

FINAL

**LEBANON CITY COUNCIL
REGULAR SESSION MINUTES
Wednesday, April 2, 2025, 7:00 p.m.
Council Chambers
Remote Via Microsoft Teams: LebanonNH.gov/Live**

MEMBERS PRESENT: Mayor Douglas Whittlesey, Assistant Mayor Devin Wilkie, Erling Heistad, Nicole Ford Burley, Laurel Stavis, Christian Simon, George Sykes, and Karen Zook

MEMBERS ABSENT: Timothy McNamara

STAFF PRESENT: City Manager Shaun Mulholland, Deputy City Manager David Brooks, Deputy City Manager/Special Projects Paula Maville, Director of Planning & Development Nathan Reichert, Finance Director Vicki Lee, Deputy Finance Director Alesia Williams, DPW Administrative Services Kelly Crate

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

- City Manager Shaun Mulholland announced the meeting criteria for the public.

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

3. BOARDS, COMMITTEE AND COMMISSION REPORTS (1ST QUARTER):

LEAC: Report sent to Council

DOWNTOWN TIF ADVISORY: No verbal report

PLANNING BOARD: No Verbal Report

ARTS & CULTURE: Assistant Mayor Wilkie updated the Council on the following:

- Strategic Plan completed
- Collaborated with DPW: Stamping some of the poems for the poetry contest winners for the past few years
- Collaborated with the Lebanon Recreation Department and the Lebanon Library on the June 14th Traditions Festival
- Tunnel Art
- Collaborated with the Opera House on the upcoming Nexus Festival to bring visual art to the Colburn Park area

HERITAGE: Chair Nicole Ford Burley updated the Council on the following:

- One review: 8 Park Street (Upper Valley Music Center)
- City Council approval for the National Register of Historic Districts expansion
- Master Plan Chapter: Hope to have this completed by September/October 2025
- Rail Trail: Developed signs highlighting different aspects of Lebanon's history that will be placed along the trail
- Dana House

DEI (DIVERSITY, EQUITY & INCLUSION): Assistant Mayor Wilkie updated the Council on the following:

- Sent Council a list of projects that shows projects completed and continuing to work on
- Continued discussion regarding the Strategic Plan, including an equity plan that will be completed by this summer
- Resolution of the City of Lebanon as a disability friendly city
- Discussions/collaborations underway with affirming spaces for the Taste and Traditions Celebration in June
- Discussions/collaborations with the Upper Valley Spanish Institute

PEDESTRIAN/BICYCLIST ADVISORY BOARD: Councilor Simon updated the Council on the following:

- Worked on the recommendations for updates to the Master Plan and Strategic Plan. Goal is to have them completed by May

WEST LEBANON REVITALIZATION ADVISORY (WLRAC): Councilor Simon updated the Council on the following:

- This will be his last month chairing this committee
- Councilor Simon really appreciated all the work the Committee has put in and continues to do.
- The Committee is very apprehensive about when the work on the Dry Bridge will be completed.

CONSERVATION COMMISSION: Chair Riley updated the Council on the following:

- Wild About Lebanon: One event was held
- Prepared concise statements for the Ballot Amendments
- Prepared comments for the Council on the other proposed Zoning Amendments
- Worked on their goals for their 2025 Strategic Plan
- One Conceptual Review of wetland impacts (Mt. Support Road)
- Reviewed and commented on one Department of Environmental Services (DES) application for the City's wetland application associated with both the Dry Bridge and the access road. Recommended approval to the DES with certain concerns and questions

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

5. OPEN TO PUBLIC:

- **Mr. Barry Schuster (Ward-3):** He addressed an email he received regarding the cost of an easement at the Airport (\$118K, whose costs, the author stated, was created by the Upper Valley Land Trust). Mr. Schuster explained this assumption was wrong and explained the costs and his reasons why he felt the assumption was wrong. He also spoke about his reasons why he felt the City has spent an extraordinary amount of funds on ill-advised litigation, noting he has been both a lawyer and a witness to this.
- **Ms. Lori Key (Ward-3):** She wondered if the City has given any thought about the residents being involved in the search for a new City Manager (i.e., Search Committee). Mayor Whittlesey explained what the City will be doing, noting that MRI (the firm that is doing the search) will be creating an email address to receive comments from city residents. The Council will give more thought to having a Search Committee.

6. RECOGNITIONS: PROCLAMATION: Refill NOT Landfill Month

WHEREAS, the City of Lebanon owns and operates the Lebanon Landfill that has a permitted disposal capacity of another 5 years; and

WHEREAS, the City is concerned about conserving natural resources and with preserving the landfill disposal capacity for future Lebanon residents; and

WHEREAS, the City recognizes that the waste from single-use items like plastic water bottles, coffee cups, grocery bags et cetera, uses natural resources and consumes landfill disposal capacity; and

WHEREAS, the City also recognizes that eliminating waste through reuse is cost effective and environmentally beneficial; and

WHEREAS, choosing to reuse items like refillable containers for water, coffee and other beverages have the potential of reducing waste that will require disposal in the Lebanon Landfill; and

WHEREAS, choosing to reuse cloth grocery bags, cloth napkins and packing a lunch for school or work has a positive impact on the environment; and

WHEREAS, to encourage waste reduction, the month of April 2025 will be designated as “Refill NOT Landfill Month”.

NOW, THEREFORE, BE IT RESOLVED, that the City of Lebanon hereby proclaims the month of April 2025 as Refill NOT Landfill Month and encourages residents to join in observing this month to reduce waste that is ultimately disposed of in the Lebanon Landfill by using reusable items like travel mugs, water bottles, and grocery bags.

Proclaimed this 2nd day of April in the year Two-Thousand Twenty-five.

Mayor Douglas Whittlesey
On behalf of the Lebanon City Council

7. ACCEPTANCE OF MINUTES:

- March 13, 2025 (Canvass of Vote)
- March 19, 2025 (Regular Session)

***Councilor Heistad MOVED to approve the March 13, 2025 (Canvass of Vote) and the March 19, 2025 (Regular Session) minutes as written and presented in the April 4, 2025, agenda packet.
Seconded by Councilor Simon.***

****The Vote on the Motion was approved by members present (4-0-3). Abstained from vote: Councilors Ford Burley, Sykes, Stavis***

8. APPOINTMENTS:

- Library Board of Trustees, Adam Ali (Alternate Member)

Councilor Simon MOVED to Nominate Adam Ali as an Alternate Member of the Library Board of Trustees. Term: 4/2025-4/2026

****The Vote on the NOMINATION was approved by members present (8-0)***

9. PUBLIC HEARING ITEMS:

- A. Ordinance #2025-01:** A public hearing for the purpose of receiving public input and taking action to delete and repeal City Code Chapter 179, Vendors, and to replace it with a new City Code Chapter 179, to be entitled Vendors

Included in the agenda packet: **(All supportive documents and information can be found on pages 43-57, Council agenda packet)**

1. Food Truck Task Force, Report of Findings and Recommendations
2. Proposed Ordinance #2025-01
3. March 25, 2025 Legal Opinion from Attorney Matthew Decker

Ms. Paula Maville (Deputy City Manager/Special Projects) reviewed the background before giving a Food Truck Task Force (FTTF) presentation, which was also presented to the Council on March 5, 2025. She noted that a legal review has been completed.

BACKGROUND

The Food Truck Task Force (FTTF) was established by the City Council at its July 17, 2024, meeting with an aim to foster economic growth and community vibrancy while ensuring public safety and accessibility.

The FTTF was charged with evaluating and addressing the practical and regulatory challenges associated with the operation of food trucks within the City of Lebanon, and more specifically to:

1. Review current City Code Chapter 179 and relevant zoning regulations to identify conflicts and limitations impacting food truck operations. Provide recommendations for changes to facilitate the safe and efficient operation of food trucks city-wide.
2. Develop a comprehensive, sustainable strategy for permitting and managing food trucks on public property in downtown Lebanon and West Lebanon. This strategy should consider various aspects such as traffic and pedestrian safety, public health, parking, and fire safety.
3. Conduct public outreach to gather feedback from residents, local businesses, and other stakeholders to ensure community needs and concerns are addressed.
4. Submit a detailed report of findings, recommendations, and proposed code and zoning changes to the City Council by February 15, 2025.

The FTTF began meeting in October 2024, held a public input session on January 7, 2025, and concluded its business in February. A presentation of the Task Force's process and recommendations was provided to the City Council on March 5, 2025, at which time this public hearing for Chapter 179 was scheduled. Also on March 5th, the Council kicked-off recommended zoning amendments, which will conclude with a public hearing in late May.



**Presented to City Council
March 5, 2025**

FTTF MEMBERS:
Victoria Smith, Chair
Falguni Mehta, Vice-Chair
Benjamin Van Vliet, Member
Clifton Below, Council Representative
Paula Maville, Staff Support

Background

**FTTF
Established:
July 2024**

**Meetings
began:
October 2024**

**Meetings
held: 9**

Review	Review City Code Chapter 179 & Zoning Regulations to identify conflicts and limitations.
Develop	Develop a Strategy for permitting & managing food trucks on public property in Downtown Lebanon & West Lebanon
Conduct	Conduct public outreach
Submit	Submit a detailed report of findings, recommendations, and proposed code and zoning changes

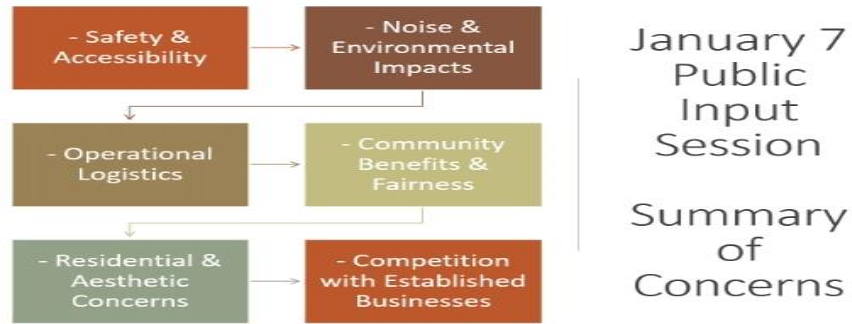
Charge of the Task Force

MEETINGS



-  Loss of parking
-  Pedestrian safety
-  Traffic flow issues
-  Lack of electricity & infrastructure
-  Vendor accountability

Identified Challenges



Chapter 179
Overview

Adopted: 1990 as Ordinance #62

Amended over time for administration & vendor needs

Proposed Solutions –
Parking & Safety

SOUTH PARK STREET: Limit to 2 spaces

CAMPBELL STREET: Add 2 spaces

LOWER PARKING LOT: Add 2 spaces

SAFETY MEASURES: Barriers required for pedestrians; Service Windows facing adjacent sidewalks

PROPOSED VENDING AREAS DOWNTOWN LEBANON

AREA 1 - SOUTH PARK
AREA 2 - CAMPBELL STREET
AREA 3 - TAYLOR STREET LOT

Vendor Responsibility & Accountability

Vendors must place and remove safety cones

Penalty for non-compliance: \$25/day fine

Repeat violations: Permit suspension or revocation

Electricity Access & New Permit Allocation	Current issue: Only one space has electricity New proposal: Auction system replaces random draw Minimum bid: \$200 (seasonal permit fee)
Other Recommended Changes	Expanded definitions for clarity Differentiation between food service vending and general goods vending

Proposed Zoning Amendments

 PERMITTING VENDING IN MULTIPLE NON-RESIDENTIAL ZONING DISTRICTS	 ADDING DEFINITIONS ALIGNED WITH CHAPTER 179	 NEW SECTION 614: MOBILE FOOD SERVICE
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NOTE: Section 614 will be changed to new Section 615. Section 615 will outline those additional standards that are required for mobile food service vending in order to obtain a Zoning Permit (i.e., areas in Downtown Lebanon, Downtown West Lebanon, Route 12A, The Miracle Mile, the Airport Business Park, Etna Road, Centerra and the DHMC Campus).

Recommendations	CURRENT: Move forward with the process to amend City Code Chapter 179 and the Zoning Ordinance with amendments as proposed FUTURE: Work to create a destination area for food service vendors where electricity, portable restrooms, and seating areas are provided. Designate parking spaces on Main Street, West Lebanon once Main Street improvements are completed.
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Ms. Maville noted that the FTTF did work to address all components of the Charter as set forth by the Council. Proposed Amendments to both Chapter 179 and the Zoning Ordinance were tactfully crafted and provide due consideration to those existing challenges and concerns expressed by the public. They may not fully address all concerns and challenges, but they do provide and should be considered as an interim solution for now.

Discussions between Ms. Maville, Assistant Mayor Wilkie and Council Sykes took place and are listed under Council/Staff Comments below.

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

- **Mr. Casale (Ward-2):** He spoke about his reasons why he felt the City is not receiving enough money from Food Trucks for their parking spaces, noting that we have to look inwardly for what we charge for services around the City and spoke about the tax crises in Lebanon and State of New Hampshire. He requested the Council to think about what can be charged for City Services in the future and asked for competitive rates.
- **Ms. Lori Key (Ward-3):** She spoke about the disruption in parking, noting it is pretty significant during weekdays. She was uncertain about trying to fit in 6 Food Truck parking spots. For the record, she felt that Lebanon has to do a better job in supporting taxpaying businesses so they can stay vibrant.

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

Councilor Zook arrived at 6:50 PM

Council/Staff Comments:

Assistant Mayor Wilkie spoke about the option process for the space that has electricity and questioned if the option process could actually be applied to any space in case there is a lot of interest in the spaces around the City. He also questioned if the \$200 fee was the minimum for one of the 6 spaces. Ms. Maville said yes to both, noting the South Park Street area was mentioned because it is the most highly desired space and further explained her reasoning.

In response to Councilor Sykes' question regarding ending license agreements with Salt hill Pub and Three Tomatoes for use of West Park Street and Court Street for summer dining, Ms. Maville noted that some of the public comments had to deal with the closure of the parking lot and the closure of Court Street. There was some discussion about the potential of Food Trucks being able to go into the parking lot where Salt hill Pub currently sets up their tent but noting nothing came out of this discussion.

The Council discussed asking for a percentage of profits from outside vendors; potentially increasing the overall baseline fee for Food Truck vendor application licenses from \$200 to \$500 per parking space; how it might not be worth looking at price changes for this season, since the season will be starting within the next two weeks, but would be good to look at these rates in the future; comparing what the market rates might be for outdoor food vendors in other communities; how the City should use this year's fees as a baseline and then reassess these fees at the end of this season; putting all City service fees into the Chapter 68 codes so the Council only needs to approve Chapter 68 in the future; how little the City is charging for businesses who use the City's outdoor space for dining; whether or not there is an industry standard of average fees in New England (this is something that the FTTF would need to take a look at as they had not discussed this during their meetings and this was not part of their charge); how Food Truck fees are not part of the Zoning Ordinance-Private property owners will charge their own separate fees, so the \$200 fee is not applicable to them; looking at the season permit fee of \$125 for businesses on the Mall in the future; and, how the use of City property is worth a lot more than what is currently being charged, and the Council should be looking at fees not just at Colburn Park but in Downtown West Lebanon, the Miracle Mile, etc.

Assistant Mayor Wilkie noted that it is not good to look at these fees on the fly and suggested that the City should be charging more, noting that we should not be charging more to the extent that the City would lose opportunities. He would like to see fees increased gradually but be prepared to revisit this issue in a year once we have the benefit of knowing what this process would yield and how it would differ for the spaces we have.

Mayor Whittlesey suggested the Council move forward with this proposal as presented and felt there is a mechanism in the code that would allow fees to increase if we see that increases would support the market demand. He would also like to see all service fees moved into Chapter 68 so the Council can do a comprehensive review of all fees.

In response to Councilor Simon's request, Mayor Whittlesey agreed that in the not so distant future, these fees can be placed on the Council's agenda for their review and discussion.

ACTION:

Councilor Simon MOVED, that the Lebanon City Council hereby adopts Ordinance #2025-01 to delete and repeal City Code Chapter 179, Vendors, and replace it with a new City Code Chapter 179, to be entitled Vendors, as presented in the April 2, 2025 City Council Agenda Packet. Seconded by Councilor Stavis.

****The Vote on the Motion was approved by members present (8-0).***

10. OLD BUSINESS: NONE

11. NEW BUSINESS

A. Presentation of American Public Works Association (APWA) Accreditation Process

Included in the agenda packet: **(All supportive documents and information can be found on pages 59-66, Council agenda packet)**

1. Presentation slides for APWA Accreditation

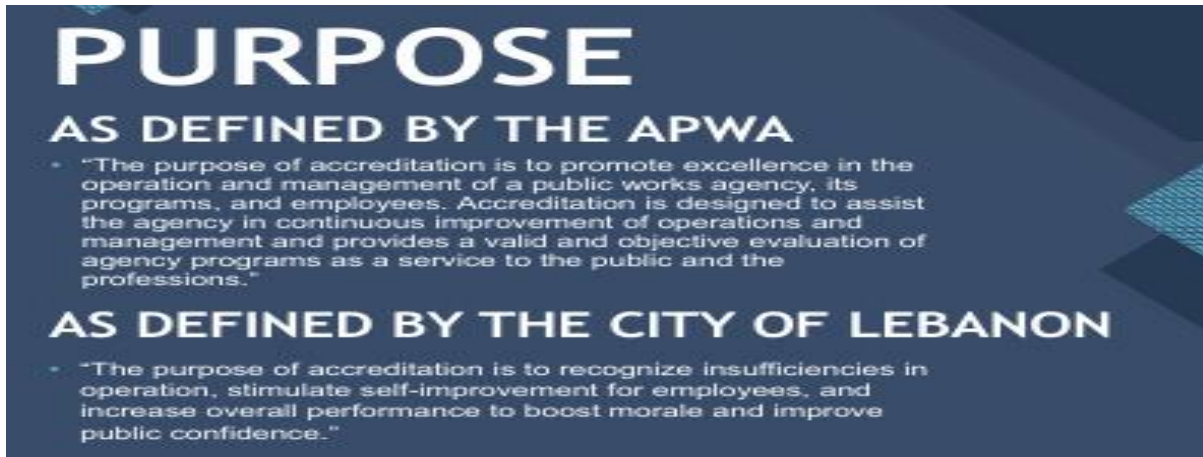
City Manager Mulholland noted this has been a priority to make sure the Department of Public Works is operating with the best standards in place, so issues do not arise in the community.

Ms. Paula Maville (Deputy City Manager/Special Projects) reviewed the background and gave a presentation of American Public Works Association (APWA) Accreditation Process as presented on **pages 59-66, Council agenda packet**. Ms. Maville will be the Accreditation Manager for this initiative.

BACKGROUND

The City of Lebanon is undertaking a process to pursue accreditation from the American Public Works Association (APWA). The purpose of the accreditation process, as defined by the City, is to recognize insufficiencies in operation, stimulate self-improvement for employees, and increase overall performance to boost morale and improve public confidence.

The accreditation process will address thirty-four (34) functional areas and will include nine (9) DPW divisions and will involve six (6) additional departments.



In order to look at accomplishing and becoming compliant in all the 454 management practices, they will be working with all the 9 DPW Divisions, which includes the administrative area, engineering, facilities, fleet, cemeteries grounds, coordination Recreation Department, water/wastewater. They will also be working with 6 additional departments within the City, which include Fire, Planning, Cyber Services, the City Manager's Office, Human Resources and Finance.

Ms. Maville also reviewed the 5-step process, the participants and their roles/expectations, and the total fee for the City would be ~\$9K to get this underway. Once underway, the City has 3-years to complete the accreditation, but our goal is to complete this process within 18-24 months. Once accreditation has been completed it will last for 4-years.

ACTION: *No City Council action was required; this item was for informational purposes only.*

B. Request from Devon Blanchard of DB Lights for a Monument in Colburn Park

Included in the agenda packet: **(All supportive documents and information can be found on pages 67-82, Council agenda packet)**

1. February 13, 2025 email request from Devon Blanchard
2. Presentation slides prepared by Devon Blanchard, Owner of DB Lights
3. Letters of Support obtained by Devon Blanchard

Mr. Devon Blanchard reviewed the background and explained his reasons behind his request for a permanent monument in Colburn Park. (His full presentation is included in the agenda packet.)

BACKGROUND

On February 13, 2025, Devon Blanchard, Owner of DB Lights, contacted the City Manager's Office with a request to have a permanent monument built in Colburn Park to recognize his volunteer work on his

annual light display. Following a meeting with the City Manager, this item was added to the April 2nd City Council meeting for further discussion.

Council/Staff Comments:

In response to Mayor Whittlesey's question regarding if there is a process by which such requests are vetted, City Manager Mulholland noted there is a Public Arts Policy, but this request does not fall into that category. There is also a Cemeteries Policy. The City does not have a policy for Colburn Park. This is something the Council should consider before any monuments/memorials are installed and explained his reasoning. He also wanted the Council to think about what the purpose of the park is before any decision is made.

The Council held discussions about whether or not to allow a private monument to be placed in a public park, such as Colburn Park and what the process should be; how this request does not fall under the purview of the Heritage Commission but might fall under the Arts & Cultures purview; being careful with setting a precedent for placing a private memorial in a public park; how the cemeteries have a policy for providing space for monuments, where a person can buy a lot and place the monument on that lot; how this request seemed to be more of a memorial rather than a monument; how Mr. Blanchard should consider this memorial outside of Colburn Park, perhaps as an art installation; and, how there have been other art installations reviewed by the Arts & Culture Commission that were considered temporary on the Lebanon Mall.

City Manager Mulholland explained the process to Mr. Blanchard on having his memorial reviewed by the Arts & Culture Commission.

Councilor Simon thanked Mr. Blanchard for all the work he does in putting forth his light displays in the City. He also extended many encouraging words and ideas, noting that there may be some other organization with the community that might love to have a monument on their property in memory of others. Keep up the good work you do. He did not want Mr. Blanchard walking away feeling rejected because he is on the right path.

Mayor Whittlesey echoed what Councilor Simon said and thanked Mr. Blanchard for all his volunteer work and efforts in bringing lights to Colburn Park, the Mall and other areas around Lebanon, NH.

ACTION: No action taken by the Council.

- C.** Discussion and Set Public Hearing for April 16, 2025: Ordinance #2025-05, City Code Chapter 31, Boards, Committees & Commissions, to Add the Lebanon Energy Advisory Committee (LEAC)

Included in the agenda packet: [**\(All supportive documents and information can be found on pages 83-85, Council agenda packet\)**](#)

1. Proposed Ordinance #2025-05

Assistant Mayor Wilkie reviewed the background and described the process for potentially adding another person to LEAC, which is already a full Committee. While investigating the process, he found that LEAC was never added to the City Code and further explained his reasons for adding another person (i.e., Clifton Below) to LEAC, which is a technical Committee. He felt that ensuring a person who is knowledgeable about LEAC would be a good option, since the City Council finds itself very busy

working on the budget, the City Manager search process, etc. and may not be able to attend LEAC meetings on a regular basis. He requested the Mayor to expand the allowable membership and appoint another person to fill the City Council representative's seat.

BACKGROUND

An agenda request was submitted by City Councilor Devin Wilkie to amend the membership of the Lebanon Energy Advisory Committee (LEAC). Councilor Wilkie proposed to authorize the Mayor to request that the City Council appoint a suitable person, other than a City Councilor, to fill the designated City Councilor position if the Mayor deems it appropriate to do so.

LEAC was created by the City Council in 2007 and the charge and membership have been amended several times since then. However, the creation of LEAC was never adopted by ordinance into City Code Chapter 31. This agenda item would address both issues by creating an ordinance that puts LEAC in the City Code and would allow the modifications regarding membership as discussed above.

Council/Staff Comments:

Assistant Mayor Wilkie explained the process and reason why City Councilors are selected to cover different Boards/Committees/Commissions to incoming Councilor Ford Burley.

Mayor Whittlesey was in favor of this option because there will be scenarios where a person with expertise is needed.

City Manager Mulholland explained that the Mayor has the sole authority to appoint a City Councilor to Boards/Committees/Commissions or appoint another person to replace a City Councilor on a Board/Committee/Commission.

In order to alleviate the language confusion regarding "suitable person" in the ordinance, Mayor Whittlesey suggested editing the ordinance to read: "ask the City Council to appoint a suitable person to fill..."

Deputy City Manager David Brooks informed the Council that the Public Hearing Notice has already gone out to the Valley News because of the timeline for getting things printed. The change in the text of ordinance is not going to be in the ordinance but he will make sure this change to membership section is reflected in the ordinance that comes back to the Council. It may be presented as a **red line**, so everyone can see this is a change that has happened.

After further discussions took place and questions were answered for Councilors, the Council took the following action:

ACTION:

***Councilor Sykes MOVED, that the Lebanon City Council hereby schedules a public hearing for Wednesday, April 16, 2025, beginning at 7:00pm 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 #2025-05, to amend the Code of the City of Lebanon, Chapter 31, Boards, Committees and Commissions, to add the Lebanon Energy Advisory Committee (LEAC).
Seconded by Assistant Mayor Wilkie.***

Councilor Sykes spoke to the motion by explaining his reasons why he was in favor of putting this into the code. He also spoke to his concerns but noted the Council can have further discussions on April 16, 2025.

****The Vote on the Motion was approved among the members present (8-0).***

- D.** Authorization for City Manager to enter into an agreement with the Town of Wentworth, NH for limited purpose of receiving recycling material at the Lebanon Solid Waste & Recycling Facility

Included in the agenda packet: **(All supportive documents and information can be found on pages 86-87, Council agenda packet)**

1. March 11, 2025 letter from Town of Wentworth, NH, Selectboard members

City Manager Mulholland reviewed the background

BACKGROUND

On March 11, 2025, the Selectboard of the Town of Wentworth, NH, submitted a letter to the City to formally request consideration for an agreement allowing residents of Wentworth to utilize Lebanon's recycling facility for recyclable materials only. The letter indicates that Wentworth does not currently offer a recycling program, and the Town is interested in arranging a viable and sustainable solution in a community that Town residents may already be traveling to for work, shopping, healthcare, or other purposes. The Town of Wentworth residents would need to get permits like everyone else and individuals would only be allowed to bring in recyclables.

ACTION:

***Councilor Simon MOVED, that the Lebanon City Council hereby authorizes the City Manager to negotiate and enter into an agreement with the Town of Wentworth, NH, to allow Wentworth residents to utilize Lebanon's recycling facility for recycled materials only.
Seconded by Councilor Ford Burley.***

****The Vote on the Motion was approved by members present (9-0).***

- E.** Discussion and Set Public Hearing for May 7, 2025: Ordinance #2025-06, Adopt New City Code Chapter 85, Housing Standards, Minimum

Included in the agenda packet: **(All supportive documents and information can be found on pages 88-105, Council agenda packet)**

1. Proposed Ordinance 2025-06
2. Letter of Support from the Lebanon Housing Task Force
3. NH RSA 48-A, Housing Standards

Mr. Nathan Reichert (Director of Planning & Development) introduced Mr. Hays, and noted they were simply asking for a Public Hearing on the proposed Housing Minimum Standards Ordinance.

Mr. Leigh Hays, Chief Building Official and Health Officer, reviewed the background and provided an overview of the proposal to the City Council. Adopting the proposed new City Code would give the City flexibility and the ability to use a local situation that has already been adopted in the City Code. This has been brought before the Housing Task Force who approved of this change.

BACKGROUND

Over the course of the past year, the City has received numerous complaints concerning housing (i.e., heat, pest infestations, etc.). Through the course of investigating, verifying, and working with the property owners to bring their properties into compliance with the State's minimum housing standards, as set forth in NH RSA 48-A, it has become apparent that relying solely on the State RSA for enforcement is difficult and labor intensive. For example, in order to enforce the statutory provisions, the Planning and Development Department has to involve the City's Prosecutor and charge the property owner criminally for violations of the statute.

However, NH RSA 48-A grants local municipalities the power to adopt their own minimum housing standards ordinance. The enforcement of a local ordinance is less involved and labor intensive and allows the use of a local citation process to achieve compliance, instead of criminal prosecution.

The proposed City Code Chapter 85 is a replica of the state minimum housing standards and enforcement procedure, with a few additions under Section 85-5.J, General Occupancy Standards, to help ensure safe residences for all of Lebanon's citizens. The proposed ordinance has been reviewed by the City's legal counsel to ensure compliance with all relevant state laws.

Council/Staff Comments:

In response to Councilor Sykes' question regarding whether or not this would add an additional workload, City Manager Mulholland explained that under the State's minimal housing standards, the City would need to have the Police Department involved (in each complaint) to criminally charge these individuals, which is far more expensive and less efficient. In this proposal, the City would just order a citation and notice of violation. It's about being able to handle these complaints efficiently.

Councilor Stavis noted that it appeared to her that Mr. Hayes could already do what he is proposing to do with a criminal offense. Mr. Hayes noted he went through the New Hampshire Municipal Association's legal services to get clarification and referred to and explained his understanding of the following (on page 105 of the agenda packet) that reads:

Section 48-A:15

48-A:15 Enforcement of Minimum Standards. – In municipalities which have not established a public agency as described in RSA 48-A:3, a violation of the minimum standards set forth in RSA 48-A:14 shall be a violation, and each continuing day of violation after notice shall be a separate offense.

The Council discussed how often the State's codes change; what happens when the State's codes change; how and why these complaint cases can be very time consuming.

Deputy City Manager Brooks read this State's Housing Standards to the Council. He pointed out the proposed Ordinance (Section 85-5 paragraph B: Housing Standards) noting city staff can look to see if other references to the statutory language are in here and make sure those kinds of changes are automatically captured, to the extent that is appropriate.

ACTION:

Councilor Simon MOVED, that the Lebanon City Council hereby schedules a public hearing for Wednesday, May 7, 2025, beginning at 7:00pm 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 #2025-06, to enact a new City Code Chapter 85, Housing Standards, Minimum.

Seconded by Councilor Stavis.

****The Vote on the Motion was approved by members present (9-0).***

F. Discussion of Proposed Amendment to City Council Rules: Chapter A191-8, Order of Business

Included in the agenda packet: **(All supportive documents and information can be found on pages 106- 115, Council agenda packet)**

1. Proposed amendment to City Council Rules, §A191-8, Order of Business
2. City Council Rules as adopted on March 20, 2024

Mr. Brooks, Deputy City Manager, reviewed the background behind the proposed amendment to the City Council Rules. We try to make sure that the rules, as outlined, correctly reflect the way the Council actually conducts their meetings.

BACKGROUND

During the annual Organizational Meeting on March 26, 2025, the newly-seated City Council voted to adopt the Council Rules as set forth in Chapter A191 of the City Code.

Once formally adopted, the City Council may amend the Rules. The amendment process is outlined in §A191-13.B, which states, “These rules may be amended or new rules adopted by a two-thirds vote of all members of the Council. Any such alterations or amendments shall be submitted in writing at the preceding regular meeting and shall be placed on the calendar under the order of new business.”

The proposed amendment to the Council Rules, Chapter A191-8, is to amend the Order of Business. Currently, the Council’s Rules indicate that the Order of Business will include #12, Council Representatives to Other Bodies Report, and #13, Future agenda items. However, in recent years, the Council has begun to host quarterly Board and Committee Reports to allow the Chairperson of each board, committee, or commission to provide an oral or written update on the activities of the respective body. As a result, agenda item #12 is rarely utilized by individual City Councilors to provide updates regarding the other boards and committees on which they serve. Similarly, the Council’s Rules indicate that the regular Order of Business will include item #13, Future agenda items. However, the City Manager’s Office already routinely summarizes upcoming appointments and agenda items at the bottom of each published meeting agenda.

In an effort to have the Council’s Rules reflect the actual conduct of its meetings, a proposal is being made to remove Items #12 and #13 from the regular Order of Business as set forth in Chapter A191-8.

In accordance with Chapter A191-13 of the Council’s Rules, amendments must be presented in writing at the preceding regular meeting, prior to adoption. As such, if there is support among the City Council for the proposed change, this amendment will be presented for adoption at the April 16th meeting. Adoption requires a 2/3 vote of all members of the Council

The business of all regular meetings of the Council shall be transacted in the following order, unless the Mayor elects to change the order of business for good cause. If any member of the Council objects to the proposed change to the order of business, the Mayor shall ask that the Council vote on the proposed change, by a vote of at least 2/3 of the members present, to suspend the rules and change the order of business as follows:

1. Call to Order.
2. Pledge of Allegiance.
3. Announcement by Mayor. Public forum. “Any member of the public who desires to speak on any agenda 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 public. (Limited to 10 Minutes)
5. Recognitions.
6. Acceptance of Minutes.
7. Appointments.
8. Public Hearings
 - i. Presentation
 - ii. Mayor Opens Public Hearing
 - iii. Questions and Comments by the Public
 - iv. Mayor Closes Public Hearing
 - v. Council Deliberation & Action
9. Old Business.
10. New Business.
11. City Manager Report
12. ~~Council Representatives to Other Bodies Report~~
13. ~~Future agenda items~~
- 14-12. Nonpublic sessions.
- 15-13. Adjourn.

Council/Staff Comments:

The Council held discussions regarding the order of the Council’s agenda and the removal of #12 (Council Representatives to other Bodies) and #13 (Future agenda items). After discussions and suggestions were made, the Council decided to move #12 (Councilor Representatives to Other Bodies Report) to before Open to the Public (#4 now) and rename it to read “Open to the Council.” Item #13 (Future agenda items) will be removed.

ACTION: *No action is required at this time. Action on the amendment will be scheduled for April 16, 2025.*

- G.** Presentation & Discussion of Proposed Revisions to City Council Policy CC-108 Ethics Policy to create a combined policy to include City employees presently covered by ADM- 108 Ethics Policy

Included in the agenda packet: **(All supportive documents and detailed, including the proposed City Council’s Policy, Ethics, and Conflict of Interests for Elected, Appointed City Officials and Employees, information can be found on pages 116- 123, Council agenda packet)**

1. Proposed City Council Policy, Ethics and Conflict of Interest for Elected, Appointed City Officials and Employees, CC-108.1

City Manager Mulholland reviewed the background.

BACKGROUND

The City Council adopted an Ethics and Conflict of Interest Policy on 5/2/2012 (12-02-C) which was revised on 8/2/2021 (renumbered to CC-108). This policy applies to elected officials and those officials

appointed by the City Council. The City Manager implemented an ethics policy on 8/24/2018 which was recently revised on 1/14/2025. This policy applies to city staff and those officials appointed by the City Manager.

The City Manager is proposing a combined policy that addresses ethics, conflict of interest and lobbying for elected and appointed officials as well as city staff. This creates one standard for everyone. The City Council and the City Manager would need to agree on a combined policy as city staff and those officials appointed by the City Manager are under the authority of the City Manager

Council/Staff Comments:

A short discussion between Councilor Stavis and City Manager Mulholland took place regarding Section 4.2 as listed below:

4.2 Prohibited Activities/Lobbying.**2. Electioneering and Lobbying:**

Employees shall not engage in lobbying activities during work hours or use City resources for lobbying purposes. The City Manager may authorize City employees to advocate on behalf of the City regarding matters that are germane to the City **and are not contrary to the legislative policy positions of the City Council.**

ACTION:

***Councilor Wilkie MOVED, that the Lebanon City Council adopts the revisions to CC-108 Ethics and Conflict of Interest Policy and rennumbers the policy to CC-108.1 in concurrence with the City Manager with an effective date of 60 days from the date of adoption
Seconded by Councilor Ford Burley.***

****The Vote on the Motion was approved by members present (9-0)***

12. City Manager Report:

City Manager Mulholland updated the Council on the following:

- Westboro Yard
- Public Engagement Session: April 16, 2025
- City Manager Transition Process: Interim City Manager Jack Wozmak will start on Monday, April 7, 2025, and will be shadowing City Manager Mulholland to get up to speed (with City affairs).
- SB 297 Health Insurance: This is a serious issue and will have impacts on the City in terms of costs. The City (the HR Dept.) will be contracting with an insurance broker to shop for private health insurance regardless if SB 297 passes or not and Health Trust will be hiring a lobbyist to advocate for its position. Mayor Whittlesey noted this is a very significant concern in the Mayor's Group as well.
- HB 707 Landfills: Has passed the House and is now in the Senate but has not been assigned a hearing date yet.
- Landfill: Recycling study is wrapping up. There will be public education sessions.
- Strategic Plan: There will be a special meeting on May 14, 2025
- Gas to Energy Project: Will be brought before the Council in May 2025.
- Maintenance Plans for 2025.
- Rail Trail Extension: If the NH DOT can't get this together, the City will lose this grant.

- Landfill Expansion Permitting.
- Dry Bridge: Councilor Simon asked “at what point do we take this further (i.e., press release/conference) to inform the City’s residence the City Council is doing everything we can to get this done and we are ready to go but it is the railroad that is holding this up! It’s not the State of New Hampshire Railroad Commission; it is the actual train operator (who is holding this up). Maybe it is time to stop being nice on this issue and make some real noise.

The Council continued discussing their frustration, with Councilor Stavis noting she was fully prepared to walk into the State Commissioner’s Office any time in Concord and just sit there and demand that something be done. City Manager Mulholland noted that the State Commissioner has been as helpful as he can be on this issue and continued to explain the issues that have been occurring on the railroad side of things.

- Comcast Franchise Agreement: Due in August 2025.
- GMP Hydro Dam Agreement
- Litigation issue has been dismissed by the Court
- 375 North Main Street: We now have a contract with Hammond Demolishing Grinding to do this work.

13. COUNCIL REPRESENTATIVES TO OTHER BODIES: NONE

14. FUTURE AGENDA ITEMS:

15. NON-PUBLIC SESSION:

Assistant Mayor Wilkie MOVED to go into Non-Public Session for the purpose of discussing RSA 91-A:3, II(a) – “The dismissal, promotion, or compensation of any public employee or the disciplining of such employee, or the investigation of any charges against him or her...”
Seconded by Councilor Simon.

Roll Call Vote:

Voting Yea: Assistant Mayor Wilkie and Councilors Heistad, N. Ford Burley, Stavis, Simon, Sykes, Zook and Mayor Whittlesey

None voted Nay.

Absent from vote: Councilor McNamara

**The Vote on the Motion was approved by members present (8-0)*

The Council went into Non-Public Session at 9:10 PM

Councilor Heistad MOVED to come out of Non-Public Session.
Seconded by Councilor Sykes

Roll Call Vote:

Voting Yea: Assistant Mayor Wilkie and Councilors Heistad, N. Ford Burley, Stavis, Simon, Sykes, Zook and Mayor Whittlesey

None voted Nay.

Absent from vote: Councilor McNamara

**The Vote on the Motion was approved by members present (8-0)*

The Council came out of Non-Public Session at 9:29 PM

THE COUNCIL WAS BACK IN PUBLIC SESSION.

16. ADJOURNMENT:

Councilor Heistad MOVED for adjournment.

Seconded by Councilor Nicole Ford Burley

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

The meeting was adjourned at 9:30 PM.

Respectfully submitted,
Dona E. Gibson
Recording Secretary