

**CITY OF VAUGHAN  
POLICY MANUAL**

<b>SECTION: PLANNING</b>	<b>POLICY NO.:07.2.05</b>
CNL: 99.10.12 (77/20)	
<b>DEPARTMENT:</b> URBAN DESIGN	<b>SUBJECT:</b> DEVELOPER BUILD PARKS POLICY

Council resolved:

1. That all parks designs be posted in visible locations at the sales offices; and,
2. That the enclosed Developer Build Parks Policy, be approved; and,
3. That all parks designs be posted in visible locations at the sales offices.

Recommendation

The Commissioner of Development Services, in consultation with the Commissioners of Finance and Community Services and the Directors Legal and Real Estate and Urban Design + Environment recommends:

1. That the enclosed Developer Build Parks Policy, be approved; and,
2. That the block captains in OPA 400 be provided a copy of this policy.

Background

At the meeting of June 28, 1999 Council approved:

- "1. That the presentation by the Director of Urban Design + Environment be received; and,*
- 2. That the following report of the Commissioner of Development Services in consultation with the Commissioner of Finance and Community Services; and the Director of Legal and Real Estate dated June 23, 1999, be approved; and,*
- 3. That quality control over the parks be ensured; and,*
- 4. That all parks designs be made available at the sales offices; and,*
- 5. That public consultation and community input be ongoing; and,*
- 6. That the timing of the installation of the park be determined by a percentage of homes sold; and,*
- 7. That Staff investigate the possibility of including a maintenance period as part of the contract; and,*
- 8. That the subject policy only apply to neighbourhood parks."*

Staff have reviewed the above noted direction from Council and provide the following information:

Based on comments received from Council and a subsequent meeting with representatives of the landowners, staff have revised the draft policy to address the above noted issues.

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1. *That quality control over the parks be ensured.*

Quality control is ensured in the policy by requiring certification from the consultants that work has been designed and completed to City standards and to the satisfaction of staff. In addition staff will be reviewing and approving drawings as well as performing periodic site inspections.

2. *That all parks designs be made available at the sales offices.*

If a park is to be designed and constructed, the policy requires that as a condition of draft approval a master plan for the park be approved. This master plan will be reviewed, approved and signed by the City and must be posted in the sales pavilion. The opening of the sales pavilion will be subject to approval of the parks master plan.

3. *That public consultation and community input be ongoing.*

Public consultation is a priority for park development. Therefore the City will, where possible and practical, co-ordinate public meetings, (in consultation with the developer), for new parks development. However, where the development of parks occur in advance of occupancy of the new subdivision and there are no occupied dwellings, public input may be limited.

If however, the subdivision is partially occupied and there are occupied residential units within 250 metres of a proposed park prior to the subdivision agreement process is initiated, staff shall hold a community meeting and/or distribute information about the proposed park development.

4. *That the timing of the installation of the park be determined by a percentage of homes sold.*

The draft policy has been revised to address this policy. The policy includes the guidelines for establishing completion dates for the parks. This policy reads as follows:

The timing of the construction of a park block at the City's approval shall be confirmed in the subdivision agreement based on the following principles:

- § The park block shall be completed within two growing seasons of the first building permit for the phase which contains the park; and/or,
- § Twenty five percent (25%) occupancy of homes within the subdivision or

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surrounding subdivisions served by the park; and/or,  
§ Availability of funding.

5. That Staff investigate the possibility of including a maintenance period as part of the contract.

Staff have met with representatives of the development community who advised that they do not support the provision of maintenance beyond the standard practice of the City as this would be an additional cost to the developer. The developers have indicated that they are in support of this policy provided that it is "revenue neutral". In other words, the cost to the developer should be no more than what would be paid if the status quo is maintained.

The policy requires that the City be responsible for maintenance after:

1. The City conducts a final inspection and is satisfied that the work has been completed to the satisfaction of the City and issues Substantial Completion; and,
2. Two (2) cuts of the turf grass; and,
3. The developer(s) consultant submits a certificate, under seal certifying that the consultant has inspected the construction and the park has been constructed as per the approved drawings.

6. That the subject policy only apply to neighbourhood parks.

This policy does apply to neighbourhood parks and excludes District and Regional Parks.

Therefore, based on the above noted discussions, a final draft developer build parks policy has been prepared, refer to attachment 1.



**POLICY: DEVELOPER BUILD PARKS POLICY**

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Q:\PRKDEV.WPD  
Last revised date, September 6, 1999

**1. Intent of Policy**

- .1 To develop parks in one phase and in a timely and cost effective manner to coincide with the occupancy of the new community. Neighbourhood parks shall be encouraged to be constructed as a condition of the subdivision agreement, however, this policy is not mandatory as a condition of draft plan approval or subdivision agreement.

**2. Criteria for Developer Build Parks**

- .1 Priority for development of parks utilizing this policy shall be guided by the following principles and criteria:
- a. Consistent with the approved 5 and/or 10 Year Parks Development Capital forecast;
  - b. Availability of funds as determined by the City;
  - c. Financial benefit/cost savings to the City and/or the community;
  - d. Need for parkland based on existing and/or anticipated occupied dwellings;
  - e. Length of time the existing community has been without a park.
- .2 Approval to proceed with "developer build park" shall be subject to final approval by the City.

**3. Public Consultation**

- .1 Public consultation is a priority for park development. Therefore the City will, where possible and practical, co-ordinate public meetings, (in consultation with the developer), for new parks development. However, where the development of parks occur in advance of occupancy of the new subdivision and there are no occupied dwellings, public input may be limited.
- .2 If however, the subdivision is partially occupied and there are occupied residential units within 250 metres of a proposed park prior to the subdivision agreement process is initiated, staff shall hold a community meeting and/or distribute information about the proposed park development.

- .3 Since master plans are a requirement of any block plan/secondary approval, residents can comment on any park development in association with any public meeting held with respect to any block/secondary plan.
- .4 If as a condition of draft approval the developer agrees to construct a park under this policy, a copy of the park(s) master plan shall be posted in the sales pavilion. This master plan shall be signed by the City and indicate that it is a draft and is subject to change. Approval to open the sales pavilion shall be subject to approval of the park master plan.

**4. Selection of Consultants and Contractors**

- .1 It will be the responsibility of the developer(s) to select the landscape architectural or any other consultants required for preparing master plans and detailed construction drawings. The prime consultant shall be a member of the Ontario Association of Landscape Architects and acceptable to the City. All work completed by the consultant shall be submitted in an electronic form, (CADD), compatible and to the satisfaction of the City.
- .2 The prime consultant shall be responsible for co-ordinating all work within the park boundary including work by other consultants and will co-ordinate inspections during construction with other consultants.
- .3 It will be the responsibility of the developer(s) to retain contractor(s) for the development of any park. Contractor(s) shall have a least five (5) years experience in site servicing and park development. All contractor(s) shall be acceptable to the City.
- .4 The developer(s) shall be responsible for obtaining and co-ordinating tenders, quotes or prices for all park development works and that this information will be made available to the City upon request.

**5. Block/Secondary Plan Requirement**

- .1 At the Block and Secondary Plan stage, the objective is to determine the amount of land, the location and final configuration of each park block. A preliminary facilities list will be provided to the developer(s) consultant so that "facilities fit" plans can be prepared to ensure that the parks are adequately sized, strategically located and linked within the block or secondary plan, (refer to appendix one, sample facilities fit plan).

**6. Draft Plan Requirements**

- .1 During the review of individual draft plans, master plans for each park block shall be developed in consultation with the City. A draft/preliminary master plan shall be completed and agreed upon with the City to be included as part of the staff report when Council is considering approval of that individual draft plan. (Refer to appendix 2, sample master plan). The City will require a park master plan to be approved by the City prior to Draft Approval.
- .2 The developer(s) consultants shall prepare a preliminary estimate to the satisfaction of the City.

## 7. Park Facility and Budget Requirements

- .1 The City shall provide a budget for the development of the park. This budget will include the following:
  - a. Estimated Construction Cost;
  - b. Consulting Fees;
  - c. Contingency;
  - d. All applicable taxes;
  - e. Administrative fee at 3% of sum of all costs.
- .2 The City shall provide the developer(s) with a list of park facilities and program requirements. This facilities list shall be derived based on the approved level of service for the City and co-ordinated with the development charges background study.
- .3 This facilities list will be used as a guide for the development of the park. The actual facilities list may vary from the level of service list as initially established with the understanding that the total estimate for any individual park development shall not exceed the budget estimate established in the Development Charges document for that park. Any additional cost beyond that which is included in the Development Charges shall be subject to approval by Council and subject to available funding source.
- .4 Based on the above, the developer(s) consultants shall prepare a final design as well as the detailed construction drawings at the appropriate stages as outlined in the sections below.
- .5 All parks and related facilities shall be constructed to the City's standards and to the satisfaction of the City.

## 8. Subdivision Agreement Requirements

- .1 The Engineering Department will continue to be the primary department responsible for the preparation of the subdivision agreement and the related drawings. All submissions shall be made through the Engineering Department.

Preparation of detailed construction drawings: During the subdivision agreement stage, the developer(s) consultants, as approved by the City, shall prepare detailed working drawings for the development of the park. These drawings shall include but not be limited to:

1. Grading plan, including vegetation inventory as appropriate
2. Servicing plan (including water, sanitary, storm, electrical, etc.)
3. Layout Plan
4. Planting Plan
5. Construction Details as required

Subject to the scale of the park block, the above information can be provided in combination with each other.

- .2 All drawings shall be prepared under the supervision of a landscape architect who is a member of the Ontario Association of Landscape Architects. All drawings are to be sealed by the professional who prepared the individual drawing:
- .3 The developer(s) consultant shall prepare a construction estimate based on a format approved by the City, (refer to appendix 3 for a sample construction estimate format sheet). This cost estimate shall clearly indicate what costs are available for appropriate compensation and what costs receive no credit (refer to appendix 4). A delineation between normal developer responsibility and development charges work shall be confirmed in the estimate.
- .4 All developer build park sites shall be secured and closed to the public during construction of the park. The developer shall be responsible for security during construction, however, the City may, pursuant to the parks bylaw co-ordinate any park closures.

#### 9. Timing for the Construction of Parks

##### .1 *For Neighbourhood Parks and Parkettes*

The timing of the construction of a park block at the City's approval shall be confirmed in the subdivision agreement based on the following principles:

- The park block shall be completed within two growing seasons of the first building permit for the phase which contains the park; and/or,
- Twenty five percent (25%) occupancy of homes within the subdivision or surrounding subdivisions served by the park; and/or,
- Availability of funding.

##### .2 *For District and Regional Parks*

- a. With the exception of the preparation of the "facilities fit" plan, District and Regional Parks are not subject to this policy. The City shall continue to co-ordinate the design and development of these parks.
- b. Notwithstanding .2a, the City and the Developer(s) may enter into an agreement to construct a portion or all of a district or regional park in a similar manner as outlined in this policy.
- c. District and Regional Parks may be developed through the City's Partnership Policy entitled "Vaughan Venture".
- d. Specific approval of Council is required in this instance.

#### 10. Park Construction and Inspection

- .1 During the construction of a park, the developer(s) shall be responsible for site security and that the site is not vandalised.
- .2 City staff shall have the right to enter the site for the purpose of inspecting the progress of construction.

- .3 The developer(s) shall provide the City with a construction schedule and identify key inspection points. The City shall inspect the following stages as a minimum:
  - a. Servicing
  - b. Rough grading, fine grading, topsoil and sodding
  - c. Facilities layout and installation
  - d. Planting
- .4 A final inspection shall occur at substantial completion of the park. The park shall remain closed until the City retains the responsibility of maintaining the park.

**11. Maintenance of the Park and Warranties**

- .1 The park shall not be considered opened to the public until the date of Substantial Completion and site is considered safe, for public use, by the City.
- .2 The park shall be maintained by the developer(s) until the date of Substantial Completion and the City retains the responsibility for maintaining the park. Maintenance shall include, but not limited to: grass cutting, debris pick up and disposal, watering, general horticulture practice to ensure health growth of turf and all plants, and inspections and repairs to ensure a safe environment.
- .3 The date when the City retains responsibility for maintaining the park shall be:
  - 1. after City conducts a final inspection and is satisfied that the work has been completed to the satisfaction of the City and issues Substantial Completion; and,
  - 2. after two (2) cuts of the turf grass; and,
  - 3. the developer(s) consultant submits a certificate, under seal certifying that the consultant has inspected the construction and the park has been constructed as per the approved drawings; and,
- .4 It is recognized that minor deficiencies shall not prevent the issuance of Substantial Completion by the City.
- .5 Notwithstanding that the City retains responsibility for the maintenance of a park, the developer shall be responsible for warranty items as stipulated in the subdivision agreement.

**12. Development of Parks which Straddle Plans of Subdivision**

- .1 The intent of this policy is to develop parks in one phase. In the event that a park straddles two or more plans of subdivision, the City shall encourage an agreement among the owners and generally the subdivision with the greatest street frontage on the park block shall be responsible for the construction of the park block.



### 13. Compensation and Payment Schedule to Developer(s)

- .1 The developer(s) shall be responsible for paying all applicable development charges for their subdivision. The developer(s) shall construct the park and submit invoices to the City for payment. Determination of Option shall be at the sole discretion of the City.

.2 **Option A - Based on Actual Costs**

***Estimates and Tenders:***

The Developer(s) consultants prepares a detailed estimate within the approved budget in consultation with the City. The developer(s) calls tenders and awards a contract. The City reviews the tender award amounts and ensure that the project is within budget. If the tender prices are greater than the approved budget for the park, the scope of park development work shall be reviewed and shall be adjusted to reflect approved budget.

***Progress Draws:***

The Developer submits a monthly invoice, (progress draws), for works completed. The invoice shall include:

- a. A certificate sealed by the Landscape Architectural consultant confirming the work has been inspected and completed as per the approved drawings; and,
- b. Copies of invoices from Consultants, Suppliers and Contractors.

***Progress Payments:***

The monthly invoices shall be submitted to the City for payment. The City shall pay the value of the invoice minus a 5% Maintenance Hold Back and the standard 10% Construction Lien Act Hold Back.

***Release of Hold Backs:***

The City shall release the hold backs as follows:

- a. **5% Maintenance Hold Back**, thirteen (13) months after the date of Substantial Completion of the park and there are no outstanding deficiencies;
- b. **10% Substantial Completion Hold Back**, as per the Construction Lien Act.

***Letter of Credit for Park Development:***

A municipal Letter of Credit for the development of a specific park block shall not be required in the subdivision agreement. However, the standard municipal Letter of Credit is required as per the subdivision agreement for all landscape works not subject to the development of the park block.

The subdivision agreement shall include specific clauses with respect to all of the above noted items.

**OR**

.3 **Option B - Based on an Approved Estimate.**

***Approved Estimates and Tenders:***

The Developer(s) consultant prepares a detailed estimate for design and construction including contingency, applicable taxes and administrative fees, within the approved budget in consultation with the City. The Developer(s) and the City agree on this fixed price for the development of the park. The City reviews the estimate and ensures that the project is within budget. If the estimate is greater than the approved budget for the park, the scope of park development work shall be reviewed and shall be adjusted to reflect approved budget. No tenders are called by the Developer(s).

**Progress Draws:**

Under this option there are no monthly progress draws. Under this option the developer is paid based on the exact approved estimate. Therefore, if there are additional costs, no additional funds will be paid to the developer. If costs are less, then the City will still be required to pay the developer based on the approved estimate.

**Contract Payments:**

Under this option payment to the developer is made as follows:

<i>Payment</i>	<i>When</i>
70% of approved consulting fee estimate	Invoice to be submitted to the City after the signing of approved subdivision agreement construction drawings.
Final 30% of approved consulting fee estimate; and, 85% of approved construction estimate, minus cost of any deficiencies	Invoice to be submitted to the City after substantial completion of park; and, certification from consultant that the park has be completed as per the approved drawings; and City retains responsibility for the maintenance of the park
10% of approved construction estimate, (Construction Lien Act Hold Back)	As per Construction Lien Act
Remaining 5% of approved construction estimate, (5% Maintenance Hold Back)	Thirteen (13) months after the date of Substantial Completion of the park and there are no outstanding deficiencies

**Letter of Credit for Park Development:**

A municipal Letter of Credit for the development of a specific park block shall not be required in the subdivision agreement. However, the standard municipal Letter of Credit is required as per the subdivision agreement for all landscape works not subject to the development of the park block.

The subdivision agreement shall include specific clauses with respect to all of the above noted items.

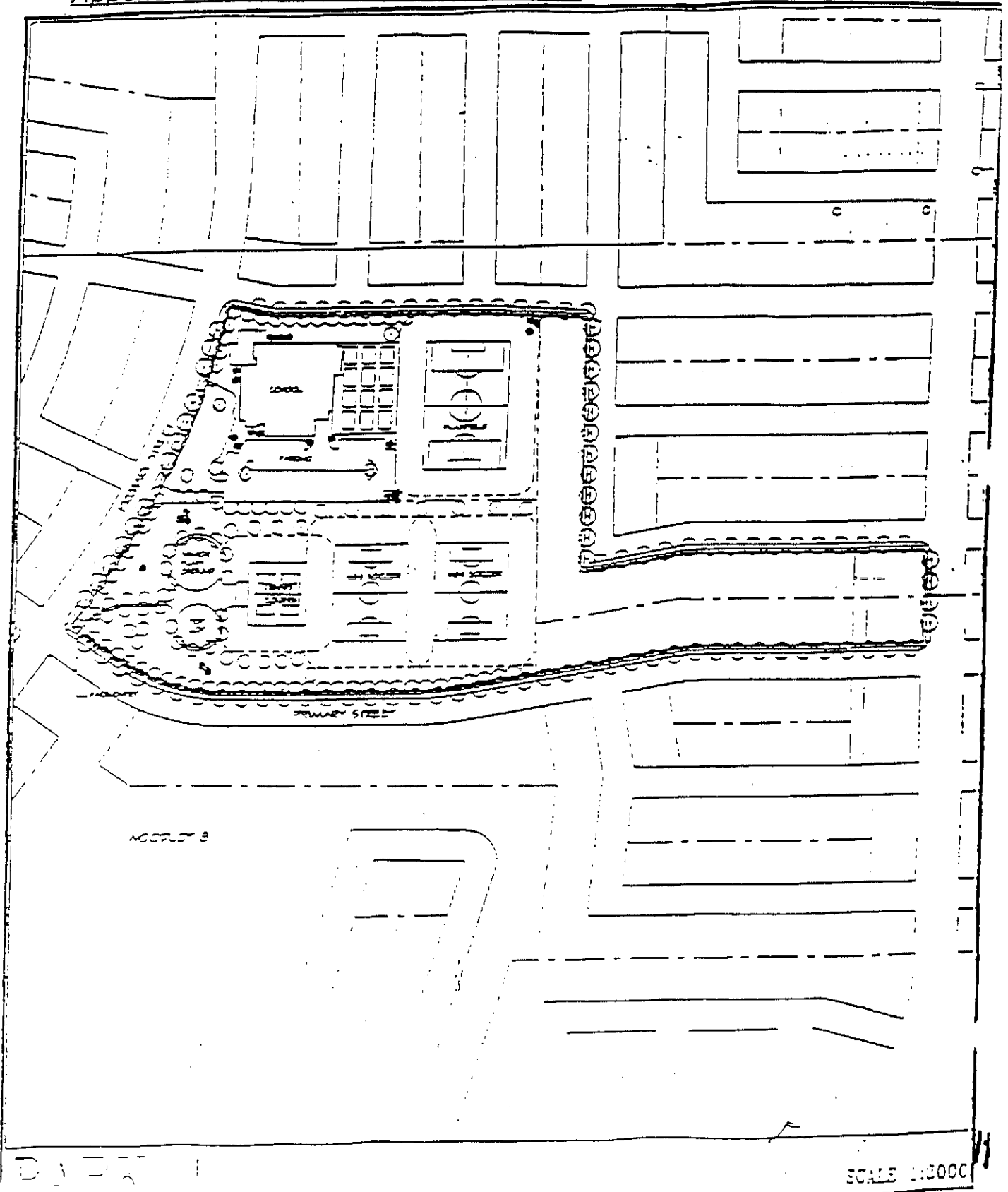
- .4 Payment to the developer in both options shall not exceed the value of the approved budget for the project as stipulated in the subdivision agreement.

14. Definitions

- .1 **The City:** The Corporation of the City of Vaughan including the Commissioner and/or Director responsible for parks planning and development.
- .2 **Substantial Completion/Substantially Completed:** As defined in the Construction Lien Act.
- .3 **Park Assumption:** Date of which the City assumes maintenance of the park.

City of Vaughan  
Developer Build/Parks Development Policy  
OPA 400 and Future Lands

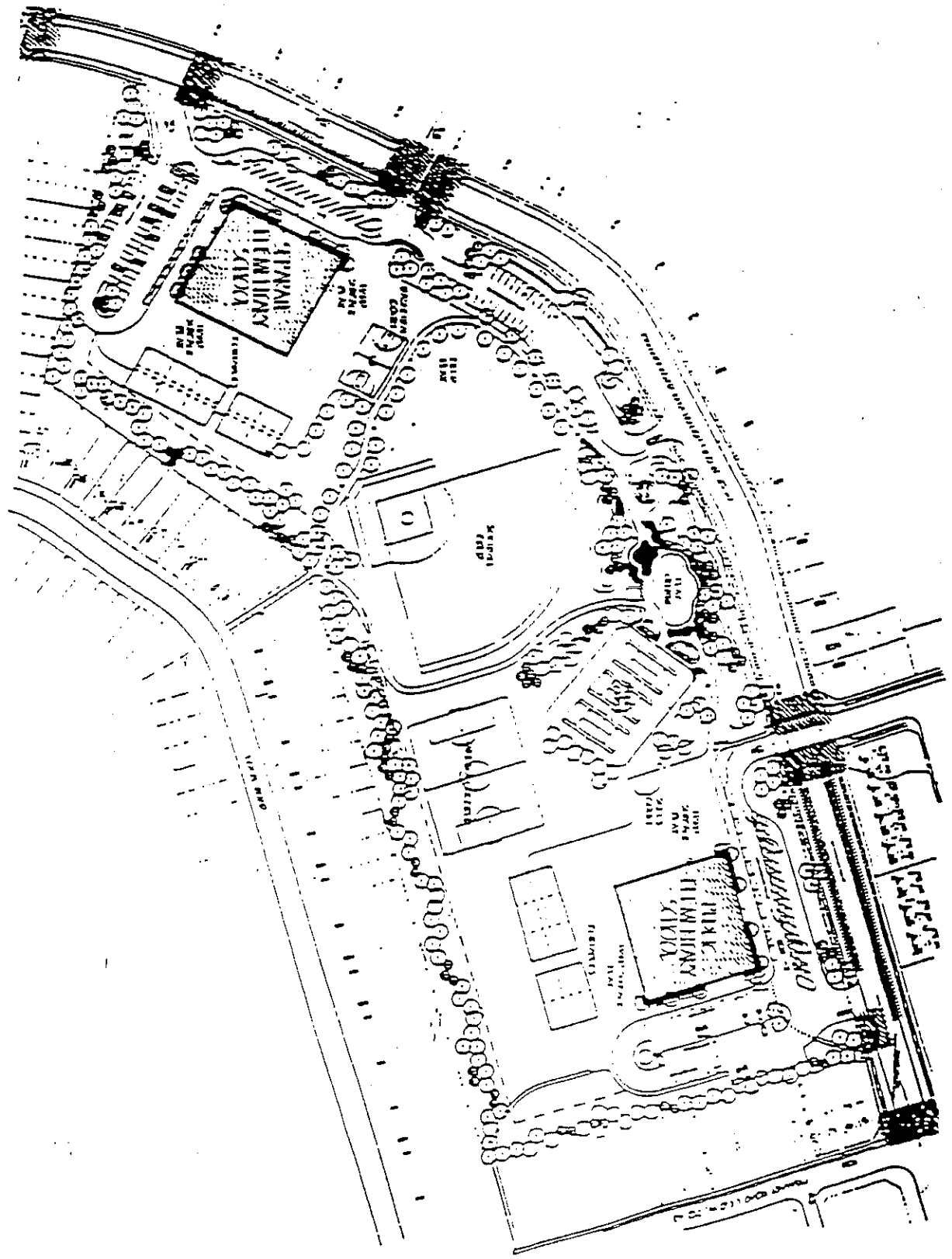
Appendix One - Facilities Fit Plan Sample



20.12

City of Vaughan  
Developer Build/Parks Development Policy  
OPA 400 and Future Lands

Appendix Two - Master Plan Sample







**Part C - Consulting Fees**

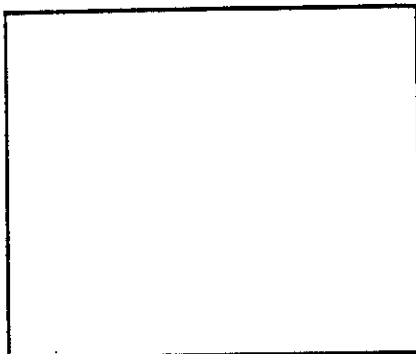
Item No.	Consultants	Total Cost
	Prime Consultant (Name)	
	Sub Consultant (Name)	
<b>C</b>	<b>TOTAL CONSULTING FEES</b>	

**Summary of Estimate**

Item No.	Items	Total Cost
<b>A</b>	<b>Base Park Development Costs</b>	
<b>B</b>	<b>Park Facilities Costs</b>	
<b>C</b>	<b>Consulting Costs</b>	
<b>D</b>	<b>Subtotal</b>	
<b>E</b>	<b>Contingency</b>	
<b>F</b>	<b>Subtotal</b>	
<b>G</b>	<b>GST at 3% (net to the City)</b>	
<b>H</b>	<b>Subtotal</b>	
<b>I</b>	<b>Administration at 3%</b>	
	<b>PROJECT ESTIMATE</b>	

Estimate Prepared by

Consultant's Name	Date
-------------------	------



Consultant's Seal

**Appendix Four - Development Charges Non Credit/Credit Items**

**A. Developers responsibility (no Development Charge credit)**

1. **Clearing and Grubbing** - removal of all agreed upon vegetative material from site. Any plant material to be saved is to be protected, in the approved manner, before clearing and grubbing commences.
2. **Topsoil Stripping** - stripping of all reusable organic matter and stockpiling in an approved method on site. When required the Developer may be requested to secure the topsoil against wind damage. Contaminated organic or excess fill is to be removed from site. Additional topsoil required to meet specified depths is to be supplied at the owner's cost.
3. **Rough Grade, topsoil, drained and clean and green site.** The developer is responsible to bring park block sites to a grade which will grades and drains and includes a 12 inch layer of topsoil over an approved sub-grade. In addition, the developer is required to seed the site with an approved seed mixture to control dust and erosion.
4. **Design** - Park facility fit and master plans are a requirement of block plan and draft plan approval. Conceptual grading plans for the park design must provide sufficient information and detail to be approved by the City.
5. **Water, storm, sanitary, and electrical service stubs**, including chambers and meters as required shall be provided at the property line of the park.
6. **Tree preservation and protection measures**, remedial planting and removals as specified in any tree preservation reports.
7. **Perimeter Fencing** - Standard chain link fences on residential properties adjacent to park blocks.

**B. Basic Park Development (Eligible for Development Charge Credit)**

8. **Grading, Topsoil Spreading/Fine Grade** - all facilities and landscaped areas, as well as, decorative landscape features such as berms, smoothing out changes in grade etc. At end of fine grading the site is ready to accept the topsoil to the required depth in order to meet the agreed upon final grades. This also includes topsoil spreading to the required depth and prepared to receive sod or seed.
9. **Sodding** - supply and install sod as per approved specifications. One year warranty and maintenance assumed in the unit prices (on occasion, seeding may replace the requirement for sodding by City direction).
10. **Planting** - (trees, shrubs, vines, perennials) - supply and install plant material as per approved specifications. One year warranty and maintenance assumed in the unit prices.



11. **Pathways/Walkways** - Pathways construction includes all of the required works such as extensions of pathways into the boulevard to meet the sidewalk or street, curb cuts, culverts, pathway bollards, etc. to make pathways safe and useable. Including lights and all wiring and electrical pedestals, approved, hook-ups, etc., to complete the installation and have them energized.
12. **Catch Basins and Storm Sewers** - all required catch basins and storm sewers within park block as required to service the park block only.
13. **Harding landscaping and site furnishings** - all seating areas, decorative paving, benches, trash, receptacles, gazebos, signage, bicycle racks, architectural items, planters edging, gates, interior fencing etc.
14. **Parking Lots** - construction of parking lots, asphalt boulevard entrances, curb cuts, wheel stops, driveways, etc, for those parks where there is no available parking on adjacent properties.

**C. Facilities Development (Eligible for Development Charge Credit)**

1. **Parkland Recreational Facilities** - Supply and install the items required to complete the following, but not limited to:
  - Baseball Senior Lit/Unlit
  - Softball Lit/Unlit
  - Senior Soccer Lit/Unlit
  - T Ball
  - Mini Soccer
  - Mini Mini Soccer
  - Tennis Lit/Unlit
  - Bocce Lit/Unlit
  - Water Play
  - Senior Play Grounds
  - Tot Lots
  - Play/Basketball Courts

**D. Consulting Fees**

1. Design fees associated with preparation of detailed construction drawings for the park and associated site inspection and certification.

**CITY OF VAUGHAN**

Item 20, Report No. 77, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on October 12, 1999.

20

**DEVELOPER BUILD PARKS POLICY**

The Committee of the Whole recommends:

- 1) That the recommendation contained in the following report of the Commissioner of Development Services, dated October 4, 1999, be approved; and
- 2) That all parks designs be posted in visible locations at the sales offices.

Recommendation

The Commissioner of Development Services, in consultation with the Commissioners of Finance and Community Services and the Directors Legal and Real Estate and Urban Design + Environment recommends:

1. That the enclosed Developer Build Parks Policy, be approved; and,
2. That the block captains in OPA 400 be provided a copy of this policy.

Background

At the meeting of June 28, 1999 Council approved:

- “1. That the presentation by the Director of Urban Design + Environment be received; and,
2. That the following report of the Commissioner of Development Services in consultation with the Commissioner of Finance and Community Services; and the Director of Legal and Real Estate dated June 23, 1999, be approved; and,
3. That quality control over the parks be ensured; and,
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5. That public consultation and community input be ongoing; and,
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8. That the subject policy only apply to neighbourhood parks.”

Staff have reviewed the above noted direction from Council and provide the following information:

Based on comments received from Council and a subsequent meeting with representatives of the landowners, staff have revised the draft policy to address the above noted issues.

1. That quality control over the parks be ensured.

Quality control is ensured in the policy by requiring certification from the consultants that work has been designed and completed to City standards and to the satisfaction of staff. In addition staff will be reviewing and approving drawings as well as performing periodic site inspections.

... B

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OCTOBER 12, 1999

313. DETERMINATION OF ITEMS REQUIRING SEPARATE DISCUSSION

The following items were identified for separate discussion:

Committee of the Whole Report No.77

Items 10, 17, 21, 23, 25, 31, 33, 34, 37 and 41

MOVED by Councillor DiVona  
seconded by Councillor Ferri

THAT Items 1 to 4 of the Committee of the Whole (Working Session) Report No.75, BE APPROVED and the recommendations therein be adopted;

THAT Items 1 to 47 of the Committee of the Whole Report No. 77, with the exception of the items identified for separate discussion BE APPROVED and the recommendations therein be adopted;

THAT Item 1 of the Committee of the Whole (Special) Report No. 78, BE APPROVED and the recommendations therein be adopted;

THAT Items 1 to 5 of the Committee of the Whole (Public Hearing) Report No. 79, BE APPROVED and the recommendations therein be adopted;

CARRIED