



MINUTES

of

COUNCIL MEETING

held via

electronic means through live streaming at
<https://www.youtube.com/channel/UCZxKI13S3M8n8zxKI5LFT9w>

as afforded for through the Electronic Participation in Council Meetings Notice 2020, SA Government Gazette, 31 March 2020 and resolved by Council.

on

MONDAY 19 JULY 2021 AT 7PM

MINUTES
19 July 2021

The Meeting was declared open at 7:00pm.

1. ATTENDANCE RECORD

1.1 Present

Mayor Elizabeth Fricker
Cr Rob Ashby AM
Cr MaryLou Bishop
Cr Norm Coleman OAM
Cr Stephen Furlan
Cr Jennifer Joshi
Cr James Nenke
Cr Conrad Wilkins
Cr James Williams

Staff in Attendance

Chief Executive Officer, Kiki Cristol
Group Manager Assets & Infrastructure, Ben Clark
Group Manager Corporate Services & Strategic Projects, Scott Reardon
Group Manager Customer Experience, Danielle Garvey

Communications & Marketing Manager, Sarah Spencer
Council Secretariat, Danielle Edwards

1.2 Apologies

Nil

1.3 Not Present / Leave of Absence

CNC01/21-22

Moved: Cr Joshi

Seconded: Cr Bishop

That Council approve Cr Wilkins' request for Leave of Absence from 10 September 2021 to 19 September 2021, inclusive.

CARRIED

2. CONFIRMATION OF MINUTES

2.1 Council meeting held on 21 June 2021

CNC02/21-22

Moved: Cr Ashby

Seconded: Cr Wilkins

That the minutes of the Ordinary Council meeting held on the 21 June 2021 be confirmed as a true and accurate record of the proceedings.

CARRIED

3. DECLARATIONS OF INTEREST (material, actual, perceived)

3.1 Cr Williams declared a perceived interest in agenda item 19.1 'Strategic Project (Smith & Fuller) EOI Preliminary Evaluation and EOI Evaluation Panel Minutes as he lives next door to the property in question. Cr Williams advised that he would remain in the Chamber during the discussion of the item, participate in the debate and vote on the agenda item.

3.2 Cr Furlan declared a perceived interest in agenda item 19.1 'Strategic Project (Smith & Fuller) EOI Preliminary Evaluation and EOI Evaluation Panel Minutes as his family have an interest in property in close proximity to the site in question and in addition, he knows one of the respondents. Cr Furlan advised that he would remain in the Chamber during the discussion of the item, participate in the debate and vote on the agenda item.

4. DEPUTATIONS / REPRESENTATIONS / PRESENTATIONS

Nil.

5. MAYORS DIARY

5.1 Mayors Diary

CNC03/21-22

Moved: Cr Bishop

Seconded: Cr Wilkins

That Council receives and notes the Mayoral Diary from 18 June 2021 to 15 July 2021.

CARRIED

6. REPORTS FROM ELECTED MEMBERS HAVING ATTENDED TRAINING, CONFERENCES OR SEMINARS

Nil

7. REPORTS FROM ELECTED MEMBERS HAVING ATTENDED SUBSIDIARY BOARD MEETINGS

7.1 ERA Water Board Meeting 1 July 2021 – Cr Bishop provided a verbal update.

8. QUESTIONS FROM THE GALLERY

8.1 Questions from Mr. Peter Panatsos (received via email on 16 July 2021)

Question 1

The residents would like to understand the Council's review process and the thoroughness of their investigations in relation to the rezoning of Scotty Hotel. Are you able to make this information public?

In the event the council process is not robust, we are seeking the council to joint fund the independent professionals to review the site.

It is very clear the council has a bias towards with this project by Carly's email as outlined below. We would like an understanding how the council plans to protect the interest of all residents and not just property developers?

Response provided by Administration

Section 73 of the *Planning, Development and Infrastructure Act 2016*, allows multiple pathways for a proponent to effect an amendment to the Planning and Design Code. In this instance, the proponent of the Scotty Hotel site YS Super Investments Pty Ltd c/- Future Urban has chosen to approach the Minister for Planning and Local Government, independently of Council to initiate a Code Amendment over the Scotty Hotel site located at 1-5 Nottage Terrace and 43 Main North Road, Medindie.

The Code Amendment seeks to change the zoning of the site from Suburban Business Zone and Established Neighbourhood Zone to the Urban Corridor (Business) Zone, which subject to the merits of a future development proposal may potentially accommodate a mixed use development of up to a maximum of six (6) to seven (7) building levels.

At this stage, Council has not yet seen the final Code Amendment documentation as it has not yet been placed on public consultation. Once formal consultation commences, Council along with the adjoining properties will receive official notification and will be afforded a period of time to review this documentation and formally comment on the change.

Council will have the Code Amendment documentation independently reviewed by a private planning consultant and bring this into the Chamber, along with a draft submission, prior to the end of the consultation period.

Further, Future Urban will be providing Council with a briefing in early August 2021, outlining the Scotty Hotel Code Amendment intentions. The Mayor and I have already arranged to meet with a small group of residents shortly thereafter.

Question 2

The residences would like further clarity to why Carly has shared these views of the zoning as per her email (dated 21 December 2020) which can be found on the submission?

We are planning to submit a petition as well as organise several public protests regarding Scotty's hotel. Please ensure the Council is aware of this upcoming activity.

Response provided by Administration

I will assume that the email referenced in the question is referencing Council's round two submission on the Draft Planning and Design Code dated the 18 December 2020. This letter makes a passing reference to the Scotty Hotel site in illustrating the importance of amalgamating allotments in applying medium rise building heights. The comments in this letter merely outline that the south-eastern side of Main North Road is undergoing a period of transition and that the existing Suburban Business Zone, which currently allows light industry, retail fuel outlets and warehousing may not have been a sound policy choice given the potential interface issues. Specifically, the comments by planning staff were intended to convey concerns with the loss of the existing bespoke Mixed Use Zone policies and to make the suggestion that one of the Urban Corridor Zone policy suits, for which there is a broad range, would have been a better fit and more closely aligned with the previous Mixed Use Zone.

It is worth noting that the Scotty Hotel site is located directly opposite an existing tract of land included within the Urban Corridor (Business) Zone under the Planning and Design Code. This zone currently allows for mixed use developments with 4 to 5 building levels and 15m building height plus an additional storey and 30% of additional building height for significant development sites (i.e. sites that include 15% affordable housing). Council is led to believe that this is the same zone being sought over the Scotty's Hotel site.

As mentioned in response to the first question, Council will have the Code Amendment documentation independently reviewed by a private planning consultant. I also strongly encourage any members of the community, who are concerned with the introduction of this code amendment, to submit their planning concerns in writing to Future Urban Group during the official consultation period, which has not yet commenced.

Further, any petitions or submissions Council receives via its generic walkerville@walkerville.sa.gov.au email address, will be collated and passed onto Future Urban Group as part of the consultation process.

For more information, you are encouraged to follow the state government website https://plan.sa.gov.au/have_your_say/general_consultations

Comments made in relation to the petition and protests are duly noted and Elected Members are hereby duly advised.

9. QUESTIONS WITHOUT NOTICE

Nil

10. QUESTIONS ON NOTICE

Nil

11. PETITIONS

Nil

12. MOTIONS WITHOUT NOTICE

Nil

13. MOTIONS WITH NOTICE

Nil

14. REPORTS REQUIRING DECISION OF COUNCIL

14.1 Strategy

Nil

14.2 Policy

Nil

14.3 Operational

14.3.1 2021/22 Annual Business Plan & Budget and Rates Declaration

CNC04/21-22

Moved: Cr Williams

Seconded: Cr Furlan

1. That Council receives and notes all public survey submissions as part of the 2021/22 Annual Business Plan consultation process, appearing as Attachment C to this report.
2. That Council, pursuant to Section 123(7) of the *Local Government Act 1999*, adopts the 2021/22 Annual Business Plan and Budget included as Attachments A and B, which includes all information required by Regulation 7 of the Local Government (Financial Management) Regulations 2011 including:
 - Budgeted Statement of Comprehensive Income;
 - Budgeted Statement of Financial Position;
 - Budgeted Statement of Changes in Equity;
 - Budgeted Statement of Cash Flows;
 - Budgeted Uniform Presentation of Finances; and
 - Budgeted Key Performance Indicators.

and comprising:

- a) Total budgeted expenditure of \$10,792,867;
- b) Total budgeted revenue of \$10,851,867, which includes an amount to be raised from Council rates of \$9,063,345;
- c) Budgeted operating surplus \$58,567;
- d) Total budgeted capital expenditure of \$3,058,108.

as its Annual Budget for the year ending 30 June 2022.

3. That Council has determined that in preparing its 2021/22 Annual Business Plan and Budget it has considered and taken into account:
 - The capital valuation of land within the Township as set by the Valuer-General of South Australia;
 - The relationship of the amount of funds needed to meet the 2021/22 Annual Business Plan objectives and Council's ability to raise such funds;
 - The relationship and impact of rates and rate differentials between residential and non-residential assessments;
 - The equity of the rate structure and distribution of the rate burden;
 - Rate concessions and rebates that will apply.

4. Adoption of Valuation

That Council, pursuant to Section 167(2) (a) of the *Local Government Act 1999* for the year ending 30 June 2022, adopts the valuations of capital value of all land within its area made by and provided to Council by the Valuer-General of South Australia on 26 June 2021, being the most recent valuations available to Council at this time, the total value being \$3,779,558,320.

5. Declaration of Differential General Rates

That Council, pursuant to sections 152(1)(a), 153(1)(b) and 156(1)(a) of the *Local Government Act 1999*, for the year ending 30 June 2022 declares differential general rates on rateable land within its area, which rates vary by reference to the uses of land designated by Regulation 14(1) of the Local Government (General) Regulations 2013. of:

- a) Residential: A rate of 0.0022563 in the dollar on the capital value of such rateable land;
- b) Commercial – Shop: A rate of 0.0037229 in the dollar on the capital value of such rateable land;
- c) Commercial – Office: A rate of 0.0037229 in the dollar on the capital value of such rateable land;
- d) Commercial – Other: A rate of 0.0037229 in the dollar on the capital value of such rateable land;
- e) Industry – Light: A rate of 0.0037229 in the dollar on the capital value of such rateable land;
- f) Industry – Other: A rate of 0.0037229 in the dollar on the capital value of such rateable land;
- g) Primary Production: A rate of 0.0037229 in the dollar on the capital value of such rateable land;
- h) Vacant Land: A rate of 0.0043997 in the dollar on the capital value of such rateable land;
- i) Other: A rate of 0.0037229 in the dollar on the capital value of such rateable land.

6. Minimum Rate

That Council, pursuant to Section 158 of the *Local Government Act 1999*, for the year ending 30 June 2022 fixes a minimum amount of \$1,251 payable by way of general rates in respect of any one piece of rateable land within Council's area.

7. Declaration of a Separate Rate (Regional Landscape Levy)

That Council, pursuant to Section 66 of the *Landscape South Australia Act 2019*, and Section 154 of the *Local Government Act 1999*, in order to reimburse the Council for amounts contributed to the Green Adelaide Board, declares for the year ending 30 June 2022 a separate rate of 0.000095 in the dollar on the capital valuation of all rateable land in the area of the Council and the Green Adelaide Board.

8. Maximum Increase

That Council, pursuant to Section 153 (3) of the *Local Government Act 1999*, for the year ending 30 June 2022 has considered whether to fix a maximum increase in the general rate to be charged on rateable land within its area that constitutes the principal place of residence of a principal ratepayer and has determined not to fix a maximum increase.

9. Payment by Instalments

That Council, pursuant to Section 181(2) of the *Local Government Act 1999*, for the year ending 30 June 2022 has determined that rates be payable in four equal or approximately equal instalments and will fall due and payable on:

- 1st payment – 13 September 2021
- 2nd payment – 13 December 2021
- 3rd payment – 13 March 2022
- 4th payment – 13 June 2022

10. That Council as part of 2022/23 and beyond, Annual Business Plan and Budgeting process:

- a. includes the debt level impact; and
- b. releases a separate supplementary information paper as an addendum to the Annual Business Plan and Budget, outlining the position of Council's Subsidiaries.

CARRIED

14.3.2 Declaration of Prescribed Officers

CNC05/21-22

Moved: Cr Joshi

Seconded: Cr Bishop

1. On the basis that they have a level of financial sub-delegation, which may be in addition to other delegations or authorisations to make decisions on behalf of Council or the Chief Executive Officer, the following positions be declared as 'prescribed officer' positions in accordance with Chapter 7, Part 4 of Division 2 of the *Local Government Act 1999*:
 - Group Manager Assets and Infrastructure
 - Asset & Project Engineer
 - Group Leader Landscape Design and Beautification Services
 - Coordinator Customer Experience

2. On the basis that they have delegation, other than a financial delegation, or authorisation to make decisions on behalf of Council or the Chief Executive Officer the following positions be declared as 'prescribed officer' positions in accordance with Chapter 7, Part 4 of Division 2 of the *Local Government Act 1999*:
 - Graduate / Senior Planner

CARRIED

14.3.3 Acknowledgement of Country

CNC06/21-22

Moved: Cr Williams

Seconded: Cr Wilkins

That Council continue to include an 'Acknowledgement of Country' in the following capacities:

- Council run Civic Events
- Australia Day Citizenship ceremonies
- All Council corporate documentation i.e Strategic Plans, Annual Report and Business Plan

AND

That Council introduce an 'Acknowledgement of Country' at all Council Ordinary and Special meetings and insert the 'Acknowledgement' on Councils' website.

CARRIED

14.3.4 Community Fund Applications

CNC07/21-22

Moved: Cr Wilkins

Seconded: Cr Joshi

1. That Council allocates the following funds to the Community Fund applicant from the 2021/2022 Community Fund budget:
 - a. Walkerville Rotary Club –\$1,300
2. That Administration writes to the applicant for the Community Fund and advises them of the Council resolution.
3. That the successful applicant is invited to attend the Ordinary Meeting of Council to be held on 16 August 2021, to formally receive the funds from Her Worship Mayor Fricker at the beginning of the Council Meeting.

CARRIED

14.3.5 Third Party Community Groups

CNC08/21-22

Moved: Cr Williams

Seconded: Cr Joshi

1. That Council approves the waiving of user fees and / or charges for venue hire for the following local community organisations:
 - Friends of the Walkerville Library
 - Walkerville Probus Club
 - Walkerville Rotary Club
 - Walkerville Miniature Pageant
2. That Council authorises Administration to enter into extensions of Memorandum of Understanding's (MOU's) with each group that exercise the right to take up the waiver for a period up to but not exceeding 30 June 2022.

CARRIED

14.3.6 Walkerville Art Show Sponsorship Agreement - Extension for the Rotary Club of Walkerville

CNC09/21-22

Moved: Cr Williams

Seconded: Cr Bishop

That Council supports an extension of the current Walkerville Art Show Sponsorship Agreement with the Rotary Club of Walkerville (appearing as Attachment A to this report) for the event to be held in October 2021.

CARRIED

14.3.7 National Park City & LIDAR Data Capture

CNC10/21-22

Moved: Cr Williams

Seconded: Cr Furlan

That Council, in considering the report, including the attachments, titled "National Park City & LIDAR Data Capture" and dated 19 July 2021 resolves to:

1. Prepare a response to Green Adelaide such that Council:
 - a. Provide in-principle support for Adelaide becoming a National Park City subject to consideration of the following:
 - i. The development of a draft Vision, Charter and Action Plan for the consideration of Councils;
 - ii. The endorsement of Councils, of the proposed governance structure that will ensure that an Adelaide National Park City is sustainable;
 - iii. That the proposed governance structure cannot mandate financial contributions from Councils;
 - iv. That the proposed governance structure be funded by Green Adelaide without any additional financial contribution from Councils;
 - v. That this matter is to be brought back to Council for further consideration when there is sufficient detail for Council to consider.
2. That Council does not support the costing proposal for LIDAR capture, such that a 50% contribution is required from Councils and hence subjecting Walkerville Council to an estimated contribution of \$10,000.

CARRIED

14.3.8 KEEP CLEAR Pavement Marking

CNC11/21-22

Moved: Cr Williams

Seconded: Cr Wilkins

1. That Council notes that the KEEP CLEAR Pavement Markings at Dutton Tce / Northcote Tce (northbound and southbound) and Robe Tce Access / Robe Tce (R1)(eastbound) have been submitted to Department of Infrastructure and Transport for approval.
2. That Council notes that the KEEP CLEAR Pavement Marking at Dutton Terrace / Main North Road and Gilbert Street / Walkerville Terrace will not proceed on the basis that they do not meet the Department of Infrastructure and Transport operational instruction requirements for installation.
3. That Council request that Administration install a Bicycles Warning Sign at the Gilbert Street / Walkerville Terrace intersection and at the Burlington / Walkerville Terrace intersection.

CARRIED

14.4 Subsidiaries

14.4.1 East Waste Management Authority – Board Representation

CNC12/21-22

Moved: Cr Wilkins

Seconded: Cr Joshi

That Council reappoints Cr Rob Ashby as its Board representative to the Eastern Waste Management Authority and Cr Norm Coleman as its Deputy Board representative, for the remainder of the Council term.

CARRIED

14.4.2 Eastern Health Authority (EHA) - Board Representation

CNC13/21-22

Moved: Cr Ashby

Seconded: Cr Wilkins

That Council suspend standing orders for 10 minutes at time being 8:02pm until 8:12pm.

CARRIED

CNC14/21-22

Moved: Cr Joshi
Seconded: Cr Ashby

That Council resolve to appoint Cr Nenke and Cr Coleman as Board Members and Cr Ashby and Cr Bishop as Deputy Board Members to attend the EHA Board of Management meetings up to 30 June 2022.

CARRIED

15 IDENTIFICATION OF ITEMS FOR INDIVIDUAL CONSIDERATION

CNC15/21-22

Moved: Cr Joshi
Seconded: Cr Bishop

That items 16.3.2, 16.3.3, 16.3.4, 16.3.5, 16.3.7, 16.4.1, 16.4.2 and 16.5 be moved as per their recommendations.

CARRIED

16 REPORTS REQUIRING DISCUSSION AND / OR PRESENTED FOR INFORMATION

16.1 Strategy

Nil.

16.2 Policy

Nil.

16.3 Operational

16.3.1 Audit Committee Meeting Minutes

CNC16/21-22

Moved: Cr Furlan
Seconded: Cr Wilkins

That Council receives and notes the minutes of the Audit Committee meeting convened on 17 June 2021.

CARRIED

16.3.2 CEO Performance Review Committee Minutes

CNC17/21-22

Moved: Cr Joshi

Seconded: Cr Bishop

That Council receives and notes the minutes of the meeting of the CEO Performance Review Committee convened on 9 July 2021.

CARRIED

16.3.3 Walkerville Oval Redevelopment Committee Meeting Minutes 8 June 2021 and 13 July 2021.

CNC18/21-22

Moved: Cr Joshi

Seconded: Cr Bishop

That Council receives and notes the minutes of the Walkerville Oval Redevelopment Committee from their meetings held 8 June 2021 and 13 July 2021.

CARRIED

16.3.4 Works Report for June 2021

CNC19/21-22

Moved: Cr Joshi

Seconded: Cr Bishop

That Council receives and notes the Works Report for June 2021.

CARRIED

16.3.5 Decisions of Council Assessment Panel – Monday, 12 July 2021.

CNC20/21-22

Moved: Cr Joshi

Seconded: Cr Bishop

That Council receive and notes the decisions made by the Council Assessment Panel on Monday 12 July 2021

CARRIED

16.3.6 Quarterly Financial Report

CNC21/21-22

Moved: Cr Wilkins

Seconded: Cr Ashby

That Council receives and notes the Quarterly Financial Report as at 30 June 2021.

CARRIED

16.3.7 Community Services Quarterly Report – April to June 2021

CNC22/21-22

Moved: Cr Joshi

Seconded: Cr Bishop

That Council receives and notes the Community Services Quarterly Report for the period April to June 2021.

CARRIED

16.4 Subsidiaries

16.4.1 ERA Water Board Minutes

CNC23/21-22

Moved: Cr Joshi

Seconded: Cr Bishop

That Council receives and notes the ERA Water Board Minutes for the meeting convened on 1 July 2021.

CARRIED

16.4.2 East Waste Board Minutes

CNC24/21-22

Moved: Cr Joshi

Seconded: Cr Bishop

That Council receives and notes the East Waste Board Minutes for the meetings convened on 24 June 2021 and 1 July 2021.

CARRIED

16.4.3 Eastern Health Authority (EHA) Board Minutes

CNC25/21-22

Moved: Cr Bishop

Seconded: Cr Ashby

That Council receives and notes the EHA Board Minutes for the meeting convened on 24 June 2021.

CARRIED

16.5 Outstanding Council Resolutions / Action Report

CNC26/21-22

Moved: Cr Joshi

Seconded: Cr Bishop

That Council receives and notes the list of Council resolutions currently being processed as at 15 July 2021.

CARRIED

17 CORRESPONDENCE

CNC27/21-22

Moved: Cr Joshi

Seconded: Cr Ashby

That the correspondence as listed below be received and noted.

- 17.1 Correspondence to Mayor Fricker from the Hon Vickie Chapman MP
- 17.2 Correspondence to Mayor Fricker from the Hon David Speirs MP
- 17.3 Correspondence to Mayor Fricker from Mayor David O'Loughlin
- 17.4 Correspondence to Mayor Fricker from the Hon Emily Bourke MLC

CARRIED

18 URGENT OTHER BUSINESS

Nil

19 CONFIDENTIAL ITEMS

- 19.1 Strategic Project (Smith & Fuller) EOI Preliminary Evaluation and EOI Evaluation Panel Minutes

CNC28/21-22

Moved: Cr Joshi

Seconded: Cr Furlan

Pursuant to s90 (3) (k)

Pursuant to section 90(2) of the *Local Government Act 1999* the Council orders that all members of the public except Chief Executive Officer Kiki Cristol, Group Manager Corporate Services & Strategic Projects Scott Reardon, Group Manager Asset & Infrastructure Ben Clark, Group Manager Customer Experience Danielle Garvey, Communications & Marketing Manager Sarah Spencer and Council Secretariat Danielle Edwards be excluded from attendance at the meeting for Agenda Item 19.1 Strategic Property (Smith & Fuller) EOI Preliminary Evaluation report.

The Council is satisfied that, pursuant to section 90(3)(k) of the Act, the information to be received, discussed or considered in relation to this Agenda Item are tenders for the provision of services and the carrying out of works at the 39 Smith Street and former Fuller Street Council Works Depot Site. As such the Council is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances because the information to be disclosed and discussed has the potential to impact adversely on each of the tenderers as competitive commercial information will be disclosed.

CARRIED

The time being 8:21pm the meeting moved into confidence.

CNC29/21-22

Moved: Cr Wilkins

Seconded: Cr Coleman

1. That Council receive and note the minutes of the Strategic Property (Smith & Fuller) EOI Evaluation Panel meeting held 7 July 2021, appearing as Attachment A to this report;
2. That based on the recommendation of the Strategic Property (Smith & Fuller) EOI Evaluation Panel, Council direct Administration to proceed to obtain further information and clarification from the shortlisted respondents, as it relates to:
 - a. preliminary proposal concept plans;
 - b. Registrant proposed capital investment in the site;
 - c. Registrant proposed rental for land lease;
 - d. preliminary high level business case / feasibility study (including financial, corporate structure etc); and
 - e. any other relevant information consistent with the requirements of the EOI;
3. That the shortlisted respondents be granted a further four (4) weeks to provide the requested information in support of their respective EOI submissions;
4. That following the receipt of the additional information and review by the Strategic Property (Smith & Fuller) EOI Evaluation Panel, the respondents be invited to attend a formal interview (to be held in confidence) to present their respective proposals to the Evaluation Panel in order to prepare a final recommendation to Council.

CARRIED

CNC30/21-22

Moved: Cr Joshi

Seconded: Cr Bishop

Pursuant to s.91(7)

That having considered Agenda Item 19.1 Strategic Property (Smith & Fuller) EOI Evaluation report in confidence under section 90(2) and (3)(k) of the *Local Government Act 1999*, the Council, pursuant to section 91(7) of the Act orders that the report and attachments relative to this Agenda Item be retained in confidence 12 months or until a public announcement pertaining to the lease and development has been made and, when the matter has been finalised, excepting that Council authorises the release of the minutes to enable enactment of the resolution and that pursuant to Section 91(9)(c) of the *Local Government Act 1999* the Council delegates to the Chief Executive Officer the power to review and revoke this Order.

and

That Council resolves to end its confidential deliberations pursuant to Section 90(2) of the *Local Government Act 1999* and re-admit the public.

CARRIED

The time being 8:37pm the meeting moved out of confidence.

20. CLOSURE

The Presiding Member declared the meeting closed at 8:38pm.