



ROTHESAY COUNCIL

OPEN SESSION
December 13, 2010
MINUTES



PRESENT: MAYOR WILLIAM J. BISHOP
DEPUTY MAYOR BLAIR MacDONALD
COUNCILLOR SCOTT COCHRANE
COUNCILLOR TERRY KILFOIL
COUNCILLOR NORMA MULLETT
COUNCILLOR DON SHEA
COUNCILLOR TOM YOUNG

TOWN MANAGER JOHN JARVIE
TOWN CLERK MARY JANE BANKS
DIRECTOR OF OPERATIONS (DO) SCOTT HATCHER
DIRECTOR OF DEVELOPMENT SERVICES (DDS) GAY DRESCHER
DIRECTOR OF RECREATION SERVICES CHARLES JENSEN

ABSENT: COUNCILLOR PAT GALLAGHER JETTE

1. APPROVAL OF MINUTES

MOVED by Council. Shea and seconded by Council. Kilfoil the minutes of 8 November 2010 be approved as circulated.

CARRIED.

1.1 Business Arising from Minutes

N/A

2. APPROVAL OF AGENDA

MOVED by Council. Shea and seconded by Council. Kilfoil the agenda be approved as circulated.

CARRIED.

3. OPENING REMARKS OF COUNCIL

Mayor Bishop advised he participated in the "Fill the Food Bank" Challenge at Sobeys with Candice McLean and they gathered \$1200 in groceries for the Food Bank. He then commended the Rothesay Regional Police Force for their quick work on a major break-in a few weeks ago, as well as the three recent home break-ins. Mayor Bishop noted the Mayor's Levee will be January 1st from 11 am to 1 pm and the Public Skate will take place at the Rothesay Arena from 1 pm to 3 pm. He noted Council will be taking part in a governance workshop being sponsored by the Province on December 16th.

Mayor Bishop wished all those in attendance a Merry Christmas and Happy New Year.

4. DELEGATIONS

4.1 Saint John Transit Authority Frank McCarey, Brian Thorne

Frank McCarey, General Manager – Saint John Transit Authority (SJT) and Brian Thorne, Assistant General Manager, appeared before Council and gave a Comex Performance Update presentation. Mr. Thorne noted ridership has increased since the service started in 2007 – from an annual total of 84,604 to 152,620 in 2010 (total trips all services). Sampling is done quarterly and the KVComex service has increased from 36,504 to 57,200. It was noted the ridership on Comex #53 (Quispamsis) is 19,968. The ridership is split 55%/45% for Quispamsis/Rothesay respectively. A summary was given of the financial impact of the KVComex and the net cost is \$33,362. Mr. Thorne noted SJT is applying for an approximate 10% fare increase for 2011 and has also proposed a universal bus pass system for students at UNBSJ. The rate will be \$100 per semester and gives the student unlimited access to all Transit service. The student body will vote on the proposal in February 2011.

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There was a brief question and answer session and clarification was provided on the following: the U-Pass proposal is being offered to UNBSJ only. Mr. McCarey noted discussions have been held with NBCC but they have not expressed an interest at present; the Comex service is not a localized service and is based on a universal fare system rather than by distance; Rothesay could consider a regionalized contract with Hampton and Quispamsis to provide service to/from Hampton; SJT currently subsidizes Handi-Bus (Independence Plus) to provide service within the City (\$280,000) and it would be their decision to extend the service to the Valley but they would likely need to increase their fleet. Deputy Mayor MacDonald requested clarification on revenue allocation should UNBSJ agree to the U-Pass proposal and there are residents from Rothesay. Mr. McCarey advised the details were still being reviewed. Counc. Cochrane asked for an opinion and clarification on the Quispamsis Comex #53. Mr. McCarey advised they had been contacted by Quispamsis to provide cost details and following discussion the route was accepted. He noted Rothesay and Quispamsis have several mutual agreements in place and the municipalities would be in a better position to determine the details of a proposed agreement.

Mayor Bishop thanked Mr. Thorne and Mr. McCarey for their presentation.

4.2 KV Committee for Disabled Persons Dean Mullin

Mr. Dean Mullin appeared before Council and gave a presentation on behalf of the KV Committee for Disabled Persons (KVCDP). Dr. Sean Jennings was also in attendance. Mr. Mullin noted the Committee serves people in the Valley with various disabilities, such as mobility, visual, mental, learning and non-visible and their mission is to improve their lives by providing opportunities to fully participate in community life. Mr. Mullin noted they strive to remove barriers to transportation, housing, education, recreation and communication, providing examples of work they have accomplished in each area. He noted Dr. Jennings is currently serving on the provincial committee and then outlined future opportunities for the Committee to work with the communities. Mr. Mullin concluded with a request for representation on the Planning Advisory Committee or consultation on new developments within Rothesay. Mayor Bishop suggested the request could be referred to staff for a report. Counc. Shea requested further detail on the transportation service being provided. Mr. Mullin advised there have been 45 trips thus far, representing probably 15-20 people and noted cost has not been a hindrance so much as getting the information out to the public the service is available. Counc. Shea congratulated the Committee on the good work it has achieved to date. Deputy Mayor MacDonald enquired about the top two priorities and was advised they would be transportation and housing.

Mayor Bishop thanked Mr. Mullin for his presentation.

5. CORRESPONDENCE FOR ACTION

5.1 10 November 2010 Letter from Enterprise Saint John RE: Proposed 2011 Budget.

MOVED by Deputy Mayor MacDonald and seconded by Counc. Shea the letter from Enterprise Saint John RE: Proposed 2011 Budget dated 10 November 2010 be referred to the Finance Committee.

CARRIED.

5.2 12 November 2010 Letter from Kennebecasis Valley Fire Department Revised 2011 Proposed Budget (insurance premiums).

MOVED by Counc. Cochrane and seconded by Counc. Young the letter from Kennebecasis Valley Fire Department Revised 2011 Proposed Budget (insurance premiums) dated 12 November 2010 be referred to the Finance Committee.

CARRIED.

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5.3 16 November 2010 Email from J. Clark, 15 Cameron Road RE: Basement flooding.
MOVED by Counc. Young and seconded by Counc. Mullett the email from J. Clark, 15 Cameron Road RE: Basement flooding dated 16 November 2010 be referred to the Public Works & Infrastructure Committee.

CARRIED.

5.4 18 November 2010 Letter from KV Committee for Disabled Persons RE: funding request.

MOVED by Counc. Mullett and seconded by Deputy Mayor MacDonald the letter from KV Committee for Disabled Persons RE: funding request dated 18 November 2010 be referred to the Finance Committee.

CARRIED.

5.5 23 November 2010 Letter from Rothesay Living Museum RE: Proposed 2011 Budget.

MOVED by Counc. Young and seconded by Deputy Mayor MacDonald the letter from Rothesay Living Museum RE: Proposed 2011 Budget dated 23 November 2010 be referred to the Finance Committee.

CARRIED.

5.6 25 November 2010 Letter from NB Youth Strategy RE: Funding Request.

MOVED by Counc. Mullett and seconded by Counc. Young the letter from NB Youth Strategy RE: funding request dated 25 November 2010 be referred to the Finance Committee.

CARRIED.

5.7 29 November 2010 Email from Rothesay Regional Police Force RE: revised 2011 Budget.

MOVED by Counc. Shea and seconded by Counc. Young the email from Rothesay Regional Police Force RE: revised 2011 Budget dated 29 November 2010 be received/filed.

CARRIED.

5.8 8 December 2010 Email from Deputy Mayor MacDonald RE: Funding support for Saint John Trade and Convention Centre.

Undated Letter from Hilton Saint John/SJ Trade and Convention Centre.

MOVED by Deputy Mayor MacDonald and seconded by Counc. Shea the Town write a letter to the Federal and Provincial representatives in support of the upgrades to the Saint John Trade and Convention Centre, this would include local MLAs, MPs and the Regional Development Corporation.

ON THE QUESTION:

Deputy Mayor MacDonald advised there is no cost associated with the letter of support but the Town will benefit in its participation on the Regional Facilities Commission.

CARRIED.

5.9 10 December 2010 Letter from KVFD RE: Revised Proposed 2011 Budget.

MOVED by Counc. Young and seconded by Deputy Mayor MacDonald the letter from Kennebecasis Valley Fire Department RE: Revised Proposed 2011 Budget be referred to the Finance Committee.

CARRIED.

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6. CORRESPONDENCE - FOR INFORMATION

- 6.1 30 September 2010 Email correspondence between Rothesay and D. Moore RE:
3 December 2010 Proposed Zoning By-law 2-10.

MOVED by Counc. Shea and seconded by Counc. Mullett the correspondence between Don Moore and Town Clerk Banks RE: Zoning By-law 2-10 be received/filed.

CARRIED.

- 6.2 7 November 2010 Letter from Saint David's Church RE: Participation in anniversary celebrations.

MOVED by Counc. Young and seconded by Counc. Shea the letter from Saint David's Church RE: Participation in anniversary celebrations dated 7 November 2010 be received/filed.

CARRIED.

- 6.3 9 November 2010 Letter to Quispamsis RE: Joint Amalgamation/Collaboration Committee.

MOVED by Counc. Mullett and seconded by Counc. Kilfoil the letter to Quispamsis RE: Joint Amalgamation/Collaboration Committee dated 9 November 2010 be received/filed.

ON THE QUESTION:

It was noted no formal response had been received but a meeting would likely be held before the end of December.

CARRIED.

- 6.4 12 November 2010 Letter to E. Steeves from the Office of TRH The Prince of Wales and The Duchess of Cornwall RE: Rothesay History Book.

MOVED by Counc. Shea and seconded by Counc. Young the letter to E. Steeves from the Office of TRH The Prince of Wales and The Duchess of Cornwall RE: Rothesay History Book dated 12 November 2010 be received/filed.

CARRIED.

- 6.5 15 November 2010 Letter from Minister Fitch, Department of Local Government RE: Community Awards.

MOVED by Counc. Mullett and seconded by Counc. Kilfoil the letter from Minister Fitch, Department of Local Government RE: Community Awards dated 15 November 2010 be received/filed.

CARRIED.

- 6.6 16 November 2010 Memorandum from Town Manager Jarvie RE: City Status.

MOVED by Counc. Shea and seconded by Counc. Mullett the memorandum from Town Manager Jarvie RE: City Status dated 16 November 2010 be received/filed.

ON THE QUESTION:

Counc. Cochrane noted he had requested the information as further detail with respect to the joint Committee proposed under Item 6.3, noting there are large costs associated with becoming a city.

CARRIED.

- 6.7 18 November 2010 Letter from Quispamsis RE: Joint Finance Committee meeting.

MOVED by Counc. Young and seconded by Counc. Mullett the letter from Quispamsis RE: Joint Finance Committee meeting dated 18 November 2010 be received/filed.

CARRIED.

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6.8 18 November 2010 Letter from Premier Alward RE: Property Assessments.
MOVED by Deputy Mayor MacDonald and seconded by Counc. Cochrane the letter from Premier Alward RE: Property Assessments dated 18 November 2010 be received/filed.

CARRIED.

6.9 19 November 2010 Letter to Board of Fire Commissioners, Kennebecasis Valley Fire Department RE: 2010 Capital Fund Re-allocation.

MOVED by Counc. Cochrane and seconded by Counc. Kilfoil the letter to Board of Fire Commissioners, Kennebecasis Valley Fire Department RE: 2010 Capital Fund Re-allocation be received/filed.

CARRIED.

6.10 24 November 2010 Letter from Quispamsis to Board of Fire Commissioners, Kennebecasis Valley Fire Department RE: 2011 Budget reduction request.

6.10.1 25 November 2010 Letter from Rothesay to Board of Fire Commissioners, Kennebecasis Valley Fire Department RE: 2011 Budget reduction request.

MOVED by Counc. Cochrane and seconded by Counc. Young the letters from Quispamsis and Rothesay to Board of Fire Commissioners, Kennebecasis Valley Fire Department RE: 2011 Budget reduction request dated 24 November 2010 and 25 November 2010 respectively, be received/filed.

CARRIED.

6.11 24 November 2010 Letter from Rothesay to Rothesay Regional Joint Board of Police Commissioners RE: 2011 Budget reduction request.

6.11.1 24 November 2010 Letter from Quispamsis to Rothesay Regional Joint Board of Police Commissioners RE: 2011 Budget reduction request.

MOVED by Counc. Shea and seconded by Counc. Young the letters from Rothesay and Quispamsis to Rothesay Regional Joint Board of Police Commissioners RE: 2011 Budget reduction request, both dated 24 November 2010, be received/filed.

CARRIED.

6.12 24 November 2010 Letter from Quispamsis to Kennebecasis Public Library RE: 2011 Budget re-allocation.

6.12.1 25 November 2010 Letter from Rothesay to Kennebecasis Public Library RE: 2011 Budget re-allocation.

MOVED by Counc. Cochrane and seconded by Deputy Mayor MacDonald the letters from Quispamsis and Rothesay to Kennebecasis Public Library RE: 2011 Budget re-allocation dated 24 November 2010 and 25 November 2010 respectively, be received/filed.

CARRIED.

6.13 24 November 2010 Letter from Rothesay to Healthy Active Living RE: funding request.

MOVED by Counc. Shea and seconded by Counc. Young the letter from Rothesay to Healthy Active Living RE: funding request dated 24 November 2010 be received/filed.

CARRIED.

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6.14 24 November 2010 Letter from Rothesay to parents pour une école francophone dans la vallée (PEFV) RE : request for support.

MOVED by Counc. Kilfoil and seconded by Counc. Young the letter from Rothesay to parents pour une école francophone dans la vallée (PEFV) RE : request for support dated 24 November 2010 be received/filed.

CARRIED.

6.15 1 December 2010 Email from Minister Fitch, Department of Local Government RE : Amendments to Assessment Act.

MOVED by Counc. Cochrane and seconded by Counc. Mullett the email from Minister Fitch, Department of Local Government RE : Amendments to Assessment Act dated 1 December 2010 be received/filed.

CARRIED.

6.16 2 December 2010 Letter to R. Scott RE: Proposed Zoning By-law 2-10 w/ attachment.

6.16.1 2 December 2010 Letter to M. Carpenter RE: Proposed Zoning By-law 2-10.

6.16.2 2 December 2010 Letter (email) to M. Isenor RE: Proposed Zoning By-law 2-10.

6.16.3 2 December 2010 Letter (email) to P. Erb RE: Proposed Zoning By-law 2-10.

MOVED by Counc. Shea and seconded by Counc. Young the correspondence from Rothesay to R. Scott, M. Carpenter, M. Isenor, P. Erb RE: Proposed Rothesay Zoning By-law 2-10, dated 2 December 2010 be received/filed.

ON THE QUESTION:

Mayor Bishop advised the incoming correspondence had been received after the close of the Public Hearing and therefore would not be considered by Council. Counc. Cochrane advised he received a letter at his residence but did not read it and requested clarification on the process. It was noted Town policy indicates correspondence received after the close of a Public Hearing will not be considered by Council. If Council wishes to consider the additional information, a second Public Hearing would be required. Town Manager Jarvie noted a legal opinion could be obtained but a second Public Hearing would be the only opportunity to hear from all parties. Mayor Bishop noted if Council hears from one latecomer, then all must be heard from. Counc. Cochrane was advised the matter would come up later on the agenda.

CARRIED.

6.17 6 December 2010 Memorandum from DDS Drescher with attached Planning Appeal Board decision (Stephenson v. Rothesay & McKay Builders).

MOVED by Counc. Kilfoil and seconded by Counc. Mullett the memorandum from DDS Drescher with attached Planning Appeal Board decision (Stephenson v. Rothesay & McKay Builders) dated 6 December 2010 be received/filed.

CARRIED.

6.18 23 November 2010 Saint John Transit Commission Universal Bus Pass Proposal.

MOVED by Counc. Young and seconded by Deputy Mayor MacDonald the Saint John Transit Commission Universal Bus Pass Proposal dated 23 November 2010 be received/filed.

CARRIED.

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6.19 8 December 2010 Letter from Gorman Nason RE: Comex Fare Increase Application.

MOVED by Counc. Shea and seconded by Counc. Mullett the letter from Gorman Nason RE: Comex Fare Increase Application dated 8 December 2010 be received/filed.

ON THE QUESTION:

Town Manager Jarvie noted the original three year agreement was based on a negotiated dollar figure rather than ridership. It was noted Rothesay is starting the third year of the agreement.

CARRIED.

7. REPORTS

7.0 December 2010 Report from Closed Session

N/A

7.1 22 September 2010 Rothesay Regional Joint Board of Police Commissioners Meeting Minutes

MOVED by Counc. Shea and seconded by Deputy Mayor MacDonald the Rothesay Regional Joint Board of Police Commissioners Meeting Minutes dated 22 September 2010 be received/filed.

CARRIED.

7.2 31 October 2010 Draft Unaudited Rothesay Utility Fund Financial Statements

MOVED by Counc. Cochrane and seconded by Deputy Mayor MacDonald the draft Unaudited Rothesay Utility Fund Financial Statements dated 31 October 2010 be received/filed.

CARRIED.

31 October 2010 Draft Unaudited Rothesay General Fund Financial Statements

MOVED by Counc. Cochrane and seconded by Deputy Mayor MacDonald the draft Unaudited Rothesay General Fund Financial Statements dated 31 October 2010 be received/filed.

CARRIED.

10 November 2010 Finance Committee Meeting Minutes

16 November 2010 Memorandum from Town Clerk Banks to Finance Committee

17 November 2010 Finance Committee Meeting Minutes

24 November 2010 Finance Committee Meeting Minutes

1 December 2010 Finance Committee Meeting Minutes

MOVED by Deputy Mayor MacDonald and seconded by Counc. Cochrane the Finance Committee Meeting Minutes dated 10 November 2010, 17 November 2010, 24 November 2010 and 1 December 2010 and the memorandum from Town Clerk Banks dated 16 November 2010 be received/filed.

CARRIED.

7.3 16 November 2010 Draft Water and Sewer Committee Meeting Minutes

MOVED by Counc. Kilfoil and seconded by Deputy Mayor MacDonald the draft Water and Sewer Committee Meeting Minutes dated 16 November 2010 be received/filed.

CARRIED.

➤ Draft Utility Budget – for information

MOVED by Counc. Kilfoil and seconded by Counc. Shea the Draft Utility Budget be forwarded to the Finance Committee.

CARRIED.

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7.4 24 November 2010 Joint Rothesay/Quispamsis Finance Committee Meeting notes
MOVED by Counc. Cochrane and seconded by Deputy Mayor MacDonald the Joint Rothesay/Quispamsis Finance Committee Meeting notes dated 24 November 2010 be received/filed.

CARRIED.

7.5 25 November 2010 Draft Public Works and Infrastructure Committee Meeting Minutes

MOVED by Counc. Mullett and seconded by Counc. Cochrane the draft Public Works and Infrastructure Committee Meeting Minutes dated 25 November 2010 be received/filed.

CARRIED.

➤ Transportation Budget/Environmental Health Services

MOVED by Counc. Mullett and seconded by Counc. Cochrane the Transportation Budget/Environmental Health Services be referred to the Finance Committee.

CARRIED.

➤ Municipal Infrastructure Five Year Program

MOVED by Counc. Mullett and seconded by Counc. Kilfoil the Municipal Infrastructure Five Year Program be referred to the Finance Committee.

CARRIED.

7.6 November 2010 Building Permit Monthly Report

MOVED by Counc. Kilfoil and seconded by Counc. Mullett the November 2010 Building Permit Monthly Report be received/filed.

CARRIED.

7.7 6 December 2010 Draft Planning Advisory Committee Meeting Minutes

MOVED by Counc. Young and seconded by Counc. Shea the draft Planning Advisory Committee Meeting Minutes dated 6 December 2010 be received/filed.

CARRIED.

➤ 82 Marr Road – Public Hearing (ambulance station)

MOVED by Counc. Young and seconded by Counc. Cochrane Council schedule a Public Hearing for Monday, January 10, 2011 commencing at 8:00 p.m., in accordance with the *Community Planning Act*, to give consideration to an amending development agreement for the property situate 82 Marr Road, identified as PID# 30209167 to allow a portion of the existing building to be used as an ambulance station.

CARRIED.

7.8 7 December 2010 Operations Report

MOVED by Counc. Cochrane and seconded by Counc. Shea the Operations Report dated 7 December 2010 be received/filed.

ON THE QUESTION:

It was noted the Dunedin Road sidewalk has been completed and the unfinished landscaping will be done in the spring. DO Hatcher noted Mike Flewelling, CBCL is reviewing the metes and bounds for the proposed project in Oakville Acres, excluding the clearwater sewer project that has already been undertaken and also the Quispamsis infrastructure as it is not within the Town boundaries. He further advised another letter will be sent to the Department of Environment requesting the work be permitted outside of the normal season. It was noted an Environmental Impact Assessment cannot be done without a detailed design.

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8. OLD BUSINESS

8.1 Proposed Zoning By-law 2-10 - Enactment

6 December 2010 Memorandum from Town Clerk Banks

Counc. Cochrane advised a letter had been delivered to his residence and he questioned the procedure as to how to have it introduced for discussion. Mayor Bishop advised the Council policy indicates no new information will be received following the close of the Public Hearing. He indicated should Council wish to review the correspondence received, a staff report could be requested and a second Public Hearing would be required.

MOVED by Counc. Cochrane and seconded by Counc. Kilfoil staff prepare a report on the four letters received with the intention of a second Public Hearing being scheduled.

ON THE QUESTION:

There was a lengthy discussion with respect to the policy and procedure to be followed. The hearing process was outlined, and the dates of the advertising and hearing were noted as contained in the correspondence under Item 6.16. Town Manager Jarvie noted a staff report would contain a general summary and the motion presupposes what would be contained in the report. It was further noted should Council defeat third reading, the process would begin again to re-introduce the Zoning By-law. Mayor Bishop noted receiving new information would require a second Public Hearing to give the opportunity to others who may have additional comments to make. The current practice of Council was noted and it was suggested scheduling a second Public Hearing could open up the process indefinitely in that if someone is away during that time, would there need to be a third hearing, etc. Mayor Bishop concluded that if new information is to be received, everyone has to be given the opportunity to be heard and a second hearing would be required.

YEA votes from Councils. Cochrane and Kilfoil.

NAY votes from Deputy Mayor MacDonald, Councils. Mullett, Shea and Young.

DEFEATED.

MOVED by Counc. Shea and seconded by Counc. Young By-law 2-10, "Rothesay Zoning By-law", be read by Section Number.

CARRIED.

The Clerk read By-law 2-10 by section number.

MOVED by Counc. Shea and seconded by Counc. Young 3rd Reading by Title, and Enactment be given By-law 2-10, "Rothesay Zoning By-law".

CARRIED.

8.2 Highway Use Permit Agreement Fax Poll Ratification

15 November 2010 Request from DO Hatcher

24 November 2010 Fax Poll

Highway Use Permit agreement

MOVED by Counc. Cochrane and seconded by Deputy Mayor MacDonald Council ratify the fax poll of 24 November 2010; more specifically: Council authorize the Mayor and Clerk to enter into the Highway Usage Permit – 2010-02 (Water Transmission Main – Town of Rothesay), as between the New Brunswick Highway Corporation and the town of Rothesay, dated 1 November 2010.

CARRIED.

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9. **NEW BUSINESS**
BUSINESS ARISING FROM DELEGATIONS

9.1 KV Committee for Disabled Persons

2 December 2010 Letter from KV Committee for Disabled Persons

MOVED by Counc. Shea and seconded by Counc. Cochrane the letter from KV Committee for Disabled Persons and presentation dated 2 December 2010 be received/filed.

CARRIED.

9.2 2011 Committee Appointments

9 December 2010 Memorandum from Town Clerk

MOVED by Deputy Mayor MacDonald and seconded by Counc. Shea Council ratify the appointments as noted, with typographical corrections and accept the Committee List as attached hereto, and forming a part of the Council minutes; with the addition of Julia Barry as an alternate student representative on the Parks and Recreation Committee.

CARRIED.

10. **NEXT MEETING**

The next regular meeting of Council will be held on Monday, January 10, 2011.

MOVED by Counc. Cochrane and seconded by Deputy Mayor MacDonald Council schedule a special meeting for Tuesday, December 21, 2010 at 8:00 p.m.

ON THE QUESTION:

Mayor Bishop noted the Closed Session meeting would begin at 6:00 p.m.

NAY vote recorded from Counc. Young.

CARRIED.

11. **ADJOURNMENT**

MOVED by Counc. Young and seconded by Counc. Kilfoil the meeting be adjourned.

CARRIED.

The meeting adjourned at 9:35 p.m.

MAYOR

CLERK