

**MINUTES OF THE REGULAR MEETING
MASSILLON CITY COUNCIL
HELD, TUESDAY, SEPTEMBER 4, 2012**

COUNCIL PRESIDENT GAMBER B I'd like to welcome all of you to Massillon City Council for Tuesday, September 4, 2012. We have a number of city officials with us this evening Mayor Catazaro-Perry, Safety Service Director Maier, Chief Building Official Kraft, Pat Pentello from the auditor's office, Law Director Stergios, Engineer Dylewski, Health Department Commissioner Argent, Street Director Berens and Fire Chief Burgasser. Also under item #5 on the agenda is where the public can speak on any item that appears on the agenda and then under item #17 is where the public can speak on any item that does not appear on the agenda. I'd also like to remind anyone with a cell phone please turn it off or turn it very far down.

1. ROLL CALL

Roll call for the evening found the following Council Members present: Milan Chovan, Sarita Cunningham-Hedderly, Ed Lewis, Paul Manson, Donnie Peters, Andrea Scassa, Larry Slagle and Tony Townsend.

Thus giving a roll call vote of 8 present.

COUNCIL PRESIDENT GAMBER Mr. Peters we need a motion for Mrs. Halter?

COUNCILMAN PETERS – Where she at?

COUNCIL PRESIDENT GAMBER She had notified the clerk and the rest of council that she would not be here tonight.

COUNCILMAN PETERS – I make a motion that we excuse Councilwoman Halter, seconded by Councilman Chovan.

Councilwoman Halter was excused from tonight's meeting by a roll call vote of 7 yes, 1 no. Peters voted no.

2. INVOCATION

COUNCILMAN LEWIS – Gave the invocation.

3. PLEDGE OF ALLEGIANCE

COUNCILMAN LEWIS – Chairman of the Environmental Committee led those in attendance in the Pledge of Allegiance.

4. READING OF THE JOURNAL

COUNCIL PRESIDENT GAMBER - Madame Clerk, are the minutes of the previous meeting transcribed and open for public viewing? (Yes, they are) Are there any additions or corrections to the minutes? If not the minutes stand approved as written.

5. REMARKS OF DELEGATIONS AND CITIZENS TO MATTERS ON THE AGENDA

6. INTRODUCTION OF ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 94 - 2012

BY: POLICE AND FIRE COMMITTEE

Authorizing the Mayor and the Director of Public Service and Safety of the City of Massillon, Ohio, to accept the Massillon Firefighters Association, Local #251, contract effective September 1, 2012 through August 31, 2015, and declaring an emergency.

COUNCILMAN CHOVAN – We've had a special committee meeting as well as a general work session discussing the details of the contract that the firefighters have ratified. I don't know if anybody has any questions about it or any comments about it. We've been through it twice if you do have some we'll be glad to address them now if not I'm going to move this ahead for a vote so we can get this approved. We can get on with negotiating the rest of the contracts for the city.

COUNCILMAN CHOVAN moved for suspension of the rules and passage, seconded by Councilman Slagle.

The rules were suspended by a roll call vote of 8 yes.

ORDINANCE NO. 94 – 2012 WAS PASSED BY A ROLL CALL VOTE OF 8 YES.

COUNCIL PRESIDENT GAMBER – Ordinance No. 94 has passed and we appreciate everyone's hard work that was involved in getting this to council.

ORDINANCE NO. 95 - 2012

BY: POLICE AND FIRE COMMITTEE

Authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to accept a SAFER Act Grant (EMW-2012-FH-00662) if awarded from the Federal Emergency Management Agency (FEMA) for the Massillon Fire Department, and declaring an emergency.

COUNCILMAN CHOVAN – This is the ordinance that would go along with the grant request that Chief Burgasser put in to FEMA for a SAFER Act grant. The amount of the grant is \$1,697,180.00 and if awarded that grant would allow us to rehire the laid off firefighters and pay all of their salary and their benefits for a two (2) year period. The chief has asked if he could have a minute to speak about this tonight there's been some new development. I'd like to call Chief Burgasser forward.

FIRE CHIEF BURGASSER – Couple of things, the developments that have occurred. First I'd like to if you don't mind tell you about the people that have responded to our request for letters of support in addition to Ms. Scassa and in addition to the county commissioners and the mayor who have written letters of support we had support letters written by Senator Portman and Senator Brown, Representative Rinacci and Representative Schuring and Congressman Hagen is sending one. At this time on Friday we received an email from one of the program specialist the reason this email is so important is because I've spoken to four grant recipients of SAFER Act grants in the past. Certainly every time I have been awarded we have awarded an AFG or an equipment grant we've gotten a letter of this of this kind which is signaled an eminent award. Now they'll real quickly tell you that this does not signify an eminent award they're just requesting more information. I'd like to read you a part of it just briefly: Tom Burgasser, thank you for applying for an FY 2012 SAFER Grant. As you are aware grants awarded under the hiring of firefighters category require grantees to maintain their staffing level and incur no lay offs during the period of performance of the grant which is two years. Therefore it is imperative that your department have the support of your governing body. They're asking for some sort of support from the governing body. That's why I submitted that

request to you a couple of weeks ago. That's why this legislation is here. The mayor has written a letter on our behalf to Mr. Faison and if we can attach the council legislation to that I think that the award they're asking for this to be done no later September 7th. So it is my belief that if we are able to comply with all of this we could hear something from them as soon as two to three weeks from now. Which would be great. I would like to also add that I mean part of what I wrote in element three which was the narrative is that I'm confident my department is unable to will be unable to return any of these laid off employees without the benefit of federal funding. However, I'm equally confident if this funding were granted for the next two years the city would be able to overcome its difficulties and maintain their employment afterward. The confidants is based on the following: city council is considering some sort of tax initiative to be placed on the ballot, Lincoln Center Phase II debt will fall off in 2014, contract negotiations are currently underway and there is a high pressure drilling component in Stark County that has a potential to introduce new jobs to the area. As I said in 2009 I just this is a positive thing I don't want to make it a negative thing but in 24 months I really believe if we do nothing we're going to be in the same boat we're in now. I just wanted to I just wanted to pass that along as well. So I appreciate everything that everyone has done. I'm pretty hopefully about this I think if you act on this we'll find out sooner than later that we are going to be awarded a grant of this magnitude and I appreciate it. Thank you.

COUNCIL PRESIDENT GAMBER – Thank you, Chief. Mr. Chovan?

COUNCILMAN CHOVAN – Because we do have that September 7th request to have all of our approvals and because this ordinance would serve as city council's approval I want to make sure that we have all of our questions answered tonight if there are no more then I would like to move this ahead and try to get this passed tonight also.

COUNCIL PRESIDENT GAMBER – Do we have any questions? Your motion please?

COUNCILMAN CHOVAN moved for suspension of the rules and passage, seconded by Councilman Slagle.

The rules were suspended by a roll call vote of 8 yes.

ORDINANCE NO. 95 – 2012 WAS PASSED BY A ROLL CALL VOTE OF 8 YES.

ORDINANCE NO. 96 - 2012

BY: FINANCE COMMITTEE

Making certain appropriations from the unappropriated balance of the General Fund, TIF Service Payment Fund, Parks and Recreation Fund, Bond Retirement Park and Rec. Fund, 1414 Collection System Improvement Fund, Indigent Driver Alcohol Fund, Police Pension Fund, Bond Retirement Senior Housing Fund, Veterans Park/Duncan Plaza Fund, Summer Concert Fund, Fire Pension Fund and the Faircrest Properties Infrastructure Fund, for the year ending December 31, 2012, and declaring an emergency.

COUNCILMAN PETERS – This is rather lengthy there's twelve sections I'll go through them as quickly as possible. But I want to go through them just so they're on the record. We discussed all these at the work session on Monday and we had any questions answered I believe if not stop me and we'll get them answered. So I'll start with section 1, from the unappropriated balance of the general fund for the year ending December 31, 2012 to the following: \$500,000 to police salary, \$500,000 to fire salary, \$20,000 to refunds income tax, \$14,000 to services and contracts, \$5,000 to supplies and materials, \$14,000 to services and contracts. Moving to section 2, appropriate from the unappropriate balance of the TIF Service Payment Fund for the year ending December 31, 2012, \$225,000 to an account entitled developer TIF's. Section 3, appropriate from the unappropriated of the Parks & Rec. Fund for the year ending December 31 \$53,000 to recreation salary, \$17,000 to hospitalization, eye and dental and life. \$10,552 to Parks and Rec. PERS, \$1,358 to Parks & Rec. Medicare, \$60,686 to Legends salary, \$16,633 to

Legends PERS, \$716 to Legends city's share of Medicare. Moving to section 4, appropriate from the unappropriated balance of the Bond Retirement Park & Rec. Fund for the year ending December 31, 2012 to the following: \$57,806.44 to an account entitled Debt Retirement Park & Rec. Principle. Section 5, appropriate from the unappropriated balance of the Collection System Improvement Fund for the year ending December 31st to the following: \$31,151 to an account entitled Bit of Eden Project. Section 6, appropriate from the unappropriated balance of the Indigent Driver Alcohol Fund for the year ending December 31, 2012 \$30,000 to an account entitled services and contracts. Section 7, appropriate from the unappropriated balance of the Police Pension Fund for the year ending December 31, 2012, \$29,031.18 to an account entitled Police Pension. Section 8, appropriate from the unappropriated balance of the Bond Retirement Senior Housing Fund for the year ending December 31, 2012, \$11,070.83 to an account entitled Debt Retirement Senior Housing Interest. Section 9, hereby appropriate from the unappropriated balance of the Veterans Park/Duncan Plaza Fund for the year ending December 31, 2012, \$10,000 to an account entitled services and contracts. Section 10, appropriate from the unappropriated balance of the Summer Concert Series Fund for the year ending December 31, 2012, \$4,231.01 to account salary summer concert, \$655.81 to PERS summer concert, \$61.35 to an account Medicare summer concert. Section 11, appropriate from the unappropriated balance of the Fire Pension Fund for the year ending December 31, 2012, \$1,755.30 to an account entitled Fire Pension. Section 12, appropriate from the unappropriated balance of the Faircrest Properties Infrastructure Fund for the year ending December 31, 2012 to the following \$15.00 to an account entitled County Collection Fees. Any questions?

COUNCIL PRESIDENT GAMBER – I see no questions, your motion please?

COUNCILMAN PETERS moved for suspension of the rules and passage, seconded by Councilman Manson.

The rules were suspended by a roll call vote of 8 yes.

ORDINANCE NO. 96 – 2012 WAS PASSED BY A ROLL CALL VOTE OF 8 YES.

ORDINANCE NO. 97 - 2012

BY: FINANCE COMMITTEE

Authorizing the Mayor of the City of Massillon, Ohio, to submit an application for funding to Ohio EPA's Water Pollution Control Loan Fund (WPCLF) and execute any necessary documents for upgrade to the Wastewater Treatment Plant, and declaring an emergency.

COUNCILMAN PETERS – I think first reading on this one, Mr. President.

ORDINANCE NO. 97 – 2012 WAS GIVEN FIRST READING.

COUNCILMAN PETERS – Can I...

COUNCIL PRESIDENT GAMBER – Mr. Peters?

COUNCILMAN PETERS – Can I'd like to ask the engineer before I might recant that I don't know if there's a timeline on this.

COUNCIL PRESIDENT GAMBER – Mr. Dylewski?

COUNCILMAN PETERS – Is there a drop dead date that we have to do this by? I mean will this...

ENGINEER DYLEWSKI – It's later in the month first reading is fine.

COUNCILMAN PETERS – Okay, because I think there's still some questions to be answered and...

ENGINEER DYLEWSKI – Yeah, we plan on as we talked about at the work session having that presentation on Monday so...

COUNCILMAN PETERS – Okay, I did right then, okay, good.

7. UNFINISHED BUSINESS

8. PETITIONS AND GENERAL COMMUNICATIONS

9. BILLS, ACCOUNTS AND CLAIMS

A). REPOSITORY - \$1,320.40

COUNCIL PRESIDENT GAMBER – Mr. Peters?

COUNCILMAN PETERS – I'd like to make a motion that we pay the bills, seconded by Councilman Slagle.

Roll call vote of 8 yes to pay the bills.

10. REPORTS FROM CITY OFFICIALS

A). AUDITOR SUBMITS MONTHLY REPORT FOR AUGUST 2012 B COPY FILE

B). MAYOR SUBMITS MONTHLY REPORT FOR JUNE 2012.

COUNCIL PRESIDENT GAMBER – We have two reports from city officials. We have the auditor's monthly report Mr. Peters we need a motion to accept that report please.

COUNCILMAN PETERS – I move that we accept the auditor's report for August 2012, seconded by Councilman Manson.

Roll call vote of 8 yes to accept the auditor's report for August 2012.

COUNCIL PRESIDENT GAMBER – Under Item B we have the mayor's monthly report.

11. REPORTS OF COMMITTEES

COUNCIL PRESIDENT GAMBER – As far as reports of committees you will meet again on Monday, the 10th.

12. RESOLUTIONS AND REQUESTS OF COUNCIL MEMBERS

COUNCIL PRESIDENT GAMBER – Is there anyone who has a report, request or resolution? Mr. Lewis?

COUNCILMAN LEWIS – I would like for the sake of the environmental committee we discussed shortly that we'd like to call a special or an extra committee meeting on the 19th at 6:00pm. For the purpose of discussing the bids for the solid waste department, of course, we'd like to invite the mayor and Mr. Maier to come along for that discussion.

COUNCIL PRESIDENT GAMBER – Alright, and that will be in the conference room or council chambers?

COUNCILMAN LEWIS – If we can all fit in the conference room we will and...

COUNCIL PRESIDENT GAMBER – And that's Wednesday the 19th at 6:00pm. Is there anyone else?

13. CALL OF THE CALENDAR

14. THIRD READING ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 48 - 2012
REGULATIONS

BY: HEALTH, WELFARE & BLDG

Enacting a new CHAPTER 1331 “REGISTRATION OF VACANT BUILDINGS”, of the Codified Ordinances of the City of Massillon.

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COUNCILWOMAN SCASSA – I’m handling this for Councilwoman Halter tonight who I know wishes she could be here to vote on this. But after all the work that’s been done on it its up for third reading tonight. Everyone should be aware both well I guess we’ll just talk about this one real quick but the amendments that’s been made and how they stand. So at this juncture since this one’s finally up for third reading I would bring it forward for its passage tonight.

COUNCIL PRESIDENT GAMBER – Is that a motion?

COUNCILWOMAN SCASSA – Yes.

COUNCILWOMAN SCASSA moved to bring Ordinance No. 48 – 2012 forward for passage, seconded by Councilman Townsend.

COUNCIL PRESIDENT GAMBER – Is there any discussion on Ordinance No. 48 – 2012? Mr. Townsend?

COUNCILMAN TOWNSEND – I’d just like to make a comment. First I want to commend Mr. Kraft for working with the committee to make some of the changes to this ordinance. It was very difficult in the past to get that department head to make some of these changes but Mr. Kraft was more than willing to do it. I just want to commend him for that. That’s it.

COUNCIL PRESIDENT GAMBER – Is there anyone else?

ORDINANCE NO. 48 – 2012 WAS PASSED BY A ROLL CALL VOTE OF 8 YES.

ORDINANCE NO. 49 - 2012
REGULATIONS

BY: HEALTH, WELFARE & BLDG

Enacting a new CHAPTER 1330 “REGISTRATION OF NON-OWNER OCCUPIED”, of the Codified Ordinances of the City of Massillon.

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COUNCILWOMAN SCASSA – Again, same with 48 these ordinances have been worked on and I would also like echo Councilman Townsend’s sentiment about our department head. Thank you for working with us and thank you for everyone’s input and patience with us as we constructed these ordinances over the past couple of months.

COUNCILWOMAN SCASSA moved to bring Ordinance No. 49 – 2012 forward for passage, seconded by Councilman Townsend.

COUNCIL PRESIDENT GAMBER – Is there any discussion or any questions? Mrs. Cunningham-Hedderly?

COUNCILWOMAN CUNNINGHAM-HEDDERLY – I just wanted to commend Councilwoman Nancy Halter because she worked very, very hard on this. It was an uphill battle for awhile but everybody worked together and its come to fruitions.

ORDINANCE NO. 49 – 2012 WAS PASSED WITH A ROLL CALL VOTE OF 8 YES.

ORDINANCE NO. 87 - 2012

BY: FINANCE COMMITTEE

Amending Section 181.15 “CREDIT FOR TAX PAID TO ANOTHER MUNICIPALITY” OF

CHAPTER 181 "INCOME TAX" of the Codified Ordinances of the City of Massillon, by enacting a new Section 181.15 "CREDIT FOR TAX PAID TO ANOTHER MUNICIPALITY" of said CHAPTER 181 "INCOME TAX", and declaring an emergency.

COUNCILMAN PETERS – I guess I'm going to make a motion that we put this forward for a vote.

COUNCIL PRESIDENT GAMBER – Is there a second? Seconded by Councilman Manson. Any comments for discussion?

COUNCILMAN TOWNSEND – Actually I wanted to make a motion to amend.

COUNCIL PRESIDENT GAMBER – Alright, would you like to make it or do you want to discuss it first?

COUNCILMAN TOWNSEND – Yes, I would like to make it. I would like to make a motion to amend Ordinance No. 87 to reflect the deadline date of two years possibly October 1st of 2012 to December 31, 2014.

COUNCIL PRESIDENT GAMBER – You're making a motion and saying possibly.

COUNCILMAN TOWNSEND – Well, I'm making a motion to two year deadline October 1st, 2012 to December 31, 2014.

COUNCIL PRESIDENT GAMBER – And where are we adding that?

COUNCILMAN TOWNSEND – Somewhere in there. I don't know put it at the bottom.

COUNCIL PRESIDENT GAMBER – Bottom. Do we have a second for the motion?

COUNCILMAN TOWNSEND – Okay, I'm sorry section C, sorry about that Mr. President. I didn't have it in front of me I'm sorry.

COUNCIL PRESIDENT GAMBER – Okay, how about restate your motion then, please.

COUNCILMAN TOWNSEND – Okay, I would like to make a motion to amend Ordinance No. 87 to reflect a deadline date of October 1, 2012 to December 31, 2014 that will go in section C where states this 65% credit shall be effective commencing October 1, 2012 and ending December 31, 2014.

COUNCIL PRESIDENT GAMBER – Hold on one second ending when?

COUNCILMAN TOWNSEND – December 31, 2014.

COUNCIL PRESIDENT GAMBER – Alright, we are adding the date to section 2, item C does everyone have that? Do we have a second for that motion?

COUNCILMAN SLAGLE – May I request an amendment of the amendment?

COUNCIL PRESIDENT GAMBER – We need a second for Mr. Townsend's amendment? The motion dies for lack of a second. Mr. Slagle?

COUNCILMAN SLAGLE – I would approve the amendment if it says or passage of a city income tax increase which ever comes first.

COUNCILMAN TOWNSEND – Okay, I can agree with that. So do I restate it?

COUNCIL PRESIDENT GAMBER – Well, you've already had your shot now Mr. Slagle are you making...

COUNCILMAN SLAGLE – I would I'd make it on the same wordage or passage of city income an increase in the city income which ever should come first. Then it I guess you'd have to word it to the effect that upon the calendar year in which you collect for the first calendar year in what you collect you won't have a duplicate collection is what I'm saying.

COUNCIL PRESIDENT GAMBER – And that's all part of the...

COUNCILMAN SLAGLE – Well, I'd say or upon passage of the city income tax increase...

COUNCIL PRESIDENT GAMBER – May I make a suggestion this is a very vital ordinance would anyone like to take a ten minute recess to discuss this so that we have the wording. Also check the finance committee and the law director. I hate making amendments like this on the fly. Mr. Slagle, you have the floor.

COUNCILMAN SLAGLE – I would suggest a ten minute recess for that purpose.

COUNCIL PRESIDENT GAMBER – You will have a ten minute recess. Please do not leave the chamber. Council is back in session. Mr. Slagle, you have the floor.

COUNCILMAN SLAGLE – Thank you. In section C now I would proposed the amendment as follows after discussion with the law department and also Mr. Koher that section C now read this 65% credit shall be effective commencing and then the new language shall be "January 1, 2013 and ending December 31, 2014 or the effective date of a city income tax increase which ever occurs first".

COUNCIL PRESIDENT GAMBER – Now hold on one second, alright.

COUNCILMAN SLAGLE – Thereafter the credit shall be reinstated at 100%.

COUNCIL PRESIDENT GAMBER – Is that a new sentence thereafter?

COUNCILMAN SLAGLE – Yes.

COUNCIL PRESIDENT GAMBER – Alright, would you read it one more time? The entire section C.

COUNCILMAN SLAGLE – Section C: This 65% credit shall be effective commencing January 1, 2013 and ending December 31, 2014 or the effective date of the city income tax increase which ever occurs first. Thereafter the credit shall be reinstated at 100%.

COUNCIL PRESIDENT GAMBER – Does everyone have that or at least understand it? Is there any questions on the amendment? Mr. Chovan?

COUNCILMAN CHOVAN – Yes, just one. When you say that this is going to the credit will go back to 100% the way I read that is if there's an income tax increase approved by the citizens does that obligate to have a 100% credit after the tax increase to whatever amount the increased amount is?

COUNCILMAN SLAGLE – Well the tax credit would be 100% at that point if the current if the city council at that point if they got a tax increase wanted to deal with the increase on that portion they could. But it still would go back to 100%.

COUNCILMAN CHOVAN – Okay, that's what I wasn't clear because I know we had spoken before about the idea could be not having a credit at all for any increase is part of the ballot language?

COUNCILMAN SLAGLE – That was discussed but Mr. Stergios didn't believe that the ballot language would likely to be able to have that kind of information...

COUNCILMAN CHOVAN – Okay, that's why I asked the question. Thank you.

COUNCIL PRESIDENT GAMBER – Are there any other comments or questions? Alright, would you please make a motion and then we'll look for a second.

COUNCILMAN SLAGLE – Made a motion to add section C as I have stated it to this Ordinance No. 87 – 2012, seconded by Councilman Townsend.

ORDINANCE NO. 87 – 2012 WAS AMENDED BY A ROLL CALL VOTE OF 5 YES, 4 NO WITH COUNCIL PRESIDENT VOTING YES TO BREAK THE TIE. CUNNINGHAM-HEDDERLY, LEWIS, MANSON AND SCASSA VOTED NO.

COUNCIL PRESIDENT GAMBER – We now move forward to a vote on amended ordinance roll call vote please.

COUNCILMAN PETERS – Point of order.

COUNCIL PRESIDENT GAMBER – Mr. Peters?

COUNCILMAN PETERS – I thought we just took a vote to amend?

COUNCIL PRESIDENT GAMBER – We did we have now amended the ordinance now we're back at first reading.

COUNCILMAN PETERS – Okay.

COUNCIL PRESIDENT GAMBER – So?

COUNCILMAN PETERS – So you're bringing it to me now?

COUNCIL PRESIDENT GAMBER – We'll bring it to you now.

COUNCILMAN PETERS – Okay, that's why I was confused I thought you were saying we're taking a vote on something.

COUNCILMAN PETERS moved for suspension of the rules and passage, seconded by Councilman Slagle.

The rules were suspended by a roll call vote of 8 yes.

ORDINANCE NO. 87 – 2012 WAS DEFEATED BY A ROLL CALL VOTE OF 6 NO, 2 YES. SLAGLE AND TOWNSEND VOTED YES.

15. SECOND READING ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 89 - 2012 **COMMITTEE**

BY: COMMUNITY DEVELOPMENT

Amending Section 1151.02 of the Massillon Code of 1985 rezoning a certain tract of land from Tuscarawas Township to A-1 Agricultural, R-1 Single Family and B-3 Business.

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COUNCILMAN MANSON – We will be having a public hearing on September 17th at 7:15pm to discuss the proposed zoning. This is simply to give this a zoning its been annexed to Massillon and now we have to zone it.

ORDINANCE NO. 89 – 2012 WAS GIVEN SECOND READING.

ORDINANCE NO. 92 - 2012

BY: FINANCE COMMITTEE

Amending Ordinance No. 143 – 1976 by repealing Section 13 – “ALLOCATION OF FUNDS – INCOME TAX”, and enacting a new Section 13 “ALLOCATION OF FUNDS – INCOME

TAX” and repealing Ordinance No. 66 – 2009, and declaring an emergency.

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COUNCILMAN PETERS – I apologize I didn’t have it out so I’ll just ask for help. This ordinance is to change the split in our general fund and it reads: effective January 1, 2012 this ordinance shall be dispersed as follow 99.75% shall be deposited into the General Fund and .25% shall be deposited into the Income Tax Capital Improvement Fund. We had a lengthy discussion on this on Monday night so we kind of know where everybody stands on it. I reiterate that you know that this can be changed at any time and my only problem was that we didn’t pass to waive the rules and I think we had those questions answered.

COUNCILMAN PETERS moved for suspension of the rules and passage, seconded by Councilman Manson.

COUNCIL PRESIDENT GAMBER – Do we have any discussion? Mr. Lewis?

COUNCILMAN LEWIS – Yes, if we’re bringing it forward tonight for suspension I would like to make an amendment to the ordinance.

COUNCIL PRESIDENT GAMBER – Hold on one second. Alright, Mr. Lewis?

COUNCILMAN LEWIS – Essentially the same thing that we just discussed with the tax credit I guess we could look at it in section A where it’d say: effective January 1, 2012 and C saying December 31, 2013 and the funds you know and so forth.

COUNCIL PRESIDENT GAMBER – These basically have a one year life to them because its part of this budget this year’s budget. This split would end as of December 31 and council would have to vote on a new one. Ms. Pentello, is that correct?

PAT PENTELLO – Yes and unless it was brought up by another ordinance.

COUNCIL PRESIDENT GAMBER – This runs with this calendar year’s budget. It will cease to exist on December 31.

COUNCILMAN LEWIS – Of this year?

COUNCIL PRESIDENT GAMBER – Yes.

COUNCILMAN LEWIS – And it goes back to 98/2?

COUNCIL PRESIDENT GAMBER – It’ll go to back whatever you designated it as.

COUNCILMAN LEWIS – 70/30 as in the 19... so would it go back to the 70/30 per the legislation of the ‘70’s?

COUNCIL PRESIDENT GAMBER – Whatever you want it to be. Whatever it is right now it will end with this budget.

COUNCILMAN MANSON – If the mayor comes out and says 95/5 we approve the budget that’s what it would be 95/5.

COUNCILMAN LEWIS – I retract my previous statement.

COUNCILMAN PETERS – I don’t retract mine.

COUNCIL PRESIDENT GAMBER – Mr. Peters has a motion and a second for suspension are there any other comments or discussions? Roll call vote for suspension please.

The rules were suspended by a roll call vote of 7 yes, 1 no. Lewis voted no.

ORDINANCE NO. 92 – 2012 WAS PASSED BY A ROLL CALL VOTE OF 5 YES, 3 NO. CHOVAN, CUNNINGHAM-HEDDERLY AND LEWIS VOTED NO.

COUNCIL PRESIDENT GAMBER – The ordinance has passed.

COUNCILMAN PETERS – Point of order, Mr. President.

COUNCIL PRESIDENT GAMBER – Mr. Peters?

COUNCILMAN PETERS – Question's been raised that is there a certain amount of votes it has to pass by since it was since we waived the...

COUNCIL PRESIDENT GAMBER – No.

COUNCILMAN PETERS – Okay.

COUNCIL PRESIDENT GAMBER – Once the rules are waived simple majority.

COUNCILMAN PETERS – Okay.

COUNCIL PRESIDENT GAMBER – There may sometimes there's a question on when the effective date is you all can check with the law director on that.

16. NEW AND MISCELLANEOUS BUSINESS

17. REMARKS OF DELEGATIONS AND CITIZENS TO ITEMS NOT ON THE AGENDA

FIRE CHIEF BURGASSER – Tom Burgasser, fire chief. I did not indicate this because I didn't think it appropriate initially when we were talking about the SAFER Act Grant. However, I do think it is appropriate at this to say that SAFER Act Grant is staffing for adequate fire and emergency response. If it would have been possible for me to write a grant to bring back police officers or other workers I would have done it. That's not possible through this grant and no grant that I know of. Thank you.

18. ADJOURNMENT

COUNCILMAN LEWIS – I move that we adjourn, seconded by all.

MARY BETH BAILEY, CLERK,

GLENN E. GAMBER, PRESIDENT

