

FINAL

**LEBANON CITY COUNCIL
SPECIAL MEETING MINUTES
Thursday, January 21, 2026 6:00 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, Timothy McNamara, Laurel Stavis, Christian Simon, and George Sykes

MEMBERS ABSENT: Karen Zook

STAFF PRESENT: City Manager Andrew Hosmer, Deputy City Manager David Brooks, Director of Planning and Development Nathan Reichert, Lebanon Fire Chief/Emergency Management Director Jim Wheatley, City Clerk Jaseya Ewing, Finance Director Alesia Williams, Associate Planner Catheryn Hembree

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

- City Manager Andrew Hosmer announced the meeting criteria for attendees.

2. PLEDGE OF ALLEGIANCE: Mayor Whittlesey led the Council in the Pledge.

3. BOARDS and COMMITTEE REPORTS (4th Quarter 2025)

ARTS & CULTURE (A&C) COMMISSION: Assistant Mayor Wilkie

Assistant Mayor Wilkie updated the Council on the following:

- Tunnel Art – almost complete
- Poetry Stamping on sidewalks/Poetry from the community contest
- Membership recruitment
- 2026 opportunities to build partnerships with other Art Organizations
- Mayor Whittlesey thanked the A&C for the new tunnel mural

CONSERVATION COMMISSION (ConCom): Chair Riley

Chair Riley updated the Council on the following:

- Hypertherm Employees and community volunteers: Helped with Managing invasive species and overgrown trails
- Land Donation of 22 acres on Stevens Road
- Mascoma Lake Watershed Management Plan Grant Report: Publication of report will most likely take place in February of 2026
- Visit from wetland scientist representing the Lebanon Woolen Mill Project ARM Fund Application: ConCom endorsed this project

DIVERSITY, EQUITY AND INCLUSION (DEI): Assistant Mayor Wilkie

Assistant Mayor Wilkie updated the Council on the following:

- Working on a response to State Legislative
- New DEI Task Force approved by Council

ECONOMIC DEVELOPMENT COMMISSION (EDC):

- While there was no formal report, Deputy City Manager Brooks noted they spent the September and October meetings reviewing Zoning Amendments.

HERITAGE COMMISSION: Chair and Councilor Nicole Ford Burley

Chair N. Ford Burley updated the Council on the following:

- One application was reviewed for a Certificate of Approval.
- Updating the Historic Resources Chapter of the Master Plan: Has been completed
- Minor revisions to the Historic District Zoning Ordinance
- Membership
- Plan for 2026 is more outreach to residents/property owners/local schools and more educational opportunities

LEAC (LEBANON ENERGY ADVISORY COMMITTEE): Council Appointed Member Clifton Below
Mr. Below updated the Council on the following:

- Focus on looking at energy over the next year and if there is anything that should go into the Capital Improvement Project (CIP) this upcoming year
- Exploring projects that would not require a significant amount of taxpayer funds or could potentially pay for themselves
- Bicycle charging station: Some funding came through
- Worked on Zoning Ordinances/Electric Vehicle (EV) requirements
- Regional Energy Committees Meeting
- Clean Energy New Hampshire
- Community Power Coalition and the legislative work with this coalition

LEBANON HOUSING TASK FORCE: Councilor/Chair McNamara

Councilor/Chair McNamara updated the Council on the following:

- Community Housing Report: Report should be issued in the next month or two

SCHOOL/CITY TASK FORCE: Mayor Whittlesey

Mayor Whittlesey updated the Council on the following:

- Focus has been on working with the School District to look at uses for the property in and around the SAU and how we might be able to partner with the Boys & Girls Club to build a Child Care Facility. This is in the early stages and is a critical need within the City & Upper Valley area.

WEST LEBANON REVITALIZATION ADVISORY COMMITTEE (WLRAC): Councilor Stavis

Councilor Stavis updated the Council on the following:

- Sad News: Saluted a member of this committee who has recently passed away unexpectedly

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

5. OPEN COUNCIL DISCUSSION:

Assistant Mayor Wilkie made the following announcements:

- Homelessness Awareness Day Community Gathering tomorrow (1/22/26) at 4:30PM, Upper Valley Haven
- Annual Point-in-Time Count Meeting on January 28: This attempts to figure out how many people are living on the streets in communities across the county. Volunteers will be out on January 29-30, 2026 to collect data. For anyone who is living outdoors/homeless, please feel free to visit or contact, one of the “Pit Stops” at Kilton Library in West Lebanon, TLC Family Resource Center, LISTEN Dining Hall in White River Junction, VT; and the LISTEN Food

Pantry on Hanover Street in Lebanon, NH. The Point-in-Time Count determines who is able to receive Federal Financial benefits.

6. OPEN TO PUBLIC: NO ONE CAME FORTH

7. RECOGNITIONS:

- RESOLUTION HONORING BILL KOPPENHEFFER

WHEREAS, the Zoning Board of Adjustment plays a vital role in ensuring that decisions affecting the rights of property owners and the integrity of the community's zoning standards are made fairly, impartially, and with deep regard for due process; and

WHEREAS, Bill Koppenheffer was appointed to the Zoning Board of Adjustment in 2009 and has served the residents of the City of Lebanon for 16 years through conscientious participation in public hearings, deliberations, and decisions that reflect the board's mission; and

WHEREAS, the Planning Board is responsible for reviewing proposed new construction and subdivisions of land, ensuring that land use projects comply with local and state land use codes and regulations; and

WHEREAS, Bill Koppenheffer was appointed to the Planning Board in 1994 and served the residents of the City of Lebanon for 6 years bringing steady judgment and careful review to planning matters and helping guide decisions that supported sound, consistent land use; and

WHEREAS, Bill's service has exemplified the spirit of volunteerism and has strengthened the City's land-use decision-making process; and

WHEREAS, Bill is retiring after more than 22 years of volunteer service with the City, leaving a legacy of steady leadership, fairness, and commitment to public service.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Lebanon that the sincere appreciation of the City is hereby extended to Bill Koppenheffer for his long-standing commitment, leadership, and valuable service and contributions to the community as a member and Chair of the Planning Board and the Zoning Board of Adjustment.

BE IT FURTHER RESOLVED that this Resolution be written upon the minutes of the Lebanon City Council meeting.

Dated this 21st day of January 2026.

Douglas Whittlesey, Mayor
on behalf of the Lebanon City Council

Mr. Koppenheffer was present to accept this written Resolution and spoke about his years of volunteer service with Planning Board and Zoning Board of Adjustment.

8. ACCEPTANCE OF MINUTES:

Adjustment to the December 17, 2025 FINAL Budget Public Hearing Minutes (RESOLUTION 1):

Deputy City Manager Brooks noted that an AMENDMENT #6 TO RESOLUTION #1 was inadvertently

left out of those December 17, 2025 minutes. It was caught by our Finance Department, and this information is very important and should be added to, and reflected in these minutes as follows:

- (6) **COUNCILOR SIMON MOVED** to decrease the General Fund budget by \$385,000 for the purpose of reducing the DPW budget for paving.

SECONDED BY COUNCILOR MCNAMARA.

After the Council held discussions about the pros/cons to this amendment the following took place:

“COUNCILOR SIMON AMENDED HIS MOTION to change the reduction from \$385,000 to \$200,000.”

SECONDED BY COUNCILOR MCNAMARA, who agreed with the amendment.

VOTE ON THE AMENDMENT was 7-1-1. Opposed: Counselor Sykes. Abstained: Assistant Mayor Wilkie.

While the Council has already approved the December 17, 2025 minutes, this change will be reflected in tonight’s minutes as having been discussed and will get captured, along with the discussion of minutes that are on tonight’s agenda.

January 7, 2026 (Regular Meeting)

Amendments:

- **Page 11, Lines 12-14 should read as follows:** *Assistant Mayor Wilkie withdrew his nomination for Gail Dokucu (Alternate Member) to the Arts & Culture Commission until she has attended one meeting of the Arts & Culture Commission and the Council agreed to postpone the vote.* He wanted to also revisit this requirement for Alternate Members.
- **Page 20, line 5:** Change City Manager to “Deputy City Manager”
- **Page 10, lines 11;** Should read as follows: *The NOMINATION for Roxanne Benzel as an Alternate Member to the Heritage Commission was postponed by N. Ford. Burley until Ms. Benzel has attended one Heritage Commission meeting. Councilor*

Councilor McNamara MOVED to approve the January 7, 2026 minutes as amended and presented in the January 21, 2026 City Council agenda packet.

Seconded by Councilor Heistad.

**The Vote on the Motion was approved (7-0). Councilor Sykes was not present at the time this vote was taken.*

9. APPOINTMENTS: NONE

10. PUBLIC HEARING ITEMS:

A. Proposed Amendment to the Zoning Ordinance for 2026 Municipal Ballot - Public hearing for the purpose of receiving public input and taking action to place proposed zoning amendments on the 2026 Municipal Ballot, as follows:

- **Amendment #17** – To amend the RL-1, RL-2, and RL-3 Zoning District Use Tables in relation to uses formerly defined under “*Care and Treatment of Animals*”. (**Zoning**

Ordinance Sections: 312.2, 313.2, and 314.2)

Included in the agenda packet: (All supportive documents and information can be found on pages 22-30, Council agenda packet. Minutes do not include screenshots, graphs, or images.)

1. January 12, 2026 memorandum from the Planning & Development Department regarding “Proposed Zoning Amendment #17: Care and Treatment of Animals”.

Not Included, but Available:

2. [January 7, 2026 Agenda Packet for Proposed Zoning Amendments for 2026 Municipal Ballot and for Council Adoption](#)

Director Reichert and Catheryn Hembree (Associate Planner) reviewed the background behind the changes made to Amendment #17.

BACKGROUND

On October 1, 2025, the City Council was presented with a number of proposed amendments to the Zoning Ordinance. The Council acted to accept the amendments as presented and forwarded them for review and comment by the Planning Board, Conservation Commission, and Zoning Board of Adjustment as required by Section 1000 of the Zoning Ordinance. Legal review has been obtained, and all land use boards have completed their review.

A follow-up presentation was held with the City Council on January 7, 2026, at which time the following proposed amendment was scheduled for a public hearing. In accordance with Section 1000.4(A) of the Zoning Ordinance, a portion of proposed Amendment #17, listed below, requires voter approval before it can take effect:

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

Following the public hearing on the proposed amendment listed above, the City Council was asked to take action to have the amendment placed on the March 10, 2026 Municipal Ballot for consideration by Lebanon voters.

Council/Staff Comments:

Councilor McNamara noted the statement as previously stated is too broad and this (statement) makes it clear about what type of animal treatment and care is allowable and in what district.

ACTION:

Councilor Stavis MOVED, that the Lebanon City Council hereby requests that the City Clerk place a portion of Amendment #17, involving amendments to the Rural Lands One (RL-1), Rural Lands Two (RL-2), and Rural Lands Three (RL-3) zoning district use tables, onto the March 10, 2026 Municipal Ballot for consideration by Lebanon voters.

Seconded by Councilor Simon.

****The Vote on the Motion was approved (7-0). Councilor Sykes was not present at the time this vote was taken.***

B. Proposed Amendments to the Zoning Ordinance for Council Adoption – Public hearing

for the purpose of receiving public input and taking action on proposed zoning amendments for adoption by the City Council, as listed below:

Included in the agenda packet: (All supportive documents and information can be found on pages 31- 93, Council agenda packet. Minutes do not include screenshots, graphs, or images.)

Included in agenda packet:

1. Memo titled "2025-2026 Proposed Zoning Amendments Schedule", dated December 23, 2025, including the following:
 - a. "Proposed Zoning Amendments 1-4: State Legislative Updates", dated December 22, 2025.
 - b. "Proposed Zoning Amendments 11-13: City Board, Commission, Committee Sponsored Amendments", dated December 23, 2025.
 - c. "Proposed Zoning Amendments 17-20: Misc & Technical Amendments", dated December 23, 2025.
 - d. "Proposed Zoning Amendment 21: Electric Vehicle, Section 607.8", dated December 23, 2025, including December 3, 2025 opinion letter from Attorney Matthew Decker.

Not Included in agenda packet, but Available:

1. [January 7, 2026 Agenda Packet for Proposed Zoning Amendments for 2026 Municipal Ballot and for Council Adoption](#)

Mayor Whittlesey noted the Council's plan was to take these in chunks as follows:

- **Amendments #1 through #4, which are State Mandated.**
- **Amendments #11 & 12.**
- **Amendments # 17, #18, #19 and #20, and then lastly**
- **Amendment #21.**

Councilor Sykes arrived at approximately 6:36PM.

BACKGROUND

On October 1, 2025, the City Council was presented with a number of proposed amendments to the Zoning Ordinance. The Council acted to accept the amendments as presented and forwarded them for review and comment by the Planning Board, Conservation Commission, and Zoning Board of Adjustment as required by Section 1000 of the Zoning Ordinance. Legal review has been obtained, and all land use boards have completed their review.

A follow-up presentation was held with the City Council on January 7, 2026, at which time the proposed amendments listed below were scheduled for this public hearing. (It is noted that the remaining zoning amendments were scheduled for public hearing on February 4th.)

Planning Director Reichert and Catheryn Hembree reviewed the background behind the changes made to Amendments #1, #2, #3, and #4. These are Amendments that are effectively brought to us by our friends in Concord, NH, who have decided to change State Law relative to these areas of the City's Ordinance.

- **Amendment #1** – To amend Section 209, Manufactured Housing, to allow manufactured housing units in zoning districts that allow one-family dwellings, as required by state law. (**Zoning Ordinance Section: 209**):

This is a holdover from the 2024 Legislative Session that allows for manufactured housing units

in all the Zoning Districts where one-family dwellings are allowed. We seek to do two things with this amendment: 1) To comply with the State Regulation, and 2) To have some design criteria that will go with allowing mobile homes to be in a broader area but must meet some architectural impact requirements should they be in certain neighborhoods.

- **Amendment #2** – To amend the MC Zoning District Use Table to allow *Multi-Family Residential* uses, as required by state law. **(Zoning Ordinance Section: 315.2)**
This is another response to State Law Change. This would allow Dartmouth Health to add housing to their campus.
- **Amendment #3** – To amend Section 607, Parking, to reduce minimum and maximum parking requirements for residential uses, as required by state law. **(Zoning Ordinance Section: 607)**
This would allow one (1) parking space per unit. In order to comply and keep our ratios in order, we have both a minimum and a maximum parking requirement and also added in that R-1 and R-2 (single- and two-family homes) are exempt from this and would be allowed to have a minimum on one (1) parking space, but they would not have a maximum number of parking spaces.
- **Amendment #4** – To amend Section 610, Accessory Dwelling Unit (ADU), to allow ADUs in zoning districts that allow one-family or two-family dwellings and amend and add definitions related to Accessory Dwelling Units, as required by state law. **(Zoning Ordinance Sections: 610 and Appendix A)**. This deals with allowing ADUs within any place the City allows one (1) and two (2) family dwellings. It also allows ADUs to be more accessible throughout the community.

Council/Staff Comments:

- Assistant Mayor Wilkie spoke about his concerns with Amendments #1 and #3 and #4, noting that the language may need to be cleared up and explained his reasoning. Ms. Hembree noted that the word “only” needed to be deleted in Amendment #1. For setback in the Zoning District **(Zoning Ordinance Section: 315.2)**. Director Reichert noted we have a framework for permitting Mobile Home Parks and we see them as a valuable tool for housing options. Keeping that structure in place is something we want to continue to do. We do have the ability to allow for existing parks to potentially expand. We have to follow all the Zoning rules (i.e., having a full foundation, etc.). There are differences in how a Mobile Home Park vs. a Manufactured Home (on a single-family lot) will function.
- Councilor McNamara expressed his concerns in #5 of Section 209: Manufactured Housing and asked if this should come out of this section. In response to Assistant Mayor Wilkie’s response, he felt this was an important clarification.

Mayor Whittlesey opened the Public Hearing on Amendments #1 through #4.

- Mr. Clifton Below (Ward-3): He spoke about his reasons why he felt Amendment #4 should be approved as written.

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

ACTION:

Assistant Mayor Wilkie MOVED that the Lebanon City Council hereby approved Zoning Amendments #1 through #4 as fully described and presented in the January 21, 2026 City Council Agenda Packet with the deletion of the word “only” in Amendment #1, first line after Manufactured Housing Units are permitted.....

Seconded by Councilor N. Ford Burley.

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

Director Reichert noted that Amendments #11 through #13 come from various Boards/Commissions.

- **Amendment #11** – To amend Section 408, Historic District (Design Regulations), to clarify application requirements and review criteria for development within the historic district(s). **(Zoning Ordinance Section: 408).** Catheryn Hembree noted that the purpose of this Amendment is to provide more guidance to the Heritage Commission when making decisions and to the applicant when applying for a Certificate of Approval. wanted to clear up the language, as depicted in the Council agenda packet, pages 54-58. Catheryn Hembree also spoke about the language changes made in Section 408, Historic District Design Standards and gave examples.

Councilor Stavis requested to see the map depicting the City’s Historical District(s). Catheryn Hembree said the map was not included in agenda packet because there have been no changes to it. Director Reichert presented a screenshot of the Historic Districts GIS Overlay Map, noting this has not been updated in a while. The National Historic Districts have expanded but these changes can be viewed on the City’s GIS Mapping System.

Assistant Mayor Wilkie requested that on page 54, line 71 the word “man-made” be changed to “human made.” Councilor N. Ford Burley had no problem with making that change.

- **Amendment #12** – To establish a new section for the regulation of mobile food service vending (a.k.a. food trucks), with associated new definitions. **(Zoning Ordinance Section: (new) 615 and Appendix A).** Director Reichert noted this (Amendment) creates a zoning process that allows for private landowners through the community to have Food Trucks available on their property and explained his reasonings and gave examples.
- **Amendment #13** – This was an Electric Vehicle (EV) Amendment that was rescinded at the request of Lebanon Energy Advisory Committee (LEAC).

Mayor Whittlesey opened the Public Hearing on Amendments #11 & #12.

- Mr. Clifton Below (Ward-3): He noted he served on the Food Truck Task Force and spoke about his reasons why he felt Amendment #12 should be approved.

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

Council/Staff Comments: NONE

Assistant Mayor Wilkie MOVED that the Lebanon City Council hereby approves Zoning Amendment #11 through #12 as fully described and presented in the January 21, 2026 City Council agenda packet with the addition to Amendment #11, Line 72, page 2 (page 54 in agenda packet) to change “man-made” to “human made.”

Seconded by Councilor N. Ford Burley.

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

Director Reichart noted that Amendments #17-#20 are all Staff-driven amendments.

- **Amendment #17** – To amend the definition of “*Care and Treatment of Animals*”, and to amend the IND-L, GC, GC-1, CB, and RO-1 Zoning District Use Tables in relation to uses formerly

defined under “*Care and Treatment of Animals*”. (**Zoning Ordinance Sections: 303.2, 305.2, 305A.2, 306.2, 311A.2, and Appendix A**)

Ms. Hembree noted the Planning Staff came across issues they would like to be corrected. Also, the second half of (Amendment) #17 is a change in definitions and the Use Tables for the commercial and other residential Lebanon Districts that do not have to go before the City for a vote. She explained where the changes were made. (Please refer to pages 66 – 73 where changes are reflected in red.)

Director Reichert also noted and spoke about the existing businesses throughout our community that would fit under this Use Code.

Assistant Mayor Wilkie noted Amendment #17 was not necessarily a Staff request. Changes were made to fix an existing problem that Councilors had made previously.

- **Amendment #18** – To amend Section 1000.2, Source of Proposed Amendments, to clarify petitioner’s responsibility for amendment process and applicable fees. (**Zoning Ordinance Section: 1000.2.D**)

Director Reichert explained the purpose of this Amendment is to place the burden of petitioned Amendments onto the petitioner and allow the City to recoup fees associated with the petitioned amendments. He also noted that the City currently does not charge fees and this would allow us to charge an applicable fee charge for the cost of notices (i.e., in the newspaper and those that go out through the mail.) (Please refer to changes, as highlighted in red, on page 74, agenda packet.)

- **Amendment #19** – To amend the definitions of “*Lot Width*” and “*Agriculture*”. (**Zoning Ordinance Section: Appendix A**)

Director Reichert noted this amendment was brought forth by Tim Corwin (Deputy Director of Planning and Development and changes to Definition of Agriculture as reference in State Law, along with other miscellaneous definitions. (Please refer to the changes made on pages 75-77, agenda packet.)

- **Amendment #20** – To amend Section 213 relative to new development that triggers the assessment of impact fees. (**Zoning Ordinance Section: 213**)

Director Reichert noted that we are trying to eliminate and close the loophole in the contradictory language in this Ordinance for dwelling units below 500 sq. ft. and to close the basement loophole. He also spoke about the time limit for replacing a structure (2-year replacement) and gave examples. (Please refer to the details as listed on page 78, Council agenda packet, where changes are highlighted in red.)

Council/Staff Comments:

In response to Councilor Stavis’ question, Director Reichert explained that the thinking on an ADU is something that the City Council wanted to see in order to create an incentive for owner-occupied ADUs. These owner-occupied ADUs will have a positive impact on the community and further explained his reasoning.

Councilor McNamara also explained that a finished basement is typically part of a living space in a home and is not considered an Accessory Dwelling Unit (ADU).

Councilor Stavis spoke about her reasons why she would like to revisit ADUs from time-to-time.

Councilor Simon spoke about his reasons why a structure replacement timeline should be changed from 2 years to a 3 to 4-year timeline and gave examples (i.e., how long it may take an insurance company to

close a claim, especially in the case of fire or a natural disaster, etc.).

Councilor McNamara concurred with Councilor Simon and suggested this timeline be changed to 4 years.

Mayor Whittlesey opened the Public Hearing on Amendments #17 through #20.

- Mr. Clifton Below (Ward-3): He spoke about his concerns about insulation for basements in the Building Code and gave examples. He also spoke about freestanding ADUs (1-bedroom or studios) noting the exemption should be raised to 700 sq. ft. and presented graphs showing examples of what 500 sq. ft. floor plan looks like vs. a 700 to 750 sq. ft. floor plan.

Hearing no further comments from the public, the Public Hearing was closed for Amendments #17 through #20.

Council/Staff Comments:

The Council discussed their reasons (for/against) raising the square footage from 500 sq. ft. to 750 sq. ft. Councilor Simon noted he was just talking about the reconstruction of a structure (as defined in (b.) on page 78, lines 31-34, agenda packet.).

Director Reichert shared a screenshot of Section 213.8.B.2: Section 213: Impact Fees that were not included in the agenda packet.

ACTION:

*Assistant Mayor Wilkie **MOVED** that the Lebanon City Council hereby approves Zoning Amendments #17 through #20, as fully described and presented in the January 21, 2026 City Council agenda packet with the change in Amendment #20, Section 213, E. (b-2), which is on line 32 of the Council packet presentation changing 2-years to 4-years, only in the event where reconstruction is of a structure that has been destroyed by fire or natural disaster.
Seconded by Councilor McNamara.*

*Councilor McNamara offered an Amendment to Section 213. E. (b-2) to read: “An assessed property may apply for a full partial waiver of Public-School Impact Fees for those Accessory Dwelling Units (ADUs) for the gross living area of 750 sq. ft. or less and including only studio and 1-bedroom apartments.”
Seconded by Councilor Simon.*

Vote on the Amendment (by Councilor McNamara) was approved (8-0).

- **Amendment #21** – To amend Section 607.8, Electric Vehicles, to modify the requirements for electric vehicle charging for multi-family residential and non-residential developments. (**Zoning Ordinance Section: 607.8**). (Please refer to pages 79- 93, Council agenda packet for detailed proposed changes to this Amendment.)

Council/Staff Discussions:

In response to Councilor McNamara’s question, Director Reichart explained that if there is a 1, 2 or 3 family dwelling and an ADU, you only need to add one ADU space. Councilor McNamara spoke about his reason why he felt an amendment needed to be added that would exempt 1 & 2 family dwellings and ADUs from this Amendment.

Mayor McNamara suggested adding Owner-Occupancy and spoke about his reasons.

The Council and Director Reichert continued deliberations on what the costs would be to add an EV Charging Station when a building is being constructed vs. retrofitting older buildings; how EV Charging Stations should be a personal owner's decision; the advantages of having a 220-amp wattage outlet; how this felt like overreach; and the effects of having EV Charging Stations placed on rental properties, etc.

Mayor Whittlesey opened the Public Hearing on Amendment #21.

- **Mr. Clifton Below (Ward-3):** He spoke about his reasons why he was in favor of Amendment #21 noting this Amendment is only calling for an EV-ready, low power level 2 charging space per dwelling unit. This does not require any special equipment. It just means a dedicated 20 AMP circuit that has 240 volts needs to be installed and further explained his rationale on how the language could be changed in this amendment by adding "subject to Site Plan Review."
- **Ms. Sherry Boschert (Ward-2):** She spoke about her reasons why she felt this Amendment should be approved. The whole point is to get EV Charging for all dwellings. We are just talking about an outlet by a parking space if there is parking and the cost is not prohibitive.
- **Ms. Sarah Riley (Ward-2):** She spoke about her reasons (and the Conservation Commission reasons) why this Amendment should be approved as written.
- **Mr. Clifton Below (Ward-3):** Spoke again on how the language in this amendment could be changed, noting the cost could be as low as \$50.00.
- **Mr. Jon Livadas (Ward-2):** He spoke about his reasons why he felt this amendment should be approved as written.

Hearing no further comments from the public, the Public Hearing was closed on Amendment #21.

Further Council/Staff Comments:

Assistant Mayor Wilkie and Councilors Sykes, N. Ford Burley, and Mayor Whittlesey spoke about their reason why they supported Amendment #21 moving forward as presented in agenda packet. Councilor McNamara and Director Reichert discussed their reasons for continuing this discussion at the February 4, 2026 Council meeting.

ACTION:

*Assistant Mayor Wilkie MOVED that the Lebanon City Council hereby approves Amendment #21 as fully described and presented in the January 21, 2026, City Council agenda packet.
Seconded by Councilor Sykes.*

Councilor McNamara offered the following amendment to #1 by adding: "All new one- and two-family dwellings shall not be subject to a Site Plan Review and shall provide at least one EV-ready low power level 2 charging space per unit. He also suggested that for #2 (page 89, Council agenda packet) be removed.

Seconded by Councilor Simon

**The Vote on Amendment as proposed by Mayor McNamara to amend 607.8 (c) sub paragraph 1 to include "subject to site plan review" and eliminate sub paragraph 2.*

**The Vote on the Amendment by Councilor McNamara failed (4-4).*

In favor: Councilors Simon, Heistad, Stavits, McNamara

Opposed: Councilors Ford Burley, Sykes, Assistant Mayor Wilkie & Mayor Whittlesey

****The Vote on the Motion as presented in the Council agenda packet passed (6-2)***

In favor: Councilors Heistad, Ford Burley, Sykes: Assistant Mayor Wilkie and Mayor Whittlesey

Opposed: Councilors Simon and Stavis

11. OLD BUSINESS

- A.** Discussion of Placing a Question of Whether to Authorize the Establishment of Social Districts per NH RSA 178:33 – 38, on the March 10, 2026 Municipal Ballot, and Set Public Hearing for February 18, 2026

Included in the agenda packet: (All supportive documents and information can be found on pages 94-99, Council agenda packet) Minutes do not include screenshots, graphs, or images.)

1. NH RSA 178:33 – 38, *et. seq.*
2. Draft Voter Information Handout for Social Districts

Deputy City Manager Brooks reviewed the background and the process/steps that need to be taken in order to have the Question of Whether to Authorize the Establishment of Social Districts placed on the March 10, 2026 Municipal Ballot.

BACKGROUND

On September 5, 2025, new state legislation took effect allowing communities to designate “social districts” subject to local voter approval. In the statute, social districts are defined as outdoor areas in which a person may consume alcoholic beverages sold by a licensee that is located within or contiguous to the social district.

The legislation requires that social districts must be marked with conspicuous signage; that boundary maps, management plans, and days and hours of operation of the district must be adopted and posted on the City’s website; and clearly labeled containers specific to each licensee and each district must be used. Individuals are not permitted to bring outside alcohol into the district and may not carry alcohol outside the district.

To allow the operation of one or more social districts, the question must first be placed on the City’s official ballot for voter consideration at any regular municipal election. The legislation specifies that the wording of the question shall be as follows: “Shall we allow the operation of social districts within the City of Lebanon?” As proposed, the ballot question would only apply to granting authority to (but would not require) the City Council to establish one or more social districts within the City. The ballot question would not have the effect of immediately establishing any such district.

A “yes” vote in favor of the ballot question signifies that the voter wishes to authorize the City Council to establish one or more social districts within the City. A “no” vote against the ballot question signifies that the voter wishes to prohibit the City Council from establishing any social districts within the City. Regardless of the outcome, the City may choose to reconsider this issue at any future municipal election.

If the question is placed on the official ballot, the City Council is also required to hold a public hearing on the question at least 15 days, but not more than 30 days, before the question is to be voted upon. **The only Council meeting that fits into this schedule to hold a Public Hearing would be the February 18th, 2026 Council Meeting.**

The Lebanon Police Chief has stated that the Department takes no specific position for or against the establishment of social districts. However, the Chief noted that the City should clarify who will be responsible for enforcement of the district operations, including any necessary monitoring of the entry and

exit points and other boundaries, ensuring that drinks are disposed of before people exit the designated areas, and ensuring that outside alcohol is not brought into the social district.

In addition, the Finance Department has received feedback from Primex, the City's risk pool coverage provider. Primex also does not take any position with respect to whether or not to allow social districts, but they are open to discussing risks and risk management. The statute specifically states that "the social district shall be maintained in a manner that protects the health and safety of the general public." However, there is nothing in the statute that would limit the liability of the municipality or private entities serving alcohol. In the event of any injury or incident, the operation of a social district on public property could open the City to potential claims.

Council/Staff Comments:

Mayor Whittlesey clarified that the vote to put this on the ballot is not to create Social Districts but to simply allow Lebanon to have the authority to create those Social Districts at a later date.

Councilors McNamara, Simon and Wilkie spoke about their reasons why they would like to see this topic placed on the March Ballot, with Councilor McNamara noting that for the Public Hearing, we put forward as much clear information to the public as possible.

Councilor McNamara also noted that on page 95, Council agenda packet, there is nothing in the Statute that would limit the liability to the municipality and quoted the following: In the event of any injury or incident, the operation of a social district on public property could open the City to potential claims. For him this was a benefit risk issue that could open the City up to potential claims. If this is put before the voters, this has to be very clear.

Deputy City Manager Brooks noted that on page 99, there is a sample of the language that could potentially be used as a voter handout.

ACTION:

Councilor N. Ford Burley MOVED, that the Lebanon City Council hereby orders that the following question: "Shall we allow the operation of social districts within the City of Lebanon?", shall be placed on the ballot for voter consideration at the next municipal election to be held on March 10, 2026.

BE IT FURTHER MOVED, that the Lebanon City Council hereby schedules a public hearing for Wednesday, February 18, 2026, beginning at 7:00pm, in Council Chambers, City Hall, and Remote via the City's Virtual Platform, for the purpose of receiving public input, as required by NH RSA 178:34, I(b), on a question relative to allowing the operation of social districts within the City of Lebanon, which has been placed on the ballot for voter consideration at the next municipal election to be held on March 10, 2026.

Seconded by Councilor Simon.

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

- B.** Discussion of Placing a Question of Whether to Prohibit the Operation of Keno Games in Lebanon per NH RSA 284:41 – 51-a, on the March 10, 2026 Municipal Ballot, and Set Public Hearing for February 18, 2026

Included in the agenda packet: (All supportive documents and information can be found on pages 100-108, Council agenda packet) Minutes do not include screenshots, graphs, or images.)

1. NH RSA 284:41 – 51-a, *et. seq.*
2. Draft Voter Information Handout for Keno Games

Deputy City Manager Brooks reviewed the background behind this topic.

BACKGROUND

On July 1, 2017, state legislation went into effect authorizing municipalities to allow the operation of Keno games in their community subject to local voter approval. Under the 2017 legislation, Keno was only permitted to be operated in communities that had voted to allow it.

Following the enactment of the 2017 legislation, the City Council held multiple hearings and discussions to consider whether or not to place a question about allowing Keno games on the ballot for voter consideration. Public discussions were held on January 3, 2018, February 6, 2019, and January 8, 2020. Following each such discussion, the City Council voted not to place the question onto the municipal ballot.

In 2025, new state legislation (Laws of 2025, Chapter 288 – House Bill 737) took effect, which amended or repealed and reenacted portions of RSA 284:41 – 51-a which address Keno games. Under the 2025 legislation, Keno games will become permitted in every municipality as of June 1, 2027, except those municipalities which have voted to expressly prohibit such games.

If the City wishes to prohibit the operation of Keno games, the City Council must vote to place the question on the official ballot for voter consideration at any regular municipal election. The legislation specifies that the wording of the question shall be as follows: “Shall we prohibit the operation of Keno games within the City of Lebanon?”

A “yes” vote to this question signifies that the voter wishes to prohibit the operation of Keno games within the City. A “no” vote to this question signifies that the voter wishes to allow the operation of Keno games within the City. Regardless of the outcome, the City may choose to reconsider this issue at any future municipal election.

If the question is placed on the official ballot, the City Council is also required to hold a public hearing on the question at least 15 days, but not more than 30 days, before the question is to be voted upon.

Based on discussions with administrators from a community where Keno games have been allowed, there appear to be no direct benefits or costs to the municipality. The Town Manager of Enfield indicated that the Town derives no direct income from the State or from any business that operates Keno within the Town. Also, the operation of such games within the community does not impose any direct costs for oversight, enforcement, or other purposes. According to the statute, the licensee is responsible for all costs, management, and reporting requirements associated with the Keno operation.

Council/Staff Comments:

In response to Councilor Stavis’ recommendation on the language that could be used as a public educational tool, Deputy City Manager Brooks noted there is a Draft of the proposed language on page 108, Council Agenda packet. Councilor Stavis suggested removing the second paragraph.

ACTION:

Councilor McNamara MOVED, that the Lebanon City Council hereby orders that the following question: “Shall we prohibit the operation of Keno games within the City of Lebanon?”, shall be placed on the ballot for voter consideration at the next municipal election to be held on March 10, 2026.

BE IT FURTHER MOVED, that the Lebanon City Council hereby schedules a public hearing for Wednesday, February 18, 2026, beginning at 7:00pm, in Council Chambers, City Hall, and Remote via the City’s Virtual Platform, for the purpose of receiving public input, as required by NH RSA 284:51, I(b), on a question relative to prohibiting the operation of Keno games within the City of Lebanon, which has been placed on the ballot for voter consideration at the next municipal election to be held on March 10, 2026.

Seconded by Councilor Stavis.

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

12. NEW BUSINESS

- A.** Request from Salt hill Pub for an Exemption (per §14-5) of City Code Chapter 14, Alcoholic Beverages, to permit the serving of alcoholic beverages on City property

Included in the agenda packet: (All supportive documents and information can be found on pages 109-111, Council agenda packet) Minutes do not include screenshots, graphs, or images.)

1. January 1, 2026 Letter from Josh Tuohy, Salt hill Pub
2. Location Map of Outdoor Seating Areas for Salt hill Pub

Deputy City Manager Brooks reviewed the background behind this annual request from Salt hill Pub.

BACKGROUND

Salt hill Pub is requesting renewal of their exemption to serve alcohol in their outdoor seating areas, to include those expanded areas approved since 2020. Please see the attached letter from Josh Tuohy.

City Administration has no objection to the closure of the parking area for use by Salt hill Pub as has been done since 2020.

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

Council/Staff Comments:

The Council discussed parking spaces during the summer that are being blocked off for extra seating for Salt hill Pub, and how Court Street is being blocked off for extra seating for Three Tomatoes; how the extra seating has become under-utilized over the last couple of years; the pros/cons of potentially expanding seating on the Mall; what the benefit is to City’s taxpayers; how there is very little convenient parking left for parking during the summer; how these parking areas bring vitality to the City even though there is a perception of not having enough parking; how the owner of Salt hill Pub was not able to be present for this discussion so the Council should postpone taking action on this tonight until Mr. Josh Tuohy can be present to answer the Council’s questions; and the elimination of the Handicapped Parking Spaces during the summer.

City Manager Hosmer noted the written lease for Salt hill Pub’s tent ends in 2027. This request is just a permit to serve alcoholic beverage on City Property.

- Ms. Sarah Riley (Ward-2) came forth and spoke about her reasons why she was in favor of keeping the outdoor seating areas.

ACTION:

Councilor McNamara MOVED, that the Lebanon City Council hereby grants an exemption to Salt hill Pub pursuant to §14-5 of City Code Chapter 14, Alcoholic Beverages, to serve alcoholic beverages on the Lebanon Pedestrian Mall and the parking area on West Park Street as shown on the map included in the January 21, 2026 City Council Agenda Packet. The exemption shall be valid beginning January 22, 2026 and shall expire on December 31, 2026.

Seconded by Assistant Mayor Wilkie.

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

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

Included in the agenda packet: [\(All supportive documents and information can be found on pages 112-115, Council agenda packet\)](#) Minutes do not include screenshots, graphs, or images.)

1. January 7, 2026 Letter from Louise Clark, Co-owner of Three Tomatoes
2. Location Map of Outdoor Seating Areas for Three Tomatoes Trattoria

Deputy City Manager Brooks reviewed the background behind the request from Three Tomatoes.

BACKGROUND

Three Tomatoes is requesting renewal of their exemption to serve alcohol in their designated areas on the Pedestrian Mall. Please see the attached letter from co-owner Louise Clark.

In addition, the City Manager recently met with the restaurant owners to discuss the potential closure of a portion of Court Street for use by Three Tomatoes as has been done since 2020. Ms. Clark indicated that they were willing to forgo the use of Court Street for restaurant seating if additional area could be provided on the Pedestrian Mall. The City Administration has no objection to providing additional restaurant seating area on the Pedestrian Mall, which would allow Court Street to remain open to vehicular traffic throughout the year.

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

Louise Clark (Ward-2), Co-owner of Three Tomatoes, came forward and explained her request as listed above, noting they were not interested in having a tent on Court Street during the summer.

ACTION:

Councilor McNamara MOVED, that the Lebanon City Council hereby grants an exemption to Three Tomatoes pursuant to §14-5 of City Code Chapter 14, Alcoholic Beverages, to serve alcoholic beverages on the Lebanon Pedestrian Mall as shown on the map included in the January 21, 2026 City Council Agenda Packet. The exemption shall be valid beginning January 22, 2026 and shall expire on December 31, 2026.

Seconded by Councilor Simon.

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

- C.** Request from Black Magic Mexican for an Exemption (per §14-5) of City Code Chapter 14, Alcoholic Beverages, to permit the serving of alcoholic beverages on City property

Included in the agenda packet: [\(All supportive documents and information can be found on pages 115-117, Council agenda packet\) Minutes do not include screenshots, graphs, or images.\)](#)

1. January 12, 2026 Request from Heath Gosselin and Thao Nguyen, Black Magic Mexican
2. Map depicting outdoor seating area for Black Magic Mexican

Deputy City Manager Brooks reviewed the request from Black Magic Mexican restaurant.

BACKGROUND

Black Magic Mexican restaurant is requesting renewal of their exemption to serve alcohol in their outdoor seating areas on City-owned property. Please see the attached letter from Heath Gosselin and Thao Nguyen.

City Administration has no objection to the continuation of the outdoor seating arrangement with Black Magic Mexican.

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

ACTION:

Councilor Stavis MOVED, that the Lebanon City Council hereby grants an exemption to Black Magic Mexican restaurant pursuant to §14-5 of City Code Chapter 14, Alcoholic Beverages, to serve alcoholic beverages on the Lebanon Pedestrian Mall within the area shown on the maps included in the January 21, 2026 City Council Agenda Packet. The exemption shall be valid beginning January 22, 2026, and shall expire on December 31, 2026.

Seconded by Councilor McNamara.

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

- D.** Release of Collected Public School Impact Fees (4th Quarter 2025)

Included in the agenda packet: (All supportive documents and information can be found on pages 118-122, Council agenda packet) Minutes do not include screenshots, graphs, or images.)

1. Impact Fee Report as of 12/31/2025
2. November 22, 2021, Memorandum of Understanding between the City of Lebanon and The Lebanon School District, SAU#88

BACKGROUND

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

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

To date \$1,101,777.25 in impact fees have been disbursed to the Lebanon School District.

The current request is for the City Council to authorize the disbursement of \$7,057.04 in collected Public School Impact Fees (10/1/2025 through 12/31/2025) to the Lebanon School District.

ACTION:

***Councilor McNamara MOVED, that in accordance with Section 213.10 (Administration of Impact Fees) of the Lebanon Zoning Ordinance, and the November 22, 2021 Memorandum of Understanding between the City of Lebanon and the Lebanon School District, SAU 88, the City Council hereby authorizes the disbursement of \$7,057.04 in collected Public School Impact Fees to the Lebanon School District to be applied toward the construction, renovation, improvement, or expansion of K-12 school buildings and related building systems, equipment, and furnishings.
Seconded by Councilor Stavis***

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

E. Review and Discussion of 2025 3rd Quarter Budget Report

Included in the agenda packet: (All supportive documents and information can be found on pages 122-155, Council agenda packet) Minutes do not include screenshots, graphs, or images.)

1. Memorandum from Finance Department RE: 3rd Quarter Financial Report (September 30, 2025)

Finance Director Alesia Williams reviewed the 2025 3rd Quarter Budget Report, noting that nothing really stands out on this report. It is very similar to the recent numbers put out.

BACKGROUND

The Budget Report presents, in summary form, year-to-date activity for both expenditures and revenues. City Charter §6.09, Budget Control, requires financial information to be presented to the City Council for each quarterly period of the year. City Administration typically provides required financial information on a monthly basis during the 4th quarter.

ACTION: This agenda item is for informational purposes only. No action was required by the Council.

- F. Preparation of Concise Explanation Stating the City Council's Position on the Zoning Amendment to Appear on the March 2026 Municipal Ballot**

Included in the agenda packet: (All supportive documents and information can be found on pages 156-157, Council agenda packet) Minutes do not include screenshots, graphs, or images.)

1. January 13, 2026 memorandum from the Planning & Development Department regarding “Proposed Concise Statement for Amendment 17”.

Director Reichert reviewed the background behind the topic listed above.

BACKGROUND

In accordance with Section 1000.4(C)(2) of the Zoning Ordinance, the City Council, Planning Board, and Conservation Commission must prepare a brief and concise explanation of their positions on zoning amendments being placed on the municipal ballot for voter consideration. To assist this process, the Planning & Development Department has prepared a draft statement for the Council’s consideration. The Council is free to modify or completely rewrite the statement in any way it sees fit. The Planning Board and Conservation Commission will prepare concise statements at their upcoming meetings.

As a reminder, the proposed amendment to be placed on the March 10, 2026 ballot is as follows:

- **Amendment #17** – To amend the Rural Lands One (RL-1), Rural Lands Two (RL-2), and Rural Lands Three (RL-3) Zoning District Use Tables in relation to uses formerly defined under “*Care and Treatment of Animals*”. (**Zoning Ordinance Sections: 312.2, 313.2, and 314.2**)

Please see memo on page 157, agenda packet, from the Planning & Development Department for more detailed information.

ACTION:

Councilor McNamara MOVED, that The Lebanon City Council approves of and endorses the amendment of the Use Tables of the Rural Lands One (RL-1) and Rural Lands Two (RL-2) Zoning Districts to allow “Animal Clinic, Animal Hospital or Veterinary Office”, “Animal Boarding Facility”, “Kennels”, “Horse Stable” and “Riding Facility” by special exception and to remove “Care and treatment of animals” within each district’s Table of Uses. Further, the City Council approves of and endorses the amendment of the Use Table of the Rural Lands Three (RL-3) Zoning District to allow “Riding Facility”, “Horse Stable” and “Kennels” by special exception and to remove “Care and treatment of animals” within the district’s Table of Uses. The purpose of this amendment is to further define uses currently allowed under the “Care and treatment of animals” definition and permit the new definitions in appropriate districts. Within the Rural Lands Districts there is no change in the currently permissible uses.
Seconded by Councilor Stavis.

****The Vote on the Motion was approved (7-0-1). Assistant Mayor Wilkie opposed.***

- G.** Discussion and Set Public Hearing for February 4, 2026: Ordinance #2026-01 to Amend City Code Chapter 68, Fees, Article III, Miscellaneous Fees, to Revise Zoning Fees, City Clerk Fees, and Ambulance Fees

Included in the agenda packet: (All supportive documents and information can be found on pages 158-168, Council agenda packet) Minutes do not include screenshots, graphs, or images.)

1. Proposed Ordinance #2026-01
2. December 23, 2025 memorandum from Fire Chief Jim Wheatley, regarding EMS

Billing Rates

3. January 12, 2026 memorandum from Planning & Development Director Nate Reichert, regarding proposed fee amendments for signs and petitioned zoning amendments

BACKGROUND

The City Administration is proposing Ordinance #2026-01 to recommend changes to certain fees set forth in City Code Chapter 68, Fees, Article III, Miscellaneous Fees, §68-15, Enumeration of Fees, including the following:

- Changes to the City Clerk fees set forth in §68-15.D;
- Changes to the Ambulance fees set forth in §68-15.E;
- Addition of new Zoning fees to §68-15.A. City Clerk Fees:

City Clerk Fees: City Clerk Jaseya Ewing reviewed the changes behind the new City Clerk Fees.

Under NH RSA 261:74-d, the State limits the municipal agent fee to a maximum of \$3.00, which is collected on motor vehicle registration transactions conducted by the City Clerk. However, §68-15.D(1) currently imposes an additional fee of \$1.00 for the City to process the State portion of motor vehicle transactions.

Consistent with guidance from the New Hampshire Department of Safety, and the practices of other municipalities, including Portsmouth, Manchester, Franklin, Bedford, Gilmanton, and Atkinson, the City Clerk recommends that the City separately identify and re-establish the \$1.00 fee as a data processing fee in order to offset costs associated with generating motor vehicle renewal notices and related mailing expenses.

Ambulance Fees: Lebanon Fire Chief Wheatley reviewed the background behind this topic as listed below, noting a Cost Study will be done.

During the 2025 New Hampshire legislative session, Senate Bill 245 was passed and went into effect on January 1, 2026. The new legislation prohibits surprise ambulance billing and regulates ground ambulance reimbursement.

As summarized in the attached memorandum from Fire Chief Jim Wheatley, the legislation requires commercial insurance carriers to reimburse “in-network” ground ambulance services at 325% of the Medicare rate. To qualify for the enhanced reimbursement, EMS agencies must be considered “in-network” with commercial insurers, which the City has already addressed, and the agencies must align their billing fee schedule with the regulated reimbursement structure, which is the basis of the current proposal to amend the ambulance fees outlined in §68-15.E

Zoning Fees: Director Reichert reviewed the Planning and Development Department’s Zoning Fee recommendations as listed below.

The Planning and Development Department is recommending two additional fees be added to City Code Chapter 68 in conjunction with two proposed amendments to the Lebanon Zoning Ordinance. Specifically, the Department recommends that a new fee structure be created for the regulation, permitting, and enforcement of signage in association with proposed amendments to Zoning Ordinance Section 608, Signs.

In addition, the Department recommends that fees be assessed for petitioned zoning amendments. NH RSA 675:7, I-b, states that in the case of a petitioned zoning amendment, “the petitioners shall be responsible for the cost of notice by mail” when required under that statute. However, there are other administrative costs associated with the zoning amendment process, including the required legal review, for which the City is currently not reimbursed by petitioners.

ACTION:

Assistant Mayor Wilkie MOVED, that the Lebanon City Council hereby schedules a public hearing for Wednesday, February 4, 2026, beginning at 6:00 pm, 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 #2026-01, as presented in the January 21, 2026 City Council Agenda Packet, to amend City Code Chapter 68, Fees, Article III, Miscellaneous Fees, §68-15, Enumeration of Fees, to authorize the following changes:

- 1. Re-adoption of the \$1.00 fee set forth in §68-15.D(1) as a data processing fee for the City Clerk to generate and mail motor vehicle renewal notices; and***
- 2. Increases to the Ambulance fees set forth in §68-15.E pursuant to approved 2025 New Hampshire legislation; and***
- 3. The addition of new Zoning fees set forth in §68-15.A for Sign Permits and Petitioned Zoning Amendments.***

Seconded by Councilor McNamara.

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

13. City Manager Report:

City Manager Hosmer updated the Council on the following:

- Citizens Academy Status
- Homeless Shelter Status and registration procedure for those seeking shelter.
- Joint City Council/School District Task Force: He was looking for Council authorization to start negotiations on an agreement with the SAU and the Boy’s/Girl’s Club, to start the process of establishing a Child Care Center at Seminary Hill. The proposed Child Care Center would include 50 spots for children, will include infants 6-weeks and older, and will be owned by the School District. (**Note:** The feasibility of establishing a Child Care Center at the airport has been dropped.)

***A Straw Poll was taken by the Council to begin negotiations to begin with the SAU and Boys/Girls Club for a Child Care Center was approved (8-0).**

City Manager Hosmer spoke about the NH Department of Justice’s (DOJs) letter regarding DEI that he sent to the Council, which is a prohibition on Diversion, Equity and Inclusion. This letter was discussed extensively by Lebanon’s DEI Commission this week. The NH DOJ requires the City to review our existing contracts “for the presence of DEI-related provisions”. This document is in the hands of all Department Heads right now, noting that the City is in the process of reviewing existing contracts for the presence of DEI-related provisions.

Mayor Whittlesey also noted he has passed around a standard questionnaire to those essentially charged with governance (i.e., Select Boards, Town Councils, City Councils). Questions he cannot answer (on this questionnaire) are #’s 1-4 on page 1 and question #7 on page 2. He requested the Council fill out these

questions and send them directly to the auditor only. It should not go to the City. (NOTE: These two documents were not included in the agenda packet but can be made available upon request.)

Deputy City Manager Brooks noted the City received a check from Revo Casino in the amount of \$64K.

14. NON-PUBLIC SESSION: NONE

15. ADJOURNMENT:

Assistant Mayor Wilkie MOVED for adjournment.

Seconded by Councilor Heistad

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

The meeting was adjourned at 9:30 PM.

Respectfully submitted,
Dona E. Gibson
Recording Secretary