

DOWNTOWN BARRIE BUSINESS ASSOCIATION (BIA)
BOARD OF MANAGEMENT REGULAR FEBRUARY MEETING MINUTES - QUORUM
TUESDAY MARCH 3RD, 2020 – 5:00 PM
BARRIE CITY HALL, HURONIA ROOM A – 70 COLLIER STREET

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Board Attendance: Councillor Sergio Morales (Interim Chair), Ms. Michelle Huggins via Skype (Secretary/Treasurer), Mr. Randy Aylwin, Mr. Chad Ballantyne, and Ms. Teresa Woolard. **Staff Attendance:** Ms. Kelly McKenna, Ms. Stacey Zubczyk, and Ms. Kristen Eatch.

Public Gallery Attendance: Jason Ing, Paul Lynch, Colin Hassey, Rob Hamilton, Cait PatrickL, Lise Rivalli. Councillor Keenan Aylwin, Robb Mier, Robyn Latchman, Morgan Sheridan, Councillor Mike McCann.

Call to Order

- Interim Chair Sergio Morales called the **2020 February Regular Board of Management (the Board) Meeting on Tuesday March 3rd, 2020** to order at **5:23 pm**.
 - Public Gallery Comment - Mr. Colin Hassey noted concern that the current Board doesn't have 'legal 'or 'lawful' quorum

DOWNTOWN BARRIE BUSINESS ASSOCIATION (BIA)

Items for Discussion & Voting

GOVERNANCE PROPOSALS -

- **Background:**
 - At the 2019 December 19th Regular Board Meeting Staff were directed to reissue the Governance Request for Proposals (RFPs) to Downtown Barrie (BIA) members early on in the new year and schedule some social media posts about it.
- **Update:**
 - The proposals were received from the following...
 - Solutions Ink
 - Chris Gariepy Business Advisors
 - The Other Half Consultants
 - Styli Pappas
- **Discussion**
 - Ms. Michelle Huggins noted that she is interested in Chris Gariepy's proposal, but his cost is too high. She also noted that she was intrigued by Styli Pappas' proposal and would like to have a conversation with him.
 - Executive Director Kelly McKenna noted that she didn't feel that Styli Pappas' scope was the right style that we're looking for and agrees that Chris Gariepy had the scope and the deliverables, but the price was too high.
 - Ms. McKenna also added that the other two proposals fall somewhere in the middle and suggested re-issuing the RFP again.
- **Action:**
 - The Board accepted the proposals for information at this time.

2020 BUDGET REVIEW –

- **Discussion:**
 - The Board discussed how much they are going to spend on the governance support.
 - BIA Staff, Ms. Stacey Zubczyk suggested that this be tabled until the Board reviews the Request for Proposals (RFPs) for governance support.
 - Interim Chair Councillor Sergio Morales noted that the Board would like to push money through to the Dunlop Streetscape Construction support. He also noted that the Board has until the end of March to submit the budget to Council.
 - **May Days-**
 - Secretary /Treasurer Ms. Michelle Huggins suggested cancelling May Days and applying the funds to Streetscape
 - BIA staff suggested that instead of cancelling May Days, a well known brand event that supports our retail members, to restructure it to something like Streetscape Days in order to continue to support our membership.
 - Funds for May Days can be moved to Streetscape but the event will still be run with the familiar May Days branding.

'2020 BUDGET REVIEW - Discussion:' continued on next page...

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2020 BUDGET REVIEW *continued-*

- **Professional Development-**
 - Executive Director Kelly. McKenna addressed the budget for Professional Development noting the upcoming OBIAA conference and First Aid training upcoming.
- **Staff Cell Phones:**
 - Interim Chair Morales presented a motion (see 03_035_2020 Feb BIA Motion # 1 below) to allow the purchase of cell phones for BIA Staff. He noted that originally Staff cell phones were purchased on a Rogers Legacy plan though Tourism Barrie. He noted that the motion saves the BIA money and allows staff member Ms. Zubczyk to more effectively do her job. He also noted the cost of the cell phone is not to exceed \$400.
Mr. Randy Aylwin inquired whether the \$400 is a one time fee and how often the Board will have to replace Staff phones.
 - Interim Chair Morales noted that Mr. Aylwin's question is arbitrary as the answer could be one day, four years or any amount of time in between.
- **Goodlife Magazine:**
 - Staff noted that after inquiring with a representative of Goodlife Magazine, the BIA has already committed to 2020 by past Executive Director, Craig Stevens.
 - Ms. McKenna noted that we don't want to commit and then back away.
- **Boat Show:**
 - Ms. Huggins noted that \$1,750 was paid in 2019 to sponsor the Boat Show.
 - Staff mentioned that there was no Boat Show in 2019 and asks if these funds could have actually been a late payout from 2018?
 - Ms. Huggins noted that the funds were actually just miscoded and that they went through on December 31st with the note "Marketing"
 - Further investigation discovered the funds were actually from Noella - Tree Lighting Tim Hortons Outdoor Film Sponsorship and Ms Huggins corrected the coding..
- **Meridian Place Anniversary:**
 - Ms. Huggins suggested removing the funds (\$7,500) for a Meridian Place Anniversary.
 - Staff noted that by not having the funds to program anything on Friday, July 3rd (date for the Meridian Place Anniversary) there will be a gap in the programming from Wednesday, July 1st to Sunday, July 5th. Staff suggested that some funds be left to allow for some programming that day.
- **Promenade Days Festival:**
 - Mr. Aylwin inquired about the status of Promenade Days for this year.
 - Staff member Ms. Zubczyk noted that currently Promenade Days are scheduled to take place two days (Saturday July 4th and Sunday July 5th) along Dunlop Street East and in Meridian Place. Events will be separate from City of Barrie Canada Day events on Wednesday July 1st.
 - Ms. Zubczyk provides a ratio of external to internal vendors: approx. 50 external vendors, 30 internal vendors.
 - Public Guest, Mr. Rob Hamilton, inquired why Friday is not being included in the Promenade Days weekend?
 - Ms. Zubczyk explained and noted that the option to include Friday is still a possibility.

● **Motion:**

- **Staff Cell Phones:**
 - 03_035_2020 Feb BIA Motion # 1:**

The Downtown Barrie Business Association (BIA) Board of Management moves a motion that the Chair and Executive Director be authorized to enter into a corporate cell phone agreement with Bell Mobility for three (3) cellphones, effective immediately.

That Stacey Zubczyk and Kristen Eatch have a cell phone plan purchased at \$5.00 voice and text, \$5.00 unlimited picture and video, and \$15.25 for 300 MB plan,

'2020 BUDGET REVIEW - Motion:' *continued on next page...*

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2020 BUDGET REVIEW *continued-*

- **Motion** *continued:*

- **Staff Cell Phones:**

- **03_035_2020 Feb BIA Motion # 1** *continued:*

- That the Executive Director Kelly McKenna have a cell phone plan purchased at \$5.00 voice and text, \$5.00 unlimited picture and video, and \$45.00 GB plan,*

With the understanding that the cellphones are to be of a job-related nature, and the data included covers reasonable data usage for job-related duties, that any overages on the data for all three (3) of the staff cell phones be billed and paid for by staff,

That cellphones for Stacey Zubczyk and Kelly McKenna be purchased, not to exceed \$400 each. That the authority be delegated to the Chair and Executive Director about whether to buy Kristen a new cell phone with Bell (and if so, not to exceed \$400), or to buy out the cellphone at Rogers and use it with Bell.

Motion moved by: Interim Chair Councillor Sergio Morales

Seconded by: Mr. Chad Ballantyne

Vote: All in Favour

APPROVED

- **Action:**

- **May Days-**

- Interim Chair Morales directed Staff to assess May Days by engaging with the membership - capture their feedback and determine if the event is worthwhile.

- **Professional Development-**

- Interim Chair Morales proposed leaving the budget at \$6,600 and asked Ms. Huggins to review with Ms. McKenna her plans for professional development.

- **Goodlife Magazine:**

- Staff look into this to determine what exactly was committed to by past Executive Director Craig Stevens.

- **Boat Show:**

- Staff was given direction to reach out to a representative of the Boat Show to see if there's a replacement contact and if it's happening again in 2020.

- **Meridian Place Anniversary:**

- Interim Chair Morales requests a cost analysis for the \$7500 and requests that Staff come back with numbers on programming.

- **Promenade Days Festival:**

- Interim Chair Morales asks Staff to capture the numbers of vendors who are interested (i.e. Will we sell out? Are there more vendors who want to be part of the event but that we don't have room for?)*
 - Staff was also directed to engage with members to determine whether a 2- or 3-day Promenade Days weekend would be preferred and whether the Friday should consist of full-day programming or just evening programming.

- **Staff Cell Phones:**

- Interim Chair Morales and will begin the process of entering into a *corporate cell phone agreement with Bell Mobility for three (3) cellphones, effective immediately.*

LEVEL 3 CHARGING STATIONS UPDATE -

- **Background:**

- At the '2020 December 4th Special Board of Management Meeting' the Board passed the following motion:

- **12_04_2019 BIA Motion # 2:**

- The Downtown Barrie (BIA) Board of Management move a motion that BIA staff investigate the feasibility of installing a Level 3 fast-charge station within the Downtown Business Improvement Area, including locations (private or city land), as well as grant and sponsorship opportunities;

'LEVEL 3 CHARGING STATIONS UPDATE' *continued on the next page...*

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LEVEL 3 CHARGING STATIONS UPDATE *continued-*

And that BIA staff Kristen Eatch and Stacey Zubczyk reach out to Rick Pews, Brent Forsyth, and Rebecca James-Reid at the City of Barrie with this concept and explore the option of contributing to the purchase and installation cost, and report back for the February 2020 Board meeting.

Motion moved by: Ms. Michelle Huggins
Seconded by: Mr. Randy Aylwin
Vote: All in Favour **APPROVED**

- **Update:**
 - *Please see '03_03_2020 BIA FEB BD APPENDIX – Level 3 EV Charging Stations.pdf (3 pages) for details.*
 - The City of Barrie has no plans to procure and install a Level 3 EV Charging Station at this time due to the high capital costs and low utilization of existing EV charging stations.
 - Staff to still look into potential downtown locations, grant and sponsorship opportunities along with purchase and installation costs.
- **Action:**
 - The Board accepted the report for information.

DUNLOP STREETScape PROJECT - MARKETING EFFORTS

- **Update:**
 - BIA staff met with City of Barrie Communications team, Nicole Maurice from Arnott and Jennifer Whitley from City's Engineering to discuss the marketing efforts for the Dunlop Streetscape Project in 2020
 - A lot of feedback received on the previous marketing efforts was that there was a disconnect between the City's efforts and the BIA's. Because of this, the City is handling the Curbex signage, but they're seeking a 50% cost share with us.
 - Total cost for Curbex signage for 9 months (March - November): \$21,384
- **Discussion:**
 - The Board discussed the scope of work on the signs (i.e location, change out opportunities, etc.) and whether there's a possibility to reduce the BIA's contribution
 - Ms. McKenna noted that contribution to the marketing is important as it allows for a seat at the table, especially when it comes to requests for a change out of messaging on the signs
 - Ms. Woolard suggests putting the event line up on the signage
- **Action:**
 - The Board directed Staff to reply to the City asking for the scope of work on the signs.

SONGWRITER SERIES SPONSORSHIP

- **Update:**
 - Staff presented the opportunity to once again be a sponsor of the Songwriter Series.
 - The opportunity encompasses the sponsorship of eight (8) concerts at the Donaleigh's Irish Public House for \$200 + HST per show.
- **Discussion:**
 - Mr. Randy Aylwin noted he loves the grass roots approach of the events organizers and the concert location Donaleigh's.
 - Ms. Michelle Huggins inquired about who has used the past tickets which have been provided with the sponsorship. It was noted that the tickets have been a very popular contest giveaway as part of the BIA's social media promotion for the series.
- **Motion:**

03_035_2020 Feb BIA Motion #2:
The Downtown Barrie Business Association (BIA) Board of Management a motion to sponsor the Songwriter Series in 2020.

Motion moved by: Mr. Chad Ballantyne
Seconded by: Mr. Randy Aylwin
Vote: All Favour Approved

'SONGWRITER SERIES SPONSORSHIP' *continued on the next page...*

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SONGWRITER SERIES SPONSORSHIP*continued-*

- **Action:**
 - The Board agrees to sponsorship and requests that Staff investigate the possibility of having a say in the messaging at the BIA's feature show.

UPCOMING EVENTS/ EVENTS CALENDAR - FOLLOW UP --

- **Update:**
 - **Meridian Place -**
 - Ms. Stacey Zubczyk filled in the Board on the status of the Meridian Working Group, and noted that there is furniture for Meridian Place, etc.
 - **2020 Promenade Days -**
 - BIA Staff are working on gathering details about the Summer Ice! skating costs and sponsorship opportunities
 - **Curb Appeal -**
 - BIA staff note that Chef Randy Feltis has agreed to be part of this year's Curb Appeal once again.
 - **Ladies Day + Date Night Event**
 - Ms. McKenna requested that the Board be conscientious of the \$2500 asked for the Metroland coverage.
 - **Motion:**
 - **Ladies Day + Date Night Event:**
 - **03_035_2020 Feb BIA Motion #3:**
The Downtown Barrie Business Association (BIA) Board of Management moves a motion to refer the execution of the Ladies' Day Shopping/Date Night Out to Executive Director for further implementation into Streetscape Marketing Efforts
Motion moved by: Secretary Chair Ms. Michelle Huggins
Seconded by: Ms. Teresa Woolard
Vote: All in Favour **APPROVED**
- **Action:**
 - **Meridian Place -**
 - Ms. Zubczyk will repost back on a tentative date for when the furniture will go out in Meridian Place.
 - **2020 Promenade Days -**
 - BIA Staff will report back.
 - **Curb Appeal -**
 - Mr. Aylwin and Ms. Huggins both noted that they'd like to sit on the committee but not participate in the event as a restaurant
 - **Ladies Day + Date Night Event.**
 - Ms. Huggins notes that a more manageable financial task would be to cover the costs of printing posters and sharing the information.

BY-ELECTION RESULT – SECOND LEGAL OPINION

- **Background:**
 - Following a complaint submitted to Barrie City Council about the Downtown Barrie (BIA) By-Election, Council opted not to ratify the results of the election, at their Monday February 10th, 2020 meeting, and referred the results back to the Downtown Barrie (BIA) Board of Directors.
 - Chief Election Official Kathleen Trainor of Tourism Barrie, received permission from Interim Chair Morales to seek legal advice on the By-Election Process and a confidential legal memorandum was provided to both City Council and BIA Board Directors.
 - The Board held a Special Meeting on February 14th, 2020 to consult with the Lawyer hired by Ms. Trainor Mr. Jim McIntosh with Barriston Law. At this meeting, the Board moved the following motion:
 - **02_14_2020 BIA Motion # 1A-**
The Downtown Barrie Business Association (BIA) Board of Management moves a motion to delay and re-draft the public statement;

BY-ELECTION RESULT – SECOND LEGAL OPINION - Background" *continued on the next page...*

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BY-ELECTION RESULT – SECOND LEGAL OPINION *continued-*

- **Background** *continued:*

- **02_14_2020 BIA Motion # 1A** *continued -*

- And to publicly release, on Tuesday, February 18th, 2020, the re-drafted statement, the legal memorandum and the data surrounding the vote counts in order for it to be interpreted, not just by the Board Members Elect, but by also the general population.

- And that two (2) weeks from Tuesday, February 18th, 2020 should be a reasonable timeline for Board Members Elect to seek legal counsel with a deadline to report back on Tuesday, March 3rd, 2020 at 4:30pm EST received.

Motion amended by: Interim Chair Sergio Morales

Seconded by: Mr. Ms. Teresa Woolard

Vote: All in favour **Approved**

- **Update:**

- *- Please see '03_03_2020 BIA FEB BD APPENDIX – SECOND LEGAL OPINION- Jack Siegel of Blaney McMurtry .pdf (6 pages) for details.*

- Interim Chair Morales explained the Board's options with the presentation of the second legal opinion. He noted that the timing of this lines up with Ms. McKenna's start date (hence delaying the regular February Board meeting to March 3, 2020). He spoke to legal counsel at approx. 4:15pm and Mr. Jim McIntosh was driving then and asked if he could call Mr. Morales back.

- **Discussion:**

- Mr. Aylwin stated that he prefers the information just be received and then sent to Mr. Jim McIntosh.
 - Ms. Huggins agrees with Mr. Aylwin.
 - The Board discussed the timing of when to expect Mr. McIntosh's response, as well as holding a special meeting to discuss the findings and interpretations.

- **Public Gallery Discussion:**

- Mr. Paul Lynch offers another option: instead of spending the membership's money on legal fees, the Board should take the second legal opinion seriously since it was provided by an individual with an extremely specialized area of law.
 - He noted that they sought out the most qualified lawyer in the country who provided a very conclusive response.
 - He suggested that the second response be brought to Barrie City Council and their legal department.
 - He also added with respect to Mr. Colin Hassey's initial concern about quorum, that this issue most definitely should be brought to the City level.
 - Interim Chair Morales confirms that Mr. Lynch's point is noted and appreciated.
 - Mr. Chad Ballantyne noted that he anticipated this process would take a lot of time, talk and money and that including the City and Council as a third party would be reasonable.
 - Interim Chair Morales noted that the City may respond by stating that they will not be getting involved
 - Mr. Hassey addressed his concern with the Board having quorum again.
 - Interim Chair Morales noted that Mr. Hassey's concern is not being ignored and has been noted.
 - Mr. Lynch noted that by presenting the second opinion to Mr. McIntosh, there may be no end to the lawyers' interpretations and suggests that the Board look into the City Clerk's responsibilities.
 - Mr. Rob Hamilton suggested that the Board not be fearful of allowing the six Board-elects on the Board.
 - Interim Chair Morales asks that Mr. Hamilton not mischaracterize him.
 - Mr. Hamilton notes that he was speaking about Interim Chair Morales personally.
 - Ms. Teresa Woolard states that she believes the six Board-elects did their due diligence and after reading the second opinion, she believes it is reasonable to accept them to the Board.
 - Ms. Huggins notes that she would prefer to send the second opinion to Mr. McIntosh first.
 - Ms. Robyn Latchman inquired to those in attendance who gave her name to the press after she emailed her formal complaint.
 - Interim Councillor Morales responded by asking who all she sent her complaint to
 - Ms. Latchman stated that Interim Chair Morales knows who she emailed.
 - Interim Chair Morales stated that he and Ms. Latchman will take this discussion offline.

'BY-ELECTION RESULT – SECOND LEGAL OPINION- Public Gallery Discussion' *continued on the next page...*

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BY-ELECTION RESULT – SECOND LEGAL OPINION *continued-*

● **Public Gallery Discussion** *continued:*

- Mr. Hassey asked Ms. Latchman if she is still contesting this election.
 - Ms. Latchman responded stating that she asked a number of people questions that still haven't been answered.
- Mr. Lynch requests to the Board that they stop spending the membership's levy on further legal advice.
 - Interim Chair Morales stated that everyone needs to continue communicating respectfully.
- Mr. Jason Ing adds that this back and forth drives us down and doesn't lift us up. The Board has an opportunity to make things right and personally, on behalf of the membership, he'd love to see this go through unanimously now and then leave it to Council.
- Mr. Ing notes that he respects Ms. Latchman's concerns, but added that he also asked Mr. Randy Aylwin questions (specifically, who it was that Mr. Aylwin said he had spoken to with similar concerns to Ms. Latchman) and he received no answer. **Motion:**

03_035_2020 Feb BIA Motion #4:

The Downtown Barrie Business Association (BIA) Board of Management moves a motion to refer the second legal opinion of Jack Siegel of Blaney McMurtry back to the BIA's Legal Counsel, Jim McIntosh with Barriston Law for review and report back as soon as possible, and that for BIA Staff to schedule an emergency Board meeting to review.

Motion moved by: Mr. Randy Aylwin

Seconded by: Mr. Chad Ballantyne

Vote: In Favour: 3

Not in Favour: 2

Approved

Amendment:

That Downtown Barrie (BIA) Executive Director Kelly McKenna and/or Interim Chair Councillor Sergio Morales seek out the opinion of the City of Barrie's Legal Department at the same time.

Amendment moved by: Mr. Chad Ballantyne

Seconded by: Ms. Teresa Woolard

Vote: In Favour: 4

Not in Favour: 1

Approved

● **Action:**

- Executive Director Kelly McKenna and Interim Chair Councillor Sergio Morales will seek out advice from both Jim McIntosh and the City of Barrie's Legal team.
- BIA Staff will await the direction of Ms. McKenna and Interim chair Morales before scheduling an Emergency Board meeting.

HR CONSULTANTS ACQUISITION--

● **Background:**

- Interim Chair Sergio Morales noted that the current Downtown Barrie Board recently worked with the team at HR Performance and Results to assist with the recruitment and hiring of a new Executive Director.
- He noted that the City of Barrie has indicated to himself, as well as the past BIA Executive members that they are phasing out the assistance that they provide to the BIA for Human Resources. The BIA will soon be responsible for its own payroll, employment resources issues, and other finances.
- He also noted that the team at HR Performance and Results have made the recommendation that the BIA develop a company to have employee handbooks noting that there is a lot of talent on staff that is being underutilized and standards of workplace safety and harassment, etc that should be addressed.

● **Update:**

- Interim Chair Sergio Morales suggested hiring HR Performance and results to provide the Downtown Barrie Staff the needed service. He provided the following information...
 - 1yr contract which includes payworks and discounted services.

'HR CONSULTANTS ACQUISITION- Update' *continued on the next page...*

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HR CONSULTANTS ACQUISITION *continued-*

- **Update** *continued:*
 - i.e- collecting payroll data and meeting with employees and assisting with the transition with a three (3) hour annual review; along with three (3) months notice to cancel
 - BIA Staff Ms. Stacey Zubczyk noted that currently the City of Barrie’s Finance department handles all BIA finances; including payment of all BIA invoices and collection of funds and deposits.
- **Discussion:**
 - Mr. Aylwin inquired about the cost and ‘Where is the request from the City of Barrie?’
 - Ms. Woolard noted concern about how long it’ll take to get this scope of work. SHe noted that she pays \$279/month for her Human Resource services and that she manages her own payroll.
- **Action:**
 - Executive Director Kelly McKenna will reach out to other HR companies and gather some pricing and details on the source of work for at least three (3) other providers.

Adjournment:

Motion to adjourn made by *Mr. Chad Ballantyne* and seconded by *Mr. Randy Alywin* at 8:00pm EST.

Vote: All in Favour

APPROVED

Next Meeting: 2020 Regular March Board Meeting - Thursday March 26th, 200 at 5:00PM EST- Sandbox Centre (24 Maple Avenue)