PUBLIC HEARING – 2020 MUNICIPAL PLAN WEBEX VIDEOCONFERENCE



Pursuant to the *Local Governance Act* and the Province of New Brunswick
State of Emergency (declared 19 March 2020)

Tuesday, February 2, 2021 6:00 p.m.

PRESENT: MAYOR NANCY GRANT

DEPUTY MAYOR MATT ALEXANDER

COUNCILLOR GRANT BRENAN COUNCILLOR PETER J. LEWIS

COUNCILLOR TIFFANY MACKAY FRENCH

COUNCILLOR BILL McGUIRE COUNCILLOR DON SHEA COUNCILLOR MIRIAM WELLS

TOWN MANAGER JOHN JARVIE TOWN CLERK MARY JANE BANKS

DIRECTOR OF PLANNING/DEVELOPMENT (DPDS) BRIAN WHITE

DIRECTOR OF OPERATIONS (DO) BRETT McLEAN DIRECTOR OF REC/PARKS (DRP) CHARLES JENSEN

TREASURER DOUG MacDONALD

ADMINISTRATIVE ASSISTANT LIZ POMEROY

PUBLIC HEARING

By-law 1-20 Rothesay Municipal Plan 2020-2030

1. Introduction

Mayor Nancy Grant

2. Documentation

Documents available online at Rothesay Council agendas

12 January 2021 Public Hearing Notice (with summary of social media messages)

DRAFT By-law 1-20 Rothesay Municipal Plan 2020-2030 (previously

provided) Online at Rothesay Municipal Plan 2020-2030

29 January 2021 Memorandum from Town Manager Jarvie

28 January 2021 Presentation – Dir. Planning/Development Services (DPDS) White Staff Analysis (Public Presentation Comments) from DPDS White

Appearances: Director of Planning/Development Services (DPDS) Brian White

Christianne Vaillancourt

Chip Smith
Ralph Forte
Gavin Langille

John Murphy (President MHAAC)

Shelly Johnson (MHAAC)

Mike Maloney Gillian Wallace

Nicole and Mark Robertson

Comments:

11 January 2021 Comments from Councillor Wells

18 January 2021 Comments from S. Johnson, Manufactured Housing Association

(Atlantic)

26 January 2021 Comments from resident - 4 Carriage Way

26 January 2021 Comments from resident - 34 Sprucewood Avenue

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Mayor Grant called the videoconference to order at 6:00 p.m. noting she, Town Manager Jarvie, and Town Clerk Banks were present in the Sayre Room at Rothesay Town Hall, observing physical distancing requirements, and wearing masks. Council members, staff, and residents were connected remotely.

Mayor Grant thanked DPDS White and his team for developing the draft Municipal Plan, and residents for their engagement throughout the process. She outlined the following timetable for the Municipal Plan:

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Date	Action
June 5, 2018	Community Outreach on new Plan started
	Citizen Satisfaction Poll
	Meetings with the public
	Online website for comments
	(Employee hired to assist with development of
	Plan)
May 13, 2019	Hillside Secondary Plan adopted in principle by
	Council
July 7, 2020	Draft Plan provided to Planning Advisory
	Committee
July 7, 2020	Planning Advisory Committee
	Recommendation for Public Notice
August 4, 2020	Draft Plan provided to Council
August 5, 2020	Council (under Planning Advisory Committee
	Minutes)
	Tabled to the September Council
	meeting
August 10, 2020	Council (under Planning Advisory Committee
	Minutes)
	Tabled to the September Council
	meeting
September 14, 2020	Council
	Public notice for Public Presentation
	(28 Sep 2020)
September 28, 2020	Public Presentation
October 13, 2020	Council
	Extension of legislated comment period
	(27 Nov 2020)
January 11, 2021	Council
	Public Hearing scheduled (2 Feb 2021)
	Comments received from Public
	Presentation
January 12, 2021	Website Hearing Notice posted with News Story
	Facebook and Twitter messages posted for:
January 15, 18, 21, 24, 26 (2021)	Submission of Comments deadline notice
January 16, 19, 22, 25 (2021)	Hearing Participation registration deadline
	notice
January 29, February 1, 2 (2021)	Live Stream Reminders for Hearing broadcast
	(Facebook and Twitter)

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Mayor Grant explained the procedure for the meeting, noting: the Director of Planning and Development Services (DPDS) Brian White will give a presentation; Council may then ask questions or provide comments; participants will then be invited to speak in the order registrations were received; each participant will state their name and address and have a ten minute time limit in accordance with the Procedural By-law; questions and comments will then be sought from Council; followed by closing statements from DPDS White; and the meeting will conclude by addressing the comments received following the legislated comment period, and subsequent adjournment. She added no decisions will be made tonight.

Mayor Grant listed the documentation provided and noted, if necessary, a supplemental report will be prepared by staff following the meeting. Based on public feedback, staff have recommended amendments to the draft Municipal Plan with respect to Policy R-3 Short Term Housing Rental, Policy R-8 Manufactured Housing, and the Future Land Use Map.

DPDS White gave a presentation highlighting the following:

- An overview of the process to date
- The purpose of the Municipal Plan (policies and context) and Zoning By-law (regulations and dimensions)
- By-law 1-20: is intended to replace By-law 1-10, applies to all of Rothesay, and will be replaced by a new Municipal Plan in 2030
- Layout of the Municipal Plan Chapters pertaining to: Land Use, Municipal Services and Infrastructure, Development Control, Implementation, and Schedules and Maps (Land Use Map, 5 Year Capital Plan, and Map of Future Public Streets)
- ► Inclusion of Schedule B 5 Year Capital Plan
 - Council is permitted to amend the 5 Year Capital Plan on an annual basis
- Recommended amendments to the draft Municipal Plan include:
 - o *Policy R-3 Short Term Rentals:* Regulation, rather than prohibition, of short term rentals for a period 28 days, as opposed to 31 days, to accommodate the month of February.
 - O Policy R-8 Manufactured Housing: revised, and renamed, to "Design and Appearance of Buildings" in order to better convey the intent to regulate residential buildings with uncharacteristic design and incompatible architectural styles to those commonly found in Rothesay. It was noted Policy R-8 was not intended to target the entire manufactured home construction industry.
 - o Future Land Use Map: Hampton Road and Hibbard Land medium density residential lands, and high density residential lands off Carriage Way and Bel Air Avenue be designated to low-, and medium-, density residential, respectively.

Counc. Shea commended staff for their work on the draft Plan. He asked if 2020 will change to 2021 in the title if the Municipal Plan is enacted this year. DPDS White confirmed it will, adding staff will address this and other "housekeeping" recommendations before enactment.

Counc. Brenan requested more clarity in terms of wording for Policy R-8, noting it is difficult to determine what the "appropriate standards" will be. DPDS White explained the recommended revision is intended to align with the current Zoning By-law restriction prohibiting construction of buildings that exceed a length to width ration of 3:1. He added staff do not recommend this restriction be changed.

Deputy Mayor Alexander thanked DPDS White and staff for preparation of the draft Plan. He noted he hopes that Policy R-3 will be amended further to permit short term rentals for periods less than 28 days, contingent upon a requirement that the dwellings be "owner occupied". He explained he does not foresee an issue as Rothesay is not typically a tourist destination, and stipulating a time period of 28 days will not eliminate anticipated enforcement challenges.

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Counc. Wells echoed the comments of Counc. Brenan and the Deputy Mayor. She noted community members offering short term rental housing have expressed agreement with the "owner occupied dwelling" caveat. She stated she prefers if short term rentals were regulated as this will allow staff to act on individual complaints should they arise. She added she agrees with the request for more clarity regarding acceptable architectural standards mentioned in Policy R-8.

Counc. McGuire added he is in agreement with the aforementioned concerns, more specifically a stipulation for owner occupied dwellings for short term rentals, and further clarification for acceptable design standards, stating this should not just be at the discretion of staff. He added he was pleased to see the recommendations for amendments to the Future Land Use Map.

Counc. Mackay French added her support for Council's comments pertaining to policies R-3 and R-8. She echoed the Deputy Mayor's suggestion to allow short term rentals for periods less than 28 days with a stipulation that the dwellings be "owner occupied". She acknowledged that it will be difficult to monitor if short term rental properties are owner occupied. She further agreed the acceptable standards in Policy R-8 need to be clearly identified. She noted her appreciation for the recommendations to amend the Future Land Use Map. She concluded by stressing the importance of ensuring the Town does all it can to preserve the natural green space and trail system in the area of Spy Glass Hill.

Counc. Lewis referenced Policy CP-1 and asked why this is necessary if the Town is responsible for the condition of public roads. He added this may hinder developers that have met all Town requirements and received project approval. DPDS White advised the policy is to align with the Town's current authority to regulate heavy loads on public roads. Director of Operations (DO) Brett McLean explained the intent is to protect Town infrastructure, and subsequently taxpayers. The Town has the authority to refuse projects, or hold developers accountable for damage to Town infrastructure, if it is believed the development will create undue stress on Town infrastructure. The policy prevents financial burdens on taxpayers for repairs if damage is caused by construction. Counc. Lewis commented on the issues regarding roads in the Wells area and noted this could be problematic for developers. He questioned if the Town has the authority to restrict development in this way. DO McLean advised the Town does possess the authority to do so, and if they wish, individuals can appeal such decisions through proper processes. He added the Town is responsible for maintaining designated truck routes throughout Rothesay. There are specifically intended for the transportation of heavy loads, as not all roads are suitable for this purpose.

Counc. Lewis requested further clarification regarding Policy CP-2, "holding zone", and Policy R-5 Secondary Units and Garden Units. DO McLean clarified Policy CP-2 is not intended to hamper construction but ensure hauling is conducted in a manner that does not negatively impact the quality of life for residents. DPDS White explained a holding zone is a zone that prohibits development until municipal services can be extended into the area. He clarified, an example of a Garden Unit would be a detached single family one bedroom cottage-style home in the backyard of a larger residence.

Mayor Grant invited Christianne Vaillancourt, of 11 Almon Lane, to speak.

Ms. Vaillancourt thanked Council and staff for the opportunity to speak. She commended the Town on the substantial work required to develop the Plan. She noted she has been a resident for over 20 years and chose Rothesay for its quiet and beautiful nature. She explained, as a self-proclaimed "city girl", she is not opposed to development as long as it is done in a strategic manner. She highlighted the following from her correspondence:

- Opposition to the focus on rezoning low density residential areas to medium-, or high-, density
 - O There is no evidence to suggest Rothesay will experience the demand necessary to warrant such changes

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- O The COVID-19 pandemic has demonstrated the need to focus on increasing, rather than condensing, space to reduce the spread of viruses
- o Medium and high density areas should be concentrated near Rothesay's commercial district (ex. Marr Road, or near gyms and grocery stores)
- Areas along Hampton Road (near Town Hall, Arthur Miller Fields, and Hibbard Lane) and Rothesay Road (near Gibbon Road) are too far away from Rothesay's commercial district to merit rezoning to higher densities
 - Individuals prefer to drive, rather than walk, to and from these areas for errands
 - Inviting additional traffic to these high traffic areas would be problematic
- o Rezoning Rothesay Road in front of the Riverside Country Club could invite other commercial recreation areas to do the same (Rothesay Yacht Club, Boat Club, etc.)
- o Higher density zones impede on the quiet character of low density or traditional zones
- o Consider scale and increased setbacks when discussing developments
 - Large properties on small lots reduces greenspace and can impact stormwater drainage

She expressed appreciation for the recommendations to revert areas along Hampton Road near Hibbard Lane, and Bel Air Avenue, back to their original land use designations. She stressed the importance of identifying assets and strategies for growth, maintaining quality of life, and reiterated the need for walkable commercial corridors. She once again applauded the Town on its work thus far on the draft Municipal Plan.

Counc. Wells thanked Ms. Vaillancourt, and noted she agrees that the Plan should not only focus on attracting new residents, but improving the quality of life for existing residents as well.

Mayor Grant thanked Ms. Vaillancourt.

Mayor Grant invited Chip Smith to speak. There was no response (not present)

Mayor Grant invited Ralph Forte, of 120 Appleby Drive, to speak.

Mr. Forte thanked Council and suggested the following changes:

- *Built Form & Land Use:* Regulate existing and future development to ensure Rothesay is designed in a way that makes it aesthetically pleasing, and attractive for prospective, *and existing*, residents and business owners;
- Policy R-5 Secondary Units and Garden Units: Remove, as this contradicts the desire to "protect existing residential character"
 - o If this policy cannot be removed, then apply it solely to new developments so potential buyers are aware that density in the area could change
- Policies R-4, R-6, and R-7: eliminate commercial signage, and reconsider "blanket changes" as staff mentioned such applications are infrequent
- Traditional Area Designation: it should be acknowledged that residents in this area are not the only residents to have "a strong connection to their property"
- The 2010 Plan provided protection against obscuring the views of property owners, especially of the river. This should be carried forward into the new Plan.

Mr. Forte suggested discussion of the draft Plan be deferred until in-person public participation can resume, citing: higher levels of public engagement during Hillside Secondary Plan discussions compared to the Municipal Plan Public Presentation; lack of Council input at this time; residents are distracted by the ongoing pandemic and require time to adequately review a document of such magnitude; and not all individuals are comfortable participating by electronic means.

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Counc. Brenan thanked Mr. Forte, and agreed that the process has been hindered by the COVID-19 pandemic. He acknowledged this has been difficult but the Town is "playing the cards we've been dealt". He noted: it is difficult to know exactly what the community thinks of the Plan; the preliminary discussions at the public forums, roughly two years ago, were well received; and while it is not the intent, the process has been rushed to some degree.

Counc. Shea thanked Mr. Forte, and asked if he is suggesting Policy R-5 be eliminated, and the current policy be maintained. Mr. Forte confirmed this was correct.

Deputy Mayor Alexander noted his agreement with Mr. Forte's suggestion to apply Policy R-5 solely to new developments so prospective buyers know what they are getting into.

Counc. Wells thanked Mr. Forte, and noted she agrees with the importance of maintaining the nature of the existing community. She expressed agreement with comments made in terms of Garden Units, but suggested secondary suites allow older generations to stay in Rothesay without the burden of home ownership, which aligns with the Town's interest in maintaining an Age-Friendly community. With respect to discussions on the Plan during a global pandemic, she acknowledged the timing is not ideal, but noted life carries on despite difficult circumstances. She added it is fortunate technology is available to allow the continuation of such tasks. While this may deter some residents, individuals are still able to submit feedback through more traditional methods. She commented on the significant learning curve required of a newly elected Council. She explained it would be beneficial, and less onerous, to complete the process before the election enabling the current Council to utilize their experience and considerable background knowledge of the Plan. She noted it is a pleasure to see the level of public engagement received thus far.

Counc. McGuire thanked Mr. Forte for his in-depth analysis. He noted citizen participation is sometimes difficult to obtain as most residents appear to be content with the quality of life in the community. This is demonstrated by usually low public attendance at the Town's annual public budget presentation. He conveyed his appreciation for the efforts put forth by residents that have offered their input tonight.

Mayor Grant noted Gavin Langille had advised by email he cancelled his registration to speak.

Mayor Grant invited John Murphy, President of Manufactured Housing Association of Atlantic Canada (MFHAAC), to speak.

Mr. Murphy explained his intent was to provide background on the manufactured housing industry in order to combat the misconceptions that may have led to the development of Policy R-8. However, this has become unnecessary due to the proposed amendments to Policy R-8 recommended by staff. Instead, he offered to answer any questions Council may have.

Deputy Mayor Alexander noted it is not only beneficial to hear from residents, but from other stakeholders such as MFHAAC as well.

Counc. Brenan thanked Mr. Murphy, and noted the quality of manufactured housing is comparable to other methods of construction.

Mayor Grant thanked Mr. Murphy.

Mayor Grant invited Shelly Johnson, of Manufactured Housing Association of Atlantic Canada (MFHAAC), to speak.

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Ms. Johnson echoed Mr. Murphy, and noted it is not uncommon for the manufactured housing industry to be unfairly judged based on stereotypes, for example models constructed in the 1960s that have since been discontinued. She added the industry has come a long way, and she is happy to see the proposed amendments to Policy R-8.

Mayor Grant thanked Ms. Johnson.

It was noted Mike Maloney was experiencing technical issues, and will be given the opportunity to speak later in the meeting, once they have been resolved.

Mayor Grant invited Gillian Wallace, of 69 Scovil Road, to speak.

Mrs. Wallace apologized to Council regarding her claims that Council had already given 1st and 2nd Reading to the By-law. She noted she understands now that this has not yet occurred. Mrs. Wallace explained her family's longstanding history in Rothesay since 1910, including operation of the former Kennedy House Hotel on Rothesay Road, and a donation to the Town in the form of land for the Kennedy-Steele Park. She expressed concern the draft Plan prioritizes development at the risk of the history, lifestyle, and environment of Rothesay. She clarified she is not opposed to development as long as it is done in a way that balances present plans while honouring the Town's past, and character. She advised against encouraging development in order to increase tax revenue. She noted the pros, cons, and overall impact of each development must be carefully considered, especially in terms of increased need for municipal services and infrastructure, traffic, permeable and impermeable spaces, and environmental degradation. She expressed concern regarding a sense of urgency for development that favors developers, and could damage the quality of life in Rothesay. She noted she does not wish to live in a place like Mississauga East. She added the draft Plan lacks clear and meaningful guidelines for crucial issues such as waterfront construction. She explained this is problematic due to the Town's experience with recent historic flooding events and their impact on municipal infrastructure.

Mrs. Wallace highlighted the following concerns:

- 1. The forecasted population decline, and the existing character of Rothesay (primarily single-family homes with decent sized lots, trees, greenspace, and enjoyment of the river) should carry significant weight in planning decisions
- 2. Wording in policies LDR-2, MDR-2, HDR-2, TA-2, R-10 does not clearly outline what "compatible uses" may be permitted and this allows "anything and everything to be built anywhere on residential lands within the Town."
- 3. Opposition to rezoning the front portion of the Riverside Country Club to High Density Residential as this encourages high density in a single family residential neighbourhood
- 4. Clarification is needed in Policy OsC-8, with respect to:
 - a. A Rothesay Common Master Plan, more specifically "potential expansion"
 - b. "Addressing emerging recreational trends and needs" and if this refers to an intent to "put more" on the Common, which she would not agree with
- 5. Policy GT-1: remove bike lanes from roadways, and instead design separate bike lanes into wider sidewalks to improve safety
- 6. Rail: National Guidelines for New Development in Proximity to Rail Operations should be incorporated into the Plan as they have been available since 2013
- 7. Flooding and Flood Risk areas: the Plan should not allow any development within areas in the Town that are susceptible to damage from flooding, and these areas should be identified in a floodplain map.

Counc. McGuire expressed concern regarding the misconception that Council considers tax revenue when making decisions. He noted his focus is on the betterment of the community. For example, improvements to the Rothesay Common have significantly improved drainage on the property.

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Mayor Grant thanked Mrs. Wallace.

Mayor Grant invited Mike Maloney, of 34 Sprucewood Avenue, to speak.

Mr. Maloney explained he constructed a granny suite in his home for an ailing family member. Following the family member's passing, the granny suite was converted into an area for short term rental accommodations (Airbnb) as a means to recover investments for the granny suite. He commented on the success of the business noting: high demand from families transitioning between homes, and individuals visiting family members living in Rothesay, as well as a careful customer vetting process to protect his family, especially his young children. He noted short term rentals are beneficial because they create a source of income for property owners, and provide an option for affordable housing. He noted he is happy to see the amendments to Policy R-3 thus far, but would like to see shorter terms permitted. He added it may be difficult to enforce a condition requiring an owner occupied dwelling. He suggested sensible parameters be identified, and consideration be given to what would happen if a property owner is out for the afternoon, day, or weekend.

Counc. Brenan noted he was unaware of the presence of short term rentals in Rothesay until discussions for the Municipal Plan. He noted his appreciation for short term rental accommodations as this has given a member of his family a place to stay during a quarantine period.

Counc. Wells explained she has spoken to Mr. Maloney in the past, and he enlightened her to the benefits of short term rental housing. She agreed that most concerns can be quashed with regulations, more specifically, a condition that the dwellings be owner occupied. She questioned if owners would be required to obtain permission from the Planning Advisory Committee. DPDS White clarified, at this time, short term rental housing is prohibited in Rothesay as they contravene the current Zoning By-law. He advised Policy R-3, with amendments proposed by staff, is intended to create an opportunity for property owners to access an alternative source of income, while ensuring neighbouring property owners can enjoy their current quality of life.

Counc. Mackay French noted Council expressed interest in deferring decisions regarding current short term rental properties until the Municipal Plan is enacted. She noted it appears Council is in favour of permitting short term rentals in owner occupied dwellings. She stated she is in favour, but cautioned that ensuring the properties are occupied by their owner will be difficult to regulate. She thanked Mr. Maloney noting his comments have shed light on the care taken by owners to ensure these businesses are beneficial to both owners and the community. She added these accommodations can be preferable to hotels.

Deputy Mayor Alexander thanked Mr. Maloney for his comments. He noted he does not foresee an issue with short term rentals of a shorter duration as long as there are regulations to protect the existing quality of life for other residents.

Counc. Shea noted he concurs with Counc. Mackay French. He asked Mr. Maloney about average length of stays for bookings, and the impact Policy R-3 would have on his business if enacted with the recommendations of staff. Mr. Maloney informed Council bookings can depend on different factors, for instance shorter stays were popular when travel restrictions eased during the time of the "Atlantic Bubble". He reported his primary customers are individuals transitioning between homes at which time the length of stay can vary. He explained he typically does not accept stays of long duration as this gives his family a level of freedom to enjoy their property without customers as well. He added Airbnb allows owners to screen customers to ensure they are a good fit for the property. He further noted should Policy R-3 be approved with the recommendations it would limit options within his customer base.

Mayor Grant thanked Mr. Maloney.

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Mayor Grant invited Nicole Robertson, of 66 Bel Air Avenue, to speak.

Mrs. Robertson thanked Council. She explained her intent was to oppose the rezoning of the parcel of land near Bel Air Avenue. After hearing staff's recommendation, to revert the parcel of land to its original land use designation, she noted her comments are unnecessary. She thanked the Town for listening to the concerns of residents.

Mayor Grant thanked Mrs. Robertson.

Mayor Grant invited DPDS White to provide his closing comments.

DPDS White commented on the excellent feedback received. With respect to Policy R-5, he clarified, the intent is to protect low density residential areas by allowing the community to grow, and maintain its Age-Friendly designation, by creating a smaller scale option than the construction of apartment buildings. He advised Council can request amendments however staff recommend against removing the policy entirely.

Counc. Wells asked what restrictions will be implemented to ensure these "backyard suites" do not create congested lots and impose on surrounding properties. DPDS White advised regulations will be incorporated into the Zoning By-law to ensure all secondary units are reasonable in terms of scale to the primary residence (for instance maximum number of bedrooms, footprint, floor size, etc.). As an example he noted a restriction may stipulate a secondary unit cannot exceed 30% of the size of the primary residence. Counc. Wells expressed concern that some residences are quite large and this may result in secondary units of a considerable size. She asked if Planning Advisory Committee, or Council, approval will be required for applications of this nature. DPDS White clarified his example, restricting the size of a secondary unit to 30% of the size of the primary residence, was meant as an illustration and was not meant in a literal manner. He explained specific regulations will be discussed when preparing a new Zoning By-law following enactment of the new Municipal Plan.

Counc. Mackay French echoed Counc. Wells, and expressed concern that lots could become crowded. She suggested it would be beneficial to poll neighbouring property owners if applications are reviewed by the Planning Advisory Committee. She questioned if occupancy of these units will be restricted to family members. DPDS White advised these details will be discussed during development of a new Zoning By-law. Counc. Mackay French commended staff for the presentation, and thanked all participants. She reiterated the need to ensure the Municipal Plan does not ignore the needs of existing residents

Mayor Grant thanked all the speakers. She reported correspondence was received from four individuals following the legislated comment period.

MOVED by Deputy Mayor Alexander and seconded by Counc. Mackay French the correspondence (4) received following the legislated comment period of November 27, 2020 be received for information.

CARRIED.

3. Adjournment

MOVED by Counc. Brenan and seconded by Counc. Mackay French the public hearing be adjourned.

The public hearing adjourned at 7:50 p.m.

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