



**MINUTES OF COUNCIL MEETING OF THE FRANKSTON CITY COUNCIL
HELD IN THE FRANKSTON ARTS CENTRE, DAVEY STREET, FRANKSTON
ON 9 MARCH 2021 at 7.02PM**

PRESENT	Cr. Kris Bolam (Mayor) Cr. Nathan Conroy Cr. David Asker Cr. Sue Baker Cr. Claire Harvey Cr. Brad Hill Cr. Liam Hughes Cr. Steven Hughes Cr. Suzette Tayler
APOLOGIES:	Nil.
ABSENT:	Nil.
OFFICERS:	Mr. Phil Cantillon, Chief Executive Officer Ms. Kim Jaensch, Chief Financial Officer Dr. Gillian Kay, Director Communities Mr. Cam Arullanantham, Director Infrastructure and Operations Ms. Shweta Babbar, Director Business Innovation and Culture Ms. Brianna Alcock, Manager Governance and Information Ms. Michelle Tipton, Coordinator Governance Mr. Sam Clements, Manager Statutory Planning Mr. Stuart Caldwell, Coordinator Statutory Planning Ms. Fran Boyd, Manager People and Culture Ms. Fiona McQueen, Manager Community Relations Mr. Chris Rathborne, Manager Business and Information Technology Mr. Bruce Howden, Manager Waste and Recycling Mr. Taylor McVean, Coordinator Communications Ms. Chantelle Hepworth, Governance Team Leader Ms. Tenille Craig, Councillor Support Officer Mr. Ric Rais, Desktop Support Officer Mr. Damian Clarkson, Supervising Technician Mr. Glenn Parry, Supervising Technician
EXTERNAL REPRESENTATIVES:	Mr. Brodie Cowburn, Media journalist

MAYOR'S STATEMENT

This meeting is being live streamed for public viewing in accordance with section 66(3) of the Local Government Act 2020. In the event Council encounters technical issues with the streaming, the meeting will be adjourned for up to 30 minutes until the matter is resolved. If the matter cannot be resolved, the meeting will be postponed to another evening.

Chairperson's initials

COUNCILLOR STATEMENT

Councillor Conroy 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.”

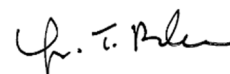
PRAYER

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

ACKNOWLEDGEMENT OF TRADITIONAL OWNERS

Councillor Conroy 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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The Mayor welcomed the return of members of public to Council Meetings and acknowledged former Senior Citizen of the Year, Hillary Poad and Former Councillor Judy Wachendorfer

The Mayor made a statement recognising International Womens Day, which was held on 8 March 2021.

1. PRESENTATION TO COMMUNITY GROUPS

Nil

2. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

Council Meeting No. CM3 held on 1 March 2021.

Council Decision

Moved: Councillor Tayler

Seconded: Councillor Baker

That the minutes of the Council Meeting No. CM3 held on 1 March 2021 copies of which had previously been circulated to all Councillors, be confirmed, approved and adopted.

Carried Unanimously

3. APOLOGIES

Nil

4. DISCLOSURES OF INTEREST AND DECLARATIONS OF CONFLICT OF INTEREST

Nil.

5. PUBLIC QUESTION TIME

Nil.

6. HEARING OF PUBLIC SUBMISSIONS

Mr Adam Gong made a submission to Council regarding Item 11.1: Planning Permit Application 292/2020/P - 88 Young Street Frankston - To use the land to sell packaged liquor;

Ms Julia Abbinga made a submission to Council regarding Item 11.2: Extension of Time Application 156/2013/P/C - 446, 448, 448A and 450 Nepean Highway Frankston - To develop an eleven (11) storey office, retail and residential building, alteration of access to a road in a Road Zone Category 1, and reduction of car parking spaces and loading / unloading facilities; and

Mr Andrew Grant made a submission to Council regarding Item 11.2: Extension of Time Application 156/2013/P/C - 446, 448, 448A and 450 Nepean Highway Frankston - To develop an eleven (11) storey office, retail and residential building, alteration of access to a road in a Road Zone Category 1, and reduction of car parking spaces and loading / unloading facilities.

7. ITEMS BROUGHT FORWARD

Nil.

Block Motion**Council Decision****Moved: Councillor Harvey****Seconded: Councillor Baker**

That the items listed below be block resolved:

- 11.3: Statutory Planning Progress Report - January 2021
- 12.1: Council Resolution Status Update for 9 March 2021
- 12.3: Appointment and Authorisation of Council Staff
- 12.14: Microsoft Enterprise Agreement Renewal
- 12.15: Award of Contract CN10465 - Pit Construction & Pipe Laying Panel

Carried Unanimously**8. PRESENTATIONS / AWARDS**

Nil

9. PRESENTATION OF PETITIONS AND JOINT LETTERS

Nil

10. DELEGATES' REPORTS

Nil

11. CONSIDERATION OF TOWN PLANNING REPORTS**11.1 Planning Permit Application 292/2020/P - 88 Young Street Frankston - To use the land to sell packaged liquor**

(SC Communities)

Council Decision**Moved: Councillor Conroy****Seconded: Councillor Tayler**

That Council resolves to issue a Notice of Refusal to Grant a Planning Permit in respect to Planning Permit Application number 292/2020/P to use the land for the sale of packaged liquor at 88 Young Street Frankston with the following grounds:

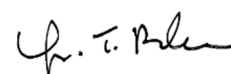
1. The proposal does not appropriately address or achieve the objectives of State and Local Planning Policies in that it will not positively contribute to the creation of a vibrant metropolitan activity centre, and a healthy and safe environment for residents, workers and visitors.
2. The proposal does not appropriately address and achieve the purposes of Clause 21.08 (Economic Development) of the Frankston Planning Scheme.
3. The proposed sale of packaged liquor fails to meet the purposes and decision guidelines of Clause 52.27 (Licenced Premises) of the Frankston Planning Scheme, as the proposed use is not suitably located, and would impact negatively on the public amenity of the nearby area through the consumption of packaged liquor in public spaces.
4. The proposed sale of packaged liquor in this location is not appropriate having regard to the nearby aggregation of persons vulnerable to alcohol related harm and other pharmacological issues, and the environment created by Frankston Station as a transport terminus where other persons who can be significantly impacted by anti-social behaviour, such as children who are frequently present.

Carried

For the Motion: Crs Asker, Baker, Bolam, Conroy, Harvey, Hill and Tayler

Against the Motion: Crs Liam Hughes and Steven Hughes

Chairperson's initials



- 11.2 Extension of Time Application 156/2013/P/C - 446, 448, 448A and 450 Nepean Highway Frankston - To develop an eleven (11) storey office, retail and residential building, alteration of access to a road in a Road Zone Category 1, and reduction of car parking spaces and loading / unloading facilities**
(SC Communities)

Council Decision

Moved: Councillor Conroy

Seconded: Councillor Tayler

That Council resolves to grant an extension of time for Planning Permit 156/2013/P issued 20 December 2014 for a further period of two (2) years for the commencement and for the completion of the development, respectively.

Carried Unanimously

DRAFT

11.3 Statutory Planning Progress Report - January 2021

(SC Communities)

Council Decision**Moved: Councillor Harvey****Seconded: Councillor Baker**

Part A - That Council receives the Statutory Planning Progress Report for the month of January 2021.

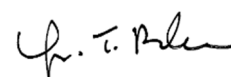
Part B – That Council resolves that:

- a) applications for liquor licenses associated with Restaurant and Bar uses within the Frankston Major Activity Centre are no longer required to be reported to Council for decision, except where the proposed capacity exceeds 100 persons (or where called in by a Councillor), and
- b) applications for retrospective approval of non-compliance with permits are no longer required to be reported to Council for decision (unless called in by a Councillor).

Carried Unanimously

Note: Refer to Page 4 of the Minutes where this item is block resolved.

Chairperson's initials



12. CONSIDERATION OF REPORTS OF OFFICERS**12.1 Council Resolution Status Update for 9 March 2021**

(BA Chief Financial Office)

Council Decision**Moved: Councillor Harvey****Seconded: Councillor Baker**

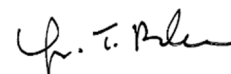
That Council:

1. Receives the Notices of Motion Report for 9 March 2021;
2. Receives the Urgent Business Status Update for 9 March 2021;
3. Notes there are four (4) Notices of Motion that have been reported as being complete:
 - 2019/NOM39 – Lighting Frankston
 - 2019/NOM53 - Councillors Code of Conduct
 - 2020/NOM19 - Public Toilet Action Plan
 - 2021/NOM2 – Rate Relief for Frankston Ratepayers (Lost: 2021/CM2)
4. Notes there are no reports that will be delayed in its presentation back to Council; and
5. Notes, since the Council Meeting held on 15 February 2021, 27 resolutions have been completed, as listed in the body of the report.

Carried Unanimously

Note: Refer to Page 4 of the Minutes where this item is block resolved.

Chairperson's initials



12.2 Update on Coronavirus (COVID-19) - 9 March 2021

(PC Chief Executive Office)

Council Decision**Moved: Councillor Baker****Seconded: Councillor Conroy**

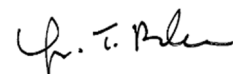
That Council:

1. Notes this report outlines its response to the impacts of the Coronavirus (COVID-19);
2. Notes an update will be provided to each Council meeting for the foreseeable future during this Pandemic.

Carried Unanimously

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Chairperson's initials



12.3 Appointment and Authorisation of Council Staff

(BA Chief Financial Office)

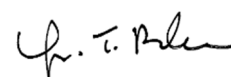
Council Decision**Moved: Councillor Harvey****Seconded: Councillor Baker**

That Council:

1. Pursuant to the provisions of Section 147 (4) of the *Planning and Environment Act 1987* appoints the officers listed in the Instrument of Appointment and Authorisations; and
2. Authorises for the Instruments of Appointment and Authorisation to be signed and sealed.

Carried Unanimously**Note:** Refer to Page 4 of the Minutes where this item is block resolved.

Chairperson's initials



12.4 CEO Employment and Remuneration Policy*(FB Business Innovation and Culture)***Council Decision****Moved: Councillor Baker****Seconded: Councillor Tayler**

That Council:

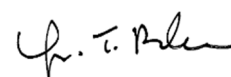
1. Notes the Draft CEO Employment and Remuneration Policy (Policy);
2. Endorses the Policy to be placed on public exhibition for a period of six (6) weeks;
3. Seeks a report back no later than May 2021, to adopt the Policy, taking into account any submissions received; and
4. Endorses the change in name of the CEO performance Review Committee to CEO Employment and Remuneration Committee and the Terms of Reference for the Committee.

Carried

For the Motion: Crs Asker, Baker, Bolam, Conroy, Harvey, Hill and Tayler

Against the Motion: Crs Liam Hughes and Steven Hughes

Chairperson's initials



12.5 Councillor Gift Policy
(BA Chief Financial Office)**Council Decision****Moved: Councillor Harvey****Seconded: Councillor Conroy**

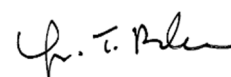
That Council:

1. Endorses the draft Councillor Gift Policy to be publicly exhibited for a period of 4 weeks; and
2. Notes that a report will be presented to the Council meeting on 19 April 2021 to enable Council to consider any feedback received and adopt the policy prior to the statutory deadline of 24 April 2021.

Carried Unanimously

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Chairperson's initials



12.6 Amendment to Public Submissions and Question Time Policy

(MT Chief Financial Office)

Council Decision**Moved: Councillor Hill****Seconded: Councillor Baker**

That Council:

1. Notes the COVID-19 Omnibus (Emergency Measures) Act 2020 came into operation on 1 May 2020, providing new mechanisms for Councils to conduct virtual meetings;
2. Notes an amended Public Submission and Question Time Policy (Policy) reflecting the process during a declared pandemic was adopted by Council at its meeting on 1 June 2020; and
3. Adopts the revised Policy which outlines the arrangements that will occur from 9 March 2021.

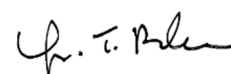
Councillor Liam Hughes left the meeting at 8:10 pm.

Carried Unanimously

Councillor Liam Hughes returned to the meeting at 8:12 pm.

The Chief Executive Officer, Mr Phil Cantillon, made a statement on the return to public question time to Council Meetings.

Chairperson's initials



12.7 Frankston City Tennis Action Plan*(TB Communities)***Council Decision****Moved: Councillor Hill****Seconded: Councillor Harvey**

That Council:

1. Notes the Draft Frankston City Tennis Action Plan;
2. Endorses the Draft Frankston City Tennis Action Plan to be publicly exhibited for a period of 6 weeks; and
3. Seeks a report back no later than May 2021, to adopt the Frankston City Tennis Action Plan, taking into account any submissions received.

Carried

For the Motion: Crs Asker, Baker, Bolam, Conroy, Harvey, Hill and Tayler

Against the Motion: Cr Steven Hughes

Abstained: Cr Liam Hughes

12.8 Final Progress Report - Waste Minimisation and Management Plan (2015-2020)
*(LU Infrastructure and Operations)***Council Decision****Moved: Councillor Harvey****Seconded: Councillor Conroy**

That Council:

1. Notes this final progress report on Frankston City Council's Waste Minimisation and Management Plan (2015-2020); and
2. Notes that a briefing with Councillors to inform the commencement and development of a new Waste Circularity Master Plan is scheduled for May 2021.

Carried Unanimously

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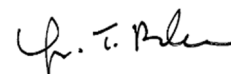
12.9 Tourism Development and Marketing Committee Terms of Reference
*(FM Business Innovation and Culture)***Council Decision****Moved: Councillor Tayler****Seconded: Councillor Asker**

That Council adopts the Tourism Development and Marketing Committee Terms of Reference (February 2021).

Carried Unanimously*Meeting adjourned at 8.30pm**Meeting reconvened at 8.40pm*

DRAFT

Chairperson's initials



12.10 National General Assembly of Local Government 2021*(BA Chief Financial Office)***Council Decision****Moved: Councillor Conroy****Seconded: Councillor Tayler**

That Council:

1. Notes the annual National General Assembly (NGA) conference will be held in Canberra from 20 June until 23 June 2021;
2. Endorses the suggested motion to be presented by the Councillor delegates Mayor, Cr Kris Bolam, Deputy Mayor, Cr Nathan Conroy and Cr Suzette Tayler at the NGA conference;
3. Notes the expenditure for Councillors' travel at an estimated \$7000 to be funded within existing budget; and
4. Supports referral of the adopted motions to be incorporated into the Council's Advocacy Strategy and the participation in any future meetings with Federal Ministers and the South East Melbourne's group representation.

Carried

For the Motion: Crs Asker, Baker, Bolam, Conroy, Harvey, Hill and Tayler

Against the Motion: Crs Liam Hughes and Steven Hughes

12.11 Public Commemorative Memorial Request

(BA Chief Financial Office)

Council Decision**Moved: Councillor Hill****Seconded: Councillor Baker**

That Council:

1. Approves the application request by Sonya Kilkenny, State MP for Carrum, to install a permanent feature in Station Street, Seaford, to remember Cameron Smith, who was tragically killed in December 2020;
2. Notes that Sonya Kilkenny, State MP for Carrum, will fund the costs associated with the plaque, the family will donate the bench seat and Council will fund and complete the retaining wall material modifications to accommodate the bench seat installations for the site; and
3. Supports officers to submit a funding application for the category Building Safer Communities Program, which will go towards the costs of the memorial and an urban design project to activate and increase public safety in the area.

Carried Unanimously

**12.12 Hearing of submission - Discontinuance and Transfer of Land - 145-147
Frankston-Flinders Road Frankston (Towerhill Shopping Complex)**
(BA Chief Financial Office)

Council Decision

Moved: Councillor Hill

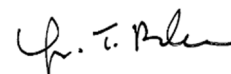
Seconded: Councillor Harvey

That Council:

1. Notes that public notice of the proposed discontinuance of roads within the Towerhill Shopping Complex and transfer of the land to the current owners was given in accordance with sections 207A and 223 of the *Local Government Act* 1989, and that one written submission was received;
2. Notes the written submission, and hears any verbal submission the submitter may wish to make in support of their written submission; and
3. Notes that a further report will be presented to the Council meeting on 29 March 2021, to enable Council to formally consider the matters raised in the submission and make a decision regarding the proposed discontinuance of roads and transfer of land.

Carried Unanimously

Chairperson's initials



12.13 Litter Bin Collection Services - 12 month extension

(BH Chief Financial Office)

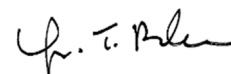
Council Decision**Moved: Councillor Harvey****Seconded: Councillor Baker**

That Council:

1. Awards a 12 month extension to the existing contract 2012/12-1R Litter Bin Collection Services to Cleanaway Pty Ltd for up to \$1.1 Million GST exclusive from 1 July 2021 to 30 June 2022;
2. Authorises the Chief Executive Officer to execute the contract extension with Cleanaway Pty Ltd;
3. Delegates approval of contract variations to the Chief Executive Officer; and
4. Resolves the attachments 1 and 2 to this report be retained confidential, pursuant to section 77 of the *Local Government Act 1989*, on the grounds that it contains Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released, pursuant to 3(1)(c) of the *Local Government Act 2020*.

Carried Unanimously

Chairperson's initials



12.14 Microsoft Enterprise Agreement Renewal

(CR Business Innovation and Culture)

Council Decision**Moved: Councillor Harvey****Seconded: Councillor Baker**

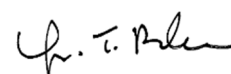
That Council:

1. Awards contract Q2110524 – Microsoft Enterprise Agreement to supplier Data#3 ABN: 31 010 545 267] for \$1,286,486.00 GST exclusive for a three year term;
2. Authorises the Chief Executive Officer to sign the contract;
3. Delegates approval of contract variations to the Chief Executive Officer; and
4. Resolves the attachments 1 and 2 to this report be retained confidential, pursuant to section 77 of the *Local Government Act 1989*, on the grounds that it contains Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released, pursuant to 3(1)(c) of the *Local Government Act 2020*.

Carried Unanimously

Note: Refer to Page 4 of the Minutes where this item is block resolved.

Chairperson's initials



12.15 Award of Contract CN10465 - Pit Construction & Pipe Laying Panel

(BH Infrastructure and Operations)

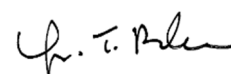
Council Decision**Moved: Councillor Harvey****Seconded: Councillor Baker**

That Council:

1. Awards contract CN10465 – Pit Construction & Pipe Laying Panel to Comar Constructions Pty Ltd; ACN 082 210 231; Maw Civil Pty Ltd; ACN 112 216 574; and Quality Solutions (Aust) Pty Ltd ACN 096 295 055 for \$1,061,827.16 GST exclusive for an initial three year term with the provision of a further 2 X 12 month extensions, noting that this is a schedule of rates contract;
2. Authorises the Chief Executive Officer to sign the contract and contract extensions based on the contractors' successful performance;
3. Delegates approval of contract variations to the Chief Executive Officer; and
4. Resolves the attachments A and B to this report be retained confidential, pursuant to section 77 of the Local Government Act 1989, on the grounds that it contains Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released, pursuant to 3(1)(c) of the Local Government Act 2020.

Carried Unanimously**Note:** Refer to Page 4 of the Minutes where this item is block resolved.

Chairperson's initials



13. RESPONSE TO NOTICES OF MOTION

Nil

14. NOTICES OF MOTION

Nil

15. LATE REPORTS

Nil

16. URGENT BUSINESS

Nil

Cr Tayler congratulated the Mayor on his appointment to the MAV Board for the South Eastern Metropolitan Region.

17. CONFIDENTIAL ITEMS**Council Decision****Moved: Councillor Hill****Seconded: Councillor Harvey**

That the 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 Response to Petition - Investigate (alleged) planning breaches at Burdetts Sand and Soil and LP Cranes

Agenda Item C.1 Response to Petition - Investigate (alleged) planning breaches at Burdetts Sand and Soil and LP Cranes is designated confidential as it relates to legal advice (s89 2f)

Carried Unanimously

.....
Signed by the CEO

18. OUTCOME OF CONSIDERATION OF CONFIDENTIAL ITEMS**C.2 Visitor Information Centre - Co-location Expression of Interest Update
(considered at the 20 July 2020 Council Meeting)****Council Decision****Moved: Councillor O'Reilly****Seconded: Councillor Aitken**

That Council:

1. Notes the report and accepts the expression of interest and financial offer received for Exodus Travel Agency to co-locate within the Frankston Visitor Information Centre for one year;
2. Authorises the CEO to negotiate with the co-tenant for up to a further three years, including the level of financial offer (as appropriate in the economic environment);
3. Approves the expenditure of \$7,000 from the financial offer of the co-tenant on the establishment of an appropriate counter that is compatible with the recent refurbishment of the Centre; and
4. Releases the recommendation upon completion of negotiations.

This motion was put and carried

The meeting was closed to the public at 9.22 pm

CONFIRMED THIS

29th

DAY OF

March

2021

Kr. T. Bolam

.....
CHAIRPERSON

AUTHORITY TO STAMP INITIALS ON MINUTES

I, Cr. Kris Bolam, 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 Tuesday, 9 March 2021, confirmed on Monday, 29 March 2021.

Kr. T. Bolam

.....
(Cr. Kris Bolam, Chairperson – Council Meeting)

Dated this

29th

day of

March

2021

Chairperson's initials

Kr. T. Bolam