

# HALIFAX REGIONAL MUNICIPALITY

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## CHEBUCTO COMMUNITY COUNCIL

### MINUTES

MONDAY, SEPTEMBER 13, 2004

PRESENT: Councillor Linda Mosher, Chair  
Councillor Russell Walker, Vice-Chair  
Councillor Debbie Hum

ABSENT  
WITH REGRETS: Councillor Stephen D. Adams

STAFF PRESENT: Mr. Paul Sampson, Planner I  
Mr. Andrew Bone, Planner  
Ms. Angela Jones Rieksts, Municipal Solicitor  
Ms. Chris Newson, Legislative Assistant

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**1. CALL TO ORDER**

The Chair called the meeting to order at 7:05 pm at the Keshen Goodman Library, 330 Lacewood Drive, Halifax.

**2. APPROVAL OF MINUTES**

2.1 Regular Meeting July 5, 2004.

**MOVED BY Councillor Walker, seconded by Councillor Hum that the minutes of regular meeting July 5, 2004 be approved as circulated. MOTION PUT AND PASSED UNANIMOUSLY.**

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

**Deletion:** 8.1 Case 00598: Amendment to Stage I Development Agreement - Parkland Drive, Glenbourne Subdivision, Halifax. (*Applicant has withdrawn the application*).

**Additions:** 12.1 As-of-right development along the Bedford Highway - Councillor Hum  
12.2 Rosebushes along Dunbrack - Councillor Walker

**MOVED BY Councillor Hum, seconded by Councillor Walker that the agenda be approved as amended. MOTION PUT AND PASSED UNANIMOUSLY.**

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

4.1 Status Sheet Items

4.1.1 Off-Leash for Districts 17 and 18

- A report dated August 23, 2004 was before Community Council.
- A copy of an article entitled "POWER PLAY" by Steve Dale, *Parks & Recreation December 2003* was before Community Council.

Councillor Walker advised this matter was addressed at Regional Council. **Item to be removed from the Status Sheet.**

4.1.2 Fish Gate at Belcher's Marsh Park

Councillor Hum advised the issue is a matter for the Provincial Government as there is nothing more that can be done at the Municipal level. Councillor Mosher requested information be forwarded to the Provincial Department of Fisheries and Oceans and to MLA Diana Whalen.  
**To be removed from the Status Sheet.**

4.1.3 Naming of Playground on Downs Avenue - Edward Drillio Park

- A report dated August 16, 2004 was before Community Council.

**MOVED BY Councillor Walker, seconded by Councillor Hum that Chebucto Community Council approve the renaming of Downs Avenue Playground to Edward Drillio Park to recognize all Armdale residents who served in the war, with Pte. Drillio serving as the figurehead. Funding for the plaque to be paid for out of the District Councillor's discretionary fund as per the budget implications section of the report dated August 16, 2004. MOTION PUT AND PASSED UNANIMOUSLY.**

Councillor Mosher added the plaque will be unveiled at 10:00 am on Wednesday, September 15, 2004 at Springvale Elementary School, 92 Downs Avenue, Halifax. **Item to be removed from the Status Sheet.**

4.1.4 Infilling at 26 Armshore Drive

- Correspondence from Minister Geoff Regan's office, dated July 21, 2004, was before Community Council.
- A Private and Confidential Report dated August 9, 2004 was before the Councillors.

Councillor Mosher advised information has been received from Minister Regan's office and the issue is now part of the Regional Planning process. Further, a response from HRM's Legal Services advised there is nothing further Community Council can do at the Municipal level and the matter is closed.

**MOVED BY Councillor Walker, seconded by Councillor Hum that the Private and Confidential report, dated August 9, 2004, be released to the public. MOTION PUT AND PASSED UNANIMOUSLY.** Councillor Mosher requested the Legislative Assistant mail the report to the two residents of Armshore Drive who raised the issue at Community Council.  
**Item to be removed from the Status Sheet.**

4.1.5 Weekly Green Bin Pick-up for Herring Cove

- An excerpt from Regional Council minutes of July 13, 2004 was before Community Council.

Councillor Hum advised this issue has been addressed. **Item to be removed from the Status Sheet.**

4.1.6 Truck Routes, Fairmount Subdivision

- An Information Report dated August 16, 2004 was before Community Council.

Councillor Walker advised the issue has been dealt with. **Item to be removed from the Status Sheet.**

5. **MOTIONS OF RECONSIDERATION - None**

6. **MOTIONS OF RESCISSION - None**

7. **CONSIDERATION OF DEFERRED BUSINESS**

8. **PUBLIC HEARINGS**

8.1 Case 00598: Amendment to Stage I Development Agreement - Parkland Drive, Glenbourne Subdivision, Halifax.

**Item was deleted from the agenda during the Approval of the Agenda. See page 4.**

8.2 Case 00626: Amendment to Development Agreement - Bedford South Neighbourhoods A and C

- A report dated, June 18, 2004, was before Community Council.

Mr. Andrew Bone, Planner, presented the report.

Councillor Mosher reviewed the guidelines for public hearings then opened the public hearing calling for any speakers for or against the proposal.

**PUBLIC SPEAKERS:**

**Mr. Bob Curran, Moirs Mill Road, Bedford**

- Appears amendments put forward are on behalf of the Developer; this is costing less to the developer. What will HRM benefit? What is the cost in lieu? When we give Developers some slack, we should ask for an extra park bench or green space. Staff should keep this in mind.

Mr. Andrew Bone advised there is no substantial change in the number of trees being planted as the number originally proposed was not achievable. It was misleading and not possible to do more than HRM standards. Further, the Planning Department wrote the agreement and if there are problems with administration it is reasonable to correct them.

**Ms. Christine Anne Smith**

- Regarding the trees, why is it not an attainable standard? What is the location of difficulty?

Mr. Bone responded that along the street there are driveways, power poles, street trees, easements for sewer/water, all on the street and separated from one another for a reason. Power poles are not adjacent to the sewer, easements around power poles, street trees are located far enough away to prevent roots from getting entangled in power poles etc. This becomes a problem with smaller lots. Development Staff who deal with these issues on a daily basis agree it is a "nice" standard but it is not possible to even come close in this instance due to the easements etc. Further, there will be no additional trees saved, it is an administrative saving. If the trees are not cut up front, the survey information has to be redone. In a cleared area you get actual figures, unclear you need aerial maps and that is not as exact. Instead of cutting trees down after the subdivision approval, they are cut before which means no more trees will be cut and HRM will receive more accurate information.

**Mr. Mike Hanusiak, Senior Vice-President, Clayton Development Ltd.**

- These amendments are not intended to pass favour to my company, they are simply administrative. All along we thought we were working toward Municipal Standards under the HRM Redbook. The Redbook supercedes the Bedford and Halifax By-laws. The change is not intended to reduce the number of trees, it is to bring us into compliance. Drive to Southgate Drive and you will see the replanting taking place there. The trees are larger at time of planting and are staked in place.
- Issue of bonding; Halifax always allowed bonding under primary and secondary services.
- It is not our intention to clear further than already agreed upon. City still requires a comprehensive storm water plan. We will do the cutting within the 90' that we are permitted.
- We have given almost twice the amount of green space required.
- The amendments will not change density or land use patterns.
- Procedure we have in place, if we can find trees that escape the building footprint, Nova Scotia Power easements etc. and if it is within 2' of existing/finished grade, we mark them off before the trees are cut and then we will analyze if the trees are worth keeping. We have kept as many as possible.

Councillor Mosher gave third and final call for speakers for or against the proposal. Hearing

none it was **MOVED by Councillor Walker, seconded by Councillor Hum that the public hearing be closed. MOTION PUT AND PASSED UNANIMOUSLY.**

**MOVED BY Councillor Hum, seconded by Councillor Walker that Chebucto Community Council:**

1. **Approve the amending Development Agreement for Bedford South - Neighbourhoods A and C, presented in Attachment 3 - as per the amended Attachment 3 circulated on September 13, 2004 - to permit a number of administrative amendments;**
2. **Require that the amending development agreement be signed within 120 days, or any extension thereof granted by Community Council on request of the applicant, from the date of final approval by Community Council and any other bodies as necessary, whichever is later; otherwise this approval will be void and obligations arising hereunder shall be at an end.**

**MOTION PUT AND PASSED UNANIMOUSLY.**

8.3 Case 00633: Application for Rezoning - Lot 3 Crown Drive, Halifax

- A report dated, June 28, 2004, was before Community Council.
- Correspondence dated September 9, 2004 from Dr. & Mrs. Donald Weeren was before Community Council.

Mr. Paul Sampson, Planner I, presented the report.

Councillor Mosher opened the public hearing calling for any speakers for or against the proposal.

**PUBLIC SPEAKERS:**

**Mr. Larry Senta, 41½ Crown Drive, Halifax**

- Resident on this street for 13 years and lives 150'-200' from development.
- Lots are very small built 50-70 years ago when street was part of the county.
- At present, there are 7 multi-unit buildings (4, four or more units). A 14 unit building does not belong on this street.
- Street is substandard, 70 years old, an upgraded cow path, no sidewalks.
- A 150 unit housing development (Fairmount) is also coming to area and will add to traffic.
- Several families on street with young children who play on the street. We do not need

- an added menace.
- Building is out of character for this street and in poor location at the "T" of an intersection. (Crown and Brooke)
- Poor quality of the lot, 60E slope that goes to 80E slope.
- Mostly slate, drilling and blasting could cause fracturing and water to flow, water could flow into Chocolate Lake.
- Building supposedly marketed to seniors but that is hard to believe as we do not have services that lean to seniors living. Will there be services in the building such as hairdressing/medical services?
- There will be variances after variances and down the road we may have a problem.

**Mr. Bill Meagher, 64 St. Margaret's Bay Road**

- Entire concept of a multi-use construction on that portion of Crown Drive was ill thought out. Bad idea.
- Definite leaching into Chocolate Lake and underground.
- Very busy thorough fare on the Bay Road, and overworked Rotary.
- Only 12-14 housing units but it will contribute negatively to the traffic issue.
- Concern with stability of a building built on a 60-80 foot grade, dramatic drop to the Shell property below.
- Ask Community Council to give strong consideration to not proceed with this development.

**Mr. Daniel MacNeil, 42 Crown Drive**

- Amount of traffic increasing at rapid rate over last few years.
- Crown Drive is a substandard street, very narrow and will not handle more traffic.
- Another 150 homes with Fairmount development that will compound problem.
- City says street will handle 13,000 cars, but we (the Residents) disagree. We have pedestrians on this street. City has to look at pedestrian count on Crown Drive and children rather than just traffic.
- Two schools in Fairmount Subdivision, elementary children walking up Crown Drive with no sidewalks is ludicrous and makes a dangerous situation more dangerous.
- To add a Condominium building is not a safe thing to do. Look at a safe way to reroute pedestrian or vehicle traffic.

**Mr. Graham Read, 19 Lawnwood Ave.**

- Member of the Chocolate Lake Community Association and area resident.
- There is a Regional Planning process but little action has been taken on secondary planning. Should not be spot rezoning until public has had an opportunity to comment on type of neighbourhood that should be there.
- Multi use area: R1-R2 would be more consistent than R3. R3 permits only four stories yet development is three stories above Crown Drive so it is five stories.
- Only one parking space per unit - two total for visitors. There are generally two spaces per unit. Only two spaces for visitors- what about holidays - will there be on street

parking? Crown Drive is too narrow for on street parking. We should be reducing the traffic not increasing.

- Chocolate Lake Community Association - concern with removal of vegetation and increased runoff during and after construction.
- Concern with construction on steep slope: problem with Fenwood.
- Inappropriate development at this time.

**Mr. Brian Donovan, 99 Brooke Street**

- Familiar with W.H. Fares buildings, they are good quality.
- Reduce the zoning. Go with R2. Keep it at one unit with 2 or 4 units in it.
- Precarious slope. Would like to see the area cleared out and make it a viewplane, to see the North West Arm.
- The proposal does not work. One apartment brings two cars. Not including friends/relatives.
- What about the garbage, the dumpsters? Where do they go?

**Mr. Alan Knight, 23 Crescent Ave.**

- St. Maragaret's Bay Road, started as cart track. Still a cart track.
- With developments in Beechville/Lakeside/Timberlea there is a constant stream of cars down the Bay Road.
- The Bay Road is dangerous, especially for pedestrians.
- Children use Crown Drive to get to school - uneasy mixture with no sidewalks etc.
- Possible environmental damage. I live near Chocolate Lake and I have seen the acidic level rise as the acidic rocks in the area are moved. Anytime there is a heavy rainfall there is a constant flow of water from the cliff above the Bay Road (above the Shell station) and this causes black ice in winter. This construction will increase all of this.
- Proposed development is inappropriate and should be set aside.

**Mr. Donald Werren, Fenerty Road**

- Live near one of the exits from Crown Drive. The proposal would just make an already bad situation worse.
- There are hairpin curves on Crown Drive that have to be negotiated.
- There will be more pressure on exits/entrances. Trying to get on to the Bay Road from Keating is a major undertaking. Now is the time to say, **enough** so things will not get worse.
- Reinforce the notion that if a development is to be proposed, there be a real change in traffic flow. Too much tendency to say "a little bit won't hurt".
- Very undesirable by many of the residents close to Crown Drive as we get the results of the present inadequate road design and traffic quantity.
- We would be remiss if we did not advise Council, **NOT THIS ONE.**

**Ms. Janet Raffelock, Birkdale Crescent**

- Problem in HRM seems to be spot rezoning without planning.
- If you have multiple dwellings you need to have the proper road system. You have to look at the overall picture.
- We need proper planning for areas not quick rezoning for Developers to make money.

**Ms. Christine Anne Smith**

- Existing community (residents) were not adequately consulted. Discretion should be in the hands of the people who live there and there should be further research/consultation.
- Often notifications do not reach everyone as not everyone reads the paper.

Councillor Mosher clarified that a public information meeting was held. The notification area was greatly enlarged as well in order to reach as many area residents as possible. Further, she advised the procedures were previously appealed to the UARB (Utility and Review Board) and then to the Supreme Court of Nova Scotia and were upheld.

**Mr. Richard Kassner, 14 Fenerty Road**

- I have read the minutes of the public meeting and there was a lot of opposition.
- This proposal is not compatible. No other building on Crown Drive is more than two stories and this proposal will be much taller.
- I echo all the comments made regarding traffic. Traffic grows. I have lived here for 27 years.
- Fenerty Road residents feel like they are a neighbourhood under siege. We do not have police presence. No one stops at the stop sign on Brooke Street and there are no signs to control the speed along Fenerty Road and Crown Drive.
- There are at least three hairpin curves on Crown Drive to be negotiated.
- Traffic studies have been done when the schools are closed. Wait until the schools open, Christian Academy is there now in the Downs Street School. I drive at a creep on Crown Drive, it is not safe.
- Rezoning: you can give that rezoning and then see a completely different design show up rather than the one proposed here tonight, is that correct? I am an architect and I am very careful where I place my buildings.

Mr. Paul Sampson commented that as long as a proposal meets the R3 control it does not have to look exactly like the proposal. He added the Applicant has spent quite a bit of time designing this and has indicated this is the design they wish to proceed with.

Councillor Mosher requested Mr. Kassner's number to have police contact him regarding the lack of police presence in the area. She added that HRP (Halifax Regional Police) have given out numerous tickets and she has also received complaints from those who have received the tickets.

Councillor Mosher gave third and final call for any speakers for or against the proposal.

Hearing none it was: **Moved by Councillor Walker, seconded by Councillor Hum that the public hearing be closed. MOTION PUT AND PASSED UNANIMOUSLY.**

Mr. Sampson responded to Councillor Hum that traffic counts were done but he was uncertain if the pedestrian issue was researched.

**MOVED BY Councillor Walker, seconded by Councillor Hum that Chebucto Community Council request a supplementary report from staff responding to the questions and concerns raised as follows:**

1. **Count of children using the street be taken and included in report. Count to be done in the morning, at lunch time and after school.**
2. **Issue of Crown Drive being a substandard, narrow street with limited capacity and a blind corner at Fenerty and Crown. Concern with sharp corners to be addressed and overall safety of street to be determined.**
3. **Neighbourhood Compatibility: Viewpoint to be taken facing Crown Drive to see how compatible the proposal is considering the staff report viewpoint shows from the Bay Road only.**
4. **Steep slope - concern with drainage onto the St. Margaret's Bay Road. Concern with ice buildup in winter. How stable is the building on a 70-85% slope.**
5. **Chocolate Lake concern: drainage/fractures/water passing over slate that will then drain into Chocolate Lake causing water acidic level to rise.**
6. **Only two guest parking spaces; if sidewalk was put in, where will guests park.**
7. **As-of- right potential for reasonable consistency with MPS, is it not one of the proposals.**
8. **How can building be five (5) stories high when it can only be three (3).**
9. **Issues addressed in Mr. Donald Weeren's letter to be addressed by staff and included in the supplemental report.**

**MOTION PUT AND PASSED UNANIMOUSLY.**

Councillor Mosher confirmed with Ms. Angela Jones-Reiskts, Municipal Solicitor, that if any **new** information is brought forward in the Supplemental Report, Community Council would be required to hold another public hearing.

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

**10. REPORTS**

**10.1 REPORTS FROM DISTRICT 16 - PLANNING ADVISORY COMMITTEE**

10.1.1 Case 00704: Amendment to Stage II Development Agreement for Block X, Regency Park Drive, Halifax.

- A report dated August 20, 2004 was before Community Council.

**MOVED BY Councillor Hum, seconded by Councillor Walker, that Chebucto Community Council:**

- 1. Approve the amendments to the Stage II Development Agreement, presented as Attachment I to the report dated August 4, 2004, to allow for two additional floors and additional population density on Block X, Regency Park Drive, Halifax;**
- 2. Require that the amending agreement be signed within 120 days, or any extension thereof granted by Community Council on request of the applicant, from the date of final approval by Community Council and any other bodies as necessary whichever is later; otherwise this approval will be void and obligations arising hereunder shall be at an end;**

Councillor Walker suggested that item number three in the staff report from the District 16 - Planning Advisory Committee be dealt with separately.

**MOTION PUT AND PASSED UNANIMOUSLY.**

**MOVED By Councillor Walker, seconded by Councillor Hum that Chebucto Community Council:**

- 1. Recommend that specific development proposals be studied by a knowledgeable consultant to provide guidance on both the safety aspects and the device overload issue regarding radio frequency**

**energy levels and the proposed addition of 100kw broadcast stations on the CJCH Limited property and the CBC property.**

**MOTION PUT AND PASSED UNANIMOUSLY.**

**10.2 JACK LAKE LANDS**

**MOVED BY Councillor Walker, seconded by Councillor Hum that Chebucto Community Council request a staff report on a possible land exchange between Mr. Stan Havill's Kidston Lake property and HRM's Jake Lake Lands. MOTION PUT AND PASSED UNANIMOUSLY.**

**10.3 KETCH HARBOUR ROAD**

This item **deferred** until Councillor Adams is able to be in attendance to address the matter.

**11. MOTIONS - None**

**12. ADDED ITEMS**

**12.1 As-of-right Development along the Bedford Highway**

Councillor Hum advised concerns have been expressed by residents of District 16 regarding as-of-right development along the Bedford Highway particularly between the area of Rockingham and north to the District 16 boundary at the former Bedford town limits.

**MOVED BY Councillor Hum, seconded by Councillor Walker that Chebucto Community Council request a staff report addressing the following concerns:**

- 1. Concern with existing Bedford Highway C2A and C2B zoning allowing R3 uses and a maximum building height of fifty feet;**
- 2. Protection of existing waterfront views,**
- 3. Traffic impact on the Bedford Highway resulting from ongoing development (as-of-right) of multi-unit buildings in the district,**
- 4. More opportunity for residents to have a voice in the planning process,**

5. **Request that the staff report include recommendations to address the issues.**

**MOTION PUT AND PASSED UNANIMOUSLY.**

12.2 Rosebushes along Dunbrack Street

**MOVED BY Councillor Walker, seconded by Councillor Hum that Chebucto Community Council request a staff report explaining why the rosebushes along Dunbrack Street have not been trimmed after repeated requests.**

Councillor Walker advised rosebushes are growing out of control along Dunbrack Street. There have been numerous requests for the rosebushes to be trimmed as they are a danger to the public and are collecting trash. There are trees growing among the rosebushes. A private contractor was to be hired to do the trimming so why has it not been done? When request for trimming was originally made it was for the area of Willet to Lacewood but now trimming is required from Main Avenue through to Kearney Lake Road.

**MOTION PUT AND PASSED UNANIMOUSLY.**

**13. NOTICES OF MOTION - None**

**14. PUBLIC PARTICIPATION**

**Ms. Christine Anne Smith**

- Concern with infilling of HRM property at corner of Langbrae and Parkland Drive as it is filling the inflow to Belchers Marsh.

Councillor Hum advised the project has been undertaken by Clayton Developments Ltd.

Mr. Mike Hanusiak commented Clayton Development Ltd. was contacted by the area Councillor to make edges softer around the large storm flow concrete sewer as the slopes were very steep and several complaints had been made. Then Hurricane Juan came along and delayed the project. He added Clayton Development Ltd. does have approval from the Department of Environment to slightly infill area and rearrange outflow system and turn it into a park area. It has taken a long time (3 years) and there is no charge to the municipality. There is no intention to impede the pre and post flows that go through that system. It is for a safer transition.

**Mr. Alan Knight:**

- Thank you Councillor Mosher for your interest on the issue of unsafe development that is blighting Fenwood Road. It has been underway for three years. Developer left it

- looking like a world war three battle field.
- Believe drains in area have been damaged by construction work. Drains damaged by trucks running over. Children are playing on the footings that have been abandoned. 20' drops onto footings, steel and concrete left on sight for many months. Dangerous from landslip point of view and childrens' point of view.

Councillor Mosher requested the Legislative Assistant forward this concern immediately to Development Officer, Mr. Steve Higgins and Mr. Jim Donovan, Manager of Permits and Inspections as they will be attending the Chocolate Lake Association meeting on Tuesday, September 14th.

**15. NEXT MEETING DATE**

**MOVED BY Councillor Walker, seconded by Councillor Hum that the October 4 meeting of Chebucto Community Council be canceled as there are no public hearings. The next meeting of Chebucto Community Council will be November 1, 2004. MOTION PUT AND PASSED UNANIMOUSLY.**

**16. ADJOURNMENT**

The meeting adjourned at 8:50 pm.

Chris Newson  
Legislative Assistant