted to the voters on the 2023 Municipal Ballot, even though such a referendum is not required.

Please refer to the memo from the Planning Department Staff along with proposed Zoning Ordinance amendments for detailed information.

The ten amendments that the Council can approve include the following:

Amendment #1 – To add “equipment and machinery sales, rental and service” to the IND-L District Table of Uses as a permitted use and to provide a definition for “equipment and machinery sales, rental and service.” (**Zoning Ordinance Section 303.2 and Appendix A, with a related amendment to Section 303.4**)

Amendment #2 – To amend the sign regulations in Section 608 to allow properties that are within 100 feet of the Interstate 89 right-of-way and that have an existing freestanding sign that is non-conforming due to its height to have one additional freestanding sign in conformance with the requirements of Section 608.4.A.4. (**Zoning Ordinance Section 608.4.A.4**)

Amendment #3 – To amend Section 507 “Bonuses for Certain Planned Development” to allow the Planning Board to award a density bonus for developments that include workforce housing, energy efficient design, or renewable energy systems, and to provide criteria for the consideration of such density bonus awards. (**Zoning Ordinance Section 507, with a related amendment to Appendix A**)

B3 - DENSITY BONUSES:

Resolution adopted 4/21/22 by the City Council:

- 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.

Type of Development	For Use of Technique	For Sensitivity to Environment	For Creating Affordable Workforce Housing	For Reducing Fiscal Impact	For Energy Efficient Design	For Renewable Energy Systems Facilities
PURD or PRec	12%	---	---10%	---	10%	10%
Manufactured housing PURD MH Park (or subdivision)	NONE 12%	---	---	---	10%	10%
Subdivision	NONE	---	---	---		

Amendment #4 – To amend the regulations for Senior Housing Complexes in Section 603 to also apply to developments with Workforce Housing. (**Zoning Ordinance Section 603**)

Amendment #5 – To amend the parking regulations in Section 607 to include requirements for Electric Vehicle parking spaces and infrastructure. **(Zoning Ordinance ADD Section 607.8 and amend Appendix A with a related amendment to Section 607.3.B.1)**

B5 - ELECTRIC VEHICLE (EV) REQUIREMENTS

- ▶ Addresses the rapidly changing regulatory and market landscape, which is transitioning to an electrified transportation future
 - ▶ Preparing building and site utilities during initial construction is dramatically less expensive than subsequent retrofit
1. One- and Two-Family Dwellings. All new one- and two-family dwellings shall provide at least one (1) EV-ready space per dwelling unit.
 2. Multi-Family Dwellings. Parking for multi-family dwellings shall include:
 - a. EVSE-installed spaces for a minimum of 5% of proposed off-street parking spaces.
 - b. EV-ready spaces for a minimum of 20% of proposed off-street parking spaces.
 - c. EV-capable spaces for a minimum of 65% of proposed off-street parking spaces.
 3. Non-Residential Uses. Parking for uses requiring or proposing to provide 50 or more off-street parking spaces shall include:
 - a. EVSE-installed spaces for a minimum of 2% of proposed off-street parking spaces, with a minimum of two EVSE-installed spaces.
 - b. EV-ready spaces for a minimum of 10% of proposed off-street parking spaces.
 - c. EV-capable spaces for a minimum of 50% of proposed off-street parking spaces.

Amendment #6 – To amend the sign regulations in Section 608 to exempt any medical center complex sign that is not visible from a public street. **(Zoning Ordinance ADD Section 608.7.J)**

Amendment #7 – To amend the purpose statement of the Central Business District. **(Zoning Ordinance Section 306.1)**

Amendment #8 – To change “group day care facilities” from a use allowed by Special Exception to a Permitted Use in the IND-L, IND-RA, CB, R-O, R-O-1, and PB Districts and from a use allowed by Conditional Use Permit in the LD District to a Permitted Use. **(Zoning Ordinance Sections 303.2, 303A.2, 306.2, 307.2, 311.2, 311A.2, and 311B.2)**

Amendment #9 – To adopt miscellaneous minor amendments including corrections to typographical errors, and to adopt amendments to defined terms set forth in Appendix A. **(Zoning Ordinance Sections 501.1.H, 611.A, 302.4.B, 500, 608, 703.2, 702.5, and Appendix A)**

Amendment #10 – Proposed Zoning Map change from R-3 to CB District for a portion of properties located at 18 Bridge Street (M/L 58-2) and 22 Bridge Street (M/L 58-1) extending the CB District boundary from 200 feet from the centerline of Bridge Street to 425 feet from the centerline of Bridge Street. The primary purpose of this amendment is to reflect existing improvements more accurately on the properties and to better facilitate redevelopment of the properties as envisioned in the 2012 Master Plan and the 2021 Action Plan for West Lebanon. **(Zoning Map Change)**



Assistant Mayor Below opened the Public Hearing and the following people came forth to speak:

Mr. Andrew Faunce: He spoke about his concerns and reasons why he did not support Amendment #10 as an abutter to the property.

Mr. Matthew Hall (Ward-3): He spoke about his concerns and reasons why he and the Planning Board opposed Amendment #5 that mandates EV requirements for single family homes, noting EV charging stations should not be required but rather presented as an incentive (i.e., this will make housing more expensive).

Mr. John Chaffee (Ward-1): He spoke about his reasons in support of the EV Charging Amendments.

Mr. Matt Malloy (Ward-1): He spoke about his concerns and reasons why he opposed Amendment #10 as an abutter and questioned if the property owners have a plan for the property.

Mr. Brooks said the genesis of this proposal actually comes out of the 2012 Master Plan for the City, which showed the entirety of these properties being rezoned as Central Business District. There was a discussion several years ago to make sure that the future Land Use Map and the Zoning Map were in concert. The property owners were supportive. The Planning Board and others were not. Coming out of the 2019 West Lebanon Visioning Charette effort that spawned the West Lebanon Revitalization Committee and their Action Plan for West Lebanon, all of those documents speak to the ability of enhancing this key gateway coming from Vermont. Those properties are limited by the current zoning of the property, which is in a way non-conforming. The idea was to enable and facilitate the possibility that somebody could do something there and make sure the zoning was not a hindrance. It would be up to the property owner. The overlay regulations will remain in effect and will have a major impact of what can/cannot be developed on these properties.

Mr. Reichert informed Mr. Malloy that as an abutter to this property he would be notified by the Planning Board if/when something would be happening. This would allow him to be involved in the process.

Mr. Tom Huntley (owner of one of the buildings on property): He has owned the little garage on the property for 40 years and gave an exception about 30 year ago to Portland Glass so they could add onto business. He wanted to make sure the setbacks would remain the same way as they are now (for both and the three other property owners) and there would not be construction to close to his property line on any side.

Mr. Brooks explained the areas where it would change from R3 to CB, the setbacks would go from 15 ft. to zero. To the extent where his property is already in the CB, and the surrounding parcel where Portland Glass is, is already CB, those setbacks already apply. You can build directly up to your property line and they can build up to their property line.

Mr. Brian Ware (Ward-1): He spoke about his concerns and reasons why he opposed Amendment #10 as an abutter. He and other area property owners respect the river and are opposed to more commercial buildings.

Ms. Sherry Boschert (Ward-2, Chair of LEAC's EV Subcommittee): She spoke about her reasons in support for the EV Amendments and described the new interactive GIS Property Survey Map launch where people could place locations on the map where they thought EV chargers were needed. According to the data they received she explained there is a pent up demand for EV charging that needs to be addressed. She respectfully asked the Council to pass the EV Amendments.

Mr. James Mashal (Ward-3, property abutter): He spoke about his concerns and reasons for opposing Amendment #10.

Mr. Andrew Faunce (No ward given): Came forth again and spoke more about his reasons for opposing Amendment #10.

Ms. Chris Haidari (Ward-3): In response to Ms. Haidari's question regarding the placement of signage in Amendment #2, Mr. Reichert explained this amendment would allow for a separate, smaller, freestanding sign placed on the property where it would be street visible as opposed to being visible from the Interstate. This separate sign would have to meet all the current zoning requirements.

Ms. Haidari also expressed her concerns about the City's infrastructure with all the new development being proposed and questioned (i.e., water, sewer, landfill) how the City was calculating infrastructure needs for these proposed developments.

Mr. Brooks explained the City has a model of its entire wastewater system (part of the CSO). With that model the City can identify the capacity of every single pipe between a given property and the treatment plant and know exactly what the available capacity is. No individual development can consume more than 50% of the available capacity in that pipe. He further explained the technicalities of how this works. The water side is similar, noting the capacity far exceeds what we use on a daily basis. The landfill has business operations plans that map out the use of that facility, noting they have the capability of expanding for something like 90 years of capacity, and this comes up annually when they meet with the City Council to talk about capital project.

Ms. Barbara Hirai (Ward-1): She spoke about her reasons in support of the EV Amendments.

Mr. Woody Rothe (Ward-1): He spoke about his reasons for supporting the EV Amendments.

Mr. Greg Ames (LEAC Chair): He spoke about his, and Lebanon Energy Advisory Committee's (LEAC), reasons for supporting the EV Amendments, noting the EV chargers at Walmart are meant for travelers and are the least efficient and the most expensive way to charge an electric vehicle. He also

noted that while individual EV Chargers would raise the cost of a new home, but the cost we are talking about is exactly identical to what it would be to prewire the circuits for an electric range.

Ms. Sarah Riley (Ward-2): She spoke about her reasons supporting the residents of Crafts Ave. and was against Amendment #10. She felt the changes in this amendment should be looked at in more depth by the Council.

Mr. Win Townsend (Ward-2 and an owner of 18 & 22 Birch St): He wanted to let everyone know that he does not have a grand plan here. To be clear, they are not thinking about their property in terms of redevelopment, noting they have a decades-long relationship with the occupants of the property and our relationship with them is important to him. He further explained how this amendment might be able to give them (property occupants/owners) the flexibility to do something nice with the property instead of cramping it all up in the front. He emphasized again that he has no grand plan to develop his property.

Mr. Andrew Faunce (no ward given): He spoke for the third time about his concerns regarding Amendment #10 and about what the unintended consequences might be if the property changes hands.

Ms. Cory Hairai (Ward-1): She spoke again in support of the EV Amendments.

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

ACTION:

***Councilor Liot Hill MOVED, that the Lebanon City Council hereby approves amendments #1-9 as presented in the January 18, 2023 City Council Agenda Packet.
Seconded by Councilor Wilkie.***

Assistant Mayor Below wanted to be clear that the above motion leaves out Amendment #10, which is the 18 & 22 Bridge Street rezoning.

Councilor Liot Hill spoke to her motion by stating she is prepared to move forward with Amendments 1-9, but she thought Amendment #10 could stand some further discussion. She thought what she was hearing from the neighborhood is that they would like more time to understand what the implications could be and what the difference in setbacks would be. The testimony given tonight made her think a little more time is needed to further consider this amendment and getting more feedback from people would be prudent. She suggested Planning Staff meet with the neighbor, etc., to get more input on this.

Councilor Sykes concurred with Councilor Liot Hill and also spoke about his reasons in support of Amendment #5, EV Charging Stations.

Assistant Mayor Below noted he and other Councilors have received emails/letters in support of the EV Amendments and requested that their names be added to the public recorded.

Mr. Brooks cited the names/wards for those who supported the EV Amendment in advance of this meeting. They are Mr. Noah Souza (Ward-3); Jim Lever and Susan Taylor (Ward-3); Francis Oscadal (Ward-3); Leanne Moccia (Ward-3); David Millstone; Bart Getty (Ward-2); and Liane Avery.

Assistant Mayor Below noted he received a comment from a person who lives in an apartment complex who was considering buying an EV but because, at the time, there was no EV Charging Station he did not. Since that time, the owner put in two charging spots but now there are about 4-5 people who charge their vehicles. The problem is that if there is more demand for charging, and people cannot reliably charge every night, this would discourage the use of EVs. He spoke about Liberty Utilities rates and efforts to place more EV Charging Stations.

Mr. Brooks cited the Action Plan, (§5- Encourage Development) from the Downtown West Lebanon Revitalization Committee. He also cited the Summary of Priorities and Recommendations from West Lebanon Revitalization Advisory Committee.

Roll Call Vote:

Assistant Mayor Below, and Councilors Hill, Simon, Sykes, Whittlesey, Wilkie, Zook and all voted Yea. None voted Nay.

Councilor Heistad lost internet connection and was not present for this vote.

***The Vote on the MOTION was approved (7-0).**

10. Old Business - NONE

11. New Business:

- A.** Request from Salt hill Pub 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: *(Pages 47-49, Council agenda packet)*

1. December 12, 2022 Letter from Josh Tuohy, Salt hill Pub
2. Location Map of Outdoor Seating Areas for Three Tomatoes Trattoria and Salt hill Pub

BACKGROUND

Beginning in 2020, the City Council approved an expanded outdoor seating area for Salt hill Pub that included additional space within the pedestrian mall, as well as the parking area on West Park Street in front of Salt hill Pub and the 20 West Park Street building. Salt hill Pub is requesting renewal of their exemption to include those expanded seating areas approved in 2020, 2021 and 2022. Please see attached letter from Josh Tuohy.

City Administration has no objection to the closure of the parking area for use by Salt hill Pub as was done in 2020, 2021 and 2022.

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.” Whereas the current request is for the alcohol exemption/permit to cover the entire year period from January through December, Council approval is required pursuant to §14-5 above.

ACTION:

Councilor Sykes MOVED, that the Lebanon City Council hereby grants an exemption to Salt hill Pub pursuant to §14-5 of City Code Chapter 14, Alcoholic Beverages, to serve alcoholic beverages on the Lebanon Pedestrian Mall and the parking area on West Park Street as shown on the map included in the January 18, 2023 City Council Agenda Packet. The exemption shall be valid beginning January 19, 2023 and shall expire on December 31, 2023.

Seconded by Councilor Liot Hill.

***The Vote on the MOTION was approved (7-0). Councilor Heistad was not available for this vote.**

B. Request from Three Tomatoes 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: *(Pages 50-52, Council agenda packet)*

1. January 10, 2023 Letter from Robert Meyers, Three Tomatoes
2. Location Map of Outdoor Seating Areas for Three Tomatoes Trattoria and Salt hill Pub

Assistant Mayor Below recused himself from this vote because he has an ownership interest in 1 Court Street.

Councilor Liot Hill took over the meeting as Assistant Mayor due to the recusal above.

BACKGROUND

Three Tomatoes is requesting renewal of their exemption to serve alcohol in their “normal” awning area on the Pedestrian Mall and their expanded seating on Court Street. Please see attached letter from Robert Meyers.

City Administration has no objection to the closure of the portion of Court Street for use by Three Tomatoes as was done in 2020, 2021 and 2022.

As has been done in the past, alcohol will be served in the outdoor seating areas. 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.” Whereas the current request is for the alcohol exemption/permit to cover the entire year period from January through December, Council approval is required pursuant to §14-5 above.

ACTION:

Councilor Wilkie MOVED, that the Lebanon City Council hereby grants an exemption to Three Tomatoes pursuant to §14-5 of City Code Chapter 14, Alcoholic Beverages, to serve alcoholic beverages on the Lebanon Pedestrian Mall and the closed portion of Court Street as shown on the map included in the January 18, 2023 City Council Agenda Packet. The exemption shall be valid beginning January 19, 2023 and shall expire on December 31, 2023.

Seconded by Councilor Sykes.

***The Vote on the MOTION was approved (6-0-1). Assistant Mayor Below was recused. Councilor Heistad was not available for this vote.**

Assistant Mayor Below returned as a regular Council member.

C. 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: *(Pages 53-56, Council agenda packet)*

1. January 9, 2023 email from Lebanon Opera House Operations Manager Brian Cook
2. Map of requested areas

BACKGROUND

On April 20, 2022, the City Council granted an exemption to the Lebanon Opera House (LOH) pursuant to §14-5 of City Code Chapter 14, Alcoholic Beverages, to allow them 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. On May 18, 2022, the Council granted an exemption to LOH to allow the serving of alcoholic beverages inside City Hall during LOH events and performances. On June 30, 2022, the City and LOH entered into a license agreement to formalize the use of City property by LOH, including the alcohol exemptions.

LOH is requesting a renewal of the same alcohol exemptions for 2023. Please see the attached email from Lebanon Opera House Operations Manager, Brian Cook. City Administration has no objection to the request.

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.” Whereas the current request is for the alcohol exemption/permit to cover a one-year period, Council approval is required pursuant to §14-5 above.

Councilor Heistad returned to the meeting.

ACTION:

Councilor Liot Hill MOVED, that the Lebanon City Council hereby grants an exemption to Lebanon Opera House (LOH) pursuant to §14-5 of City Code Chapter 14, Alcoholic Beverages, to serve alcoholic beverages inside City Hall during LOH events and performances, as well as in the alley between City Hall and the neighboring building 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. The exemption shall be valid beginning January 19, 2023 and shall expire on December 31, 2023.

Seconded by Councilor Wilkie.

Roll Call Vote:

Assistant Mayor Below, and Councilors Heistad, Liot Hill, Simon, Sykes, Whittlesey, Wilkie, Zook and all voted Yea.

None voted Nay.

****The Vote on the MOTION was approved (8-0).***

D. Review and Discussion of Draft Strategic Plan *(Pages 57-67, Council agenda packet)*

Information Available but not included in agenda packet:

1. Lebanon Strategic Plan web page including Miro Board of Draft Strategic Plan
[Lebanon Strategic Plan web page](#) including Miro Board of Draft Strategic Plan

City Manager Mulholland reviewed the background and reviewed/explained the Draft Strategic Plan, noting the purpose of the Strategic Plan is to focus on operational issues. He also explained/reviewed the Summary of the Strategic Objectives and the Vision Statements under each of the topics listed below:

- High Performing Government
- Housing and Neighborhoods
- Financial Stability and Efficiency
- Recreation, Arts, and Parks
- Environment and Sustainability
- Public Safety
- Transportation
- Economic Vitality
- Social Health and Justice: This has never been addressed before.

(Note: Complete details can be found on pages 57-67, Council agenda packet.)

BACKGROUND

Each year, the City Manager, with city staff, develop the Annual Outcomes and Work Plan (AOWP) that is presented to the City Council in the form of workshops in April. The AOWP is intended to determine the objectives that form the basis for the development of the annual budget and is developed to achieve the objectives of the City’s Master Plan which has a primary focus on land use. Additionally, the City has sustainability objectives and other guidance documents.

The development of a strategic plan is intended to replace the AOWP and works to achieve the goals of the Master Plan, sustainability objectives and the other key goals of the City. Unlike the AOWP, the strategic plan will be approved by City Council. The strategic plan has ten functional areas with objectives, vision statements, key performance indicators (KPI), and identification of city departments, city boards and partners that are tasked with accomplishing the objectives. The task items will be identified as well with a timeline for the ensuing year and the two subsequent years after that.

The City Manager met with several of the boards/committees/commissions and city staff to develop an “ideas board” which was used to determine the ten functional areas and the objectives within those areas.

Below is a sample of what the Miro Board (ideas board) looks like:

Strategic Objective 1.2	Action Plans	Timelines	Key Performance Indicators	Outcomes
-------------------------	--------------	-----------	----------------------------	----------

The goal is to obtain tentative approval from the City Council to move to the next step in the process which would be public comment at the end of January/beginning of February. Further revisions would be made after receiving public input with the goal of presenting a complete draft of the plan to the Council in April with approval in May. The plan would include the specific task items what would occur over the three-year period. The approved strategic plan would also provide guidance for the development of the 2024 Budget.

Council Discussions:

Councilor Whittlesey wanted the City Administration to be careful on the summary of the Strategic Objectives because he felt there was sometimes a crossover between what is really a Strategic Objective vs. a Vision Statement and gave examples. He would like to include the CIP Projects built into the Strategic Plan.

Councilor Liot Hill noted the Council and the City's Government is always looking for ways to improve and this (the presentative of the proposed Strategic Plan) takes us to the next level. She would like to see more consistency of the Vision Statements in terms of their length and formatting.

Councilor Sykes liked the idea of where this was going and explained his reasoning.

The Council was comfortable with City Manager Mulholland moving this forward for the public input.

ACTION: No Action Required. For Council review and discussion only.

12. City Manager Report: No report given

- Councilor Sykes did note that there were inaccuracies on the City's Website, specifically the City Council, that pertains to term expiration dates (City Website/Your Government/City Council).
- Councilor Wilkie also noted that Chairs and memberships to other Board, Committees, and Commissions were also inaccurate.

13. Council Representatives to Other Bodies: NONE

14. Future Agenda Items: Next Council Meeting will be held on February 1, 2023 @ 7:00PM.

15. NON-PUBLIC SESSION:

Councilor Liot Hill MOVED to go into NON-PUBLIC SESSION for the purpose of discussing RSA 91-A:3, II(e) – "Consideration or negotiation of pending claims or litigation which has been threatened in writing or filed by or against the public body or any subdivision thereof, or by or against any member thereof because of his or her membership in such public body, until the claim or litigation has been fully adjudicated or otherwise settled. Any application filed for tax abatement, pursuant to law, with anybody or board shall not constitute a threatened or filed litigation against any public body for the purposes of this subparagraph."

Seconded by Councilor Whittlesey.

Roll Call Vote:

Assistant Mayor Below, and Councilors Heistad, Liot Hill, Simon, Sykes, Whittlesey, Wilkie, Zook and all voting Yea.

None voted Nay.

****The Vote on the MOTION was approved (8-0).***

Council went into NON-PUBLIC SESSION at 9:30 PM.

The Council briefly discussed pending litigation.

***Councilor Whittlesey MOVED to come out of NON-PUBLIC SESSION.
Seconded by Councilor Simon.***

Roll Call Vote:

Assistant Mayor Below, and Councilors Heistad, Liot Hill, Simon, Sykes, Whittlesey, Wilkie, Zook and all voting Yea.

None voted Nay.

****The Vote on the MOTION was approved (8-0)***

Council came out of NON-PUBLIC SESSION at 9:55 PM.

The Council was now back in PUBLIC Session

16. Adjournment:

The Council MOVED for Adjournment.

The meeting was adjourned at approximately 9:56 PM.

Respectfully submitted,

Dona E. Gibson

Recording Secretary