

**MINUTES OF THE MEETING DECEMBER 9, 2019**

***Note: The first portion of the meeting was not recorded due to technical difficulties. The roll call was taken by Clerk Dougherty and 11 Council Members were present as follows: CHRIS SMITH, JAMES BABCOCK, WILLIAM SMUCKLER, GREG HAWK, BRENDA KIMBROUGH, JASON SCAGLIONE, ROBERT FISHER, KEVIN HALL, JOHN MARIOL, PETER FERGUSON & FRANK MORRIS***

***Member Schulman was excused by roll call vote of the 11 Members present.***

***Recording begins as follows:***

PRESIDENT SHERER: ...Council Member, Greg Hawk. If you would all please stand and remain standing for the Pledge of Allegiance.

*The regular meeting of Canton City Council was held on December 9, 2019 at 7:00 P.M. in the Canton City Council Chamber. The roll call was taken (see above) by Clerk of Council, David R. Dougherty. The invocation was given by Greg Hawk, Ward 1 Council Member. The Pledge of Allegiance was led by President Sherer.*

**AGENDA CORRECTIONS & CHANGES**

PRESIDENT SHERER: Thank you, Member Hawk. We are now... now under Agenda Corrections and Changes, Leader Smith.

MEMBER SMITH: Mr. President, I move Rule 22A be suspended to add 2<sup>nd</sup> Reading Ordinances 1 through 4 to this evening's agenda.

MEMBER BABCOCK: Second.

PRESIDENT SHERER: It's been moved and seconded to suspend Rule 22A to add 2<sup>nd</sup> Readings to Ordinances 1 through 4 to this evening's agenda. Are there any remarks? ... Hearing none, roll call vote please.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK DOUGHERTY: Eleven yeas, Mr. President.

PRESIDENT SHERER: The motion carries and Ordinances 1 through 4 are a legal part of your agenda.

**PUBLIC HEARINGS**

PRESIDENT SHERER: We are now under Public Hearings and we have no Public Hearings for this evening.

**OLD BUSINESS**

PRESIDENT SHERER: We are now under Old Business and there is no Old Business for this evening.

**PUBLIC SPEAKS**

PRESIDENT SHERER: We are now under Public Speaks and we have two speakers for tonight. Our first speaker is Chief Tom Garra. Chief, if you would please step forward and give us your name and residential

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address, please.

TOM GARRA: Name is Tom Garra, Fire Chief, City of Canton. My working address, 110 7<sup>th</sup> Street, Canton, Ohio, and my home address is 15326 Freed Street in Paris Township. Mayor Bernabei, Safety Director Perry, Canton City Council and fellow citizens, on December 5<sup>th</sup>, 20-9... 2019 a spectator of the Massillon - La Salle State Football Championship suffered a cardiac arrest on the club level of Tom Benson Stadium. Thanks to the interaction of multiple people, the chain of survival which you have before you was executed with near perfection. The patient regained consciousness in route to the hospital due to the following. Number one, the initial recognition of problems by Massillon Mayor Catazaro-Perry. Number two, the proper patient assessment and scene command of Fire Captain Rick Shearer. Number three, the defibrillation by Canton Fire Paramedic Ken Archer. And number four, the expedient transportation to the medical facility and assistance by fellow firefighters. These properly executed sequential tasks manifested a positive initial outcome for the patient against published statistical odds to the extent that he was conversing with the medics in the back of the ambulance on the way to the hospital after a full cardiac arrest. Please note the handout concerning infield, i.e. out-of-hospital survival of a cardiac arrest victim. As you can see by the top chart which I handed you, a cardiac arrest victim has an 11 to 31 percent chance of survival outside the hospital according to national statistics. As a public service announcement I'd like to encourage everyone to prepare themselves for the first two steps in the chain of survival which are know how to do early access and also initiate CPR, which you can get trained on. Finally, I would like to recognize those from the Canton Fire Department for their professional and successful application of their training. Captain Rick Shearer called me right before the meeting, he's literally at a fire right now, and he's the chief of East Canton, so he's not here. But the following, I'd like to stand and be recognized for the following, and I'll read this and this applies to all of them. "The members of the Canton Fire Department issues the following meritorious citation to firefighters/paramedics for the outstanding effort made on December 5, 2019 at Tom Benson Stadium where you contributed to the successful resuscitation of a patient cardiac arrest. The implementation of your medic skills directly resulted in an exceptional patient outcome and positive reflection on the Canton Fire Department and the City of Canton, Ohio." And the following firefighter/paramedics, Brian Collins, Justin Lorenzetti, Melissa Miller, Ken Archer and Tyson Cook. Okay, and finally I'd like to say one other thing, Captain Pat Bodnar, he's our EMS Captain so I want to throw everything on him also for kudos to him. I had just walked in the command post up there when he got the call for the cardiac arrest, and I want to thank him also and I'll recognize him as being a great help of the training of the medics and actually at the... the incident in the Tom Benson Stadium. So the following, Brian Collins (*applause*), Justin Lorenzetti (*applause*), Melissa Miller (*applause*), Kenneth Archer (*applause*), Pat Bodnar (*applause*) and Tyson Cook (*applause*). Thank you very much. (*Applause*)

PRESIDENT SHERER: Thank you, Chief Garra. Alright, our next speaker is Jennifer Herning. Jennifer, if you could please step forward and give us your name and residential address, please.

JENNIFER HERNING: Jennifer Herning from 1731 3<sup>rd</sup> Street NE, Canton. Um, basically I come before you guys today because there's several changes that need to be made in the system. It's failing. And honestly a lot of people believe it's a joke and so do I. You guys will sit up here and say you protect and serve, and but when we come to you guys for legal help, you... the system just fails. It's that way. It's the way we say it is, when there's several laws out there and not one police officer, not one lawyer can state all the Revised Codes and policies out there. And they just pick and choose. It would be like a Christian sitting there and picking, choosing what they want to say from a Bible, and being a hypocrite. And another thing is, is that, I mean, our City Health Department is failing us. I called, there should be more policies put in place. I was beha... I'm

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beside two houses that are bug infested. No landlord should be able to rent out a property with bugs still in it. You should be able to take care of the bugs. Not just alone because he has the right cause that's his property, but for the other people that are around him. It cost them money for Terminex or whatever treatment, and it's ridiculous. The smell that comes out of a house from the way people live? Yes, it is under their discretion the way... how they preserve their house when they rent out, but no one should have to walk out of their house almost vomiting because of the smell. And there's nothing that can be done? I mean that's a health code violation in itself, making somebody sick and they say it's not enough. I couldn't even walk out of my own house due to this landlord and the tenants that lived there. And another thing is you guys have community service for people that break the law, and something needs to change about that as well. I mean, you guys oppress people constantly. They know what they did was wrong. They pay for their sins all the time. I'm paying for a sin cause I was unaware of my surroundings in a car accident too at that. My mother died of a heart attack. My brother just died of a heart attack. And I have to live everyday knowing that I haven't been able to complete my community service. I have to pay off my fines. There's so many people out there that feel hindrance and they go to drugs and substitutions and so many things because they feel oppressed and no way out. There's no legal help, there's no anything. There should be something for the people to get help because if they got to do community service, then... I have four continuances on it.

PRESIDENT SHERER: Ms. Herning...

JENNIFER HERNING: I'm...

PRESIDENT SHERER: Could you please bring your remarks to a close, and I would encourage you to stay after the meeting...

JENNIFER HERNING: Well, I just...

PRESIDENT SHERER: ...to talk to whatever issues that you may have.

JENNIFER HERNING: Okay. May I finish this one thing?

PRESIDENT SHERER: Yes.

JENNIFER HERNING: There should be something for people with talents, for community service, for them to be able to explore their talents and further it instead of oppressing them and saying this is the only jobs you can do and only times. Somebody's an artist, they should be able to paint the city. If somebody's a landscaper, I love doing that, they should be able to clean it up instead of you guys paying for contractors.

PRESIDENT SHERER: Thank you, Ms. Herning.

**INFORMAL RESOLUTIONS**

PRESIDENT SHERER: We are now under Informal Resolutions and we have no Informal Resolutions for this evening.

**COMMUNICATIONS**

PRESIDENT SHERER: We are now under Communications, and let the journal show that all Communications are received as read.

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***NOTE: ALL COMMUNICATIONS WHICH FOLLOW, LISTED BY AGENDA TITLE, ARE ON FILE IN THEIR ENTIRETY IN THE COUNCIL OFFICE WITH THE AGENDA ITEMS FILE DATED DECEMBER 9, 2019.***

- 403. AUDITOR MALLONN: MTHLY RPT BY FUND FOR 11/1/19 THRU 11/27/19. - RECEIVED & FILED
- 404. AUDITOR MALLONN: YRLY RPT BY FUND FOR 1/1/19 THRU 11/27/19. - RECEIVED & FILED
- 405. AUDITOR MALLONN: REQ FOR ADDT'L AMENDED CERTIFICATE DATED 11/27/19. - RECEIVED & FILED
- 406. AUDITOR MALLONN: LTR INFORMING COUNCIL OF RECEIPT OF AUDITOR OF STATE AWARD WITH DISTINCTION FOR YR ENDED 12/31/18. - RECEIVED & FILED
- 407. CLERK DOUGHERTY: (4) OBJECTIONS TO 2020 LIQUOR PERMIT RENEWALS. - JUDICIARY COMMITTEE
- 408. COURT ADMINISTRATOR KOCHERA: AUTH PROF SERVS AGMT WITH ZENITH SYSTEMS, INC IN AMT NOT TO EXCEED \$45,200.00 FOR MUNICIPAL COURT, COURTROOM TECH UPGRADES (COURT CAPITAL/SPECIAL PROJECTS FUND #2423). - FINANCE COMMITTEE
- 409. LIQUOR CONTROL DIV (OHIO): REQ TRF OF D1 D3 PERMIT FR BS BIG HOUSE LLC DBA IRISH EXCHANGE TO DREAMLINE PROPERTY MANAGEMENT GROUP LLC DBA IRISH EXCHANGE AT 3824 W. TUSCARAWAS ST. - RECEIVED & FILED
- 410. MAYOR BERNABEI: REQ APPT OF MICHAEL HEARD TO CANTON BOARD OF BUILDING APPEALS COMMENCING 1/1/20 THRU 12/31/22. - PERSONNEL COMMITTEE
- 411. MAYOR BERNABEI: REQ REAPPT OF JOE MIDDLETON AND JOHN RUSS TO BOARD OF BUILDING APPEALS COMMENCING 1/1/20 THRU 12/31/22. - PERSONNEL COMMITTEE
- 412. MAYOR BERNABEI: REQ REAPPT OF MICHAEL ABBOTT, DAVE GRABOWSKY AND DAVID KIRVEN TO CANTON CONSTRUCTION BOARD COMMENCING 1/1/20 THRU 12/31/22. - PERSONNEL COMMITTEE
- 413. MAYOR BERNABEI: REQ REAPPT OF JOHN STONE TO TREE COMMISSION COMMENCING 1/1/20 THRU 12/31/21. - PERSONNEL COMMITTEE
- 414. MAYOR BERNABEI: REQ REAPPT OF MAUREEN AUSTIN AS PUBLIC APPOINTEE TO STARK CO. REGIONAL PLANNING COMMISSION COMMENCING 1/1/20 THRU 12/31/21. - PERSONNEL COMMITTEE

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**ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING**

PRESIDENT SHERER: We are now under Ordinances and Formal Resolutions for their First Reading, and we have no First Readings for this evening.

**ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING**

PRESIDENT SHERER: We are now under Ordinances and Formal Resolutions for their Second Reading. Mr. Clerk, please begin with Ordinance #1.

***NOTE: PRESIDENT SHERER CALLED UPON CLERK DOUGHERTY TO READ ORDINANCES #1 THROUGH #4; FOR THEIR SECOND READING BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS:***

- #1. (2<sup>ND</sup> RDG) AN ORDINANCE AMENDING CHAPTER 331 OF THE TRAFFIC CODE OF THE CANTON CODIFIED ORDINANCE (ROLLING COAL)
- #2. (2<sup>ND</sup> RDG) AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 50/2019; AND DECLARING THE SAME TO BE AN EMERGENCY (\$18,000.00 SUPP APPROP FR UNAPPROP BAL OF 2795 JUSTICE REINVEST GRANT FUND TO 2795 701001 JUDGES ADMIN - OTHER)
- #3. (2<sup>ND</sup> RDG) AN ORDINANCE ADOPTING TEMPORARY APPROPRIATIONS FOR THE OPERATING AND CAPITAL EXPENDITURES OF THE CITY OF CANTON, OHIO, FOR FISCAL YEAR 2020; AUTHORIZING A ONE (1) TIME ADDITIONAL OR 27<sup>TH</sup> PAY IN 2020 FOR ALL ELECTED OFFICIALS AND SALARIED PERSONNEL; AND DECLARING THE SAME TO BE AN EMERGENCY (BUDGET)
- #4. (2<sup>ND</sup> RDG) AN ORDINANCE AMENDING SECTION 1312.04, REQUIREMENTS FOR GENERAL CONSTRUCTION CONTRACTOR'S REGISTRATION OF CHAPTER 13 OF THE BUILDING CODE; AND DECLARING THE SAME TO BE AN EMERGENCY

**ORDINANCES & FORMAL RESOLUTIONS FOR THIRD AND FINAL READING**

PRESIDENT SHERER: We are now under Ordinances and Formal Resolutions for their Third/Final Reading and Vote. Mr. Clerk, please begin with Ordinance #5.

***NOTE: PRESIDENT SHERER CALLED UPON CLERK DOUGHERTY TO READ THE FOLLOWING ORDINANCES #5 THROUGH #9 FOR THEIR THIRD READING BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS:***

- #5. (3<sup>RD</sup> RDG) **ADOPTED AS AMENDED AS ORDINANCE NO. 237/2019** AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 50/2019; AND DECLARING THE SAME TO BE AN EMERGENCY (\$140,000.00 SUPP APPROP FR UNAPPROP BAL OF 6023 COMPENSATED ABSENCES CLAIM FUND TO 6023 101001 AUDITOR - PERSONNEL;

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\$125,000.00 SUPP APPROP FR UNAPPROP BAL OF 6010 WORKERS  
COMPENSATION FUND TO 6010 801001 AUDITOR - PERSONNEL;  
\$100,000.00 SUPP APPROP FR UNAPPROP BAL OF 7502 PAYROLL  
CLEARING FUND TO 7502 801001 AUDITOR - PERSONNEL)

PRESIDENT SHERER: Leader Smith.

MEMBER SMITH: Mr. President, I move we adopt Ordinance #5.

MEMBER BABCOCK: Second.

PRESIDENT SHERER: It's been moved and seconded to adopt Ordinance #5. Are there any remarks?  
Leader Smith.

MEMBER SMITH: Mr. President, I move we amend Ordinance #5 per the copy that all Council  
Members have before them.

MEMBER BABCOCK: Second.

PRESIDENT SHERER: It's been moved and seconded to amend Ordinance #5 per the copy before each  
of you. Are there any remarks?

FINANCE DIRECTOR CROUSE: Mr. President.

PRESIDENT SHERER: Finance Director.

FINANCE DIRECTOR CROUSE: Uh, the amendment is brought forward by me. Uh, this amendment  
allows us to get through our final payroll for 2019. There were a couple adjustments that needed to be  
made, so this allows us to do that rather than come with a cleanup legislation next week. I put it on as  
an amendment to Mr. Mallonn's.

PRESIDENT SHERER: Thank you, Finance Director. Are there any additional remarks? ...Hearing  
none, if not, by voice vote, all those in favor signify by saying aye. Those opposed no.

NO REMARKS

AMENDMENT PASSED UNANIMOUSLY BY VOICE VOTE

PRESIDENT SHERER: The ayes have it. The motion carries. Leader Smith.

MEMBER SMITH: Mr. President, I move we adopt Ordinance #5, as amended.

MEMBER BABCOCK: Second.

**AMENDMENT**

*Pursuant to Rule 36, I move to amend Agenda Item No. 5 by the substitution of the attached  
amended ordinance for the original pending ordinance".*

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PRESIDENT SHERER: It’s been moved and seconded that you adopt Ordinance #5, as amended. Are there any remarks under this Ordinance, as amended? ...Hearing none, roll call vote please, Mr. Clerk.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK DOUGHERTY: Eleven yeas, Mr. President.

**#5 ADOPTED AS AMENDED AS ORDINANCE NO. 237/2019**

PRESIDENT SHERER: Ordinance #5, as amended, has been adopted. (*Brief pause, noises in the background*) Ordinance #6, please.

#6. (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 238/2019** AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 50/2019; AND DECLARING THE SAME TO BE AN EMERGENCY (\$500,000.00 SUPP APPROP FR UNAPPROP BAL OF 2190 HOFV FUND TO 2190 861101 HOFV - TOURISM DEVELOP DISTRICT - OTHER)

PRESIDENT SHERER: Leader Smith.

MEMBER SMITH: Mr. President, I move we adopt Ordinance #6.

MEMBER BABCOCK: Second.

PRESIDENT SHERER: It’s been moved and seconded to adopt Ordinance #6. Are there any remarks? ...Hearing none, roll call vote please.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK DOUGHERTY: Eleven yeas, Mr. President.

**#6 ADOPTED AS ORDINANCE NO. 238/2019**

PRESIDENT SHERER: The motion carries and Ordinance #6 is adopted. Ordinance #7, please.

#7. (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 239/2019** AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 50/2019; AND DECLARING THE SAME TO BE AN EMERGENCY (\$151,028.00 SUPP APPROP FR UNAPPROP BAL OF 2811 2017 ASSIST TO FIREFIGHTERS GRANT FUND TO 2811 103001 FIRE ADMIN - OTHER; \$151,028.00 INTERFUND ADV REPAY FR 2811 103001 FIRE ADMIN - OTHER- ADVANCE OUT TO 1001 103001 FIRE ADMIN - OTHER - ADVANCE IN)

PRESIDENT SHERER: Leader Smith.

MEMBER SMITH: Mr. President, I move we adopt Ordinance #7.

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MEMBER BABCOCK: Second.

PRESIDENT SHERER: It's been moved and seconded to adopt Ordinance #7. Are there any remarks?  
...Hearing none, roll call vote please.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK DOUGHERTY: Eleven yeas, Mr. President.

**#7 ADOPTED AS ORDINANCE NO. 239/2019**

PRESIDENT SHERER: The motion carries and Ordinance #7 is adopted. Ordinance #8, please.

#8. (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 240/2019** AN ORDINANCE  
AMENDING APPROPRIATION ORDINANCE NO. 50/2019; AND  
DECLARING THE SAME TO BE AN EMERGENCY (\$1,846.25 SUPP  
APPROP FR UNAPPROP BAL OF 2778 CANTON AUXILIARY POLICE  
FUND TO 2778 102001 POLICE ADMIN - OTHER)

PRESIDENT SHERER: Leader Smith.

MEMBER SMITH: Mr. President, I move we adopt Ordinance #8.

MEMBER BABCOCK: Second.

PRESIDENT SHERER: It's been moved and seconded to adopt Ordinance #8. Are there any remarks?  
...Hearing none, roll call vote please.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK DOUGHERTY: Eleven yeas, Mr. President.

**#8 ADOPTED AS ORDINANCE NO. 240/2019**

PRESIDENT SHERER: The motion carries and Ordinance #8 is adopted. Ordinance #9, please.

#9. (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 241/2019** AN ORDINANCE  
AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO  
ENTER INTO A LETTER OF INTENT WITH AMERESCO, INC. FOR AN  
ENERGY EFFICIENCY AUDIT OF THE CITY HALL, SEARS, AND CIVIC  
CENTER BUILDINGS; AND DECLARING THE SAME TO BE AN  
EMERGENCY

PRESIDENT SHERER: Leader Smith.

MEMBER SMITH: Mr. President, I move we adopt Ordinance #9.



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MEMBER BABCOCK: Second.

PRESIDENT SHERER: It's been moved and seconded that you adopt Ordinance #9. Are there any remarks? ...Hearing none, roll call vote please.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK DOUGHERTY: Eleven yeas, Mr. President.

**#9 ADOPTED AS ORDINANCE NO. 241/2019**

PRESIDENT SHERER: The motion carries and Ordinance #9 is adopted.

**ANNOUNCEMENT OF COMMITTEE MEETINGS**

PRESIDENT SHERER: We are now under announcement of Committee Meetings.

MEMBER BABCOCK: Mr. President.

PRESIDENT SHERER: Member Babcock.

MEMBER BABCOCK: Personnel will meet next Monday, December 16<sup>th</sup> at 6:45.

PRESIDENT SHERER: Thank you, Member Babcock.

**MISCELLANEOUS BUSINESS**

PRESIDENT SHERER: We are now under Miscellaneous Business. Is there any Miscellaneous Business for this evening?

MEMBER MORRIS: Mr. President.

PRESIDENT SHERER: Member Morris.

MEMBER MORRIS: Safety Director, since our fire department and our paramedics were in here, and myself and some of my colleagues are starting to creep up in years. Where is the nearest APD defibrillator?

SAFETY DIRECTOR PERRY: Um, outside in the... right around the corner... um, on the first floor right around... cause I've seen them grab it. There was a gentleman that had a... um, episode one day waiting for court. And it's right outside... um, on the other side of this... outside here.

MEMBER MORRIS: I'm gonna look for it. I never noticed it before.

SAFETY DIRECTOR PERRY: Yeah, it's... like in a little white box. (*Inaudible voice*) At security, right over by security, yeah.

MEMBER MORRIS: By security?

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SAFETY DIRECTOR PERRY: Yeah.

MEMBER MORRIS: Okay. *(Inaudible) (Laughter)*

PRESIDENT SHERER: Is there any other... is there any other Miscellaneous Business for this evening? I would like... I would like to welcome the students from Central Catholic and Jackson High School tonight. Thank you for coming. And, also would like to wish everybody happy holidays. I know we're not quite there yet, but it'll be here before you know it, so... So, hearing none, no other Miscellaneous Business for this evening? Clerk Dougherty, our quote for the week please.

CLERK DOUGHERTY: Yes, what Member Morris did years ago when his kids were small, "*I once bought my kids a set of batteries for Christmas with a note on it saying toys not included.*" -Bernard Manning *(Laughter)*

MEMBER MORRIS: Could... could somebody repeat that?

MEMBER SMITH: Could you... could you please repeat that, um...

MEMBER MORRIS: We are getting older...

CLERK DOUGHERTY: You once bought your kids a set of batteries for Christmas with a note on it saying toys not included. *(Laughter)*

MEMBER MORRIS: *(Inaudible)*

PRESIDENT SHERER: Once a finance director, always a finance director. *(Laughter)* Leader Smith.

MEMBER SMITH: Mr. President, I move we adjourn.

MEMBER BABCOCK: Second.

PRESIDENT SHERER: It's been moved and seconded to adjourn. Mr. Clerk, roll call vote please.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK DOUGHERTY: Eleven yeas, Mr. President.

PRESIDENT SHERER: This meeting is adjourned. Thank you for coming this evening. *(Gavel falls)*.

ADJOURNMENT TIME: 7:20 PM

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ATTEST: 12/10/19

APPROVED:

DAVID R. DOUGHERTY  
CLERK OF COUNCIL

WILLIAM SHERER, II  
PRESIDENT