



The City of Saint John

MINUTES – REGULAR MEETING  
COMMON COUNCIL OF THE CITY OF SAINT JOHN  
DECEMBER 3, 2018 AT 6:00 PM  
IN THE COUNCIL CHAMBER

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Present: Mayor Don Darling  
Deputy Mayor Shirley McAlary  
Councillor-at-Large Gary Sullivan  
Councillor Ward 1 Blake Armstrong  
Councillor Ward 2 Sean Casey  
Councillor Ward 2 John MacKenzie  
Councillor Ward 3 Donna Reardon  
Councillor Ward 4 David Merrithew  
Councillor Ward 4 Ray Strowbridge

Absent: Councillor Ward 1 Greg Norton

Also Present: N. Jacobsen Acting City Manager  
Commissioner Growth and Community Development J. Hamilton  
Fire Chief K. Clifford  
City Solicitor J. Nugent  
Commissioner of Finance and Treasurer K. Fudge  
Commissioner of Transportation and Environment M. Hugenholtz  
Commissioner of Saint John Water B. McGovern  
Deputy Commissioner Transportation and Environment T. O'Reilly  
Deputy Commissioner Growth and Community Development A. Poffenroth  
Common Clerk J. Taylor  
Deputy Common Clerk P. Anglin

**1. Call to Order**

**2. Approval of Minutes**

**2.1 Minutes of November 19, 2018**

Moved by Councillor MacKenzie, seconded by Deputy Mayor McAlary:

RESOLVED that the minutes of the meeting of Common Council, held on November 19, 2018, be approved.

MOTION CARRIED.

**3. Approval of Agenda**

Moved by Councillor MacKenzie, seconded by Deputy Mayor McAlary:

RESOLVED that the agenda of this meeting be approved with the addition of items:

- 17.1 City Manager Position
- 17.2 Voluntary Severance Agreement
- 17.3 Freedom of the City for Friars Sisters
- 17.4 Appointment to Police Commission
- 17.5 Lease of City Hall Premises

MOTION CARRIED.

Moved by Deputy Mayor McAlary, seconded by Councillor Merrithew:

RESOLVED that item 17.1 City Manager Position be moved forward on the agenda.

MOTION CARRIED.

**17.1 City Manager Position**

Moved by Councillor Sullivan, seconded by Deputy Mayor McAlary:

RESOLVED that as recommended by the Committee of the Whole having met on December 3, 2018, Common Council approve that Mr. Jean Claude (John) Collin be appointed to the position of City Manager of the City of Saint John pursuant to section 71(2) of the *Local Governance Act* (S.N.B. 2017 c. 18) and the *City of Saint John Government Act* (S.N.B. 2012 c. 51) with such appointment being upon the terms and conditions set out in the correspondence addressed to Mr. Collin and dated the 27<sup>th</sup> day of November, 2018, a copy of which was submitted to Common Council by the Committee of the Whole on Monday December 3, 2018.

MOTION CARRIED UNANIMOUSLY.

The Mayor commented on the recruitment process and the leadership qualities of the successful candidate, Jean Claude (John) Collin.

**4. Disclosures of Conflict of Interest**

**5. Consent Agenda**

5.1 That the letter from Elections NB – Acknowledgement of Council Vacancy be received for information.

5.2 That as recommended by the City Manager in the submitted report *M&C 2018-315: Cleanup of Unsightly Property at 94 and 96 Woodhaven Drive*, Common Council direct one or more of the Officers appointed and designated by Council for the enforcement of the *Saint John Unsightly Premises and Dangerous Buildings and Structures By-law*, to arrange for the cleanup of the property at 94 and 96 Woodhaven Drive, PID# 00370288.

5.3 That as recommended by the City Manager in the submitted report *M&C 2018-333: Tender Call 2018-084201T: Biosolids Receiving & Processing - Millidgeville and Eastern Wastewater Treatment Plants*, the contract be awarded to Envirem Organic Inc. at the tendered price of \$51.00 per tonne (including HST), resulting in a total yearly value of approximately \$200,000 (including HST) as calculated based upon historic biosolids production.

5.4 That as recommended by the City Manager in the submitted report *2018-331: Geographic Information Systems Enterprise Upgrade*, the City enter into a Service Request Agreement with Esri Canada Limited, for a maximum of \$13,145 (plus applicable taxes) and further that the Mayor and Common Clerk be authorized to execute the Service Request Agreement in the form already approved by the Legal Department as well as the Consulting Service Request Order.

5.5 That the Winter Love SJ – Request to Present be referred to the City Manager to assist in facilitating the event and referred to the Common Clerk to schedule a presentation.

5.6 That as recommended by the City Manager in the submitted report *M&C 2018-341: Additional Authorized Users on the Trunked Mobile Radio System*, the Mayor and Common Clerk be authorized to execute the *Letter of Agreement with Additional Authorized User (AUU)* as required by the Province of New Brunswick in order to use the New Brunswick Trunked Mobile Radio System.

5.7 That as recommended by the City Manager in the submitted report *M&C 2018-342: Coast Guard Administration Building Interim Use*, Common Council direct the Mayor and Common Clerk to execute the submitted agreement; and further that the

City hereby grants permission to the RCMP to occupy at no cost, the building, referred to as the former Coast Guard Administration Building located on Water Street in Saint John, and the adjacent parking area, for the purpose of the RCMP's conducting such training as it determines for its members and members of the Saint John Police Force, within the said building, during the following times: December 4-6, 2018 inclusive and January 22-24, 2019 inclusive.

5.8 That as recommended by the City Manager in the submitted report *M&C 2018-338: Acquisition of PID No. 55159677 off McAllister Drive from Scottish Enterprises Ltd.*, Common Council adopt the following resolution:

1. The City of Saint John accept the transfer of PID No. 55159677 from Scottish Enterprises Ltd. for \$1.00 plus normal adjustments and administrative fees associated with the land transfer, and to pay \$500.00, inclusive of HST (if applicable) for the vendor's legal costs associated with said transfer; and
2. That the Mayor and Common Clerk be authorized to execute any document(s) necessary to finalize this transaction.

5.9 That as recommended by the City Manager in the submitted report *M&C 2018-334: Agreement Public Sector Digest Inc.*, Common Council authorize the Mayor and Common Clerk to sign the submitted agreement with Public Sector Digest Inc.

5.10 That as recommended by the City Manager in the submitted report *M&C 2018-348: Business Improvement Area 2019 Budget*, the 2019 Association Budget for the Business Improvement Area be received for information and that advertising be authorized for setting January 14, 2019 as the date for Council to consider approving the budget.

5.11 That as recommended by the City Manager in the submitted report *M&C 2018-349: Award of Design and Project Management Services for City Hall Relocation*, the City engage TOSS Solutions to complete the detailed design and provide project management services required for the relocation of City Hall to new space at 15 Market Square in an amount up to \$257,077.80 plus HST (fixed cost) and that the Mayor and Common Clerk be authorized to execute the appropriate documentation in that regard.

5.12 That as recommended by the City Manager in the submitted report *M&C 2018-345: Revision to Purchase of Self-Contained Breathing Apparatus for Saint John Fire Department*, Common Council authorize the City to enter into the appropriate Lease Agreement with Royal Bank of Canada in accordance with the anticipated operation of the proposal submitted by Mic Mac Fire and Safety Source Ltd. at an annual cost of \$81,070 plus HST over a ten year period; and further, that the Mayor and Common Clerk be authorized to execute the necessary documents; and,

BE IT FURTHER RESOLVED, that the previous resolution in this matter be rescinded.

Moved by Deputy Mayor McAlary, seconded by Councillor MacKenzie:

RESOLVED that the recommendation set out in each consent agenda item respectively, be adopted.

MOTION CARRIED UNANIMOUSLY.

## **6. Members Comments**

Council members commented on various community events.

## **7. Proclamations**

## **8. Delegations/Presentations**

### **8.1 Saint John Ability Advisory Committee**

Referring to the submitted report entitled *Saint John Ability Advisory Committee*, the Committee Executives, Wanda Berrette – Chair; Marisa Misner – Vice Chair and Greg Cutler - City Liaison presented the initiatives to make the City a more inclusive place to live, work and play. Accessibility issues in buildings, transit, roads and sidewalks, public safety, human resources and recreation were addressed.

Moved by Councillor MacKenzie, seconded by Deputy Mayor McAlary:

RESOLVED that the submitted report entitled *Saint John Ability Advisory Committee* be received for information.

MOTION CARRIED.

## **9. Public Hearings 6:30 PM**

### **9.1 Staff Presentation and Planning Advisory Committee report recommending Zoning Bylaw Amendment – 105 Prince Edward Street**

#### **9.1.1 1<sup>st</sup> and 2<sup>nd</sup> Reading**

The Common Clerk advised that the necessary advertising was completed with regard to amending Schedule A, the Zoning Map of The City of Saint John, by re-zoning a parcel of land having an area of approximately 316 square metres, located at 105 Prince Edward Street, also identified as PID Numbers 00012450 and 55122162, from Mixed Commercial (CM) to General Commercial (CG) with no objections being received.

Consideration was also given to a report from the Planning Advisory Committee submitting a copy of Planning staff's report considered at its November 20, 2018

meeting at which the Committee recommended the rezoning of a parcel of land located at 105 Prince Edward Street as described above, with Section 59 conditions.

The Mayor called for members of the public to speak against the re-zoning with no one presenting.

The Mayor called for members of the public to speak in favour of the re-zoning with no one presenting.

Moved by Deputy Mayor McAlary, seconded by Councillor MacKenzie:

RESOLVED that the by-law entitled, "A Law to Amend the Zoning By-Law of The City of Saint John" amending Schedule A, the Zoning Map of The City of Saint John, by re-zoning a parcel of land having an area of approximately 316 square metres, located at 105 Prince Edward Street, also identified as PID Numbers 00012450 and 55122162, from Mixed Commercial (CM) to General Commercial (CG), be read a first time.

MOTION CARRIED.

Read a first time by title, the by-law entitled, "A Law to Amend the Zoning By-Law of The City of Saint John".

Moved by Deputy Mayor McAlary, seconded by Councillor MacKenzie:

RESOLVED that the by-law entitled, "A Law to Amend the Zoning By-Law of The City of Saint John" amending Schedule A, the Zoning Map of The City of Saint John, by re-zoning a parcel of land having an area of approximately 316 square metres, located at 105 Prince Edward Street, also identified as PID Numbers 00012450 and 55122162, from Mixed Commercial (CM) to General Commercial (CG), be read a second time.

MOTION CARRIED.

Read a second time by title, the by-law entitled, "A Law to Amend the Zoning By-Law of The City of Saint John".

9.2 Staff Presentation and Planning Advisory Committee report recommending Zoning Bylaw Amendment – 4 Second Street

9.2.1 1<sup>st</sup> and 2<sup>nd</sup> Reading

The Common Clerk advised that the necessary advertising was completed with regard to amending Schedule A, the Zoning Map of The City of Saint John, by re-zoning a parcel of land having an area of approximately 1072 square metres, located at 4 Second Street, also identified as PID Number 00026849 from Neighbourhood Community Facility (CFN) to Low Rise Residential (RL), with no objections being received.

Consideration was also given to a report from the Planning Advisory Committee submitting a copy of Planning staff's report considered at its November 20, 2018 meeting at which the Committee recommended the rezoning of a parcel of land located at 4 Second Street as described above, with Section 59 conditions.

The Mayor called for members of the public to speak against the re-zoning with no one presenting.

The Mayor called for members of the public to speak in favour of the re-zoning with Michael Saunders, the applicant presenting.

Moved by Deputy Mayor McAlary, seconded by Councillor Merrithew:

RESOLVED that the by-law entitled, "A Law to Amend the Zoning By-Law of The City of Saint John", amending Schedule A, the Zoning Map of The City of Saint John, by re-zoning a parcel of land having an area of approximately 1072 square metres, located at 4 Second Street, also identified as PID Number 00026849 from Neighbourhood Community Facility (CFN) to Low Rise Residential (RL), be read a first time.

MOTION CARRIED.

Read a first time by title, the by-law entitled, "A Law to Amend the Zoning By-Law of The City of Saint John".

Moved by Deputy Mayor McAlary, seconded by Councillor Merrithew:

RESOLVED that the by-law entitled, "A Law to Amend the Zoning By-Law of The City of Saint John", amending Schedule A, the Zoning Map of The City of Saint John, by re-zoning a parcel of land having an area of approximately 1072 square metres, located at 4 Second Street, also identified as PID Number 00026849 from Neighbourhood Community Facility (CFN) to Low Rise Residential (RL), be read a second time.

MOTION CARRIED.

Read a second time by title, the by-law entitled, "A Law to Amend the Zoning By-Law of The City of Saint John".

Councillor Armstrong withdrew from the meeting.

9.3 Staff Presentation and Planning Advisory Committee report recommending Section 59 Amendment – 915 Red Head Road

The Common Clerk advised that the necessary advertising was completed with regard to the proposed Section 59 Amendment, amending the agreement dated May 15, 1990 and the Section 59 conditions imposed on the May 7, 1990 rezoning of the property

located at 915 Red Head Road, also identified as PID Number 00338350, to discharge existing Section 59 conditions that limit the use of the property, with no written objections received.

Andy Reid, City Planner, provided a staff report recommending the discharge of the existing Section 59 conditions. Consideration was also given to a report from the Planning Advisory Committee submitting a copy of Planning staff's report considered at its November 20, 2018 meeting at which the Committee recommended the discharge of the existing Section 59 conditions.

The Mayor called for members of the public to speak against the proposed amendment with no one presenting.

The Mayor called for members of the public to speak in favour of the proposed amendment with Don Merzetti, the applicant presenting.

Moved by Councillor Merrithew, seconded by Councillor Reardon:

RESOLVED that Common Council, pursuant to the provisions of Section 59 of the Community Planning Act (SNB 2017, c.19), hereby discharges the agreement dated the 15th day of May, 1990 between Peter J. Scholten and the City of Saint John, respecting the property identified in the said agreement by LRIS number 00338350 (the Land) and which agreement was made pursuant to the provisions of Section 39 of the Community Planning Act in effect at that time (RSNB 1973 as amended).

MOTION CARRIED.

## **10. Consideration of By-laws**

### **10.1 A Law to Amend a By-Law respecting Water and Sewerage re: Bylaw Enforcement (3<sup>rd</sup> Reading)**

Moved by Deputy Mayor McAlary, seconded by Councillor Reardon:

RESOLVED that the bylaw entitled, "By-Law Number M-16, A Law to Amend a By-Law respecting Water and Sewerage", by amending Section 1 to introduce a definition of "By-Law Enforcement Officers" for the purposes of enforcement of the by-law under the Local Governance Act; and repealing and replacing Section 50 related to fines upon conviction of an offence, be read.

MOTION CARRIED.

In accordance with the *Local Governance Act* sub-section 15(3) the by-law entitled, "By-Law Number M-16, A Law to Amend a By-Law respecting Water and Sewerage" instead of being read in its entirety was read in summary as follows:



“The amendment introduces a definition of “By-Law Enforcement Officers” for the purposes of enforcement of the by-law under the Local Governance Act, and amends the enforcement section of the by-law by adding a provision that allows a fine to be multiplied by the number of days an offence continues.”

Moved by Deputy Mayor McAlary, seconded by Councillor Reardon:

RESOLVED that the bylaw entitled, “By-Law Number M-16, A Law to Amend a By-Law respecting Water and Sewerage”, by amending Section 1 to introduce a definition of “By-Law Enforcement Officers” for the purposes of enforcement of the by-law under the Local Governance Act; and repealing and replacing Section 50 related to fines upon conviction of an offence, be read a third time, enacted, and the Corporate Common Seal affixed thereto.

MOTION CARRIED.

Read a third time by title, the by-law entitled, “By-Law Number M-16, A Law to Amend a By-Law respecting Water and Sewerage.”

#### 10.2 Council Salary Adjustment and By-Law Update (1<sup>st</sup> and 2<sup>nd</sup> Reading)

Consideration was given to a submitted report entitled, “Council Salary Adjustment and By-Law Update.”

Moved by Deputy Mayor McAlary, seconded by Councillor Reardon:

RESOLVED that the by-law entitled, “By-Law Number L.G.-1, A By-Law to Provide for Salaries to the Members of the Common Council of The City of Saint John”, be read a first time.

MOTION CARRIED with Councillors Casey and Sullivan voting nay.

Read a first time by title, the by-law entitled, “By-Law Number L.G.-1, A By-Law to Provide for Salaries to the Members of the Common Council of The City of Saint John.”

Moved by Deputy Mayor McAlary, seconded by Councillor Reardon:

RESOLVED that the by-law entitled, “By-Law Number L.G.-1, A By-Law to Provide for Salaries to the Members of the Common Council of The City of Saint John”, be read a second time.

MOTION CARRIED with Councillors Casey and Sullivan voting nay.

Read a second time by title, the by-law entitled, “By-Law Number L.G.-1, A By-Law to Provide for Salaries to the Members of the Common Council of The City of Saint John.”

**11. Submissions by Council Members**

**12. Business Matters - Municipal Officers**

**12.1 Demolition of Vacant, Dilapidated and Dangerous Building at 13-15 Albert Street (PID 374777)**

R. Van Wart provided Council with the staff recommendation to demolish the property.

The Mayor read the cautionary statement as follows:

“The information which has been provided in the Council Kit includes the report of the Building Inspector stating that the building located at 13-15 Albert Street (PID 374777) is a hazard to the safety of the public by virtue of its being, amongst other things, dilapidated or structurally unsound. Is there present an owner, including anyone holding any encumbrance upon this property, who wishes to present evidence to the contrary, i.e. that the building is structurally sound and not dilapidated?”

No one came forward to present evidence that the building is structurally sound and not dilapidated.

Moved by Councillor Strowbridge, seconded by Councillor Reardon:

RESOLVED that as recommended by the City Manager in the submitted report *M&C 2018-335: Demolition of Vacant, Dilapidated and Dangerous Building at 13-15 Albert Street (PID 374777)*, Common Council approve the following:

RESOLVED that the building located at 13-15 Albert Street (PID #374777), is to be demolished as it has become a hazard to the safety of the public by reason of dilapidation; and,

BE IT FURTHER RESOLVED, that said building is be demolished as it has become a hazard to the safety of the public by reason of unsoundness of structural strength; and,

BE IT FURTHER RESOLVED, that one of more by-law enforcement officers appointed and designated under the *Saint John Unsightly Premises and Dangerous Buildings and Structures By-Law* are hereby authorized to arrange for the demolition, in accordance with the applicable City purchasing policies.

MOTION CARRIED.

**12.2 Demolition of Vacant, Dilapidated and Dangerous Building at 120 Main Street (PID# 374165)**

R. Van Wart provided Council with the staff recommendation to demolish the property.

The Mayor read the cautionary statement as follows:

“The information which has been provided in the Council Kit includes the report of the Building Inspector stating that the building located at 120 Main Street (PID# 374165) is a hazard to the safety of the public by virtue of its being, amongst other things, dilapidated or structurally unsound. Is there present an owner, including anyone holding any encumbrance upon this property, who wishes to present evidence to the contrary, i.e. that the building is structurally sound and not dilapidated?”

No one came forward to present evidence that the building is structurally sound and not dilapidated.

Moved by Councillor MacKenzie, seconded by Deputy Mayor McAlary:

RESOLVED that as recommended by the City Manager in the submitted report *M&C 2018-336: Demolition of Vacant, Dilapidated and Dangerous Building at 120 Main Street (PID 374165)*, Common Council approve the following:

RESOLVED that the building located at 120 Main Street (PID # 374165), is to be demolished as it has become a hazard to the safety of the public by reason of dilapidation; and,

BE IT FURTHER RESOLVED, that said building is to be demolished as it has become a hazard to the safety of the public by reason of unsoundness of structural strength; and,

BE IT FURTHER RESOLVED, that one of more by-law enforcement officers appointed and designated under the *Saint John Unsightly Premises and Dangerous Buildings and Structures By-Law* are hereby authorized to arrange for the demolition, in accordance with the applicable City purchasing policies.

MOTION CARRIED.

12.3 Demolition of Vacant, Dilapidated and Dangerous Building at 131 Victoria Street (PID# 376103)

R. Van Wart provided Council the staff recommendation to demolish the property.

The Mayor read the cautionary statement as follows:

“The information which has been provided in the Council Kit includes the report of the Building Inspector stating that the building located at 131 Victoria Street (PID# 376103) is a hazard to the safety of the public by virtue of its being, amongst other things, dilapidated or structurally unsound. Is there present an owner, including anyone

holding any encumbrance upon this property, who wishes to present evidence to the contrary, i.e. that the building is structurally sound and not dilapidated?”

No one came forward to present evidence that the building is structurally sound and not dilapidated.

Moved by Deputy Mayor McAlary, seconded by Councillor MacKenzie:

RESOLVED that as recommended by the City Manager in the submitted report *M&C 2018-337: Demolition of Vacant, Dilapidated and Dangerous Building at 131 Victoria Street (PID 376103)*, Common Council approve the following:

RESOLVED that the building located at 131 Victoria Street (PID # 376103), is to be demolished as it has become a hazard to the safety of the public by reason of dilapidation; and,

BE IT FURTHER RESOLVED, that said building is be demolished as it has become a hazard to the safety of the public by reason of unsoundness of structural strength; and,

BE IT FURTHER RESOLVED, that one or more by-law enforcement officers appointed and designated under the *Saint John Unsightly Premises and Dangerous Buildings and Structures By-Law* are hereby authorized to arrange for the demolition, in accordance with the applicable City purchasing policies.

MOTION CARRIED.

Councillor Armstrong re-entered the meeting.

#### 12.4 MoveSJ Phase 2

Referring to the submitted report entitled *Move SJ Phase 2* T. O'Reilly provided the context of the comprehensive strategy.

Moved by Deputy Mayor McAlary, seconded by Councillor MacKenzie:

RESOLVED that as recommended by the City Manager in the submitted report *M&C 2018-232: MoveSJ Phase 2*, Common Council adopt the Pedestrian, Parking, Transit, Goods Movement and Travel Demand Model Strategies presented in Phase 2 of the Transportation Strategic Plan MoveSJ.

MOTION CARRIED.

### 13. **Committee Reports**

### 14. **Consideration of Issues Separated from Consent Agenda**

**15. General Correspondence**

**16. Supplemental Agenda**

**17. Committee of the Whole**

**17.2 Voluntary Severance Agreement**

MOVED by Deputy Mayor McAlary, seconded by Councillor Reardon:

RESOLVED that as recommended in the report *M&C 2018-340* submitted to the December 3, 2018 Committee of the Whole closed session, Common Council authorize the Commissioner of Finance to make payment of Voluntary Severance to the individual identified by Employee XXXX in an amount equal to the gross amount of Fifty Thousand Dollars (\$50,000) less applicable statutory and other deductions, with such payment being further conditional upon the receipt of the executed Separation Agreement and Schedules thereto, as attached to a report to Committee of the Whole of Common Council respecting this matter, dated November 28, 2018; and,

BE IT FURTHER RESOLVED that Committee of the Whole recommend to Common Council that the Mayor and Common Clerk be authorized to execute the aforementioned Settlement Agreement.

MOTION CARRIED.

**17.3 Freedom of the City for Friars Sisters**

MOVED by Councillor MacKenzie, seconded by Deputy Mayor McAlary:

RESOLVED that as recommended by the Committee of the Whole having met on December 3, 2018, Common Council confer the honour of Freedom of the City to the Friars Sisters: Tracy Friars, Darlene Friars, Barbara Walker, Heather Stilwell, Bette Vincent, Wendy Youden, Jane Dalton, and Lynn MacDonald in recognition to their significant contribution to the City of Saint John.

MOTION CARRIED UNANIMOUSLY.

**17.4 Appointment to Police Commission**

MOVED by Councillor Sullivan, seconded by Deputy Mayor McAlary:

RESOLVED that as recommended by the Committee of the Whole having met on December 3, 2018 Common Council make the following appointment to a committee:

**Saint John Board of Police Commissioners:** Douglas Jones be appointed to the Saint John Board of Police Commissioners for a three year term from December 3, 2018 to December 3, 2021.

MOTION CARRIED.

17.5 Lease of City Hall Premises

MOVED by Councillor MacKenzie, seconded by Councillor Armstrong:

RESOLVED that as recommended by the Committee of the Whole having met on December 3, 2018 Common Council approve the Lease Amendment Agreement ("LAA") as well as the Amendment to the Lease Amendment Agreement ("Amendment to LAA") between 703732 N.B. Ltd. as Landlord and The City of Saint John as Tenant; and further that the Mayor and Common Clerk be authorized to execute each of those documents.

MOTION CARRIED.

**18. Adjournment**

Moved by Councillor Sullivan, seconded by Deputy Mayor McAlary:

RESOLVED that the meeting of Common Council held on December 3, 2018, be adjourned.

MOTION CARRIED.

The Mayor declared the meeting adjourned at 8:41 p.m.