

NORTH WEST PLANNING ADVISORY COMMITTEE

MINUTES

APRIL 22, 2002

THOSE PRESENT: Tony Edwards
Jan Gerrow
Councillor Goucher
Gloria Lowther
Ann Merritt
George Murphy
Delphis Roy, Chair
Karen Stadnyk

STAFF PRESENT: Thea Langille-Hanna, Planner
Gail Harnish, Admin/PAC Coordinator

REGRETS: Councillor Johns

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1. CALL TO ORDER

The meeting was called to order at approximately 7:00 p.m. in the Fenerty Room, Sackville Library.

2. APPROVAL OF THE AGENDA

Ann Merritt requested that the question of “how many houses can you build in a subdivision before you need a second entrance?” be added under new business.

It was moved by Jan Gerrow, seconded by Tony Edwards, to approve the agenda as amended. MOTION PUT AND PASSED.

3. APPROVAL OF THE MINUTES OF FEBRUARY 18, 2002

It was moved by Gloria Stadnyk, seconded by Councillor Goucher, to approve the minutes of February 18, 2002, as circulated. MOTION PUT AND PASSED.

4. BUSINESS ARISING FROM THE MINUTES - None.

5. CASE 00414 - PLAN AMENDMENT TO THE BEDFORD MUNICIPAL PLANNING STRATEGY AND LAND USE BY-LAW - 1091-95 BEDFORD HIGHWAY

Thea Langille-Hanna provided an overview of why this application and the next application on the agenda (MPS amendment - 961 Bedford Highway) are before the Committee. She noted that both requests are to amend the Municipal Planning Strategy (MPS) and Land Use By-law (LUB) for Bedford. One of the first steps in a plan amendment process, once the request has been received, is for staff to review the documents at a very high level. We are trying to determine whether or not significant things have changed in that particular area, if the existing designation or zone or provisions in the MPS/LUB are irrelevant, or if it was something unique that had not been contemplated when drafting the policy. We do not get into the details of the specific application. The question is whether or not staff feels the amendment process should be initiated. For both these applications, staff prepared initiation reports which indicate staff's preliminary thoughts on whether or not we should amend the MPS. Regional Council, at its meeting on March 19th, passed a motion indicating they wanted to receive comments from the North West Planning Advisory Committee before determining whether or not the requests should go through the public participation process. Comments are not normally requested from planning advisory committees prior to Regional Council making its decision on whether or not to initiate a plan amendment process. If the plan amendment process is initiated, then the matter would come back to the PAC to hold a public meeting.

Councillor Goucher noted that the reason for the deferral was not necessarily to make a decision on the MPS but to get the feelings of the Committee in terms of whether or not they should proceed

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with the plan amendment. It has nothing to do with the actual amendment; it is whether or not we should start the process.

Thea Langille-Hanna advised that in terms of the first application a letter was received from Dr. Errol Gaum of Granville Investments. The property in question is located at 1091 and 1095 Bedford Highway next door to "Say it with Stitches".

Gloria Lowther asked about the two storey house at the bottom of 1095 Bedford Highway. Thea responded it was her understanding they will look at removing all uses that are presently on those two sites. She also understood that the unit at the back of 1091 would be removed if the amendment was approved.

Thea Langille-Hanna noted that in terms of the topography of the site and the configuration, the lot is narrow along the Bedford Highway and quite narrow going to the rail line. There is a considerable grade difference. The property is located within the Mainstreet Commercial Designation which encourages mixed residential/commercial development. However, in that zone there is a requirement that any building with a commercial/residential mix, has to have a commercial mix of at least 50%. The developer submitted a couple of plans trying to meet that requirement but because of the grade differences, it has been difficult. The designation talks about a mix of residential and commercial that reflects Bedford's heritage and keeping it to the traditional nature and the neighbourhood and commercial needs. Staff believe the developer is trying to achieve that but finds it difficult. There are also other properties in the immediate area. This has not been the first inquiry from people struggling to meet the 50% requirement. We feel that what the developer is proposing is in keeping with what the Bedford MPS talks about and what it encourages. One of the primary considerations is the 50% commercial mix. Staff recommended that the plan amendment process be initiated to find out what the issues are surrounding that particular property.

Thea Langille-Hanna confirmed that the building footprint was approximately 11,000 sq.ft. and not 1,100 as noted on page 3 of the staff report.

Gloria Lowther questioned how many storeys the building would be.

Mr. Sam Kadray advised that there is a 30' difference in grade between the street and the back. There would be two storeys at the street and at the back would be the garage plus three storeys. They are not altering the grade.

Ann Merritt, referencing the drawing, indicated that she saw no place to park in the front of the commercial section of the building which would mean any parking would be down 30' below the road. She questioned the slope on the driveway and whether the back end of the buildings is residential. There would be a concern for the residents coming out of there and going up the slope.

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Thea Langille-Hanna advised that the Mainstreet Commercial (CMC) Zone requires the parking to be in the side and rear yards. The proposal shows approximately 13 parking spaces on the side of the property. It was her understanding of the required residential parking is the underground parking.

Mr. Kadray advised that the area of the outdoor parking will not have that steep a grade. The grade difference will not be any more than 18%. The area where people come onto the street will be flat.

Thea Langille-Hanna advised that our engineer has looked at the entrance points and grades. In most situations, concerns related to this can usually be addressed through the development agreement process. The bigger question is whether the request is suitable to go through a plan amendment process to consider changing the mix of residential/commercial.

Gloria Lowther questioned the height of the building.

Mr. Kadray responded 30'. They have made it look like three buildings because that is one of the requirements of the mainstreet program. They are also trying to pick-up the style of the dental clinic there now.

Gloria Lowther questioned the dimensions of the building. It was responded that it would be approximately 75'x189'.

Jan Gerrow questioned whether the commercial would be on the ground floor and the residential above and below.

Thea Langille-Hanna responded that the zoning requires the commercial to be on the street level. It was her understanding they are looking for office space above as well and the remainder would be residential.

Gloria Lowther questioned the percentage of mix the applicant was looking for. Mr. Kadray responded 20% commercial and 80% residential.

Ann Merritt expressed concern that the 13 parking spaces at ground level would not be enough for the commercial, and the people working and living there. If the parking is going to be limited, they will have to look at limiting the types of commercial uses permitted. Some commercial uses demand much higher parking spaces than others.

Thea Langille-Hanna responded that if Regional Council initiates the process, these are the types of questions that come out of the process. They may find out in the end that this specific property cannot handle that many residential uses or a certain square footage for commercial. The building may have to be small to accommodate the parking. There may be a need to restrict the commercial

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uses or it may be that the building is too big so that there is more parking for commercial.

Mr. Errol Gaum stated he owned the building, Granville Place, next door which has pretty much the same square footage, 6000 sq.ft. In this building there are 26 parking spaces underground so there are 8 more than necessary for the condominium owners. That 8 combined with the 13 parking spaces outside is more than he presently has in Granville Place where they do not have a problem with parking. There would be 8 parking spaces underground for workers and 13 for customers. In his building next door they have a dental office with 4 dentists so there is quite a bit of traffic. Also, there is a natural health clinic and an aesthetics clinic with lots of clients and they do not have a problem with parking.

Mr. Kadray said that they are also interested in restricting the type of commercial because they will have condominiums in the back. They want professional offices and are not looking at a restaurant or a high traffic use.

Gloria Lowther noted that the report indicates the plan amendment is required because of the request to allow the mix for the residential portion to exceed 50%, however, there are about three different policies that would require an amendment as well. For instance, there is a policy which indicates there should not be more than 9 residential units. She indicated she was concerned about the cumulative effect of making plan amendments. A lot of hard work went into creating the documents. She questioned if there was the opportunity to say they did not want to see an amendment approved once a plan amendment process is initiated.

Thea Langille-Hanna responded that if the amendment process is initiated, the PAC will hold a public meeting and make a recommendation. There is still an opportunity at that point to give direction to Council and staff. There is also an opportunity when staff finishes their recommendation and report for the PAC to make a recommendation. There is also the public hearing at Regional Council. If the MPS was amended and there is a development agreement, there will be another approval. Just because the process is initiated by Regional Council does not mean we are automatically amending the Bedford MPS; we are just exploring possible amendments.

Gloria Lowther noted that one of the comments from the Sackville Drive streetscape program was to make it as nice as Bedford. Bedford's MPS and LUB are what have kept the Bedford area nice and chipping away at these documents with plan amendments scared her.

Karen Stadnyk questioned the rationale for limiting the amount of residential mix.

Thea Langille-Hanna responded that in the 1984 document, the rationale was to try and create an even balance of residential/commercial. Developers have indicated that it is very difficult in today's market to have 50% residential and offset your commercial. There seems to be a trend where we can have that type of mix but the 50% commercial component seems to be pushing it a bit too far. It was

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not viable any more from an economical standpoint.

Councillor Goucher stated that in terms of the mainstreet program, the whole idea initially was to try and generate a pedestrian oriented type shopping area - a New England type. In some ways it has not worked. The whole concept was to allow people to have a business and live in the same building. It was not to have a business and build apartments in the same building. The concept with regard to the residential aspect came toward the tail end when there were some applications to build residential units.

Councillor Goucher expressed concern that not only here in Bedford but in many areas the plans are being "piece-mealed to death" with plan amendments. They are long overdue for review. He had a great concern with that and was why he did not want Regional Council to arbitrarily approve the plan amendment process without getting input from PAC members. It comes down to the basics. There is enough staff to do the day to day things but when it comes to MPS reviews every five years it is not possible.

Delphis Roy referenced the recent regional planning meeting in Beaver Bank. There was concern about their plan being long overdue for review. He suggested that perhaps the recommendation from this Committee should be to review the plan for Bedford.

Thea Langille-Hanna explained that Planning Services is divided into two sections - planning applications and community/regional planning. Regional Council has been advised that there will not be any reviews of MPS's during the regional planning process. When requests for plan amendments come in, we have to look at them and proceed to Regional Council with our recommendation.

Delphis Roy stated he heard it said that HRM has a surplus of money. It was recommended that the numbers of staff in the planning department should be increased.

Ann Merritt questioned how much of the Bedford Highway would be affected by the amendment.

Thea Langille-Hanna responded it could be a certain section or one site. Part of the plan amendment process would be to see which section it should apply to.

Tony Edwards commented that he thought it was a nice looking building BUT one section looks like four storeys. The middle section looks like three storeys but is supposed to be two storeys according to the MPS. One thing the developers agree on is that the MPS is restrictive. He felt it was a document that was found to be satisfactory to most and he was 100% opposed to any kind of amendment. He did not like spot-rezonings as it totally destroys the intent of the MPS in the first place.

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Jan Gerrow questioned whether we are talking about a plan amendment for just those two properties or for that entire zone.

Thea Langille-Hanna responded there is an opportunity to explore either or neither. The way she wrote the report is for a site specific property but towards the end she highlighted that there are other properties in this immediate area with similar topographic constraints.

Jan Gerrow indicated that she saw a lot of properties along there with the same issues, ie., from the old fire hall to the new fire hall. She recalled the discussion about the 50/50 mix and it was worded as such so that a person could live above the commercial space below. She indicated the requested change made her a bit nervous. If the request had been for 10% she might have thought about it but changing it to a 20-80 mix was a huge leap.

Gloria Lowther expressed concern that it sets a precedent to allow for 3-4 policies to be amended. There is supposed to be viewplanes every so often in the mainstreet commercial area. It is supposed to be a nice place to walk.

Thea Langille-Hanna said she did not want the Committee to think that staff has come forward with a plan amendment request to change the policies to make the development fit. We've had a lot of inquiries about this residential/commercial mix. One suggestion is to permit a residential/commercial mix at 50% as-of-right but to require a development agreement if they want to reduce the commercial percentage and there would be a list of provisions to negotiate like viewplanes and parking.

Karen Stadnyk commented that she felt it would be a good idea to look at a review for that section of road for many reasons. First, it did not work. Second, given that we all want rail and better transportation, if we get more residential on the street we may be able to fund more transportation. Third, some of the sections along Bedford Highway do not have sidewalks. She encouraged that they not do it piece-meal if there are other issues at the same time.

George Murphy stated he found it hard to believe that the City would stop planning. That strip of highway from Kearney Lake Road to the Chicken Burger is a perfect area to be planned. What you want is to have a mainstreet with lots of people walking up and down it and to have people living along it. He felt there should be a number of things ongoing. A study of that area because you cannot stop studying. Also, you have to accommodate projects like this one on a case by case basis. In his view, that project fits because it is a type of mix where you want residential on that strip and you want some commercial. They should really think about the highway because it is a key corridor for the next 10-20 years.

Mr. Kadray indicated that when they first started looking at developing this property, they wanted something in conformity with the property next door and conforming with the plan. One of the

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problems with the 50/50 mix is that it is very difficult to put residential above commercial because you have no control over what is going on downstairs and there are problems with fire ratings. When you have a large site like this, you're talking a lot of money. CMHC will not ensure properties with more than a 20% commercial component. Some of the people that approached them were interested in restaurants and fast food outlets. Also, they do not have to develop any residential on this site. They could put up a 30,000 sq.ft. commercial building but they do not want to do that. They thought a residential component with a small commercial component with streetscape would create a pedestrian oriented development. This is a large lot with 30,000 sq.ft. When they first started talking, they thought they would do a MPS amendment to allow a contract for this site. They do not want to open up a "pandora's box". Also, they thought their proposal meets the intent of the plan. They want to create a building that fits with the streetscape. If the building is too high, they can reduce it.

Tony Edwards noted that the rationale behind the 50/50 mix was to keep the small town look. It was to keep the houses rather than having somebody tear down the old buildings and build commercial buildings. Maybe the developer could be encouraged to put a residential looking cluster of buildings on the lot and make it look like a community of some sort through a development agreement process. Also, he was not interested in spot zoning.

Ann Merritt pointed out that the amendment would affect the entire highway within that zone and not just this one property. She questioned if there was some kind of control over how many of these developments occur with less than 50% commercial if the amendment was approved. She also questioned how much consideration staff would be given to traffic conditions on the Bedford Highway in light of the Wentworth/Bedford South development.

Thea Langille-Hanna indicated that Regional Council could direct staff to look at a site specific amendment or look at the entire area. The traffic impact would depend on the type of plan amendment. The scope of the impact would have to be expanded if the amendment was to be considered for the entire area. In terms of the number of units, the only way that could be potentially controlled was through the development agreement process.

Councillor Goucher noted that if they focus on the Mainstreet Commercial zone, there might not be that many properties affected.

Ann Merritt spoke in favour of a community meeting being held.

Jan Gerrow questioned whether elsewhere in the City where there is a commercial/residential mix, there are many that are economically successful or whether the bar was too high.

Thea Langille-Hanna advised that she and Andrew Whittemore did take the opportunity to review some of the areas along Sackville Drive, and it was decided to remove any reference to a percentage.

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They dealt with specific uses in terms of siting the building. There are sections in Dartmouth that have something similar.

Thea Langille-Hanna suggested that perhaps one of the things that could come out of the plan amendment process was that the property has to be of a certain size, ie., 25,000 sq.ft. or greater, so that they are not looking at a series of applications for small parcels.

Mr. Glen Boone, Sobeys Leased Properties, commented that he has been to a lot of PAC meetings in many communities. What he would like to see is something instilled in him a long time ago which is that it is a process of change. He did not like the word flexible because it should not be too flexible. One of the comments made was that the world cannot stop to wait for a regional plan. He commented he would be the first one to support that HRM does not have enough staff. He worked with HRM staff on a regular basis but for those on the other side who fuel development the idea of planning is that it is a process and if you do not let the process go forward, you also do a dis-service.

It was moved by Karen Stadnyk, that the North West Planning Advisory Committee recommend that Regional Council initiate the process to amend the Municipal Planning Strategy and Land Use By-law for Bedford to enable residential dwellings to exceed 50% gross floor area within a boundary. MOTION WITHDRAWN.

It was moved by Karen Stadnyk, seconded by Jan Gerrow, that the North West Planning Advisory Committee recommend that Regional Council initiate the process to amend the Municipal Planning Strategy and Land Use By-law for Bedford to review the Mainstreet Commercial Zone from Convoy Run to the Sackville River Bridge. MOTION DEFEATED.

It was moved by Ann Merritt, seconded by Karen Stadnyk, that the North West Planning Advisory Committee recommend that Regional Council initiate the process to look at the 50/50 commercial/residential mix requirement for a commercial/residential mix building in the Commercial Mainstreet Zone of the Bedford Municipal Planning Strategy and Land Use By-law. MOTION PUT AND PASSED.

Councillor Goucher abstained from the vote.

6. CASE 00406 - PLAN AMENDMENT TO THE BEDFORD MUNICIPAL PLANNING STRATEGY AND LAND USE BY-LAW - 961 BEDFORD HIGHWAY

Thea Langille-Hanna advised an application was received from Sobeys Leased Properties Limited requesting that the Bedford MPS and LUB be revisited to consider drive-thru restaurants within the Sobeys' complex at Mill Cove. The site is designated Commercial Comprehensive Development District (CCDD). The designation was placed on the property when the MPS was put in place in 1982. The designation and zoning was placed on the property for Food City. It was known they

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were in the process of doing significant development so it made sense to apply that CCDD zone there. There have been several phases of development agreements since then. A majority of the development is completed. There is a residential component not done yet. Also, for the parking area in front of Sobeys and Empire Theatres there is a development agreement in place that would permit a commercial office tower. Sobeys has requested a revisit of that concept and the MPS to consider a restaurant with a drive-thru function. Staff has done some research into the context. The intersection of Hammonds Plains Road and Bedford Highway has developed as a commercial node. In that immediate area there are two drive-thru's - Tim Hortons and Dairy Queen. Given the activity and development pattern in this area and that there are existing drive-thru's, it is not unreasonable to consider that there is some merit in going through the plan amendment process.

Ann Merritt questioned why a MPS amendment was required. Thea advised that the drive-thru restaurant is not a permitted use in that zone. Staff does not feel that a drive-thru restaurant is appropriate in some of the other areas in Bedford with the CCDD zoning.

George Murphy questioned whether two drive-thru's were being recommended. Thea responded possibly. One drive-thru is being recommended but there is enough room for two.

Mr. Boone advised that the impact would be less than 10%. If you look at the configuration, it is utilizing an area that is well removed. He confirmed that the interest is from Burger King.

Jan Gerrow questioned whether the drive-thru land was in exchange for the 20,000 sq.ft. commercial building. Thea responded it could be. She understood that Sobeys is no longer interested in developing that commercial office building.

Mr. Boone stated it would impede the opportunity to do that. The community was a different place when the zoning was put in place.

Jan Gerrow questioned what was left to be built on the site if the drive-thru is built. It was responded that there is a residential development which would be accessed off Convoy Run.

Jan Gerrow indicated her concern related to traffic and questioned whether a traffic impact study would be required. Thea responded that based on the description and its location within the parking lot configuration, particularly where it would be using the controlled intersection, Traffic Services advised that a traffic study is not needed for that one drive-thru.

Jan Gerrow questioned whether Traffic Services looked at the intersection of Moirs Mill Road. Thea responded she hoped so. One of the comments made by Traffic Services was that they anticipated it was going to be existing traffic volumes in the area using the facility, ie., people going to the grocery store or the movies. They did not anticipate an increase in traffic. Traffic Services would do a further evaluation through the plan amendment process.

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Jan Gerrow indicated she was concerned about traffic flow and referenced the Tim Hortons' drive thru in Clayton Park as an example of where the traffic flow is bad.

Gloria Lowther questioned whether the existing driveways would change. Thea responded the proposal is to utilize existing driveways and access point.

Gloria Lowther referenced the drive-thru at the Dairy Queen where it is in behind and less visible. A fast food store in this location is very visible and unattractive which is why it is not a permitted use since 1982 in the CCDD Zone.

Mr. Boone indicated that because of the small size of what could be there, it would be a relatively small building. Traffic engineering is an evolving science, the same as planning. Compared to a few other sites in this evolving traffic world, what they are telling us is that for convenience types of service, ie., Tim Hortons, their drive-thru's create 75% of their business in some locations. Specifically, Tim Hortons are fueled from drive-thru's. Unfortunately in some locations it does cause problems. The advantage to their site is that Dairy Queen is not a comfortable drive-thru because of its location. From a functional and safety point of view, it has elements that make it less convenient.

Mr. Boone stated that the fast food people have become very good at making their buildings look good and they landscape better than any other commercial type of building. They are trying to attract people to their business. Their property, which is a neighbourhood shopping centre, is controlled from a signalized entrance. It is getting those people off the highway. The other thing that science is telling them is that 60-80% of the traffic is already on the network. There is not going to be a huge volume created.

Jan Gerrow noted there are no sidewalks on that side of the street. She saw any kind of drive-thru as a magnet for the kids in the area. It is an unsafe crossing. The sidewalk is only on the other side of the road. Also, the traffic in this area is quick. There needs to be a sidewalk on the other side of the bridge and to continue across. The adjacent neighbourhood is full of younger people and teenagers.

Gloria Lowther noted that it says in the development agreement for Phase 3 that a 1.1 acre site was to be deeded to the Town of Bedford. She questioned where the site was.

Thea Langille-Hanna advised that the Phase 3 agreement is for the fire station and some residential development. She believed it is the rock area. There is some recreational land further down toward the residential on Convoy Run.

Mr. Boone indicated it was the section up above or behind the theatres. There is a development agreement that allows three residential buildings in there. Within that area there is one site that is

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quite close to the highway. The small green space is a tot lot which is meant to be built into more than parkland.

Ann Merritt noted that a site specific plan amendment is being requested. Thea responded that for this particular instance, staff feel a site specific amendment is appropriate. Staff does not feel this type of use should be permitted in the other CCDD's in the area.

Ann Merritt commented that when you have a development agreement, there should be a less invasive way of making changes to what is allowed on the land. Thea noted that the plan amendment is required because there is not an ability to amend one of these phases to permit the use. Staff has done a detailed review of policies and this will require an amendment to an existing policy or the writing of a new policy. Staff feel the zoning placed there 20 years ago did not contemplate the zoning still to be there. It has taken quite a few years to finish off the development.

Mr. Boone noted that their internal specialist folks were not interested in a second drive-thru for this site. Most of the fast food companies have drive-thru's in the area and down towards Sunnyside.

Councillor Goucher questioned whether they were willing to amend the application for a single drive-thru restaurant. Mr. Boone responded that the chances of a second drive-thru were very slim. However, the plaza is rather outdated and there is the possibility for one at the end if they were to do a new plaza.

Jan Gerrow questioned how the infilling of land fit in with this. Thea responded that from staff's point of view there is no indication of Federal approval.

Mr. Boone noted that their original discussion started in July of last year, after which they submitted the official request in October, so it has been six months to get to this point.

7. STATUS UPDATES

- 7.1 The monthly status sheets were provided for the information of the Committee.
- 7.2 The decisions of Community Council and Regional Council were provided for the information of the Committee.

8. NEW BUSINESS

Item not dealt with as time ran out.

9. NEXT MEETING DATE - Monday, May 1st, at 7:00 p.m.

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10. ADJOURN

**It was moved by Tony Edwards, seconded by Councillor Goucher, that the meeting adjourn.
MOTION PUT AND PASSED.**

The meeting adjourned at approximately 9:00 p.m.