



CITY OF DOVER

CITY COUNCIL – MINUTES

Meeting Type: **Regular Meeting**
Meeting Location: **Council Chambers, City Hall**
Meeting Date: **Wednesday, January 22, 2014**
Meeting Time: **7:00 pm**

1. CALL TO ORDER

2. MOMENT OF SILENCE

3. PLEDGE OF ALLEGIANCE

Councilor Garrison led the Pledge of Allegiance.

4. ROLL CALL ATTENDANCE

Present: Mayor Weston, Deputy Mayor Carrier, Councilor Cheney, Councilor Gagnon, Councilor Garrison, Councilor Hooper, Councilor McManus, Councilor O'Connor, and Councilor Thibodeaux.

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

5. PROCLAMATIONS/AWARDS – None

6. APPROVAL OF AGENDA

Councilor Hooper moved to add the School Board Report and the Legislative Liaison Report. Councilor Cheney moved to substitute in whole Item 12.B.1. Chapter 74 - Cemeteries, and renumber as 12.B.1.a.

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

Vote: 9/0.

7. PUBLIC HEARINGS

A. CHAPTER 74 – CEMETERIES

SPONSORED BY COUNCILOR CHENEY

Robert Whiting, 160 Locust Street, Member of the Cemetery Board: He spoke about restrictions in Chapter 74 Ordinance change. He said the Cemetery Board met and have unanimously voted to allow bicycles and motorcycles on the paved roadway, but all other restrictions were to remain, which included no dogs.

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

B. AMENDMENT OF FY2014 FEE SCHEDULE TO ESTABLISH METER AND PERMIT RATES FOR THE TRANSPORTATION CENTER PARKING LOT (REQUIRES A 2/3 MAJORITY VOTE OF THE COUNCIL)

SPONSORED BY MAYOR WESTON BY REQUEST

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



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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.

Ronald Huml, 199 Mast Road: He asked for the total cost for the Police Station/Parking Garage including the 20-25 year bonding. He spoke about the economy and felt it didn't make sense to build at this time. He spoke about the City Hall hours during the holiday season, where in the 9 week period there were four where the City Hall was only open three days. He said it was not good business. He said the taxpayers should be able to ask questions of the auditors when they are here before the Council. He spoke about the sale of the Armory and asked where the money is being spent. He asked that future budgets show all revenues and which expenses it is applied to.

Barbara Hay, Cochecho Park, 40 Chestnut Street: She spoke against the Police Station/Parking Garage. She asked the Council to know what they are doing before they proceed.

Patricia Foster, Foster's Daily Democrat: She spoke in favor of the Police Station/Parking Garage.

Holly Woodhouse, 417 Middle Road: She spoke about her concern for all the issues the Council will or will not approve in the CIP, and issues that should be addressed. She spoke about the Police Station/Parking Garage and her concerns.

Theodore Anglace, 23 Wallace Drive: He spoke against the Police Station/Parking Garage. He referred to his handout and spoke about his research with the numbers and said they don't work. He urged the Council not to jump into this project.

Chris Kozlowski, Owner of Orchard Street Chop Shop: He said his business will be closest to the proposed Police Station/Parking Garage. He said he changed his opinion and is cautiously optimistic about the project. He urged the Council to vote for it.

Mary Hebbard, 97 Spruce Lane: She spoke about Planning Director Parker's secret trip to communist Cuba, and made a formal request for any and all information regarding Planning Director Parker's trip to Cuba, including but not limited to the conference application itself, the travel documents, conference sessions which he attended, emails regarding the conference, and photos. She said she expects this in the timeframe as laid out in RSA 91-A. She spoke about Item 13.B.2. and said the resolution should be tabled and forwarded to a workshop. She said there were a lot of changes in the agreement. She spoke about the Dover Listens program and Michelle Holt-Shannon's actions.

Richard Hebbard, 97 Spruce Lane: He spoke about the seating restrictions in the Council Chambers for the press, and said the Deputy Mayor had no right to do it. He spoke about his duty to speak at the podium and how it was facism that the Council still did what they wanted. He said the Council is supposed to listen to the citizens and do as the citizens wish. He said they don't



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want the parking garage. He spoke about veterans and his respect for their service. He said the Oath they took to defend the Country from subversives does not expire and they needed to come do their duty and speak to this Council.

Mayor Weston, 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 to the Council. He went over the new format. Councilor McManus said the report was very informative and educational.

Councilor Cheney said she heard the Supreme Court ruled that LGC owes the City money, and asked how much they can expect and when they will receive it.

City Manager Joyal said the City will not be receiving any money and explained the process and ruling that occurred. He said the City has sent a letter saying that we should be getting the money back because they didn't participate in the workers' compensation program and expect to be separated out from the other communities that are part of it.

Councilor Cheney asked for a copy of the letter.

City Manager Joyal said he will get it to the Council. He said its main purpose was to reassure himself that they were still covered. He said he has been assured of that verbally, but will receive it in writing. He said in the letter he also said he will not be exercising the automatic renewal so they can review all this information. He informed the Council that they are submitting the City's information to Primex, NH Public Risk Management Group, which is a competing risk pool program.

Councilor Cheney asked how much money was it that the HealthTrust owes Dover.

City Manager Joyal said he estimates it to be a little over \$200,000.

Councilor Cheney asked the Council to support the City Manager with this issue.

City Manager Joyal gave an overview of the future process.

Councilor Cheney asked about the increase in insurance rates because of the Affordable Health Care Act.

City Manager Joyal gave an overview of the impact of Affordable Health Care Act and the tax that will be paid next year.

Councilor Cheney asked about Planning Director's trip to Cuba and why it wasn't in the City Manager's Report. She also asked to have General Legal Counsel's opinion regarding the School Department contracts distributed to the School Board and the public before next week's Joint Fiscal Committee meeting.

Mayor Weston said the whole Council has received it, but it was marked confidential.

City Manager Joyal said all multi-year contracts, even the School Department's, have to be approved by the City Council. He said the Council can release the confidential legal opinion right now or during Councilor Matters of Interest, and they will get it out before next week's meeting. He cautioned against releasing it.

Councilor Cheney moved to release the legal opinion. The motion was not seconded.

Councilor Garrison asked for confirmation that Primex is the company the School Department uses for their property liability.

City Manager Joyal said that was correct.

Councilor Garrison asked if they could join those services and get a different rate.

City Manager Joyal said they are going to ask.



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Councilor Garrison asked for clarification regarding the additional tax due to insurance, and if it was the "Cadillac" plan tax.

City Manager Joyal said this was not part of that, but an additional tax that the insurance company has to pay that they are passing on to the insured. He added his concerns about the "Cadillac" plan tax and the City is doing their best to avoid that tax.

Deputy Mayor Carrier asked the City Manager to explain to the public what the Council asked for when they requested a designated media section.

City Manager Joyal gave an overview of meetings of public bodies. He said in the Council Chambers they have to make accommodations for Channel 22, radio stations, and newspaper reporters. He said they are here to assist the public. He said they placed a sign there to reserve the spot for the media, because there was an incident where someone wouldn't accommodate the media personnel.

Councilor Thibodeaux referred to Page 3 and asked for an update about the water breaks.

City Manager Joyal said he has not received an update at this point.

Councilor Thibodeaux asked if this was normal amount of breaks at this time of year, or is this about the condition of the system.

Community Services Director Steele said it was average for this time of year.

Mayor Weston asked for a status of the dredge cell.

City Manager Joyal said they have been in contact with the Department of Environmental Services (DES), and they have been supportive of allowing the City to move urban fill from First Street to the dredge cell and take up the unused capacity and allow for capping it in the spring of 2015.

Mayor Weston asked for a status on the snow removal budget.

Community Services Director Steele said they have used two-thirds of the \$450,000 budget.

Mayor Weston requested the City Manager to respond to Mr. Huml's financial numbers requests.

City Manager Joyal said the operating expenses for Enterprise Park have been covered by the funds received from Enterprise Park, which is significantly less than how much revenue the City has taken in.

Mayor Weston asked about the citizen's asking questions of the auditors.

City Manager Joyal said Mr. Huml can talk with Finance Director Lynch with any questions he has about the Comprehensive Financial Report.

Mayor Weston asked where the money for the sale of the Armory went.

City Manager Joyal said it went into the City's General Fund.

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

Vote: 9/0.

10. APPROVAL OF MINUTES

A. January 6, 2014 – Organizational Meeting

B. January 8, 2014 – Organizational Meeting

C. January 8, 2014 – Regular Meeting

Councilor Thibodeaux moved to approve the Minutes; seconded by Councilor Hooper.

Vote: 9/0.



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11. MAYOR'S REPORT

Mayor Weston said she attended three ribbon cuttings for new businesses in Dover. Deputy Mayor Carrier moved to accept the Mayor's Report; seconded by Councilor Gagnon. Vote: 9/0.

12. UNFINISHED BUSINESS

A. ORDINANCES IN THE 2nd READING – None

B. ORDINANCES IN THE 3rd READING

1. a. CHAPTER 74 – CEMETERIES SPONSORED BY COUNCILOR CHENEY

Deputy Mayor Carrier moved the substituted ordinance to a public hearing on February 12, 2014; seconded by Councilor Cheney.

Councilor Cheney gave an overview of the substituted ordinance.

Councilor Garrison said he was happy to hear from the Cemetery Board. He said as a new member of the Ordinance Committee he felt it was important to include the Board and Commissions involved in these ordinances and get their input.

Councilor Cheney said this did go through due process. She also commented that the Cemetery Board is planning on revising their operating rules.

Councilor McManus talked about dogs on a leash not being allowed.

Councilor Cheney explained why they don't want dogs.

Vote: 8/0. Councilor McManus was absent from Council Chambers.

C. RESOLUTIONS

1. AMENDMENT OF FY2014 FEE SCHEDULE TO ESTABLISH METER AND PERMIT RATES FOR THE TRANSPORTATION CENTER PARKING LOT (REQUIRES A 2/3 MAJORITY VOTE OF THE COUNCIL)

SPONSORED BY MAYOR WESTON BY REQUEST

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

Mayor Weston said she has had three communications from the Parking Commission asking her to not approve this resolution. She asked the Council if they would consider tabling this resolution so they can hear from the Parking Commission.

Councilor McManus moved to table the resolution; seconded by Councilor Gagnon.

Vote: 9/0.



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2. ADOPTION OF FY2015-2020 CAPITAL IMPROVEMENTS PROGRAM SPONSORED BY DEPUTY MAYOR CARRIER BY REQUEST

Deputy Mayor Carrier moved for its adoption; seconded by Councilor O'Connor.

Councilor Garrison moved to move the \$80,000 for City Hall renovations out to FY2016.
Vote: 8/1; Passed. Councilor Gagnon was opposed.

Mayor Weston moved to change General Streets and Improvements for FY2015 to \$1 million, and to reach the \$1.8 million goal in FY2020 with equal increments.

Councilor Garrison said he appreciates the concept, but felt it was important to keep it at \$1.8 million. He felt it was a plan and should keep this number the way it is.

Councilor Thibodeaux agreed with Councilor Garrison to leave the number alone. She added that the \$1.8 million is probably too low. She doesn't believe when they actually do the budget that it will stay at \$1.8 million, but felt it should stay in the plan.

Councilor Gagnon asked Director Steele what the number should be with increased costs of materials.

Director Steele said he can get those figures for the Council. He added that there is new equipment available to inspect the condition of the roads. He said it could help them with updating the expense to maintain the roads.

Councilor Gagnon asked for a report that showed what it would end up costing the City by not funding the full \$1.8 million.

Director Steele said there is a program that can figure that out.

Councilor Gagnon said he felt the Council seeing those numbers would help them make a better decision.

Councilor Weston said the \$1.8 million was not a real number, and she was looking for a real number.

Councilor Garrison said the \$1.8 is the goal they are trying to achieve.

Councilor Gagnon said Director Steele should be bumping this number up, and lowering the number is a deterrent to planning.

Vote: 2/7; Failed. Mayor Weston and Councilor Cheney were opposed.

Councilor Garrison moved to push the \$50,000 for Guppy Park in 2016.

City Manager Joyal explained the process why they like splitting the years for design and actual construction. He explained the implications of moving projects around.

Councilor Garrison withdrew his motion.

Councilor McManus started a discussion regarding the funding for reconstruction of fields. Planning Director Parker gave a better explanation of the funding and apologized for the miscommunication.

Superintendent Fernandez talked about how the design work needed to be complete for qualification for the Perkins Grant and giving them a year to have a complete plan.

Councilor Thibodeaux moved to move out the parking deck for Third Street to FY2016.
Councilor Garrison asked if this action would affect the proforma for the parking garage.



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City Manager Joyal said no, it wouldn't, as long as they were able to construct the deck in FY2017. He explained why it was split up over two years.

Councilor Weston asked about a right of way issue.

City Manager Joyal talked about the railroad, but there wasn't another issue.

Mayor Weston said they have two options: to push both phases out one year, or add FY2015 into FY2016.

Councilor Garrison explained why they should be added together into FY2016.

Mayor Weston asked if there as a consensus to add them together into FY2016.

Vote: 9/0.

City Manager Joyal went over the proposed amendments with the Council.

Move \$80,000 City Hall HVAC to FY 2016.

Move \$100,000 Parking Deck - Third Street to FY2016.

Mayor Weston asked for a hand vote on the plan as amended.

Vote: 9/0.

**3. APPROPRIATION FOR FY2015 CAPITAL IMPROVEMENTS PROGRAM –
NON-DEBT FINANCED PROJECTS
(REQUIRES A 2/3 MAJORITY VOTE OF THE COUNCIL)
SPONSORED BY DEPUTY MAYOR CARRIER BY REQUEST**

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

Roll Call Vote: 9/0.

**4. APPROPRIATION FOR FY2015 CAPITAL IMPROVEMENTS PROGRAM AND
AUTHORIZATION FOR BONDING
(REQUIRES A 2/3 MAJORITY VOTE OF THE COUNCIL)
SPONSORED BY DEPUTY MAYOR CARRIER BY REQUEST**

Deputy Mayor Carrier moved for its adoption; seconded by Councilor O'Connor.

Mayor Weston went through the list

1. No change
2. No change
3. No change
4. No change
5. No change
6. No change

Councilor McManus moved to eliminate FY2015 appropriation of \$50,000 from Item #7; seconded by Councilor Cheney.

Vote: 2/7; Failed. Councilor Cheney and McManus voted in favor.

7. No change

8. No change

9. No change

10. No change

11. Wait - wanted discussion



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Councilor Cheney moved to removed Item 12; seconded by Councilor Thibodeaux.

Vote: 9/0.

- 12. Removed
- 13. No change
- 14. No change
- 15. No change
- 16. No change

Item 11 discussion .

Councilor Cheney moved to remove the funding for Item 11.; seconded by Councilor McManus.

Mayor Weston asked for a discussion on the proforma and traffic issues.

City Manager Joyal gave an overview of the financial analysis and his updated proforma handout.

Councilor Garrison moved to suspend the rules to continue the meeting past 10:30 pm in order to complete the agenda; seconded by Councilor Thibodeaux.

Roll Call Vote: 9/0.

City Manager Joyal continued his overview of the updated proforma handout.

Councilor Cheney started a discussion about net new spaces and the cost per space.

Parking Manager Simons gave an overview of the net additional spaces the City will have after the parking garage is completed, which included parking spaces in the McConnell Center parking lot since the police personnel won't be parking there.

Mr. Will Gatchell of Lavellee/Brensinger Architects gave an overview of the total project costs versus construction costs. He said cost per space needs to be from total construction costs and not the total project costs. He said they are still in the design phase, and can't say specifically the cost per space. He does know it's not \$38,000 per space. He said they can say that the City can construct this project with the budget they have in the CIP.

Councilor Cheney started a discussion about the maintenance of the parking garage being \$145,000.

Parking Manager Simons said the maintenance costs will be absorbed by the increased income. He said they were going to have the pay and display system in the garage, and not employees manning the garage.

City Manager Joyal said that some of what they currently pay for maintenance in the parking lots will be transferred to the garage.

Councilor McManus said the Parking Commission didn't want a garage for another three years, and this was brought about because the Police Chief wanted cover for his police vehicles. He said they are netting 190 new spaces, and an inefficient use of public money. He explained why the funding proposal doesn't make sense to him. He added that he felt Orchard Street was the wrong place.

Mayor Weston asked if City Hall employees get free parking.

City Manager Joyal said City Hall and Police Department employees currently receive free parking in the McConnell Center parking lot as part of their employment contract.



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Councilor Cheney asked the Mayor about her earlier comment that they would be breaking the City's financial policy.

Mayor Weston said they try to finance new debt equal to the amount they are retiring.

Mayor Weston asked Mr. Gatchell about plans to manage the traffic in the Orchard Street area.

Mr. Gatchell referred to the email that answered the question, but asked Planning Director Parker to answer the question.

Planning Director Parker gave an overview of the affect on traffic review in the Chestnut Street area. He said this project will be going through the same site review process as any other project.

Mayor Weston asked for the vote to remove Item #11.

Vote: 2/7; Failed. Councilor Cheney and McManus voted in favor.

City Manager Joyal asked the Finance Director to tell the Council the new total they will be approving with the adjustments.

Finance Director Lynch said the adjusted total is \$26,824,000.

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

Roll Call Vote: 7/2; Passed. Councilor Cheney and McManus were opposed.

Mayor Weston asked to recess for five minutes.

Vote: 9/0.

Deputy Mayor Carrier moved to suspend the rules and bring forward Items 13.B.1., 13.B.2., and 13.B.3. to this point on the agenda, because people have been waiting to answer the Council's questions; seconded by Councilor O'Connor.

Roll Call Vote: 9/0.

Deputy Mayor Carrier moved to adopt Item #13.B.1.; seconded by Councilor Garrison.

Captain Breault gave an overview of the resolution and why they chose Harvey Construction.

Roll Call Vote: 9/0.

Deputy Mayor Carrier moved to adopt Item #13.B.2.; seconded by Councilor Garrison.

City Manager Joyal asked Mr. Kevin McEnaney to give the Council an overview of the resolution.

Mr. McEnaney gave the Council an overview of the resolution and an update on the development project..

Mayor Weston asked that the date in the first Whereas be change to reflect 2013.

Planning Director Parker gave an overview of the changes to the development agreement.

Roll Call Vote: 9/0.

Deputy Mayor Carrier moved to adopt Item #13.B.3.; seconded by Councilor Thibodeaux.

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

Roll Call Vote: 9/0.



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13. NEW BUSINESS

A. CONSENT CALENDAR

1. **RAFFLE – American Legion Rider’s**
2. **RAFFLE – Children’s Museum of New Hampshire**
3. **RAFFLE – Portsmouth Christian Academy**

4. **RESOLUTION: PURCHASE OF FIREFIGHTING BUNKER GEAR**
SPONSORED BY MAYOR WESTON BY REQUEST

5. **RESOLUTION: PURCHASE OF FIVE 2014 FORD POLICE INTERCEPTORS**
SPONSORED BY MAYOR WESTON BY REQUEST

6. **RESOLUTION: BERRY BROOK RESTRICTIONS TO WARRANTY DEED**
SPONSORED BY MAYOR WESTON BY REQUEST

COMMITTEE REPORTS

- | | |
|---------------------------------------|---------------------------------------|
| 1. School Board | 7. Solid Waste Advisory Commission |
| 2. Planning Board | 8. Transportation Advisory Commission |
| 3. Appointments Committee | 9. Legislative Liaison |
| 4. Recreation Advisory Board | 10. Pool Advisory Committee |
| 5. McConnellCenter Advisory Committee | 11. Parking Commission |
| 6. Arts Commission | 12. Ordinance Committee |

Deputy Mayor Carrier moved to adopt the Consent Calendar; seconded by Councilor McManus. Mayor Weston asked the Council if they would like to pull an item for further discussion. Councilor Cheney asked to pull Item 13.A.6. Councilor Hooper said she would like to give a brief Legislative Liaison Report. Mayor Weston asked for a roll call vote on the remaining items on the Consent Calendar. Roll Call Vote: 9/0.

Deputy Mayor Carrier moved to adopt Item 13.A.6.; seconded by Councilor Cheney. Councilor Cheney asked where was this property and what the resolution meant. City Manager Joyal said this was to clean up the stream that goes into Great Bay. He said they are putting a use restriction in this area. He said nothing can be built on the property. Roll Call Vote: 9/0.

Councilor Hooper gave an overview of her Legislative Liaison Report. Deputy Mayor Carrier moved to accept the Legislative Liaison Report; seconded by Councilor O'Connor. Vote: 9/0.



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B. RESOLUTIONS

- 1. B14007 AWARD OF CONSTRUCTION MANAGEMENT SERVICE FOR DOVER POLICE FACILITY**
SPONSORED BY MAYOR WESTON BY REQUEST

Moved up on the Agenda to follow Old Business.

- 2. REVISED AND RESTATED DEVELOPMENT AGREEMENT FOR FIRST STREET DEVELOPMENT PROJECT**
SPONSORED BY MAYOR WESTON BY REQUEST

Moved up on the Agenda to follow Old Business.

- 3. FOURTH AMENDMENT AND LEASE EXTENSION AGREEMENT GARRISON HILL CELL TOWER/VERTICAL REALITY PROPERTIES, LLC**
SPONSORED BY MAYOR WESTON BY REQUEST

Moved up on the Agenda to follow Old Business.

- 4. CITY COUNCIL PERSONAL LINKS FROM CITY OF DOVER WEBSITE**
SPONSORED BY COUNCILOR GARRISON

Councilor Garrison moved for its adoption; seconded by Councilor Hooper. Councilor Garrison gave an overview of the resolution to the Council. Councilor Cheney asked that the resolution be tabled. She didn't believe this was the venue to address this issue. Councilor McManus moved the question; seconded by Councilor Garrison. Vote: 7/2; Passed. Mayor Weston and Councilor Cheney were opposed.

C. ORDINANCES IN 1ST READING – None

14. COUNCIL CORRESPONDENCE – None

- A. Letter from Dover Main Street, dated January 10, 2014.**
- B. Letter from Dr. Robert M. Chaiken, dated January 20, 2014.**

Deputy Mayor Carrier moved to place on file; seconded by Councilor McManus. Vote: 9/0.

15. COUNCIL MATTERS OF INTEREST

Mayor Weston asked Councilor O'Connor if he settled the issue with the Arts Commission. Councilor O'Connor said the Arts Commission chairperson is trying to arrange a new schedule for their meetings.



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Mayor Weston asked the City Manager when they are going to start environmental permitting. City Manager Joyal said it was a \$24,000 expense that he was planning to bring before the Council at the next meeting, but asked the Council for their vote to go ahead to start the process tonight. Vote: 8/1; Passed. Councilor McManus was opposed.

16. ADJOURNMENT

Deputy Mayor Carrier moved to adjourn; seconded by Councilor Thibodeaux.
Vote: 9/0.