

2005 DOVER CHARTER COMMISSION

MINUTES - MAY 12, 2005

CITY HALL CHAMBERS

Moment of Silence

Pledge of Allegiance

Roll Call; Approval of Agenda

Commissioners Present: Chairman Allan Krans, Vice Chairman Phyllis Woods, David Landry, Charles Mone, Charles Reynolds, David Bibber, Wil Boc, Tom Dunnington, Gary Gilmore (arrived at 7:15 p.m.)

Boc moved to approve the agenda, seconded by Reynolds. Motion passed on an 8-0 vote.

Approval of Minutes - None

Krans explained that the Motions have an "L" added to them to indicate they are being referred to legal review and that this step in the process will require 5 favorable votes.

Motion to Send for Legal Review an Amendment to C1-3; Motion #2005-10 (Ward Boundaries) (Reynolds)

Reynolds moved to refer to legal review, seconded by Mone. Motion passed on an 8-0 vote.

Motion to Send for Legal Review an Amendment to C2-1; Motion #2005-11 (At Large Council) (Boc)

Boc moved to refer to legal review, seconded by Woods.

Krans stated that Chamber of Commerce President Jack Story had been planning to speak tonight, but left a written statement for the members. (Clerk did not receive a copy of this statement for the record)

Discussion ensued regarding whether the commission is voting simply to refer to legal counsel for review or for support of the actual motion.

Krans clarified that it should be both and stated that each of these motions will be voted upon individually and not combined to avoid confusion.

After much discussion, Motion #2005#11 FAILED on a 4-5 vote, Dunnington, Reynolds, Landry and Woods in favor.

Motion to Send for Legal Review an Amendment to Article 2: Motion #2005-11A (Elections) (Reynolds)

Gilmore moved to refer to legal review, seconded by Dunnington. Motion passed on a 9-0 vote.

7A. Motion to Send for Legal Review an Amendment to Article 2: Motion #2005-11B (Elections) (Reynolds) - WITHDRAWN

Motion to Send for Legal Review an Amendment to C3-1; Motion #2005-38 (Number of Councilors) (Gilmore)

Gilmore moved to refer to legal review, seconded by Landry.

After much discussion, Motion #2005-38 passed on a 5-4 vote, Krans, Dunnington, Boc and Bibber opposed.

Motion to Send for Legal Review an Amendment to C3-2; Motion #2005-18A (Training) (Gilmore)

Gilmore moved to refer to legal review, seconded by Landry.

After much discussion Motion #2005-18A passed on a 6-3 vote, Bibber, Boc and Dunnington opposed.

Motion to Send for Legal Review an Amendment to C3-3; Motion #2005-30 (Deputy Mayor) (Gilmore)

Gilmore moved to refer to legal review, seconded by Reynolds.

Discussion ensued regarding the term "Mayor Pro Tem" vs. "Deputy Mayor".

Motion passed on 7-2 vote, Krans and Bibber opposed.

Motion to Send for Legal Review an Amendment to C3-4; Motion #2005-31 (Residency) (Gilmore)

Boc moved to refer to legal review, seconded by Woods. Motion passed on an 8-1 vote, Reynolds opposed.

Motion to Send for Legal Review an Amendment to C3-6; Motion #2005-32 (Council Salary) (Gilmore)

Krans explained that this item was added to the agenda incorrectly as it had previously failed.

Gilmore moved to refer to legal review, seconded by Reynolds.

Boc called a point of order that this item should not be included as it had previously failed and moved to remove item from agenda, seconded by Bibber.

Gilmore stated that the agenda was already approved and should have been acted upon at that time.

Krans overruled Boc's motion.

Mone moved to refer to legal review and then back to a public hearing. Krans stated that is not appropriate.

Reynolds stated he had a previous motion (#2005-35) regarding the same issue which was tabled at a previous meeting and offered it as an amendment by substitution to Motion #32, seconded by Gilmore.

Motion to amend by substitution passed on a 5-4 vote, Woods, Krans, Boc and Bibber opposed.

Motion to refer Motion #2005-35 (as substituted for Motion #32) passed on a 5-4 vote, Woods, Krans, Boc and Bibber opposed.

Motion to Send for Legal Review an Amendment to C3-7; Motion #2005-12
(Meetings) (Reynolds)

Reynolds moved to refer to legal review, seconded by Landry. Motion passed on a 5-4 vote. Krans, Boc, Bibber and Dunnington opposed.

Motion to Send for Legal Review an Amendment to C3-11; Motion #2005-13
(Appointments) (Reynolds)

Reynolds moved to refer to legal review, seconded by Mone. Motion FAILED on a 1-8 vote, Reynolds in favor.

Motion to Send for Legal Review an Amendment to C3-11; Motion #2005-24
(Council Powers & Duties) (Krans)

Gilmore moved to refer to legal review, seconded by Dunnington. Motion passed on a 9-0 vote.

Motion to Send for Legal Review an Amendment to C4-2; Motion #2005-26 (School
Board At Large) (Woods)

Woods moved to refer to legal review, seconded by Landry. Motion passed on a 5-4 vote, Krans, Boc, Bibber and Dunnington opposed.

Motion to Send for Legal Review an Amendment to C4-6; Motion #2005-28 (School
Board Salary) (Krans)

Gilmore moved to refer to legal review, seconded by Mone.

Dunnington moved to amend by deleting references to exact dollar amount and to have the salary be equal to the City Council, seconded by Reynolds. Motion to amend passed on an 8-1 vote, Bibber opposed.

Motion as amended passed on an 8-1 vote, Bibber opposed.

Motion to Send for Legal Review an Amendment to C5-1; Motion #2005-14
(Manager) (Reynolds)

Reynolds moved to table this item and act on Motion 14A in its place, seconded by Gilmore.
Motion passed on a 9-0 vote.

Motion to Send for Legal Review an Amendment to C5-1; Motion #2005-14A
(Manager Contract) (Krans)

Gilmore moved to refer to legal review, seconded by Reynolds.

Mone moved to amend by adding a time period to review contract, seconded by Woods.
(Withdrawn)

Gilmore moved to add requirement to post contract to internet as well as city hall, seconded by
Woods.

Motion FAILED on a 3-6 vote, Reynolds, Woods and Gilmore in favor.

Reynolds feels this should be divided into 2 separate questions and moved to divide the
question, seconded by Gilmore. Motion to divide failed on a 4-5 vote, Reynolds, Krans,
Gilmore and Landry in favor.

Reynolds moved to recess to refer to Robert's Rules, seconded by Gilmore. Motion failed on a
2-7 vote, Gilmore and Reynolds in favor.

Motion to refer Motion #2005-14A to legal review (with no amendments) passed on a 5-4 vote,
Gilmore, Dunnington, Boc and Bibber opposed.

Motion to Send for Legal Review an Amendment to C5-3; Motion #2005-15
(Manager Removal) (Reynolds)

Gilmore moved to refer to legal review, seconded by Reynolds.

Motion passed on a 7-2 vote, Bibber and Boc opposed.

RECESS/RECONVENED 9:25 – 9:30

Motion to Send for Legal Review an Amendment to C5-3; Motion #2005-16
(Manager Removal) (Reynolds)

Reynolds moved to refer to legal review, seconded by Woods.

After much discussion Motion FAILED on a 2-7 vote, Woods and Reynolds in favor.

Motion to Send for Legal Review an Amendment to C5-5; Motion #2005-17
(Manager) (Reynolds)

Reynolds moved to refer to legal review, seconded by Landry.

Motion passed on a 5-4 vote, Mone, Krans, Bibber and Boc opposed.

Motion to Send for Legal Review an Amendment to C5-10; Motion #2005-19 (Legal Officer) (Reynolds)

Reynolds moved to refer to legal review, seconded by Landry.

After much discussion motion passed on a 5-4 vote, Krans, Bibber, Boc and Dunnington opposed.

Motion to Send for Legal Review an Amendment to C5-10; Motion #2005-19A (Legal Officer) (Reynolds) WITHDRAWN

Motion to Send for Legal Review an Amendment to C6-3; Motion #2005-21 (Budget) Reynolds)

Reynolds moved to divide the question into 4 parts (see amended version of Motion #21), seconded by Gilmore. Motion passed on an 8-1 vote, Krans opposed.

Dunnington moved to suspend the rules to go past 10:00 p.m. to finish agenda, seconded by Mone. Motion passed on a 9-0 vote.

Part 1 – Reynolds moved to refer to legal review, seconded by Landry.

Motion FAILED on a 4-5 vote, Landry, Woods, Reynolds and Bibber in favor.

Part 2 – Reynolds moved to refer to legal review, seconded by Landry.

After much discussion, Motion FAILED on a 3-6 vote, Landry, Woods and Reynolds in favor.

Part 3 – Reynolds moved to refer to legal review, seconded by Landry.

Motion passed on a 5-4 vote, Bibber, Boc, Dunnington and Krans opposed.

Part 4 – Reynolds moved to refer to legal review, seconded by Landry.

After much discussion, motion FAILED on a 4-5 vote, Reynolds, Landry, Woods and Gilmore in favor.

Motion to Send for Legal Review an Amendment to C6-3; Motion #2005-20 (Line Item) (Krans) WITHDRAWN

26A. Motion to Send for Legal Review an Amendment to C6-3; Motion #2005-20A (Line Item) (Krans)

Gilmore moved to refer to legal review, seconded by Woods.

Motion passed on a 7-2 vote, Boc and Bibber opposed.

Motion to Send for Legal Review an Amendment to C7-2; Motion #2005-22 (Merit Plan) (Reynolds)

Reynolds moved to refer to legal review, seconded by Landry.

Reynolds moved to amend by substitution, seconder agreed (See amended version)

Reynolds and Landry also agreed to a friendly amendment to keep the "Merit Plan" and not change it to "Personnel Plan"

Motion to refer amended version of Motion #2005-22 to legal review passed on a 7-2 vote, Boc and Bibber opposed.

Motion to Send for Legal Review an Amendment to C7-2; Motion #2005-22A (Merit Plan) (Krans) **WITHDRAWN**

28A.Motion to Send for Legal Review an Amendment to C7-6; Motion #2005-37 (Personnel Advisory Board) (Krans) **WITHDRAWN**

Motion to Send for Legal Review an Amendment to C11-4; Motion #2005-40 (Ethics) (Gilmore)

Gilmore moved to refer to legal review, seconded by Boc and Woods. Motion passed on a 9-0 vote.

Motion to Send for Legal Review an Amendment to C11-5; Motion #2005-41 (Removal) (Gilmore)

Gilmore moved to refer to legal review, seconded by Woods. Motion passed on a 9-0 vote.

Motion to Send for Legal Review an Amendment to C11-10; Motion #2005-29 (Periodic Review) (Woods)

Woods moved to send to legal review, seconded by Gilmore.

Motion passed on a 5-4 vote, Mone, Krans, Boc and Bibber opposed.

New/Old Business

Krans stated for the record that Motion #27 has been removed.

Krans discussed the survey that has been on the web which has received 40 responses. He would like to update the survey with a new version (Clerk did not receive a copy of this version)

The consensus was to wait until after the meeting on May 19th to update the survey.

Adjourn

Motion moved to adjourn at 10:45 p.m., seconded and passed unanimously.

Respectfully submitted,

Valerie A. French, Recording Secretary

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