



CITY OF DOVER

CITY COUNCIL - MINUTES

Meeting Type: **Regular Meeting**
Meeting Location: **Council Chambers, City Hall**
Meeting Date: **Wednesday, January 25, 2012**
Meeting Time: **To immediately follow Workshop Session**

1. CALL TO ORDER

~~2. MOMENT OF SILENCE~~ - (held during Workshop Session)

~~3. PLEDGE OF ALLEGIANCE~~ - (held during Workshop Session)

4. ROLL CALL ATTENDANCE

Present: Mayor Trefethen, Deputy Mayor Carrier, Councilor Cheney, Councilor Crago, Councilor Garrison, Councilor Hooper, Councilor Spuler, Councilor Weeden, and Councilor Weston.

Also Present: City Manager Joyal, General Legal Counsel Krans, and City Clerk Lavertu.

Councilor Weston moved to approve the telephone connection with Councilor Spuler; seconded by Councilor Cheney.

Mayor Trefethen said all votes will be taken by roll call. He asked Councilor Spuler if he could hear the proceedings and to explain the reason he was on the telephone.

Councilor Spuler said he underwent surgery and is out of work on disability. He stated he could hear the proceedings.

Roll Call Vote: 9/0.

5. PROCLAMATIONS/AWARDS

Mayor Trefethen read the proclamation for Dover, One of 100 Best Communities for Young People. He said the event will be held at the Children's Museum on February 7, 2012.

6. APPROVAL OF AGENDA

Councilor Hooper moved to add the School Board Report; seconded by Councilor Garrison.

Roll Call Vote: 9/0.

Councilor Garrison moved to add the Legislative Liaison Report; seconded by Councilor Cheney.

Roll Call Vote: 9/0.

Mayor Trefethen moved to add the Planning Board Report; seconded by Councilor Garrison.

Roll Call Vote: 9/0.

Councilor Garrison moved to remove Item 13.B.4.; seconded by Councilor Hooper.

Roll Call Vote: 9/0.

Deputy Mayor Carrier moved to approve the Agenda as amended; seconded by Councilor Hooper.

Roll Call Vote: 9/0.



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7. PUBLIC HEARINGS

A. APPROPRIATION FOR FY2013 CAPITAL IMPROVEMENTS PROGRAM – WATER MAIN COURT STREET NON-DEBT FINANCED PROJECT (REQUIRES A 2/3 MAJORITY VOTE)

SPONSORED BY DEPUTY MAYOR CARRIER AND COUNCILOR GARRISON

Jan Nedelka, 169 Dover Point Road: He spoke in support of the Resolution.

Donald Medbery, 3 Covered Bridge Lane: He spoke in support of the Resolution.

Mayor Trefethen, seeing no one else wishing to speak, closed the Public Hearing.

8. CITIZEN'S FORUM

Citizens are invited to speak on any issue pertaining to the business of the City of Dover. Statements shall be limited to five minutes.

Donald Medbery, 3 Covered Bridge Lane: He spoke about the newspaper article regarding Councilor Cheney's appointment to the Appointments Committee. He spoke about the comments he has heard regarding the appointment of Deputy Mayor.

David Montenegro, 55 Union Street: He said he was speaking his usual mantra of stop breaking the law, and explained his meaning behind the statement. He said the joint meeting of the School Board and City Council on January 7, 2012 was not posted. He spoke about the oath that the Councilors took on January 2, 2012, and how it's supposed to match the State's Constitution and even one word different negates the oath.

Mayor Trefethen said the January 7, 2012 meeting was hosted by the School Department, and they were responsible for posting the meeting.

Mr. Montenegro made a point of order comment that Council response is not allowed during the Citizen's Forum.

Jan Nedelka, 169 Dover Point Road: He referred to Citizen's Forum comments at the January 11, 2012 meeting where he was called a liar. He said his reputation has been maligned, untrue statements were said about him, and he took umbrage with that. He read a letter to the Council and a newspaper article that supported his comments. He spoke against Item 13.B.2., because he felt the taxpayers should not pay for this website.

Mayor Trefethen, seeing no one else wishing to speak, closed the Citizen's Forum.



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9. CITY MANAGER'S REPORT

City Manager Joyal said he submitted his report in writing to the Council, which includes reports from the Economic Development Director and General Legal Counsel. He gave an overview of his handout regarding the Tax Cap Calculation to the Council.

Councilor Carrier started a discussion regarding the rental market growth mentioned in the Economic Development report.

Councilor Weston started a discussion regarding the waterfront development project.

Deputy Mayor Carrier moved to accept the City Manager's Report; seconded by Councilor Hooper.

Roll Call Vote: 9/0.

10. APPROVAL OF MINUTES

- A. January 2, 2012 – Organizational Meeting**
- B. January 4, 2012 – Organizational Meeting**
- C. January 11, 2012 – Regular Session**

Deputy Mayor Carrier moved to approve the Minutes; seconded by Councilor Garrison.

Mayor Trefethen asked the Council if there were any items they would like amended.

Councilor Crago referred to the January 4, 2012 meeting, last paragraph, which states "Motion made by Council Weeden to reconsider Appointments Committee vote," and said he believed the motion was made by Councilor Weston.

City Clerk Lavertu said she had received that correction from Councilor Weston.

Councilor Cheney asked to separate the vote of the minutes.

Roll Call Vote on January 2, 2012 minutes: 8/0. No response from Councilor Spuler.

Connection was reestablished with Councilor Spuler.

Roll Call Vote on January 4, 2012 minutes: 8/1, Passed. Councilor Cheney was opposed.

Roll Call Vote on January 11, 2012 minutes: 8/1, Passed. Councilor Cheney was opposed.

11. MAYOR'S REPORT

Mayor Trefethen said he attended the Greater Dover Chamber of Commerce ribbon cuttings on January 17, 2012, and their Awards Ceremony on January 20, 2012. He attended the School Board budget presentation on January 23, 2012.

Deputy Mayor Carrier moved to accept the Mayor's Report; seconded by Councilor Hooper.

Roll Call Vote: 8/0. No response from Councilor Spuler.

Mayor Trefethen confirmed with Councilor Spuler that he was still connected.

12. UNFINISHED BUSINESS

A. ORDINANCES IN THE 2nd READING – None

B. ORDINANCES IN THE 3rd READING – None



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C. RESOLUTIONS

1. APPROPRIATION FOR FY2013 CAPITAL IMPROVEMENTS PROGRAM – WATER MAIN COURT STREET NON-DEBT FINANCED PROJECT (REQUIRES A 2/3 MAJORITY VOTE)

SPONSORED BY DEPUTY MAYOR CARRIER AND COUNCILOR GARRISON

Deputy Mayor Carrier moved for its adoption; seconded by Councilor Garrison.
 Councilor Garrison gave an overview of the Resolution to the Council.
 Councilor Cheney discussed why she was opposed to this Resolution.
 Roll Call Vote: 6/2; Passed. Councilor Cheney and Weeden were opposed. No response from Councilor Spuler.

13. NEW BUSINESS

A. CONSENT CALENDAR

1. RAFFLE – The Children’s Museum of New Hampshire

COMMITTEE REPORTS

- | | |
|--|---|
| 1. School Board | 8. Transportation Advisory Commission |
| 2. Planning Board | 9. Joint Building Committee – Horne Street |
| 3. Appointments Committee | 10. Joint Building Committee – Media Access |
| 4. Recreation Advisory Board | 11. Legislative Liaison |
| 5. McConnell Center Advisory Committee | 12. Pool Advisory Committee |
| 6. Arts Commission | 13. Parking Commission |
| 7. Solid Waste Advisory Commission | |

Deputy Mayor Carrier moved to accept the consent calendar; seconded by Councilor Garrison.
 Mayor Trefethen asked the Council if they had any items they would like to pull for further discussion.

Councilor Hooper pulled the School Board Report.

Mayor Trefethen pulled the Planning Board Report.

Councilor Garrison pulled the Legislative Liaison Report.

Mayor Trefethen asked for a roll call vote on the remaining item of the Consent Calendar.

Roll Call Vote: 9/0.

Councilor Hooper gave an overview of the School Board Report to the Council.

Deputy Mayor Carrier moved to accept the School Board Report; seconded by Councilor Garrison.

Roll Call Vote: 9/0.

Mayor Trefethen gave an overview of the Planning Board Report to the Council.



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Deputy Mayor Carrier moved to accept the Planning Board Report; seconded by Councilor Hooper.

Roll Call Vote: 9/0.

Councilor Garrison gave an overview of the Legislative Liaison Report to the Council. Councilor Weeden started a discussion about the State Representative redistricting. Deputy Mayor Carrier moved to accept the Legislative Liaison Report; seconded by Councilor Weeden.

Roll Call Vote: 9/0.

B. RESOLUTIONS

1. AUTHENTICATION OF THE CITY CHARTER

SPONSORED BY MAYOR TREFETHEN BY REQUEST

Deputy Mayor Carrier moved for its adoption; seconded by Councilor Weeden. City Manager Joyal gave an overview of the Resolution to the Council. General Legal Counsel said this is a formality that appears in the Charter. Councilor Crago asked for assurance that it was the official version. General Legal Counsel said he was 100% sure that it was the official version. City Clerk Lavertu said the final version will receive the embossed City seal. Councilor Cheney went over the rules for the authentication of the Charter, and her concerns that the process hasn't been followed. She wanted the changes and the final version of the Charter that they would be authenticating. Mayor Trefethen said this can be delayed to make the changes to increase the Council's comfortable with signing the Charter. Councilor Garrison moved to table this Resolution for one month, February 22, 2012, to allow the Council to review this document carefully; seconded by Councilor Crago. Mayor Trefethen encouraged the Council to ask for any documentation they required to make them comfortable with this Resolution. City Manager Joyal said he will provide the Charter with strikeouts to the Council tomorrow.

Roll Call Vote: 9/0.

2. CITY COUNCILOR WEB PAGE ACCESS

SPONSORED BY COUNCILOR CRAGO

Councilor Crago moved for its adoption; seconded by Councilor Cheney. Councilor Crago gave an overview of this Resolution to the Council. Councilor Weeden referred to the Citizen's Forum comment that this will incur costs to the taxpayers, and asked what costs would be involved. City Manager Joyal gave overview of the process to implement this web page access. The Council discussed the pros and cons of implementing this resolution.



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Councilor Cheney made a friendly amendment to the third Whereas, deleting the words “on the City website”; and in the Therefore, deleting “post information pertaining to City business and community issues,” and add “put a link on the City’s website to their webpage”; seconded by Councilor Crago.

Mayor Trefethen felt this was much beyond a friendly amendment.

Roll Call Vote: 5/4; Passed. Mayor Trefethen, Deputy Mayor Carrier, Councilors Garrison and Hooper were opposed.

City Manager Joyal said the City has an Acceptable Use Policy that protects the public’s rights, establishing a policy that all public officials’ emails are on the City’s server. He said the City needs to be able to retrieve information for the public through RSA 91-A. He said one solution may be to have some disclaimer language that they were leaving the City’s website.

Roll Call Vote: 6/3; Passed. Mayor Trefethen, Councilors Garrison and Hooper were opposed.

3. VIDEO OF GOAL SETTING SESSION SPONSORED BY COUNCILOR CHENEY

Councilor Cheney moved for its adoption; seconded by Councilor Weston.

Councilor Cheney gave an overview of this Resolution to the Council.

The Council discussed the pro and cons of implementing this resolution.

Roll Call Vote: 5/4; Passed. Mayor Trefethen, Deputy Mayor Carrier, Councilors Garrison and Hooper were opposed.

4. LETTER TO LEGISLATIVE DELEGATION REGARDING REDISTRICTING SPONSORED BY COUNCILOR GARRISON

Item was removed from Agenda.

5. LETTER TO LEGISLATIVE DELEGATION REGARDING POLE TAX SPONSORED BY COUNCILOR GARRISON

Councilor Garrison moved for its adoption; seconded by Councilor Hooper.

Councilor Garrison gave an overview of this Resolution to the Council.

Roll Call Vote: 9/0.

C. ORDINANCES IN 1ST READING

1. UPDATING THE DOVER ZONING ORDINANCE **(TO BE REFERRED TO A PUBLIC HEARING ON FEBRUARY 8, 2012)** SPONSORED BY MAYOR TREFETHEN AS PLANNING BOARD REPRESENTATIVE

Deputy Mayor Carrier moved for its adoption; seconded by Councilor Weeden.



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Mayor Trefethen said the changes are fairly minor and the Planning Board would like to waive the citywide mailing. He said he would need a motion to waive the mailing requirement.

Councilor Weston moved to waive the mailing requirement; seconded by Councilor Hooper.

Roll Call Vote: 8/1; Passed. Councilor Cheney was opposed.

Mayor Trefethen asked for roll call vote on the amended Resolution.

Roll Call Vote: 9/0.

14. COUNCIL CORRESPONDENCE – None

15. COUNCIL MATTERS OF INTEREST

Councilor Cheney discussed the Council rules that all meetings shall be video or audio recorded, and why the organizational meetings should have been videotaped. She talked about the codebook differences over the past several years.

16. ADJOURNMENT

Deputy Mayor Carrier moved to adjourn; seconded by Councilor Weeden.

Roll Call Vote: 9/0.