



CITY OF DOVER

CITY COUNCIL - AGENDA

Meeting Type: **Regular Meeting**
Meeting Location: **Media Access Center, McConnell Center**
Meeting Date: **Wednesday, March 28, 2012**
Meeting Time: **7:00 pm**

1. CALL TO ORDER

2. MOMENT OF SILENCE

3. PLEDGE OF ALLEGIANCE

Councilor Weeden led the Pledge of Allegiance.

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.

5. PROCLAMATIONS/AWARDS

A Freedom Salute and several Patriot Awards were given to the Dover Fire Department and Firefighters for their support of the National Guard and Reserve.

6. APPROVAL OF AGENDA

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

Vote: 9/0.

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

Vote: 9/0.

Deputy Mayor Carrier moved to add the Appointments Committee Report; seconded by Councilor Spuler.

Vote: 9/0.

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

Vote: 9/0.

7. PUBLIC HEARINGS

A. ESTABLISHMENT OF SCHOOL ATHLETIC EQUIPMENT CAPITAL RESERVE FUND SPONSORED BY MAYOR TREFETHEN BY REQUEST

Mary Hibbard, 97 Spruce Lane: She spoke against all three Capital Reserve Funds.

Michael Limanni, School Department Business Administrator: He spoke in favor of the capital reserve funds and said they will help in long term planning.

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



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B. ESTABLISHMENT OF SCHOOL CURRICULUM CAPITAL RESERVE FUND SPONSORED BY MAYOR TREFETHEN BY REQUEST

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

C. ESTABLISHMENT OF SCHOOL TECHNOLOGY CAPITAL RESERVE FUND SPONSORED BY MAYOR TREFETHEN BY REQUEST

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

D. FREE PARKING IN THE DOWNTOWN AREA SPONSORED BY COUNCILOR WEEDEN

Charles Reynolds, 84 Fourth Street, Parking Commission Chairperson: He spoke in favor of keeping the parking meters in the City. He said the Parking Commission unanimously objects to the Resolution to remove the parking meters.

Marilyn Follansbee, 25 Dover Point Road: She spoke in favor of keeping the parking meters. She said the transponders will make it easier.

John Weeden, 365 Sixth Street: He spoke against keeping the parking meters. He felt it was an additional tax for taxpayers.

Joga Singh, Owner of Taste of India, 55 Main Street: He said he wasn't against keeping the parking meters, but felt the time period was too late and should end at 5:00 pm.

Carrie Eisner, Dover Main Street Executive Director: She spoke in favor of keeping the parking meters. She said the people went from shell shock to accepting the parking meters. She said employees have stopped parking on the street, and she knows of no business that has closed because of the parking meters.

Donald Medbery, 3 Covered Bridge Lane: He said he was originally against the parking meters, but he has moved on and said acceptability will increase.

Mary Hibbard, 97 Spruce Lane: She spoke against the parking meters and said it wasn't a dead issue. She said the parking meters have changed the character of Dover.

John Scruton, 99 Sixth Street: He said the parking garage should be built and run for profit. He talked about making Downtown Dover a walk able community.

Molly Hodgins-Smith, Executive Director of Greater Dover Chamber of Commerce Board of Directors: She spoke on behalf of the entire Board of Directors in support of the parking meters.



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Jeremy Larose, 41 Baker Street: He spoke in support of the parking meter system.

Richard Hibbard, 97 Spruce Lane: He spoke against the parking meters and said it was the wrong thing for Dover.

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.

Marilyn Follansbee, 25 Dover Point Road: She spoke about witnessing the Fire Department's quick four minute response to a 911 call. She said the Fire Department knows what they are doing.

Mary Hibbard, 97 Spruce Lane: She spoke in support of the three Resolutions regarding the City Charter. She said the Charter is a sacred document and they need to make sure it's accurate. She spoke about the 2023 Dover Vision meetings and the Delphi technique being used in the meetings, and took exception to Councilor Crago's comments that they weren't.

Donald Medbury, 3 Covered Bridge Lane: He spoke in support of the three Resolutions regarding the City Charter.

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

9. CITY MANAGER'S REPORT

City Manager Joyal said he submitted his report in writing. He said the City, as a member of the Great Bay Coalition, filed an injunction against NHDES for nutrient criteria. He said on Thursday at 6:30 pm he will be hosting Dover Budget Revealed. He said during renovations of the Council Chambers in City Hall the City Council and Planning Board meetings will be held in the Media Access Center, McConnell Center.

Deputy Mayor Carrier asked for the status on a parking garage.

City Manager Joyal said the City has not finalized any plans for a parking garage. He said they have received a proposal for a public/private partnership for a garage, but nothing had proceeded beyond that at this time.

Councilor Garrison started a discussion regarding the necessary resources for the nutrient level litigation.

City Manager Joyal said the City has budgeted money in the sewer fund.

Councilor Garrison asked if the reserve funds are exempt from the tax cap.

City Manager Joyal said the tax cap language conforms to State statute; County tax, State school portion and investment in capital reserve funds are exempt.

Mayor Trefethen asked about utility work on Central Avenue near Sixth Street.

City Manager Joyal said Unitil is replacing natural gas lines under the street.



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Councilor Weston thanked the City Manager for televising the Cochecho Waterfront Development Advisory Committee meetings, and asked about the process to televise the rest of their meetings. City Manager Joyal said the Chairperson was receptive with having the meetings televised, and he'll pass on her request to him.

Deputy Mayor Carrier moved for the approval of the City Manager's Report; seconded by Councilor Spuler.

Vote: 9/0.

10. APPROVAL OF MINUTES

A. March 7, 2012

B. March 14, 2012

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

Vote: 9/0.

11. MAYOR'S REPORT

Mayor Trefethen said he attended the monthly ribbon cuttings for new business members to the Greater Dover Chamber of Commerce. He attended the Cochecho Waterfront Development Advisory Committee, and he will also request that the meetings be televised. He said the developer has a revised plan and was seeking the Committee's approval. He attended the fundraiser at the NH Children's Museum last Friday where Mr. Houghton of Portsmouth won the car raffle. He attended the Greek Independence Day ceremony last Sunday in front of City Hall. He attended the Rotary Meeting today, addressing them with some of the City's issues. He said April 28, 2012 is Dover Clean Up Day, sponsored by Dover Main Street and City of Dover. He said he became a grandfather for the first time today, a boy named Austin Ryan.

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

Vote: 9/0.

12. UNFINISHED BUSINESS

A. ORDINANCES IN THE 2nd READING – None

B. ORDINANCES IN THE 3rd READING – None

C. RESOLUTIONS

1. ESTABLISHMENT OF SCHOOL ATHLETIC EQUIPMENT CAPITAL RESERVE FUND

SPONSORED BY MAYOR TREFETHEN BY REQUEST

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

Councilor Hooper spoke in support of this Resolution, because they have been asking the School Board to create these funds.



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Councilor Weeden spoke against these Resolutions for several reasons: it was exempt from the tax cap, was funded by taxpayers, it gave the City Council control over the School Board, and limits the flexibility of the School Board because it ties up the money. Councilor Garrison said it was sound fiscal policy.

Deputy Mayor Carrier said money might not be put into the funds for a few years, but it gets them established.

Mayor Trefethen said money comes from the School Department's budget to put into these funds and is subject to the tax cap.

Councilor Hooper said it doesn't give the City Council control over the School Board's budget.

Councilor Spuler asked if any money in the School Department's budget was being set aside for these funds.

Mr. Limanni said no money is being set aside for these funds. He said once they are created it will be added to the CIP.

Councilor Weeden asked where the money was coming from.

Mr. Limanni said they have capped purchases planned, and they will pull money and put money into the funds.

Councilor Weston asked about funding the plans without the reserve funds.

Councilor Garrison motioned for a point of order. He said the discussion was going outside the Resolution and discussing the School Department's budget.

City Manager Joyal explained the whole process for capital reserve funds. He said the Council has to approve funds going in and out of the fund when they approve the CIP.

Councilor Crago asked if these Resolutions could be held off until after the budget has been completed, July or August.

City Manager Joyal said yes, they could be put off until it is appropriate. He said they are in the process of refinancing a bond, and part of the process is to explain our financial management process.

Councilor Crago said he believed they will cause an argument if they create these funds without funding them.

Roll Call Vote: 4/5; Failed. Mayor Trefethen, Deputy Mayor Carrier, Councilors Garrison and Hooper voted in favor.

Motion was made to revisit. Please refer to minutes after 12.C.2., Page 6/11.

2. ESTABLISHMENT OF SCHOOL CURRICULUM CAPITAL RESERVE FUND SPONSORED BY MAYOR TREFETHEN BY REQUEST

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

Mayor Trefethen said there seemed to be consensus to revisit the resolution after the budget has been completed. He recommended tabling the Resolution without a date certain.

Councilor Hooper motioned to table the Resolution; seconded by Councilor Crago.

Vote: 8/0. Councilor Garrison had stepped out of the room.



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Councilor Spuler moved to revisit 12.C.1; seconded by Councilor Crago.
Roll Call Vote: 8/1; Passed. Councilor Weeden was opposed.
Councilor Spuler motioned to table the Resolution; seconded by Councilor Weston.
Vote: 9/0.

3. ESTABLISHMENT OF SCHOOL TECHNOLOGY CAPITAL RESERVE FUND SPONSORED BY MAYOR TREFETHEN BY REQUEST

Deputy Mayor Carrier moved for its adoption; seconded by Councilor Weston.
Councilor Hooper asked Mr. Limanni if the School Department had a plan for this.
Mr. Limanni said there is no plan until these funds have been created.
Councilor Hooper said there is a plan and asked if the money could be moved out of the budget and put into these funds.
Mr. Limanni said that could be done with all three funds.
City Manager Joyal said they have a plan, but the capital reserve funds can't be used until the plan is incorporated into the CIP.
Councilor Spuler motioned to table this Resolution; seconded by Councilor Crago.
Vote: 8/1; Passed. Councilor Hooper was opposed.

4. FREE PARKING IN THE DOWNTOWN AREA SPONSORED BY COUNCILOR WEEDEN

Councilor Weeden moved for its adoption; seconded by Deputy Mayor Carrier.
Councilor Weeden gave an overview of the Resolution. He read a letter from a citizen of South Berwick, Maine.
Mayor Trefethen asked for clarification that the Resolution is only removing the on-street kiosks and not the kiosks in the parking lots.
Councilor Weeden said that was correct.
Councilor Weston said the Parking Commission has done their due diligence and businesses have acclimated to it. She said there wasn't a market to resell the kiosks and they still had to pay for them.
Councilor Hooper said it was fiscally irresponsible to remove the parking meters.
Councilor Garrison talked about the effect to the taxpayers if the parking meters were removed.
Councilor Cheney said she was disappointed with the Parking Commission. She said there will have to be a parking fee increase to support itself as a standalone fund. She said she has heard that this was brought about because of employees parking on the street, and said that was an enforcement issue. She felt it was just another tax. She asked how much was owed on the bond.
City Manager Joyal said they owe \$580,000: one bond for \$100,000 and a new bond to be issued for \$480,000. He said the debt service for the first bond is \$6,000 this year, and it is estimated that an additional \$70,000 will be due for the second bond. He said the income is approximately \$20,000 per month net surplus. Minus the debt service there is \$160,000 net profit.
Councilor Cheney asked about the April 4, 2012 workshop regarding parking.



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Mayor Trefethen said the workshop will review a proposal that the City has received, and the Dover Business and Industrial Development Authority's and Parking Commission's recommendation.

Councilor Cheney asked if there was a plan to pay for the parking meters if they were removed.

City Manager Joyal said the debt obligation has to be paid.

Roll Call Vote: 1/8; Failed. Councilor Weeden voted in favor.

13. NEW BUSINESS

A. CONSENT CALENDAR

1. FIREWORKS – Greater Dover Chamber of Commerce
2. RAFFLE – Great Bay Figure Skating Club
3. RAFFLE – Strafford County Child Advocacy Center
4. RAFFLE – Wentworth-Douglass Hospital & Health Foundation
5. ROAD RACE – The Children's Museum of New Hampshire
6. WALK – Islandport Press, Charity Crab Walk
7. WALK – Portsmouth Christian Academy of Dover

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 for its adoption; seconded by Councilor Weeden.

Mayor Trefethen asked the Council if they had items they would like to pull for further discussion.

Councilor Hooper asked to pull the School Board Report.

Councilor Garrison asked to pull the Legislative Liaison Report.

Deputy Mayor Carrier asked to pull the Appointments Committee Report.

Mayor Trefethen asked for vote on the remaining items on the Consent Calendar.

Vote: 9/0.

Councilor Hooper gave an overview of the School Board Report.

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

Vote: 9/0.



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Councilor Garrison gave an overview of the Legislative Liaison Report.
Deputy Mayor Carrier moved to approve the Legislative Liaison; seconded by Councilor Crago.
Vote: 9/0.

Deputy Mayor Carrier listed the Appointments Committee recommendations for reappointment.
Reappointments:

- Frank Landford – Zoning Board of Adjustment
- Grover Tasker – Cemetery Board
- Gary Gilmore – Solid Waste Advisory Board
- Judy Mettee – Solid Waste Advisory Board

Deputy Mayor Carrier moved to approve the appointments; seconded by Councilor Garrison.
Vote: 9/0.

B. RESOLUTIONS

1. ESTABLISHMENT OF CLASS OF 1971 SCHOLARSHIP TRUST FUND SPONSORED BY MAYOR TREFETHEN BY REQUEST

Deputy Mayor Carrier moved for its adoption; seconded by Councilor Weston.
Roll Call Vote: 8/0. Councilor Hooper had step out of the room.

2. CITY CHARTER ANNOTATION SPONSORED BY COUNCILOR CHENEY

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

Councilor Cheney gave an overview of the three Resolutions.

Councilor Weeden asked if the version on the website can be different for easier readability.

City Manager Joyal said the Charter, the language, is the heading and the body of the text. He said as long as that is accurately represented and reflected in whatever form should not matter.

Councilor Spuler asked if the previous wording is put on the ballot.

Councilor Cheney said it was not on the ballot. She said it will go to a public hearing if it doesn't get support. She said the documents have to be controlled by the public.

Councilor Garrison made a point of order and moved to extend the Council Meeting past 10:30 pm to complete the agenda; seconded by Councilor Weston.

Roll Call Vote: 9/0.

Councilor Cheney said she brought these Resolutions forward to get the documents back to its original format.

Mayor Trefethen said originally Councilor Cheney said she was looking at the wording of the Charter, and not just the formatting. He asked if that has been done.

Councilor Cheney said she hasn't completed checking the wording.



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Mayor Trefethen said that was what the Council has been waiting for. She wasn't following what the Council asked her to do. He said it was his understanding that when Councilor Cheney was happy with the wording of the Charter then the Council would vote to authenticate it.

Councilor Cheney said she is still validating the wording of the Charter.

Councilor Garrison referred to the Now, Therefore of the Resolution, and said it concerned him that it was burdensome. He made a motion to remove the last sentence of the Now, Therefore; seconded by Councilor Hooper.

Councilor Cheney said when she received the newly formatted Charter and all the amendments and editor's notes were removed, she was told that it was allowed. She said it didn't make sense. After reviewing two Charter Commissions she feels that it cannot be changed without going before the voters. She said she wouldn't support the friendly amendment.

City Manager Joyal said they can't put format changes on the ballot. He asked the General Legal Counsel for his opinion.

General Legal Counsel Krans said the people vote on the language of the Charter. He said when the Council authenticates the Charter it is verifying that the language is what the people voted on. He said the Charter can't be changed unless the voters vote for a change. He said the annotations are optional, because the voters don't vote on them. He said the formatting of the annotations is optional. He said the Council doesn't approve the annotations, the staff does.

City Manager Joyal said the City needs to get the Charter correct and he appreciates Councilor Cheney's efforts to assist the staff. He referred to the staff working to change the Charter back to its former format. He said the City Clerk worked on restructuring the Charter based on feedback she received from citizens to put the annotations and notes under the Table of Contents so the actual Charter language could be read without being interrupted by the history. He referred to his conversations with Councilor Cheney, decided it is probably better to leave the annotations in the body of the Charter, and he will instruct the City Clerk to put the annotations back. He asked Councilor Cheney to verify the text. He said once that has been completed he was going to instruct the City Clerk to put the format back to its former format and bring it back to the Council to authenticate. He said the version online is not the complete version.

Councilor Weeden asked Councilor Garrison to withdraw or change the friendly amendment to leave "and without the explicit formal Council approval," and eliminate "and a subsequent vote of the citizenry of Dover."

Councilor Garrison said he was not willing to do that because he felt it was administrative duties.

Mayor Trefethen asked for a vote on the amendment.

Vote: 4/5; Failed. Mayor Trefethen, Deputy Mayor Carrier, Councilors Garrison and Hooper voted in favor.

Councilor Cheney said the annotations were in the Charter just a few months ago. She is asking the Council to restore the Charter.

Councilor Hooper made a motion to move the question; seconded by Councilor Garrison. Vote: 7/2; Passed. Mayor Trefethen and Councilor Weston were opposed.



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

Motion was made to revisit. Please refer to minutes after Council Matters of Interest.

3. CITY CHARTER ANNOTATION HISTORY SPONSORED BY COUNCILOR CHENEY

Councilor Cheney moved for its adoption; seconded by Councilor Spuler. Councilor Cheney said she wanted the annotation history restored. Mayor Trefethen said if the goal is to make the Charter look exactly like it was previously, with the known changes that the citizens voted on, and the City Manager has already said that he agrees with your logic; he will instruct the City Clerk to do it. He is her boss. He said they didn't need these Resolutions. He said the Council knew the City Clerk didn't do this on her own, but at the direction of the City Manager and General Legal Counsel. He said the tone of the Resolutions were aggressive. He moved to make a friendly amendment to the Resolutions' to strike everything on this Resolution and have the Now, Therefore be changed to: "be it resolved that the City Charter be changed to look like it did previously;" seconded by Councilor Hooper.

Councilor Weeden made a motion to move the question; seconded by Councilor Hooper. Mayor Trefethen asked for a vote to move the question.

Vote: 8/1; Passed. Mayor Trefethen was opposed.

Mayor Trefethen asked for a vote on the amendment.

Vote: 4/5; Failed. Mayor Trefethen, Deputy Mayor Carrier, Councilors Garrison and Hooper voted in favor.

City Manager Joyal asked for a friendly amendment that the City Manager gives direction the City Clerk, to make the changes. He said any reference to the City Clerk in the Now, Therefore should be City Manager.

Councilor Weston moved to changed City Clerk to City Manager; seconded by Councilor Spuler.

Vote: 9/0.

City Manager Joyal said he would ask that the first and fourth Whereas be removed regarding the format of the Charter, since the Charter has not been authenticated.

Councilor Garrison moved to remove the first and fourth Whereas, because the Charter has not been authenticated; seconded by Deputy Mayor Carrier.

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

Mayor Trefethen asked for a roll call vote on the amended resolution.

Roll Call Vote: 7/2; Passed. Councilors Garrison and Hooper opposed.

4. CITY CHARTER TABLE OF CONTENTS SPONSORED BY COUNCILOR CHENEY

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



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Councilor Cheney moved to amend the Resolution to remove the first Whereas and changing City Clerk to City Manager in the Now, Therefore; seconded by Councilor Weston.

Vote: 9/0.

Roll Call Vote: 7/2; Passed. Councilors Garrison and Hooper opposed.

C. ORDINANCES IN 1ST READING – None

14. COUNCIL CORRESPONDENCE – None

15. COUNCIL MATTERS OF INTEREST

Councilor Cheney discussed the Charter changes.

Mayor Trefethen asked Councilor Cheney to bring the changes to the City Manager to have it completed.

Councilor Crago referred to Mrs. Hibbard's comments during Citizen's Forum regarding the Delphi technique, and reasserted his comments that nothing devious was going on during the 2023 Dover Vision meetings. He asked the Council when they would like to reschedule the workshop.

Mayor Trefethen said the City Manager and him were looking into that.

Councilor Weston moved to reconsider Item 13.B.2.; seconded by Councilor Spuler.

Roll Call Vote: 7/2; Passed. Councilors Cheney and Weeden were opposed.

Councilor Cheney moved for the adoption of 13.B.2; seconded by Councilor Weston.

Councilor Weston made a motion amend the Resolution to remove the first Whereas and change the Now Therefore to City Manager; seconded by Councilor Spuler.

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

16. ADJOURNMENT

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

Vote: 9/0.