

The Claremont City Council held a meeting on Tuesday, August 25, 2009, in the Council Chambers of City Hall.

The meeting was called to order by Mayor Cutts at 6:30 p.m.

Members of the Council present were:

At-Large Councilor Thomas (Toby) Batchelder, III
At-Large Councilor Robert Picard
Assistant Mayor Andrew Austin
Mayor Deborah Cutts
Ward II Councilor Paul LaCasse
At-Large Councilor Kyle Messier (late)
Ward I Councilor Christopher Lewis
Ward III Councilor Jeffrey Goff

Absent:

At-Large Councilor Keith Raymond

Also present were:

Guy Santagate, City Manager
Jane Taylor, City Solicitor

NEW BUSINESS

A motion was made by Mr. Goff and seconded by Mr. LaCasse to suspend the five-minute rule limiting public input.

Roll Call Vote: Motion carried 7-0.

Proposed Spending Cap Amendment to City Charter – Public Hearing

Proposed City of Claremont Charter Amendment

Section 40-a Limitation on Budget Increase

1. Limitation on budget increase. Recognizing that final tax rates for the City of Claremont are set by the New Hampshire Department of Revenue Administration pursuant to RSA 21 J:35, I, the City Council shall develop its annual budget proposals and shall act upon such proposals in accordance with the mandates of this section.

Override Provision. Budgetary restrictions described in any part of section 40-a may be overridden upon a vote of two-thirds (2/3) of all elected members of the City Council. Such

override expires following adoption of the annual budget. Subsequent budgets or supplemental appropriations require additional two-thirds (2/3) override votes, or the limitations expressed in this section will apply. In establishing a municipal budget, the City Council shall be allowed to assume an estimated property tax rate in an amount not to exceed the tax rate established during the prior fiscal year increased by a factor equal to the change in the National Consumer Price Index – Urban as published by the United States Department of Labor for the calendar year immediately preceding the year of the budget adoption.

II. Exception to budget increase limitation. Capital expenditures, and the total or any part of the principal and interest payments of any municipal bond, whether established for municipal purposes, may be excepted from being included in the expenditures that are subject to the prior limitation upon a two-thirds (2/3) vote of all members of the City Council. The exception made under this section shall expire upon adoption of the budget for the next budget year, unless two-thirds (2/3) of all members of the City Council vote to renew the exception for the next budget year.

III. Budget limitation in a revaluation year. When the City Council accepts an increase in real estate values as the result of a City wide revaluation, the City Council shall adhere to a maximum increase in the real estate tax revenues as follows: The real estate taxes raised from the prior budget year shall be increased by a factor no more than the change in the National Consumer Price Index-Urban as published by the United States Department of Labor for the calendar year immediately preceding budget adoption, then this figure shall be used in establishing the new municipal budget.

IV. Budget limitation with annual changes in assessments. When annual changes in real estate values occur as a result of State of New Hampshire assessing requirements, the City Council shall adhere to a maximum increase in real estate tax revenues as follows: The real estate taxes raised from the prior year shall be increased by a factor of no more than the change in the National Consumer Price Index – Urban as published by the United States Department of Labor for the calendar year immediately preceding budget adoption, plus real estate taxes calculated by applying the prior year real estate tax rate to the net increase in new construction. “Net increase in new construction” is defined as the total dollar value of building permits less total dollar value of demolition permits issued for the period of April 1 – March 31 preceding budget adoption.

V. Total Expenditures. Total expenditures for any given budget year shall not exceed the amount of funds reasonably calculated to be derived by the tax rate established herein, increased by the other revenues generated by the municipality. This amendment shall not prevent the elected city council from establishing a municipal budget below this limit.

Explanatory Note: This amendment places a cap on the level of City spending based on the National Consumer Price Index. Capital expenditures and debt expenditures are included in the cap. The cap may be overridden by a two-thirds (2/3) vote of the City Council.

Attorney Taylor read her opinion letter into the record that this petition is not in conflict with the law. She read a letter dated May 1, 2009, from William M. Gardner, Secretary of State, which noted a similar amendment for the City of Concord was ruled a violation of the NH Constitution and the General laws of the state by the Merrimack Superior Court. However, the Secretary of State, the Attorney General and Commissioner of the Department of Revenue approved the proposed Charter amendment. Ms. Taylor concurred with the letter from Mr. Gardner approving the proposed Charter amendment in the absence of any decision by a court with jurisdiction over Claremont ruling the proposed amendment illegal. She added she spoke with Assistant Attorney General Kennedy and was told there were no further developments since the May 1, 2009, letter.

Mayor Cutts opened the public hearing on the proposed amendment.

Jim Contois, Ward 2, said a tax cap will bind future Councils. A tax cap won't affect the schools or county budgets. It affects only a small part of the tax rate. With reduced revenue, there is a potential to reduce positions in Police, Fire and Public Works. He doesn't like paying taxes, but doesn't mind paying them to help his friends keep their jobs in the Police, Fire and Public Works Departments. He reiterated that the Merrimack County Court said this is unconstitutional which overruled what the Attorney said. He suggested Ms. Taylor could ask for a legal interpretation before this goes forward and then it gets overturned as unconstitutional.

Raymond Gagnon, Ward 3, said he was on the Council 1986-1992. During that time, some people attempted to place spending controls on the City Council. As a result, the City became polarized and divided; there was zero growth, zero development and zero maintenance of infrastructure. That initiative, sponsored by Sullivan County Tax Group, was proven unconstitutional by the NH Supreme Court. He serves in the NH Legislature and is on the NH Municipal and County Committee. He said the ruling in Merrimack County spoke of the Claremont case: Claremont v. Craigie as part of the decision in finding the tax cap illegal and unconstitutional. He urged the Council to request the City Solicitor to ask our Superior Court Justice in Sullivan County if the amendment is legal. Claremont has come a long way toward economic revival, let's not step backward. He said the NH Advantage Coalition (group sponsoring these initiatives all over the state) is a statewide radical libertarian organization that wants to dismantle and destroy government. Let's find out if this is legal and move from there.

Bernie Folta, Ward 3, agreed with Mr. Gagnon about getting another opinion. He suggested referring this to outside counsel although it costs extra money. He said there is a difference between a spending cap and a tax cap. This is a spending cap. On the political front, scare tactics are part of the rhetoric. He thinks this is a trend in the 21st century. People do not have confidence in their representatives. The purpose of this is to let the people decide.

Francis Gauthier, Ward 2, said he has seen the City blossom in the last four years. He congratulated the Council for its wise decisions on development (Red River Computer, Parking Garage, etc.). The other side is that the property taxes are high and they put pressure on families. It is negative, but it is necessary to bring more businesses to the community. He agreed we need to make sure this is constitutional.

Judy Surrey, Ward 1 and an educator in the Claremont school system, said she is concerned about the tax burden and the City's ability to provide services to citizens. The children of Claremont will not be able to stay unless we have economic development that leads to good paying jobs. The Council has to act responsibly to the 400 petitioners as well as to the 13,000+ others that did not sign it. The responsible thing to do is to order Ms. Taylor to request an opinion of the Sullivan County Superior Court to rule on the legality of this petition.

At 7:00 p.m., Ms. Messier arrived.

Steve Raymond, Ward 1, said he went to the tax cap meeting in January. He said you can't look at only one piece of the pie. He asked if the petitioners went to the schools and county with the petition. If they do that, they could mess up the schools which will hurt Claremont. The schools are looking to go for a bond.

Thomas LaCasse, Ward 2, said he is concerned that Claremont has given a lot of people a lot of extras (i.e. free burials, the mill district, built the parking garage that the public won't be able to use, done a lot of favors for a lot of people). His opinion is someone is putting a lot of grease in someone's pocket. It is costing him every time someone does that and he can't afford it. To keep taxes down, don't keep giving it away.

Jerome Goggin, Ward 1, 24 Green Street, said he is not in favor of the tax cap. On the surface it seems like a great idea, but there is a down side. The City has already cut the fat in spending; personnel have been furloughed; people who retire are not replaced; and training money has been eliminated. In cutting fat, we have cut to the bone; the next step is amputation which will happen if a tax cap is enacted. The Claremont Fire Department is near and dear to his heart. A few years ago he had a house fire. The Fire Department saved his home and he is grateful to them. Last Friday a house caught fire across the street from his own and his son took a photo of the firefighters fighting the fire on the roof of that home. He wants no more staff reductions or furloughs. Restore the money for training and replace those that retire. The tax cap is the wrong way to go.

Brian Rapp, Ward 2, Firefighter Local 1571, Fire Department, said the tax cap will limit the City's ability for new growth. The petition is being led by the NH Advantage Coalition. In Claremont, Cynthia Howard is leading the charge. One stated objective of this group is to elect Councilors that will take a pledge not to override the cap. The other is to shrink the size of government. He said he talked to a supporter of the cap and was told we may have to look at an all volunteer Fire Department. The last petition asked for a 30% cut in the budget; get rid of Planning, Zoning and have the Library open once a week. With that direction, it won't be long before the Fire and Police Departments feel the cuts. As of March, the Fire Department cut its budget for training. They expect a retirement in April and it likely won't be filled and they will be where they were in 2001. He said the people who want this petition, want to go back to a town form of government. The Concord cap was ruled illegal. He thinks the person leading the coalition knows that this is illegal. He quoted from a story in the Union Leader newspaper. He thinks it is irresponsible for the City to go forward without getting a legal opinion.

Doreen Needham, North Street, agreed we should not have a cap. She is concerned about people who fall through the cracks, i.e. the homeless. They are not counted. She has been in a shelter twice. She helps with the kitchen that is based in the Congregational Church. They are open Friday, Saturday and Sunday, when the Claremont Soup Kitchen is closed. They started out serving 20 people and are up to 30-50 people now. The people they feed are 1-2 paychecks away from being homeless. This tax cap can help in the short term, but not the long term. It will take away vital services they need (i.e. electricity and food). The tax cap is not a good thing.

Cynthia Howard, Ward 2 and Chairperson of the petitioners' committee, read Article 38 of the NH Constitution and said that pertains to a spending cap. The founding fathers would have supported frugality and they believed in smaller government. It is a spending cap, not a tax cap. A spending cap caps the operating, capital and bond budgets at the previous year's Consumer Price Index. It will cap the amount to be raised by taxes. It doesn't limit the growth of government; Council can override it by a 2/3 vote and Council can reduce it as well. It will stabilize the tax rate and serve as a fiscal guide for the City. It will serve to attract business and industry which will expand the tax base. Look at other communities to determine its success (i.e. Franklin). Their tax rate is much lower and their tax base is increasing. She thanked the petitioners' Committee: Phil Howard, Joe Helie, Arlene Prescott and Richard Dietz. She thanked petition circulators: Gerald Donatelly, JoAnne Lemieux, John Merchant and Bernie Folta. She also thanked those that signed the petition. If anyone wants to sign it, call her at 543-1372, or e-mail her at cindycool09@yahoo.com. If this goes to the ballot, it will be up to the voters to decide on November 3rd.

Wes Nelson, Ward 3, said he moved here to be part of the growth. He hoped people would do their research before deciding on this spending cap.

Tom Connair, Ward 2, Claremont attorney and member of the NH Bar for 30 years. The premise that you can't trust elected officials to spend or budget appropriately, so you have to have a tax cap is faulty. He thinks it is faulty when seeing all the work that is being done. If the tax cap passes, much of what the City, schools and county spend is fixed; we have no control over it (pass down costs from the state and federal government). That would eat into the discretionary part of the budget to make up for the fixed expenses of the City, school and county. He empathized and sympathized with the hardships Claremont taxpayers are going through. He said Claremonters spend more, statistically, out of their pockets for property taxes than almost any other place in the state. He thinks the energy spent on a tax cap would be better spent to tell the legislature to do their job and keep all options on the table. If the tax cap passed, property taxes would go up because economic development would be diminished. There would be less of a tax base. He respects the City Solicitor, but he said her opinion is legally wrong. The Merrimack Superior Court does not issue advisory opinions. They issue rulings. The rulings they issue are only technically binding on the parties. It is precedential value. The Attorney General's office and the Secretary of State issued the same opinions in the Concord case and were overruled. He is not sure Council has to vote, it is an automatic order. He encouraged the Council to do the right thing as it sees fit. There can be long term consequences. If the Charter amendment passes and someone appeals it, the City will get stuck with the legal bill if there is a fight. He encouraged Council to vote against the tax cap. If Council votes in favor of it, he asked that

Council direct Attorney Taylor to ask that this issue be determined by the Sullivan County Superior Court and then go with that ruling. If the court says it is unconstitutional, it can be appealed.

Rebecca MacKenzie, Ward 2, has the same concerns about high taxes. She is not in favor of a tax cap for the City of Claremont. She appreciates the work of the petitioners and the visionaries in the administration for moving Claremont forward. She appreciates the economic development and the people putting their faith in Claremont. She would like to look at reducing the property tax by broadening the tax base. She encouraged citizens to contact the State Representatives to look at broadening the tax base. We need a different tax structure with less dependence on property taxes.

Bernie Folta, Ward 3, talked about the spending cap being on the City, but not the schools or county. He said a spending cap is different from a tax cap. Claremont School District is a separate government body. The school is governed like a town and the only way to get a spending cap on the school is to change the town-type laws. He believes a county-level spending cap would go in Title 2 of NH RSA, Chapter 28A, County Charters. He said no county has a county charter even though it is permitted to do so. He thought it was a good idea for the city and towns to come together because you can get other stuff in there such as county referendum.

Francis Gauthier, Ward 2, agreed with Ms. MacKenzie about contacting the Governor's office to get a broad-based tax which would take the pressure off the community.

Thomas LaCasse agreed with Ms. MacKenzie about a broad-based tax. Before you do that, you need to control the city spending. The City is pushing people out of town because of the property taxes. Need to control spending.

Steve Raymond, Ward 1, said a tax cap is not all that bad, but we need to go all the way, not just one section. He knows whatever decision the Council makes will be the right decision. We need to think of the Claremont high school.

Rebecca MacKenzie, Ward 2, talked about possible opportunities in broadening the tax base. Granite State Fair Tax Coalition is a good resource to tie into as well as Working Families Win. Both are online.

Cynthia Howard, Ward 2, clarified this is a spending cap, not a tax cap. It will cap all parts of the budget, operating, bond, capital improvement and amount to be raised by taxes. There is a 2/3 override provision, so it doesn't limit Council powers. Council can reduce the budget as it has in the past. Six other towns have spending caps in place. The Concord case was one judge's interpretation. Franklin went from \$33 to \$17.45 per thousand. In reference to Vermont taxation: she is not in favor of a sales tax in NH. It won't alleviate the property tax. Windsor, VT's, tax rate is \$3.79 per hundred which is higher than in Claremont.

Francis Gauthier, Ward 2, said he was involved with the tax coalition (requesting the legislature have a discussion about an alternate tax for property taxes). It was put on the ballot and passed

by 75% of the voters. Once voted on, the City was supposed to send a communication to the Governor's office, but it didn't go forward from the City. Mayor Cutts asked if he would follow up with her. She would like an answer, as well. Mr. Picard said he would like to see a copy of that.

Brian Rapp, Ward 2, reiterated the substantial question is, is this legal. It needs to be looked at. NH Advantage Coalition is not appealing the decision in Concord, so they know it is not legal.

Mayor Cutts closed the public hearing.

Mr. Santagate said he is glad when Tom Connair shows up. He looks forward to working together again. In December Mr. Santagate talked about a tax/spending cap. A public workshop was held in January which included the State Representatives, county officials, school officials and the Mayor of Franklin. He said this petition would not have gotten where it is without Bernie Folta's efforts to educate and communicate with people. Mr. Santagate commended Mr. Folta. As for the petition, our obligation is to follow state law. He met with the Secretary of State's and Attorney General's offices and they said we are obligated to have it placed on the ballot. The Concord case did not apply to Sullivan County. We followed the advice from the Attorney General and Secretary of State. In accordance with current law within seven days after the hearing, municipal officers shall order the proposed amendment be placed on the ballot of the next regular municipal election. We don't have a choice. He suggested that we go ahead with the process and ask the committee of petitioners to request the City to seek an advisory opinion from the courts. Barring that, it would appear the City is challenging the petition and we don't want to be in that position.

Mr. Picard asked about automatically putting this on the ballot. Ms. Taylor said the City Council orders the City Clerk to put this on the ballot. Mr. Picard asked what happens if Council votes against it. Ms. Taylor said there is no choice if they have an opinion of counsel that the amendment is not contrary to state law.

Mr. LaCasse asked about the typical tax rate increase in the last 4-5 years. Mr. Santagate said the City has had its own spending cap (net amount raised) for three years, since 2006. There has been a self-imposed 3% cap since he came here, although in the revaluation year we took new growth into income and one year the Council increased the budget. Average has been about 2.5%. It is unhealthy to continue that for the future. What is lacking is investment in infrastructure. We have been very conservative on the fiscal front. In 2001, 21 people were laid off. This year we laid off 5 people and froze 4 positions. Of the 21 positions, we have hired back 12-13 positions. We are still down from 2001. Part of that is the tax structure in NH. There is no broad-based tax. We want to be a full service city. We have stayed under the self-imposed cap, but it is dangerous to stay there too long. He was worried about the state spending one time monies and we won't know the impact until the City creates its 2010 budget. Mr. LaCasse said there is a 2/3 majority escape clause and Council could vote a higher tax increase to keep the city on a growth rate.

Mr. Goff asked, in reference to Ms. Taylor's opinion that the petition is not in conflict with the law, a process question about moving the petition onto the ballot. Ms. Taylor said the statute provides for review. It can be a challenge by 10 voters within 30 days after the election at which it would be approved. The municipality can seek review in Superior Court which Mr. Santagate referred to. In Concord it was ordered put on the ballot prior to going to court and then after the ruling it was taken off the ballot. We cannot get around ordering to put this on the ballot.

Mr. Lewis said this was great input from the public. We are hearing that "government can't be trusted," but it is important that the community and residents of Claremont have the chance to share opinions and have them brought forth in this manner. He looks forward to seeing if in four years the distrust changes. Residents have the opportunity to vote every two years and hopes it is for someone they trust. He asked if, legally, Council can ask the committee to ask the City to petition the court for a decision. Where there is public doubt within government, he doesn't want to squelch their point of view, but he wants to make sure Council upholds public law. Ms. Taylor said she doesn't like making snap decisions, but she said she could look at various methodologies. She could get the information to the City Manager and he could get back to the Mayor. It doesn't change Council's obligation to order this to be placed on the ballot.

Mayor Cutts offered members of the committee the opportunity to share their thoughts. She invited Ms. Howard and Mr. Folta to talk. Mr. Santagate said it would be helpful to know the committee's thoughts.

Cynthia Howard, Ward 2, said it would be helpful to get a second opinion from another attorney. Mayor Cutts clarified this would not be an opinion, but an official ruling from the Sullivan County Superior Court. Ms. Howard said no, we can get an opinion from another attorney, it doesn't have to go to court. Mr. Santagate asked if the committee would be against the City going to court and getting an advisory opinion about whether this is legal or not in Sullivan County. Ms. Howard said she is not against it, but she's not for it either.

Bernie Folta, Ward 3, said in the interest of full disclosure and good information, he is not a member of the petitioner's committee; he is a circulator and activist. The five members are Cynthia Howard, Phillip Howard, Joe Helie, Arlene Prescott and Richard Dietz.

Mayor Cutts invited other members of the committee to speak.

Richard Dietz, Ward 3, said his opinion is the statute is unambiguous. The officers of the City have to come up with the order and put it on the ballot. He would be opposed to getting an advisory opinion from another attorney. By default, we have an advisory opinion from the Attorney General.

Mayor Cutts invited the committee to affirm the petition by seeking a ruling from the Superior Court. She said Council is interested in knowing what the committee would like to do.

Bernie Folta, Ward 3, said he did a political analysis of the different possibilities about the petition and whether someone would sue or not.

It was brought to Council's attention that Mr. Folta was not a member of the committee, so other citizens asked to be able to have their chance to speak. Mayor Cutts asked Council if there were any objections to re-opening the public hearing. Mayor Cutts and Mr. Batchelder objected. Mayor Cutts re-opened the public hearing for five minutes.

Ray Gagnon said his concern is for the City of Claremont. He believes this is a bonafide petition that has to move forward. Council can conduct a parallel course. At the same time that the petition goes to the ballot, Council can ask for an opinion of the Supreme Court. Council will be given more stature with the Superior Court. Opinion will be rendered quicker.

Tom Connair agreed that what Representative Gagnon said is important. Council is given a fast track. Council has the right to direct the City Solicitor to get an opinion from the Superior Court. There will be a hearing within 10 days. Council owes it to the citizens to take responsibility for a decision.

Brian Rapp agreed with Mr. Connair. Direction should come from the Council.

Francis Gauthier, Ward 2, agreed this should be sought out as legal versus illegal.

Bernie Folta, Ward 3, talked about the timeline for meeting the requirement to get this on the November 3rd ballot and if that is missed, it might require a special election, costing extra money.

Brian Rapp said the finding of the court would not affect the timeline.

Mayor Cutts closed the public hearing.

Cynthia Howard, Ward 2, said the law is explicit about the filing. We can seek another attorney's opinion, but doesn't think it should go to court. It limits the powers of the voters.

Mr. Santagate said he was asking the committee to ask the City to file. They are not on board, so we have the answer.

Mr. Picard suggested giving a 24-hour timeline for the committee to think about it and then get together with the City Manager. Mayor Cutts said any delay in making a vote would require the Council to have to come back together. Ms. Taylor said there is not time to notice another meeting. Mr. Picard asked about the 3% increase being on the City budget. Mr. Santagate said it would be only on the City budget as that is all we control. Mr. Picard asked if the 2.5% Consumer Price Index would add another \$400,000 to the budget. Mr. Santagate said over the last few years the budget had been below the 2.5%.

Mr. Goff agreed with Representative Gagnon this is a divisive issue. He believes the intent of the committee was to file this at the time of the elections when all nine seats of the Council are

up for election. He asked what the committee is afraid of by taking this to the Superior Court. According to the public hearing, a majority want answers on the petition's legality.

A motion was made by Mr. Goff and seconded by Mr. Lewis that the Claremont City Council shall formally request in writing, from the committee bringing forth the spending cap petition, to seek judicial review of the constitutionality of the proposed city Charter amendment by appeal to the Sullivan County Superior Court pursuant to RSA 49-B:10 IV. If the committee should so refuse in the time of three days, the City Council shall direct the City Attorney to seek judicial review of the constitutionality of the proposed City Charter amendment by the Sullivan Superior Court.

Mr. Goff thinks it is the obligation of the committee to seek a proper judicial ruling whether it is constitutional or not.

Mr. Picard said he will not support the motion. He will support it if the motion puts the responsibility onto the Council. Mr. Goff said the motion gives Council ultimate responsibility. It is in deference to the committee to see if they would like to do that on behalf of those who came to the public hearing to request that. His motion is to ask the committee to do that and if it refused, he feels it is Council's responsibility to pursue that.

Ms. Messier would like to give the committee three days to get together and talk about it. Mr. Picard said it is a choice they should make on their own, not be forced to by the City Council.

Mr. Lewis said the motion gives the committee the option. If the committee says no or does not answer, the motion is giving the City Council the ability to ask Attorney Taylor to file for that decision. He asked what the cost would be to file at Superior Court. Ms. Taylor said she didn't know the filing fees, but estimated it would be a few hundred dollars. Mr. Lewis asked what the cost would be if we wait until after November and then take it to Superior Court because someone challenges its constitutionality. Ms. Taylor said it would not be cheap. Mr. Lewis feels it Council's obligation to the citizens to make sure they are voting on something that is constitutional. It will go on the ballot.

Mr. LaCasse asked if this vote will affect the time line of the petition going on the ballot. Ms. Taylor said the law requires no less than 60 days between the order to put it on the ballot and the vote. It is a separate issue for the Council to seek an opinion from the Superior Court. It does not affect the order to place it on the ballot. If you go for a declaratory judgment, you will get a hearing in 10 days. We don't know what will happen after that, but appeals will cost a couple thousand dollars, however litigation could cost \$10,000 to \$20,000.

Mr. Austin said Council does not have a choice. He represents all members of community, not just the 400 petitioners. If there is a question of legality, Council has a responsibility to find out.

Mayor Cutts asked Mr. Santagate to read the state law into the record: Within seven days after the hearing, the municipal officers shall order the proposed amendment to be placed on the ballot at the next regular municipal election.

Ms. Taylor asked if the intent of the motion was to have a subsequent meeting or was this an automatically self-executing motion. Mr. Goff said it was an automatically self-executing motion.

Roll Call Vote: Motion carried 6-2 with Messrs. Picard and LaCasse voting no.

Cynthia Howard, Ward 2, said she believes it is unconstitutional for the City Council to direct a citizens' committee.

A motion was made by Mr. Picard and seconded by Mr. Batchelder to order the City Clerk or her designees to place the citizens' petition Charter Amendment on the November 3rd ballot in accordance with state law.

Roll Call Vote: Motion carried 8-0

CONSULTATION WITH LEGAL COUNSEL

None

ADJOURNMENT

At 9:13 p.m., a motion was made by Mr. Austin and seconded by Mayor Cutts to adjourn.

Roll Call Vote: Motion carried 8-0.

Respectfully Submitted,

Dorée M. Russell
Clerk to the Council