

MINUTES OF THE MEETING DECEMBER 4, 2017

PRESIDENT PRO TEM MORRIS: Good evening and welcome to Canton City Council. With a quorum being present, roll call please.

ROLL CALL TAKEN BY CLERK DOUGHERTY:

12 COUNCIL MEMBERS PRESENT: (FRANK MORRIS, CHRIS SMITH, JAMES BABCOCK, TOM HARMON, BILL SMUCKLER, GREG HAWK, NATHANIEL CHESTER, JASON SCAGLIONE, ROBERT FISHER, KEVIN HALL, JOHN MARIOL & EDMOND MACK)

TWELVE COUNCIL MEMBERS PRESENT (PRESIDENT SCHULMAN ABSENT)

CLERK DOUGHERTY: Twelve yeas, Mr. President.

EXCUSING MEMBERS

PRESIDENT PRO TEM MORRIS: Leader.

MEMBER SMITH: Mr. President, I move we excuse President Schulman from tonight's meeting.

MEMBER BABCOCK: Second.

PRESIDENT PRO TEM MORRIS: It's been moved and seconded to excuse President Schulman from tonight's meeting. Any remarks? Hearing none, roll call vote please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK DOUGHERTY: Twelve yeas, Mr. President.

PRESIDENT PRO TEM MORRIS: Motion carries and President Schulman is excused from this evening's meeting. Tonight's invocation will be given by my friend and Council Member At-Large, Jimmy Babcock. Please remain standing for the Pledge of Allegiance.

The regular meeting of Canton City Council was held on December 4, 2017 at 7:00 P.M. in the Canton City Council Chamber. The roll call was taken (see above) by Clerk of Council David Dougherty. The invocation was given by At-Large-Council Member, James Babcock. The Pledge of Allegiance was led by President Pro Tem Morris.

AGENDA CORRECTIONS & CHANGES

PRESIDENT PRO TEM MORRIS: We are now under Agenda Corrections and Changes. Leader.

MEMBER SMITH: Mr. President, I move Rule 22A be suspended to add 2nd Reading Ordinances 6 through 8.

MEMBER BABCOCK: Second.

PRESIDENT PRO TEM MORRIS: It's been moved and seconded to suspend Rule 22A to add Second Readings, Ordinances 6 through 8, to this evening's agenda. Are there any remarks? Hearing none, roll call

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vote please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK DOUGHERTY: Twelve yeas, Mr. President.

PRESIDENT PRO TEM MORRIS: Motion carries and Ordinances 6 through 7 are a legal part of your agenda. (*Error- President Pro Tem Morris should have said 6 through 8*)

PUBLIC HEARINGS

PRESIDENT PRO TEM MORRIS: We are under Public Hearings and we have none this evening.

OLD BUSINESS

PRESIDENT PRO TEM MORRIS: We're under Old Business. We have none this evening.

PUBLIC SPEAKS

PRESIDENT PRO TEM MORRIS: We're under Public Speaks. We have none this evening.

MEMBER SMITH: Okay, Mr....

INFORMAL RESOLUTIONS

PRESIDENT PRO TEM MORRIS: Informal Resolutions. We have 4 this evening. Mr. Clerk, would you please begin with #44.

#44. PERSONNEL COMMITTEE: CONFIRMING MAYOR'S RE-APPT OF MARCIA ZAWACKY TO FAIR HOUSING COMMISSION COMMENCING 1/1/18 TO 12/31/22. - ADOPTED

PRESIDENT PRO TEM MORRIS: Leader.

MEMBER SMITH: Mr. President, I move we adopt Informal Resolution #44.

MEMBER BABCOCK: Second.

PRESIDENT PRO TEM MORRIS: It's been moved and seconded to adopt Informal Resolution 44. Are there any remarks? Hearing none, all those in favor signify by saying aye. Those opposed not, no.

NO REMARKS

RESOLUTION #44 PASSED UNANIMOUSLY BY VOICE VOTE

PRESIDENT PRO TEM MORRIS: The ayes have it. Informal Resolution #44 has been adopted, #45 please.

#45. PERSONNEL COMMITTEE: CONFIRMING MAYOR'S RE-APPT OF REMEL MOORE TO THE TREE COMMISSION COMMENCING 1/1/18 TO 12/31/19. - ADOPTED

PRESIDENT PRO TEM MORRIS: Leader.

MEMBER SMITH: Mr. President, I move we adopt Informal Resolution #45.

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MEMBER BABCOCK: Second.

PRESIDENT PRO TEM MORRIS: It's been moved and seconded to adopt Ordinance...Informal Resolution #45. Are there any remarks? Hearing none, all those in favor signify by saying aye. Those opposed.

NO REMARKS

RESOLUTION #45 PASSED UNANIMOUSLY BY VOICE VOTE

PRESIDENT PRO TEM MORRIS: The ayes have it. Informal Resolution #45 has adopted, #46, please.

#46. PERSONNEL COMMITTEE: CONFIRMING MAYOR'S RE-APPT OF JOHN STONE TO THE TREE COMMISSION COMMENCING 1/1/18 TO 12/31/19. - ADOPTED

PRESIDENT PRO TEM MORRIS: Leader.

MEMBER SMITH: Mr. President, I move we adopt Informal Resolution #46.

MEMBER BABCOCK: Second.

PRESIDENT PRO TEM MORRIS: It's been moved and seconded to adopt Informal Resolution #46. Are there any remarks under this? Hearing none, all those in favor signify by saying aye. Those opposed not, nay.

NO REMARKS

RESOLUTION #46 PASSED UNANIMOUSLY BY VOICE VOTE

PRESIDENT PRO TEM MORRIS: The ayes have it. Informal Resolution #46 has been adopted, #47, please.

#47. PERSONNEL COMMITTEE: CONFIRMING MAYOR'S APPT OF DANIEL J. BLEND TO ARCHITECTURAL REVIEW BOARD COMMENCING 1/1/18 TO 12/31/21. - ADOPTED

PRESIDENT PRO TEM MORRIS: Leader.

MEMBER SMITH: Mr. President, I move we adopt Informal Resolution #47.

MEMBER BABCOCK: Second.

PRESIDENT PRO TEM MORRIS: It's been moved and seconded to adopt Informal Resolution #47. Are there any remarks? Hearing none, all those in favor, signify by saying aye.

NO REMARKS

RESOLUTION #47 PASSED UNANIMOUSLY BY VOICE VOTE

PRESIDENT PRO TEM MORRIS: The ayes have it. Informal Resolution #47 has been adopted.

COMMUNICATIONS

PRESIDENT PRO TEM MORRIS: We're now under Communications. Let the journal show that all Communications are received and read.

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

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450. FINANCE DIRECTOR CROUSE: RECOMMENDATIONS FOR 2018 TEMPORARY BUDGET APPROPRIATIONS. - FINANCE COMMITTEE
451. LAW DIRECTOR MARTUCCIO: AUTHORIZE SERV DIR TO ENTER INTO CONTRACT WITH STARK CO PUBLIC DEFENDER COMMISSION FOR LEGAL SERVICES FOR INDIGENTS3 CHARGED WITH CITY ORDINANCE VIOLATIONS IN CANTON MUNI CT FROM 1/1/18 THRU 12/31/18 WITH ONE YR RENEWAL OPTION. - FINANCE COMMITTEE
452. SAFETY DIRECTOR PERRY: REQ AUTHORIZATION TO RECEIVE AND APPROPRIATE 2016 COPS HIRING PROG GRANT #2017-UM-WX-0082. - FINANCE COMMITTEE
453. STARK COUNTY COMMISSIONERS: REQ ANNEXATION OF 0.193 ACRES, MORE OR LESS, IN CANTON TWP TO CITY OF CANTON (4229 4TH ST NW). - PLANNING COMMISSION

ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING.

PRESIDENT PRO TEM MORRIS: We are now under Ordinances and Resolutions for their First Reading. Mr. Clerk, please begin with #1.

NOTE: PRESIDENT PRO TEM MORRIS CALLED UPON CLERK DOUGHERTY TO READ ORDINANCES #1 THROUGH #5 FOR THEIR FIRST READING BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS:

- #1. (1ST RDG) AN ORDINANCE PROVIDING FOR THE ISSUANCE OF A NOTE BY THE CITY OF CANTON IN ANTICIPATION OF THE COLLECTION AND PAYMENT OF INCOME TAXES, GENERAL PROPERTY TAXES, AND MISCELLANEOUS OTHER SOURCES TO THE CITY OF CANTON; DECLARING THE NECESSITY OF THE ISSUANCE OF SAD NOTE PROCEEDS WHICH WILL BE USED FOR THE PAYMENT OF CURRENT EXPENDITURE AND OPERATION EXPENSES; AMENDING APPROPRIATION ORDINANCE NO. 41/2017; AND DECLARING THE SAME TO BE AN EMERGENCY (\$2,000,000.00 SUPP APPROP FR UNAPPROP BAL OF 1001 GENERAL FUND TO 1001 801001 ANTICIPATORY NOTE - OTHER)
Referred to Finance Committee
- #2. (1ST RDG) AN ORDINANCE AUTHORIZING THE AUDITOR TO PAY A MORAL OBLIGATION IN AN AMOUNT NOT TO EXCEED \$4,160.00 TO HABITAT FOR HUMANITY EAST CENTRAL OHIO; AND DECLARING THE SAME TO BE AN EMERGENCY (DEMO OF GARAGE @ 2241 16TH ST NE)
Referred to Finance and Community & Economic Development Committees
- #3. (1ST RDG) AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 41/2017;

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AND DECLARING THE SAME TO BE AN EMERGENCY (\$500,000.00 SUPP APPROP FR UNAPPROP BAL OF 1001 GENERAL OPERATING FUND TO 1001 801001 AUDITOR - ADMIN - OTHER; \$500,000.00 INTER FUND TRF FR 1001 801001 AUDITOR - OTHER TO 6017 201001 SERVICE DIRECTOR - OTHER)

Referred to Finance and Personnel Committees

- #4. (1ST RDG) AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 41/2017; AND DECLARING THE SAME TO BE AN EMERGENCY (\$30,000.00 SUPP APPROP FR UNAPPROP BAL OF 6023 COMPENSATED ABSENCE CLAIM FUND TO 6023 801001 AUDITOR - ADMIN - PERSONNEL)

Referred to Finance and Personnel Committees

- #5. (1ST RDG) AN ORDINANCE SUSPENDING AUTOMATIC WAGE INCREASES FOR ALL CITY MANAGEMENT AND NON-BARGAINING UNIT PERSONNEL AND ELECTED OFFICIALS FOR 2018; AND DECLARING THE SAME TO BE AN EMERGENCY

Referred to Finance and Personnel Committees

ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING

PRESIDENT PRO TEM MORRIS: We are now under Ordinances and Formal Resolutions for their Second Readings, #6, please.

NOTE: PRESIDENT PRO TEM MORRIS CALLED UPON CLERK DOUGHERTY TO READ ORDINANCES #6 THROUGH #8 FOR THE SECOND READING BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS:

- #6. (2ND RDG) AN ORDINANCE AMENDING SECTION 509.04 OF PART FIVE - GENERAL OFFENSES CODE OF THE CODIFIED ORDINANCES OF THE CITY OF CANTON; AND DECLARING THE SAME TO BE AN EMERGENCY (NOISE ORDINANCE)
- #7. (2ND RDG) **ADOPTED AS ORDINANCE NO. 266/2017** AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 41/2017; AND DECLARING THE SAME TO BE AN EMERGENCY (\$17,000.00 APPROP TRF FR 1001 506001 COMMUNITY DEVELOPMENT ADMIN - OTHER TO 1001 102001 POLICE ADMIN - OTHER) (TOWING SERVS)
- #8. (2ND RDG) **ADOPTED AS ORDINANCE NO. 267/2017** AN ORDINANCE APPROVING A CANTON CITY WATER MAIN EXTENSION TO THE VILLAGE OF HARTVILLE; AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO AGREEMENT(S) FOR THE EXTENSION OF SAID WATER MAIN; AND DECLARING THE SAME TO BE AN EMERGENCY (HERITAGE TRUCK)

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PRESIDENT PRO TEM MORRIS: Leader.

MEMBER SMITH: Mr. President, I move we suspend the Statutory Rule for Ordinances 7 and 8.

MEMBER BABCOCK: Second.

PRESIDENT PRO TEM MORRIS: It's been moved and seconded to suspend the Statutory Rule for Ordinance #7 and 8. Are there any remarks? Hearing none, roll call vote please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK DOUGHERTY: Twelve yeas, Mr. President.

PRESIDENT PRO TEM MORRIS: Leader, you've heard your three readings.

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

MEMBER BABCOCK: Second.

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

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK DOUGHERTY: Twelve yeas, Mr. President.

#7 ADOPTED AS ORDINANCE NO. 266/2017

PRESIDENT PRO TEM MORRIS: Ordinance #7 has been adopted. Leader.

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

MEMBER BABCOCK: Second.

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

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK DOUGHERTY: Twelve yeas, Mr. President.

#8 ADOPTED AS ORDINANCE NO. 267/2017

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PRESIDENT PRO TEM MORRIS: Ordinance #8 has been adopted.

ORDINANCES & FORMAL RESOLUTIONS FOR THIRD AND FINAL READING

PRESIDENT PRO TEM MORRIS: We are now under Ordinances and Formal Resolutions for their Third and Final Reading. Please begin with #9.

NOTE: PRESIDENT PRO TEM MORRIS CALLED UPON CLERK DOUGHERTY TO READ THE FOLLOWING ORDINANCES #9 THROUGH #10 FOR THE THIRD READING BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS:

#9. (3RD RDG) ***POSTPONED UNTIL 12/11/2017*** AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO EXECUTE A DEVELOPMENT AGREEMENT, AN OPERATIONS & MAINTENANCE AGREEMENT, AND ALL OTHER NECESSARY AGREEMENTS RELATED TO THE JOHNSON CONTROLS HALL OF FAME VILLAGE; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT PRO TEM MORRIS: Leader.

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

MEMBER BABCOCK: Second.

PRESIDENT PRO TEM MORRIS: It's been moved and seconded to adopt Ordinance #9. Leader.

MEMBER SMITH: Mr. President, I move we adopt Ordinance No...

PRESIDENT PRO TEM MORRIS: (*Inaudible*).

MEMBER SMITH: Okay, we're going to postpone this one...Mr....

PRESIDENT PRO TEM MORRIS: Postpone to 12/11/2017.

MEMBER SMITH: Mr. President, I move that we postpone Ordinance #9 until 12/11/17.

MEMBER BABCOCK: Second.

PRESIDENT PRO TEM MORRIS: It's been moved and seconded to postpone Ordinance #9 to 12/11/2017. Any remarks? Hearing none, all those in favor say aye. Those opposed.

NO REMARKS

POSTPONEMENT PASSED UNANIMOUSLY BY VOICE VOTE

PRESIDENT PRO TEM MORRIS: The ayes have it. Ordinance #9 has been postponed to 12/11/2017. Ordinance #10, please.

#10. (3RD RDG) ***ADOPTED AS ORDINANCE NO. 268/2017*** AN ORDINANCE

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AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SAFETY TO: ENTER INTO AGREEMENT FOR AND ACCEPT \$20,114.54 IN GRANT FUNDS FROM THE OFFICE OF JUSTICE PROGRAM, BUREAU OF JUSTICE ASSISTANCE FOR THE FISCAL YEAR 2017 BULLETPROOF VEST PARTNERSHIP; ADVERTISE, RECEIVE BIDS, AWARD, AND ENTER INTO CONTRACT FOR THE PURCHASE OF NATIONAL INSTITUTE OF JUSTICE COMPLIANT ARMORED VESTS; OR TO ALTERNATIVELY ENTER CONTRACTS FOR SAID PURCHASES PURSUANT TO ANY OHIO REVISED CODE AND/OR THE CANTON CODIFIED ORDINANCES; AUTHORIZING THE AUDITOR TO RENAME THE 2782 FIRE 175TH ANNIVERSARY FUND TO 2782 FY 2017 BULLETPROOF VEST PARTNERSHIP FUND; AMENDING APPROPRIATION ORDINANCE NO. 41/2017; AND DECLARING THE SAME TO BE AN EMERGENCY (\$20,114.54 SUPP APPROP FR UNAPPROP BAL OF 2782 FY 2017 BULLETPROOF VEST FUND TO 2782 102001 POLICE ADMINISTRATIVE - OTHER; 20,114.54 FR UNAPPROPRIATED BALANCE OF FUND 1001 GENERAL FUND TO 1001 102001 POLICE ADMINISTRATIVE - OTHER; \$20,114.54 INTER-FUND TRF FR 1001 102001 POLICE ADMINISTRATIVE - ADVANCE OUT TO 2782 102001 POLICE ADMINISTRATIVE - ADVANCE IN

PRESIDENT PRO TEM MORRIS: Leader.

MEMBER SMITH: Mr. President, I move we adopt Ordinance #10.

MEMBER BABCOCK: Second.

PRESIDENT PRO TEM MORRIS: It's been moved and seconded to adopt Ordinance #10. Are there any remarks? Hearing none, roll call vote please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK DOUGHERTY: Twelve yeas, Mr. President.

#10 ADOPTED AS ORDINANCE NO. 268/2017

PRESIDENT PRO TEM MORRIS: Ordinance #10 has been adopted.

ANNOUNCEMENT OF COMMITTEE MEETINGS

PRESIDENT PRO TEM MORRIS: We are now under Announcements of Committees.

MEMBER SMITH: Mr. President. CD will meet December 7th at 5:30...at 5:30.

MEMBER MARIOL: Mr. President. Finance will meet at the same time, same place. *(Inaudible)*.

MEMBER SMITH: No, that's for the Special Meeting of CD.

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MEMBER MARIOL: I will correct that..it will be December 11th at 6:30, here in the Council Chambers.

MEMBER BABCOCK: Mr. President. Personnel, same time, same place.

PRESIDENT PRO TEM MORRIS: Okay.

MEMBER SMITH: Mr. President, CD will also meet at the same time on the 11th.

PRESIDENT PRO TEM MORRIS: Okay. We straight?

MISCELLANEOUS BUSINESS

PRESIDENT PRO TEM MORRIS: Miscellaneous Business? Yes sir? *(Inaudible)*.

SERVICE DIRECTOR BARTOS: Mr. President.

PRESIDENT PRO TEM MORRIS: Mr. Bartos.

SERVICE DIRECTOR BARTOS: Well, Mr. President, as John Lennon said, the dream is over. As many of you around the circle know, uh...for those of you don't, this is actually my last meeting. Um, to the Mayor and the Administration, and Council and the Staff, it's been an absolute pleasure. Uh, I think we've done a lot, uh...tremendous amount in nearly five years that I've been here in the city. I've been proud of what we've accomplished and to regulars that attend the Council Meetings, it's been a pleasure. Even Mr. DiGiacomo! *(Laughter)*. I will miss you...I will miss you the most, Mr. DiGiacomo! Um, but I want to thank all of you, the regulars who come and attend Council. Robert Thompson's here. I'm going to miss you too, Robert. We've had some good times in negotiations. Um, but no, I want to thank the Mayor and the Administration and all the great department heads and uh, just a great staff that I've gotten to work with over the years. Definitely couldn't have done it without them. Um, but it's been a real pleasure. I'll miss all of you and thank you for all...thank you for all the great memories. *(Applause)*.

PRESIDENT PRO TEM MORRIS: Mayor.

MAYOR BERNABEI: Mr. President. In response to Bill, I just want to say thank you, thank you, thank you. Bill has brought extraordinary, professional, expertise to this job. He is knowledgeable in so very many areas, not only within the Department of Public Service, but also in a multiple other areas. He has, in addition to what a Public Service Director is expected to do, he has spent a significant amount of time providing legal assistance in a variety of areas, not necessarily directly under the Department of Public Service, and that has been greatly appreciated. Um, we will miss you. I just spoke today...we spent probably two hours today reviewing a multiple of items that are...that are occurring within the department and I may ask Council, and that would be depending on Bill's schedule and ability to do so, on a relatively, limited basis, ask him to come back and give us some consulting assistance because there are some areas that he has expertise and knowledge in that...um...we could not...uh...readily cover. ...Indicate that...uh...following Bill's announcement, I will be publicly advertising the position for a new Director of Public Service. I cannot anticipate as of tonight, how long that search will take, but it will be expedited and we will have large shoes to fill. So, thank you again, Bill, thank you.

MEMBER MACK: Mr. President.

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PRESIDENT PRO TEM MORRIS: Member Mack.

MEMBER MACK: I'm sure Bill, you've already received a lot of congratulations and regrets, both publicly and privately, and I'm one of those persons that probably falls into the regrets category. I regret that you are, uh, leaving the city of Canton, because you know I've been now, with a lot of the Members here, through a few Service Directors, and you've been incredible. And you know I mean that because I've actually said it under oath during a deposition, *(Laughter)*, that you are a very good Service Director. And you are, and the city of Canton's going to feel the loss with you moving on. Thanks for your service.

PRESIDENT PRO TEM MORRIS: Alright, well before Member Dougherty does the quote of the week, Director Bartos, I pounded on you, I cursed at you, but you are by far one of the classiest, most intelligent, young men I think I've had the pleasure of working with. I'm actually glad when guys like you leave because I know that you're...your...you've outgrown your position, you're off to bigger and better things, and dealing with my guys at the shop, I always feels like I've done my job if they move on to bigger and better things. I'm glad the city served you well, you have definitely served the city of Canton well, and we wish you nothing but success and happiness. And usually happiness is tied to money, works for me if it works for you! *(Laughter)*.

QUOTE FOR THE WEEK

PRESIDENT PRO TEM MORRIS: Quote of the week, Mr. Dougherty.

CLERK DOUGHERTY: Yes...and...and...Mr. Bartos, I appreciate everything you did for me in my Ward when I was a Councilman. Um, you always...you always answered the phone and uh...I always appreciated your help with everything in the Ward, and uh, that hasn't changed as Clerk, so I appreciate that. So, I want you to remember, *"If you can't explain it to a six year old, you don't understand it yourself."* - Albert Einstein

PRESIDENT PRO TEM MORRIS: Leader. *(Laughter)*.

MEMBER SMITH: Move we adjourn.

MEMBER BABCOCK: Second.

PRESIDENT PRO TEM MORRIS: Roll call.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK DOUGHERTY: Twelve yeas, Mr. President.

PRESIDENT PRO TEM MORRIS: Meeting adjourned. *(Gavel falls)*.

ADJOURNMENT TIME: 7:20 PM

ATTEST: DECEMBER 5, 2017

APPROVED:

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DAVID R. DOUGHERTY
CLERK OF COUNCIL

FRANK MORRIS
PRESIDENT PRO TEM