

FINAL

**LEBANON CITY COUNCIL  
MINUTES, REGULAR SESSION  
Council Chambers - City Hall  
Wednesday, September 18, 2019  
7:00 p.m.**

**MEMBERS PRESENT:** Mayor Tim McNamara, Assistant Mayor Clifton Below, Bruce Bronner, Erling Heistad, Karen Liot Hill, Suzanne Prentiss, George Sykes, Jim Winny, Karen Zook

**MEMBERS ABSENT:** None

**STAFF PRESENT:** City Manager Shaun Mulholland, Deputy City Manager Paula Maville, City Clerk Sandra Allard, Planning & Zoning Director David Brooks, Fire Chief/Interim Airport Director Chris Christopoulos

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**Mayor McNamara called the meeting to order at 7:00 p.m.**

Suzanne Prentiss was present via conference call because she was out of town for work in Texas.

Mayor McNamara announced that any votes taken at this meeting while Councilor Prentiss was in attendance would need to be by roll call vote due to her participating electronically.

- 1. PLEDGE OF ALLEGIANCE:** Councilor Sykes led the Council in the Pledge.
- 2. PUBLIC FORUM:** Mayor McNamara made the Public Forum announcement.
- 3. OPEN TO PUBLIC:** No one from the public came forth.
- 4. RECOGNITIONS:** None
- 5. ACCEPTANCE OF MINUTES:** September 4, 2019 (Regular Session)

*Councilor Hill MOVED to approve the September 4, 2019 (Regular Session) Minutes as written and presented in the September 18, 2019 agenda packet.*

*Seconded by Councilor Prentiss.*

*Roll Call Vote: Mayor McNamara, Assistant Mayor Below, Councilors Prentiss, Hill, Sykes, Heistad, Winny, Zook and Bronner all voting in favor.*

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

**6. APPOINTMENTS:**

- Conservation Commission: Darla Bruno (Alternate Member)

*Councilor Sykes nominated Darla Bruno as an Alternate Member of the Conservation Commission. Three-year term (9/19 – 9/22).*

*Roll Call Vote: Mayor McNamara, Assistant Mayor Below, Councilors Prentiss, Hill, Sykes, Heistad, Winny, Zook and Bronner all voting in favor.*

***\*The Vote on the nomination was unanimously approved. (9-0)***

- Lebanon Housing Authority: James Moretti (Regular Member)  
***Councilor Winny nominated James Moretti for Reappointment as a Regular Member of the Lebanon Housing Authority. Five-year term (9/19-9/24).***

***Roll Call Vote: Mayor McNamara, Assistant Mayor Below, Councilors Prentiss, Hill, Sykes, Heistad, Winny, Zook and Bronner all voting in favor.***

***\*The Vote on the nomination was unanimously approved. (9-0)***

- Arts & Culture Commission: Nicholas Gaffney (Arts Rep.)  
***Councilor Hill nominated Nicholas Gaffney as a Regular Member of the Lebanon Arts & Culture Commission. One-year term (9/19-9/20).***

***Roll Call Vote: Mayor McNamara, Assistant Mayor Below, Councilors Prentiss, Hill, Sykes, Heistad, Winny, Zook and Bronner all voting in favor.***

***\*The Vote on the nomination was unanimously approved. (9-0).***

- Downtown Lebanon TIF Advisory Board: Barry Schuster; Peter Owens; Victoria Smith; Ernest “Chip” Fleischer  
Council Prentiss interviewed 9 applicants (one has since withdrawn) for the Downtown Lebanon TIF Advisory Board. Membership includes four property owners or occupants of real property within or adjacent to the district and two citizen representatives who do not own or occupy real property within or adjacent to the district (note: no applications have been received for this category).

Mayor McNamara introduced the Council to Ms. Victoria Smith, Mr. Barry Schuster and Mr. Ernest Fleischer, who were present in the audience.

**Assistant Mayor Below recused himself from this portion of the meetings because he is an owner of property in Downtown Lebanon.**

***Councilor Prentiss nominated Barry Schuster; Peter Owens; Victoria Smith; Ernest “Chip” Fleischer (Property owners or occupants within or adjacent to the district) to serve as regular members of the TIF Advisory Board.***

***Barry Schuster; Peter Owens; Victoria Smith each serving a 3-year term (9/19-9/22). Ernest “Chip” Fleischer serving a 2-year term (9/19-9/21).***

***Roll Call Vote: Mayor McNamara, Councilors Prentiss, Hill, Sykes, Heistad, Winny, Zook and Bronner all voting in favor.***

***\*The Vote on the MOTION passed (8-0-1). Assistant Mayor Below was recused.***

**Assistant Mayor Below returned as a regular member of the Council.**

Councilor Prentiss left the meeting at this time.

**7. PUBLIC HEARING ITEMS: NONE.**

**8. OLD BUSINESS**

**A. Westboro Yard: No Report.**

## **9. NEW BUSINESS**

### **A. Presentation by Goody Clancy: Proposed Downtown Lebanon Design Guidelines and Zoning Amendments.**

A detailed memo from Planning Staff (dated September 9, 2019), the proposed language changes (highlighted in red) to the regulations in Section #30 of the Lebanon Downtown District, the working draft of the Downtown Vision Plan, and the presentation of the Design Guide Strategies were included in the City Council's September 18, 2019 agenda packet.

Ms. Kathleen Onufer and Mr. Ben Carlson (Goody Clancy) and Mr. David Brooks (Director of Planning & Zoning) came before the Council to give an informational overview of the Proposed Downtown Lebanon Design Guidelines and Zoning Amendments. The proposal is to create a new "Lebanon Downtown District" which would replace the existing Central Business District only in downtown Lebanon.

Mr. Brooks said this is another step in the City's efforts to implement the 2016 Downtown Visioning Study, which recommended the City update its policies to specifically address Land Use and development goals for Downtown Lebanon and to consider modifying certain regulations and adopting design guidelines for this area. To be clear, the proposed regulations are focused solely on the zoning for Downtown Lebanon. The Planning Board is looking at complimentary amendments to the Site Plan Regulations and, once a visioning process has been completed for West Lebanon Village, alternative regulations for that community will also be proposed. There will be many opportunities for public outreach over the next coming months.

Mr. Carlson recapped the broader themes from the proposed plan. While community feedback was very positive about how they appreciated the mix of people, businesses, and opportunities in Downtown Lebanon, they also noted gaps in street networking, the Mascoma River Trail, walkability and development opportunities for mixed use and infill development.

Ms. Onufer presented the current Zoning Map of the Downtown area with an overlay of the proposed new district that would replace the Central Business District, noting that the surrounding residential neighborhoods would stay as they are. Grandfathered rights would continue to exist for uses not be allowed in the new district, so no one will need to make a change for an existing structure. She explained the reasonings behind the language changes made to the Lebanon Downtown Zoning District, such as the where conditional use permits make sense; clarification of other uses (i.e., multifamily residential dwellings); identification of primary and secondary streets; lot dimension changes; streetscape improvements; buffer zones between buildings; floor-to-floor and building heights; location of parking and sidewalks; effective land use; accessibility of commercial uses; pedestrian walkability; and mixed uses.

Councilor Hill felt there are many interesting ideas and concepts but had a lot of questions to be addressed at a future platform. She needs more time to grapple with all the different provisions and language changes that were presented.

Council Sykes said that if the City could be more walkable, more bikeable, and have more businesses to support each other, he liked what he saw. He also had a lot of questions to be addressed in the future.

Mayor McNamara said that Boards, and the tenor of the Board, can change over time and noted his concerns as follows:

- Would like to make sure that Ordinances are written so they limit the amount of opportunity for subjectivity on the part of the Boards.
- Would like “special circumstances” defined.
- Developers really need to know what their density is going to be so they can run their financial calculation to decide whether it is worthwhile moving forward with a permit for their project. During the permitting process, relying on the Planning Board, with the developer, to determine what the density of a project is going to be did not feel good to him. This is a subject for a discussion with the Planning Board. A developer, without consulting the Planning Office at all, should be able to run through their calculations to determine their financials without having to worry about spending money to go before the Planning Board to determine what their density is going to be.
- He questioned the requirement for the 1<sup>st</sup> floor to be commercially occupied and suggested this should not be too ridged, explaining his reasonings. Mr. Brooks said this has already been addressed by taking this requirement out of the Variance process and making it a Conditional Use Permit and explained the difference between the Variance and a Conditional Use Permit process..

Councilor Zook said she was involved with the Planning Board presentation. Generally speaking, she likes the direction it’s going and liked the idea of encouraging, not requiring, ground floor retail and was in favor of anything that feels like a public use, giving examples.

Councilor Heistad questioned if commercial space would be allowed on the second floor. Ms. Onufur said that any commercial uses can be a principle use of the property, so commercial space could be allowed on any floor of a building. This language was intentionally written as being non-residential space, as opposed to retail or commercial space on the ground floor, to give the City as much flexibility as possible and presented examples.

**ACTION :**

**No Council action is required; item is for discussion purposes only.**

**B. Discussion & Set Public Hearing for October 2, 2019: Ordinance #2019-12 to amend City Code Chapter 31, Boards, Committees & Commissions, Economic Development Commission**

When reviewing the proposed make-up of the EDC (Economic Development Commission), the Economic Vitality Exchange Committee (EVEC) had recommended membership requirements that would allow existing members to be eligible to serve on the EDC. Some of the members have businesses in Lebanon, but are not themselves, residents.

Ordinance #2019-12 proposes to amend Chapter 31, Article XI, §31-46 to remove the word Citizen from the membership requirements of the EDC.

**ACTION:**

***Councilor Winny, that the Lebanon City Council hereby schedules a public hearing for Wednesday, October 2, 2019, beginning at 7:00pm in Council Chambers, City Hall, for the purpose of receiving public input and taking action on proposed Ordinance #2019-12, to amend City Code, Chapter 31, Boards, Committees & Commissions, to amend the membership requirements for the Economic Development Commission.***

*Seconded by Councilor Bronner.*

*Assistant Mayor Below requested the word Citizen be removed from Ordinance #2019-12 and replaced with another, more inclusive one. After the Council discussed potential wordage, they decided the word Citizen be substituted with “members of the public.”*

*\*The Vote on MOTION passed unanimously (8-0).*

**C. Authorization for City Manager to Execute Lease Agreement with Colyn Case, Tenant, Airport T-Hanger, Unit 37-13.**

Mr. Chris Christopoulos came forth representing the above lease agreement.

City administration has concluded lease negotiations involving the installation and cost of a heating system installed by Colyn Case, lessee of T-Hanger Unit #37-13.

An attached memo from Interim Airport Manager Chris Christopoulos and a draft of the proposed lease terms were included in the agenda packet.

**ACTION:**

***Councilor Hill MOVED, that the Lebanon City Council hereby authorizes the City Manager to execute the lease agreement with Colyn Case for T-Hanger Unit 37-13 as presented in the September 18, 2019 City Council Agenda Packet.***

*Seconded by Councilor Bronner.*

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

**D. Discussion & Set Public Hearing for October 2, 2019: Establishment of the Airport 1B/Upper Valley Tech Park Tax Increment Financing District**

Mr. Chris Christopoulos (Fire Chief and Interim Airport Manager) and Mr. David Brooks (Director of Planning & Zoning) came forth representing the above lease.

The Planning Department has been working with the City Manager and Airport Manager to evaluate the possibility of establishing a second TIF District near the airport as part of the strategy for making the airport more self-sustaining. A memo and supporting TIF District Program documents were included in the agenda packet.

Mr. Brooks said this (establishment of the Airport 1B/Upper Valley Tech Park TIF District) is another step in bringing the Airport back into the black, but noted there are still some financial challenges that need to be overcome. He gave a brief background and a slide presentation of this initiative. This TIF District is composed of three (3) properties: two (2) owned by the City and one (1) owned by the Upper Valley Tech Park, LLC. There is a potential for seven (7) 2.5 acre lots. The topography is very developable. A new wetland delineation has been done, along with a complete boundary survey. The TIF District could be expanded to include more of the existing Airport Park in the future if there is ever a desire or need to do so.

The Planning Staff looked at the adjacent Airport Business Park, excluding the Novo Nordisk property, and came up with projected incremental revenue assumptions, the TIF District Debt Service Projections,

and hypothetical Airport Lease Revenues, which he explained in depth to the Council. Investment is needed for the infrastructure (e.g., a road) in order to make these lots actually buildable.

The Council discussed infrastructure improvements. Mr. Mulholland explained the importance of having development agreements, and noted that it would be wise for the City to develop the roads far enough so the first two lots could be developed.

Councilor Hill asked if the anticipated full cost of the build out for the public infrastructure would be \$2.6 million or if the initial phase would be substantially smaller than this amount. Mr. Mulholland said the Council would appropriate the \$2.6 million but the funds would not be spent until the Council was approached with development plans for each project.

In response to Councilor Sykes question, Mr. Mulholland said these lots could be leased or sold in the future but advised the Council not to sell the lots.

Assistant Mayor Below asked if the name could be shortened for practical purposes (e.g., Airport TIF District).

#### **ACTION:**

***Councilor Hill MOVED, that the Lebanon City Council hereby schedules a public hearing for Wednesday, October 2, 2019, beginning at 7:00pm, City Council Chambers, City Hall, Lebanon, to receive public input regarding the establishment of the yet to be named but formerly known as the Airport 1B/Upper Valley Tech Park Tax Increment Finance District.***

***Seconded by Councilor Sykes.***

***\*The Vote on the MOTION passed unanimously (8-0).***

### **10. REPORTS**

#### **A. City Manager:**

##### **Mr. Mulholland gave updates on the following:**

- The Hampshire Municipal Association Annual Conference will be taking place on November 13 & 14, 2019.
- City Hall Renovation Update.
- IT Director position has been reopened.
- Finance Director: Candidates are being interviewed.
- Airport Director: Candidates will be interviewed shortly.
- Major City roadwork resurfacing projects have been completed for the year. Line painting will be done on the roads that were resurfaced as well as on Route 12A.
- Streetlight Project Update: A Draft Special Agreement with Liberty Utilities is being worked on.
- A Public Safety Facility Study began last week with a focus on just assessing the Fire Stations and Police Station. This is only an assessment of the existing structure and not looking at future plans for these facilities.
- Gas-to-Energy Project.

Mayor McNamara updated the Council on the meeting he & Councilor Hill attended with the Governor at the Lebanon Senior Center on September 16, 2019. He and Mr. Mulholland also attended a New Hampshire Mayors meeting in Nashua, NH, for where opioids, zoning, the importance of Arts & Culture, and advocating as block in the State were discussed.

**B. Council Representatives to other bodies:**

Councilor Sykes updated the Council the State’s budget, noting the Governor’s stance in keeping tax breaks for businesses. With those tax breaks in place, it is not possible for school funding and the property tax relief to move forward. A motion will be introduced soon to pass a budget overriding the Governor’s veto. Another vote to pass the State’s budget will take place on Sept. 19, 2019.

Mayor McNamara informed the Council that the Net Metering Cap increase failed by 4 votes.

Councilor Zook attended a lower Grafton County meeting where data is being collected on the population experiencing homelessness. This group is trying to get data on not just people who are camping, but people who are couch surfing and those who are generally in an unstable situation. She commended the Human Services Director for organizing this undertaking.

Councilor Below stated there will be a minor proceeding on what Liberty Utilities calls their Least Cost Integrated Resource Plan next week. He is volunteering to represent the City in this matter. The Council gave their support to him.

**11. FUTURE AGENDA ITEMS: None.**

**12. NON-PUBLIC SESSION: None.**

**13. ADJOURNMENT:**

*Councilor Bronner MOVED for adjournment.*

*Seconded by Councilor Winny.*

*\*The Vote on the MOTION passed unanimously (8-0).*

**The meeting was adjourned at 9:02PM.**

Respectfully submitted,  
Dona E. Gibson  
Recording Secretary