



NORWOOD CITY COUNCIL
Norwood Community Center
1810 Courtland Ave- Bottom Floor
Norwood, OH 45212
March 9, 2021
7:30 p.m.

A) CALL TO ORDER

B) PRAYER

C) PLEDGE OF ALLEGIANCE

The Council for the City of Norwood met in regular session on the above date with Mr. Ken Miracle Presiding as President. The meeting opened with a prayer and the Pledge of Allegiance.

D) ROLL CALL

Roll called. All members present.

E) AMENDMENT OF AGENDA

The President noted changes to the agenda as follows: one ordinance and one resolution need to be added to the agenda as L8 and L9. On motion by Mr. Breadon, seconded by Mr. DiNardo, it was moved to amend the agenda as stated. Roll was called. All members present voted yes. Motion passed.

F) MINUTES OF PREVIOUS MEETING

December 7, 2020 Special Meeting

December 8, 2020 Meeting

February 23, 2021 Meeting

On motion by Mr. Thompson, seconded by Mr Breadon, it was moved to receive and file the minutes as read. Roll was called. All members present voted yes.

G) PUBLIC HEARINGS

Joseph VW - Public hearing was called to order by the President of Council.

Peter Saba represents the Joseph Family and spoke in support. He introduced several members of the Joseph Family that came to the hearing. They currently operate the VW dealership on the corner of Montgomery Road and Cleanay Avenue. Their goal is to remain in Norwood but have been told by VW that they have to move and expand. In 2017 they contacted the former mayor to see if they could move the dealership to the property at issue. They received a letter from the Mayor indicating that the property was an appropriate place for the dealership. The City of Norwood sent a zoning verification letter noting that they could build what they would like on the property at issue. The Joseph family relied on the letter and purchased the property with the intention of constructing their dealership at that location. They submitted the request for the PUD in 2020 several times and even amended it when advised that there was an ordinance issue. They also met with members of the community to discuss citizen's concerns. He advised as to what the concerns were and what the Joseph Family is willing to do to address those concerns. He specifically mentioned beautification, parking, safety, traffic increase and lighting.

Richard Joseph spoke next in favor. He noted that they are merely asking to move the dealership from the current location to another further up on Montgomery Road, across from Stone Lanes. They hope to improve the area only.

Jay Andres addressed council. He is the cofounder of Wasson Way. Norwood has 60% of all of the housing that is along Wasson way. They are committed to working with and beautifying Norwood.

Jessica Moore, who lives at 4234 Hudson, addressed council. She uses Wasson Way a lot and does not want to see a car dealership along Wasson Way. There are other and better things that could go there.

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Maria Stead, who lives at 2000 Lexington Avenue, addressed council next. She and her husband have rehabbed their home and are recent residents. Increased property values attracted them along with Wasson Way. Many people are working on increasing their property values. She believes that the car dealership will decrease property values. Lexington Avenue is a residential street and a car lot is not a good fit. That area is the southern entrance into the city and the empty spaces could be utilized in better ways.

Alisha Loch who lives near School Outfitters addressed council next. She finds the current location to be much different than the proposed one since it is so close to Xavier. The new location is along the bike trail which is an asset to the city. There are businesses along Wasson Way that are adding access to the trail. She also believes that the trail is bringing in new residents who are improving properties. She does not think residents will want to live near a car dealership or that people on the trail will want to stop in Norwood and spend time. The dealership does not go with the principals of a walkable business district she believes. She hopes that the city can work with Joseph to develop the property for something other than a dealership, which would be profitable also to the Joseph family.

Jeanne Stanton spoke next. She lives at 4022 Burwood. She noted the goals of Wasson Way and states that a car lot does not fit with that mission. She believes that there are better options for that property.

Candice Winterbauer who lives on Slane Avenue spoke next. She is concerned that the car dealership would add to the hot zones that the residents are combating by planting trees. She is a part of Protect Our Trail. They spoke with residents in order to try to raise awareness of the issues. Most people they spoke to are not a fan of the car lot in that location. The goal is to make that area pedestrian and walkable.

Cameron Jones who lives on Elsmere Avenue spoke next. She lives next to the trail. She uses it now and would love to have more places to patronize along the trail. She notes that the parking setbacks are not being met in many areas according to the Joseph VW plan. She noted other ways that the lot plans do not meet current ordinances. She does not believe that the plans meet the standards necessary to waive or change them. The plans do not fit with the vision of the current ordinance and standards.

Susan Hooper spoke next. She appreciates what Joseph is trying to do but it just does not fit with what the residents are looking for. She thinks that Wasson Way should be protected to help the momentum of the good things happening in the city.

Jon Moore who lives at 2434 Hudson Avenue spoke next. He referred to items that were discussed at the economic development committee meeting. There are many other commercial businesses that Joseph owns per the auditor's site which is contrary to the claim that car lots are their only business. He questioned why an adjoining lot was not purchased at the current location. His understanding is that Xavier wants to purchase the current car lot. Residents want more pedestrian friendly businesses he believes and notes that Norwood was meant to be a walkable city. He discussed how municipalities with many car dealerships fair with property values – usually below average county property values. He is also concerned about spread of the dealership. He thinks that Joseph can use other business models to make money at that property.

Will DeLuca who lives at 2446 Indian Mound, spoke next. He agreed with the other speakers. He knows that council is concerned about litigation but says that somethings are worth fighting for and this is one of them. He would like to see something worked out with the Josephs and thinks that there are options. He referred to other communities that have trails and what kind of development has been done. He noted other places in Norwood that would be better suited for a car lot.

Pastor Sonny James spoke next, he lives at 1830 Hopkins Avenue. He knows that people love their community but he is concerned that the pattern by the community is to hurt people and not acknowledge it. He hopes that people say they are sorry and show character. He isn't against the Norwood groups but is against perpetuating status quo. He hopes council reaches out and apologizes for the experience of the Josephs no matter what happens with the vote. He understands the pain of trying to do the right thing and still getting cut out.

Mr. Geraci had questions for the attorney for the Joseph Family regarding new jobs being created, the effect of landscaping on visibility of the dealership, date of purchase of the property and possible green spaces.

On motion by Mr. Bonsall, seconded by Mr. Geraci, it was moved to discuss items L1, L2 and L3.

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H) REQUEST TO ADDRESS COUNCIL

Pastor Sonny James of 1830 Hopkins addressed the council. He extended condolences to the family and friends of those who were lost in the recent house fire. He commended the police. He applauded the work that Norwood Together and other groups have done in Norwood. It's our job to work together and include all residents. They are continuing the events of Black History Month. You can do to www.elevationsenrichment.com to get information about those events.

I) REPORTS OF STANDING COMMITTEES OF COUNCIL

Finance, Budget & Audit Committee Meeting- March 3, 2021 – Mr. Dinardo gave the report. There was a presentation about the opportunity to refinance the Cornerstone and Linden Point projects. They discussed the draft FRP plan. He noted that the city needs to get out of fiscal emergency and do all that we can to make that happen. On motion by Mr. Bonsall, seconded by Mr. Thompson, to receive and file the report. Mr. DiNardo asked the President about the status of the Report on Accounting Methods. The President noted that the Report has a lower priority than the FRP and budget but will be discussed shortly.

On motion by Mr. Gabbard, seconded by Mr. Breadon, it was requested to move up consideration of items L4, L5 & L6. Roll was called. All members present voted yes. Motion passed.

J) THIRD READING OF ORDINANCES/RESOLUTIONS

K) SECOND READING OF ORDINANCES/RESOLUTIONS

- 1) ORDINANCE REAUTHORIZING THE MAYOR AND/OR SAFETY-SERVICE DIRECTOR TO ENTER INTO AN AMENDED EASEMENT AGREEMENT WITH REGENT REALTY, LLC, FOR SCHOOLHOUSE OUTFITTERS, LLC, AS ORIGINALLY AUTHORIZED IN ORDINANCE NO. 35-2014, AND DECLARING AN EMERGENCY

On motion by Mr. Bonsall, second by Mr. Thompson, it was moved to have the second reading of the ordinance. Mr. Bonsall noted he has a question regarding whether this easement could block Wasson Way in the future. Roll was called. All members present voted yes. The Clerk did the second reading.

- 2) ORDINANCE AUTHORIZING THE SAFETY-SERVICE DIRECTOR OR MAYOR TO BYPASS THE COMPETITIVE BIDDING PROCESS AND ENTER A "SOFTWARE AS A SERVICE AGREEMENT" WITH PEEL 9, INC. TO PROVIDE SOFTWARE AND SUPPORT FOR A RECORDS MANAGEMENT AND ANALYTICS SYSTEM FOR THE CITY OF NORWOOD POLICE DEPARTMENT, AND DECLARING AN EMERGENCY

On motion by Mr. Thompson, second by Mr. Breadon, it was moved to have the second reading of the ordinance. Roll was called. All members present voted yes. The Clerk did the second reading.

- 3) A RESOLUTION ACCEPTING THE MONTGOMERY ROAD REDEVELOPMENT PLAN

On motion by Mr. Thompson, second by Mr. Bonsall, it was moved to have the second reading of the ordinance. Roll was called. All members present voted yes. The Clerk did the second reading.

L) INTRODUCTORY READING OF ORDINANCES/RESOLUTIONS

- 1) ORDINANCE AMENDING ORDINANCE NO.28-2014, AND CHAPTER 1155 OF THE NORWOOD CODIFIED ORDINANCES TO REMOVE THE REQUIREMENTS STATED IN SECTION 3 OF ORDINANCE 28-2014 AND CHAPTER 1155 OF THE NORWOOD CODIFIED ORDINANCES, AND TO REMOVE THE PROHIBITED USES STATED IN SECTION 2.B AUTOMOTIVE SERVICE AND REPAIR AND SECTION 2.H. SALE OF NEW MOTOR VEHICLES IN ORDINANCE 28-2014, AS TO THE 3.35-ACRE ASSEMBLAGE OF REAL PROPERTY LOCATED AT THE SOUTHEAST CORNER OF MONTGOMERY ROAD AND LEXINGTON AVENUE, INCLUDING REAL PROPERTY IDENTIFIED ON THE HAMILTON COUNTY AUDITOR'S RECORDS AS PARCELS MONTGOMERY ROAD (651-0054-130(&-131), 3732 MONTGOMERY ROAD (651-0057-0053& -0054), MONTGOMERY ROAD (651-0054-132), AND A PORTION OF PARCEL (651-0057-0055), (0056, 0057, 0058, 0060, 0061, 0062, 0063, 0064, 0065, 0066, 0067, AND 0068)

Heard and discussed after public hearing and out of order

On motion by Mr. Geraci, seconded by Mr. Kelsch, it was moved to have all three readings of the ordinance. Mr. Gabbard asked the Law Director to give some information regarding what the current order says and allows. The Law Director says that the current PUD has a restriction on auto sales. This ordinance will replace that PUD to allow auto sales. The next two ordinances talk about the PUD plan, which is separate from the zoning – what use is allowed. The next ordinance is council approving the

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current offered plan from Joseph VW and the third ordinance is rejecting it. Mr. Geraci hopes to get this ordinance done right away because that directs the next discussion.

Roll was called. All members present voted yes. The Clerk did all three readings of the Ordinance. On motion by Mr. Geraci, seconded by Mr. Breadon, it was moved to pass the ordinance.

Mr. Bonsall agrees with the points made by the residents and thinks that the ordinance currently in places shouldn't be changed. He is curious as to why expansion can't be done at the current site of the dealership. Mr. DiNardo notes that his ward is very affected by this issue. He has been concerned about the threat of litigation but thinks now that the cost of allowing the lot may be as bad as not allowing it. The ordinance did exist before the property was purchased and he believes that the ordinance should be upheld because there isn't enough reason to change it or negative consequences to not doing it.

Mr. Geraci noted that he used to work at Xavier for some time and it has been his understanding for some time that the area of the current lot is desired by the school. This is why he thinks that Joseph wants to move because the owners of the land, Xavier Prop Co. are not renewing the lease. Joseph can't do what they want where they are currently located. He does not think there are other areas of Norwood where Joseph can move. Mr. Bonsall believes that Xavier Prop Co. is basically the same entity as the University. He also noted that the actual dealership location is not owned by Xavier Prop Co.

Mr. Breadon noted he agrees with the residents and notes that the city has a great relationship with the Joseph Group. Joseph is a developer who wants to develop a site that has been empty as far as he can remember. He understands that there are other possible uses but that no other developers are asking to develop it and Joseph VW is.

Mr. Geraci noted that he was told last year that council is not the gatekeepers of Norwood and they can't tell business owners what to do. Mr. DiNardo thinks that the fact that the ordinance is already in place makes this situation different.

Mr. Thompson noted that council is being asked to change the law for the convenience of one business. It likely wasn't fair that they were lead to believe they could use the property in this manner. He doesn't think that council would do that for any other businesses. He doesn't believe that it is the best use for that property. He noted that the value of that property has increased exponentially over the last few years so there wasn't a reason to develop it before.

Mr. Kelsch wished Joseph the best either way this issue ends up. He has been contacted about this issue more than any others and he wants to see Norwood support the ideals of Wasson Way.

Mr. Breadon believes that Joseph group will cater to the Wasson Way project and notes that what he is hearing is that the city wants to gamble to see if something better comes along.

Roll was called. All members except for Mr. Geraci and Mr. Breadon voted no. Mr. Geraci and Mr. Breadon voted yes. Motion failed.

- 2) ORDINANCE ADOPTING THE RECOMMENDATION OF THE PLANNING COMMISSION TO APPROVE THE PRELIMINARY AND FINAL PLANS, SUBMITTED ON BEHALF OF POND REALTY COMPANY, FOR A PLANNED UNIT DEVELOPMENT (PUD) FOR THE 3.35 ACRE ASSEMBLAGE OF REAL PROPERTY LOCATED ON THE SOUTHEAST CORNER OF MONTGOMERY ROAD AND LEXINGTON AVENUE, INCLUDING REAL PROPERTY INDENTIFIED ON THE HAMILTON COUNTY AUDITOR'S RECORDS AS PARCELS MONTGOMERY ROAD (651-0054-130 (&- 131), 3732 MONTGOMERY ROAD (651-0057-0053 & -0054), MONTGOMERY ROAD (651-0054-132), AND A PORTION OF PARCEL (651-0057-0055), (0056,0057,0058, 0060, 0061, 0062, 0063, 0064, 0065, 0066, 0067, AND 0068)

Heard out of order.

On motion by Mr. Bonsall, seconded by Mr. DiNardo it was voted to remove this ordinance from the agenda. Roll was called. All members present voted yes except for Mr. Geraci. Mr. Geraci voted no. Motion passed.

- 3) ORDINANCE DENYING THE REQUEST FOR A ZONE CHANGE TO REMOVE THE REQUIREMENTS STATED IN SECTION 3 OF ORDINANCE 28-2014 AND CHAPTER 1155 OF THE NORWOOD CODIFIED ORDINANCES, SEEKING TO REMOVE THE PROHIBITED USES STATED IN SECTION 2.B. AUTOMOTIVE SERVICE AND REPAIR AND SECTION 2.H. SALE OF NEW MOTOR VEHICLES, AND DENYING APPROVAL OF THE PRELIMINARY AND FINAL PLANS, SUBMITTED ON BEHALF OF POND REALTY COMPANY, OVER REAL

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PROPERTY LOCATED ON THE SOUTHEAST CORNER OF MONTGOMERY ROAD AND LEXINGTON AVENUE, INCLUDING REAL PROPERTY IDENTIFIED ON THE HAMILTON COUNTY AUDITOR'S RECORDS AS PARCELS MONTGOMERY ROAD (651-0054-130(&-131), 3732 MONTGOMERY ROAD (651-0057-0053 & -0054), MONTGOMERY ROAD (651-0054-132), AND A PORTION OF PARCEL (651-0057-0055), (0056,0057,0058,0060,0061,0062,0063,0064,0065,0066,0067, AND 0068) ONLY FOR A VOLKSWAGEN AUTOMOBILE DEALERSHIP

Heard out of order.

On motion by Mr. Bonsall, seconded by Mr. Thompson, it was moved to have all three readings of the ordinance. Roll was called. All members present voted yes. Motion passed. The Clerk did all three readings. On motion by Mr. Bonsall, seconded by Mr. DiNardo, it was moved to pass the ordinance.

Mr. Geraci noted that a group went to Norwood together to speak to residents specifically against this dealership. There aren't other dealerships in Norwood and Joseph has been in Norwood for many years he noted. He does not believe that the small businesses that the people are asking for because they won't have the money to develop the location. This is a gamble and things may be lost for years. He thinks that the city should put pressure on Xavier to develop Norwood Plaza.

Mr. Breadon noted that ordinances have been changed for the Playing Card Development so there is a precedent for changing ordinances for developments.

Roll was called. Mr. Bonsall, Mr. Kelsch, Mr. DiNardo and Mr. Thompson voted yes. Mr. Gabbard, Mr. Geraci and Mr. Breadon voted no. Motion passed.

- 4) A RESOLUTION IN SUPPORT OF AMTRAK'S PROPOSED EXPANSION OF PASSENGER RAIL SERVICES IN OHIO AND FOR THE CONGRESSIONAL ACTIONS NEEDED TO AUTHORIZE AND APPROPRIATE FUNDS TO THE EXPANSION

Heard out of order.

Mr. Bonsall noted he requested this ordinance. Derek Bauman addressed council. He is a member of All-Aboard Ohio which supports public transportation in Ohio. AmTrak is proposing corridor plans across the country wherein they will ask for money to expand rails and operations using federal money instead of state. This would mean increased number of routes and trains coming through Cincinnati. Other cities have utilized this to great success. His group is trying to rally support to send a message to Congress to support this. This would use existing train tracks and the goal is to speed up the trains. Mr. Geraci asked how this would benefit Norwood. Mr. Bauman said that there is a company in Norwood that does parts for these trains so it helps them. Mr. Thompson noted that Norwood is part of a larger community and this program helps the entire community. On motion by Mr. Bonsall, seconded by Mr. Breadon, it was moved to have all three readings. Roll was called. All members present except for Mr. Geraci voted yes. Mr. Geraci voted no. Motion passed. The Clerk did the readings. On motion by Mr. Bonsall, seconded by Mr. DiNardo, it was moved to pass the resolution. Roll was called. All members present except for Mr. Geraci voted yes. Mr. Geraci voted no. Motion passed.

- 5) ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A COMMUNITY REINVESTMENT AREA AGREEMENT WITH SJN DATA CENTER LLC DBA ENCORE TECHNOLOGIES, AND DECLARING AN EMERGENCY.

Heard out of order.

On motion by Mr. Thompson, seconded by Mr. DiNardo, it was moved to have all three readings of the ordinance. Mr. Burns addressed council. He owns the MedPace building and they are seeking to utilize a portion of the building in a new manner. The Mayor noted that the project is good for the city and will provide tax money for the city. Roll was called. All members present voted yes. The Clerk did all three readings. On motion by Mr. Gabbard, seconded by Mr. Breadon, it was moved to pass the ordinance. Roll was called. All members present voted yes. Motion passed.

- 6) ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A COMMUNITY REINVESTMENT AREA AGREEMENT WITH NORWOOD MANOR LLC, AND DECLARING AN EMERGENCY.

Heard out of order.

On motion by Mr. Breadon, seconded by Mr. Gabbard, it was moved to have all three readings. Mr. Gabbard requested that the building owner Mr. Patel speak. He noted that the building is old, vacant and abandoned. They hope to rehab it and open an event center and apartments. Mr. Bonsall, Mr. Gabbard, and Mr. Breadon all expressed their support for the projects. Roll was called. All members present voted yes. Motion passed. The Clerk did all three readings. On motion by Mr. Gabbard,

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seconded by Mr. Bonsall, it was moved to pass the ordinance. Roll was called. All members present voted yes. Motion passed.

7) ORDINANCE AMENDING NORWOOD CODIFIED ORDINANCES 353.04 AND 353.05 TO ALLOW METERED AUTOMOBILE PARKING TO BE PAID BY DIGITAL PAYMENT BY CREDIT OR DEBIT CARD APPLICATION, AND DECLARING AN EMERGENCY

Mr. Bonsall asked if there was an issue making this an emergency or if this ordinance is only to allow a simple electronic payment for parking. On motion by Mr. Bonsall, second by Mr. Breadon, it was moved to have all three readings of the ordinance. Mr. Bonsall noted that the old ordinance specifically mentioned coins so this ordinance is just keeping up with technology. Roll was called. All members present voted yes. The Clerk did all three readings. On motion by Mr. Bonsall, second by Mr. Breadon, it was moved to pass the ordinance. Roll was called. All members present voted yes. Motion passed.

8) ORDINANCE APPROVING THE FOURTH AMENDMENT TO THE DETAILED FINANCIAL PLAN FOR THE CITY OF NORWOOD AND DECLARING AN EMERGENCY

On motion by Mr. DiNardo, second by Mr. Kelsch, it was moved to have all three readings of the ordinance. Mr. DiNardo noted that before the end of March we would have the final since this is only a draft. Mr. Bonsall recommended one reading so that there is time to make some changes before the final draft is needed. Mr. DiNardo and Mr. Kelsch amended their motion to having the first and second readings only. Mr. Geraci has concerns about items in the budget. Roll was called. All members present voted yes. The Clerk did the first two readings.

9) RESOLUTION DECLARING THE NECESSITY OF LEVYING A TAX RENEWAL FOR CURRENT OPERATING EXPENSES IN THE EXCESS OF THE TEN-MILL LIMITATION AND REQUESTING THE COUNTY AUDITOR TO CERTIFY MATTERS IN CONNECTION THEREWITH, AND DECLARING AN EMERGENCY

On motion by Mr. DiNardo, second by Mr. Breadon, it was moved to have all three readings of the resolution. Mr. DiNardo noted that this came before the council previously and that the matter will need to be on the ballot soon so there is urgency in the vote.

Roll was called. All members present voted yes. Motion passed. The Clerk did all three readings. On motion by Mr. Breadon, second by Mr. DiNardo, it was moved to pass the resolution. Roll was called. All members present voted yes. Motion passed.

M) ADMINISTRATION REPORTS

The Mayor noted that the city of Norwood does have many parks so there is a lot of green space. He hopes residents discover the other areas of Norwood and not just Wasson Way. The Administration has been working to improve the walkability of all of Norwood and have received grant money to fix sidewalks.

He discussed the Financial Recovery Plan and the work that went into it by going over a timeline of events. The Administration has also been in contact with the Commission the whole time. There are a number of capital improvement projects that are necessary and the city is working to get them done.

He commended the Health Department for their hard work with the vaccine clinic.

N) UNFINISHED BUSINESS

Mr. Thompson requested a committee of the whole meeting to review the FRP before the next scheduled council meeting and to invite the Auditor to join them.

Mr. Bonsall noted the Montgomery Road cleanup will be on 3/20 from 9 am to 12 pm. Meet on the steps of City Hall.

O) NEW BUSINESS

Mr. Gabbard noted that the Norwood City park cleanup is on 3/27 from 9 am to 12 pm. There are many included parks.

Mr. Gabbard also noted that garbage cans can't be put out until after 5 the night before pick up and must be put back by the end of the day of pick up. He is also noting that items like mattresses, couches etc can be picked up but need to be totally wrapped so that Rumpke can get it. He also mentioned that letting Rumpke know that it will be out there so they can have the right truck available is a good idea. He also mentioned that calling Rumpke when there are appliances is also a good idea for the same reasons. 800-828-8171 is the customer service number for Rumpke.

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Mr. Gabbard complimented the administration for the See, Click Fix ap. He encourages people to download and use it.

Mr. Gabbard also encouraged people to call the police if they notice issues with illegal dumping.

Mr. Bonsall wanted to let people know about amorvax.com which is a website that reviews all vaccine locations in the area so that people can find vaccination appointments. He also encouraged people to let the Norwood Health department know if you no longer need to be on their list.

Mr. Geraci asked for the Mayor to look into getting an emergency notification App Nixle for the city so people can be notified of major events.

P) COMMUNICATIONS

Mayor Victor Schneider Re: Certificate of Achievement- Lizabeth Banderas-Rodriguez

On motion by Mr. Breadon, second by Mr. Thompson, it was moved to receive and file the letter. Roll was called. All members present voted yes. Motion passed.

Mayor Victor Schneider Re: Mayor's Court Fines

On motion by Mr. DiNardo, second by Mr. Thompson, it was moved to receive and file the letter. Roll was called. All members present voted yes. Motion passed.

Q) EXCUSE ABSENT MEMBER/S

All members present.

R) ADJOURNMENT

On motion by Mr. DiNardo, second by Mr. Thompson, it was moved to adjourn. Roll was called. All members present voted yes. Motion passed.

