

FINAL

**LEBANON CITY COUNCIL
MINUTES, REGULAR SESSION
Council Chambers - City Hall
Wednesday, January 8, 2020
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, City Clerk Sandra Allard, Planning & Zoning Director David Brooks, Senior Planning & Zoning Planner Tim Corwin, Police Chief Richard Mello, Deputy Police Chief Phillip Roberts, Police Officer Logan Scelza, Assistant Fire Chief Jeff Libbey, Attorney Bernie Waugh, Jr.

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

NOTE: This will be the last meeting held in the Council Chambers at City Hall due to construction of the building. Future meetings will be held at 20 West Park Street, 3rd Floor until further notice.

1. PLEDGE OF ALLEGIANCE: Councilor Hill 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: Councilor Prentiss expressed thanks, appreciation and support to all of Lebanon's Public Safety community (Lebanon Fire and Police Departments), noting the injuries sustained by Lebanon firefighters after a fire broke out at the Element Hotel on Route 120 over the holidays. This was a serious event and could have been catastrophic. Lebanon is fortunate to have great public safety professionals serving in our City.

Mayor McNamara also said he received a letter of appreciation to the Lebanon Fire and Police Departments from a grateful couple in Wisconsin. The letter will be passed on to the them.

5. ACCEPTANCE OF MINUTES:

- December 4, 2019 (Regular Session)
Amendments: None
- December 18, 2019 (Regular Session)
Amendments: Page 2, line 31; Change "authorizes" to "authorize"

Assistant Mayor Below MOVED to approve the December 4, 2019 (Regular Session) and the December 18, 2019 (Regular Session) Minutes as amended in the January 8, 2020 agenda packet. Seconded by Councilor Prentiss.

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

Councilor Zook arrived at 7:04 PM.

6. APPOINTMENTS:

- Conservation Commission: Barbara Hirai (Regular Member)
Assistant Mayor Below nominated Barbara Hirai as a regular member of the Conservation Commission. Three-year term (1/20-1/23).

Councilor Sykes arrived at 7:06 PM

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

- Lebanon Energy Advisory Commission: Meghan Butts (Regular Member)
Councilor Prentiss nominated Meghan Butts for reappointment as a regular member of the Lebanon Energy Advisory Commission. Two-year term (1/20-1/22).
**The Vote on the nomination was unanimously approved (9-0).*

- Heritage Commission: Raymond Book (Alternate Member)
Councilor Bronner nominated Raymond Book for reappointment as an alternate member of the Heritage Commission. Three-year term (1/20-1/23).
**The Vote on the nomination was unanimously approved (9-0).*

7. PUBLIC HEARING ITEMS: None

8. OLD BUSINESS: None

9. NEW BUSINESS

A. Review and Adoption of 2020 Annual Calendar

Mr. Mulholland came forth to present the proposed 2020 City Council Annual Meeting Calendar as presented in the January 8, 2020 agenda packet. Thus far, dates include City holidays, regular Council meetings, municipal election information, proposed dates for the annual work sessions (unconfirmed), a general budget work schedule (in-house), and proposed Council Budget Work Session dates (5 reserved dates in November - subject to change).

Mr. Mulholland asked the Council to consider changing their meeting time to 6:30 pm and get back to him with their thoughts within the next couple of weeks. This is due to the amount of information they will need to cover, especially during the first quarter of the year. If the meeting time is changed, this would require a change to City Council Rules.

ACTION:

Councilor Hill MOVED, that the Lebanon City Council hereby adopts the Annual Calendar as proposed in the January 8, 2020 agenda packet.
Seconded by Councilor Prentiss.

**The Vote on the Motion passed unanimously (9-0).*

B. Appointment of 2020 Chair and Vice-Chair for Economic Development Commission

On July 10, 2019, the City Council approved Ordinance 2019-12 to amend Chapter 31 (Boards, Committees and Commissions) of the City Code to establish the Economic Development Commission (EDC) to replace the Economic Vitality Exchange Commission (EVEC). The responsibility of the EDC is to make recommendations to staff and the Council regarding the overall economic development of the City in accordance with the City's sustainability objectives and adopted Master Plan, specifically to lead in the implementation and update of Chapter 6, Economic Development.

According to §31-46. Establishment; Membership; Qualifications, The City Council shall annually in December of each year appoint a Chairperson and a Vice-Chairperson from the nine members of the Commission to serve for the following calendar year.

Mr. Mulholland proposed Mr. Steve Whitman be nominated as Chair of EDC (Economic Development Commission) and informed the Council about the work the work and accomplishments Mr. Whitman has accomplished while serving on the Economic Vitality & Exchange Committee (EVEC).

ACTION:

Assistant Mayor Below MOVED, that Mr. Steve Whitman be appointed as Chair of the Economic Development Commission for calendar year 2020.

Seconded by Councilor Sykes.

The Council discussed the appointment of a Vice-Chair to the EDC and decided to place a hold on any nomination for now. They would like Mr. Whitman and members of the EDC to be involved with this process.

Councilor Hill also requested that she and Assistant Mayor Below, City Councilors who serve on this Commission, be listed on the EDC roster.

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

C. Review of Proposed Zoning Amendments for Council Adoption and those to be placed on the 2020 Municipal Ballot (Public Hearing to be held January 22, 2020)

Mr. David Brooks (Planning Director) and Mr. Tim Corwin (Senior Planner) came before the Council representing the proposed Zoning Amendments.

At the October 2, 2019 meeting, the City Council was presented with a number of proposed amendments to the Zoning Ordinance and Zoning Map. The Council took action to accept the amendments as presented and forwarded them for review and comment by the Planning Board, Conservation Commission, and Zoning Board of Adjustment. Legal review has been obtained, and all boards have completed their review. Attorney Fillmore's Legal Opinion along with the 2019-2020 Proposed Zoning Ordinance Amendments, the Proposed Zoning Map Amendment – Creation of GC1, and excerpts of meeting minutes were included in the January 8, 2020 agenda packet. A public hearing pursuant to Section 1000.3.D of the Zoning Ordinance is requested for January 22, 2020 (scheduled as part of Council's prior action on October 2nd).

The purpose of this meeting is to present an overview of the final version of the proposed amendments to be considered by the Council at the upcoming public hearing. Some of the proposed amendments are under the authority of the Council, others require placement on the Ballot for consideration by voters. All of the amendments are addressed in the agenda packets comprehensive memorandum drafted by Planning

Department Staff. The Council has the authority to place any of the proposed amendments on the Ballot, including those that are under the Council’s sole purview.

Once the proposed amendments are finalized, they will be posted as part of the public hearing on January 22, 2020. Once posted, all applications to the Land Use Boards and all Building/Zoning Permit applications will be subject to the provisions of both the existing Zoning Ordinance and the proposed amendments..

Mr. Corwin updated the Council on only the amendments that have changed since the Council reviewed them in October per the Mayor’s request, since all proposed amendments will be presented in greater detail at the public hearing on January 22, 2020. Additional changes to the amendments have been forwarded to legal counsel and Planning Staff was informed she had no additional concerns and the concerns raised in October have been resolved.

The following amendments were reviewed by Mr. Corwin, as listed in the Staff Memo:

Ballot Amendments:

#A-1. Amend Section 200 (“Gardening and Forestry) (p. 81 of the agenda packet). This expands the types of noncommercial land uses of property/land cultivation activities that are not regulated by the Zoning Ordinance as identified on page 90 of the agenda packet (page 2 of the Draft Zoning Ordinance). This issue, as reviewed by legal counsel, this that this amendment would requires voter approval. After discussion with Ms. Mercer, the thought is if the last sentence beginning with “Commercial gardening, forestry...” and highlighted in blue is removed, this amendment probably would not require Ballot approval and would not change the substance of what this amendment does. He asked the Council if they would approve removal of this sentence. **The Council agreed to have this sentence removed.**

#A-6. Adopt Proposed Section 600 B (Home Based Agricultural Business”) and Amend the R-1, R-2, and R-3 District Tables (as presented on pages 16, 18, 20, and 37 of the Draft Zoning Ordinance). The change is to establish limited commercial agricultural uses in the Lebanon’s Residential Districts. The Conservation Commission would like this amendment to require a Zoning Permit to ensure that the applicant is able to meet these requirements and establish that they will be met.

#A-7. Amend the R-1, R-2, R-3, RL-1, and RL-2 District Tables to Change “Church” to “House of Worship” (as presented on pages 16, 18, 20, 28 and 29 of the Draft Zoning Ordinance). This amendment is new. The purpose of this amendment is to be more inclusive of all forms of worship and will require Ballot Approval.

Council Amendments:

Text/Map Amendments (starting on page 83 of agenda packet):

#B-9. Amend Section 408.3 (“Delineation of Historic Districts”) and Create a New Appendix C (see p. 31 and 51 of the Draft Zoning Ordinance): A copy of the Lebanon Historic District Map is proposed to be attached to the Zoning Ordinance as Appendix C. (map located on page 140 of the agenda packet.)

Mr. Corwin stated that Text Amendment #5 and Map Amendment #17 are related. Amendment #5 is the establishment of the GC-1 District Regulations and Map Amendment #17 is a Zoning Map Change to rezone the subject properties from their current Zoning. He reviewed the map on page 141 of the agenda packet, the history behind the requested changes, and the changes that would be needed to accommodate the uses. The Planning Board was receptive to supporting a Zoning Amendment to allow multi-family uses in this area.

#B-5. Adopt Regulations for the Proposed General Commercial One (GC-1) District, New Section 305A, and Related Modifications to Sections 211, 300, 500, 501, 607 (“Parking”), 608 (“Signs”), 612, and Appendix A (see p. 2, 3, 9, 32, 34-35, 42, 45, and 49): The area proposed to be rezoned to the new GC-1 District is described in Amendment #B.17 depicted on the attached map located on page 141 of the agenda packet.

#B-17 (Map Amendment) NH Route 120, near the Lebanon/Hanover municipal boundary (detailed information can be found on page 86 of the agenda packet).

In order to allow multifamily housing on the property occupied by the Jesse’s restaurant parking lot and on the 40+ acre tract owned by DHMC staff had originally proposed to rezone these lots from Light Industrial (IND-L) to General Commercial (GC). This would match the existing GC zoning on the west side of Route 120 (occupied by the Hanover Road Professional Center). However, following discussion with the City Council in October, staff is now proposing to create a new General Commercial One (GC-1) District, as described in Amendment #B.5 above. Based on consultation with the affected property owners, legal counsel, and the Planning Board, staff proposes to rezone the following lots to the new GC1 District:

- Map/Lot 10-7, owned by Hanover Road Professional Center LLC, currently zoned GC, consisting of 5.1 acres;
- Map/Lot 10-8, owned by DHMC - only the +/-16.28 acre portion of the +/-285-acre property, which is currently zoned GC;
- Map/Lot 10-9, owned by the Route 120 Realty Company, currently zoned IND-L, consisting of 2.96 acres; and
- Map/Lot 10-10, owned by the Hitchcock Clinic, currently zoned IND-L; +/-39.85 acres of the total +/-43.0 acre property are proposed to be rezoned to GC-1; the remaining +/-3.15 acres will remain IND-L.

The Hitchcock Clinic informed staff of a proposed boundary line adjustment between its property (Lot 10-10) and the property owned by Adimab LLC at 7 Lucent Drive. Consequently, the proposed rezoning excludes the +/-3.15 acre portion of Lot 10-10 that will likely be transferred to 7 Lucent Drive for use by Adimab as industrial land.

Mayor McNamara stated more discussion would be needed on these changes to make sure the Council does not subject themselves to the law of unintended consequences - do we all really want to see residential uses on these lots.

The Council discussed the proposed uses allowed in the new GC-1 District; if the land was suitable for residential uses; and if there were uses unsuitable for light industrial purposes. Mr. Brooks, at the Council’s request, described what uses would be permitted in the Light Industrial District.

Councilor Hill inquired if it would be possible to add some component for residential uses in Light Industrial Zoning as opposed to creating a new GC-1 District.

Mayor McNamara suggested that the land on the west side of Route 120 remain zoned as is and zone 10.9 and 10.10 become one zone.

The Council and Mr. Brooks discussed spot zoning; mixed uses; residential uses; light industrial uses; the purpose behind creating a GC-1 District; and whether or not the GC-1 District is the best way of achieving an enhanced residential presence on that end of Route 120.

Since this is not a Ballot issue, Councilor Hill felt these proposed amendments should be left off the public hearing agenda to give the Council a little more time to address their concerns.

Councilor Sykes proposed these amendments should be included in the public hearing agenda, noting the Council would not be locking themselves into anything, yet.

Councilor Heistad was willing to take this up at a more extensive discussion on a later date.

Assistant Mayor Below suggested staff continue to think about the Council's concerns and illicit feedback from some of the affected parties about the approaches mentioned, referencing the legal opinion discussion on pages 143-145 of the agenda packet. He favored keeping these proposed amendments on the public hearing agenda and if there were still concerns they could be put on hold at that time. If there is a modified proposal then there could be another public hearing.

Mayor McNamara called for a straw poll to determine whether the creation of a new GC-1 District should move forward to the Public Hearing on January 22, 2020.

**The Straw Poll Vote was (6-3).*

These Amendments (Text Amendment #B-5 and Map Amendment #B-17) will move forward to the Public Hearing on January 22, 2020.

Mr. Corwin reviewed Amendments #B-6 and Map Amendment #B-18 dealing with the proposed Lebanon Downtown District as listed below:

#B-6. Adopt Regulations for the Proposed Lebanon Downtown (LD) District, New Section 307, and Related Modifications to Sections 300, 500, 607 (“Parking”), 608 (“Signs”), and Appendix A (as presented on pages 3, 11, 32, 40-43, 49, and 51 of the Draft Zoning Ordinance): The area of downtown Lebanon currently zoned Central Business (CB) District is proposed to be rezoned to the “Lebanon Downtown District”. It is noted that the existing Central Business District regulations will continue to apply to the West Lebanon Village area pending the preparation of any amendment.

#B-18 Lebanon Downtown District: The area of downtown Lebanon currently zoned Central Business District (CBD) is proposed to be rezoned to “Lebanon Downtown District” (LDD). The regulations for the LDD are proposed to be located in Section 307 of the Zoning Ordinance

Mr. Brooks described some of the minor adjustments made to the Lebanon Downtown District Regulations since October of 2019. The focus was on trying to give the Council a better understanding of

what some of the differences are between what the existing Central Business District requires and what the proposed Lebanon Downtown District changes would be. (The changes reviewed can be found on pages 98-101 of the agenda packet as highlighted in blue.) The Planning Board has some flexibility to review and evaluate the design and proposal. The Council was presented with examples of front/side/rear setbacks and height requirements.

ACTION:

Councilor Hill MOVED, that the Lebanon City Council hereby schedules public hearings for Wednesday, January 22, 2020, beginning at 7:00pm in Council Chambers, Room 386, 20 West Park Street (3rd Floor), Lebanon, for the purpose of receiving public input and taking action to:

- 1. Adopt certain amendments to Ordinance #2, the City of Lebanon Zoning Ordinance; and**
- 2. Place other proposed amendments to Ordinance #2 on the March 2020 municipal Ballot for consideration by Lebanon Voters.**

Seconded by Councilor Winny.

**The Vote on the MOTION passed unanimously (9-0).*

D. Discussion and Set Public Hearing for January 22, 2020: Citizens' Binding Initiative Petition for Welcoming Lebanon Ordinance

Included in the January 8, 2020 agenda packet were:

1. October 28, 2019 Initiative Petition
2. December 27, 2019 City Clerk Certification of Petition Signatures
3. October 16, 2019 Memo from City Clerk Sandra Allard to City Council re: Process for Citizens' Initiative Petition

Mr. Mulholland came before the Council and reviewed the process for the Citizens' Binding Initiative Petition for the Welcoming Lebanon Ordinance.

A Citizens' Binding Initiative Petition relative to a "Welcoming Lebanon Ordinance" was submitted by a lawfully established Petitioners' Committee to the City Clerk on October 15, 2019.

In accordance with City Code Chapter 89, Initiative Petitions, §89-4, the sample question and explanation submitted by the Petitioners' Committee was submitted for legal review. Attorney H. Bernard Waugh provided a legal opinion addressing whether the sample question and explanation are sufficiently clear and in the appropriate form. Based on attorney Waugh's review and suggested clarifications, the Petitioners' Committee amended the proposed language and submitted a revised petition/ordinance on October 28, 2019.

In accordance with City Charter §C419:23a, Citizens Binding Initiative, a qualified petition requires signatures by ten (10) percent of the votes cast in the last gubernatorial election. In this instance, 611 signatures were required for the petition to be qualified. 680 qualified signatures were certified by the City Clerk on December 27, 2019.

Within 14 days of certifying the signatures, the City Clerk forwarded the petition to the Council to be placed on a City Council agenda. Within 20 days of receipt of the City Clerk's certification at such Council meeting, the City Council must schedule and hold a public hearing and decide whether or not to pass the initiative (Welcoming Lebanon Ordinance) without alteration.

If, after the public hearing, the City Council decides not to pass the initiative, to pass the initiative with substantive alterations, or takes no action whatsoever, then the Council shall cause the original certified petition question and a brief explanation or synopsis to be placed on the Ballot at the next municipal election – March 10, 2020. If passed by a majority of voters, the initiative shall become effective the first day of the succeeding municipal year – beginning January 1, 2021.

The Council was provided the proposal for a Welcoming Lebanon Ordinance for the City of Lebanon in advance of this meeting (pages 161-162 of the January 8, 2020 agenda packet).

Ms. Kathleen Beckett, petitioner (Ward 3), and colleagues Ms. Asma El Huni and Ms. Angy Zhang came before the Council representing the Citizens’ Binding Initiative Petition for the Welcoming Lebanon Ordinance.

Ms. Beckett said the reason for this petition was meant to make every person in Lebanon feel welcome in the City, regardless of race, ethnicity, language, immigration status and citizenship status, noting a Resolution is not enough given what is happening in this country around immigration enforcement. Friends in the community who have legal documents are living in fear that the local police are cooperating with ICE/Immigration Enforcement/Border Patrol. She felt the City needs to take action to do everything we can to help the people in our community to feel safe and valued, noting immigrants are important to our community and we need them to survive in our workplaces (i.e., DHMC, Dartmouth College). Although we know we cannot prevent Border Patrol/ICE from picking people up, we can prevent our local police from aiding and participating in immigration enforcement.

She reviewed the six provisions as provided in the agenda packet with the Council.

Mayor McNamara informed the petitioners the Council would just be scheduling a public hearing for this on January 22, 2020. The Council was provided a legal opinion on how to move forward with this petition and they will need to obtaining a legal opinion on individual items within the proposed referendum. Petitioners will be provided with that legal opinion well before January 22, 2020 public hearing for their review.

The Council further discussed the need for obtaining a legal opinion regarding questions they have before moving this Petition forward to the Public Hearing on January 22, 2020.

Ms. Beckett handed out a packet of information regarding US Code 1373 and information from the ACLU, along with statements from immigrants who would be affected by this Ordinance. The City Clerk accepted copies of this information for the record. She also wanted to make sure that when the City requests a COPS grant, it is understood that the City is not required to state that they will adhere to US Code 1373.

Mayor McNamara reiterated that any document(s) received by the Council needed to be reviewed by legal counsel.

ACTION:

Assistant Mayor Below MOVED, that the Lebanon City Council hereby schedules a public hearing for Wednesday, January 22, 2020, beginning at 7:00 pm in Council Chambers, Room 386, 20 West Park Street (3rd Floor), Lebanon, for the purpose of receiving public input and taking action on a Citizens Binding Initiative Petition to enact a “Welcoming Lebanon Ordinance.”

Seconded by Councilor Zook.

Councilor Hill said that regardless of what ultimately happens with the Ordinance, she is tremendously proud to live in a community of such compassionate people who care so deeply about our neighbors. While she is uncertain how she will vote on the final analysis she applauds the spirit of this effort.

Councilor Heistad concurred with Councilor Hill’s comments and noted this issue is a lot closer than most of us want to think about. He spoke about an employee of this City who is living in fear, even though the employee, spouse and family are American Citizens.

Councilor Zook also applauded the effort put forth by those who attended this meeting tonight during an unexpected heavy snow squall. The effort put forth by those collecting signatures was monumental and much appreciated.

****The Vote on the MOTION passed unanimously (9-0).***

Assistant Mayor Below presented the Council with the following additional motion:

Assistant Mayor Below MOVED to authorize the City Manager to release the legal opinion, once the Council has had a chance to have a consultation with legal counsel and the opinion is considered final and ready for release.

Seconded by Councilor Zook.

Councilor Hill inquired as to if this Motion would be in order at this time. She would prefer to discuss the legal opinion with legal counsel and then unseal it. Assistant Mayor Below said this Motion is authorizing the City Manager to release the legal opinion after the Council has consulted with legal counsel and the legal opinion(s) are finalized. His impression is that releasing the legal opinion requires a vote by the Council to authorize this, noting that consultation with legal counsel is not a non-public session. It is still at the City Manager’s discretion because it is simply authorizing him to release the legal opinion and not ordering him to.

****The Vote on the MOTION passed unanimously (9-0).***

E. Discussion and Set Public Hearing for February 19, 2020: Placing the question of whether to permit the operation of Keno games on the March 10, 2020 municipal Ballot.

Included in the January 8, 2020 agenda packet were:

1. December 11, 2019 Request from American Legion – Post 22 re: Keno on the March Ballot
2. New Hampshire RSA 284 (Sections 284:41 – 284:51)

SB191 was adopted by the State Legislature with an effective date of July 1, 2017. SB191 provides for additional education grants for school districts that have full-day kindergarten, with the funding for those grants to come, in part, from the proceeds of Keno operations. Any NH town or city may allow the operation of Keno games within their community by placing the question on the town warrant or municipal Ballot. Keno may be operated only in cities and town that have voted to allow it. In a city, the legislative body may vote to place the question on the official Ballot for any regular municipal election, or, in the alternative, shall place the question on the official Ballot for any regular municipal election upon submission to the legislative body of a petition signed by 5 percent of the registered voters.

If the City Council wishes to put the question on the Ballot, a public hearing on the question must be held at least 15 days but not more than 30 days before the question is to be voted on (RSA 284:51).

Mr. Peter St. Pierre (Ward 2 and American Legion Post 22 Manager) and Mr. Don Hemmingway (Ward 1), came before the Council representing placing the question of whether to permit the operation of Keno games on the March 10, 2020 municipal Ballot.

Mr. St. Pierre said the American Legion does a lot of fund raising for the City and this is one way they can increase their charities, noting that Keno would help them raise funds to give back to the local community and the proceeds going to the State would be going to the State Education Fund. Out of 16 games allowed in the City, Keno is the only game not allowed. In his opinion, Keno would be beneficial to everybody and informed the Council about the number of other municipalities in New Hampshire where Keno was allowed.

Mr. Hemmingway (Ward 1) said he has volunteered for two years in a row to go home-to-home looking for registered voters in the City of Lebanon. The feeling from over the 300 signatures he personally received was to give the voters their constitutional right to vote and the Council was taking away that right away from them. He requested the Council to do the right thing: Put Keno on the Ballot and let the people vote.

Councilor Hill's position was the same as last year. She agreed Keno should go before the voters of Lebanon. The NH State Legislature envisioned that each town should decide whether it was appropriate for their community. It may be that the people of Lebanon would vote it down but felt Keno should be the voter's choice to make.

Assistant Mayor Below stated that the State Legislature wrote that you (City Council) have to vote to put Keno on the Ballot then have the Public Hearing. He was uncertain what the Public Hearing is for because there is no action to be taken after the Public Hearing. While he appreciated the American Legions interest in trying to improve their ability to fund raise for the charities they contribute to he believes it is just a form of entertainment. The problem, and his principled opposition to taking any action that enables an expansion of the forms of gambling, is due to the speed/proximity at which it occurs and how it engages the State in predatory behavior by exploiting peoples weaknesses and vulnerabilities. What is known, from the limited amount of research that has occurred in the gambling field, is the more forms/proximity of gambling the more gambling problems occur. Part of the problem is how this goes on the Ballot because there is no education about gambling problems and presented a few facts and studies about who ends up on the disordered gambling spectrum (a form of addiction) such as:

- People who are socio-economically disadvantaged, compared with the most advantaged, have 12 times the rate of pathological problem gambling. For those who live in the 10% least disadvantaged neighborhoods in the Country this means problem gambling causes harm to themselves, their families, their businesses and their communities.
- People who are maltreated/abused/neglected as children are most vulnerable to becoming addicted to and/or having gambling problems.
- People who were children of people with gambling disorders are particularly prone to gambling problems.
- People who use tobacco, or who are addicted to alcohol or other drugs are prone to gambling problems. Data shows there is a strong connection between opioid addiction and gambling addiction.
- People with certain mental health issues (i.e., depression, anxiety and obsessive compulsive disorder) are particularly vulnerable to gambling.
- Elders are one of the fastest growing groups who have gambling addiction problems.

Assistant Below also noted this is one of the most regressive forms of taxation because such a disproportionate amount of the revenues come from people who end up on this disordered gambling

spectrum and spoke to the fact that even the New Hampshire Lottery does not share any collected information. There has been a resistance to disclosing the data that would allow this kind of analysis, but in a few cases data showed 90% of the gambling profits came from the financial losses of just 10% of the participants. Eleven independent scholarly studies found from 35%-60% of gambling revenues were derived from a problem or pathological gamblers and further described other studies that have been done. Lebanon has enough problems in our community and society with inequity in income, inequity in how government is funded, as well as problems with addiction and he did not want to be part of expanding these problems, noting the State Legislature gave municipalities a gateway position on whether Keno would be put on the Ballot. He opposed having Keno put on the Ballot.

Councilor Sykes said the Motion presented in the agenda packet has two parts which are inconsistent and described his confusion. Mr. Mulholland said the purpose of putting Keno on the public hearing agenda is to “inform the public” before it comes up for a vote. Councilor Sykes said it was clear to him that sometimes the Legislature makes mistakes and perhaps the Legislature did not envision the impact this would have on cities. He did not support gambling for all the reasons Assistant Mayor Below gave and felt this is a bargain the Council does not want to make. No one wins with gambling, and the amount of funds that would be raised for education, etc., is not significant compare to the societal costs. Furthermore, the glowing reports about how much revenue would be raised by Keno have fallen far short in other communities that have instituted Keno. He could not support a Motion that would allow Keno in this City.

Mayor McNamara said this is the third time Keno has come before the Council for a vote over the last three years. He does not gamble, does not support gambling, but supported putting Keno on the Ballot. He also supported everything Assistant Mayor Below said about the detrimental effects of gambling and would support a way of getting the word out to the people of this City about the negative impacts of gambling prior to the vote. It is important to counter act all the positive publicity the State puts out so the citizens of Lebanon are well informed about the pluses and minuses of Keno. It made sense to him to have the citizens vote on Keno, but have them do it in an informed way.

Councilor Bronner supported putting Keno on the Ballot.

Councilor Prentiss supported putting Keno on the Ballot because it is part of the democratic process, but also supported everything Assistant Mayor Below brought to the table. It is time to end this discussion: Put Keno on Ballot and let Lebanon voters decide, but have them decide in an informed way.

Councilor Heistad spoke about one of his professors, whom he lost to gambling and suspects the professor is now deceased. He attempted to find him, but the closest he came was from a Casino who shut him off because he was in such dire straits (living in cabin without any running water/heat etc.) In his memory, he will be voting against Keno, noting that gambling is one of the scourges our society looks to in hopes of finding a miracle.

Councilor Zook inquired if there was any guarantee of Keno coming back if voted down by the voters. Mayor McNamara said it could come back, but felt there would be a strong indication that it would never pass. Assistant Mayor Below stated that if it is voted down, he thought a waiting period of five (5) would be needed. Councilor Zook did not support putting Keno on the Ballot, noting this was not in the best interests of the City.

Councilor Winny did not support putting Keno on the Ballot. He heard from many of the constituents in his ward who oppose Keno and no one has contacted him in support of it.

Assistant Mayor Below noted that after looking at page 191 of the agenda packet and the Statute, it appears that “if the question is not approved, the question may later be voted upon at the next annual meeting.”

ACTION:

Councilor Hill MOVED, that the Lebanon City Council hereby directs the City Clerk to place the following question on the March 10, 2020 municipal Ballot: “Shall we allow the operation of Keno games within the city?”

Seconded by Councilor Bronner.

***The Vote on the MOTION was (4-5). The MOTION FAILED.**

F. 155-b Order for Demolition of Structure owned by Misha Rosoff, 387 North Main Street, West Lebanon

Included in the January 8, 2020 agenda packet were:

1. RSA 155-B Hazardous and Dilapidated Buildings
2. December 2, 2019 Notice of Hazard – 387 N. Main Street, West Lebanon

Mr. Mulholland said the City has already taken enforcement action and the property owner has applied for a demolition permit but has not acted upon this. This has been a long, thought out process, and he has received several complaints from neighbors in the area. According the New Hampshire RSA 155-B:1, this requires further action by the Council to allow the City to move forward with the demolition.

Assistant Chief Jeff Libby came before the Council representing the RSA 155-B Order for Demolition of Structure owned by Misha Rosoff, 387 North Main Street, West Lebanon. He handed out paper copies of the correspondence timeline with the property owner to the Council and they reviewed slides of property.

The Council was informed that because of inadequate maintenance, dilapidation, physical damage, abandonment, and conditions which constitute a fire hazard and a hazard to public safety and health, the building located at 387 North Main Street, West Lebanon, further identified as City Tax Map 8, Lot 12, is deemed a Hazardous Building as defined in New Hampshire RSA 155-B:1.

Fire Inspector Egner has inspected the building at these premises on multiple occasions in 2019 and found the building unsafe. Portions of the building have begun collapsing and the entire structure is an attractive nuisance and fire hazard. The Lebanon Fire Department has been working with the property owner since March 2019 to mitigate the hazardous state of the building. On October 4, 2019, the property owner stated that demolition of the building would start on October 21, 2019. On December 2, 2019, Fire Chief Christopoulos issued a written notice that the building was deemed unsafe under City Code §72-15 and ordered remediation of the hazard within 30 days. However, to date, no demolition has begun.

Mr. Mulholland informed the Council that the reason Mr. Rosoff applied for a demolition permit is because he knew this was going to happen. He will have 30 days to rectify (demo) this building and if he fails to do this the rest of the process kicks in. In response to Council Hill’s inquiry about recovering the expenses incurred by the City for the demolition of this property, Mr. Mulholland said that all costs would be recovered, including the costs for abatement of asbestos..

ACTION:

Councilor Hill MOVED that:

WHEREAS, the City of Lebanon’s Fire Inspector and Fire Chief have determined that the structure located at 387 N. Main Street, West Lebanon, further identified as City Tax Map 8, Lot 12, is a “hazardous building” as defined in RSA 155-B:1, II, constituting a fire hazard and a threat to public health and safety.

BE IT MOVED, that the Lebanon City Council, pursuant to RSA 155-B:3, hereby ORDERS the owner of the hazardous building located at 387 N. Main Street, City Tax Map 8, Lot 12, to correct the hazardous condition of such building or to raze or remove the same within thirty (30) days; and

BE IT FURTHER MOVED, that the Lebanon City Council hereby designates and authorizes the City Manager or his designees to issue an appropriate written ORDER on behalf of the City Council and to undertake all actions and execute all documents as may be required (a) to enforce such ORDER through an RSA 155-B proceeding before the 2nd Circuit Court – District Division – Lebanon, (b) to cause the razing or removal of the hazardous building, and (c) to recover all sums expended by the City in bringing the property into compliance pursuant to RSA 155-B:3, 9, 9-a and 10.

Seconded by Councilor Bronner.

***The Vote on MOTION passed unanimously (9-0).**

10. REPORTS

A. City Manager: Mr. Mulholland informed the Council about the following:

- City offices move to 20 West Park Street update.
- NH’s Legislative sessions have begun.
- AMHA email was forwarded to Councilors for their review.
- Three new sewer permits applications under the new ORDER have been received.
- Council mailboxes update.
- Tina Stearns was promoted to the Deputy Finance Director position.
- EV Charging Stations update.
- The City Hall Construction Map: The goal is to get the entire project completed in 2020.
- The impact OSHER’s move will have on parking.
- PFAS: National League of City’s Conference on February 6-7, 2020. There is no cost to the City to have the City Manager attend.

B. Council Representatives to other bodies:

Assistant Mayor Below informed the Council about the following:

- HB 1262: Clean Energy Bill
- HB 19-197: Development of the state-wide multi-use energy data platform. LEAC made a motion that the Council consider him to represent the City on this bill. Council agreed for him to represent the City.

11. FUTURE AGENDA ITEMS: NONE.

12. NON-PUBLIC SESSION: NONE. However, the Council met with legal counsel after the meeting to discuss the Citizens’ Binding Initiative Petition for the Welcoming Lebanon Ordinance.

13. ADJOURNMENT:

Councilor Bronner MOVED for adjournment.

Seconded by Councilor Heistad.

****The Vote on the MOTION passed unanimously (9-0).***

The meeting was adjourned at 9:20 pm.

Respectfully submitted,

Dona E. Gibson

Recording Secretary