

WEST COMMUNITY COUNCIL  
MINUTES

January 7, 2013

PRESENT: Councillor Linda Mosher, Chair  
Councillor Waye Mason, Vice Chair  
Deputy Mayor Reg Rankin  
Councillor Jennifer Watts  
Councillor Stephen Adams  
Councillor Russell Walker

STAFF: Ms. Karen Brown, Senior Solicitor  
Mr. Shayne Vipond, Senior Planner  
Mr. Kurt Pyle, Supervisor of Planning Applications  
Ms. Jillian MacLellan, Planner  
Ms. Tanya Phillips, Manager of By-law Standards  
Mr. Sean Audas, Development Officer  
Mr. Ted Aubut, Legislative Assistant

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**1. CALL TO ORDER**

The Chair called the meeting to order at 7:02 p.m. in the cafeteria of Brookside Junior High School, 2239 Prospect Road, Hatchet Lake.

**2. APPROVAL OF MINUTES – December 10, 2012**

**MOVED by Councillor Adams, seconded by Councillor Watts that minutes of December 10, 2012 be approved as presented.**

Referring to page 4 of the minutes, Councillor Watts explained that it was her understanding that meetings would be held at the Canada Games Centre, not the Keshen Goodman Library, as the former is open later than the latter.

The Clerk confirmed that regular meetings of West Community Council have been booked at the Canada Games Centre.

**MOTION PUT AND PASSED.**

**3. APPROVAL OF THE ORDER OF BUSINESS AND APPROVAL OF ADDITIONS AND DELETIONS**

Additions:

12.1 Councillor Walker – Information Report dated March 12, 2012 regarding Land Use By-law Regulation of Heat Pumps

12.2 Councillor Watts – Notification of Public Information Meetings

12.3 Councillor Mosher – Crosswalk and Bus Shelter on Herring Cove Road

**MOVED by Deputy Mayor Rankin, seconded by Councillor Watts that the agenda be approved, as amended. MOTION PUT AND PASSED.**

**4. BUSINESS ARISING OUT OF THE MINUTES**

**4.1 Status Sheet Review**

**MOVED by Councillor Mason, seconded by Councillor Adams that West Community Council remove items from the status sheet that have been recommended for removal by staff, namely:**

- **June 25/12: Case 17167, Telecommunications Tower at 2699 Old Sambro Road, Williamswood**

- **June 25/12: Case 17869, Access Driveway to Wind Turbine Development, Terence Bay**
- **June 25/12: Open-net Salmon Aquaculture**
- **April 23/12: Herring Cove Sewer and Water Servicing**
- **August 8/11: Graffiti on Northwest Arm Overpass on Chain of Lakes Trail**
- **April 11/11: District 12 PAC Membership**
- **November 8/11: Gross Floor Area Requirements**
- **February 11/08: Peninsula Place Flooring, 1015 Barrington Street**

**MOTION PUT AND PASSED.**

**5 MOTIONS OF RECONSIDERATION - NONE**

**6. MOTIONS OF RESCISSION - NONE**

**7. CONSIDERATION OF DEFERRED BUSINESS – NONE**

To accommodate staff, West Community Council agreed to consider item 12.1 before proceeding with item 8.

**12. ADDED ITEMS**

**12.1 Councillor Walker - Information Report dated March 12, 2012 regarding Land Use By-law regulation of Heat pumps**

An Information Report dated March 12, 2012 was before Community Council.

Councillor Walker requested that heat pumps be added to the Land Use By-law on the basis of decibel frequency rather than distance.

Mr. Sean Audas, Development Officer agreed that regulating decibel frequency would have to be done through the Land Use By-law. However, he explained that staff's recommendation is that heat pumps be administered via the Noise By-law.

Tanya Phillips, Manager of By-law Standards added that research undertaken across Canada has shown that decibel reading is not recommended because there are outside factors that make it challenging. She then indicated that HRM can successfully investigate heat pump complaints through the current Noise By-law.

**MOVED by Councillor Walker, seconded by Councillor Mason that West Community Council direct staff to investigate including heat pumps in the schedule attached to the Noise By-law. MOTION PUT AND PAST.**

## **8. HEARINGS**

### **8.1 Public Hearings**

#### **8.1.1 Case 17869: Rezoning of an Existing Access Driveway, River Road, Terence Bay**

The following documents were before Community Council:

- A staff report dated November 16, 2012
- A table prepared by the Clerk dated January 7, 2013 logging all correspondence received regarding Case 17869
- Correspondence from Gina Vladimirova dated January 7, 2013
- Correspondence from Jody Cail dated January 7, 2013
- Correspondence from Jennifer Bonin dated January 7, 2013
- Correspondence from Corey MacDonald dated January 7, 2013
- Correspondence from Melissa Bonin dated January 7, 2013
- Correspondence from Lynn Slaunwhite dated January 4, 2013
- Correspondence from Jacqueline Pettipas dated January 3, 2013
- A petition submitted by the Friends and Residents of River Road dated September 10, 2012
- A collection of letters from Friends and Residents of River Road submitted to the Honourable Bill Estabrooks, MLA for Timberlea-Prospect on July 23, 2012
- A collection of articles on possible health and environmental effects of wind turbines from the Montreal Gazette (July 10, 2012), the Owen Sound Times (October 19, 2012) and the Huffington Post (April 25, 2012)

Shayne Vipond, Senior Planner, delivered a presentation on Case 17869, an application by Deal Excavation Services Ltd. to rezone a driveway, on provincially-owned land, from the P-3 (Conservation) Zone to the RE (Resource Zone) off River Road in Terence Bay.

Mr. Vipond explained that in 2001 Deal Excavation received approval from the Province to build a driveway on provincially-owned property to access lands on which it intended to develop a composting operation. This operation was never built. In 2008, Deal Excavation informed HRM that it wished, instead, to build four or more large utility scale wind turbines on the site. Provincially-owned lands, which accommodate the driveway, are zoned Conservation; Deal Excavation-owned lands are zoned Resource. As the driveway is accessory to the wind turbine development, Mr. Vipond explained that it must be rezoned Resource for the development to move forward.

Mr. Vipond showed maps of the area, pointing to the location of the driveway. He explained that Policy CONS-8(b) requires that a Resource Zone cannot abut a Residential or Mixed-Use Zone. Staff had determined that rezoning the driveway would be consistent with this policy as the lands are bounded by Conservation zoning and Resource zoning.

Next, referring to Policy CONS-3, Mr. Vipond explained that Conservation Zones, by nature of their sensitivity to human activities, must be cared for to avoid destruction. It was the opinion of staff that rezoning the driveway was not in conflict with this policy. After all, the driveway already exists, and has been part of the landscape for ten years. Even if rezoning results in more vehicle uses, there is no reason to believe that it would be greater than the impact of vehicle uses for the composting facility.

In his closing remarks, Mr. Vipond noted that staff believes that the proposed rezoning is consistent with the Municipal Planning Strategy in large part because the driveway already exists. He then reminded Community Council that the applicants lands, in addition to being zoned Resource are also located within the Rural Wind Overlay Zone. As such, rezoning the driveway would open the door to wind turbine development on the site.

The Chair thanked Mr. Vipond for his presentation. As there were no questions of clarification, she reviewed the rules of procedure for public hearings before inviting residents, for or against the proposal, to the microphone.

**Lynn Slaunwhite** of Sampson Road, Terence Bay explained that a petition as well as letters and articles had been sent to the Clerk's Office for circulation to Community Council. She hoped that members had had the opportunity to review these documents. She asked that discussion of Case 17869 be deferred, if this was not the case.

The Chair replied that all the documents had been received, logged by the Clerk and circulated to members.

Ms. Slaunwhite explained that the majority of residents of River Road opposed the proposed rezoning and urged Community Council to listen to residents, not just staff. Residents, she noted, want to be able to enjoy the natural environment around them. Business should not trump the environment.

The Chair asked the Solicitor to comment on the correspondence received, noting that some letters and emails speak to the rezoning of the driveway while others focus on the wind turbine development. She wished to know which correspondence Community Council should be considering.

Karen Brown, Senior Solicitor responded that the only pieces of correspondence that should be considered are those pertaining to the rezoning of the driveway.

Deputy Mayor Rankin noted that the case at hand is a straight forward rezoning rather than an amendment to the Municipal Planning Strategy. Given this, he was under the impression that Community Council, if it voted against staff's recommendation, would have to explain why. He asked the Solicitor to confirm whether or not this was correct.

Ms. Brown confirmed that if the Community Council voted down the applicant's request then it would have to explain why the application is incompatible with the Municipal Planning Strategy.

**Jacqueline Pettipas** of River Road explained that she is a member of Friends and Residents of River Road, which opposes the rezoning and the development of a wind farm. Rezoning the driveway, she noted did not make sense because it runs through, and could potentially undermine, the conservation area. As for the wind turbine development, she wished to know how adding industrial equipment in the middle of a protected area would strengthen protection of that area. Instead, it will destroy the land. She recognized that Community Council has to consider the applicant's request but it must also take into account input from residents. The majority of residents, she continued, are against the rezoning and proposed development because it will be detrimental to the surrounding lands. Finally, and quoting the Honourable Charlie Parker, Minister of Natural Resources and Energy, Ms. Pettipas explained that Nova Scotia's Community Feed-in Tariff Program (COMFIT) pivots around community support. There is little community support for this project. She reiterated that she does not want a wind project in her community.

**Terry Norman** of Stoneridge Subdivision explained that he is President of Chebucto Terence Bay Wind Field Limited, which is proposing to erect up to four large wind turbines on the Deal Excavation property. He indicated that 25% of his company is owned by Chebucto Windfield Inc, the majority of its shareholders residing in HRM, and 75% by Renewable Energy Services Limited. The latter developed a successful wind farm at Point Tupper, has tested wind turbines across the Province, and has over 800 Nova Scotian stakeholders.

Mr. Norman noted that rezoning the driveway is one of a number of steps towards developing a wind farm on Deal Excavation lands. The development process is lengthy and comprehensive, involving significant public consultation as part of the environmental assessment, which is being conducted by CBCL Limited. He reminded Community Council that an initial public consultation had been held in July 2012 and explained that a community liaison committee is being formed in which Terence Bay residents are encouraged to participate.

Tonight's meeting, he continued, is to assess the rezoning of the access driveway. There will be future opportunities for the public to provide input on the merits of the proposed wind project.

On the driveway, he indicated that HRM staff had reviewed the relevant issues and concluded that rezoning is appropriate. One of staff's key findings was that the driveway already exists and, in Mr. Norman's opinion, it should be adequate to enable heavy equipment to temporarily access the site to erect wind turbines. Furthermore, the driveway would easily accommodate a pick-up truck for inspections and maintenance work. Mr. Norman concluded his remarks by expressing his support for the rezoning of the access driveway from Conservation Zone to Resource Zone.

Mr. Norman, at Deputy Mayor Rankin's suggestion, then submitted his statement to the Clerk so that it is included in the record.

**Norma Hennebury** of River Road explained that she is opposed to the proposal to rezone the driveway because it will allow for the construction of windmills on the Deal Excavation lands. She noted that in the Annapolis Valley there is a moratorium on windmill development until studies assessing health and environmental effects of wind turbines are completed.

**Adam Kennedy** of Brookside was also opposed to rezoning the driveway. He explained that while the driveway has been clear cut, it has not been built. In other words, a fair bit of work will be required to make it functional. He believed this to be important and recommended that Community Council go see the driveway before it votes on the matter.

**Alan Melvin** of Brookside asked for clarification on the state of the driveway. According to the staff report, the road already exists and therefore its rezoning is not deemed an intrusion into the surrounding conservation area. However, he had walked the road last week and found that this was not the case. He explained that he was not convinced that the current state of the road would be adequate to service a future wind turbine development.

Mr. Vipond replied that the issue at hand is whether construction, outside the clear cut driveway area, will be necessary to service Deal Excavation lands. He believed that spill over construction would not be necessary and therefore the driveway's rezoning would not result in further intrusion into the conservation area.

**Bill Matheson** of West Dover expressed his support for rezoning the driveway. He explained that he considers himself an environmentalist and proponent of wind power, which is why he and his wife are investors in Chebucto Terence Bay Wind Field Inc. He reminded the public that tonight's hearing is limited to the proposal to rezone the driveway. Consultations on the proposed wind turbine development will follow.

**Janet Cader** of Prospect Bay Road noted her support for the proposal to rezone the driveway. She explained that she had recently returned from the Caribbean where wind turbines and wildlife coexist. Projects like this are happening around the world. She hoped that they would move forward in HRM as well.

**Vince Norse** of Terence Bay Road explained that he recently walked through the conservation area, near the subject driveway, and found a lot of garbage, including gas cans. It was his understanding that the area has been a mess for a number of years. From this, he had concluded that the community did not value the conservation area and therefore wondered why there was so much opposition to rezoning the road. He ended by expressing his support for the proposed rezoning.

**Donna Slaunwhite**, a lifelong resident of the area, noted her opposition to the rezoning. She explained that existing conservation lands must be protected for future generations to appreciate.

**Barb Serwoski** of White's Lake noted that she was in favour of rezoning the driveway and looked forward to future meetings about the wind turbine development proposed on the Deal Excavation lands.

**Ryan Hogg** of Terence Bay indicated that he is against the proposed rezoning because it will facilitate the proposed wind turbine project. He explained that the site is too close to residences, adding that Canada's land mass is so great that we could easily have renewable energy projects far from residents. He ended by calling on Community Council to listen to concerns raised and to act in the best interest of the community.

**Dan Jollimore** of River Road voiced his opposition to the proposed rezoning. He indicated that while the road has been clear cut, it is not a driveway. He noted, further, that the clear cutting has resulted in drainage problems and he is concerned that sediment is going into the river where there are migratory fish.

**Val Vladimirov** of Terence Bay explained that he is against both the driveway rezoning and the wind turbine development. Citing examples from Europe, he noted that wind power often drives the cost of energy up - by 80% in the case of Bulgaria. He also warned that the cost to dismantle turbines, when they have reached the end of their lifecycle, can be high.

**Jody Cail** of Terence Bay Road noted that the effects of wind turbine technology on humans are still relatively unknown and this makes her nervous. She suggested that that all decisions pertaining to wind turbine development be deferred until impact studies, like those being conducted in Ontario, are complete. As for the driveway, she expressed opposition to rezoning it, noting that to call it a driveway is a stretch.

There being no further speakers, **it was MOVED by Councillor Watts and seconded by Councillor Adams that the hearing be closed. MOTION PUT AND PASSED.**

Councillor Adams thanked everyone for attending the public hearing. He explained that he had carefully read the staff report and understands, from the comments made this evening, that it is not a driveway but rather a right-of-way. However, the role of Community Council is to ensure that decisions are consistent with policy and policy allows for the rezoning of the right-of-way.

**MOVED by Councillor Adams, seconded by Deputy Mayor Rankin that West Community Council approve the proposed rezoning of a portion of provincially-owned land from the P-3 (Conservation) Zone to the RE (Resource) Zone, as provided in Attachment A of the staff report dated November 16, 2012.**

Councillor Adams added that for Community Council to propose an alternative, it would have to show that staff's recommendation goes against the Municipal Planning Strategy. He then reminded residents that rezoning the driveway is but the second of many steps which could lead to the wind turbine development. Community Council's decision tonight is simply on the driveway. Given this, many of the comments heard tonight and in letters circulated prior to the meeting apply to later stages of the process.

**MOTION PUT AND PASSED.**

The Chair asked the Solicitor if correspondence received should be forwarded to the Province.

Ms. Brown replied that all documentation received tonight will form part of the public record, regardless of whether it is sent to the Province.

**9. CORRESPONDENCE, PETITIONS AND DELEGATIONS - NONE**

**10. REPORTS**

**10.1 Staff Reports**

**10.1.1 Case 16803: Supplementary Staff Report dated December 19, 2012 regarding Development Agreement Signing Extension, 2569-2581 Brunswick Street, Halifax**

A supplementary staff report dated December 19, 2012 regarding Case 16803 was before Community Council.

Jillian MacLellan, Planner explained that the Development Agreement for 2569-2581 Brunswick Street was approved in March 2012. However, the applicant cannot sign the Agreement until it takes ownership of the lands, a portion of which are owned by HRM. She noted that a technical issue has prolonged negotiations between HRM and the applicant and to date the property transaction has not been finalized. For that reason, staff is requesting a 240-day extension to the time period required for the Development Agreement.

**MOVED by Councillor Watts, seconded by Councillor Mason that West Community Council approve a further 240 days extension to the time period required for the Development Agreement at 2569-2581 Brunswick Street, Halifax as originally approved by Peninsula Community Council on March 5, 2012 and extended on September 10, 2012, to be signed by the property owner. MOTION PUT AND PASSED.**

**10.1.2 Case 17002: Staff Report dated December 18, 2012 concerning Amendment and Stage 1 Development Agreement for Rockingham South, Halifax Mainland**

A staff report dated December 18, 2012 regarding Case 17002 was before Community Council.

**MOVED by Councillor Walker, seconded by Councillor Adams that West Community Council:**

- **Give First Reading to consider approval of a proposed amendment to the Halifax Mainland Land Use By-law, as contained in Attachment A, to rezone 69 Tremont Drive and the adjacent property located at the end of Tremont Drive (PID 00292722) from the R-1 and I-2 Zones to the Schedule K Zone, and schedule a public hearing; and**
- **Move Notice of Motion to consider the proposed Stage 1 Development Agreement as contained in Attachment B to allow for a mixed-use development and schedule a public hearing. The public hearing for the Stage 1 development agreement shall be held concurrently with that aforementioned.**

Councillor Watts asked if a public hearing was required for Stage 2 and asked staff to provide an overview of changes made to the project following the public information meeting.

Jillian MacLellan, Planner replied that a public hearing is not required for Stage 2. As for changes to the project, she noted that they are outlined in Schedule C of the report and include:

- Changes to the pathways around the wetlands
- The addition of a minor commercial building to Dunbrack Street
- The substitution of single unit dwellings for townhouses on Road B
- The removal of a recreation area near Area D.
- The potential for a community centre on parkland though land will likely be used for parking
- The reduction in the number of multi-unit buildings, from 13 to 9

**MOTION PUT AND PASSED.**

The Community Council requested that the public hearing on this matter be scheduled for February 4, 2013 at the Canada Games Centre.

## **10.2 Reports from Members of Community Council**

### **10.2.1 Deputy Mayor Rankin – Refuse on Roads in Vicinity of Otter Lake Landfill**

A report by Deputy Mayor Rankin was before Community Council.

**MOVED by Deputy Mayor Rankin, seconded by Councillor Adams that West Community Council request that the Halifax Regional Police and the RCMP, within their jurisdiction, patrol and enforce the rules of the road in the vicinity of the Otter Lake landfill to reduce the incidence of garbage falling off vehicles travelling to the landfill and requesting that HRM and the Province use best practice protocol for patrols relating to roadside clean-up and roadside refuse collection.**

Deputy Mayor Rankin expressed concern over the maintenance of the highway leading to the Otter Lake Landfill, noting the accumulation of litter falling from passing trucks. He explained that enforcement is lacking and that HRM seems to be taking reactive, rather than proactive, steps to deal with this matter. Nearby communities, he noted, are not pleased with the accumulation of debris, and the mess is certainly not good for tourism. He ended by requesting that HRM reduce incidences of garbage falling off trucks on route to the landfill.

**MOTION PUT AND PASSED.**

## **11. MOTIONS – NONE**

## **12. ADDED ITEMS (CONTINUED)**

### **12.2 Councillor Watts – Notification of Public Information Meetings**

Councillor Watts recalled that staff used to circulate a complete list of upcoming Public Information Meetings (PIMs) to Councillors. Unfortunately, this practice has stopped, current practice being to notify Councillors only of PIMs in their district. Councillor Watts explained that by the time she learns of PIMs outside her district, by way of the media or the Clerk's calendar, it is often too late for her to attend. She asked that members of West Community Council be notified of all PIMs taking place in districts 7-12.

**MOVED by Councillor Watts, seconded by Councillor Mason that West Community Council request staff to develop a mechanism through which members of West Community Council are notified, well in advance, of all Public Information Meetings held in districts 7,8,9,10,11 and 12. MOTION PUT AND PASSED.**

In a brief discussion that followed, Community Council requested that the Clerk talk with staff about best ways to notify members of PIMs.

### **12.3 Councillor Mosher – Crosswalk and Bus Shelter on Herring Cove Road**

Correspondence from Maria Wilkinson dated January 6, 2012 was before Community Council.

**MOVED by Councillor Mosher, seconded by Councillor Watts that West Community Council request Traffic Services to consider establishing an overhead, marked crosswalk with lights in front of 171 Herring Cove Road and that Metro Transit consider adding a shelter to the existing bus stop.**

Councillor Mosher expressed concern over the safety of this stretch of Herring Cove Road. Referring to a photo submitted by Ms. Wilkinson, she noted that cars are using the right lane as a passing lane, this directly in front of a bus stop. While there is a flashing pedestrian walk-across further down the road, it is awkwardly placed away from amenities, like the Tim Hortons. Because of this, pedestrians are not using the flashing walk-across. She suggested that it be moved down five houses to better accommodate pedestrian traffic and offered to use her district funds towards this project.

**MOTION PUT AND PASSED.**

### **12. NOTICES OF MOTION - NONE**

### **13. PUBLIC PARTICIPATION**

To ensure the accessibility of public meetings, **Ashley Morton** of Duffus Street, Halifax wished to know if HRM would consider offering a transportation service to meeting venues that are located off Metro Transit routes. Next, he asked if public transit studies could be required as part of planning applications, much in the same way that traffic studies are required. He indicated that if a developer is proposing to build 100 dwellings in an area that cannot be accessed by public transit, then perhaps this should be noted in a report. The requirement for transit accessible communities could encourage developers to design through streets instead of cul-de-sacs.

Councillor Watts noted that the incorporation of public transit studies into development applications could be brought forward to the Transportation Standing Committee.

**Michael Shacklock** of Spryfield commented on Community Council's request to add heat pumps to the Noise By-law, noting that HRM may need to consider other sources of noise generation, like lawn mowers. He also indicated that the Noise By-law may impact a resident's decision to purchase or not to purchase a generator.

As there were no more speakers, Jillian MacLellan, Planner, informed Community Council of a mistake on page 10 of the staff report regarding Case 17002. She read aloud the corrected version (see below) and offered to correct the report in advance of the public hearing scheduled for February 4, 2013:

- A signalized intersection at the Dunbrack Street, Ross Street and Wentworth Drive intersection is not required. Signalized intersections are already located at the Dunbrack Street and Farnham Gate Drive intersection and the Knightsridge Drive and Langbrae Drive intersection. There is currently signalized crosswalk at the Dunbrack Street, Ross Street and Wentworth Drive intersection.

The Chair thanked Ms. MacLellan for pointing this out and asked that it be corrected as soon as possible.

**14. NEXT MEETING DATE – January 21, 2013 (City Hall)**

**12. ADJOURNMENT**

The meeting was adjourned at 8:22 p.m.

Ted Aubut  
Legislative Assistant