

NORTH WEST COMMUNITY COUNCIL  
MINUTES

May 26, 2011

PRESENT: Councillor Robert Harvey, Chair  
Councillor Tim Outhit, Vice Chair  
Councillor Brad Johns  
Councillor Barry Dalrymple

REGRETS: Councillor Peter Lund

STAFF: Ms. Karen Brown, Solicitor  
Ms. Shawnee Gregory, Legislative Assistant

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**1. CALL TO ORDER**

The Chair called the meeting to order at 7:03 p.m. in the Sackville Heights Community Centre.

**2. APPROVAL OF MINUTES – March 24, 2011**

**MOVED by Councillor Johns, seconded by Councillor Dalrymple that the minutes of March 24, 2011 be approved as presented. MOTION PUT AND PASSED.**

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

Additions:

8.1.2 Correspondence dated May 21, 2011 from Mr. Dan Duffy re: Public Hearing Case 16418

9.1.1 Correspondence re: Second Lake  
(i Minister Charlie Parker - May 11, 2011  
(ii Ms. Theresa Scratch, Director of the Second Lake Regional Park Association (SLRPA) – May 22, 2011

**MOVED by Councillor Johns, seconded by Councillor Outhit that the agenda be approved as amended. MOTION PUT AND PASSED.**

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

**4.1 Status Sheet Review**

**4.1.1 Case 01311 – Papermill Lake CCDD MPS Amendment, Bedford**

As there was no update, Councillor Outhit requested this item remain on the Status Sheet.

**4.1.2 Sign Requirements for Home Based Businesses within R1 Zones in Districts 19, 20 & 21**

An information report dated April 15, 2011 was before Community Council.

Councillor Johns accepted the information report dated April 15, 2011, including its recommendation that there be no change from the current policy. He advised that he would contact the property owner.

Councillor Johns indicated this item could be removed from the Status Sheet.

#### **4.1.3 Extend Water Service Area to Fenerty Road, Springfield Lakes**

Councillor Johns indicated that a petition would be brought forward later in the meeting regarding this matter. He advised that he had met with Regional Planning and Halifax Water staff as well as with residents to see if there was an opportunity to extend the water service.

Councillor Johns requested this item remain on the Status Sheet.

#### **4.1.4 Request for Over Head Pedestrian Lights at the Walker Connector Road and Old Sackville Road, Lower Sackville**

An information report dated April 11, 2011 was before Community Council.

Councillor Johns accepted the information report dated April 11, 2011 and indicated this item could be removed from the Status Sheet.

#### **4.1.5 Request for Bus Route Highway 103 from Hammonds Plains Road to Bedford**

There was no update; this item will remain on the Status Sheet.

#### **4.1.6 Crosswalk Request – Smokey Drive and Glendale Drive**

There was no update; this item will remain on the Status Sheet.

#### **4.1.7 Highway 107 Bedford/Burnside Bypass**

There was no update; this item will remain on the Status Sheet.

#### **4.1.8 Cushing Hill Comprehensive Development (CCDD)**

An Information Report dated April 27, 2011 was before Community Council.

**MOVED by Councillor Outhit, seconded by Councillor Johns that North West Community Council request Regional Council's consideration to ask staff to include the Cushing Hill Comprehensive Development (CCDD) in their fall 2011 work schedule. MOTION PUT AND PASSED.**

#### **4.1.9 Area Rate for Implementing a Sidewalk within the Sunset Ridge and Twinbrooks Subdivisions**

As there was no update, Councillor Johns requested this item remain on the Status Sheet.

**MOVED by Councillor Johns, seconded by Councillor Dalrymple that items 4.1.2 and 4.1.4 be removed from the Status Sheet. MOTION PUT AND PASSED.**

**5. MOTIONS OF RECONSIDERATION – NONE**

**6. MOTIONS OF RESCISSION – NONE**

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

**8. HEARINGS**

**8.1 Public Hearings**

**8.1.1 Case 16763 – Development Agreement at 137 Walker Avenue, Sackville**

A report dated May 4, 2011 from the North West Planning Advisory Committee was before Community Council.

A revised development agreement was before Community Council.

Mr. Andrew Bone provided the presentation on Case 16763 – Development Agreement at 137 Walker Avenue, Sackville as outlined in the report dated May 4, 2011. He advised that Community Council had been provided with an updated Development Agreement which included corrections to several clauses and references in the document.

The Chair reviewed the Rules of Procedure for Public Hearings. He called three times for those wishing to speak for or against Case 16763 – Development Agreement at 137 Walker Avenue, Sackville. As there was no one else wishing to speak, the following motion was passed:

**MOVED by Councillor Johns, seconded by Councillor Dalrymple that the Public Hearing be closed. MOTION PUT AND PASSED.**

Vice Chair, Councillor Outhit, assumed the Chair at 7:19 p.m.

**MOVED by Councillor Harvey, seconded by Councillor Dalrymple that North West Community Council:**

- 1. Approve the proposed Development Agreement, set out in Attachment A, as amended, to permit two additional dwelling units in an existing 34-unit multiple unit dwelling at 137 Walker Avenue.**
- 2. Require the Development Agreement be signed by the property owner within 120 days, or any extension thereof granted by Council on request of the property owner, from the date of final approval by Council and any**

**other bodies as necessary, including applicable appeal periods, whichever is later; otherwise this approval will be void and obligations arising hereunder shall be at an end.**

**MOTION PUT AND PASSED.**

Councillor Harvey resumed the Chair at 7:20 p.m.

**8.1.2 Case 16418: Development Agreement – 70 First Lake Drive, Sackville**

A report dated May 4, 2011 from the North West Planning Advisory Committee was before Community Council.

Correspondence from Mr. Dan Duffy dated May 21, 2011 was submitted.

A memorandum dated May 26, 2011 from Mr. Tyson Simms, Planner, of submitted comments for the public record was submitted.

Mr. Tyson Simms, Planner, provided the presentation on Case 16418: Development Agreement – 70 First Lake Drive, Sackville.

A discussion on the presentation ensued with staff responding to questions of clarification.

As a result of concerns expressed by residents at the Public Information Meeting (PIM), Mr. Simms advised that staff have asked the developer to move the drive through queuing lane further east from the parking lot entrance so as not to effect traffic flow; noting that staff were now comfortable with the length and access of the queuing lane which can hold approximately 15 to 20 vehicles.

Mr. Simms indicated that, via negotiations, the applicant proposed to realign the Sackville Arena driveway so it would meet with the development's driveways; noting there would be three in total; one entrance only, one exit only and one for both. He stated that, as part of the agreement, staff required correspondence from the Lake District Recreation Association advising that they were in accordance with the realignment.

The Chair reviewed the Rules of Procedure for Public Hearings. He called for those wishing to speak for or against Case 16418: Development Agreement – 70 First Lake Drive, Sackville.

**Mr. Cesar Saleh**, W.M. Fares Group Limited, advised that he was acting on behalf of the applicant, First Mutual Properties, and was pleased with the recommendations from both the North West Planning Advisory Committee (NWPAC) and staff. He indicated that his team had taken the comments raised by the public at the PIM and addressed their concerns. Regarding concerns raised about insufficient parking, Mr. Saleh stated

that they had obtained parking counts over a two week period and had met both theoretical and actual parking limits. Regarding concerns about unsightliness, he stated that the site was getting a makeover with improved grading, pedestrian circulation, concrete sidewalks and landscape pockets throughout. Mr. Saleh addressed concerns about the site attracting more rodents; noting that Sobeys would bring their high standards to the site and follow regulations. He advised that a traffic study had been conducted and, in collaboration with HRM and the Sackville Arena, the driveway would be realigned to improve grade and circulation as well as additional parking. Mr. Saleh indicated that the proximity of the Tim Horton's drive through to the driveway was moved to create a greater distance of 400 feet. He stated that at the NWPAC meeting, concern was expressed regarding a bar being on site and he advised that First Mutual had no intention of bringing bar use to the site. He indicated that the development would qualitatively enhance the condition of the site; noting that Sobeys was a 100 year old enterprise and a community builder which would provide employment for local residents. Mr. Saleh thanked Community Council and indicated that Mr. Shawn Chaisson, President of First Mutual and Mr. Ray Landry, Civil Engineer, were also present.

**Mr. Keith Burke**, Quaker Crescent, stated that while he had no bias for or against the proposal, he did have concerns with how it would impact the Metropolitan and First Lake Avenue intersection which was close to a school zone and fire station. He expressed concern over the daily delivery of groceries that would occur; noting that the current intersection does not support the lawful right hand turn of tractor trailers and; therefore, tractor trailers would be required to cross the solid line into oncoming traffic to make their deliveries to Sobeys. Mr. Burke stated that the Community Council would not knowingly put residents in danger and pointed out that approving the development agreement without changes would mean that tractor trailer drivers would have no choice but to make illegal turns. He disagreed with the statement in the staff report that there will be no budget implications as this intersection would have to be addressed. He stated that when he expressed this concern to Mr. Simms, he was told that HRM had many intersections that could accommodate trucks turning; however, Mr. Burke stated that he did not mention lawful.

The Chair advised that, in some cases, HRM draws the stop line back further to provide a bigger swing to trucks as was the case at several intersections on Sackville Drive.

Mr. Mark McGonnell, Development Engineer, advised that this issue was common throughout HRM and, although it was not preferred, it was not unlawful for trucks to cross the centre line.

**Mr. Walter Regan**, Sackville Rivers Association, asked that this development not go ahead due to the fact that this may be the last time the community has the chance to properly develop the site to save First Lake from stormwater runoff. He asked that staff get it right now and to change the development agreement to fully support this issue.

The Chair advised that there was a stormwater plan for the site that meets the approval of HRM engineers and would reduce stormwater by 20%; noting that inceptors were being placed in the catch basins as well.

**Mr. Bob Rines**, President of the Lake District Recreation Association, advised that his Association owns and operates the Sackville Arena and they had concerns, not about the development which they were glad to see, but about the traffic flow and how their cliental enters and exits the Arena property. He indicated that the existing Arena driveway was not aligned with the development and expressed concern due to the amount of traffic the Arena generates; noting he could not afford to lose any of the 226 parking spaces he currently had. Mr. Rines advised that he discussed the Association's concerns with the developer and he was now present to ensure those concerns were respected. He stated that realigning the driveway meant moving it 50 feet which would create a grade drop; noting he asked the developer to maintain the existing Arena driveway as a right turn only entrance and to grade the new driveway so that is was wheelchair accessible grade to the property. Mr. Rines indicated that since the driveway was going to be extended into the middle of the parking lot, the Arena would lose 14 parking spaces and, as a result, the developer agreed to relocate these spaces at the rear of the building; noting that there would now be an accessible driveway, 20 vehicles and room for a bus turn. He stated they would be activating an existing driveway which was occasionally used, that the new driveway would be double and the old driveway a right hand only entrance. In closing, Mr. Rines advised he was pleased the developer addressed the Association's concerns and that they would put something to paper if approved; noting that a letter had already gone to HRM stating that the developer would pay for all expenses related to this matter.

**Ms. Theresa Scratch**, Cavalier Drive, stated that while she was neither for nor against the proposed development, she would like to see improvements. She expressed concern that the development has been looked at as a site rather than as part of a community and that she did not feel pedestrian access had been addressed. She questioned access to the site via the back trail walkway which she believed was still part of the site. She expressed concern that drivers would be heavy on foot leaving the new entrance which would create a bad intersection and that the Tim Horton's intersection would be used frequently by Sackville High students and; therefore, consideration should be given to creating a crosswalk. Ms. Scratch also expressed concern that traffic would increase on First Lake Drive where there was no sidewalk or lighting and that; perhaps, HRM could address this issue as it was not the proponent's responsibility.

**Mr. Kurt Wentzell**, Lower Sackville, stated that he was 99% in favour of the development. He wondered if the new Sobeys would have a liquor store as he was not in favour of that.

**Mr. Barry Reid**, Queen's Court, asked if the Developer planned to replace access from Quaker Crescent to the property by the stairs.



The Chair advised that he understood that there was no plan to replace access to the stairs.

**Mr. Jerry Blackwood**, Quaker Crescent, advised that his property was adjacent to a pathway to the town centre which was now closed and expressed concern that people already think it is still open and the development would encourage even more people to trespass. He expressed concern that the pathway would be open and create more issues for him as break ins have already occurred. He questioned why the developer was putting a retail food store in the middle of a residential area and expressed concern with noise issues, which already exist and this development would exacerbate.

The Chair advised that he was aware of this ongoing issue of trespassing and perhaps there was something HRM could do address these concerns.

**Mr. Shawn Smith**, Lakehead Court, expressed concern regarding noise; noting that the usage of the current property creates a fair amount of traffic in the morning and evening but not much otherwise. He stated that he was concerned about noise with the Tim Horton's moving in and access being simplified.

The Chair advised that there had been some effort in the contract to limit hours of operation and delivery times; noting this would not be a 24 hour store.

**Mr. Wade Marshall**, Quaker Crescent, advised that he had to put up a fence last year as a result of people using his backyard as a thoroughfare; noting this was a major problem which probably affected all four houses down from him as well. He stated that most residents did not want this development as the area was supposed to be community commercial and this was a huge retail store and expressed concern that a gas bar would be installed as well. He requested noise barriers as the loading dock for Sobeys would be in his backyard; noting it was not too late for Community Council to change the location of the loading dock so it would not be up against houses. Mr. Marshall also expressed concern regarding truck traffic and wondered if HRM would post truck route signs outlining the delivery times as set out in the development agreement. He advised that the queue lane at Tim Horton's would increase traffic and make it more difficult and dangerous for children at the nearby bus stop and crosswalk and he wondered why the queue lane could not go in the opposite direction. He indicated that First Lake Drive was not built to handle tractor trailers and wondered who would pay to fix it when it requires repair as a result. He suggested that Community Council consider purchasing the Salvation Army property in order to create a right hand lane. Mr. Marshall wondered if the chain link fence down First Lake Drive would at least be continued. In closing, he advised that he was opposed to the proposed development.

Mr. Saleh provided closing comments and addressed some of the concerns raised by residents as follows:

- There is no proposed liquor store in the Sobeys; however, a liquor store is a permitted retail use and could open in the future

- There has been no gas bar required or proposed
- They do not plan to reopen the stairs
- To address noise, staff has ensured there is a buffer zone and non disturbance area and the green area that exists will remain. There is a range of a 20 to 30 foot elevation difference between the upper properties and the site
- There is a noise barrier clause
- The owner of First Mutual is prepared to extend the fencing on the east side of the property to stop pedestrians from entering via Quaker Crescent

The Chair called three times for additional speakers. As there was no one else wishing to speak, the following motion was passed:

**MOVED by Councillor Outhit, seconded by Councillor Dalrymple that the Public Hearing be closed. MOTION PUT AND PASSED.**

A discussion ensued with staff responding to questions.

Councillor Johns expressed concern over having a liquor store on site and requested that Community Council remove that ability through the development agreement.

Ms. Karen Brown, Solicitor, advised that retail uses were permitted in the C2 zone and the way the development agreement was worded permits any use in that zone with the exception of entertainment uses; noting the Planning does not differentiate from different types of retail uses. She indicated that she was not sure that Community Council could not put that exemption in the development agreement; however, one question that may arise as a result would be what the definition of a liquor store is as, without a definition, there would be the possibility for interpretation. She advised that if Community Council was to exclude liquor stores along with entertainment, it would have to be reintroduced via a public process.

Ms. Langille advised that the clarification would not interfere with the motion as this would occur in the planning permitting stage.

Councillor Outhit assumed the Chair at 8:41 p.m.

Councillor Harvey advised that since the PIM, the developer had made changes and had positive recommendations from both staff and the NWPAC. He stated that the uses covered in the development agreement were either currently on site or were there before so they were not new. He indicated that the developer seems to be sensitive to the relationship with the residential neighbourhood as the two land uses have evolved together over the last 35 years.

**MOVED by Councillor Harvey, seconded by Councillor Johns that North West Community Council:**

1. **Approve the proposed development agreement as set out in Attachment A of the staff report dated April 19, 2011 to permit new commercial development in excess of the maximum size permitted in the C2 (Community Commercial) Zone at 70 First Lake Drive, Sackville with an amendment to remove “entertainment use” and “liquor stores” as a permitted use under Section 3.3.1 (a) and that the fence on the eastern side of property be extended to First Lake Drive in order to provide further security for residential properties on Quaker Drive, under Section 3.7.**
2. **Require the Development Agreement be signed by the property owner within 120 days, or any extension thereof granted by Council on request of the property owner, from the date of final approval by Council and any other bodies as necessary, including applicable appeal periods, whichever is later; otherwise this approval will be void and obligations arising hereunder shall be at an end.**

**MOTION PUT AND PASSED.**

Councillor Harvey assumed the Chair at 8:45 p.m.

The meeting recessed at 8:45 p.m.

The meeting reconvened at 8:54 p.m.

**9. CORRESPONDENCE, PETITIONS & DELEGATIONS**

**9.1 Correspondence**

- 9.1.1 Correspondence re: Second Lake**  
**(i Minister Charlie Parker - May 11, 2011**  
**(ii Ms. Theresa Scratch, Director of the Second Lake Regional Park Association (SLRPA) – May 22, 2011**

Correspondence dated May 11, 2011 from Minister Charlie Parker was submitted.

Correspondence dated May 22, 2011 from Ms. Theresa Scratch, Director of the Second Lake Regional Park Association (SLRPA) was submitted.

The Chair reviewed the correspondence dated May 11, 2011 from the Minister of Natural Resources; noting that the Minister’s official response was that they were moving towards a recommendation by fall 2011.

The Chair reviewed the correspondence dated May 22, 2011 from Ms. Theresa Scratch, Director of the Second Lake Regional Park Association (SLRPA) about a case that involves Windgate Farm, a development agreement in Councillor Dalrymple’s District.

The Chair stated that the purpose of the letter was to create a meeting between the groups referenced in the correspondence and appropriate HRM staff.

**MOVED by Councillor Johns, seconded by Councillor Outhit that a copy of the correspondence dated May 22, 2011 from the Second Lake Regional Park Association be forwarded to Planning staff with the intention that they will meet with the Second Lake Regional Park Association and the Sackville Rivers Association as outlined in the submitted correspondence.**

Discussion on the motion ensued.

Staff advised that they had already been in contact with the SLRPA and intended to meet with the group; noting that policy NF-2 would be honoured in both letter and spirit.

Councillor Dalrymple advised that he would prefer the motion go through the Marine Drive Valley and Canal Community Council as Windgate Farm was in that jurisdiction.

The Chair indicated that while he understood Councillor Dalrymple's predicament, the lands and receiving waters were in the Sackville Municipal Planning Strategy.

## **MOTION PUT AND PASSED.**

### **9.2 Petitions**

#### **9.2.1 Councillor Johns**

Councillor Johns submitted four additional signatures to be included with a petition he submitted at the May 24, 2011 Regional Council meeting containing 325 signatures requesting:

- a permanent solution be found to the ongoing problems with the Springfield Lake wastewater facility and Infrastructure which is currently affecting the local environment in a negative way;
- and to hold in abeyance any water bills for those residents on wells and hooked into the treatment plant until such time we are able to observe a noticeable improvement in the service provided by The Halifax Water Commission.

### **9.3 Presentation**

#### **9.3.1 Crosswalk Flag Program**

A presentation was submitted.

Mr. Norm Collins provided a presentation on the Crosswalk Flag Program and reviewed his submission.

A discussion on the presentation ensued with Mr. Collins responding to questions.

**MOVED by Councillor Dalrymple, seconded by Councillor Outhit that North West Community Council recommend to Regional Council that HRM not object to local community groups/organizations installing, maintaining, and using crosswalk flags at marked crosswalks or traditional sites of significant pedestrian crossing within their community, provided there will be no cost implications to HRM with the exception of Councillor's funds.**

Discussion on the motion ensued.

Councillor Dalrymple advised that he supported this community based approach to the crosswalk flag program as it was a cost effective way to improve safety. He agreed that it was not a program that would work in all areas of HRM; however, it would be particularly beneficial in communities that were having difficulty obtaining crosswalks and crosswalk lights.

The Chair indicated that, while he had reservations about this plan, he would support a community driven approach as he would not stand in the way of something that would improve safety and would not, in fact, create a false sense of security.

**MOTION PUT AND PASSED UNANIMOUSLY.**

- 10.      **REPORTS - NONE**
- 11.      **MOTIONS - NONE**
- 12.      **ADDED ITEMS - NONE**
- 13.      **NOTICES OF MOTION - NONE**
- 14.      **PUBLIC PARTICIPATION**

**Mr. Walter Regan**, Sackville Rivers Association, asked for updates on the 218, rocks on the service road by the rifle range and Pine Hill Repair. He invited Community Council and residents to the Sackville Rivers Association annual general meeting being held on June 2, 2011.

Councillor Outhit advised that he had nothing new to report regarding the 218, that rocks on the service road by the rifle range was a Nova Scotia Transportation and Infrastructure Renewal issue; noting that a letter was written; however, there had been no update. He indicated that the Pine Hill Repair was included in the five year plan.

**Mr. Wayne Faulkner**, Springfield Lake, advised that he was the author of the petition submitted by Councillor Johns earlier in the meeting; indicating that residents were attempting to get the existing serviceable boundary extended to include Springfield

Lake. He stated that they only needed to extend the new line that has reached as far as the Lively Road subdivision as their community was only .09 of a kilometre past that. He advised that there have been some problems; noting that from 1978 to 2002 he lived on the west side of the lake and was now on the opposite side and that there were malfunctions at the treatment plant at times and residents believe the solution was to hook the homes into central sewage. Mr. Faulkner stated that the residents know the cost and have had meetings with Halifax Water; advising he had support from 400 homes to be hooked into the system as well as a petition with 329 signatures. He stated that he only began the petition two weeks ago and that not all residents have signed because not everyone is charged a water bill yet which was another problem. In closing, he advised that he wants Council to expedite a system to extend the boundary to include Springfield Lake residents.

Councillor Johns provided further history on this issue and requested that this item be added to the Community Council Status Sheet.

**15. NEXT MEETING DATE – June 23, 2011**

**16. ADJOURNMENT**

The meeting was adjourned at 9:42 p.m.

Shawnee Gregory  
Legislative Assistant