

**2005 DOVER CHARTER COMMISSION**  
**MINUTES – MAY 5, 2005 (7:00 – 10:00 P.M.)**

**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, Commissioners absent: Wil Boc and Tom Dunnington, Gary Gilmore (arrived at 7:17 p.m.)

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

Approval of Minutes

Minutes of 4/13/2005 meeting – Woods moved seconded by Mone with all in favor.

Minutes of 4/14/2005 meeting – Woods moved seconded by Landry with all in favor.

Minutes of 4/19/2005 meeting – Woods moved seconded by Landry with all in favor.

Minutes of 4/21/2005 meeting – Bibber moved seconded by Woods to accept as amended, Landry added a minor correction on page 13, motion passed as amended with all in favor.

Public Hearing: Resumption of 4/14/05 hearing

- Motion #14A (Manager's Contract)
- Motion #22A (Merit Plan)
- Motion #37 (Personnel Advisory Board)
- Motion #38 (11 councilors for City Council)
- Motion #40 (Ethics Commission)
- Motion #41 (Removal from office)

Motion **14A**- Chairman Krans opened the public hearing on Motion 14A, seeing no one he closed it.

Motion **22A**- **Mary Hebbard** of 97 Spruce Lane does not like the part of the merit plan that says this will pass if the council takes no action, she would like this passed in an affirmative vote and not with inaction.

**Don Medbury** of Covered Bridge Lane stated he too supports Mary's statement.

Motion 37- Chairman Krans opened public hearing on Motion 37, seeing no one he closed it

Motion 38 - **Don Medbury** stated he supports an 11 member City Council.

Motion 40 – **Don Medbury** stated he thinks ethics is needed now in this community.

**David Scott** agrees with Mr. Medbury.

**Mary Hebbard** stated she would like the establishment of an ethics commission also to include any

boards and commissions as well as fire, police, inspection division or any city official.

Motion 41- **David Scott** asked is this the removal or appointment of the top person or city manager; Krans says

this is not that same motion, that one goes with Motion # 40.

Krans opened the floor for anyone else wishing to speak.

**Mary Hebbard** mentioned the 8 surveys that have been completed on line; she has been thinking how they can go about educating the public, for example on Motion #10, she sees a category where they are changing the language not the meaning but just clarifying for example Motion #20; she wondered if they could make up a color coded flyer to help educate the people to know what the changes are.

**Don Medbury** thanked the commissioners saying it is a privilege to be able to present their feelings to the community. He does not accept the ideology that Boc said about Motion # 6.

**David Scott** thinks due to the importance of citizen's forum, it should be in the charter. He does not know why we brought the hospital in for a presentation at the beginning of a meeting on an important council meeting night. He also likes the idea of voting on line but people do not understand how to do it. Mr. Scott continued that he still has a problem with the amount the city paid to the pension fund. He still wants a full audit with an independent company.

Seeing no one else wishing to speak, Krans closed the public hearing.

#### Discussion: Schedule of Meetings and Events

- Thursday, May 12, 2005 – Motions to Send Proposed Changes to Legal Review

(5 votes required)

- Thursday, May 19, 2005 – Motions to Include Proposed Changes in the Preliminary Report
- Tuesday, May 31, 2005 – Session to Review Proposed Preliminary Draft;

suggestions for grammar, etc.

- Friday, June 3, 2005 – Publish Preliminary Report; send to State agencies for review
- Thursday, June 9, 2005 – Public Hearing on Preliminary Report
- Thursday, June 23, 2005 – Final Vote on Final Report
- Thursday, June 30, 2005 – Publish Final Report

Reynolds stated he is good with the schedule.

Bibber will have a problem with some of the dates.

Gilmore asked about the turnaround time and if they have to do it within 14 days. Krans says it will go for a final review right after May 19<sup>th</sup>. Krans says there is also an opportunity for a minority report.

Gilmore stated there are a couple of motions that are on the table that were tabled from last week. Reynolds will bring substitute language for motions #35 and #36 that were tabled previously.

The schedule was approved by all and Krans added if something comes up then we will need to add meetings.

#### Discussion: Suggestions for Re-drafting of Existing Motions

Landry moved to suspend the rules to discuss item # 7 before item # 6 – (Schedule of Meetings) with Gilmore seconding the motion with all in favor.

Landry would like the revisions in draft format before they are sent for review. Krans says we are down to the portion where people are going to want to vote so we may want to redraft. Gilmore wants to redraft several of his motions. Woods wants clarification about if they should redraft their own motions and of when they are going to redraft or tweak the wording on the motions.

Mone asked if there is a time constraint; Krans says we have to be done by the end of August. Reynolds says this all sounds good in theory but we can draft and redraft but there maybe some little thing that someone does not like that would make a difference if it goes to legal. He does not want to spend a lot of time until we get a sense of where the group is on these motions. Krans says for example on one of his motions changing from "shall" to "may" will get more votes.

Discussion ensued about sending items to legal counsel. Krans says on 5/12/05 if it does not get 5 votes, it will not have to be redrafted. Gilmore asked are we mandating that everything on the May 12<sup>th</sup> meeting will go to legal review. Krans says our package has to be approved by an attorney. Krans explained we are bogged down in the legal review twice, this is not the way it will happen; the motions will only be reviewed once by the attorney. Gilmore explained that it is Krans preference as chair that everything we anticipate passing to the preliminary report would go to legal review the first time.

Then when the preliminary report is done and is passed back it would be that much easier the second time around. Discussion continued about what is going to legal and when and how.

Gilmore is concerned about the clarity of the items going to legal. Krans stated we cannot be selective in what we send to legal for review.

Reynolds is looking to get from legal counsel what we can do and what we want to do and if this the final vote to sign off on the package.

Landry wants to get clarification on a lot of the items. Mone agrees with Landry in that we need to take the 40 amendments and review them to see if we like them and then send only those that we like to legal for review. Krans wants to take a vote and if we get 5 votes, we should send an item to legal. Reynolds says next week when we go through the motions we need to commit ourselves to have some give and take to move this along. There was a long discussion about how or if these items would go to legal.

#### Old/New Business

Krans wants to know if we have a consensus for voting next week. Gilmore added next week is a precursor for getting a motion in the final report.

#### Adjournment

Mone moved seconded by Landry to adjourn at 8:30 PM with all in favor.

Submitted by

Judy Gaouette

City Clerk

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