

FINAL

**LEBANON CITY COUNCIL
REGULAR MEETING MINUTES
Thursday, February 4, 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, City Clerk Jaseya Ewing, Deputy City Clerk Jay Bish, Director of Planning and Development Nathan Reichert, Deputy Director Planning and Development Tim Corwin, Lebanon Fire Chief/Emergency Management Director Jim Wheatley

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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. **PUBLIC FORUM:** Mayor Whittlesey made the Public Forum announcement.
 4. **OPEN COUNCIL DISCUSSION:**
 - Mayor Whittlesey announced that Item 9.E: Discussion of the NH Department of Justice Memorandum RE: NH RSA 21-I:112-16, Prohibition on Diversity, Equity, and Inclusion (DEI) would not be discussed. The Council believes they have identified a potential solution to this. This is being tabled for now.
 5. **OPEN TO PUBLIC:**
 - **Mr. Peter Venton (Ward-1):** He noted that back on October 19, 2025, he reported to the Council the white supremacist propaganda banner that had been attached to the Poverty Lane overpass northbound on I-89, which was put up by a local hate group. He was grateful to the Council for the swift action taken on that date because the banner was taken down within an hour of being reported. However, the larger concerns and implications remain. He requested that the Council address the elephant before it comes into the room and suggested a contingency for when, and not if, these white supremacists might make a return visit and further explained his reasoning. For the public record, he stated that this type of aggression and sentiment is present among us and represents a danger that cannot be kicked too much further down the road – that banner did not just magically affix itself to that overpass, it did have help. **(For the record, below is a copy of the letter the Council received after their meeting and is edited only to fit into the minutes.)**

Proposed 90-second verbiage during open comment period at City Council mtg on Wed., 2/4:

Back on October 19 I reported to this council the affixing of a white supremacist propaganda banner to the Poverty Lane overpass of northbound I-89, ostensibly put up by a local hate group --one whom I will not give oxygen by naming here. I am very grateful to the council for taking extremely swift action on that date --the banner was down within an hour of being reported. But the larger concern, and the larger implications remain.

In a current climate that is supercharged with blatant xenophobia and aggressive racism and other forms of bigotry, and feeding a fierce anti-immigrant ~~ferour~~ whose consequences are playing out right now in Minneapolis and other American cities, I inquire of our local government: what is the contingency for when--not if-- these white supremacists make a return visit?

Emboldened by the rhetoric --and, let's face it, the *actions*-- of the current administrations in both Washington and in Concord, I don't believe I am speaking in hyperbole when I caution that this sentiment *hasn't gone away*. It's lingered and it is going to pay the Upper Valley another visit, and in a community such as ours that is so unusually rich in cultural diversity (and by that I am especially referring to the high international employee population at that big hospital just up the hill), that should be of concern to everyone.

I am not, of course demanding an immediate answer from all assembled, but I do need it entered into the public record that this kind of aggression, this kind of sentiment, *is* present among us, and it represents a danger that cannot be kicked too much further down the road. That banner didn't just magically affix itself to the overpass; it had local help.

Thank you for your time.

--Peter Vinton, Jr.


Lebanon, NH
2/4/2026

6. RECOGNITIONS: NONE

7. ACCEPTANCE OF MINUTES: January 21, 2026 (Regular Meeting)

Amendments: Page 13, lines 15, 16, and 22: Replace "Councilor N. Ford Burley" with "Catheryn Hembree"; Page 16, line 38: Replace "shall be" with "not subject to; Change spelling of "Councilor Hested" to "Councilor Heistad" throughout document.

Assistant Mayor Wilkie MOVED to approve the January 21, 2026 (Regular Meeting) minutes as amended and presented in the February 4, 2026 City Council agenda packet.

Seconded by Councilor N. Ford Burley.

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

8. APPOINTMENTS:

- Arts and Culture Commission, Gail Dokucu (Alternate Member)

Assistant Mayor Wilkie MOVED to NOMINATE Gail Dokucu as an Alternate Member to the Arts & Culture Commission. Term: 2/2026 – 2/2029

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

- Heritage Commission, Roxanne Benzel (Alternate Member)

Councilor N. Ford Burley MOVED to NOMINATE Roxanne Benzel as an Alternate Member to the Heritage Commission. Term: 2/2026 – 2/2029

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

9. PUBLIC HEARING ITEMS:

- A. 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.

Included in the agenda packet: [\(Please refer to all the supportive documents and detailed information below, which can be found on pages 41-149, Council agenda packet, for more detail. Minutes do not include screenshots, graphs, or images.\)](#)

1. Memo titled “2025-2026 Proposed Zoning Amendments Schedule”, dated December 23, 2025, including the following:
 - a. “Proposed Zoning Amendments 5-10: Route 120 Corridor”, dated December 23, 2025.
 - b. “Proposed Zoning Amendments 14-16: Text Amendments”, dated December 23, 2025.
 - c. “2025-2026 Petitioned Amendments 1 and 2”, dated December 23, 2025.
 - d. “2025-2026 Petitioned Amendment 3: IND-L Use Table Addition”, dated December 23, 2025, including October 24, 2025 opinion letter from Attorney Matthew Decker addressing petitioned amendments.
2. December 22, 2025 letter from Miriam Voran, opposing Amendments #5, 7, and 8.
3. December 22, 2025 letter from Dan Nash, opposing Amendment #6 as proposed.
4. December 22, 2025 letter from Dan Nash, additional support for Petitioned Amendment #2.

Not Included in this Section, but Available:

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

Director Reichert reviewed the background and presented a summary and history of each of the Zoning Amendments, noting this is round 2 of the Zoning Amendment packages. This round is a little more controversial on some subjects and a little less on others.

BACKGROUND

On October 1, 2025, the City Council was presented with a number of proposed amendments to the Zoning Ordinance. The Council accepted 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 **above** were scheduled for this public hearing. (It is noted that a public hearing for other zoning amendments was held on January 21st.)

Proposed Zoning Amendments For Adoption By The City Council.

1. Map Amendments and corresponding text amendments: Zoning Amendments 5-10 are the proposed changes to the Northern Lebanon/Route 120 Corridor. (See pages 46 - 69, Council agenda packet for complete details.)

- **Amendment #5** – To rezone certain properties within the Centerra Planned Business Park from IND-L to CB, including Tax Map/Lots 10-11-100, 10-11-300, 10-11-1300, 10-11-1302, and 10-11-1400; and to rezone certain properties within the Centerra and Altaria Planned Business Parks and the Altaria Planned Unit Development from IND-L to GC-1, including Tax Map/Lots 10-11-400, 10-11-700, 10-11-1000, 10-11-1200, 10-11-1500, 10-11-1600, 10-11-2000, 10-11-2100, 10-11-2300, 10-26, 10-27, 10-28, 10-29, 10-30, 10-31, 10-32, 10-33, 10-34, 10-35, 10-12, 24-14-100, 24-14-200, 24-14-300, 24-14-400, 24-14-500, 24-14-600, 24-14-700, 24-14-800, and 24-16. **(Zoning Map Amendment)**
- **Amendment #6** – To rezone portions of certain properties along Etna Road from IND-L to RL-3, including Tax Map/Lots 26-2, 37-4, 37-5, and 37-7; and to rezone a portion of Tax Map/Lot 76-10 along Mt. Support Road from R-1 to RL-3. **(Zoning Map Amendment)**
- **Amendment #7** – To rezone certain properties along Labombard Road from IND-L to GC-1, including Tax Map/Lots 50-29, 51-1, 51-2, 51-3, 51-10, 51-11, 51-14, 51-15, 64-21, 64-22, 64-23, 64-25, 64-34, and part of 26-17; to rezone Tax Map/Lot 51-13 from RL-1 and RL-3 to GC-1; and to rezone Tax Map/Lot 51-12 from IND-L and RL-3 to GC-1 and RL-3. **(Zoning Map Amendment)**
- **Amendment #8** – To rezone certain properties along Little Heater Road from IND-L to GC-1, including Tax Map/Lots 64-30, 78-48, 78-55, and 78-61. **(Zoning Map Amendment)**
- **Amendment #9** – To establish a new Northern Lebanon Wildlife Overlay District to preserve and protect the integrity of the wildlife corridor and crossings in the vicinity of Route 120, as well as preserving, protecting, and enhancing the values associated with wildlife within the district. **(Zoning Ordinance Section: (new) 412, and Zoning Map Amendment)**
- **Amendment #10** – To amend Section 501, Planned Unit Development (PUD), and Section 508, Planned Business Parks, and to amend the CB and GC-1 District Use Tables, to align uses within the zoning districts impacted by Amendments #5-9. **(Zoning Ordinance Sections: 305A.2, 306.2, 501, and 508)**

2. Zoning Amendments 14-16 are the proposed amendments that are brought before the Council from the Lebanon Planning Staff. (*Please refer to pages 70 – 149, Council agenda packet for complete details.*)

- **Amendment #14** – To amend Section 608, Signs, to clarify application requirements and regulation and enforcement procedures, and to authorize a new sign fee. **(Zoning Ordinance Section: 608)**
- **Amendment #15** – To amend Section 411, Pattern Zones Overlay District, to expand flexibility and opportunities for utilization of the overlay district provisions. **(Zoning Ordinance Section: 411)**
- **Amendment #16** – To amend Section 509, Cottage Developments, to clarify requirements and review criteria, and provide greater flexibility for utilization of the cottage development provisions. **(Zoning Ordinance Section: 509)**

Petitioned Amendments:

- **Petitioned Amendment #1** – To rezone certain parcels along Old Pine Tree Cemetery Road, including Tax Map/Lots 117-17, 74-1-100, and 74-1-200, and parcels within the Rock Ridge residential development that are currently zoned RL-2, from RL-2 to R-3. (**Zoning Map Amendment**)
- **Petitioned Amendment #2** – To rezone Tax Map/Lot 26-2 along Etna Road from IND-L and RL-3 to GC-1. (**Zoning Map Amendment**)
- **Petitioned Amendment #3** – To amend the IND-L District Use Table to add *Vehicular Repair* as a permitted use. (**Zoning Ordinance Section 303.2**)

Director Reichert noted that members of the Council had made requests that amendments be drafted for some of the amendments. At their request, Staff created the amendments and brought them forward to the Council. In addition to that, and included in the packet, is a legal opinion from Attorney Decker. (See Attorney Decker’s letter dated October 24, 2025 on pages 129-131, Council agenda packet.)

Informational Question from the Council:

Assistant Mayor Wilkie noted he understands there was lot of engagement from the public but did not see this in the agenda packet. He also questioned whether or not the Council received comments from the Boards’ review. Director Reichert noted that all board review comments were provided to the Council in the January 7, 2026 council agenda packet and spoke about the low attendance for both of the most recent Planning Board informational meetings. He also noted that for the Route 120 Corridor, topics discussed were 1) Trying to think of this area as a distinct collective neighborhood (i.e., what are things that can be done to allow this to happen; 2) Looking at opportunities to address the housing crisis. What we have is a high demand and low supply of housing. 3) Where are the places that we should open up opportunities for more housing to be created (i.e., GC-1 zone in this area only).

Councilor McNamara informed the Council that he has a proposed amendment to the housing types that would be allowed in the GC-1 area based on the conversations held by the Housing Task Force.

Mayor Whittlesey questioned whether the School District or groups within the City have been contacted about the potential impact of these zoning amendments and did we consider the recent changes in the NH Zoning Regulations at the State level. Director Reichert noted the specific mandate from Concord is: “Thou shalt have availability to build residential housing in all commercial districts.” The only Lebanon district impacted was the MC District (DHMC Medical campus.)

Councilor Heistad spoke about what has been discussed by the Conversation Commission. There was an assumption that this would be shared with the Council, but unable to find it on paper copy. We figured out today at 5:00PM that this was not included and Chair Riley has sent through the mail the Conservation Committee’s comments. Director Reichert noted that all the information from the Land Use Boards was shared in the January 7, 2026, Council agenda packet. This information was not reshared in tonight’s packet or in the January 21, 2026 Council agenda packet.

Mayor Whittlesey opened the Public Hearing, and the following came forth to give their testimonies. (NOTE: These testimonies are only a summarization of what was said. Complete testimonies can be found on the video recording for tonight’s meeting.)

- **Ms. Joy Connelly (Ward-3):** She spoke about her reasons in support for the North Lebanon Rezoning. She also spoke about her concerns regarding the affordability of housing.

- **Mr. Craig Pfannenstiehl (ownership interest of Hanover Place Residents):** He spoke about his reasons for supporting these amendments and Amendment #5.
- **Ms. Kathleen Decca (Ward-2):** She spoke about what her group discussed and their reasons for not supporting these amendments.
- **Mr. Dan Nash (Ward-2):** He spoke about Amendment #6 and his reasons for removing Lot 26-2 and retaining the IND zoning, and; on Petitioned Amendment #2 he spoke about his reasons for requesting that the zoning be changed from IND-L to GC-1. (Please refer to his letter to the Council starting on Page 100.)
- **Mr. Bruce James (Ward-3):** He spoke about his reasons for supporting the change to Lot 26-2.
- **Ms. Caroline Isabel (Speaking on behalf of Dartmouth Health):** She spoke about her reasons for supporting the zoning changes, especially their reasons for the need of workforce housing.
- **Mr. Jay Simms (Ward-2):** He questioned if the Planning Department provided the Council and public with enough information to make an informed decision (i.e., the potential impact on all of the City's infrastructure that will be needed in future; the number of units being built in Lebanon vs. the region; etc.; what types of housing represent Lebanon's tax base). He also spoke about his reasons why he felt Dartmouth Health is part of the housing problem and felt we needed to slow our growth until Dartmouth Health gets to the table.
- **Mr. Clay Adams (President & CEO of Mascoma Bank):** He spoke about his reasons why he felt there was not enough housing in the Upper Valley and how employers were suffering from being unable to hire people due to the lack of housing. These are all policy issues that we are all suffering from as a result of the absence of housing and gave examples, noting that the entire Upper Valley Region needs to bear this brunt. He was in favor of the amendments (#5-#10, and #15-#16) as they are proposed.
- **Jennifer Mercer (Ward-3):** She concurred with everything that Mr. Simms stated and spoke about her reasons why she felt a cost-benefit analysis needs to be done and also felt that enough information has been provided that would allow the Council to make a decision tonight. She encouraged the Council to turn this over to the Finance Advisory Committee to do a true cost/benefit analysis.
- **Mr. David Duncan (Ward-1, Dartmouth Health):** He spoke about his reasons for supporting these zoning changes.
- **Ms. Margaret Hatch (24 Labombard Road):** She spoke about her lot 21, which is partially located in the GC-1 and RL-3 areas. She thought the lot was supposed to be a straight GC-1 area so it would only be in one zone. Director Reichert explained that her lot would continue to be in 2 zones but the portion of the lot that is buildable will be in the GC-1 zone and the part that is in the conservation easement will be in RL-3.
- **Ms. Jennifer Sargent (Ward-1, Dartmouth Health):** She spoke about her reasons why she supported these zoning amendments which would meet the needs of the Dartmouth Health community.
- **Mr. Steven Uchee (General Counsel at Hypertherm):** He spoke about the reason why they support the zoning changes as written in order to meet the needs and concerns of their employees and everyone in the Upper Valley to have affordable/workforce housing.
- **Ms. Lori Key (Ward-3):** She concurred with Mr. Jay Simms' comments and spoke about her reasons why she did not support these zoning amendments.
- **Mr. Paul Roberts (Ward-3):** He wanted to echo the comments from Mr. Simms and Ms. Key, noting the Council should look at the long-term effects that these changes would have on the City's infrastructure and City services. He also spoke about his reasons why he felt there was not

enough information to vote on these amendments and felt they should be put before the City's residents for a vote.

- **Ms. Rebecca Kidder (Ward-2):** She spoke about her concerns and reasons why she was against more housing along the Route 120 corridor and the overall impact (of more housing) this would have on the City.
- **Ms. Candy Hammond (Ward-2):** She questioned why Plainfield, Enfield, Hanover, and the other surrounding towns, even the ones in Vermont, were not having some impact (on housing).
- **Mr. Eric Cole (Ward-2):** He wanted to echo what Mr. Simms and Ms. Key said and also spoke about his reasons why he felt there was not enough educational information for a vote tonight and encouraged the Council to put these amendments on hold until an economic study could be done.
- **Mr. Steve Whitman (Ward-2):** He spoke about his reasons why he felt these amendments should be put on hold for a year or two. He also questioned why, with all the building permits Lebanon has, he did not see any construction taking place.

In response to Councilor Heistad's question regarding how many housing units are approved to be built, Director Reichert explained that there are approximately +/- 1100 to 1200 units in various states of disarray and gave detailed examples.

- **Ms. Miriam Voran (Ward-1):** She spoke about her reasons why she was against the proposed map amendments (5,7, and 8) and wanted to publicly recommend that the Council put all these zoning amendments on hold. (For her detailed reasons, please refer to her letter to the Council on pages 132-135, Council agenda packet.)
- **Frank and Ann Marie Palmier (Upper Valley Land Trust):** Ms. Palmier spoke about her and her husband's reasons why they felt these amendments should be put on hold.
- **Ms. Peg Merrens (VP of Conservation at the Upper Valley Land Trust):** She spoke about her reasons why she supported Amendment #9, and Amendment #6.
- **Mr. Andrew Faunce (Ward not given-Co-Chair of Housing Task Force):** He requested the information that Mr. Reichert mentioned from Councilor McNamara regarding what the housing analogies for the GC-1 area. Councilor McNamara noted that if they (the Council) decided to act on the GC-1 area, he was prepared to make a proposed amendment.

Councilor McNamara noted the Housing Task Force has been working for months on a project called Living in Lebanon. They have reached out, both in surveys and in person to residents/ would be residents, to ask them: "What are you looking for and what is important to you as Lebanon moves forward - housing was one of them. It was clear from our discussions that there is not an enthusiastic appetite for a number of the housing projects that have been going forward in recent years, particularly the types of housing going up in the area of Mt. Support Road. We have also heard from businesses and in their opinion the market is pretty much saturated with studios and 1-bedroom units. There is a real concern that Lebanon does not want to become a City of large apartment blocks. Under the GC-1 area, as currently proposed, you could essentially duplicate what is already being built. What there is an appetite for is something more human-scaled and preferably something that could be owner-occupied as opposed to rentals. Essentially, the amendment would request that the Council restrict the type of housing that can built in that type of district to smaller, human-scaled development that could be owner-occupied (i.e., that townhouses, and duplexes or apartments with no more than units) There is only so much land available and a lot of what has been available is gone and the land served by municipal

water/sewer is limited. If a large apartment block has been built, it is because that land is no longer available for a different type of housing.

Mayor Whittlesey noted the Council received a memo from the City's attorney saying that we might have to publicly notice that Amendment (from Councilor McNamara and Mr. Faunce).

- **Ms. Sarah Riley (Ward-2):** She spoke about her reasons why and how Amendment #5 should be tweaked; described how Amendment #7 serves three (3) different geographical areas, and; why she felt Amendments #6 & #9 should move forward as written.
- **Mr. Alex Langsner (Ward-1, retired DHMC employee):** He spoke about his reasons why he felt additional housing in Lebanon would lower housing costs; how the demand for housing would remain the same; the history behind DHMC moving from Hanover to Lebanon; having smart traffic lights on Route 120; allowing people to work from home to eliminate traffic; affordable housing, and other miscellaneous topics.
- **Mr. Eric Cole (Ward-2):** He came forth again to speak about his reasons for opposing Amendment #6 and the down zoning of anybody's property.

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

Council/Staff Discussions:

Mayor Whittlesey thought one of the questions left unanswered or addressed was what do we want the City to look like in the future? We are working on a multi-year Master Plan Project and are making decisions now that should tie into, if not the Master Plan, at least some vision for the City. His recommendation is to have that discussion, answer that question, and then look at these amendments within that framework noting there are other options than just passing or failing these Amendments.

The Council discussed the following: How the Council has some control over the changes that take place over time; how the City has been able to maintain its economic diversity through transitional periods; how large companies (i.e., Hypertherm, DHMC, Novo Nordisk, etc.) are having trouble recruiting and keeping new employees even though a lot of their employees are local; avoiding large studio and 1-bedroom apartments; how we need to be very cognizant of the amount of developable land the City has left (i.e., once that land is developed it is gone); how we need to be cognizant of what our employers need to maintain their fiscal health; how we need to be cognizant of the quality of life in Lebanon for the long-term and how do we improve on that; what Lebanon's ultimate goal should be and where/how that should be done; what to do with the land that is currently zoned R-1 (i.e., projects in permitting phase now and those that might be grandfathered); putting the GC-1 areas on hold for further discussions; what tools the City has to enforce owner-occupancy (answer is none under the law); what is happening in Concord with their Special Housing Committee, which is promulgating a change in zoning laws statewide (i.e., what/how cities/towns can build); the properties that are underdeveloped that could be redeveloped for DHMC and other industries' employees to live in; the reasons why the Council should approve Amendments #14, #15, #16 and Petitioned Amendment #3 for IND-L Use Tables; looking at what the City has vs. what the City needs and the real potential costs involved; not overlooking the potential challenges and dangers of some of the zoning amendments; reasons why Pattern Zoning and Cottage developments are important to support because they allow for intelligent, small scale, infill and are more likely to produce a type of housing that the City has a demand for (i.e., owner-occupied single family homes); having more aggressive participation from the major and smaller business employers to help address the housing problem for recruitment/retention of employees; looking at how other regional

communities can become engaged (with housing); the reasons why there will not be a growth in the supply of housing sufficient to meet the known demand; taking into consideration that commercial businesses are +/- 46.5% of Lebanon's tax base and the residents are paying +/-53.5% and if businesses decide to relocate how that would impact the City, and; how to accommodate Mrs. Hatch's needs, if a no vote is taken on the GC-1 areas tonight, since she has been patiently waiting a long time to have her property under one zoning area (Answer: passing a simple amendment that allows for the line change to take place pursuant, which is embedded in Amendment #7)

Director Reichert shared/explained a tool that Mr. Goodwin and his staff created showing the current zoning of Ms. Hatch's property and what the proposed zoning of her property would look like.

Councilor Stavis requested a more comprehensive study be done to include an analysis of the increase in investor-owned residential real estate within the City as opposed to investor-owned real estate nationally and further explained her reasoning.

ACTION #1:

Assistant Mayor Wilkie MOVED, that the Lebanon City Council hereby approves zoning amendments #14-16, and Petitioned Amendment #3, as fully described and presented in the February 4, 2026 City Council Agenda Packet.

Seconded by Councilor McNamara.

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

The Council and Deputy City Manager Brooks discussed the availability to take up discussions to review the Amendments that were not passed tonight. Deputy City Manager Brooks noted the Council may want to wait until the new Council is seated, noting this may take some time for the Planning Department to pull together. After more discussions, Director Reichert suggested extending an invitation to some developers to come in and report out on their individual developments. Councilor McNamara suggested inviting local developers as well because he would like their perspective.

A decision was made to start these discussions on the 2nd Council meeting in March (Wednesday, March 18, 2026).

ACTION #2:

Councilor McNamara MOVED, that the Lebanon City Council approve the zoning district boundary line change for 24 Labombard Road, parcel 51-12 that the line changes is evidence in the Amendment #7 proposed Zoning Map. The existing IND-L/RL-3 Zoning Districts will remain without change with only the line between each zone being altered.

Seconded by Councilor N. Ford Burley.

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

Mayor Whittlesey announced that the Council will not be taking up discussion on the New Business Item 9.E: Discussion of NH Department of Justice Memorandum RE: NH RSA 21-I:112-116, Prohibition on Diversity, Equity, and Inclusion, as we have a potential solution. He expressed his appreciation to those who came out to discuss this.

- B. Ordinance #2026-01** – A public hearing for the purpose of receiving public input and taking action to amend City Code Chapter 68, Fees, Article III, Miscellaneous Fees, §68-15, Enumeration of Fees, to amend the City Clerk fees in §68-15.D, amend the Ambulance fees in §68-15.E, and to add new Zoning fees in §68-15.A.

Included in the agenda packet: (All supportive documents and information, as listed below, can be found on pages 150-160, 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

Deputy City Manager reviewed the background and noted that this is a Public Hearing that was set at the Council's last meeting.

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, as further described below:

- 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 Jaseya Ewing reviewed the background and the reasons why these changes to the City Clerk fees are being proposed.

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.

This is not an additional fee. We are only modifying the purpose of this fee and reallocating it to its own general ledger.

Ambulance Fees: Lebanon Fire Chief Wheatley gave an overview of the background and spoke about the reasons for these changes.

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 of Planning and Development Reichert gave an overview of the two additional fees that are proposed to be added to City Code Chapter 68.

The Planning & 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. The attached memorandum from Planning & Development Director Nate Reichert further discusses the recommended fees.

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

Council/Staff Comments: NONE

ACTION:

Councilor Stavis MOVED, that the Lebanon City Council hereby adopts Ordinance #2026-01, as presented in the February 4, 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 in accordance with 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 Simon

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

10. OLD BUSINESS: NONE

11. NEW BUSINESS

- A.** Request to Authorize the City Manager to Enter into Negotiations with the Boys & Girls Club of Central and Northern NH to lease a portion of City-owned property at 6 Aldrich Ave, West

Lebanon, Tax Parcel 86-25-100

Included in the agenda packet: (All supportive documents and information can be found on pages 161-167, Council agenda packet. Minutes do not include screenshots, graphs, or images.)

1. January 21, 2026 letter from Christopher Emond, CEO of the Boys & Girls Club of Central and Northern New Hampshire
2. Schematic Site Plan for Boys and Girls Club facility at 20 Seminary Hill Road
3. Preliminary Magnitude of Cost Estimate for Boys & Girls Club of Lebanon Project
4. GIS map of 20 Seminary Hill Road property
5. Aerial photos of project location

Mayor Whittlesey gave an overview of the background/history and discussions between the City and the School District. The proposed Child Care Center facility will be built to care for +/- 50 children, which will include infants to pre-K. (Note: The Child Care Facility that was planned for construction at the Airport, will no longer be taking place.)

BACKGROUND

On January 13, 2026, the Joint Committee of the School District and City Council met to continue discussions around the utilization of the Seminary Hill School building and adjacent properties. At the meeting, the Boys & Girls Club of Central and Northern New Hampshire (BGCCNH) presented a conceptual plan for a proposed childcare facility on the School District's property at 20 Seminary Hill. The proposed project would also utilize a portion of the City's Civic Park property at 6 Aldrich Avenue for a playground, parking, and circulation.

Following the Joint Committee discussions, the City Council and School Board were asked to authorize the City Manager and Superintendent, respectively, to enter into preliminary negotiations with BGCCNH for the long-term lease of the City and School District properties.

Council/Staff Comments:

Councilor McNamara added that the \$1.6M Congressional allocation represents about 40% of the total building costs and it is our anticipation that the Boys & Girls Club will not be requesting any funding from the City, they simply want to lease a portion of that land for parking and the playground. He noted that the \$1.6M Congressional allocation will run out if it is not used.

Mayor Whittlesey reiterated that this (facility) would not be tax supported. It is specifically a Federal Grant that we cannot use for anything else other than a Child Care Facility.

ACTION:

Councilor McNamara MOVED, that the Lebanon City Council hereby authorizes the City Manager to enter into negotiations with the Boys & Girls Club of Central and Northern New Hampshire for a long-term lease for potential development of a childcare facility on a portion of City-owned property at 6 Aldrich Avenue, West Lebanon, Tax Map 86-25-100.

Seconded by Councilor N. Ford Burley.

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

B. Discussion of Council Rules, Chapter A191-15, Council Appointments to City Boards,

Committees, Commissions

Included in the agenda packet: (All supportive documents and information can be found on pages 168-169, Council agenda packet. Minutes do not include screenshots, graphs, or images.)

1. Council Rules, §A191-15, Council Appointments to City Boards, Committee, Commissions

Deputy City Manager Brooks reviewed the background behind this request

BACKGROUND

In the last several months, the City Council has had to delay appointments to City boards, committees, and commissions on several occasions. In addition, the City administration has had questions about the Council's current interview process for appointments and whether procedural changes to the appointment process should be considered.

If, following the Council's discussion, changes to the Council's Rules are suggested, the City Manager's Office will prepare appropriate amendments for consideration at a future meeting.

Council/Staff Comments:

City Clerk Ewing noted that after overseeing the appointments process, she has observed some long-standing challenges regarding the delays in appointments, which are primarily caused by the interview requirement. She expressed that delays are not anyone's fault because the Council has demanding schedules on top of their normal work/personal lives, and interviews are completed as time allows. However, the reality is getting interviews scheduled can sometimes be difficult and we do not always need that 30-day window as described in this chapter. Our ability to fill vacancies has slimmed down. We think the solution would be to process things more efficiently for everyone involved.

The vendor, Govinity, is helping implement new Board/Committee and agenda management software to help streamline this process. Govinity's suggestion is to incorporate the interview questions directly into the application form and this change would essentially allow us to maintain the integrity of the selection process. Under this approach, applicant answers to the interview questions that we have would continue to be included in the agenda packet for Council meetings. It would then be up to each Councilor to review applicant responses, as normally done. City Clerk Ewing emphasized that this does not change or remove Councilor's abilities to engage with applicants. Councilors will still have the opportunity to follow up with things as needed and gave examples. Councilors can always contact them if the Council has more questions and she will make sure the applicants' contact information will be sent to them.

From the applicant's perspective, City Clerk Ewing believes this new process will be more efficient, including the interview questions that are part of the application process. This approach also allows applicants the ability to really think through their responses to questions. This will be recorded for the record and will be available for the public to see as well.

The Council discussed their concerns about the timeframe of seeing an applicant's application in the agenda that comes out only 6 days before a meeting vote, whether or not there is a solution that would allow more time for Councilors to review an applicant's application (i.e., 2-3 weeks); how part of the process could be forwarding the application, once received, directly to the Councilors upon receipt; having the applicant's application sent to all City Councilors at a minimum of 2 weeks; changing the rules language to include language allowing a Councilor to request a pause in a nomination while they interview an applicant so concerns can be addressed; how the City Clerk's Office stance has been that a

pause or determination should be made in a public meeting as part of the official record; revising the requirement in the application that the applicant “The applicant shall have attended a meeting within the last 6 months” and instead making this a question to “ask the applicant to confirm whether they have attended or viewed a meeting, but not a requirement.”

ACTION: NO ACTION TAKEN. Deputy City Manager Brooks will work with City Clerk Ewing on the language in Chapter A191-15, Council Appointments to City Boards, Committees, Commissions to determine if any changes to the Council Rules and will bring them back to the Council.

C. Discussion and Set Public Hearing for February 18, 2026: Ordinance #2026-02, Amendments to City Code Chapter 179, Vendors

Included in the agenda packet: [\(All supportive documents and information can be found on pages 170-177, Council agenda packet. Minutes do not include screenshots, graphs, or images.\)](#)

1. Draft Ordinance #2026-02
2. Food Truck Vending Fees – Comparison of Selected NH Communities

Deputy City Manager Brooks reviewed the background behind this discussion as listed above.

BACKGROUND

On April 2, 2025, the City Council adopted Ordinance #2025-01, which amended City Code Chapter 179, Vendors. The approved amendments were based on the findings and recommendations of the Food Truck Task Force (FTTF), which was established by the City Council in the summer of 2024 with an aim to foster economic growth and community vibrancy while ensuring public safety and accessibility. More specifically, the FTTF was charged with evaluating and addressing practical and regulatory challenges associated with the operation of food trucks in downtown Lebanon.

Based on the City’s experience following a full season of vending under the amended regulations, the administration proposes additional amendments to Chapter 179, which are outlined in the attached draft ordinance, and described below.

At the recommendation of the Food Truck Task Force, new seasonal vendor locations were incorporated into Chapter 179, including two areas along Campbell Street in front of the Carter Mansion, and two areas along Taylor Street in the downtown parking lot adjacent to the Mascoma River near the CCBA’s sports courts. However, following vendor operations in those locations, both the vendor and the Lebanon Police Department expressed concerns about the safety of those locations. As a result, the administration recommends removing Campbell Street and Taylor Street from the list of acceptable vending locations in Section 179-3.E. In lieu of the additional downtown Lebanon locations, the administration is recommending the inclusion of Main Street as an acceptable vending location, since the West Lebanon Main Street Improvements project is expected to be completed this summer.

In addition, the administration is recommending that the provisions of Chapter 179 be extended to cover certain municipally owned recreation properties that may not otherwise be covered by proposed amendments to the Lebanon Zoning Ordinance, which will regulate vending on private properties in certain zoning districts. In particular, it is suggested that vending be permitted through Chapter 179 at Civic Memorial Park, Riverside Park, Bridge Street Park, Eldridge Park, Pat Walsh Park, Logan Park, Storrs Hill Ski Area, and the Lebanon Veterans Memorial Pool with the approval of the Recreation, Arts & Park Director, and after obtaining a permit from the City Manager.

The administration is also recommending changes to the fees for seasonal permits (§179-4.C) and abutting

business permits (§179-4.D). Following a discussion of preliminary amendments last fall, the City has researched vendor fees from a selection of other communities around the state. Based on the comparison provided, the Council may wish to further change the seasonal and abutting business fees, as well as the daily and weekly vendor fees set forth in Chapter 179.

Finally, the City Manager’s Office is recommending a clarification of the exemption in Section 179-3.A for vendors operating in connection with a larger event.

Council/Staff Comments:

Councilor McNamara spoke about his reasons why the fees should be increased as follows:

- Seasonal fees: change from \$300 to \$500
- Budding Business fee: change from \$250 to \$400.

These could be re-evaluated next year (2027), depending upon the demand.

ACTION:

Councilor Stavis 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 and taking action on proposed Ordinance #2026-02 to amend City Code Chapter 179, Vendors, as presented in the February 4, 2026 City Council Agenda Packet with the provision that the seasonal fees be increased to \$50.00 (Five Hundred Dollars) and the budding business fees be increased to \$400.00 (Four Hundred Dollars). Seconded by Councilor McNamara.

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

- D.** Discussion and Set Public Hearing for February 18, 2026: Ordinance #2026-03, Amendments to City Code Chapter 46, Cemeteries

Included in the agenda packet: [\(All supportive documents and information can be found on pages 178-185, Council agenda packet. Minutes do not include screenshots, graphs, or images.\)](#)

1. Proposed Ordinance #2026-03
2. Memo from Department of Public Works regarding the Columbarium Niche Inscription & Service Fee
3. City Code Section 46-7, Burials

Deputy City Manager Brooks reviewed the background behind the amendment change/clarification in language to Ordinance #2026-03.

BACKGROUND

The Department of Public Works is proposing Ordinance #2026-03 to recommend a change to City Code Chapter 46, Cemeteries, to address an ambiguity in the current regulations. Section 46-7.C outlines the rates associated with burials and entombments. For cremation burials, whether in-ground or in a columbarium, the rates include a “columbarium niche inscription and service fee.”

The Department of Public Works has noted that the niche inscription and service fee was not intended to pay for the actual inscription. Instead, the fee is intended to cover the cost of staff time to remove the stone so it can be inscribed and subsequently to reinstall the stone. DPW recommends that clarification be added to the City Code to avoid confusion.

Council/Staff Comments: NONE

ACTION:

Councilor McNamara MOVED, that the Lebanon City Council hereby schedules a public hearing for Wednesday, February 18, 2026, beginning at 7:00 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 #2026-03, as presented in the February 4, 2026 City Council Agenda Packet, to amend City Code Chapter 46, Cemeteries, §46-7(C), Burials and Entombment Rates, to authorize a change and clarification in the Cremation Burial Fees for the Columbarium Niche Inscription & Service Fee. Seconded by Councilor N. Ford Burley.

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

- E.** Discussion of NH Department of Justice Memorandum RE: NH RSA 21-I:112-116, Prohibition on Diversity, Equity, and Inclusion. **THIS ITEM WAS NOT DISCUSSED.**

12. CITY MANAGER REPORT: NO REPORT GIVEN

13. NON-PUBLIC SESSION: NONE

14. ADJOURNMENT:

***Councilor N. Ford Burley MOVED for adjournment.
Seconded by Councilor Heistad.***

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

The meeting was adjourned at 9:17 PM.

Respectfully submitted,
Dona E. Gibson