

UPPER LACHLAN SHIRE COUNCIL
MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS
ON 16 AUGUST 2018

PRESENT: Mayor B McCormack (Chairperson), Clr P Culhane, Clr P Kensit, Clr R Opie, Clr D O'Brien, Clr J Stafford, Clr J Wheelwright, Clr R Cummins, Clr J Searl, Mr G Woodman (Acting General Manager), Mr A Croke (Director Finance and Administration), Mr M Shah (Director of Works and Operations), Mrs T Dodson (Director of Environment & Planning), Ms D Crosbie (Media Officer), Miss K Porter (Executive Assistant) and Ms S Pearman (Administration Officer).

THE MAYOR DECLARED THE MEETING OPEN AT 6:00PM

SECTION 1: APOLOGIES & LEAVE OF ABSENCE

There were no apologies.

SECTION 2: CITIZENSHIP CEREMONY

Nil

SECTION 3: DECLARATIONS OF INTEREST

Clr Richard Opie – Declared a Pecuniary Interest in Item 6 – Presentation – Mrs Susanne Hutton – as he had a business interest in the matter and will make the Declaration, leave the Chamber and not return until the matter is resolved.

Clr Richard Opie – Declared a Pecuniary Interest in Item 17.1 – Notice of Rescission Motion DA 126/2017 – as he had a business interest in the matter and will make the Declaration, leave the Chamber and not return until the matter is resolved.

SECTION 4: CONFIRMATION OF MINUTES

221/18 **RESOLVED** by Clr Searl and Clr Wheelwright that –

That the minutes of the Ordinary Council Meeting held on 19 July 2018 be adopted.

- CARRIED

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SECTION 5: MAYORAL MINUTES

ITEM 5.1 MAYORAL MINUTE

222/18 **RESOLVED** by Mayor McCormack and Clr Searl that –

That Council receive and note the activities attended by the Mayor for July/August 2018.

- CARRIED

A motion was moved by Clr Cummins and Clr Opie that Council arranges for enforcement action to be taken along Peelwood Road to ensure that truck drivers of heavy vehicles are using Council local roads legally and Council is keeping the safety of residents, tourists and the kids on the school bus as a priority.

On being put to the meeting the motion was lost.

Clr Cummins and Clr Opie called for a division.

Councillors who voted for:- Clrs R Cummins, P Kensit, R Opie and J Stafford

Councillors who voted against:- Clrs P Culhane, B McCormack, D O'Brien, J Searl and J Wheelwright

Clr Opie left the chamber in accordance with his Declaration the time being 6.15pm.

SECTION 6: PRESENTATIONS TO COUNCIL/PUBLIC

ITEM 6.1 Ms Susanne Hutton – DA 126/2017 – Roberts Street Crookwell

A motion was moved by Clr Cummins and Clr Searl to bring item 17.1 forward.

On being put to the meeting the motion was carried.

223/18 **RESOLVED** by Clr Cummins and Clr Searl to bring item 17.1 forward.

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ITEM 17.1 NOTICE OF RESCISSION MOTION – DA126/2017

224/18 **RESOLVED** by Clr McCormack and Clr Cummins that –

1. Council Resolution 158/18 is rescinded.

Councillors who voted for:- Crs R Cummins, P Kensit, B McCormack, D O'Brien, J Searl and J Stafford

Councillors who voted against:- Crs P Culhane and J Wheelwright

225/18 **RESOLVED** by Clr McCormack and Clr Cummins that –

1. Council waive the S94 Contribution fee totalling \$13,062.00 and additionally waive the S64 Contribution fee totalling \$8,103.00 and the applicant be reimbursed for any payments made.

Councillors who voted for:- Crs R Cummins, P Kensit, B McCormack, D O'Brien, J Searl and J Stafford

Councillors who voted against:- Crs P Culhane and J Wheelwright

- CARRIED

Clr Opie returned to the meeting the time being 6.43pm.

SECTION 7: CORRESPONDENCE

ITEM 7.1 CORRESPONDENCE FOR THE MONTH OF JULY 2018

226/18 **RESOLVED** by Clr Searl and Clr Wheelwright that –

That Item 7.1 – [Correspondence/Information] listed below be received:

1. Department of Premier and Cabinet – Support for Goulburn to Crookwell Rail Trail.
2. Bega Valley Shire Council – Letter of thanks to Council – Tathra & District March 2018 Bushfire.

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3. Mr Bryan Kennedy – Compliments to staff for work carried out on footpath at 169 Goulburn Street, Crookwell.
4. Robert Churchill – Thanks to Council staff for cleaning up Depot and keeping clean.
5. Grabben Gullen Community Progress Association – Mobile Black Spot Program – Request for Council support.

227/18

RESOLVED by Cllr Cummins and Cllr Searl that Council makes a submission to the Minister in support of the Grabben Gullen Community to have their blackspot considered under Round Four of the Mobile Blackspot Program.

- CARRIED

6. Crookwell & District Historical Society – Submission of support to reduce fees for DA 126/2017 – Stephenson's Mill, Roberts Street Crookwell.

- CARRIED

SECTION 8: LATE CORRESPONDENCE

Nil

SECTION 9: INFORMATION ONLY

ITEM 9 INFORMATION ONLY

228/18

RESOLVED by Cllr Searl and Cllr Stafford that –

1. Items 9.1, 9.2, 9.3, 9.5, 9.6, 9.7 and 9.8 be received and noted.

- CARRIED

The Mayor asked the Councillors to identify any items of business listed that they wish to speak on – Cllr Cummins indicated that he wished to speak on items 9.4, 9.9, 9.10, 9.11 and 9.12 and Cllr Opie indicated that he wished to speak on item 9.13 and Cllr Kensit indicated that she wished to speak on item 9.13.

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ITEM 9.4 ASSET MANAGEMENT COMMITTEE

229/18 RESOLVED by Clr Cummins and Opie that –

1. Council receives and notes the report as information.

- CARRIED

ITEM 9.9 WEBCASTING TECHNOLOGY USE FOR COUNCIL MEETINGS

A motion was moved by Clr Cummins and Clr Opie that Council does not implement webcasting of Council Meetings until the Office of Local Government determines that webcasting of Council Meetings is mandatory, but Council approves the purchase and installation of audio recording equipment.

On being put to the meeting the motion was carried.

230/18 RESOLVED Clr Cummins and Clr Opie that –

1. Council does not implement webcasting of Council Meetings until the Office of Local Government determines that webcasting of Council Meetings is mandatory, but Council approves the purchase and installation of audio recording equipment.

- CARRIED

**ITEM 9.10 MEETING WITH THE HONOURABLE ANGUS TAYLOR MP,
FEDERAL MEMBER FOR HUME**

231/18 RESOLVED by Clr Opie and Clr Cummins that –

1. Council receives and notes the report as information.

- CARRIED

**ITEM 9.11 MEETING WITH THE HONOURABLE PRU GOWARD MP, MEMBER
FOR HUME**

232/18 RESOLVED by Clr Cummins and Clr Opie that -

1. Council receives and notes the report as information.

- CARRIED

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ITEM 9.12 GRANTS REPORT

233/18

RESOLVED by Clr Cummins and Clr Opie that -

1. Council receives and notes the report as information.

- CARRIED

ITEM 9.13 ACTIONS SUMMARY – COUNCIL DECISIONS

234/18

RESOLVED by Clr Wheelwright and Clr Searl that -

1. Council receives and notes the report as information.

- CARRIED

REPORTS FROM STAFF AND STANDING COMMITTEES

SECTION 10: ENVIRONMENT AND PLANNING

ITEM 10.1 UPPER LACHLAN LOCAL ENVIRONMENTAL PLAN 2010 REVIEW

235/18

RESOLVED by Clr Searl and Clr Wheelwright that -

1. Council receive and note the report as information.
2. Council give authority to the Director of Environment and Planning to prepare a Scoping Plan for the Housing Strategy and report back to Council.

Councillors who voted for:-

Clrs P Culhane, R Cummins, P Kensit, B McCormack, R Opie, D O'Brien, J Searl, J Stafford and J Wheelwright

Councillors who voted against:- Nil

- CARRIED

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ITEM 10.2 AMENDMENT TO UPPER LOCAL DEVELOPMENT CONTROL PLAN 2010 - ELECTRICITY

236/18 RESOLVED by Cllr Opie and Cllr Culhane that -

1. Council prepares an amendment to the Upper Lachlan Development Control Plan 2010 to update the planning controls to address alternative energy supply systems for subdivision in RU1 Primary Production Zone and RU2 Rural Landscape Zone.
2. Council adopts as an interim measure, the following requirements to be supplied with subdivision applications to enable Council to consider and assess alternative energy supply systems for rural subdivisions within the RU1 Primary Production and RU2 Rural Landscape zone:

Electricity

Council requires adequate arrangements to be made for connection to grid supplied electricity infrastructure or its equivalent for each allotment that has the potential for the erection of a future dwelling house.

Alternative electricity sources and arrangements may be considered by Council only for subdivision in RU1 Primary Production Zone and RU2 Rural Landscape Zone where the applicant:

- Can demonstrate the provision of reticulated services is prohibitive due to cost of connection; and,
- The alternative system proposed is sufficient to supply electricity to a dwelling house on the land; and,
- Has identified there is clear environmental benefit in not connecting to grid supplied electricity infrastructure (e.g. enabling use of renewable sources, avoiding the removal of vegetation); and,
- Has demonstrated the land is considered to be in a location where these services cannot be provided economically.

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Where alternative electricity supply is proposed the applicant may, where practical, install the approved supply system prior to release of a Subdivision Certificate or where the alternative electricity supply is not provided to a lot a Section 88B Instrument under the Conveyancing Act 1919 must be provided advising electricity will not be available to the lot unless financial arrangements are made with the relevant electricity supplier or a stand-alone alternative electricity supply system is installed on the land.

Councillors who voted for:- Clrs P Culhane, R Cummins, P Kensit, B McCormack, R Opie, D O'Brien, J Searl, J Stafford and J Wheelwright

Councillors who voted against:- Nil

- CARRIED

ITEM 10.3
237/18

BIALA WIND FARM - VOLUNTARY PLANNING AGREEMENT

RESOLVED by Clr Wheelwright and Clr O'Brien that -

1. Council amend the Draft Biala Wind Farm Voluntary Planning Agreement as detailed below and seek the consent of Beijing Jingneng Clean Energy Corporation Limited to the changes: -
 - Allow a host landowner to be eligible to be a Community Representative on the Committee.

Councillors who voted for:- Clrs P Culhane, R Cummins, P Kensit, B McCormack, R Opie, D O'Brien, J Searl, J Stafford and J Wheelwright

Councillors who voted against:- Nil

- CARRIED

The meeting adjourned the time being 8.00pm
The meeting resumed the time being 8.12pm

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SECTION 11: WORKS AND OPERATIONS

ITEM 11.1 ACCESS COMMITTEE REPORT

238/18 RESOLVED by Clr Wheelwright and Clr O'Brien that -

1. Council adopts the recommendations of the Access Committee subject to additional consultation with the Local Traffic Committee, Streetscape Project Team and affected businesses.
2. Council use available funds for the proposed works as a part of the 2018/19 Operational Plan.

- CARRIED

ITEM 11.2 DEDICATION OF PUBLIC ROAD

239/18 RESOLVED by Clr Searl and Clr Culhane that -

1. Council completes an application to open the parcel of land shown as Lot 5 to 9 of DP837406 as dedicated road under Section 10 of the NSW Roads Act 1993.
2. Council authorise the Mayor and General Manager to sign the documents relating to the transaction under seal or as required.

- CARRIED

SECTION 12: FINANCE AND ADMINISTRATION

**ITEM 12.1 2017/2018 BUDGET REVOTES TO CARRY FORWARD TO
INTERNAL RESTRICTED RESERVE**

240/18 RESOLVED by Clr Searl and Clr Wheelwright that -

1. Council receives the report and approves the 2017/2018 revote of uncompleted capital works expenditure projects and unspent

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budgeted expenditure projects totalling \$2,886,880 to the Council internal restricted reserve fund.

2. Council approves the transfer to the internal restricted reserve fund the NSW Grants Commission prepayment of two quarters of the 2018/2019 Financial Assistance Grant income allocation totalling \$2,289,207.

- CARRIED

ITEM 12.2

DRAFT PLAN OF MANAGEMENT - POTENTIAL RV FRIENDLY TOWN OVERNIGHT PARKING SITE AT WILLIS PARK CROOKWELL

A motion was moved by Cllr Searl and Cllr McCormack that Council do not proceed to public exhibition of the Draft Plan of Management – Public Reserve Number 71527, Willis Park in Hay Street Crookwell, noting unbudgeted project site capital works that are necessary to be completed to allow permissible use of the potential site.

On being put to the meeting the motion was lost.

A motion was moved by Cllr Cummins and Cllr Opie that the concept site plan be amended to locate the driveway entry to the RV area to the southwest corner of the site away from the existing residence and then the Draft Plan of Management – Public Reserve No. 71527, Willis Park at Hay Street Crookwell, be placed on public exhibition for a period of 28 days.

On being put to the meeting the motion was carried.

241/18

RESOLVED by Cllr Cummins and Cllr Opie that -

The concept site plan be amended to locate the driveway entry to the RV area to the southwest corner of the site away from the existing residence and then the Draft Plan of Management – Public Reserve No. 71527, Willis Park at Hay Street Crookwell, be placed on public exhibition for a period of 28 days.

- CARRIED

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ITEM 12.3 **DIGITAL INFORMATION SECURITY POLICY**
242/18 **RESOLVED** by Clr O'Brien and Clr Stafford that -

1. Council adopts the reviewed Digital Information Security Policy.

- CARRIED

SECTION 13: GENERAL MANAGER

ITEM 13.1 **BUILDING BETTER REGIONS FUND COMMUNITY INVESTMENTS**
STREAM GRANT FOR FEASIBILITY AND BUSINESS CASE FOR
CONNECTION OF GAS TO CROOKWELL AND GUNNING

A motion was moved by Clr Searl and Clr Wheelwright that -

1. Council take no further action in relation to progressing any work concerning the feasibility and business case for connection of gas to Crookwell and Gunning due to the inability to currently economically sustain the investment required to bring a natural gas supply to the towns.

On being put to the meeting the motion was lost.

A motion was moved by Clr Cummins and Clr Opie that Council in compliance with the recommendation of the Southern Tablelands Regional Economic Development Strategy 2018-2022 and Council's Resolution 22/18 further explore the economic feasibility of and seeks funding support for Crookwell's and Gunning's connection to natural gas.

On being put to the meeting the motion was carried.

243/18 **RESOLVED** by Clr Cummins and Clr Opie that Council in compliance with the recommendation of the Southern Tablelands Regional Economic Development Strategy 2018-2022 and Council's Resolution 22/18 further explore the economic feasibility of and seeks funding support for Crookwell's and Gunning's connection to natural gas.

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Clr Cummins and Clr Opie called for a division.

Councillors who voted for:- Clrs P Culhane, R Cummins, P
Kensit, R Opie, D O'Brien and J
Stafford

Councillors who voted against:- Clrs B McCormack, J Searl and
J Wheelwright

- CARRIED

**ITEM 13.2 PAYMENT OF EXPENSES AND PROVISION OF FACILITIES
POLICY REVIEW**

244/18 RESOLVED by Clr Searl and Clr Kensit that -

1. Council, in accordance with Section 253, of the Local Government Act 1993, places the Payment of Expenses and Provision of Facilities Policy on public exhibition for 28 days.

- CARRIED

ITEM 13.3 WHS COMMITTEE MINUTES

245/18 RESOLVED by Clr Searl and Clr Culhane that -

1. Council receives and notes the WHS Committee Meeting Minutes as information.

- CARRIED

ITEM 13.4 CONSULTATIVE COMMITTEE MEETING MINUTES

246/18 RESOLVED by Clr Searl and Clr Culhane that -

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1. Council receives and notes the Consultative Committee Meeting Minutes as information and adopts the following recommendation contained within the Consultative Committee Meeting Minutes:

Item 4.1 Human Resources Co-ordinators Report

That Council adopts the reviewed Drug and Alcohol Policy.

- CARRIED

SECTION 14: LATE REPORTS

Nil

**SECTION 15: REPORTS FROM OTHER COMMITTEES, SECTION 355
COMMITTEES AND DELEGATES**

ITEM 15.1 REPORTS FOR THE MONTH OF AUGUST 2018

247/18 **RESOLVED** by Cllr Searl and Cllr O'Brien

That Item 15.1 - [Minutes of Committee/Information] listed below be received:

1. Collector Oval Committee – Minutes from meeting held 24 May 2018.
2. Goulburn Crookwell Rail Trail Incorporated – Minutes from Meeting held 25 June 2018.
3. Economic Development Task Force Committee – Minutes from meeting held 10 July 2018.

Agenda item 5 – General Business

Recommendation: That the General Manager and Economic Development Officer provide a report about how the agricultural industry in the Upper Lachlan Shire can partner with Pak Fresh Handling to export their product out of Canberra Airport.

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248/18 **RESOLVED** by Clr Opie and Clr Searl that Item 5 General Business of the Economic Development Taskforce Committee be adopted.

- CARRIED

- CARRIED

SECTION 16: BUSINESS WITHOUT NOTICE

Nil

SECTION 17: NOTICES OF MOTION

ITEM 17.1 NOTICE OF RESCISSION MOTION - DA126/2017

Dealt with earlier in the meeting.

ITEM 17.2 NOTICE OF MOTION - DONATION

A motion was moved by Clr Cummins and Clr Opie that Council note that Councillors Opie and Cummins will be donating their Councillors Remuneration increase in the amount of \$290 to the NSW Farmers Drought Relief Fund and that all other Councillors be requested to consider making a similar donation.

On being put to the meeting the motion was lost.

Clr Cummins and Clr Opie called for a division.

Councillors who voted for:-

Clrs R Cummins and R Opie

Councillors who voted against:-

Clrs P Culhane, P Kensit, B McCormack, D O'Brien, J Searl, J Stafford and J Wheelwright

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ITEM 17.3 NOTICE OF MOTION - BENCH SEATS

A motion was moved by Clr Kensit and Clr O'Brien that -

Council adopt the design and make of the bench seat (BAB Aluminium Seat P/No S9206 – 1.8m bench seat with Backrest Western Red Cedar Decowood) already installed in the main street of Crookwell (to commemorate Mrs Lynam) or similar, as the standard bench seat type across the Shire and incorporate the bench seat into any Streetscape designs.

On being put to the meeting the motion was carried.

249/18 RESOLVED by Clr Kensit and Clr O'Brien that –

Council adopt the design and make of the bench seat (BAB Aluminium Seat P/No S9206 – 1.8m bench seat with Backrest Western Red Cedar Decowood) already installed in the main street of Crookwell (to commemorate Mrs Lynam) or similar, as the standard bench seat type across the Shire and incorporate the bench seat into any Streetscape designs.

- CARRIED

SECTION 18: QUESTIONS WITH NOTICE

Nil

CLOSED COUNCIL ITEMS

In accordance with the Local Government Act 1993 and the Local Government (General) Regulation 2005, in the opinion of the General Manager, the following business is of a kind as referred to in 10A (2) of the Act and should be dealt with in a part of the meeting closed to the public and the media.

Note: Pursuant to Clause 25(1) of the Local Government (Meetings) Regulation, Council invites verbal representation by members of the public about whether the items listed below should not be considered by Council in a Closed Meeting. The items are:

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250/18 **RESOLVED** by Clr Searl and Clr Stafford

1. That Council move into closed Council to consider business identified, together with any late reports tabled at the meeting.
2. That pursuant to 10A of the Local Government Act 1993: the press and public be excluded from the meeting on the basis that the business to be considered is classified confidential under the provisions of section 10A (2)(c) as outlined above.
3. That the report relevant to the subject business be withheld from access to the media and public as required by section 11(2) of the Local Government Act, 1993.

- CARRIED

Council closed its meeting at 9:11pm and the public, staff and press left the chambers.

251/18 **RESOLVED** by Clr Searl and Clr O'Brien

That Council move out of closed Council and into open Council.

- CARRIED

Open Council resumed at 9:50pm.

Resolutions from the Closed Council Meeting

The following resolutions of Council, while the meeting was closed to the public, were read to the meeting by the Mayor.

SECTION 19: CONFIDENTIAL SESSION

**ITEM 19.1 PROPOSED SALE OF FORMER SALEYARDS SITE, LOT 3 DP
1112816 LAGGAN ROAD, CROOKWELL**

252/18 **RESOLVED** by Clr O'Brien and Clr Kensit that -

1. Council not participate in any joint venture arrangements in relation to provision of aged care and retirement facilities at this time.

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2. The General Manager obtain a further valuation of the parcel of Lot 3 DP 1112816 Laggan Road on the basis of Options A, B and C where the use of the land is for retirement facilities and/or independent living facilities for a further report to Council before commencing negotiations with Crookwell Taralga Aged Care Inc.

- CARRIED

**ITEM 19.2 ROAD MAINTENANCE COUNCIL CONTRACT (RMCC) PART
HAND OVER TO GOULBURN MULWAREE COUNCIL**

253/18 RESOLVED by Clr Searl and Clr O'Brien that -

1. Council authorise the Mayor and General Manager to make contact and representations to the Minister for Roads, Maritime and Freight and Local Member requesting that Upper Lachlan Shire Council retain the existing arrangements and road maintenance and works responsibilities under the Road Maintenance Council Contract (RMCC).

- CARRIED

THE MEETING CLOSED AT 9:50pm

Minutes confirmed 20 SEPTEMBER 2018

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Mayor