



**MINUTES OF ORDINARY COUNCIL MEETING OF THE FRANKSTON CITY COUNCIL  
HELD IN THE CIVIC CENTRE, DAVEY STREET, FRANKSTON  
ON 2 SEPTEMBER 2019 at 7.00PM**

PRESENT	Cr. Michael O'Reilly (Mayor) Cr. Colin Hampton Cr. Sandra Mayer Cr. Glenn Aitken Cr. Quinn McCormack Cr. Kris Bolam Cr. Lillian O'Connor
APOLOGIES:	Cr. Brian Cunial Cr. Steve Toms
ABSENT:	Nil.
OFFICERS:	Mr. Phil Cantillon, Chief Executive Officer Dr. Gillian Kay, Director Community Development Mr. Vishal Gupta, Acting Director Community Assets Mr. Michael Papageorgiou, Manager Planning & Environment Ms. Brianna Alcock, Manager Governance & Information Ms. Mandy Hay, Communications Officer - Corporate Ms. Vera Roberts, Executive Assistant to Mayor Ms. Sharon Lozsan, Project and Business Support Officer
EXTERNAL REPRESENTATIVES:	

**COUNCILLOR STATEMENT**

Councillor Hampton made the following statement:

*"All members of this Council pledge to the City of Frankston community to consider every item listed on this evening's agenda:*

- *Based on the individual merits of each item;*
- *Without bias or prejudice by maintaining an open mind; and*
- *Disregarding Councillors' personal interests so as to avoid any conflict with our public duty.*

*Any Councillor having a conflict of interest in an item will make proper, prior disclosure to the meeting and will not participate or vote on the issue."*

Chairperson's initials

**PRAYER**

At the request of the Mayor, Councillor Mayer read the Opening Prayer.

**ACKNOWLEDGEMENT OF TRADITIONAL OWNERS**

Councillor Bolam acknowledged the Boon Wurrung and Bunurong peoples – the traditional custodians of the land on which we stand and recognised all Aboriginal and Torres Strait Islander peoples who have given to Australia’s identity – from the past, into the present and for the future.

Chairperson’s initials



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**1. PRESENTATION TO COMMUNITY GROUPS****1.1 Karingal Local Area Group**

An award was presented by the Mayor, Cr Michael O'Reilly and Cr Bolam in recognition of Karingal Local Area Group's successful advocacy in lobbying to keep Gretana Park as an open space park, and the park's subsequent upgrade. Additional recognition is awarded in its successful lobbying in the prioritisation of Manorswood Drive.

**2. CONFIRMATION OF MINUTES OF PREVIOUS MEETING**

Ordinary Meeting No. OM10 held on 12 August 2019.

**Council Decision**

**Moved: Councillor Hampton**

**Seconded: Councillor Aitken**

That the minutes of the Ordinary Meeting No. OM10 held on 12 August 2019 copies of which had previously been circulated to all Councillors, be confirmed, approved and adopted.

**Carried Unanimously**

**3. APOLOGIES****Council Decision**

**Moved: Councillor Hampton**

**Seconded: Councillor Mayer**

That the apologies be received and Councillors Cunial and Toms be granted leave from the meeting.

**Carried Unanimously**

**4. DISCLOSURES OF INTEREST AND DECLARATIONS OF CONFLICT OF INTEREST**

Nil.

**5. PUBLIC QUESTION TIME**

One (1) person submitted questions to Council. At the request of the Mayor, the Chief Executive Officer as asked to read the questions and answers to the gallery. As the person was not in the Chamber, the questions and answers will be responded to directly within seven (7) days and published in the open minutes of the next meeting.

**6. HEARING OF PUBLIC SUBMISSIONS**

Mr. Malcolm Lewis made a submission to Council regarding Item 14.6: 2019/NOM37 – Overport Park.

**7. ITEMS BROUGHT FORWARD****Council Decision**

**Moved: Councillor Aitken**

**Seconded: Councillor Mayer**

That Item 14.6: 2019/NOM37 – Overport Park be brought forward.

**Carried Unanimously**

**8. PRESENTATIONS / AWARDS**

Nil.

**9. PRESENTATION OF PETITIONS AND JOINT LETTERS****Petition - McCormicks Road Safety Audit****Council Decision****Moved: Councillor Hampton**

That the petition containing 552 signatures requesting an urgent safety audit of the crossing point and pedestrian refuge on McCormicks Road, Skye to improve pedestrian access and safety be accepted.

**Carried Unanimously**

**Petition - Acacia Heath/Spring Estate****Council Decision****Moved: Councillor McCormack**

That the petition containing 296 signatures requesting changes to the rate calculation process at Acacia Heath/Springhill Estate including an amendment to Section 173 and refund of all rate monies for the life of the estate be accepted.

**Carried Unanimously**

**10. DELEGATES' REPORTS**

Nil

**ITEMS BROUGHT FORWARD****14.6 2019/NOM37 - Overport Park**

*(TC Chief Executive Office)*

**Councillor Recommendation****Moved: Councillor McCormack****Seconded: Councillor Bolam**

That the \$35,000 funding allocation in the 2019/2020 budget for the planning and design works for the Overport Park Netball courts, be put on hold and the balance of any unspent funding be removed from the budget at the mid-year review, pending the completion of a full community consultation process and development of an updated Master Plan for Overport Park.

*Cr Hampton sought Leave of Council to amend the Notice of Motion  
Cr McCormack, the mover of the recommendation accepted the revised wording*

*Cr Bolam withdrew his support of the motion*

**Council Decision****Moved: Councillor McCormack****Seconded: Councillor Hampton**

That the \$35,000 funding allocation in the 2019/2020 budget for the planning and design works for the Overport Park Netball courts, be put on hold and the balance of any unspent funding be removed from the budget at the mid-year review, pending the completion of a full community consultation process and development of an updated Master Plan for Overport Park and that this community consultation process be conducted and the report brought back to Council at the first Council Meeting in 2020.

**Carried**

For the Motion: Crs Aitken, Hampton, Mayer, McCormack, O'Connor and O'Reilly

Against the Motion: Nil

Abstained: Cr Bolam

**Block Resolution****Council Decision****Moved: Councillor Mayer****Seconded: Councillor Aitken**

That the following items be blocked resolved and that the recommendations in each item be adopted:

- 11.1 July 2019 Planning and Environment Progress Report
- 12.1 Notice of Motion and Deferred Report Status Update for 2 September 2019
- 12.2 Renewal of Council membership subscription to the Mornington Peninsula and Western Port Biosphere Reserve Foundation Ltd
- 12.3 Draft Letter under Seal Policy
- 12.4 Election "Caretaker" Period Policy
- 12.6 Draft Waste Wise Events Policy - Outcomes of public consultation
- 12.7 MAV State Council Motions
- 12.8 Removal of Fees at Boat Ramps
- 12.9 Response to Petition - Provision of Parking Bays at Homestead Road, Langwarrin
- 15.1 Consolidated Financial Report and Performance Statement for the year ended 30 June 2019

**Carried Unanimously**

**11. CONSIDERATION OF TOWN PLANNING REPORTS****11.1 Adoption of the 2019 Frankston Planning Scheme Review Report - Report on public consultation and progress to a Planning Scheme Amendment to implement the Review**

*(MP Community Development)*

**Council Decision****Moved: Councillor Mayer****Seconded: Councillor Aitken**

That Council:

1. Notes the submissions made to the draft Planning Scheme Review 2019 report during public consultation;
2. Adopts to the Planning Scheme Review 2019 report with the recommended minor changes arising from the review of submissions; and
3. Authorises officers to write to the Minister for Planning to request authorisation to prepare and exhibit a Planning Scheme Amendment to the Frankston Planning Scheme.

**Carried Unanimously**

**Note:** Refer to Page 6 of the Minutes where this item is block resolved

**11.2 July 2019 Planning and Environment Progress Report**

*(MP Community Development)*

**Recommendation (Director Community Development)**

That Council receives and notes the July 2019 Planning and Environment Progress Report.

**Council Decision****Moved: Councillor Bolam****Seconded: Councillor O'Connor**

That Council:

1. Receives and notes the July 2019 Planning and Environment Progress Report.
2. Notes that a comment will be added to future Council Reports relating to Town Planning Permit Applications identifying whether a formal pre-application meeting was held in respect of that application.
3. Notes that a list of undecided permit applications as at time of the preparation of the report will be provided as part of future Planning and Environment Progress Reports, once a direct report from Council's corporate system is created.
4. Notes that an indication of generic average costs for Council representation for VCAT in respect of planning matters will be included as part of further Planning and Environment Planning Reports.

**Carried Unanimously**

**12. CONSIDERATION OF REPORTS OF OFFICERS****12.1 Notice of Motion and Deferred Report Status Update for 2 September 2019**

*(PC Chief Executive Office)*

**Council Decision****Moved: Councillor Mayer****Seconded: Councillor Aitken**

That Council:

1. Receives the Notices of Motion Report as at 2 September 2019.
2. Notes and accepts that there is one Notice of Motion that has been reported as being complete.
  - 2019/NOM23 – Evelyn Street Park
3. Notes that the reports listed below will not be presented back to Council by its advised date and that a detailed explanation is provided in the body of the report:
  - New Signature Event – Research Results
  - Response to 2019/NOM15 – Consultancy Fees Report

**Carried Unanimously**

**Note:** Refer to Page 6 of the Minutes where this item is block resolved

**12.2 Renewal of Council membership subscription to the Mornington Peninsula and Western Port Biosphere Reserve Foundation Ltd**

*(MP Community Development)*

**Council Decision****Moved: Councillor Mayer****Seconded: Councillor Aitken**

That Council:

1. Notes the Biosphere has appointed a new Executive Officer and a number of new board members.
2. Notes that all member Councils have signed the MOU with the Biosphere and committed to renewing their membership of the Mornington Peninsula and Westernport Biosphere Reserve Foundation for the 2019/20 noting membership for this Financial Year is \$23,057.38 (including GST).
3. Renews its membership to the Biosphere Foundation for 2019/20.

**Carried Unanimously****Note:** Refer to Page 6 of the Minutes where this item is block resolved

**12.3 Draft Letter under Seal Policy**

*(BA Corporate Development)*

**Council Decision****Moved: Councillor Mayer****Seconded: Councillor Aitken**

That Council:

1. Notes the draft Letter under Seal Policy (Policy) and agrees for it to be publicly exhibited for a period of four (4) weeks; and
2. Seeks a report back to Council no later than the November 2019 Ordinary Meeting to endorse the Policy, taking into account any feedback received by the community.

**Carried Unanimously****Note:** Refer to Page 6 of the Minutes where this item is block resolved

**12.4 Election "Caretaker" Period Policy**

*(BA Corporate Development)*

**Council Decision****Moved: Councillor Mayer****Seconded: Councillor Aitken**

That the Election Period Policy 2020 (Attachment A) be adopted, as required by section 93B(2)(b) of the *Local Government Act 1989*.

**Carried Unanimously**

**Note:** Refer to Page 6 of the Minutes where this item is block resolved

**12.5 Capital Works Quarterly Report - Q4 - April - June 2018/19**

*(LU Community Assets)*

**Council Decision****Moved: Councillor Mayer****Seconded: Councillor Hampton**

That Council:

1. Receives and notes the quarterly progress report (April – June 2019) for the 2018/19 Capital Works Program;
2. Notes that \$51.643M of expenditure was achieved in 2018/19 against a total Adjusted Capital Works Program budget of \$55.945M which equates to an outstanding 92.3% program expenditure rate exceeding the Council Plan performance measure of 90%; and
3. Approves the list of project funding proposed to be carried forward into the 2019/20 Capital Works Program (Attachment D), an amount which totals \$4.927M.

**Carried Unanimously**

**12.6 Draft Waste Wise Events Policy - Outcomes of public consultation**

*(LU Community Assets)*

**Council Decision****Moved: Councillor Mayer****Seconded: Councillor Aitken**

That Council:

1. Notes the summary of the submissions received by Council through the public consultation process for the draft Waste Wise Events Policy; and
2. Adopts the Waste Wise Events Policy (inclusive of the recommended changes identified in Attachment A) and publishes the Policy on Council's website.

**Carried Unanimously****Note:** Refer to Page 6 of the Minutes where this item is block resolved

**12.7 MAV State Council Motions**

*(PC Chief Executive Office)*

**Council Decision****Moved: Councillor Mayer****Seconded: Councillor Aitken**

That Council endorses the proposed Municipal Association of Victoria (MAV) State Council Motions and that the motions be forwarded to the MAV prior to the deadline date.

**Carried Unanimously**

**Note:** Refer to Page 6 of the Minutes where this item is block resolved

**12.8 Removal of Fees at Boat Ramps**

*(DD Community Assets)*

**Council Decision****Moved: Councillor Mayer****Seconded: Councillor Aitken**

That Council:

1. Notes the State Government election commitment to make all boat ramps in Victoria free of charge;
2. Notes the establishment of Better Boating Victoria by the State Government and the two stage process proposed by Better Boating Victoria to review management of boating infrastructure;
3. Revokes all Boat Launching Fees previously adopted as Operation - Foreshore Reserve Maintenance in its 2019-2020 Fees and Charges as shown in Attachment A subject to reimbursement of income from Better Boating Victoria;
4. Authorises the Chief Executive Officer to execute the Funding Agreement with Better Boating Victoria for ongoing reimbursement to Council for loss of income in relation to removal of fees at boat ramps; and
5. Authorises Officers to make pro-rata refunds to existing permit holders for the unused component of their current 2018/2019 permit.

**Carried Unanimously****Note:** Refer to Page 6 of the Minutes where this item is block resolved

**12.9 Response to Petition - Provision of Parking Bays at Homestead Road,  
Langwarrin**

*(DD Community Assets)*

**Council Decision****Moved: Councillor Mayer****Seconded: Councillor Aitken**

That:

1. Council notes the review of current parking provisions along Homestead Road and options for indented car parking;
2. Council authorise officers to undertake consultation with residents to determine whether there is support for construction of parking bays at a full cost contribution from residents as a Special Charge Scheme project;
3. Council notes that a report will be presented to Council by February 2020 outlining outcome of the consultation; and
4. The Head Petitioner be advised accordingly.

**Carried Unanimously****Note:** Refer to Page 6 of the Minutes where this item is block resolved

**13. RESPONSE TO NOTICES OF MOTION**

Nil

Chairperson's initials



**14. NOTICES OF MOTION****14.1 2019/NOM32 - Pines Flora and Fauna Reserve**

*(TC Chief Executive Office)*

**Council Decision****Moved: Councillor Aitken****Seconded: Councillor Bolam**

That the following are to be implemented in relation to the Pines Flora and Fauna Reserve:

- a) The State Government, given the reserve is theirs, is formally requested in writing by Council to provide a permanent CCTV unit;
- b) Victoria Police (Carrum Downs) are formally requested by Council to patrol the car park of the Reserve as part of their daily patrols;
- c) Council is to work with the 'Friends of the Pines Flora and Fauna Reserve' group to increase its membership and prominence (ie. Frankston City News, social media and Miscellaneous Grants); and
- d) Properties within close proximity to the Reserve, to be determined by officers, are to be letterboxed with flyers encouraging occupants to report anti-social behaviour.

**Carried Unanimously**

**14.2 2019/NOM33 - Investigation into the Sale of Evelyn Street**

*(TC Chief Executive Office)*

**Councillor Recommendation**

That a forensic investigation be carried out in relation to all aspects of the previously proposed sale of Evelyn Street public land

**Council Decision****Moved: Councillor Aitken****Seconded: Councillor Bolam**

That a forensic investigation be carried out in relation to all aspects of the previously proposed sale of Evelyn Street public land capped at \$10,000, subject to further review by Council if additional funds are required..

**Carried**

For the Motion: Crs Aitken, Bolam, Hampton, Mayer, McCormack and O'Connor

Against the Motion: Cr O'Reilly

**14.3 2019/NOM34 - Departmental Expenditure Limits (DELs)**

*(VR Chief Executive Office)*

**Council Decision****Moved: Councillor Bolam****Seconded: Councillor Aitken**

1. That as a programmed component of future budget deliberations, Council is to determine annual departmental spending-caps/department expenditure limits (DELs) for each department within the organisation;
2. Where departments exceed their DELs, reports are to be provided to Council on DEL breaches and how any over-expenditure can be offset (as well as explanation for any overspends and remedial actions to prevent future DEL breaches); and
3. That prior to formal initiation, a Memorandum is to be provided to Councillors on how the aforementioned mechanisms will be reported and determined by Council.

**Carried Unanimously**

**14.4 2019/NOM35 - Resident/Developer Discussions**

*(TC Chief Executive Office)*

**Council Decision****Moved: Councillor Aitken****Seconded: Councillor Bolam**

That:

- a) Minutes be taken at Resident/Developer discussions and that a summary of them be included in the Agenda Report.
- b) The CEO be requested to undertake a review of how the minutes from resident/developer meetings are reported. The review, to be reported back to Council in November, is to determine a process to ensure that all views and discussions emanating from such meetings are accurately and concisely captured.

**Carried Unanimously**

**14.5 2019/NOM36 - Councillor Column**

*(TC Chief Executive Office)*

**Council Decision****Moved: Councillor Aitken****Seconded: Councillor Bolam**

That Cr Aitken's Councillor Column from the May-June 2019 edition of Frankston City News, which was banned, be released for the November-December 2019 publication.

**Extension of Time****Moved: Councillor McCormack****Seconded: Councillor O'Connor**

That Cr Aitken be granted an extension of time.

**Carried Unanimously****Extension of Time****Moved: Councillor Hampton****Seconded: Councillor McCormack**

That the Mayor, Cr Michael O'Reilly be granted an extension of time.

**Carried Unanimously****Extension of Time****Moved: Councillor Mayer****Seconded: Councillor McCormack**

That Cr Bolam be granted an extension of time.

**Carried Unanimously**

Cr Mayer left the Chamber at 8.25 pm

Cr Mayer returned to the Chamber at 8.26 pm

**The motion was then Put  
and Carried**

For the Motion: Crs Aitken, Bolam, Mayer and O'Connor

Against the Motion: Crs Hampton, McCormack and O'Reilly

**15. LATE REPORTS****15.1 Consolidated Financial Report and Performance Statement for the year ended 30 June 2019**

*(KJ Corporate Development)*

**Council Decision****Moved: Councillor Mayer****Seconded: Councillor Aitken**

That:

1. Council approves adoption, in principle, of the draft Financial Report and Performance Statement for the year ended 30 June 2019;
2. The Mayor and Councillor McCormack (as Council nominated Audit and Risk Committee members) be authorised to certify the Consolidated Financial Report after agreement with Council's external auditors as to any changes that may need to be made and as considered appropriate;
3. The Mayor and Councillor McCormack (as Council nominated Audit and Risk Committee members) be authorised to certify the Performance Statement after agreement with Council's external auditors as to any changes that may need to be made and as considered appropriate.

**Carried Unanimously**

**Note:** Refer to Page 6 of the Minutes where this item is block resolved

**16. URGENT BUSINESS**

Nil.

Chairperson's initials



**17. CONFIDENTIAL ITEMS****Council Decision****Moved: Councillor Hampton****Seconded: Councillor McCormack**

That the Ordinary Council Meeting be closed to the public to discuss the following Agenda items and all documents associated with the consideration and discussion of it, that are designated confidential information by me, pursuant to Section 77(2)(c) of the Local Government Act 1989 (the Act) on the following grounds:

**C.1 Major Local Community Event Grant Outcome**

Agenda Item C.1 Major Local Community Event Grant Outcome is designated confidential as it relates to contractual matters (s89 2d)

**C.2 Proposed Sale of Council Land - 490R-504R Nepean Highway Frankston (Basement Car Park)**

Agenda Item C.2 Proposed Sale of Council Land - 490R-504R Nepean Highway Frankston (Basement Car Park) is designated confidential as it relates to matters affecting the security of Council property (s89 2g), and Any other matter which the Council or special committee considers would prejudice the Council or any person (s89 2h)

**C.3 Youth Mayor Program**

Agenda Item C.3 Youth Mayor Program is designated confidential as it relates to Any other matter which the Council or special committee considers would prejudice the Council or any person (s89 2h)

**C.4 Update Karingal PLACE - Revised Service Model and Building Works**

Agenda Item C.4 Update Karingal PLACE - Revised Service Model and Building Works is designated confidential as it relates to contractual matters (s89 2d)

**C.5 Clublinks Golf Contract - Status Update**

Agenda Item C.5 Clublinks Golf Contract - Status Update is designated confidential as it relates to contractual matters (s89 2d)

**C.6 Confidential Personnel Matter**

Agenda Item C.6 Confidential Personnel Matter is designated confidential as it relates to personnel matters and contractual matters (s89 2a & S89 2d)

**Carried Unanimously**

.....  
Signed by the CEO

Chairperson's initials



*The meeting was closed to the public at 8.28 pm*

CONFIRMED THIS

DAY OF

2019

.....  
CHAIRPERSON

**AUTHORITY TO STAMP INITIALS ON MINUTES**

I, Cr. Michael O'Reilly, Chairperson – Council Meeting hereby authorise the use of an electronic stamp of my initials to initial each page of these Minutes of the Council Meeting held on Monday 2 September 2019 confirmed on Monday 23 September 2019.

.....  
(Cr. Michael O'Reilly, Chairperson – Council Meeting)

Dated this

day of

2019