



**CITY OF DOVER**

## CITY COUNCIL - MINUTES

Meeting Type: **Regular Meeting**  
Meeting Location: **Council Chambers, City Hall**  
Meeting Date: **Wednesday, December 12, 2012**  
Meeting Time: **7:00 pm**

### 1. CALL TO ORDER

### 2. MOMENT OF SILENCE

### 3. PLEDGE OF ALLEGIANCE

Councilor Crago 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, and Councilor Weston.

Councilor Weeden arrived at 7:30 pm.

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

### 5. PROCLAMATIONS/AWARDS

#### A. Arbor Day Proclamation

Mayor Trefethen read the proclamation to the Council and citizens of Dover.

### 6. APPROVAL OF AGENDA

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

Vote: 8/0.

Deputy Mayor Carrier moved to change the order of the agenda and move 12.C.4. to follow immediately after 12.C.1. on the Agenda; seconded by Councilor Hooper.

Vote: 8/0.

Deputy Mayor Carrier moved to approve the agenda as amended; seconded by Councilor Weston.

Vote: 8/0.

### 7. PUBLIC HEARINGS

#### A. COVERED PEDESTRIAN BRIDGE RELOCATION FUNDING (COUNCIL VOTE TO OCCUR ON JANUARY 9, 2012) SPONSORED BY COUNCILORS WEEDEN AND CRAGO

**Richard Lowell, 3 Browning Avenue:** He spoke in opposition of the Covered Bridge Relocation Funding.

**John Mettee, 56 Rutland Street, Cocheco Waterfront Development Committee Chairperson:** He spoke about the Committee's meeting the previous evening regarding the pedestrian bridge.

**Dana Lynch, 36 Cardinal Drive:** He spoke in opposition of this resolution, because he didn't feel it was an appropriate use of the funds. He said the funds should be used for the waterfront park.



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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.*

**Richard Lowell, 3 Browning Drive:** He spoke about a Councilor's decision to hold an Ordinance Verification and Codification Committee meeting after the Council voted to disband the committee. He spoke of another Councilor voting against continuing the committee and now sponsoring a resolution to reestablish the committee. He asked the Council to work together and abide by the whole Council's decisions.

**Ronald Huml, 199 Mast Road:** He spoke about the City Manager prioritizing the budget and said it was a good job. He said the budget should be the same as the current year or less, because the economy isn't improving. He spoke about the 15 month extension request from the Waterfront Development project. He spoke about the tax cap and the Mayor's explanation that it didn't have to be overridden only for emergencies. He said he understood the stipends were for one year, but they have been carried forward in the budget.

**Jaclyn Cote, 27 Grove Street:** She spoke about being struck by a car on August 22<sup>nd</sup> while crossing Chestnut Street in a crosswalk by St. Mary Church. She had a petition for a push button crosswalk in this location, and asked for the Council's support.

**Mary Hebbard, 97 Spruce Lane:** She spoke about her inability to get in touch with the City's Assessor without giving her name, and then being hung up on when she wouldn't. She also let the public know that they have the right to stop inspections of their property and home.

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

### 9. CITY MANAGER'S REPORT

City Manager Joyal introduced Justin Pipere from the Environmental Protection Agency's New England office and Arnie Powers from the City's wastewater treatment plant.

Mr. Pipere gave the Industrial Pretreatment Award to Arnie Powers and the City of Dover for going above and beyond at the wastewater treatment plant.

Mr. Powers thanked Mr. Pipere for the award, and said it was because of the management's wish to strive for excellence that allowed him to do his job in a manner to earn this award.

City Manager said the whole staff does a great job at the wastewater treatment plant and with interacting with the citizens and businesses of Dover with information and instructions for not putting grease and other contaminants into the wastewater treatment system.



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City Manager Joyal invited Sam Allen to give the Council an update on the Covered Pedestrian Bridge project.

Mr. Allen gave an update to the Council. He said they have the permits to move the bridge, and will now begin fundraising in earnest. He urged the Council to approve the resolution for the time extension. He said they still need \$65,000 to complete the project. He appreciates the support from the public.

Councilor Cheney referred to the other resolution to support the project.

Deputy Mayor Carrier started a discussion regarding the graffiti on the bridge and concerns about the condition of the bridge.

City Manager Joyal referred to his written City Manager's report, and reported on his professional development activities. He led a workshop with his department heads regarding priority based budgeting.

Councilor Spuler asked the City Manager to explain the City's plans for crosswalks in the City. City Manager Joyal spoke about the concerns of the crosswalk on Chestnut Street near St. Mary Church. He said PSNH has fixed the street light, and the City has ordered new signage to give advanced warning of the crosswalk.

Councilor Weston said the Transportation Advisory Commission (TAC) will be discussing their review of all the crosswalks at their next meeting.

Mayor Trefethen referred to citizen's forum comments regarding Assessing, and asked for clarification that citizens may be giving up their rights to appeal if they don't allow the Assessor on the property.

City Manager Joyal said citizens have the right to refuse anyone on their property unless they have a legal warrant, but encouraged them to allow access to ensure the most current condition and assessment of the property.

Deputy Mayor Carrier moved to accept the City Manager's Report; seconded by Councilor Crago.  
Vote: 9/0.

### 10. APPROVAL OF MINUTES

#### A. November 28, 2012 – Regular Meeting

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

### 11. MAYOR'S REPORT

Mayor Trefethen wished everyone a Merry Christmas. He attended the Christmas tree lighting and festival of trees. He attended the Cocheco Waterfront Development Committee and Dickinson's wish to make amendments to their agreement with the City.

Deputy Mayor Carrier moved to accept the Mayor's Report; seconded by Councilor Crago.  
Vote: 9/0.



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### 12. UNFINISHED BUSINESS

#### A. ORDINANCES IN THE 2<sup>nd</sup> READING – None

#### B. ORDINANCES IN THE 3<sup>rd</sup> READING – None

#### C. RESOLUTIONS

##### 1. **ADOPTION OF FY2014-FY2019 CAPITAL IMPROVEMENTS PROGRAM (CIP) SPONSORED BY MAYOR TREFETHEN BY REQUEST**

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

Councilor Weeden said that he had laryngitis and asked that his comments regarding this resolution be read by Councilor Cheney.

Councilor Cheney, on behalf of Councilor Weeden, read his statement to the Council. He said the Council should set realistic goals in the CIP. He moved that the resolution be amended to reflect \$1 million for year one of streets improvements; seconded by Councilor Crago.

Vote: 6/3; Passed. Deputy Mayor Carrier, Councilors Garrison and Hooper were opposed.

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

##### **Item 12.C.4. moved during Approval of Agenda.**

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

City Manager Joyal gave an overview of the resolution to the Council.

Roll Call Vote: 9/0.

##### 2. **APPROPRIATION FOR FY2014 CAPITAL IMPROVEMENTS PROGRAM – AUTHORIZATION FOR BONDING (REQUIRES 2/3 MAJORITY VOTE) SPONSORED BY MAYOR TREFETHEN BY REQUEST**

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

Mayor Trefethen referred to the new worksheet and noted that a few amendments were needed.

City Manager Joyal went over the handout listing 11 projects. He recommended amendments that were needed for the resolution.

Project #1. Police Facility Design and Construction changed from \$9.9 million to \$8,702,479. Moved by Councilor Weeden; seconded by Councilor Garrison.

Vote: 9/0.

Project #3. Mast Road Reconstruction Project from \$360,000 to \$149,525. Moved by Councilor Weeden; seconded by Deputy Mayor Carrier.

Vote: 9/0.

Project #9. Water Main to connect Willand Pond water source from \$1.5 million to \$1,416,367. Moved by Councilor Weeden; seconded by Councilor Crago.

Vote: 9/0.



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Project #10. Wastewater Treatment Plant facility upgrade from \$9 million to \$8,937,236. Moved by Councilor Weeden, seconded by Councilor Weston.

Vote: 9/0.

Project #11. Leighton Way Pump Station Replacement from \$355,000 to \$0.00. He asked that the project be removed entirely. Moved by Councilor Weeden; seconded by Councilor Hooper.

Vote: 9/0.

Mayor Trefethen said the grand total has been reduced from \$25,435,000 to \$23,235,607, which is approximately \$2.2 million less.

Roll Call Vote: 9/0.

### **3. APPROPRIATION FOR FY2014 CAPITAL IMPROVEMENTS PROGRAM – NON-DEBT FINANCED PROJECTS (REQUIRES 2/3 MAJORITY VOTE) SPONSORED BY MAYOR TREFETHEN BY REQUEST**

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

Mayor Trefethen gave an overview of this resolution to the Council.

Vote: 8/0; Passed. Councilor Weeden was absent from Council Chambers.

### **4. REPROGRAMMING UNEXPENDED BOND PROCEEDS FOR VARIOUS CIP PROJECTS AND APPROPRIATE BOND PREMIUM (REQUIRES A 2/3 MAJORITY VOTE) SPONSORED BY MAYOR TREFETHEN BY REQUEST**

Council moved to follow Item 12.C.1.

### **5. ESTABLISHMENT OF SCHOOL CURRICULUM CAPITAL RESERVE FUND SPONSORED BY COUNCILORS WESTON AND SPULER**

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

Councilor Weston and Councilor Spuler gave an overview of the resolution to the Council.

Deputy Mayor Carrier asked Superintendent Briggs Badger to give feedback from the School Board regarding these resolutions.

Superintendent Briggs Badger said the School Board and herself were surprised the language of the resolutions. She said they were uncomfortable with being limited to 85% of the current year's contribution.

Councilor Hooper asked if any other capital reserves in the City have this type of restriction.

City Manager Joyal said in June, 2000 the City Council established the General Fund Capital Reserve with \$200,000 and said it couldn't be used for two years.

Councilor Hooper asked if the 85% restrictions is part of any of the City's capital reserve funds.

City Manager Joyal said it wasn't.

Councilor Hooper said it concerned her that these resolutions were putting this restriction on the School, and were not brought before the School beforehand. She moved that this



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resolution be tabled until the School Board has been able to go over these; seconded by Councilor Garrison.

Vote: 3/6; Failed. Deputy Mayor Carrier, Councilors Garrison and Hooper voted in favor. Councilor Hooper moved to remove the entire last sentence of the second Further Resolved; seconded by Councilor Garrison.

Councilor Weston explained why the language was put in the resolutions.

Councilor Garrison said he felt this was the Councilor trying to dictate how the School does its budgeting. He felt this should have been tabled to allow them to have a meeting with the School Board.

Business Administrator Limanni explained to the Council why they didn't like the restrictive language.

Councilor Spuler talked about the language and explained that the School Board should be overbudgeting to support the reserve funds.

City Manager Joyal said the City uses the CIP plan and a 10-year plan to budget what goes into the reserve funds and don't overbudget, but level budget over the 10 year period.

Superintendent Briggs Badger said the Board would probably benefit from a joint meeting.

Vote: 3/6; Failed. Deputy Mayor Carrier, Councilors Garrison and Hooper voted in favor. Councilor Crago moved to make a friendly amendment to direct the school district to provide the City Council with their 6-year plan by the first of April.

Mayor Trefethen said there was no plan to fund these reserve accounts. The resolutions were just to set up the accounts.

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

### **6. ESTABLISHMENT OF SCHOOL TECHNOLOGY CAPITAL RESERVE FUND SPONSORED BY COUNCILORS WESTON AND SPULER**

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

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

### **7. ESTABLISHMENT OF SCHOOL ATHLETICS CAPITAL RESERVE FUND SPONSORED BY COUNCILORS WESTON AND SPULER**

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

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

## **13. NEW BUSINESS**

### **A. CONSENT CALENDAR**

- 1. RAFFLE – City of Dover, Community Services Food Drive**
- 2. RAFFLE – Dover Children's Home**
- 3. RESOLUTION: B13024 AWARD OF BID FOR EXCESS WORKERS  
COMPENSATION AND EMPLOYERS LIABILITY INSURANCE  
SPONSORED BY MAYOR TREFETHEN BY REQUEST**



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### **4. ACCEPTANCE OF GLADIOLA WAY AS A PUBLIC WAY SPONSORED BY MAYOR TREFETHEN BY REQUEST**

### **5. ACCEPTANCE OF LABRADOR LANE AS A PUBLIC WAY SPONSORED BY MAYOR TREFETHEN BY REQUEST**

## **COMMITTEE REPORTS**

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

Deputy Mayor Carrier moved for the adoption of the Consent Calendar; seconded by Councilor Garrison.

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

Mayor Trefethen pulled Items 13.A.4. and 13.A.5.

Councilor Hooper pulled the School Board Report.

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

Roll Call Vote: 9/0.

Deputy Mayor Carrier moved for the adoption of 13.A.4.; seconded by Councilor Weston.

City Manager Joyal gave an overview of the resolution to the Council, but asked for the Council to make an amendment that the City accepts the road, but does not accept the street lights until such time that City Manager is able to resolve outstanding issues with PSNH and the developer.

Councilor Weston made the motion; seconded by Councilor Spuler.

Vote: 9/0.

Vote: 8/0; Passed. Councilor Weeden was absent from Council Chambers.

Deputy Mayor Carrier moved for the adoption of 13.A.5.; seconded by Councilor Weston.

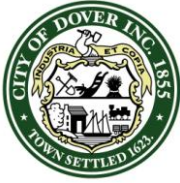
Mayor Trefethen gave an overview of the resolution to the Council.

Vote: 8/0; Passed. Councilor Weeden was absent from Council Chambers.

Councilor Hooper gave an overview of the School Board Report.

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

Vote: 8/0; Passed. Councilor Weeden was absent from Council Chambers.



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### **B. RESOLUTIONS**

#### **1. RESTORATION OF MERGED LOTS (59 HORNE STREET) SPONSORED BY MAYOR TREFETHEN BY REQUEST**

Deputy Mayor Carrier moved for its adoption; seconded by Councilor Crago.  
Planning Director Parker gave an overview of the resolution to the Council.  
Roll Call Vote: 9/0.

#### **2. COVERED PEDESTRIAN BRIDGE FUNDRAISING EXTENSION SPONSORED BY COUNCILORS CHENEY AND WESTON**

Councilor Weston moved for its adoption; seconded by Councilor Cheney.  
Councilor Cheney gave an overview of the resolution to the Council.  
Mayor Trefethen recommended an amendment to extend the date to November or December of next year.  
Councilor Weston moved to extend the completion date to December 1, 2013; seconded by Councilor Cheney.  
Vote: 8/1; Passed. Councilor Hooper was opposed.  
Councilor Garrison moved to strike from the second further resolve: "or otherwise appropriated"; seconded by Councilor Hooper.  
City Manager Joyal said the intent of that line is to release funds that the City is specifically holding for the bridge.  
Vote: 0/9; Failed.  
Councilor Garrison moved to add to the second further resolve after the word "or": non-property tax sources; seconded by Councilor Crago.  
Vote: 9/0.  
City Manager Joyal said the intent of this resolution is to release the funds to the bridge committee.  
Vote: 8/1; Passed. Councilor Hooper was opposed.

#### **3. CONTINUATION OF AUTHENTICATION AND CODIFICATION OF THE CITY ORDINANCES SPONSORED BY COUNCILOR WEEDEN**

Councilor Garrison move to suspend the rules to continue past 10:30 pm to complete the agenda; seconded by Councilor Crago.  
Roll Call Vote: 9/0.

Councilor Weeden move for its adoption; seconded by Councilor Cheney.  
Councilor Weeden gave an explanation why he brought this resolution forward.  
Councilor Weeden moved to amend the resolution under the Therefore to add "...s current efforts" after Ordinance Committee in the first line; seconded by Councilor Weston.  
Vote: 8/1; Passed. Councilor Hooper was opposed.



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Mayor Trefethen said the resolution doesn't show a deadline, and said he felt there should be a sunset date.

Councilor Weeden said it could be April 30, 2013.

Mayor Trefethen said there should be another amendment stating that they will finish their work by April 30, 2013.

Councilor Weeden made the motion; seconded by Councilor Spuler.

Councilor Cheney said they will have the codification done by April 30, 2013, but the committee will continue.

Mayor Trefethen said the amendment means the committee ends on April 30, 2013.

Councilor Weeden said his intention was to have the committee continue after April 30, 2013.

Mayor Trefethen said the sub-committee could end until December 31, 2013, the end of this Council.

Councilor Weston asked if there could be a committee that codifies the ordinances.

Mayor Trefethen said that codifying the ordinances is the duty of the Mayor, General Legal Counselor, and City Clerk.

Councilor Cheney discussed why the committee should continue past the codification period.

Councilor Weeden said he was willing to separate the vote. He said will bring another resolution to the Council in April to continue the committee.

Mayor Trefethen clarified that this resolution meant the committee would sunset in April 2013.

Councilor Cheney discussed why that shouldn't be true.

Deputy Mayor Carrier said the Council voted to discontinue the committee two weeks ago, and felt the Council had to create the committee again.

Councilor Weeden said if that was true, then he wished to reconsider his vote from two weeks ago. He said he wished to withdraw his amendment.

Mayor Trefethen asked General Legal Counselor Krans about Councilor Weeden's wish to reconsider his vote.

General Legal Counselor Krans that wasn't permitted, because it would have had to been done during the same meeting. He added that there was nothing about the new resolution tonight that is out of order.

Councilor Weeden asked if he could amend this resolution by giving the codification a completion date of April 30, 2013, but continuing the Ordinance Committee beyond that date to meet monthly or as needed.

General Legal Counselor Krans said that motion should be divided into two separate votes.

Councilor Weeden said that would be fine.

Councilor Weeden moved to amend the resolution to add after the second City Council "to finish the codification by April 30, 2013"; seconded by Councilor Cheney.

Councilor Hooper said she would not support this amendment. She felt the committee was has held two illegal meetings since the Council voted not to extend their time.

Councilor Weeden asked if Councilors were forbidden from meeting whenever they want.

Mayor Trefethen said as long as there isn't a quorum it is allowed, but he said this was an official committee meeting. He said if the Council doesn't pass something tonight he felt



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the committee was done. He said the chairperson has the right to create a report on what has been accomplished.

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

Councilor Weeden moved to add: "the Committee will continue to meet on a monthly basis or as need to review City ordinances."; seconded by Councilor Cheney.

City Manager Joyal said under the City Charter it is the responsibility of the Mayor, General Legal Counselor and City Clerk to authenticate all ordinances that are passed by the City Council. He said it is the City Clerk's responsibility to insert them into the codified book that has been created every 10 years. He cautioned the Council with getting involved in administrative work. He said the Council is the legislative body responsible for passing legislation. He said it was the administration's duty to publish them and to enforce them.

Councilor Weeden said he didn't want to step on toes.

City Manager Joyal suggested an Ordinance Review Committee to review proposed ordinances.

Councilor Weeden said that is what he's suggesting.

City Manager Joyal said it should be a separate resolution to make it clear. He suggested it be an amendment to the Council Rules to create this subcommittee with its duties listed.

Councilor Weeden asked for input from the Council about what is best.

Deputy Mayor Carrier asked for a point of order. He asked the Councilors not to speak all at once.

Councilor Weeden made his decision to make a separate resolution.

Councilor Cheney discussed the August 8, 2012 resolution to create the Ordinance Committee. She stated that the resolution says that the codification was to end on December 1, 2012 and not the committee itself.

Councilor Garrison asked to move the question.

Councilor Weeden said he will be creating a resolution for January 9, 2013 City Council meeting.

Councilor Cheney said he was discontinuing the committee. (She left the Council Chambers)

Councilor Weston said she wanted the Committee to continue. She seconded Councilor Garrison's motion to call the question.

Mayor Trefethen asked for a roll call vote to call the question.

Roll Call Vote: 7/1; Passed.

Mayor Trefethen asked for a vote on the amended resolution.

Vote: 6/3; Passed. Deputy Mayor Carrier, Councilors Garrison and Hooper were opposed.

#### **4. ESTABLISHMENT OF REVENUE STABILIZATION FUND (TO BE REFERRED TO A PUBLIC HEARING ON JANUARY 9, 2012, WITH A COUNCIL VOTE NO SOONER THAN 15 DAYS AFTER) SPONSORED BY COUNCILOR WEEDEN**

Councilor Weeden said he wished to withdraw it.



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### **C. ORDINANCES IN 1ST READING – None**

#### **14. COUNCIL CORRESPONDENCE – None**

#### **15. COUNCIL MATTERS OF INTEREST**

Councilor Crago confirmed with City Manager Joyal that there would be virtual demonstration on performance management with SAP America.

City Manager Joyal said that was correct.

Councilor Cheney said she is considering requesting a change to the Council Rules to have Council Matters of Interest during a workshop. She started a discussion regarding a motion to reconsider in Robert's Rules.

General Legal Counselor Krans said he will discuss this further with Councilor Cheney.

Councilor Spuler thanked Jaclyn Cote for speaking to the Council during Citizen's Forum.

Councilor Garrison was a perfect example of the insanity. He suggested a new chairperson for the Ordinance Committee, and recommended Councilor Weston.

#### **16. ADJOURNMENT**

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

Vote: 9/0.