



**LEBANON CITY COUNCIL
MARCH 15, 2023 - 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: 996 243 192#). If you have trouble accessing this meeting, please [email Shaun Mulholland](#).

The March 15, 2023 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 March 15, 2023 agenda packet.

7. Appointments: None

8. Public Hearing Items

- A. SUPPLEMENTAL APPROPRIATION FOR THE PURCHASE OF 14, 28 AND 30 MAIN STREET, WEST LEBANON AND AUTHORIZATION TO ISSUE BONDS OR NOTES: A public hearing for the purpose of receiving public input and taking action to appropriate the sum of \$1,800,000 for the purchase of 14, 28 and 30 Main Street, West Lebanon and to authorize the issuance of bonds or notes.
- i. Presentation:
 - ii. Opening of the Public Hearing:
 - iii. Questions & Comments by the Public:
 - iv. Closing of the Public Hearing:
 - v. Council Deliberation & Action:

9. Old Business: None

10. New Business

- A. Tree Advisory Board Informational Presentation on Urban Heat Islands
 - B. Presentation of First Reading & Set Public Hearing for April 19, 2023: Amendments to Ordinance #18, Salary Plan, Article II, Non-Affiliated & LPASE Employees, as follows:
 - 1. Add new Asset Manager position
 - 2. Add new Solid Waste Foreman position
 - 3. Designate Solid Waste Manager position as a Non-Affiliated position
 - C. Request for Exception from City Code Chapter 110, Noise from Sound Amplification: Lebanon Opera House, Nexus Music and Arts Festival
 - D. Discussion & Set Public Hearing for April 5, 2023: Ordinance #2023-02 to Amend City Code Chapter 179, Vendors, Section 179-4, Permits and fees
- 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: Zoning Board of Adjustment
Position: Alternate Member
Applicant: J. Walker
Assigned Councilor: D. Whittlesey
Assigned Date: 02/07/2023

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

MARCH 16, 2023 – CANVASS OF THE VOTE

MARCH 29, 2023 – ORGANIZATIONAL MEETING

APRIL 5, 2023

PUBLIC HEARING ITEMS:

- A. ORDINANCE #2023-02 to Amend City Code Chapter 179, Vendors, Section 179-4, Permits and fees

OLD BUSINESS:

- A. Presentation of Second Reading: Amendments to Ordinance #18, Salary Plan, Article II, Non-Affiliated & LPASE Employees, as follows:
 - 1. Add new Asset Manager position
 - 2. Add new Solid Waste Foreman position
 - 3. Designate Solid Waste Manager position as a Non-Affiliated position

APRIL 19, 2023

PUBLIC HEARING ITEMS:

B. AMEND ORDINANCE 18, SALARY PLAN – A public hearing for the purpose of receiving public input and taking action to amend Ordinance No. 18, Salary Plan, Article II, Non-Affiliated & LPASE Employees, as follows:

1. Add new Asset Manager position
2. Add new Solid Waste Foreman position
3. Designate Solid Waste Manager position as a Non-Affiliated position

NEW BUSINESS:

- A. 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.
- B. Release of Collected Public School Impact Fees
- C. Review and Discussion of 2022 Year End and 2023 1st Quarter Budget Reports

**AGENDA
LEBANON CITY COUNCIL
MARCH 15, 2023**

6. ACCEPTANCE OF MINUTES:

MINUTES TO BE ACCEPTED

- March 1, 2023 (Regular Meeting)

MOVED, to approve the minutes as presented in the March 15, 2023 agenda packet.

DRAFT

**LEBANON CITY COUNCIL
REGULAR SESSION MINUTES
Wednesday, March 1, 2023, 7:00 p.m.
Council Chambers and
Remote Via Microsoft Teams: [LebanonNH.gov/Live](https://lebanonnh.gov/Live)**

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

MEMBERS ABSENT: Mayor Tim McNamara and Karen Zook

STAFF PRESENT: Deputy City Manager David Brooks, City Clerk Kristin Kenniston,
Finance Director Vicki Lee, Deputy Finance Director Alesia Williams

- 1
- 2 **1. CALL TO ORDER:** Assistant Mayor Below called the meeting to order at 7:00 p.m.
- 3 • City Clerk Kristin Kenniston announced the meeting criteria for the public.
- 4
- 5 **2. PLEDGE OF ALLEGIANCE:** Councilor Whittlesey led the Council in the Pledge.
- 6
- 7 **3. PUBLIC FORUM:** Assistant Mayor Below made the Public Forum announcement.
- 8
- 9 **4. OPEN TO PUBLIC:** Lebanon Boy Scout Troop 279 announced they were attending this meeting in
- 10 order to receive a Merit Badge.
- 11
- 12 **5. RECOGNITIONS: NONE**
- 13
- 14 **6. ACCEPTANCE OF MINUTES:** February 15, 2023 (Regular Meeting)
- 15
- 16 *Councilor Wilkie MOVED to approve the February 15, 2023 minutes as written and presented in*
- 17 *the March 1, 2023 City Council agenda packet.*
- 18 *Seconded by Councilor Whittlesey.*
- 19
- 20 **The Vote on the MOTION was approved (7-0)*
- 21
- 22 **7. APPOINTMENTS:**
- 23 • West Lebanon Revitalization Advisory Committee, Jim Winny (Alternate Citizen
- 24 Member)
- 25 *Councilor Simon MOVED to NOMINATE Jim Winny as an Alternate Citizen Member to the West*
- 26 *Lebanon Revitalization Advisory Committee. Term (2/23-2/25)*
- 27
- 28 **The Vote on the NOMINATION was approved (7-0).*
- 29
- 30 • Economic Development Commission, Dan Nash (Citizen Member)
- 31 *Councilor Liot Hill MOVED to NOMINATE Dan Nash as a Citizen Member to the Economic*
- 32 *Development Commission. Term (2/23-2/25)*
- 33
- 34 **The Vote on the NOMINATION was approved (7-0).*
- 35

1 **8. PUBLIC HEARING ITEMS:**

2 **A. RESCIND PRIOR AUTHORIZATIONS FOR ISSUANCE OF BONDS OR NOTES,**
3 **RESCIND PRIOR APPROPRIATIONS FOR CAPITAL PROJECTS, TRANSFER**
4 **APPROPRIATED BUT UNSPENT FUNDS:** A public hearing for the purpose of receiving
5 public input and taking action to rescind prior authorizations for issuance of bonds or notes, to
6 rescind prior appropriation authority for capital projects, and to transfer appropriated but unspent
7 funds.
8

9 Included in the agenda packet: *(Pages 20-30)*

10 1. Memo from Finance Director Vicki Lee, dated February 8, 2023

11
12 Deputy City Manager David Brooks reviewed the background and explained the reasons behind the
13 above.
14

15 **BACKGROUND**

16 The periodic rescission of prior authorizations by the City Council to issue bonds or notes is part of an
17 ongoing objective to reduce outstanding authorized, but unissued, long-term debt, and ultimately, the
18 City's debt exposure and the significant costs associated with servicing that debt. In addition,
19 transferring appropriated but unspent funds from completed projects to on-going capital projects can
20 further reduce or eliminate the need for the issuance of authorized long- term debt.
21

22 The total amount of prior authorizations for issuance of bonds or notes to be rescinded is
23 \$924,296.09. The total amount of prior appropriation authority for capital projects to be rescinded is
24 \$322,110.68. The total amount of funding and appropriation authority to be transferred from completed
25 capital projects to a new capital project is \$184,679.82. And the total amount of appropriated, but
26 unspent funds to be transferred from completed capital projects to ongoing capital projects is
27 \$739,773.94.
28

Completed Capital Project	Rescind Bonding Authorization	Rescind Appropriation Authorization	Transfer Funding and Appropriation Authorization	Transfer Unspent Funds Only
Community Center	-		\$ 12,254.53	
Emergency Intersection Control System	-		\$ 24,539.00	\$ 9,050.00
Water Treatment Facility Upgrade		\$ 84,969.52		\$ 64,969.52
Hillcrest Acres infrastructure Construction	\$ 554,296.09		\$ 139,612.48	\$ 554,296.09
Miracle Mile Pedestrian and Transit Improvements	\$ 200,000.00	\$ 29,374.65		-
LPD HVAC Repair and Upgrade		\$ 133,521.08		\$ 83,521.08
LPD Radio Communications Repeater Replacement	\$ 170,000.00	\$ 46,308.18		-
Landfill Tarp Machine Replacement		\$ 27,937.25		\$ 27,937.25
Valley Cemetery Maintenance Building	-		\$ 1,513.81	

Parks Storage and Maintenance Building	-		\$ 6,760.00	
Total	\$ 924,296.09	\$ 322,110.68	\$ 184,679.82	\$ 739,773.94

Please see the memorandum from the Finance Director for detailed descriptions of the requested rescissions of bonding, and appropriation authority and transfers of appropriated unspent funds. *(Pages 20-30, Council agenda packet)*

Assistant Mayor Below opened the Public Hearing. Hearing no comments from the public, the Public Hearing was closed.

ACTION:

1. MOTION by Councilor Whittlesey Relative to the 2020 Community Center Capital Project:

WHEREAS, the Lebanon City Council, on December 18, 2019, authorized the transfer of \$50,000 from the General Fund Unassigned Fund Balance to the Capital Improvements Fund to partially fund the 2020 Community Center capital project; and

WHEREAS, after some preliminary design and engineering and evaluation of potential locations, a balance of Twelve Thousand Two Hundred Fifty-Four Dollars and Fifty- Three Cents (\$12,254.53) remains in the Community Center project account; and

WHEREAS, it has been decided to temporarily forego development of a Community Center until a suitable location can be identified.

NOW THEREFORE BE IT RESOLVED, by the City of Lebanon, that appropriated and unspent funds in the amount of \$12,254.53 be transferred from the 2020 Community Center project to the new Childcare Center capital project.

This resolution shall be effective upon passage.

Seconded by Councilor Sykes.

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

2. MOTION by Councilor Sykes Relative to the 2020 Emergency Intersection Control System Capital Project:

WHEREAS, the Lebanon City Council, on December 18, 2019, authorized the transfer of \$190,000 from the General Fund Unassigned Fund Balance to the Capital Improvements Fund to partially fund the 2020 Emergency Intersection Control System capital project; and

WHEREAS, the Emergency Intersection Control System project is complete and a balance of Thirty-Three Thousand Five Hundred Eighty-Nine Dollars (\$33,589.00) remains in the capital project account.

NOW THEREFORE BE IT RESOLVED, by the City of Lebanon, that appropriated and unspent funds in the amount of Twenty-Four Thousand Five Hundred Thirty-Nine Dollars (\$24,539.00) be transferred from the Emergency Intersection Control System project to the new Childcare Center capital project; and

1 *BE IT FURTHER RESOLVED, by the City of Lebanon, that unspent funds in the amount of One*
2 *Thousand Six Hundred Thirty-Seven Dollars and Seventy-Six Cents (\$1,637.76) be transferred from the*
3 *Emergency Intersection Control System project to the Asset Management capital project; and*

4 *BE IT FURTHER RESOLVED, by the City of Lebanon, that unspent funds in the amount of Seven*
5 *Thousand Four Hundred Twelve Dollars and Twenty-Four Cents (\$7,412.24) be transferred from the*
6 *Emergency Intersection Control System project to the Lebanon Police Department Radio*
7 *Communications Repeater Replacement capital project.*

8 *This resolution shall be effective upon passage.*

9 *Seconded by Councilor Simon.*

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

11
12 *3. MOTION by Councilor Simon Relative to the Water Treatment Facility Improvements Capital*
13 *Project:*

14 *WHEREAS, the Lebanon City Council, on December 20, 2017, authorized the transfer of \$250,000 from*
15 *the Water Treatment and Distribution Improvements Capital Reserve Fund to partially fund the Water*
16 *Treatment Facility Improvements capital project; and*

17 *WHEREAS, there is a remaining funded balance of Sixty-Four Thousand Nine Hundred Sixty-Nine*
18 *Dollars and Fifty-Two Cents (\$64,969.52), which is not required as the Water Treatment Facility*
19 *Improvements project is complete.*

20
21 *NOW THEREFORE BE IT RESOLVED, by the City of Lebanon, that the remaining appropriation*
22 *authorized on December 20, 2017 in the amount of \$84,969.52 in connection with the Water Treatment*
23 *Facility Improvements project, is rescinded; and*

24 *BE IT FURTHER RESOLVED, by the City of Lebanon, that unspent funds in the amount of \$64,969.52*
25 *be transferred from the Water Treatment Facility Improvements project to the Kimball Street*
26 *Infrastructure capital project.*

27 *This resolution shall be effective upon passage.*

28 *Seconded by Councilor Liot Hill.*

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

30
31 *4. MOTION by Councilor Liot Hill Relative to the 2019 Hillcrest Acres Infrastructure Construction*
32 *Capital Project:*

33
34 *WHEREAS, the Lebanon City Council, on December 19, 2018, authorized the issuance of bonds or*
35 *notes in the amount of \$19,925,000, including \$4,550,000 to partially fund the 2019 Hillcrest Acres*
36 *Infrastructure Construction capital project; and*

37 *WHEREAS, there is a remaining funded balance of Six Hundred Ninety-Three Thousand Nine*
38 *Hundred Eight Dollars and Fifty-Seven Cents (\$693,908.57) and an outstanding debt funding*
39 *authorization of Five Hundred Fifty-Four Thousand Two Hundred Ninety-Six Dollars and Nine Cents*
40 *(\$554,296.09), which are not required as the Hillcrest Acres Infrastructure Construction project is*
41 *complete.*

1 ***NOW THEREFORE BE IT RESOLVED, by the City of Lebanon, that a portion of bonds or notes***
2 ***authorized on December 19, 2018 to be issued in the amount of \$554,296.09, but as yet unissued, in***
3 ***connection with the Hillcrest Acres Infrastructure Construction project, is rescinded.***

4 ***BE IT FURTHER RESOLVED, by the City of Lebanon, that unspent funds in the amount of***
5 ***\$180,125.35 be transferred from the 2019 Hillcrest Acres Infrastructure Construction project to the***
6 ***Miracle Mile Pedestrian and Transit Improvements capital project; and***

7 ***BE IT FURTHER RESOLVED, by the City of Lebanon, that unspent funds in the amount of***
8 ***\$334,000.00 be transferred from the 2019 Hillcrest Acres Infrastructure Construction project to the***
9 ***Kimball Street Infrastructure capital project; and***

10 ***BE IT FURTHER RESOLVED by the City of Lebanon, that unspent funds in the amount of \$40,170.74***
11 ***be transferred from the 2019 Hillcrest Acres Infrastructure Construction project to the Lebanon Police***
12 ***Department Radio Communications Repeater Replacement capital project; and***

13
14 ***BE IT FURTHER RESOLVED, by the City of Lebanon, that appropriated and unspent funds in the***
15 ***amount of \$139,612.48 be transferred from the 2019 Hillcrest Acres Infrastructure Construction project***
16 ***to the new Childcare Center capital project.***

17 ***This resolution shall be effective upon passage.***

18 ***Seconded by Councilor Whittlesey.***

19
20 Councilor Liot Hill, for the benefit of Lebanon's Boy Scout Troop 279, explained the process and reasons
21 why this topic was being discussed by the Council.

22
23 ****The Vote on the MOTION was approved (7-0)***

24
25 ***5. MOTION by Councilor Heistad Relative to the 2020 Miracle Mile Pedestrian and Transit***
26 ***Improvements Capital Project:***

27 ***WHEREAS, the Lebanon City Council, on December 18, 2019, authorized the issuance of bonds or***
28 ***notes in the amount of \$8,350,270, including \$200,000 to partially fund the 2020 Miracle Mile***
29 ***Pedestrian and Transit Improvements capital project; and***

30 ***WHEREAS, there is an outstanding debt funding authorization of Two Hundred Thousand Dollars***
31 ***(\$200,000), which is not required as Phases 1 and 2 of the Miracle Mile Pedestrian and Transit***
32 ***Improvements project have been completed with funding from alternative sources. NOW***

33 ***THEREFORE BE IT RESOLVED, by the City of Lebanon, that a portion of bonds or notes authorized***
34 ***on December 18, 2019 to be issued in the amount of \$200,000, but as yet unissued, in connection with***
35 ***the Miracle Mile Pedestrian and Transit Improvements capital project, is rescinded; and***

36 ***BE IT FURTHER RESOLVED, by the City of Lebanon, that the remaining appropriation authorized***
37 ***on December 18, 2019 in the amount of \$29,374.65 in connection with the Miracle Mile Pedestrian and***
38 ***Transit Improvements capital project, is rescinded.***

39 ***This resolution shall be effective upon passage.***

40 ***Seconded by Councilor Wilkie.***

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

2
3 **6. MOTION by Councilor Wilkie Relative to the 2019 Lebanon Police Department HVAC Repair and**
4 **Upgrade Capital Project:**

5
6 *WHEREAS, the Lebanon City Council, on December 19, 2018, authorized the issuance of bonds or*
7 *notes in the amount of \$19,925,000, including \$620,000 to partially fund the 2019 Lebanon Police*
8 *Department HVAC Repair and Upgrade capital project; and*

9 *WHEREAS, there is a remaining funded balance of Eighty-Three Thousand Five Hundred Twenty-One*
10 *Dollars and Eight Cents (\$83,521.08), which is not required as the Lebanon Police Department HVAC*
11 *Repair and Upgrade project is complete.*

12 *NOW THEREFORE BE IT RESOLVED, by the City of Lebanon, that unspent funds in the amount of*
13 *\$83,521.08 be transferred from the 2019 Lebanon Police Department HVAC Repair and Upgrade project*
14 *to the Lebanon Police Department Radio Communications Repeater Replacement capital project; and*

15 *BE IT FURTHER RESOLVED, by the City of Lebanon, that the remaining appropriation authorized*
16 *on December 19, 2018 in the amount of \$133,521.08 in connection with the Lebanon Police Department*
17 *HVAC Repair and Upgrade project, is rescinded.*

18 **This resolution shall be effective upon passage**

19 *Seconded by Councilor Whittlesey.*

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

21
22 **MOTION #7 was taken out of order and presented after MOTION #8. The following is presented in the**
23 **order as discussed by the Council.**

24
25 **8. MOTION by Councilor Whittlesey Relative to the 2022 Landfill Tarp Machine Replacement Capital**
26 **Project.**

27
28 *WHEREAS, the Lebanon City Council, on December 15, 2021, authorized the disbursement of \$100,000*
29 *from the Landfill Capital Reserve Fund to the Capital Improvements Fund to fund the 2022 Landfill*
30 *Tarp Machine Replacement project; and*

31 *WHEREAS, Seventy-Two Thousand Sixty-Two Dollars and Seventy-Five Cents (\$72,062.75) was*
32 *expended for the purchase of a replacement Landfill Tarp Machine, leaving a balance of Twenty-Seven*
33 *Thousand Nine Hundred Thirty-Seven Dollars and Twenty-Five Cents (\$27,937.25) in the capital*
34 *project account.*

35 *NOW THEREFORE BE IT RESOLVED, by the City of Lebanon, that unspent funds in the amount of*
36 *Twenty-Seven Thousand Nine Hundred Thirty-Seven Dollars and Twenty-Five Cents (\$27,937.25) be*
37 *transferred from the Landfill Tarp Machine Replacement capital project to the Landfill Gas Collection*
38 *& Control capital project, and that the appropriation of an equal amount for the Landfill Tarp Machine*
39 *Replacement project is hereby rescinded.*

40 **This resolution shall be effective upon passage.**

41 *Seconded by Councilor Sykes.*

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

2
3 **7. MOTION by Councilor Sykes Relative to the Repeater Replacement to the LPD Radio**
4 **Communications.**

5
6 *WHEREAS, the Lebanon City Council, on December 19, 2018, authorized the issuance of bonds or*
7 *notes in the amount of \$19,925,000, including \$1,070,000 to partially fund the LPD Radio*
8 *Communications Repeater Replacement capital project; and*

9 *WHEREAS, there is an outstanding debt funding authorization of One Hundred Seventy Thousand*
10 *Dollars (\$170,000), which is not required as the LPD Radio Communications Repeater Replacement*
11 *Project is complete.*

12 *NOW THEREFORE BE IT RESOLVED, by the City of Lebanon, that a portion of bonds or notes*
13 *authorized on December 19, 2018 to be issued in the amount of \$170,000, but as yet unissued, in*
14 *connection with the LPD Radio Communications Repeater Replacement project, is rescinded; and*

15 *BE IT FURTHER RESOLVED, by the City of Lebanon, that the remaining appropriation authorized*
16 *on December 19, 2018 in the amount of \$46,308.18 in connection with the LPD Radio Communications*
17 *Repeater Replacement capital project, is rescinded.*

18 **This resolution shall be effective upon passage.**

19 *Seconded by Councilor Simon.*

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

21
22 **9. MOTION by Councilor Simon Relative to the 2021 Valley Cemetery Maintenance**
23 **Building Replacement Capital Project:**

24 *WHEREAS, the Lebanon City Council, on December 16, 2020, authorized the issuance of bonds or*
25 *notes in the amount of \$6,972,720, including \$405,000 to partially fund the 2021 Valley Cemetery*
26 *Maintenance Building Replacement capital project; and*

27 *WHEREAS, there is a remaining funded balance of One Thousand Five Hundred Thirteen Dollars*
28 *and Eighty-One Cents (\$1,513.81), which is not required as the Valley Cemetery Maintenance*
29 *Building Replacement project is complete.*

30 *NOW THEREFORE BE IT RESOLVED, by the City of Lebanon, that appropriated and unspent*
31 *funds in the amount of \$1,513.81 be transferred from the 2021 Valley Cemetery Maintenance*
32 *Building Replacement project to the new Childcare Center capital project.*

33 **This resolution shall be effective upon passage.**

34 *Seconded by Councilor Liot Hill.*

35
36 **The Vote on the MOTION was approved (7-0)*

37
38 **10. MOTION by Councilor Liot Hill Relative to the 2021 Parks Storage and Maintenance Building**
39 **Capital Project:**

1 *WHEREAS, the Lebanon City Council, on December 16, 2020, authorized the issuance of bonds or*
2 *notes in the amount of \$6,972,720, including \$120,000 to finance a portion of the 2021 Parks Storage*
3 *and Maintenance Building capital project; and*

4 *WHEREAS, there is a remaining funded balance of Six Thousand Seven Hundred Sixty Dollars*
5 *(\$6,760.00), which is not required as the Parks Storage and Maintenance Building project is complete.*

6 *NOW THEREFORE BE IT RESOLVED, by the City of Lebanon, that appropriated and unspent funds*
7 *in the amount of \$6,760.00 be transferred from the 2021 Parks Storage and Maintenance Building*
8 *project to the new Childcare Center capital project.*

9 *This resolution shall be effective upon passage.*

10 *Seconded by Councilor Heistad.*

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

12
13 **9. OLD BUSINESS: NONE**

14
15 **10. NEW BUSINESS**

16 **A.** Discussion and Resolution in Support of Increased State Funding for Public Transportation

17
18 Included in the agenda packet: *(Pages 32-43 , Council agenda packet)*

- 19 1. The New Hampshire Public Transportation Coalition presentation slides
20 2. "Building a Statewide Public Transportation Coalition" overview memorandum
21 3. New Hampshire Public Transportation Coalition Flyer

22
23 Deputy City Manager David Brooks reviewed the background for this resolution.

24
25 **BACKGROUND**

26 During the February 15th City Council meeting, the Council was briefed on a presentation made to the
27 mayors of the 13 New Hampshire cities about a newly formed Statewide Public Transportation Coalition.
28 The Coalition, which includes Advance Transit and other public transit systems in New Hampshire, seeks
29 to advocate for increased state funding in support of public transit operating and capital needs.

30
31 Currently, the State of New Hampshire provides just \$200,000 per year in general funds statewide for public
32 bus transportation, which is by far the lowest amount in the New England region.

33
34 The Coalition is seeking expressions of support from the cities and other NH communities served by transit
35 for increased funding to enhance the transit providers' ability to continue supporting workforce
36 transportation and mobility options for other basic needs around the state.

37
38 Information and materials from the Coalition's presentation to the NH Mayor's Roundtable were included
39 in the Council's agenda packet.

40
41 Mr. Adams Carroll, Executive Director of Advance Transit, addressed the Council, noting that this item is
42 one he has been following closely in other communities and across the State. He thought the opportunity
43 to express support for public transit is very important and timely right now because the Governor recently
44 released his budget proposal. When the NH Department of Transportation put together their requests for
45 this year they included a significant increase in the amount of support for public transit that did not make it
46 into the Governor's budget. If the State were to continue level funding at the current rate, there is about

1 \$200K that would get split amongst all the different agencies across the State of NH. In our region (Upper
2 Valley) that ends up being about \$35K, which would pay for about 1.5/days of service. This is a fraction of
3 what Lebanon contributes and so we end up in a situation where the burden (of costs) gets pushed down to
4 the local level even though public transit is a regional issue.

5
6 Council Discussions:

7
8 Assistant Mayor Below questioned if there was matching Federal funds that could be accessed if the State
9 does not up its contribution. Mr. Carroll noted that for a long time Federal funding for Public transit had
10 been pretty much flat. You could raise local funds but it would not be stretched the same way that it might
11 be if you were able to match it with Federal dollars. For us (Advance Transit) 50% of our operating
12 budget comes from the Federal Government through both New Hampshire and Vermont grant programs.
13 The appropriations at the Federal level are up significantly. There is a 30% bump in the amount of
14 Federal support for operating funds, which is something like 130% per capita. In order to be able to
15 access those funds you have to be able to provide some kind of local match. It is hard to imagine a 30%
16 increase in General Fund Revenues for many of the municipalities that we serve who would be able to
17 access those funds. If the State of NH were to be more involved, then those dollars could be matched on
18 a one-to-one basis.

19
20 Lebanon's Boy Scout Troup 279 questioned if \$35K would only cover 1.5/days and asked if this also
21 includes the income brought in by fares, etc. or is it just the operational costs. Mr. Carroll noted that
22 Advance Transit has been fare-free for twenty (20) years and we do have sponsorship and advertising
23 income, along with donations from individuals, foundations, and significant support that comes from
24 Dartmouth College, the Dartmouth Medical Center, and public funds from the towns/cities that we serve.
25 All the sources (of funding) that comes in is focused on the expense side (i.e., how much it would cost to
26 actually run the service for a day).

27
28 Assistant Mayor Below noted that from his recollection the decision to go without fares was in part based
29 on the fact that even fares only cover a relatively small portion of the operating costs and was a barrier for
30 some people utilizing public transit. Once fares were removed, it greatly increased ridership. Part of the
31 decision to not have fares was driven by Dartmouth College and the Dartmouth Hitchcock Medical
32 Center who made major contributions to AT, and have continued to do so because it supports their staff
33 getting to work and also decreases their need to install expensive parking. Lebanon, along with other
34 municipalities, have also chipped in to support free fares.

35
36 Councilor Liot Hill spoke about a study done in 2018. In addition, there were some Federal funds that
37 would no longer be available if a fare was introduced. There was a cost/benefit assessment done at the
38 time (back in 2007) that concluded that introducing a fare would bring in less revenue.

39
40 **ACTION:**

41 ***Councilor Wilkie MOVED, the following:***

42
43 ***RESOLVED, by the Lebanon City Council, that:***

44
45 ***WHEREAS, the City of Lebanon fully supports and promotes public transit in our community; and***

46
47 ***WHEREAS, Advance Transit is part of an effort to start a meaningful dialogue on increasing financial***
48 ***support for public transportation operations throughout the State of New Hampshire; and***

1 *WHEREAS, a Statewide coalition of public transit and community-based transportation providers and*
2 *the communities, businesses, and other organizations they serve is being formed and is known as the*
3 *Statewide Public Transportation Coalition; and*

4
5 *WHEREAS, the initial policy objective of this Coalition is to increase the State's share of the operating*
6 *costs of public transit, as the State's per capita contribution to public transit operations according to*
7 *the American Association of State Highway and Transportation Officials is by far the lowest in*
8 *New England and is among the lowest in the nation; and*

9
10 *WHEREAS, with federal emergency relief funding currently provided to public transit system operators*
11 *expected to be fully expended by 2024, and operating costs having increased significantly due to*
12 *workforce shortages and inflation, additional State support is urgently needed to avoid deep cuts in the*
13 *services provided by the State's public transit agencies; and*

14
15 *WHEREAS, there are recently approved federal funds that will be unavailable to public transit systems*
16 *in New Hampshire if matching funds are not available from the State. Without increased State support*
17 *to unlock these new federal funds, the services provided by the State's public transit agencies will need*
18 *to be significantly reduced by 2024-2025; and*

19
20 *WHEREAS, cuts in services will create adverse impacts to vulnerable members of the Lebanon*
21 *community who rely on public transit, and will hinder the realization of the City's goals of resilience in*
22 *energy and infrastructure policy.*

23
24 *NOW THEREFORE BE IT RESOLVED, by the City of Lebanon, that the Lebanon City Council*
25 *supports the policy objective of significantly increased financial support for public transportation from*
26 *the State of New Hampshire and strongly urges that these increased funds be included in the State Fiscal*
27 *Year 2024-2025 biennial budget. Also, the Lebanon City Council supports the City of Lebanon joining*
28 *the Statewide Public Transportation Coalition and will work with other coalition members to advocate*
29 *for reasonable State funding levels so that public transit agencies across the State will be able to continue*
30 *operations into the foreseeable future.*

31
32 Assistant Mayor Below reiterated that if we look at our two (2) similarly rural neighbor states (Maine &
33 Vermont), Maine spends twenty (20) times as much (>\$4M/year to support operations or about \$3.00 per
34 capita compared to New Hampshire \$0.15 (cents) per capita. In Vermont, with half of NH's population,
35 it spends over \$7M/year to support public transit operating costs, which is about 80-90 times as much as
36 NH per capita (i.e., \$11.00 per capita compared. \$0.15 cents per capital in NH).

37
38 *Seconded by Councilor Sykes.*

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

40
41 **B. Discussion of Advance Transit's Transit Development Plan and Service Options**

42
43 Included in the agenda packet: (*Pages 44-46 , Council agenda packet*)

44 1. 2023 Transit Development Plan, Interim Report Executive Summary

45
46 Mr. Adams Carroll, Executive Director of Advance Transit, gave a summarized review of the Advance
47 Transit Development Plan and some of the options that are under consideration (i.e., evaluation of
48 additional service options).

1
2 **BACKGROUND**

3 Every five years, Advance Transit (AT) undertakes a service planning process called the Transit
4 Development Plan (TDP). In 2022, AT collected public feedback and data about the current state of the
5 Advance Transit System.

6 In January 2023, Advance Transit released the Transit Development Plan Interim Report, which
7 summarizes the feedback and comments collected throughout the process. The full Interim Report, as
8 reviewed by Mr. Carroll, is available through AT's website (<https://advancetransit.com/plan/>). The
9 Executive Summary was included in the Council's agenda packet.

10 Among the key planning themes documented in the Interim Report is a need and desire for extended
11 service hours, including evening and weekend service options. To that end, AT has begun discussions
12 with the City (of Lebanon, NH), the Town of Hanover, Dartmouth College, and Dartmouth- Hitchcock to
13 consider how best to provide expanded services. A broad array of options is under preliminary
14 consideration ranging from full fixed route operations to a fully demand-response micro-transit service
15 option, along with a variety of reduced or hybrid alternatives in between. Advance Transit and its
16 consultants are continuing to analyze expanded service options and will be seeking additional public input
17 in the future.

18
19 These options do not come without costs, but if we could get additional State support it would go a long
20 way to making some of these things possible. If we were to add another day of service, the ballpark range
21 for the City of Lebanon, based on the current split we have between different towns, would be between
22 \$45K-\$75K/year. If this is doable for City, Mr. Carroll would like to know before they go too far down
23 the road in planning for options.

24
25 Council Discussions:

26 In response to Councilor Liot Hill's question regarding how much Lebanon is contributing now, Mr.
27 Carroll stated it was \$267K +/- . He noted it was a little more expensive to operate on Saturday's due to
28 the staff that would need to be involved (i.e., mechanics, drivers, etc.).

29
30 In response to Councilor Simon's question regarding para-services, Mr. Carroll noted this is an on-
31 demand, door-to-door service through Access AT that operates within a ¾ mile buffer of their fixed route
32 system. The goal is to provide people access to public transit who cannot use the fixed route service
33 because of a disability. There are some eligibility requirements, but once a person has been granted
34 access to the program they can just call to schedule a trip. It is an individualized service and depends on
35 the need a person requires.

36
37 Councilors Whittlesey, Sykes, Heistad, Liot Hill, Wilkie and Simon spoke about their reasons supporting
38 Advance Transit potentially extending daytime and adding weekend hours.

39
40 Councilor Liot Hill spoke about the issues of bus stops and suggested AT may need to do some updating
41 with these.

42
43 Councilor Liot Hill, Deputy City Manager David Brooks, Assistant Mayor Below and Mr. Carroll had a
44 lengthy discussion regarding the bus stop on the Miracle Mile.

45
46 Mr. Carroll noted that there is a Miracle Mile Study discussion item on the Pedestrian/Bicyclists agenda
47 for their next meeting.

ACTION: *No action required. This topic was for informational purposes only.*

11. City Manager Report:

Deputy City Manager David Brooks updated the Council on the following:

- Acquisition of the Main Street properties: Purchase & Sales agreement, with appropriate caveats, has been done and the process is moving forward.

12. COUNCIL REPRESENTATIVES TO OTHER BODIES:

- Councilor Liot Hill spoke about her concerns regarding the potential location of the Child Care Center at the Airport, which she read about in the news, and she wanted this flagged to be on the next City Council agenda.
- Councilor Liot Hill also spoke about a Legislative bill being sponsored by Representative Bryan Sullivan regarding extending OSHA standards to private businesses throughout New Hampshire and requested the Council's support for this legislative bill.

Assistant Mayor Below felt it was inappropriate at this time for the Council to make a formalized MOTION/position without more background information.

Councilor Wilkie expressed his concerns regarding whether or not the Council should become involved with this type of legislation that is not relevant to the City, noting he felt this might be outside of the City's purview.

Councilor Liot Hill will draft a report for discussion at the Council's next meeting.

- City Clerk Kristin Kenniston reminded everyone about the Municipal Elections on Tuesday, March 14, 2023, 7:00AM-7:00PM. Last chance to register to vote will be tomorrow, March 2nd by 5:00PM. Anyone can still register to vote at their polling place on Election Day.

13. FUTURE AGENDA ITEMS:

- Location of Child Care Center Discussion (Councilor Liot Hill)
- OSHA Standards Discussion for private businesses (Councilor Liot Hill)
- Councilor Sykes updated the Council on the topics discussed at the February 21st Transportation Advisory Committee of the Upper Valley/Lake Sunapee meeting.

14. NON-PUBLIC SESSION: NONE

15. ADJOURNMENT:

Councilor Whittlesey MOVED for adjournment.
Seconded by Councilor Wilkie.

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

The meeting was adjourned at 8:37 PM.

Respectfully submitted,
Dona E. Gibson
Recording Secretary

**AGENDA
LEBANON CITY COUNCIL
MARCH 15, 2023**

8. PUBLIC HEARING ITEMS:

**8.A – REQUEST FOR SUPPLEMENTAL APPROPRIATION IN THE AMOUNT
OF \$1,800,000 FOR THE PURCHASE OF 14, 28 & 30 MAIN STREET, WEST
LEBANON AND AUTHORIZATION TO ISSUE BONDS OR NOTES**

A public hearing for the purpose of receiving public input and taking action to appropriate the sum of \$1,800,000 for the purchase of properties at 14, 28 & 30 Main Street, West Lebanon, and to authorize the issuance of bonds/notes in accordance with Municipal Finance Act (RSA 33).

The City Council scheduled this public hearing at its February 15, 2023 regular meeting. The public hearing was properly noticed in the *Valley News* on Saturday, March 4, 2023 and Tuesday, March 7, 2023 in accordance with City Code and State Law.

BACKGROUND

On February 1, 2023, the City Council voted unanimously, pursuant to its authority under NH RSA 47:5, to authorize the purchase of three parcels situated on Main Street in West Lebanon, including specifically: 14 Main Street (Tax Map 72, Lot 88; +/-0.11 Acres); 28 Main Street (Tax Map 72, Lot 84; +/-0.48 Acres), and 30 Main Street (Tax Map 72, Lot 83; +/-0.45 Acres) for a purchase price of \$1,750,000 (One Million Seven Hundred Fifty Thousand Dollars). As part of its motion, the Council designated and authorized the City Manager to act on behalf of the City Council to undertake all actions and execute all documents as may be required to enter into a Purchase & Sale Agreement (P&S) for the acquisition of the properties and to perform all obligations of the City under the P&S.

Based on the City Council's action, the City Manager has initiated due diligence efforts, including environmental assessment of the properties prior to closing. It is estimated that Phase 1 and Phase 2 Environmental Site Assessments will cost approximately \$50,000, bringing the total cost of acquiring the properties to \$1,800,000.

Pursuant to Section C419:43, Appropriations After Budget is Adopted, requests for appropriations that are not included in the annual budget require a two-thirds (2/3) majority vote of the Council after a public hearing.

ACTION

If the Council decides to move forward, the following motion is offered for consideration:

FOR THE PURPOSE OF completing environmental assessment and funding the purchase of properties located at 14, 28 & 30 Main Street, West Lebanon in the amount of \$1,800,000.

NOW THEREFORE BE IT RESOLVED, by the City of Lebanon, that funds be appropriated for expenditure in the General Fund in the amount of \$1,800,000 (One Million Eight Hundred Thousand Dollars) for the purchase of properties located at 14, 28 & 30 Main

Street, West Lebanon and for the completion of environmental assessment associated with the property transaction; and

BE IT FURTHER RESOLVED, that the City Treasurer, with the approval of the City Manager, is authorized to issue, in accordance with the Municipal Finance Act (NH RSA 33), a bond issue or bond issues in an amount not to exceed \$1,800,000, and that, except as herein otherwise provided, discretion to fix the dates, maturities, denomination, interest rate, form, and other details of said issue(s) is hereby delegated to the City Treasurer, with the approval of the City Manager.

This resolution shall be effective upon passage.

Included in this Section:

1. Notice of Public Hearing as Published in the Saturday, March 4 and Tuesday, March 7, 2023 Editions of the *Valley News*



LEBANON CITY COUNCIL NOTICE OF PUBLIC HEARING

**Wednesday, March 15, 2023 - 7:00PM
Council Chambers, City Hall or
REMOTE VIA VIRTUAL PLATFORM
LebanonNH.gov/LIVE**

The Lebanon City Council will hold a public hearing on March 15, 2023, beginning at 7:00pm for the following:

- A. SUPPLEMENTAL APPROPRIATION TO
PURCHASE 14, 28 AND 30 MAIN STREET,
WEST LEBANON AND AUTHORIZATION TO
ISSUE BONDS OR NOTES:** A public hearing for
the purpose of receiving public input and taking
action to appropriate the sum of \$1,800,000 for
the purchase of 14, 28 and 30 Main Street, West
Lebanon and to authorize the issuance of bonds or
notes.

The March 15, 2023 City Council agenda packet and documents
pertaining to the above-described public hearings will be available
on the City's website beginning March 10, 2023: LebanonNH.gov/Agendas

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.

NE-413183

The foregoing notice was published in the *Valley News*, a newspaper of general circulation in the City of Lebanon, in accordance with the Code of the City of Lebanon on Saturday, March 4, 2023 and Tuesday, March 7, 2023.

A handwritten signature in black ink, appearing to read "Kristin M. Kenniston".

Kristin M. Kenniston, City Clerk

**AGENDA
LEBANON CITY COUNCIL
MARCH 15, 2023**

10. NEW BUSINESS:

**10.A – TREE ADVISORY BOARD PRESENTATION ON
URBAN HEAT ISLANDS IN LEBANON, NH**

BACKGROUND

The Lebanon Tree Advisory Board was chartered in late 2021 and began its first meetings with a visioning exercise. Out of this came a variety of possible outcomes for how Lebanon would look in the year 2030. Among these was a Lebanon whose urban hot spots (heat islands) had been newly planted with shade trees, and in which there had been a measurable reduction in surface temperatures. Importantly, this heat reduction would benefit those places in the city where the population is most vulnerable to heat. Another imagined outcome was the participation of Lebanon High School (LHS) science students to help the Tree Advisory Board in its effort to identify and document these heat islands and vulnerable populations.

In the summer of 2022, members of the Tree Advisory Board, with the participation of LHS students in their Extended Learning Opportunities program, ran a series of air temperature data collection walks on the hottest days along 10 specific routes in urban Lebanon. The routes were selected using an online NASA satellite surface temperature map of the city, which showed the likeliest hot spots. A satellite photo of the city showed treed green space locations adjacent to the anticipated hot spots. These were incorporated into each walk so that a route of temperatures with a high/low range appeared on a map of the route. The temperatures were compared with the ambient (airport) temperature for that time of day. Those temperatures above ambient revealed the location of the city's hot spots, both within each walking route and between routes.

This winter (2022-23), surveys and interviews with city residents and unhoused people are being conducted to determine how, where, and which people are most affected by heat in summer. Interviewees include users of public transit, the public libraries, first responders and students. The relationship between the respondents' experience of extreme heat and their perceived access to a range of cooling public spaces, will be recorded and measured.

The Tree Advisory Board feels that more trees and treed green spaces within a short walk of all residents, shoppers, and sidewalk users are needed in urban Lebanon. By a recent approximation using the iTree sampling app, urban Lebanon's tree canopy cover is under 30% of the urban land area*. The normative goal is 30% or more for cities worldwide. Not only does Lebanon lack a robust tree planting program, many of our existing public and private trees are endangered by disease, utility and plow damage, and real estate development.

Besides the many benefits that trees provide to the environment, the economy**, and the quality of life in urban Lebanon, there is a health component that is becoming critical. As heat waves increase in severity and duration worldwide, heat illness and death, especially in vulnerable populations, are increasing as well. This is leading to a health crisis that is less visible to the public than the well-publicized physical damage of other climate events.

Lebanon would benefit from a well-funded and regulated city government tree planting program built on a foundation of knowledge, such as that provided by our LHS science students.

- * *We are loosely defining “urban Lebanon” as all places, private and public, within a 2-minute walk of city sidewalks. Just as sidewalks are urban infrastructure, so are trees.*
- ** *The City of New York credits each of its trees for over \$500 in environmental services, e.g. shade, air and water filtration, soil retention, wind protection, etc. These credits are infrastructure capital.*

ACTION

No action required. This is for informational purposes only.

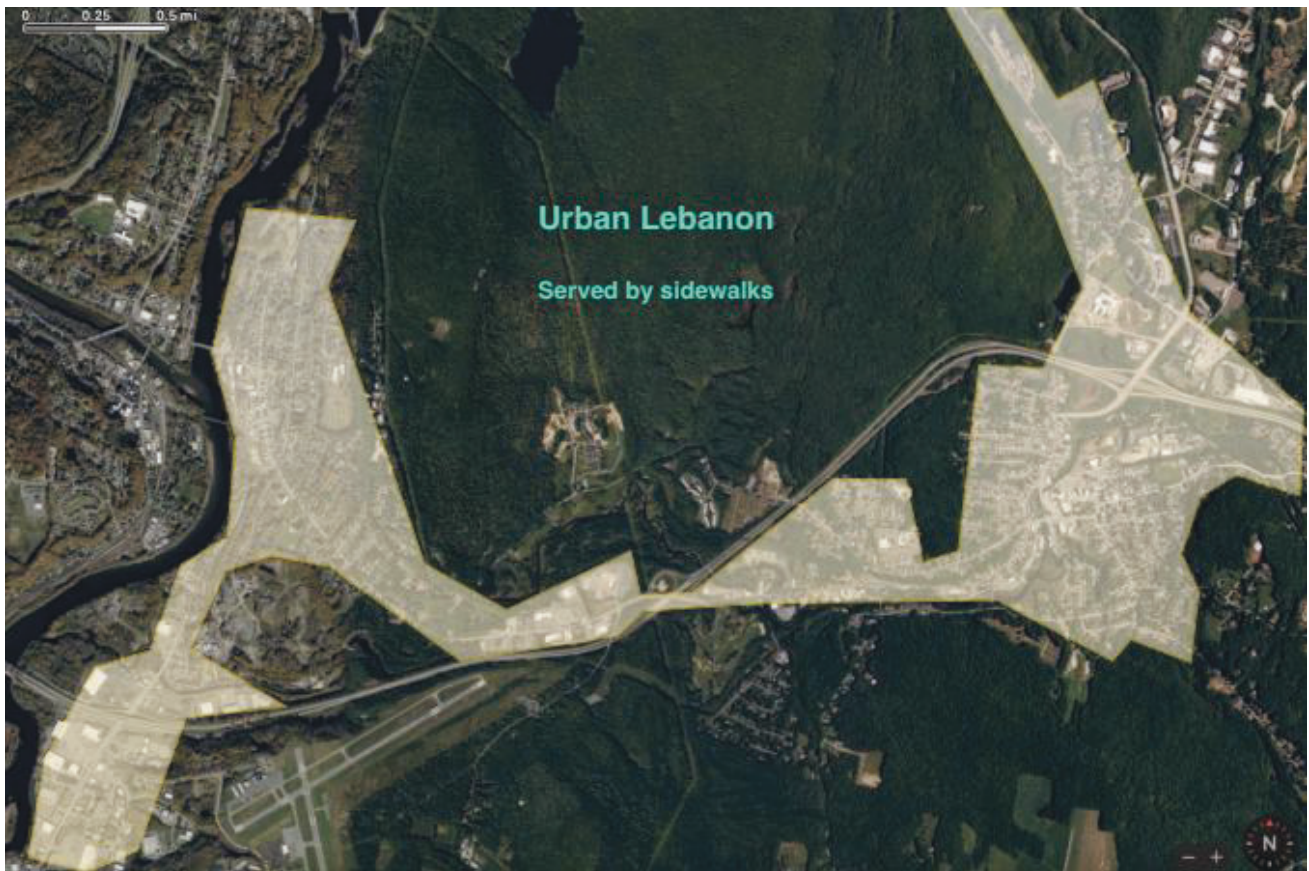
Included in this Section:

1. Tree Advisory Board presentation on Urban Heat Islands in Lebanon, NH

Urban Heat Islands In Lebanon, NH

Research completed by the Lebanon Tree Advisory Board et al.

Mary Maxfield, Charles DePuy, Miles Sturges, Sawyer Weale



Key Points

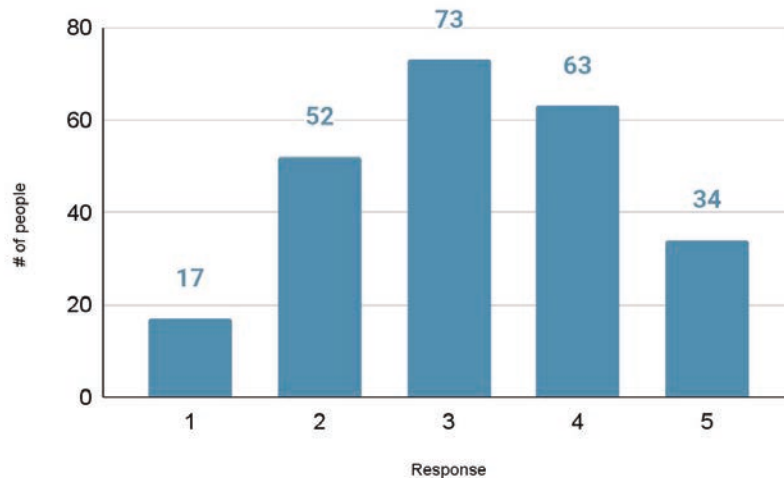
1. Lebanon has documented urban heat islands.
2. The hottest areas are characterized as tree-less and paved.
3. People in Lebanon are affected by summertime extreme heat.
4. Certain populations are particularly vulnerable to extreme heat.

How are people in Lebanon affected by extreme heat?

Survey and interview responses

Survey responses to “I often feel affected by extreme summer heat in Lebanon.”

(Strongly Disagree) 1 2 3 4 5 (Strongly Agree)



Interview Responses to “I often feel affected by extreme summer heat in Lebanon.”

Community Members:

“I felt **sick**.”

“I couldn’t **cool down**.”

“I had to sleep **downstairs**.”

[and more]

High School Student:

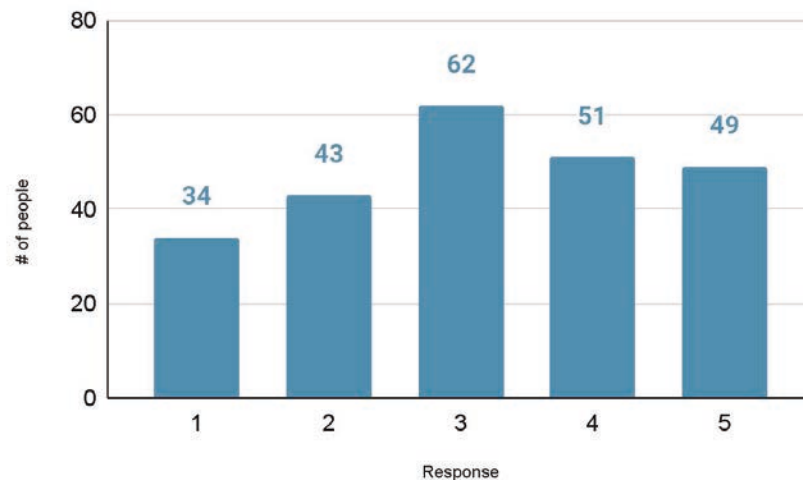
“Sports practice time was often changed, but even then I would often **feel sick** during and have a **headache** afterward.”

Community member who has been living in their car for a year:

“It’s really hard to find **shade** for the un-homed and those living out of their cars...It’s a challenge in itself to keep your **vehicle cool** or to keep wherever you are staying cool.”

Survey responses to “I am concerned about how heat impacts me, my family and/or neighbors.”

(Strongly Disagree) 1 2 3 4 5 (Strongly Agree)



Interview elaborations on “I am concerned about how heat impacts me, my family, and/or neighbors.”

I am concerned about the impact of heat:

8 - On people who cannot escape the heat

7 - On me

4 - On the elderly

3 - On my family

3 - On my neighbors whose apartments face the sun or pavement

1 - On people without transportation because they’d have fewer options

[and more]

Survey responses to “Where do you go for relief from heat?”

107 - Near water

11 - Libraries

77 - Inside a building

7 - Parks

55 - Air conditioning and/or fans

5 - Other towns

43 - Tree cover or shade

[and more]

Survey responses to “Are there certain places in Lebanon that are especially hot?”

87 - No trees/no shade/open areas/sun

84 - Streets/sidewalks/pavement/parking lots

40 - Route 12A (shopping area)

35 - Downtown Lebanon (area around Colburn Park)

18 - High-traffic areas (both pedestrian and vehicle)

13 - Dense development

13 - West Lebanon

11 - Miracle Mile

11 - Schools

7 - Main Street, West Lebanon area

5 - Malls

5 - Places not near rivers/bodies of water

3 - Public areas/Areas close to public buildings

3 - Lebanon Pool

3 - Playgrounds

3 - Mechanic Street

2 - The Mall

2 - Hanover Street

1 - Kilton Library

[and more]

Interview responses to “**Are there times when you don’t have a choice about being in the heat?**”

Common responses: No - I stay in my home with air conditioning or fans

To take care of animals Work

Sports practices Basically all the time, I don’t have a choice

-Community member who lives in her car

To garden

[and more]

Interview responses to “**What do you do to protect yourself from the heat?**”

Frequently mentioned:

stay out of sun

stay hydrated

light-colored clothing

stay inside a building

stay in area with air conditioning or fan

find areas near water or go in water

“You can get these dark screen-shades that fit like a pillowcase over your...They’re gonna protect you from the direct sun but you’re also gonna let your heat out of your vehicle because you use them with your windows open. These vehicles can quickly reach **150 degrees**...it gets dangerous quick...

If you can’t get away from the heat [at night], you can [**sleep under your car**] if you can find where you have enough clearance, if you can find an indented area where it’s non-paved...if you’re little and your car is big enough that you can [sleep] underneath there just until you know you’re able to afford those window covers.

...it takes energy and a lot of forethought in order to keep safe...and you’re gonna be doing it with **extreme sleep deprivation.**”

–Lebanon community member who sleeps in car

4

**Reports of heat-related emergency room visits in July and August 2022
at Alice Peck Day Memorial Hospital**

Library and Human Services Interviews

Both Lebanon libraries serve as refuge for many during extreme heat.

Library staff shared that on extreme heat days many people come in, though the libraries don't ask why or collect data on why they come.

Some people will stay for hours or even all day, from 10-6, on the hottest days, getting water, air conditioning, and a safe place to stay.

On days of extreme heat, the libraries serve:

- All classes, but definitely some who are poor or unhoused.
- Same race demographic proportions as Lebanon population
- People without air conditioning
- The elderly

Lebanon Human Services: Certain groups are especially vulnerable to heat.

- The **unsheltered**
 - Sleeping in a place not intended for human habitation such as vehicles or tents
- The **unhoused**—Many more people are in this group
 - Couch-surfing
 - Motels
- People with **lower incomes** who live in a building:
 - But more often cannot afford air conditioning
 - With more often **little to no tree shade**.
- People with **underlying health conditions**.

Lebanon Human Services: Certain areas are especially vulnerable to heat.

Downtown Lebanon and West Lebanon

- Especially in downtown's older buildings containing many apartments
- These are densely populated neighborhoods
- Low tree density
- Large amounts of pavement

Lebanon Human Services: Advance Transit bus stops need trees

- Many of the bus stops are surrounded by pavement without tree or shade cover.
- People with underlying health conditions, such as heart failure, are more likely to be sensitive to extreme heat.
- Older adults, maybe someone who decided to give up their keys and now relies on the bus system may be more vulnerable to heat stroke than someone younger.
- People with mental health conditions that get agitated due to the physical discomfort of extreme heat are more vulnerable.
- People who rely on the bus system to get to their activities of daily living or simply to get to the library or other cooling station cannot simply use their car to get where they need to go.

Key Points

1. Lebanon has documented urban heat islands.
2. The hottest areas are characterized as tree-less and paved.
3. People in Lebanon are affected by summertime extreme heat.
4. Certain populations are particularly vulnerable to extreme heat.

Necessary thanks to:

- Emily Walton - Dartmouth Sociology Department
- John Tietjen - Lebanon High School Science Department
- Luis Alvarez Leon - Dartmouth Geography Department
- Joe Earle and Emily Ballard - Dartmouth geography students

**AGENDA
LEBANON CITY COUNCIL
MARCH 15, 2023**

10. NEW BUSINESS:

**10.B – PRESENTATION OF FIRST READING AND SET PUBLIC HEARING FOR
APRIL 19, 2023: AMENDMENTS TO ORDINANCE #18, SALARY PLAN, ARTICLE II,
NON-AFFILIATED & LPASE EMPLOYEES, TO ADD AND RECLASSIFY NON-
AFFILIATED AND LPASE POSITIONS**

BACKGROUND

Recently, the Department of Public Works (DPW) has undergone several mid-management changes, which have directly impacted functions at the Lebanon Solid Waste/Recycling Facility and with the fixed asset management program. As a result, DPW has analyzed its internal organization and processes and is recommending the following changes to Ordinance #18.

Add Asset Manager – Grade 10, Non-Affiliated. Asset Management is an essential function needed to assist departments citywide to prolong the service life and reliability of all assets utilized or managed by the City. Asset management streamlines processes allowing fixed assets to be managed and maintained from different locations in an accurate and cost-effective manner. Asset management has previously been performed by the Assistant City Engineer; a position which is currently vacant. Adding a dedicated Asset Manager position will ensure the further progression of the City's asset management program and functions.

Add Solid Waste Foreman – Grade 9, LPASE. This is a supervisory position that will work under the Solid Waste Manager and assist in the management and execution of day-to-day Solid Waste/Recycling Facility operations. This position will be responsible for coordinating and supervising the activities of subordinate staff in the landfill and will manage and oversee the landfill gas collection and control systems. This position is proposed to be a member of the Lebanon Professional, Administrative, Salaried Employees (LPASE) bargaining unit to allow for supervisory authority over subordinate AFSCME staff and control over the day-to-day landfill functions in the absence of the Solid Waste Manager. Once a final decision on affiliation with the bargaining unit is made by the Public Employee Labor Relations Board (PELRB), the position will be properly denoted as a LPASE position within Ordinance #18.

Designate Solid Waste Manager – Grade 12 as a Non-Affiliated position. This position is currently part of the LPASE bargaining unit. Discussions are currently underway to remove this position from the bargaining unit to allow for supervisory authority over another LPASE position (the proposed Solid Waste Foreman position). Once a final decision to remove the position from the bargaining unit is made by the Public Employee Labor Relations Board (PELRB), the position will be properly denoted as a Non-Affiliated position within Ordinance #18.

Process to Amend Ordinance #18

Gloria Leskiewicz, Human Resources Director, will be present to discuss all proposed amendments and answer any questions the Council may have.

Amending Ordinance #18 requires three separate presentations (see City Charter subsections §419:22, §419:24, §419:25, §419:52) followed by a public hearing and the vote of at least two-thirds (2/3) of all members of the City Council – six (6) members - to adopt.

The Council is asked to recognize the first of three presentations on March 15, 2023, and to schedule a public hearing for April 19, 2023, to amend the Ordinance. The second and third presentations will occur on April 5th and April 19th, respectively.

ACTION

The City Council is asked to recognize the first of three presentations and to schedule a public hearing as follows:

1. ACKNOWLEDGE FIRST PRESENTATION:

MOVED, that the Lebanon City Council acknowledges the first of three presentations to amend Ordinance #18, Salary Plan, Article II, by adding the positions of Asset Manager (Grade 10), Solid Waste Foreman (Grade 9, LPASE), and designating the Solid Waste Manager (Grade 12) as a Non-Affiliated position in the Non-Affiliated & LPASE Employee compensation and classification schedules.

Below is an excerpt of the Non-Affiliated & LPASE Employees compensation and classification schedule impacted by the proposed changes described above. Changes to the compensation and classification schedules are shown in red type; new positions and retitled or reclassified positions are shown in red bold type, position deletions are shown stricken and in red italics type.

REGULAR FULL-TIME/REGULAR PART-TIME NON-AFFILIATED & LPASE EMPLOYEES 2023 SALARY & GRADES TO INCLUDE 3% GWI					
Grade	Position Title	Hourly		Weekly	
		<u>Minimum</u>	<u>Maximum</u>	<u>Minimum</u>	<u>Maximum</u>
9	Code Health Inspector**	\$32.36	\$43.69	-	-
	Executive Assistant	-	-	-	-
	Public Relations Coordinator	-	-	-	-
	Digital Media Officer	-	-	-	-
	Deputy Assessor	-	-	-	-
	Cyber Services Technical Specialist	-	-	-	-
	Real Estate Appraiser II**	-	-	-	-
	Solid Waste Foreman** (LPASE designation proposed)	-	-	-	-
	Associate Planner**	-	-	\$1,294.40	\$1,747.70
10	Asset Manager	\$35.64	\$48.10	-	-
	Assistant City Engineer**	-	-	-	-
	Financial Analyst	-	-	-	-
	Community Nurse	-	-	-	-
	Police Communications Supervisor**	-	-	-	-
	Recreation Program Coordinator**	-	-	\$1,425.52	\$1,924.05

	Youth Services Librarian	-	-	-	-
11	Technical Advisor I	\$37.77	\$50.98	-	-
	Cemetery Sexton**	-	-	-	-
	Fleet Maintenance Supervisor**	-	-	-	-
	Maintenance Superintendent**	-	-	-	-
	Utilities Maintenance Superintendent**	-	-	-	-
	System Administrator	-	-	-	-
	Airport Operations Supervisor**	-	-	\$1,510.80	\$2,039.05
	Assistant Recreation Director**	-	-	-	-
	Code Enforcement Director**	-	-	-	-
	Fire Marshal**	-	-	-	-
	Planner/GIS Coordinator**	-	-	-	-
	Senior Planner**	-	-	-	-
	Systems Librarian	-	-	-	-
	Information Technology Librarian	-	-	-	-
12	Wastewater Treatment Superintendent**	\$40.03	\$54.04	-	-
	Water Treatment Superintendent**	-	-	-	-
	Administrative Services Manager**	-	-	\$1,601.12	\$2,161.47
	City Assessor**	-	-	-	-
	City Clerk/Tax Collector	-	-	-	-
	City Engineer**	-	-	-	-
	City Planner**	-	-	-	-
	Deputy Library Director	-	-	-	-
	Energy & Facilities Manager**	-	-	-	-
	Human Services Director	-	-	-	-
	Police Lieutenant**	-	-	-	-
	Prosecuting Attorney	-	-	-	-
	Solid Waste Manager** (remove LPASE designation)	-	-	-	-

**Denotes LPASE Employees

2. SCHEDULE PUBLIC HEARING:

MOVED, that the Lebanon City Council hereby schedules a public hearing for Wednesday, April 19, 2023, beginning at 7:00pm, Council Chambers, City Hall, and Remote via City's Virtual Platform, for the purpose of receiving public input and taking action to amend Ordinance #18, Salary Plan, Article II, Non-Affiliated & LPASE Employees, to add the positions of Asset Manager (Grade 10), Solid Waste Foreman (Grade 9), and to designate the Solid Waste Manager (Grade 12) position as Non-Affiliated position in the Non-Affiliated & LPASE Employee compensation and classification schedules.

**AGENDA
LEBANON CITY COUNCIL
MARCH 15, 2023**

10. NEW BUSINESS:

**10.C – REQUEST FOR EXCEPTION FROM CITY CODE CHAPTER 110,
NOISE FROM SOUND AMPLIFICATION SYSTEMS – LEBANON
OPERA HOUSE, NEXUS MUSIC & ARTS FESTIVAL**

BACKGROUND

City Code Chapter 110, “Noise from Sound Amplification Systems,” allows residents to obtain a permit for sound amplification between the hours of 8am – 8pm, Monday through Saturday and 1pm – 5pm on Sundays and legal holidays. Chapter 110-2(B) allows the City of Lebanon upon its motion, or upon application and for good cause shown, may modify, suspend, repeal or amend the provisions of any rule or regulation or section herein contained.

The Lebanon Opera House (LOH) is hosting the Nexus Music and Arts Festival Friday, August 11 through Sunday, August 13, 2023. They have been issued a Sound Permit from the Lebanon Police Department for the permitted timeframes (12:00pm – 8:00pm Friday and Saturday; and 1:00pm – 5:00pm on Sunday). LOH is requesting an extension to allow the amplification equipment to be utilized until 10:30pm on Friday, 10:30pm on Saturday, and from 12:00pm to 10:30pm on Sunday.

ACTION

Should the Council wish to grant permission, the following motion is offered for consideration:

MOVED, that the Lebanon City Council, in accordance with City Code Chapter 110, Noise from Sound Amplification Systems, §110-2, hereby authorizes the Lebanon Opera House to utilize amplification equipment until 10:30pm on Friday, August 11; until 10:30pm on Saturday, August 12; and between the hours of 12:00pm and 10:30pm on Sunday, August 13, 2023.

Included in this Section:

1. Approved Sound Permit by the Lebanon Police Department
2. City Code Chapter 110, Noise from Sound Amplification Systems



CITY OF LEBANON NH—POLICE DEPARTMENT

APPLICATION FOR SOUND PERMIT

(IN ACCORDANCE WITH CITY CODE §110)

Please submit to the Lebanon Police Department at least two weeks prior to the event.

Applicant Name: Joel Giguere

Business/Organization: Lebanon Opera House

Street Address 51 N. Park Street

City Lebanon

State NH Zip 03766

Phone: 603-448-0400 x127

Email: jgiguere@lebanonoperahouse.org

EVENT INFORMATION

Event Date: 8/11 - 8/13, 2023 *Start Time: 12:00pm End Time: 10:30pm

*Hours are limited to Monday-Saturday, 8am—8pm and Sunday 1pm—5pm, unless approval by City Council.

Location of Event: Coburn Park/ City Hall Parking Lot/Pedestrian Mall/Tunnel

Event Purpose: Nexus Music and Arts Festival ~~2022~~ 2023

Type of Sound Equipment: Stage/Band Number of Units: 3

SOUND TRUCK INFORMATION (if applicable)

Vehicle Registration #:

Year/Make/Type of Vehicle:

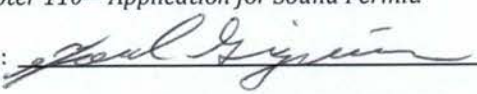
Name & Address of Vehicle Operator & Sound Amplifying Equipment Operator:

Proposed Route of Truck:

Approximate Distance the sound will be audible from the vehicle:

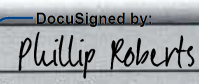
Agreement and Signature

Applicant agrees by their signature below that they have read and agree to the terms and conditions of the City Code Chapter 110—Application for Sound Permit.

Signature: Date: ~~8/11 - 8/13, 2023~~ 10/27/22**FOR OFFICE USE ONLY**

Date Received: 10/27/2022

PERMIT # CM-2023-011

APPROVALPolice Chief Approval: 

Date: 2/9/2023

City Council Approval (if needed)  C0749446...

Date:

Chapter 110

NOISE FROM SOUND AMPLIFICATION SYSTEMS

GENERAL REFERENCES

Noise by vendors — See Ch. 179.

§ 110-1. Declaration of policy.

A. It is hereby declared that:

- (1) The use or operation of public address systems, loud speakers and other similar amplifying systems for the reproduction and amplification of the human voice, music and other sounds is a condition which has existed for some time and the extent and volume of such use is increasing; and that
- (2) The continued uncontrolled use and operation of public address systems, loud speakers and other similar amplification systems on the street, in front of or outside of any building, place or premises, or in any vehicle operated, standing or being in or on any public street, highway, park or place, or from any stand, platform or other structure or anywhere on or in the public streets, parks or places is detrimental to the public health, comfort, convenience, safety and welfare of the citizens of the City of Lebanon, and that
- (3) The continued uncontrolled use or operation of such public address systems, loud speakers and other similar amplifying systems diverts the attention of pedestrians and vehicle operators in the public streets, highways, parks and places, thus increasing traffic hazards and causing injury to life and limb; therefore

B. It is hereby declared as a matter of legislative determination and necessity in the public interest that the rules, regulations and provisions hereinafter contained be and are hereby enacted for the purpose of securing and promoting the public health, comfort, convenience, safety and welfare, and the peace and quiet of the City of Lebanon and its inhabitants.

§ 110-2. Application of rules and regulations.

- A. The rules and regulations herein contained shall apply to any person, firm, corporation, association, club, partnership, society or any other form of association or organization.
- B. The City of Lebanon upon its own motion, or upon application and for good cause shown, may modify, suspend, repeal or amend the provisions of any rule or regulation or section herein contained. The sections of these rules and regulations, and the parts thereof, are

separable. If any portion of these rules and regulations, or the application thereof to any person or circumstance, shall be held invalid, the remainder thereof or the application of such invalid portions to other persons or circumstances shall not be affected thereby.

§ 110-3. Definitions.

Wherever used in this article, the following terms shall mean and include;

PERSON — Includes the singular and plural and also any person, firm, corporation, association, club, partnership, society or any other form of association or organization.

SOUND-AMPLIFYING EQUIPMENT — Any public address systems, loud speakers, radios, phonograph machine, device or apparatus for the amplification and reproduction of the human voice, music or other sounds.

SOUND TRUCK — Any vehicle having mounted thereon or attached thereto any sound-amplifying equipment or apparatus.

§ 110-4. Permit required; profane speech and music prohibited.

- A. It shall be unlawful for any person to use or operate or cause to use or operate any sound-amplifying equipment for commercial or noncommercial purposes on the street, in front of or outside of any building, place or premises, or in any vehicle operated, standing or being in or on any public street, highway, park or place or from any stand, platform or other structure or anywhere on or in the public streets, highways, parks or places within the corporate limits of the City of Lebanon unless he/she shall first obtain a permit from the City of Lebanon in the manner hereinafter prescribed and in accordance with the provisions of this article.
- B. The use of profane, lewd, indecent or slanderous human speech and music reproduced or amplified by means of sound-amplifying equipment is expressly prohibited.

§ 110-5. Application for permit.

- A. Each applicant for a permit shall file a written application on an application form provided for this purpose with the Chief of Police at least three days prior to the date upon which such sound amplifying equipment or apparatus is to be used or operated.
- B. The application shall provide the following information:
 - (1) Name and address of applicant.
 - (2) Address of place of business.
 - (3) Date or dates of proposed use and operation of the sound-amplifying equipment.

- (4) The proposed hours of use and operation of the sound-amplifying equipment.
- (5) The purpose for which the sound-amplifying equipment will be used and operated.
- (6) If a sound truck, the registration, motor number and make of the vehicle.
- (7) Name and address of the vehicle operator and sound-amplifying equipment operator.
- (8) The proposed route of the sound truck.
- (9) The approximate maximum distance the sound will be audible from the point of origination.

§ 110-6. Terms for issuance of permits.

- A. The issuing authority shall be the Chief of Police, and a permit shall not be denied for any specific time, location or use to any applicant who complies with the provisions of this article, except as hereinafter excepted:
 - (1) Improper and incorrect application.
 - (2) Overlapping in the granting of permits for the same purpose or for more than one purpose within a maximum of 100 yards of each.
 - (3) In any location within 100 yards of a school, courthouse, church, hospital or similar institution.
 - (4) In any location between the hours of 8:00 p.m. and 8:00 a.m.
 - (5) In or on any vehicle standing or in motion between the hours of 8:00 p.m. and 8:00 a.m.
 - (6) In any location where the volume of sound emitted from the sound-amplifying equipment will be audible for a distance in excess of 100 yards from the place or places where such sound-amplifying equipment or apparatus will be located.
 - (7) In any location where, upon investigations by the issuing authority, it shall be determined that the conditions of vehicular and/or pedestrian traffic are such that the use of sound-amplifying equipment or apparatus will constitute a threat to the safety of pedestrians or vehicle operators.
- B. The Chief of Police may issue permits for single occurrences, or on a quarterly, semiannual or annual basis. Permits issued quarterly, semiannually or annually shall be renewed on or before the anniversary date of the permit to allow continued use of the sound-amplifying equipment.

§ 110-7. Sundays and legal holidays.

Except between the hours of 1:00 p.m. and 5:00 p.m., on Sundays and legal holidays, and only by special permission of the City Council for good cause shown, permission to use and operate sound-amplifying equipment shall not be granted. This is so ordered to ensure against interference with religious services or civic observances and the general tranquillity of the community.

§ 110-8. Possession and display of permit.

The permit shall be kept at all times where it can be readily obtained and promptly shown to any police officer of the City of Lebanon upon request.

§ 110-9. Exceptions.

The provisions of this article shall not apply to the use of sound-amplifying equipment and apparatus in the following uses:

- A. Any church or synagogue on or within its own premises in connection with its religious rites or ceremonies.
- B. Authorized band concerts, street dances, street fairs and special events.
- C. Athletic contests when held within the confines of a stadium, athletic field or municipal park or playground.
- D. Use by the several departments of the municipal government in the proper exercise of their individual functions.
- E. Use in a nonresidential zoning district when specifically approved by the City Council after a duly noticed public hearing and found not to have any negative impacts and with any condition the City Council may choose to place on it. **[Added 8-7-1996]**

§ 110-10. Permit fees.

No permit fees shall be imposed upon any applicant for permit under the terms of this article.

§ 110-11. Penalties for offenses.

Any person who shall violate any provision of this article, upon conviction thereof, shall be punished as provided in Chapter 1, General Provisions.

**AGENDA
LEBANON CITY COUNCIL
MARCH 15, 2023**

10. NEW BUSINESS:

**10.D – DISCUSSION AND SET PUBLIC HEARING FOR APRIL 5, 2023:
ORDINANCE #2023-02 TO AMEND CITY CODE CHAPTER 179, VENDORS**

BACKGROUND

Attached is proposed Ordinance #2023-02, which would amend City Code Chapter 179, Vendors, §179-4, Permits and fees, to authorize a vendor electricity use fee. Currently, there are fees for daily, weekly, seasonal, and abutting business vendor permits, but there is no fee structure for using city electricity in lieu of a portable generator. With electric rates increasing, the City would like to charge vendors for the use of electricity. The proposed fees are based, in part, on the electricity usage fees charged to Farmers' Market vendors on a daily or seasonal basis.

ACTION

If the Council decides to move forward with proposed Ordinance #2023-02, the following motion is offered for consideration:

MOVED, that the Lebanon City Council hereby schedules a public hearing for Wednesday, April 5, 2023, beginning at 7:00 p.m. in Council Chambers, City Hall, and Remote via City's Virtual Platform, for the purpose of receiving public input and taking action on proposed Ordinance #2023-02, to amend the Code of the City of Lebanon, Chapter 179, Vendors, §179-4, Permits and fees, to authorize a vendor electricity use fee.

Included in this Section:

1. Proposed Ordinance #2023-02
2. City Code Chapter 179

**CITY OF LEBANON
ORDINANCE #2023-02**

AN ORDINANCE TO AMEND the Code of the City of Lebanon, Chapter 179, Vendors, by amending §179-4, Permits and fees, to include a vendor electricity use fee.

BE IT ORDAINED, by the City Council of the City of Lebanon, as follows:

Section 1:

The Code of the City of Lebanon is hereby amended to revise Chapter 179, Vendors, §179-4, Permits and fees, as follows:

§179-4. Permits and fees.

- A. Daily permits: The fee for a daily vendor permit is \$10. Applicants wishing to obtain daily permits shall apply to the City Manager prior to the desired event at a time designated by the City Manager. All applications shall include the following conditions:
- (1) Applicants must meet the requirements of the City Manager for size of vehicle/operation, noise, state permit(s), hours of operation and other conditions as may be set by the City Manager.
 - (2) When more applications are received for spaces than are available, the City Manager shall determine the allocation by lottery.
 - (3) Permits and assigned locations are nontransferable, and the fee is nonrefundable.
 - (4) The daily fee for use of electricity from a city-owned power supply is \$3.**
- B. Weekly permits: The fee for a weekly vendor permit is \$50. Weekly permits shall be issued for the week beginning Monday and ending Sunday, and may run consecutively. All applications shall include the following conditions:
- (1) Applicants must apply to the City Manager for a space at least two weeks prior to the date that is needed and must meet the requirements of the City Manager for size of vehicle/operation, noise, state permit, hours of operation and other conditions as may be set by the City Manager.
 - (2) When more applications are received for spaces than are available, the City Manager shall determine the allocation by lottery.
 - (3) Permits and assigned locations are nontransferable, and the fee is nonrefundable.
 - (4) The weekly fee for use of electricity from a city-owned power supply is \$15.**
- C. Seasonal permits: The fee for a seasonal vendor permit is \$100. Seasonal permits shall be issued for four three-month periods of the calendar year as follows: January/February/March; April/May/June; July/August/September; and October/November/December. All applications shall include the following conditions:
- (1) Applicants must apply to the City Manager for a space before the end of the preceding quarter (December 15 for first quarter; March 15 for second quarter; June 15 for third quarter; and September 15 for fourth quarter) and meet the requirements of the City Manager for size of vehicle/operation, noise, state permit, hours of operation and other conditions as may be set by the City Manager.

- (2) When more applications are received for spaces than are available, the City Manager shall determine the allocation by lottery.
- (3) Permits and assigned locations are nontransferable, and the fee is nonrefundable.
- (4) Seasonal vendors must utilize their assigned space at least 15 days of each month.
- (5) A vendor may, upon written permission from the City Manager, utilize the assigned space on less than 15 days in any month due to vacation, illness or other extenuating circumstance. However, during the entire period of time the space is vacated by the vendor due to the approved absence, the City reserves the right to rent the space on a daily permit basis.
- (6) Noncompliance will result in the assigned vendor losing the space and disqualifying the vendor from applying for any space for the period of one year.

(7) The seasonal fee for use of electricity from a city-owned power supply is \$40.

D. Abutting business permit: The annual fee for an abutting business permit shall be \$125. Abutting businesses shall be entitled to a permit for the use of an area in the vicinity of their established place of business. All applications shall include the following conditions:

- (1) Applicants must apply to the City Manager for a space at least two weeks prior to the date that is needed and must meet the requirements of the City Manager for size of vehicle/operation, noise, state permit, hours of operation and other conditions as may be set by the City Manager.
- (2) Permits shall be for the period of time designated by the applicant in the application for a permit. Permits must be renewed annually and are subject to all other applicable state and City regulations.
- (3) Permitted areas shall not exceed 625 square feet in area, unless specifically approved by the City Manager, and may be prescribed, mapped and modified from time to time by the City Manager, depending on the needs of the City.
- (4) The City Manager, in his/her reasonable discretion, may waive or modify the provisions of §179-7A, and B as they may apply to permits for abutting businesses granted under this section.
- (5) Permits and assigned locations are nontransferable, and the fee is nonrefundable.

E. As an alternative to the annual abutting business permit under Subsection D above, abutting businesses may also apply for daily or weekly vendor permits under Subsection A or B above. Such permits shall be subject to the same conditions as any other daily or weekly permit, except that the numerical permit limitations of this section shall not apply to abutting businesses.

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.

Chapter 179

VENDORS

[HISTORY: Adopted by the City Council of the City of Lebanon 8-22-1990 by Ord. No. 62. Amendments noted where applicable.]

GENERAL REFERENCES

Consumption of alcoholic beverages in Colburn Park and the Mall — See Ch. 14, Art. I.	Noise from sound amplification systems — See Ch. 110.
Removal of dog feces from Colburn Park and the Mall — See Ch. 18.	Driving and parking on the Mall — See Ch. 168, § 168-3.
Bicycles and skateboards on the Mall — See Ch. 27.	Vendor parking — See Ch. 168, § 168-7A.
	Vending machines — See Ch. 176.

§ 179-1. Declaration of purpose.

The purpose of this chapter is to provide for the regulation of sales by vendors within the general area of Colburn Park and the Mall in the City of Lebanon. This is necessary to ensure the free flow of motor vehicle and pedestrian traffic and to promote the public health, safety and welfare in that area.

§ 179-2. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

ABUTTING BUSINESS — Any legitimate business located within, whether by lease, rental or ownership, a property in the central business district abutting North or West Park Streets or the Mall area.

PUBLIC STREET OR SIDEWALK — Include all areas legally open to public use as public streets, sidewalks, roadways, highways, parkways, alleys and any other public way.

STAND — Any newsstand, table, bench, booth, rack, handcart, pushcart or any other fixture or device which is not required to be licensed and registered by the Department of Motor Vehicles, used for the display, storage or transportation of articles offered for sale by a vendor.

VENDOR — Any person, including an employee or agent of another, who sells or offers to sell food, beverages, goods or merchandise on any public street or sidewalk from a stand, motor vehicle or from his or her person.

§ 179-3. Permit required. [Amended 8-4-2010 by Ord. No. 2010-02; 8-19-2015 by Ord. No. 2015-01]

Vending activity is limited to the areas described below. It shall be unlawful for any vendor or abutting business to sell, display or offer for sale any food, beverage, goods or merchandise without first obtaining a permit from the City Manager. Vending activity on private property is regulated by the Zoning Ordinance.¹

- A. South Park Street: up to five parking spaces on the north side of the street between the crosswalk entrance and the easterly corner of Colburn Park.
- B. Colburn Park, which is described as the entire area bordered by North Park Street on the north, West Park Street on the west, South Park Street on the South and East Park Street on the east, excluding the sidewalks along those streets: A maximum of four "stand" vendors will be permitted to utilize Colburn Park at any given time. Permits will be issued for daily/weekly vending only.
- C. Lebanon Mall, extending from the westerly sideline of West Park Street west and south to Hanover Street, meaning and intending to include the entire area of the Mall.
- D. Vending activity shall be unlawful on all streets, sidewalks and other public property in Lebanon, other than those listed above. However, this prohibition shall not apply to mobile vendors whose vehicle, stand or cart does not remain in any single site longer than 30 minutes, including but not limited to mobile ice cream trucks.
- E. Vending which occurs as an inherent part of an event properly licensed or permitted by the Licensing Board or the City Manager, including but not limited to a farmers' market, street fair, or alumni day, shall be exempt from the provisions of this chapter.

§ 179-4. Permits and fees. [Amended 2-20-1991; 10-2-1991; 8-4-2010 by Ord. No. 2010-02; 8-19-2015 by Ord. No. 2015-01]

- A. Daily permits: The fee for a daily permit is \$10. Applicants wishing to obtain daily permits shall apply to the City Manager prior to the desired event at a time designated by the City Manager. All applications shall include the following conditions:
 - (1) Applicants must meet the requirements of the City Manager for size of vehicle/operation, noise, state permit(s), hours of operation and other conditions as may be set by the City Manager.
 - (2) When more applications are received for spaces than are available, the City Manager shall determine the allocation by lottery.
 - (3) Permits and assigned locations are nontransferable, and the fee is nonrefundable.
- B. Weekly permits: The fee for a weekly permit is \$50. Weekly permits shall be issued for the week beginning Monday and ending Sunday, and may run consecutively. All applications shall include the following conditions:
 - (1) Applicants must apply to the City Manager for a space at least two weeks prior to the date that is needed and must meet the requirements of the City Manager for size of vehicle/operation, noise, state permit, hours of operation and other conditions as may be set by the City Manager.

- (2) When more applications are received for spaces than are available, the City Manager shall determine the allocation by lottery.
 - (3) Permits and assigned locations are nontransferable, and the fee is nonrefundable.
- C. Seasonal permits: The fee for a seasonal permit is \$100. Seasonal permits shall be issued for four three-month periods of the calendar year as follows: January/February/March; April/May/June; July/August/September; and October/November/December. All applications shall include the following conditions:
- (1) Applicants must apply to the City Manager for a space before the end of the preceding quarter (December 15 for first quarter; March 15 for second quarter; June 15 for third quarter; and September 15 for fourth quarter) and meet the requirements of the City Manager for size of vehicle/operation, noise, state permit, hours of operation and other conditions as may be set by the City Manager.
 - (2) When more applications are received for spaces than are available, the City Manager shall determine the allocation by lottery.
 - (3) Permits and assigned locations are nontransferable, and the fee is nonrefundable.
 - (4) Seasonal vendors must utilize their assigned space at least 15 days of each month.
 - (5) A vendor may, upon written permission from the City Manager, utilize the assigned space on less than 15 days in any month due to vacation, illness or other extenuating circumstance. However, during the entire period of time the space is vacated by the vendor due to the approved absence, the City reserves the right to rent the space on a daily permit basis.
 - (6) Noncompliance will result in the assigned vendor losing the space and disqualifying the vendor from applying for any space for the period of one year.
- D. Abutting business permit: The annual fee for an abutting business permit shall be \$125. Abutting businesses shall be entitled to a permit for the use of an area in the vicinity of their established place of business. All applications shall include the following conditions:
- (1) Applicants must apply to the City Manager for a space at least two weeks prior to the date that is needed and must meet the requirements of the City Manager for size of vehicle/operation, noise, state permit, hours of operation and other conditions as may be set by the City Manager.
 - (2) Permits shall be for the period of time designated by the applicant in the application for a permit. Permits must be renewed annually and are subject to all other applicable state and City regulations.
 - (3) Permitted areas shall not exceed 625 square feet in area, unless specifically approved by the City Manager, and may be prescribed, mapped and modified

from time to time by the City Manager, depending on the needs of the City.

- (4) The City Manager, in his/her reasonable discretion, may waive or modify the provisions of § 179-7A, and B as they may apply to permits for abutting businesses granted under this section.
 - (5) Permits and assigned locations are nontransferable, and the fee is nonrefundable.
- E. As an alternative to the annual abutting business permit under Subsection D above, abutting businesses may also apply for daily or weekly permits under Subsection A or B above. Such permits shall be subject to the same conditions as any other daily or weekly permit, except that the numerical permit limitations of this section shall not apply to abutting businesses.

§ 179-5. Application.

The application for a vendor's permit shall contain all information relevant and necessary to determine whether a particular permit may be issued, including but not limited to:

- A. Proof of identity and business address of the applicant.
- B. A brief description of the nature, character and quality of the food, beverages, goods or merchandise to be sold.
- C. If employed by another, the name and business address of the person, firm, association, organization, company or corporation.
- D. If a motor vehicle is to be used in the vending business, a description of the vehicle, together with the motor vehicle registration number.
- E. A description of the proposed location of the vending business and the length of time during which it is proposed that the business shall be conducted.
- F. No permit shall be issued to an applicant unless the applicant assumes liability for damages, property loss, injury or death or other related liability resulting from the activities of the vending operation. **[Amended 9-20-2000 by Ord. No. 70]**

§ 179-6. Limitation of number and location of vending operations; nonprofit permits. [Amended 10-18-1995; 8-4-2010 by Ord. No. 2010-02; 8-19-2015 by Ord. No. 2015-01]

- A. As noted in § 179-4 above, the City Manager may limit the number and location of vending operations. Absent any other limiting factor, the City Manager shall not permit more than five vending locations on South Park Street adjacent to Colburn Park. Two of these locations shall be seasonal, one shall be weekly, and two shall be daily.
- B. Nonprofit permits. The City Manager may designate additional locations within the restricted areas for the peddling of wares, provided that the proceeds from all sales at the location are used exclusively for the benefit of civic, school, charitable, philanthropic, religious, or other not-for-profit organizations. These spaces shall be available on a daily basis for a consecutive period of time and shall be assigned

without charge, at the discretion of the City Manager, and according to the above procedure for permits.

§ 179-7. Restrictions applicable to all vendors. [Amended 10-19-2005 by Ord. No. 2005-9; 8-4-2010 by Ord. No. 2010-02; 8-19-2015 by Ord. No. 2015-01]

The City Manager may set a limit on the number and location of permits given under the categories below:

- A. Stands/carts/vehicles stands shall not:
 - (1) Exceed nine feet in width and 18 feet in length. Height should not exceed 10 feet.
 - (2) Impede access to the entrance of any adjacent building or driveway.
 - (3) Occupy more than half of the available sidewalk width.
 - (4) Locate within 25 feet of a fire hydrant, fire escape, bus stop, loading zone or driveway of a fire station, police station or hospital.
- B. Hours of operation. Vendors shall be allowed to engage in the business of vending only between 7:00 a.m. and 9:00 p.m., except for abutting businesses operating under § 179-4D, which shall be allowed to operate in their permitted area during their normal business hours or as otherwise provided pursuant to § 179-4D. All vending stands must be removed from public property during nonvending hours, except for good reason and by special waiver of the City Manager.
- C. Handicapped areas. No vendor shall block access to any handicapped parking space or access ramp.
- D. Removal of trash. All trash or debris originating from the operation of the vending stand shall be collected by the vendor and removed from public property daily.
- E. The area occupied by a vendor shall be limited to that area so designated by the City Manager.
- F. No vendor shall utilize an open fire in connection with the sale or display of the vendor's wares without a permit from the Lebanon Fire Department.
- G. No vendor shall shout, make an outcry, blow a horn, ring a bell, or use any other sound device for the purpose of attracting attention to any goods which the vendor proposes to sell. Vending operations must be reasonably quiet, i.e., no vending stand or vehicle shall emit excessive mechanical or compressor noise to the detriment of the environment around Colburn Park or Mall.
- H. No vending activity shall unreasonably impede the flow of vehicular or pedestrian traffic. The City Manager may impose restrictions in addition to those listed in this section, when warranted, in order to assure at all times the public's use of streets and sidewalks for purposes of travel.
- I. It is the intent of this chapter that goods or merchandise to be offered for sale shall consist solely of items which can easily be carried away from the sales location by pedestrians, and which entail no special needs or problems pertaining to loading,

handling, installation or delivery, such as might interfere with vehicular traffic or with other users of the park and mall. Heavy or bulky items such as tires, large appliances, large furniture items, motorized equipment or the like are generally not permitted. All goods or merchandise displayed shall be for immediate sale and delivery. Displays or advertising whose primary purpose is to promote future or off-site transactions are not permitted. The City Manager may deny a permit to any vendor whose stand/vehicle/cart does not meet the intent of this subsection.

§ 179-8. Suspension or revocation of permit.

- A. Any permit issued under this chapter may be suspended or revoked for any of the following reasons:
- (1) Fraud or misrepresentation in the application for the permit.
 - (2) Conducting the business of vending contrary to the conditions of the permit.
 - (3) Conducting the business of vending in such a manner as to create a public nuisance or constitute a danger to the public health, safety or welfare.
 - (4) Failure to pay fee.
- B. Upon suspension or revocation, the city shall deliver written notice to the permit holder stating the action taken and the reasons supporting such action. The written notice shall be delivered to the permit holder's place of business or mailed to the permit holder's last known address.

§ 179-9. Appeals.

Persons who are denied permits or whose permits have been suspended or revoked may appeal by filing a written notice of appeal with the Licensing Board. The appeal must be filed within three working days after receipt of the notice of denial, suspension or revocation, with the City Clerk. The Licensing Board shall hear such appeal at its next or regular meeting and shall render its decision in writing within 15 days thereafter.

§ 179-10. Penalties for offenses.

Any person who violates any provision of this chapter shall be punished as provided in Chapter 1, General Provisions, by suspension of the permit for a period to be determined by the Licensing Board, or both.