

**ST. CLAIR TOWNSHIP  
COUNCIL MINUTES  
SESSION # 16**

St. Clair Civic Centre  
Council Chambers  
September 15, 2014  
5:00 pm

The regular semi-monthly meeting of the Council of the Corporation of the Township of St. Clair was held this evening with the following members present:

	S. Arnold	Mayor
	P. Gilliland	Deputy Mayor
	P. Carswell-Alexander	Councillor
	D. Randell	“
	J. Agar	“
	J. DeGurse	“
	S. Miller	“
Staff:	J. Rodey	CAO
	J. Baranek	Clerk/ Deputy CAO

**TOWNSHIP OF ST. CLAIR  
COUNCIL AGENDA**

St. Clair Township Civic Centre  
September 15, 2014  
5:00 p.m.

**Declaration of Conflict of Interest:**

**Adopt Minutes:**

Regular Council – Session #15 – September 2, 2014  
The Sombra Museum Board Committee Meeting Minutes – August 21, 2014

**Business Arising from the Minutes:**

**DEPUTATIONS AND APPOINTMENTS:**

5:30 p.m. – HydroOne Public Meeting  
6:15 p.m. – Moore Foundation cheque presentations  
6:30 p.m. – Drouin – sign presentation  
6:40 p.m. – Operation Christmas Tree – Fred Strickland  
6:50 p.m. – Bogey’s Inn noise issues

**CORRESPONDENCE:**

- a) Bogey’s Inn – Noise Complaints
- b) Mooretown Minor Hockey Association – Sponsorship request
- c) Operation Christmas Tree – Accommodation request
- d) Lottery Licence fees – Firefighters
- e) 3028 Kimball Rd. – Second home request
- f) Booth Creek cleanout – protest
- g) Legion Branch 635 Brigden – cenotaph walkway
- h) Dream Lottery Tickets – permission request
- i) 244 Cameron St. – property standards

**INFORMATION:**

- 1) Building Permits – August 2014
- 2) Thank You – Moran family
- 3) Shell – maintenance notice

**DRAINS:**

By-law #21 of 2014, 1<sup>st</sup> and 2<sup>nd</sup> readings – McDonald Drain

**REPORTS OF COMMITTEES AND OFFICERS:**

Barry Uitvlugt, Senior Planner  
- Site Plan Agreement – Shell Canada Ltd., 150 St. Clair Pkwy.

**DEPUTY CLERK/COORDINATOR OF PLANNING:**

- Severance Conditions of Approval B09/13 – 4166 St. Clair Parkway

**CLERK'S REPORT:**

- Jeff Vandergulik – Trapping Permission  
- By-laws 44, 50, 51 and 52 of 2014 report

**CAO'S REPORT:**

**MOTIONS:**

- Recommendations from September 15, 2014 – Finance & Administration and  
Public Works & Operations Committees

**BY-LAWS:**

44 of 2014 – Noise By-law  
50 of 2014 – Eastern Power encroachment agreement  
51 of 2014 – Township boulevard parking restrictions  
52 of 2014 – Clean Harbors – Host agreement  
53 of 2014 – Site Plan Agreement – Shell Canada Ltd., 150 St. Clair Pkwy.

**COUNCILLORS' REPORTS:**

**UNFINISHED BUSINESS:**

**NEW BUSINESS:**

**UPCOMING MEETINGS:**

Regular Council – Monday, October 6, 2014 – 6:30 p.m.  
Committee of the Whole – Monday, October 20, 2014 – 3:00 p.m.  
Regular Council – Monday, October 20, 2014 – 5:00 p.m. (after C.O.W.)

**In Camera**

- property & legal

**ADJOURNMENT:**

Moved by D. Randell

Seconded by S. Miller

**Motion #1** That the regular meeting of Council be convened at 4:30 p.m.

**CARRIED**

The Mayor called the meeting to order at 4:30 p.m. and asked members of Council to declare any possible conflicts of interest at the appropriate time.

None declared.

The Mayor then welcomed Walid Khalifa, owner of 1188 Kimball Road, to present to Council his plans for the former school building on the property.

Walid informed Council that he seeks a temporary use by-law to permit a trailer, which is already on site, to be inhabited for a 12 month period. During this time, the trailer will serve as accommodations for his family while the building is remediated and renovated. The plan for the building is to remediate one section for his family home, a middle section will become storage for vehicles, and the final section will be remediated for a dwelling for his son.

Mayor Arnold reminded Walid that the current zoning only allows a single dwelling and that a second dwelling would require a re-zoning to which Walid acknowledged and assured Council once the building is remediated, he will undertake the rezoning process for whatever uses are envisioned for the building at that time.

Walid informed Council that he is coming back and forth from Hamilton and requires accommodations when he needs to be on-site for contractors. He continued by stating he has contractors waiting to begin the remediation and removal of asbestos containing materials but needs water to be in place. Thus, he asked permission to have water connected not only to the trailer but also into the school in one of the washrooms to be used as a contractors' washroom facility. The Clerk informed Council we have received confirmation from an environmental firm that there are no hazardous materials in the washroom or boiler room where the water will be connected to the building.

Councillor Randell stated that he would like to see the property cleaned up as it has become unsightly.

Moved by D. Randell

Seconded by P. Carswell-Alexander

**Motion #2** That permission be granted to the Owners of 1188 Kimball Road to connect a waterline to the washroom in the former school and that a temporary use by-law be approved to permit the use of the trailer for 12 months during remediation of the former school with the conditions being that the Township building inspector be authorized to enter the premises at all times and that the Owners come back at the end of the 12 month period with their plans for the building and agree to undertake all necessary planning processes.

**CARRIED**

**ADOPT MINUTES:**

Council proceeded to review the minutes as listed on the agenda.

Moved by P. Gilliland

Seconded by P. Carswell-Alexander

**Motion #3** That the Minutes from the Council meeting Session #15 – September 2, 2014, be received and accepted as printed.

**CARRIED**

Moved by D. Randell

Seconded by J. Agar

**Motion #4** That the Minutes from the Sombra Museum Board Committee meeting held August 21, 2014 - be received as printed.

**CARRIED**

**CORRESPONDENCE:**

Council proceeded to review the correspondence as listed on the agenda.

Moved by J. Agar

Seconded by J. DeGurse

**Motion #5** That the Township become a “board” sponsor for the Mooretown Minor Hockey Association for a two year period in the amount of \$1000.

**CARRIED**

Moved by P. Carswell-Alexander

Seconded by P. Gilliland

**Motion #6** That any fundraising lottery undertaken by a local fire department be charged the 3% fee for a lottery licence and subsequently, the fee will be donated back to the department.

**CARRIED**

Moved by P. Gilliland

Seconded by P. Carswell-Alexander

**Motion #7** That the Township enter into an agreement with the owners of 3028 Kimball Road to grant permission to Kent and Lauren Van Ewyk allowing their existing residence to remain on-site for a period of two years while their new home is erected. This Agreement is subject to a security deposit to be returned once the existing home is removed.

**CARRIED**

Moved by P. Carswell-Alexander

Seconded by S. Miller

**Motion #8** That the protest submitted by ratepayers on Booth Creek in opposition to the proposed cleanout be sent to staff for a report to be brought back to Council for consideration.

**CARRIED**

Moved by P. Carswell-Alexander

Seconded by J. DeGurse

**Motion #9** That permission be granted to the Dream Lottery to sell their tickets within the municipality at our local Shopper’s Drug Mart location.

**CARRIED**

Moved by P. Carswell-Alexander

Seconded by S. Miller

**Motion #10** That the property standards complaint about 244 Cameron Street in Corunna be sent to the Property Standards Officer for investigation.

**CARRIED**

Moved by J. DeGurse

Seconded by J. Agar

**Motion #11** That Council accept the following items of correspondence as per Council’s direction:

- a) Bogey’s Inn – Noise Complaints
- b) Mooretown Minor Hockey Association – Sponsorship request
- c) Operation Christmas Tree – Accommodation request
- d) Lottery Licence fees – Firefighters
- e) 3028 Kimball Rd. – Second home request
- f) Booth Creek cleanout – protest
- g) Legion Branch 635 Brigden – cenotaph walkway
- h) Dream Lottery Tickets – permission request
- i) 244 Cameron St. – property standards

**CARRIED**

**DEPUTATIONS AND APPOINTMENTS:**

**Hydro One:**

At the appointed time, Mayor Arnold welcomed Front Line Manager - Mike Gibbings, Assistant Director - Bill Smeaton, and Front Line Manager of Forestry Services - Mark

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Fraser from HydroOne. Mayor Arnold informed those in attendance that the representatives from HydroOne would offer a brief presentation on recent outages, followed by an open question forum.

HydroOne then presented a detailed presentation of the process for reporting and repairing blackouts. They identified the condition and age of the infrastructure that serves the township and the locations of the distribution stations.

Vegetation and forestry crews work year round in this region to prevent outages caused by overgrown or fallen trees. HydroOne encourages anyone who experiences a power outage to contact them and let them know about it and not to rely on someone else to make the call. They are aware of large drops in voltage and amperage in distribution lines immediately but, not always about power outages in homes.

Before questioning began, HydroOne informed people of their website and free mobile app, both of which provide up to date information on all outages along with estimated time of restoration. In addition to the website and apps, customers should feel encouraged to call 1-800-434-1235 when outages occur.

Deputy Mayor Gilliland inquired as to stray electricity experienced under high capacity distribution lines and what health risks they posed. Bill informed the audience that, after vigorous testing, there is no evidence that any health impacts are the result of stray electricity. Bill then agreed to provide more information on this issue to the municipality at a later date.

Roger Flynn of Port Lambton inquired as to what can be done about damage to appliances caused by blackouts, both weather related and otherwise. Mike informed those in attendance of HydroOne's damage control program where you call the hotline and an investigation is done to determine whether or not power interruptions caused the damage. If they are negligent in any way, settlements are determined.

Gord Johnson of Leeland Gardens indicated that his power was off over the weekend and asked how often poles and lines are changed as he loses radio signal every time he drives beneath the pole in his neighbourhood. Mike indicated there is a maintenance program where annual replacements are identified. It's based on a formula of age, of infrastructure and frequency of outages. Every six years they perform an equipment audit where the oldest equipment is replaced. It is possible for lines to be changed without replacing the poles and radio interference is something they will respond to if a call is submitted.

George Bradley of Port Lambton informed HydroOne that he has had 21 power outages in the past two months including seven in the past seven days. He continued by suggesting his appliance's shelf life is cut in half by all the outages and asked HydroOne to consider going back on the M3 distribution line. Mike from HydroOne informed those in attendance that engineers dictate which distribution lines serve which area and, again, encouraged those who experience these type of outages to make sure a call is made to report each outage.

Jim Goodman of Port Lambton informed HydroOne that his power seems to be much less reliable than in years past and recently a tree came down and took out power to twenty homes. He continued by stating that crews reported to the outage and had the power back on expediently and when they said they would. He then asked whether or not the crews would report what caused the outage in an effort to avoid similar outages. HydroOne informed those in attendance that each outage that triggers a repair is documented and the cause of the outage identified.

Crystal Giffels of Brigden informed HydroOne that, in many recent examples, those living on the other side of the street have power when her house does not. She continued by saying she has lost a new router as a result of frequent power outages. She has been unsuccessful with the damage control program whose staff claim that the damage is not related to controllable power outages. HydroOne responded by encouraging Crystal to call each and every time the power goes out, even if it is just momentarily. They continued by informing people that the National Energy Board requires them to provide a standard of

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quality service to all its customers and that updates to the Wanstead Station in 2015 should increase reliability on that specific line.

Bill Watson of Mooretown informed HydroOne that he is the furthest customer south on the feeder from Corunna and often his neighbor has power when he does not. He wondered whether or not the condition or maintenance history was available online for specific lines and poles. HydroOne indicated that it was not available online but that he could make a request for that information by telephone call.

Dave Wilson of Courtright wondered whether or not the constant power blips he experiences is the result of CF Industries' large capacity requirement for their operation. HydroOne informed him that CF has their own distribution lines so they will have zero impact on the power supply to any house in Courtright.

At 6:40 p.m., the Mayor thanked those in attendance for taking the opportunity and extended a warm thanks to the representatives from HydroOne for taking time to address these local issues. He continued by asking the reps from HydroOne to make themselves available for further questioning outside Council Chambers.

### **Moore Foundation:**

Jane Marsh of the Moore Foundation was welcome by Mayor Arnold and asked to come forward to present two grants to local groups. Jane indicated that for 2014 they received only two grant requests and were fortunate enough to be able to accommodate both.

The first grant was given to the Brigden Community Decorating Team who do an outstanding job beautifying the town of Brigden. They used the money to purchase artificial flowers requiring less maintenance. They plan to continue the efforts to bring larger artificial flower baskets to the community and very much appreciated the contribution from the Moore Foundation.

The second grant was presented to the Moore Museum which Jim Townsend accepted on their behalf. They too were very appreciative of the contribution which was going to be used to build a storage room to preserve ancient artifacts for many exhibits.

Mayor Arnold took the opportunity to thank both grant recipients for their dedication and hard work in the Township and offered Council's sincere appreciation for all that they do.

### **Drouin Sign Presentation:**

Mayor Arnold welcomed Jillian and Sheila Drouin to come forward to accept two street signs for "Derek Drouin Drive". Mayor Arnold congratulated them both for the respective achievements of Derek and Jillian at the Olympic Games in London and the recent Pan-Am games where they both won gold medals. He then presented certificates of achievement to Jillian and to Derek, which Sheila accepted on his behalf. Both Jillian and Sheila expressed appreciation for the acknowledgements.

### **Operation Christmas Tree:**

Mayor Arnold then welcomed Fred Strickland to come forward to speak to Council about Operation Christmas Tree. Fred informed Council that the program used the Emergency Services Building basement as their headquarters last year and that it worked perfectly. He asked Council to consider donating the use of the two rooms again for 2014 as rent required for other facilities debilitates the program.

Moved by P. Carswell-Alexander

Seconded by J. Agar

**Motion #12** That Council permit the use of the same two rooms in the basement of the Emergency Services Building that were used in 2013 for Operation Christmas Tree for the same duration.

**CARRIED**

**Noise By-Law 44 of 2014 Consideration:**

Mayor Arnold welcomed those in attendance to participate in a public meeting to consider a new noise regulation by-law. He continued by stating that a new noise by-law is being considered and that the OPP have initially turned down the enforcement of any noise by-law under the current contract they have with the municipality. However, the municipality is in the process of determining what additional costs would be necessary to have the OPP enforce the by-law and, alternatively, what other options can be explored for its enforcement.

Mayor Arnold continued by informing those in attendance that the By-law Enforcement Officer for the Township was never envisioned to go out to contentious noise complaint situations and is, instead, more responsible for enforcement of by-laws for parking and weeds. He informed those in attendance that a site plan is in place on the property and no noise barrier requirement was implemented. The Mayor then opened the floor up for questions/comments.

Doug Shane of 2831 St. Clair Parkway informed Council that the noise from voices and people on the patio stemming from Bogey's Inn is not the concern but rather, the outdoor speakers that keep them up at night, even with closed windows. He expressed concern about having the OPP respond to numerous calls about noise when they should be tending to more pressing issues.

The Clerk informed those present that, if the by-law being considered here tonight was passed, it would be sent to the Senior Justice office for approval effectively making the by-law a Provincial Offences By-law for which one could be ticketed by a By-law Enforcement Officer or local police. A charge could be laid up to 30 days after the incident to the person causing the offence, anyone at the event or the owner who permitted the incident to occur.

Shawn Bogaert, owner of Bogey's Inn, expressed concern about the ability to lay a charge on the owner and the 30 day period in which a charge can be laid. He stated he has been asking people to bring the speakers inside without effect and wants very much to work with his neighbours. Louise Reek informed those in attendance that she is property manager of the grounds now and encouraged those experiencing issues with noise to call her first, before the OPP, at either 519-867-3999 or 519-892-3459.

The Clerk reminded everyone that the by-law is written such that discretion will be afforded to the enforcement officer for noise violations but, not for speakers on after 10:00 p.m., as this by-law would specifically prohibit such a use without written permission of Council.

Councillor Carswell-Alexander encouraged Mr. Bogaert to place a copy of the by-law behind the bar along with policies to help ensure that noise can be contained with the reasonable understanding that the liquor licence is different each week for a special event permit and that there are no full time event workers to rely upon to enforce policy.

Brian Racher of 2837 St. Clair Parkway reiterated that the exterior speakers are the main concern and not the voices of pedestrians. He informed Council that, until now, they have had no direct way to speak to Shawn on the night of the events and that he has no issue with Shawn or the operation but, the speakers need to be brought inside. Jane Racher insisted that local residents are very considerate of the weddings and other events at the facility and do not cut the grass or operate other loud equipment during an event.

Mr. Bogaert reminded everyone that the facility has seven doors at the back of the building that can be constantly opened and closed allowing for sound to leak, even if the speakers are inside the building. He informed them that he has a brief operating season in which to host weddings and is trying to make a small business work.

Deputy Mayor Gilliland stated that it is the responsibility of the owner of an establishment to ensure that it operates within reason and in such a way as to not disrupt the neighbours.

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He continued by stating that outdoor speakers being brought indoors at the proper time is a responsibility of the owner.

Fred Strickland, organizer of Captain Kidd's Days in Corunna, sought clarification about outdoor speakers for special events and was informed by the Clerk that the by-law allows Council to authorize events where outdoor speakers are permitted until a specific time.

Mike McDonald of 2835 St. Clair Parkway agreed that the by-law being considered is a good start but, that residents do not want to be responsible for its enforcement.

Moved by D. Randell

Seconded by S. Miller

**Motion #13** That the Mayor and Clerk be given authorization to execute Noise Regulation By-law Number 44 of 2014 and that it be given all three readings and that it be sent to the Office of the Ministry of the Attorney General for certification as a Provincial Offences By-law.

**CARRIED**

**INFORMATION:**

Moved by P. Carswell-Alexander

Seconded by D. Randell

**Motion #14** That the following items of information be dealt with as per Council's instructions for items identified as agenda items #1 thru 3:

- 1) Building Permits – August 2014
- 2) Thank You – Moran family
- 3) Shell – maintenance notice

**CARRIED**

**DRAINS:**

Moved by J. DeGurse

Seconded by J. Agar

**Motion #15** That Drainage By-law #21 of 2013, being a by-law to raise the sum of \$465,326.00 being money expended out of the General Funds of the Township of St. Clair for construction of the McDonald Drain, be given first and second readings and be provisionally adopted.

**CARRIED**

**REPORTS OF COMMITTEES AND OFFICERS:**

Moved by J. DeGurse

Seconded by P. Carswell-Alexander

**Motion #16** That approval be given in principle to the site plan agreement for Shell Canada Limited to permit the erection of two new instrumentation buildings provided all municipal concerns are addressed financially and otherwise and that Council pass By-law 53 of 2014 pertaining to this Agreement.

**CARRIED**

**DEPUTY CLERK/COORDINATOR OF PLANNING:**

Moved by P. Carswell-Alexander

Seconded by D. Randell

**Motion #17** That the report of Carlie McClemens – Deputy Clerk dated September 10, 2014 be received and that direction be given to staff to advise the applicant to re-apply for a subsequent consent to sever the two lots if conditions of the original consents are not satisfied by October 28, 2014.

**CARRIED**

**CLERK'S REPORT:**

Moved by S. Miller

Seconded by D. Randell

**Motion #18** That it be recommended to Council that the report of Jeff Baranek – Clerk dated September 10, 2014 with regard to By-laws 44, 50, 51 and 52 of 2014 be received as information.

**CARRIED**



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Moved by J. DeGurse

Seconded by P. Carswell-Alexander

**Motion #19** That Jeff Vandergulik be hereby authorized to trap in roadside and municipal ditches for the upcoming fur trapping season.

**CARRIED**

Moved by P. Carswell-Alexander

Seconded by S. Miller

**Motion #20** That consideration of By-law 51 of 2014, being a by-law to prohibit winter roadside parking and parking of recreational vehicles on boulevards, be tabled to allow staff to introduce a provision that would prohibit the parking of boats and trailers on a municipal road allowance when not attached to a motorized vehicle.

**TABLED**

Moved by J. Agar

Seconded by P. Carswell-Alexander

**Motion #21** That By-law 50 of 2014, being a by-law to allow an encroachment into a municipal road allowance by Eastern Power for a fibre optic cable, be given all three necessary readings and the Mayor and Clerk be authorized to execute any appurtenant agreements thereto.

**CARRIED**

Moved by P. Carswell-Alexander

Seconded by P. Gilliland

**Motion #22** That By-law 52 of 2014, being a by-law to permit a new Host Agreement between the Municipality and Clean Harbors, be given all three necessary readings and the Mayor and Clerk be authorized to execute the Agreement.

**CARRIED**

Moved by P. Carswell-Alexander

Seconded by D. Randell

**Motion #23** That a vendor's permit be issued to Brenda Coulombe to operate a refreshment vehicle on the property known as 159 King Street, Sombra with written permission from the owners of the property, and only after all inspections are passed and submitted and the fee is paid.

**CARRIED**

**CAO'S REPORT:**

CAO John Rodey informed Council that he had a legal and property issue to discuss in-camera.

**MOTIONS:**

Moved by D. Randell

Seconded by P. Gilliland

**Motion #24** That the recommendations from September 15, 2014 – Finance & Administration and Public Works & Operations Committees be received and approved.

**CARRIED**

**BY-LAWS:**

Moved by J. Agar

Seconded by P. Carswell-Alexander

**Motion #25** That By-laws 44, 50, 52 and 53 receive all three readings and that the Mayor and Clerk be authorized to execute appurtenant agreements and be thereby passed:

44 of 2014 – Noise By-law

50 of 2014 – Eastern Power encroachment agreement

51 of 2014 – Township boulevard parking restrictions [TABLED]

52 of 2014 – Clean Harbors – Host agreement

53 of 2014 – Site Plan Agreement – Shell Canada Ltd., 150 St. Clair Pkwy.

**CARRIED**

**COUNCILLORS' REPORTS:**

**Deputy Mayor Gilliland:**

Deputy Mayor Gilliland presented a 90<sup>th</sup> Birthday certificate on behalf of Council to Eva Roberts who was very appreciative.

He also attended the Enbridge/Emergency Services Golf Tournament, which was a successful and terrific event, reminded staff about a request to consider easier maintenance options for the Nash Landing median sign and indicated that he had both a legal and personnel issue to discuss in-camera.

**Councillor Randell:**

Councillor Randell informed Council that he attended the boat cruise to celebrate the delisting of an area of concern in the St. Clair River where Mayor Arnold spoke kind words of the efforts of all involved, including Councillor Randell, for their hard work throughout the process.

**Councillor Miller:**

Councillor Miller expressed confusion with the OPP's refusal to enforce the noise by-law within the Township and will bring up the issue at the next Police Services Board meeting. He was under the impression, based on talks with Board Members, that the request would receive support.

**Councillor Carswell-Alexander:**

Councillor Carswell-Alexander expressed a desire to see a spreadsheet produced by staff on items to follow up on after committee and council meetings to ensure things do not get overlooked.

**Councillor DeGurse:**

Councillor DeGurse asked staff to follow up with the Murray Street School renovations to determine what type of operation is being established to ensure it meets with local zoning.

**Mayor Arnold:**

Mayor Arnold attended many events on behalf of the Township including: meetings related to attracting doctors to the municipality; meetings related to the water line leak on Moore Line; the boat cruise, as mentioned by Councillor Randell, during which he brought thanks on behalf of the municipality to all agencies involved as well as to MP Pat Davidson for her efforts; and both the Red Rally at the Legion and the Battle of Britain events where he represented Council.

**UNFINISHED BUSINESS:**

**NEW BUSINESS:**

**UPCOMING MEETINGS:**

Regular Council – Monday, October 6, 2014 – 6:30 p.m.  
Committee of the Whole – Monday, October 20, 2014 – 3:00 p.m.  
Regular Council – Monday, October 20, 2014 – 5:00 p.m. (after C.O.W.)

**IN-CAMERA:**

Moved by J. Agar

Seconded by D. Randell

**Motion #26** That the meeting enter into an in-camera session to discuss property, personnel and legal matters at 7:50 p.m.

**CARRIED**

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Mayor Arnold declared the meeting back into open session at 8:10 p.m.

Seeing as there was no further business to discuss and nothing to rise and report from the in-camera session, Mayor Arnold called for a motion to adjourn.

Moved by S. Miller

Seconded by D. Randell

**Motion #27** That the meeting of Council hereby adjourn.

**CARRIED**

The meeting adjourned at 8:15 p.m.

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MAYOR

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CLERK