

HALIFAX REGIONAL MUNICIPALITY

HALIFAX REGIONAL COUNCIL MINUTES January 11, 2000

PRESENT:

Mayor Walter Fitzgerald
Deputy Mayor John Cunningham
Councillors: Stephen Streach
Gordon R. Snow
Keith Colwell
Ron Cooper
Harry McInroy
Jack Greenough
Condo Sarto
Bruce Hetherington
Clint Schofield
Jerry Blumenthal
Graham L. Downey
Sue Uteck
Sheila Fougere
Russell Walker
Bill Stone
Graham Read
Stephen D. Adams
David Merrigan
Bob Harvey
Peter Kelly
Reg Rankin
Jack Mitchell

STAFF MEMBERS:

Mr. Ken Meech, Chief Administrative Officer
Mr. Wayne Anstey, Municipal Solicitor
Ms. Vi Carmichael, Municipal Clerk
Ms. Patti Halliday, Assistant Municipal Clerk

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1. **INVOCATION**

Mayor Fitzgerald called the meeting to order at 6:00 p.m. with the Invocation.

2. **PROCLAMATIONS - None**

3. **APPROVAL OF MINUTES**

MOVED by Councillors Hetherington and Rankin that the minutes of January 4, 2000 be approved, as circulated. MOTION PUT AND PASSED UNANIMOUSLY.

4. **APPROVAL OF THE ORDER OF BUSINESS AND APPROVAL OF ADDITIONS AND DELETIONS**

The following items were added to the agenda:

- 12.1 Councillor Hetherington - Disposal of Medical Waste
- 12.2 Councillor Uteck - Graffiti in HRM
- 12.3 Councillor Read - Tree Removal
- 12.4 Councillor Blumenthal - Royal Bank
- 12.5 Councillor Snow - Signal Lights
- 12.6 Councillor Snow - Parkland
- 12.7 Property Matter - Lands of Charles Reardon, Atholea Drive

Councillor Adams requested that the following Information Item be put on the Regular Council agenda for January 18, 2000: Memorandum from Municipal Solicitor dated January 5/00 re: Supplementary Funding.

MOVED by Councillors Hetherington and Blumenthal that the Order of Business be approved, as amended. MOTION PUT AND PASSED UNANIMOUSLY.

5. **BUSINESS ARISING FROM THE MINUTES - None**

6. **MOTIONS OF RECONSIDERATION - None**

7. **MOTION OF RESCISSION - None**

8. **CONSIDERATION OF DEFERRED BUSINESS**

8.1 **Interim Area Rate Guidelines**
Tax Boundary Review

- A supplementary report prepared for George McLellan, Deputy Chief Administrative Officer, regarding the Interim Area Rate Guidelines, was before Council for consideration.
- An information report prepared for Dale MacLennan, Director, Financial Services, regarding the Tax Boundary Review, was before Council.

In response to questions of Councillor Kelly, Mr. George McLellan, Deputy Chief Administrative Officer, stated it is staff's intention that a joint committee will be put together with Council with an aim to implement recommendations with respect to tax structure changes approved by Council in the next taxation year. Mr. McLellan noted tax structure changes are not just limited to the boundaries, as there are other items to consider such as how to mix in the commercial and multiple tax rates. Mr. McLellan stated some boundary changes, that were pressing concerns for some Councillors, have been listed and it is staffs intention to attempt to deal with these modifications for the upcoming tax year. Mr. McLellan suggested staff could re-circulate this list to Council. Councillor Kelly noted when this list was originally provided, Council requested further clarification with respect to setbacks for transit and sidewalks, and he wants to be sure they are clearly established. Mr. McLellan stated this information is now available and staff can incorporate it into a full Terms of Reference to come to Council in a couple of weeks.

Councillor Cooper suggested the wording of Guideline #8 should be changed to read "*Any proposed new area rates recommended by a Community Council (or, in the absence of a Community Council, the Councillor for the area) will be submitted to Halifax Regional Council **along with** a staff report with a recommendation from the Chief Administrative Officer...*" Mr. McLellan agreed to the requested amendment.

Responding to a question of Councillor Cooper, Mr. McLellan stated staff is in the processing of compiling a policy book, noting there currently is a separate policy book for Human Resources.

MOVED by Councillors Greenough and Sarto that Council adopt interim procedures, as described in the supplementary staff report dated January 4, 2000, for the establishment of new area rates with the following amendment: the phrase "*through a staff report*" in Guideline #6 is to be changed to "*along with a staff report.*" The guidelines will be examined further as part of the taxation implementation strategy.

In response to a question of Councillor Rankin, Mr. McLellan stated that during the process of developing the Business Strategies, it was indicated that fair taxation policies were one of the things HRM is committed to as a strategy. Mr. McLellan noted that any time changes to the taxation structure are considered, the same amount of money still

needs to be recovered. If one area receives some tax levy, that money will have to be recovered in the general tax rate, or in another area, to support the current service levels.

MOTION PUT AND PASSED UNANIMOUSLY.

9. CORRESPONDENCE, PETITIONS

9.1 Petitions

There were no petitions submitted at this meeting.

10. REPORTS

10.1 MEMBERS OF COUNCIL

10.1.1 Councillor Merrigan - Volunteer Firefighters Honorarium

- Correspondence from Mike Eddy, Chief Director, HRM Fire Services, regarding the above, was circulated to Council.

Councillor Merrigan stated he received a letter from the Deputy Chief of the Beaver Bank Kinsec Volunteer Fire Department outlining what they believe is unfair with respect to their honorariums. Councillor Merrigan stated that up until two years ago, honorariums paid to volunteer firefighters included a \$500 exemption. The purpose of this was to offset their costs, such as gas, for going to fires. Two years ago, the Federal Government decided to increase the amount to \$1,000, but changed it from an exemption to a deduction. As a result, the firefighters now have to pay Canada Pension (CPP), Employment Insurance (EI), and Income Tax on \$300. Councillor Merrigan requested that a letter be sent from Council to the Federal Minister responsible for Revenue Canada, outlining the concerns and requesting that there be an exemption rather than a deduction.

MOVED by Councillors Merrigan and Blumenthal that a letter be sent to the Federal Minister responsible for Revenue Canada with respect to volunteer firefighters honorariums, requesting that there be an exemption rather than a deduction.

Councillor Hetherington suggested this letter should be copied to the Federation of Canadian Municipalities (FCM) as this is a federal jurisdiction. Mayor Fitzgerald agreed, stating the Municipal Solicitor will prepare this letter.

MOTION PUT AND PASSED UNANIMOUSLY.

10.2 CHIEF ADMINISTRATIVE OFFICER

10.2.1 First Reading By-Law T-110 Respecting the Taxi and Limousine Committee

- By-Law T-110 Respecting the Taxi and Limousine Committee was before Council for First Reading.

MOVED by Councillors Adams and Downey that By-Law T-110 Respecting the Taxi and Limousine Committee be given First Reading. MOTION PUT AND PASSED UNANIMOUSLY.

11. MOTIONS

11.1 Councillor Uteck - Armview Traffic Ballot

- that Council allow the residents within 60 meters of the project streets, regardless of their street classification, to be allowed to vote regarding the Armview Traffic ballot.

Councillor Uteck noted the purpose of her motion is a matter of procedure, stating she intends to persist with the eventual possible removal of the lights at Jubilee and Connaught. The Councillor stated she would like to illustrate to Council that the process of the traffic short-cutting policy is flawed, noting the organizational requirements, as set out in Page 4 of the policy, were not followed. Councillor Uteck stated by not allowing residents within 60 metres of this particular, or any other, short-cutting measure, to vote is unreasonable and amounts to nothing more than geographic discrimination.

Councillor Uteck referred to Section 6.2 of the traffic short-cutting policy, which states there is to be an initial public meeting held. The Councillor inquired if such a meeting was held when the traffic calming policy changed from traffic calming to short-cutting. Mr. David McCusker, Manager, Traffic and Transportation Services, replied there was one public meeting held. Councillor Uteck inquired if there was a call for volunteers to serve on a neighbourhood traffic short-cutting committee, to which Mr. McCusker replied in the affirmative. Mr. McCusker noted there was a change in the policy during the process in this particular study, and the original measures were done under the original policy, which was the traffic calming policy. Councillor Uteck expressed concern with the process, stating when the traffic calming committee changed to a traffic short-cutting committee, it is her understanding the process was to start over again. Mr. McCusker stated this was not staff's interpretation as they did not feel it was necessary to begin again.

Councillor Uteck stated the point of contention is the section with respect to the 200 metres versus the 60 metres between the two policies. The Councillor also noted there was supposed to be a series of three public meetings, and only one was held. Councillor Uteck further stated that there was no written notification sent to the Fire, Police, neighbourhood schools and community organizations, advising them there was now a short-cutting policy

for the neighbourhood. There was never a call for volunteers for a neighbourhood traffic short-cutting committee, only a traffic calming committee.

Councillor Uteck stated if Section 6.3 had been followed with respect to public consultation, the affected residents would have had the opportunity to state what they want which is a simple vote on the traffic lights.

In response to Councillor Uteck's comments, Mr. McCusker stated it is his understanding that the work completed under the original traffic calming policy was quite complementary to what was in the revised neighbourhood short-cutting policy. Therefore, the work that had been done up that point was in no way compromised.

MOVED by Councillors Uteck and Fougere that Council allow the residents within 60 meters of the project streets, regardless of their street classification, to be allowed to vote regarding the Armview Traffic ballot.

Councillor Walker inquired if this motion would require a change to the policy. Mr. McCusker replied that it would, stating staff used their interpretation of the wording in the policy to determine the extent of the vote, and to increase the size of the vote would be a fundamental change in the policy.

Councillor Read stated he believes this whole issue has been blown out of proportion, stating it is his opinion that the intent of the policies have been followed by the Traffic Authority. The Councillor suggested the problem is that many people do not understand these policies. Councillor Read stated he believes a logical reasonable response has been received by the Traffic Authority, and, therefore, he cannot support the motion on the floor.

In response to a question of Councillor Harvey, Mr. McCusker stated the purpose of the vote is to ensure that the people for whom the plan was originally intended are still in agreement with the proposal being put forward. He stated the vote was never purported to gauge the feeling of the community as a whole or to anyone who has been affected by the changes being made. The result of the vote will be one piece of information available to Council when it makes it's decision following a Public Hearing. Mr. McCusker stated it was intended that the Public Hearing would be used to gauge the general feeling of the greater community and the neighbourhood itself.

Councillor Fougere expressed concern with the wording of the question on the ballot, stating it was ambiguous. The Councillor stated it is her understanding that the residents would be voting on the timing of the lights as a traffic calming measure, and the barricade on Bloomingdale, as a whole. Councillor Fougere stated there is nothing mentioned about the timing of the lights in the letter that was received by the residents. Secondly, the

Councillor stated these measures are being put in front of, and in proximity of, properties that are not allowed to vote on them, and that is why she is in support of Councillor Uteck's motion. Councillor Fougere stated street classification should not be a factor in determining who is eligible to vote.

In response to the earlier comments made by Councillor Uteck, Mr. Kulvinder Dhillon, Director, Engineering and Traffic Services, stated the intention was to take the traffic from the affected street on to the main streets. If the motion on the floor is adopted, it would mean that Connaught Avenue residents from Quinpool to Jubilee, may be able to vote, which would defeat the basic purpose of the process, as this is the street to which the traffic is being moved. Mr. Dhillon stated counts have been completed and a staff report is in the process of being prepared and will be included in next week's Council agenda package. Mr. Dhillon requested that Council wait until next week to make its final decision, as options will be provided at that time.

Closing the debate, Councillor Uteck stated the short-cutting policy is the exact same as the traffic calming policy up to the section regarding the 200 metre distance versus the 60 metre distance. The Councillor reiterated her concerns that the process has been flawed, and she is only requesting what is fair for all the concerned residents.

The vote was then taken on the motion. Councillor Uteck requested a **Recorded Vote**.

The following members of Council voted **in favour** of the motion: Mayor Fitzgerald, Deputy Mayor Cunningham, Councillors: Streach, Snow, Colwell, Cooper, Greenough, Sarto, Blumenthal, Downey, Uteck, Fougere, Adams, Merrigan, Kelly and Rankin.

The following members of Council voted **against** the motion: Councillors: McInroy, Hetherington, Schofield, Walker, Stone, Read, Harvey and Mitchell.

MOTION PUT AND PASSED. (16 in favour, 8 against)

At a later point in the meeting, Councillor Walker served a **Notice of Motion of Reconsideration** with respect to this matter.

11.2 Councillor Kelly

- i) **Amend Section 22. (j) of Administrative Order Number One to revise the Council agenda to include all Information Reports on the regular weekly Council Agenda. Such reports to be identified on the regular agenda following Committee and staff reports as Section Roman Numeral (iv)."**

Councillor Kelly stated that many of the Information Items received by Council have been put on the regular agenda the night of Council or the following week on an on-going basis. The Councillor suggested that all Information Reports should be included in the regular process of business, and put forth the following motion.

MOVED by Councillors Kelly and Cooper that Council amend Section 22. (j) of Administrative Order Number One to revise the Council agenda to include all Information Reports on the regular weekly Council Agenda. Such reports to be identified on the regular agenda following Committee and staff reports as Section Roman Numeral (iv)."

Councillor Hetherington expressed concern that some Information Agendas can contain as many as a dozen items. The Councillor suggested the current process of moving Information Items to the Regular Agenda on an "as needed" basis works fine and should be continued, rather than amending the Administrative Order. Councillors Blumenthal and Greenough spoke in support of Councillor Hetherington's comments. Councillor Greenough suggested Information Items requested to be brought forward could be put on the following week's agenda if the current agenda is quite lengthy.

Councillor Adams suggested the origin of the Information Reports could be included on the Information Agenda to provide more information as to the purpose of the report.

Councillor Walker spoke in support of the motion, stating incidents have occurred in the past when a Councillor has requested that an Information Item be brought forward to the Regular Agenda and it has been refused. The Councillor expressed concern that in most cases when a Councillor requests a staff report, it comes back in the form of an Information Report, when this is not what was intended as the matter was to be discussed at Council. Councillor Walker stated when Council requests a report it should not come back as an Information Report, which then has to be requested to be added to the Regular Agenda.

Councillor Mitchell spoke against the motion, stating many concerns arising from Information Reports can be addressed by dealing directly with staff rather than bringing the matter before Council.

In response to a question of Councillor Kelly, Mr. Ken Meech, Chief Administrative Officer, stated it is his understanding that if the request for a report only requires information with no specific recommendation, it is treated as an Information Report. If the Councillor who originally requested the report wants the matter debated during the regular Council session, it has been the assumption that it would be that Councillor's responsibility to request that the matter be placed on the Regular Agenda. Mr. Meech stated this process appears to be working well, noting many of the Information Reports do not require any further discussion or debate.

MOTION PUT AND DEFEATED.

- ii) Amend Section 22. (1) (i) of Administrative Order Number One. The purpose of this amendment is to allow presentations to be scheduled on an 'as requested' basis at any regular Council session; and,

FURTHER, amend Section 29. (2) of Administrative Order Number One to read 'A delegation shall first arrange to be heard by applying to the Clerk in writing, stating the essence of the presentation to be made, not later than 12:00 o'clock noon on the Friday immediately preceding each regular meeting of the Council'."

MOVED by Councillors Kelly and Adams that Council amend Section 22. (1) (i) of Administrative Order Number One. The purpose of this amendment is to allow presentations to be scheduled on an 'as requested' basis at any regular Council session; and, **FURTHER**, that Council amend Section 29. (2) of Administrative Order Number One to read 'A delegation shall first arrange to be heard by applying to the Clerk in writing, stating the essence of the presentation to be made, not later than 12:00 o'clock noon on the Friday immediately preceding each regular meeting of the Council'."

Councillor Stone expressed concern that too many presentations could be scheduled on one particular night if this motion is passed. The Councillor also expressed concern with the number of presentations that take place before Council that do not directly affect Council. Councillor Stone suggested that some of these presentations should be forwarded to the appropriate Committee rather than Regional Council, stating this would be more productive. The Councillor suggested the whole issue of presentations in general needs to be examined.

No vote was taken on the motion.

As suggested by Mayor Fitzgerald, Council agreed that a sub-committee of three Councillors be formed to discuss the issue of presentations to Regional Council. The following Councillors volunteered to serve on this sub-committee: Councillors Hetherington, Fougere, and Kelly. The sub-committee will report back to Regional Council with a recommendation on this matter.

11.3 Councillor Mitchell

- i) direct HRM staff do a transit study in District 23 and report back to this Council."

MOVED by Councillors Mitchell and Blumenthal that Council direct HRM staff do a transit study in District 23 and report back to this Council.

Councillor Read inquired about the scope of this transit study. Councillor Mitchell stated that District 23 is the only District that does not have any transit service, and it is needed.

MOTION PUT AND PASSED UNANIMOUSLY.

- ii) send a letter sent to the Hon. Ron Russell, Minister, Transportation & Public Works and Hon. John Chataway, MLA, Chester-St. Margaret's, to have the provincial government install school zone signs on #3 Highway at the head of St. Margaret's Bay Road near P-3 school on Ridgewood Drive, as this is a safety concern.

MOVED by Councillors Mitchell and Blumenthal that a letter sent to the Hon. Ron Russell, Minister, Transportation & Public Works and Hon. John Chataway, MLA, Chester-St. Margaret's, to have the provincial government install school zone signs on #3 Highway at the head of St. Margaret's Bay Road near P-3 school on Ridgewood Drive, as this is a safety concern. MOTION PUT AND PASSED UNANIMOUSLY.

12. ADDED ITEMS

12.1 Councillor Hetherington - Disposal of Medical Waste

Councillor Hetherington expressed concern with the problems experienced by residents with regards to disposal of medical waste, such as dressings and diabetic needles. The Councillor stated it is becoming more and more difficult for residents to dispose of this type of waste, noting a lot of the affected residents are seniors who may not have easy access to disposal facilities. Councillor Hetherington inquired if HRM has addressed this issue in its solid waste program.

MOVED by Councillors Hetherington and Sarto that a staff report come back to Council as a regular agenda item within a week with regard to this matter. MOTION PUT AND PASSED UNANIMOUSLY.

12.2 Councillor Uteck - Graffiti in HRM

Councillor Uteck stated she has received three phone calls regarding vandalism, specifically, graffiti in the South End. The Councillor referenced a letter from Turner, Drake and Partners, which stated that graffiti has spread to virtually every lamp post, mailbox and other pieces of public property in the Halifax Central business district. The letter stated that over the last several weeks the problem has migrated to many private buildings as well. This type of graffiti work is impossible to remove from stone work without sandblasting. The letter further stated that a quick survey conducted last week of the Halifax Central business district estimates that upwards of \$100,000 worth of damage has

been inflicted, and at the present rate of progress, this figure will rise to \$1 million before long. Councillor Uteck stated there is a current incident in District 13 where graffiti was on sandstone and it will cost \$22,000 to have it removed. The letter suggested the following program be implemented: an aggressive clean-up program which includes immediate response to remove the graffiti as soon as it occurs, heavy fines with a cost recovery in mind, and a vigorous publicity campaign to gain public support and expose graffiti as vandalism rather than art. Councillor Uteck stated she has spoken with Insp. Steve Sykes, Police Services, regarding this matter, and she is looking forward to working with Police Service on this matter.

It was agreed that the matter will be referred to staff for a report.

Councillor Read stated this problem has grown beyond the central business district, and suggested it appears to be a limited number of people involved in this activity. The Councillor spoke in support of referring this matter to staff for a comprehensive report.

Councillor Stone noted he raised this issue six to eight months ago, and has been communicating with Police Services Community Relations, who have gone to various corporate organizations in an attempt to have them remove the graffiti off their property with some, but not total, success. Councillor Stone stated if the graffiti occurs on private property, it is up to the property owner to initiate the cleaning, not HRM. The Councillor reported that he has been successful in having some of the Canada Post mailboxes cleaned, but within two weeks the graffiti reappeared. Councillor Stone noted a lot of telephone poles are also becoming polluted with illegal signs, which can only be reached by the use of a truck. In closing, Councillor Stone suggested more than a report is required, and action needs to be taken to resolve this issue.

12.3 Councillor Read - Tree Removal

- Correspondence from Melanie Dobson, 11 Wyndrock Drive, Halifax, to Councillor Read, regarding tree removal, was before Council for its consideration.

Councillor Read stated it is his understanding that Nova Scotia Power has a "wide clearance" policy in place, and in order to avoid trimming trees around power lines every two or three years, they are clearing out all trees within 10 feet of power lines. The Councillor stated it would be inappropriate to continue this practice on a large scale throughout the Municipality. Councillor Read stated some residents are receiving notices in their mailboxes that the trees on their property will be cut in a few days time, and their permission is not required. The Councillor noted the same policy is in effect for HRM property. Councillor Read requested a staff report clarifying the responsibilities of Nova Scotia Power in this regard, and to what extent can residents and the Municipality refuse to have trees removed from their property.

MOVED by Councillors Read and Harvey that this matter be referred to staff for a report to come back on the Regular Council agenda. MOTION PUT AND PASSED UNANIMOUSLY.

12.4 Councillor Blumenthal - Royal Bank

Councillor Blumenthal expressed concern with the recent announcement that over 300 employees of the Royal Bank in Halifax will be losing their jobs. The Councillor noted that the Municipality is a client of the Royal Bank, and suggested the discontinuation of this contract should be examined by staff, due to this loss of jobs of HRM residents. Councillor Blumenthal requested that this matter be referred to staff for a report next week. Council agreed to the request for a staff report.

12.5 Councillor Snow - Signal Lights

Councillor Snow requested a staff report providing an update on the status of the request for signal lights in Fall River. Council agreed to the request for a report.

12.6 Councillor Snow - Parkland

Councillor Snow requested a staff report with respect to the status of Jefferson Park. Council agreed to the request for a report.

12.7 Property Matter - Lands of Charles Reardon, Atholea Drive

- This matter was discussed earlier during an In Camera Session held prior to the Regular Session, and was now before Council for ratification.

MOVED by Councillors McInroy and Sarto that Halifax Regional Council authorize the purchase, for recreation purposes, of land parcels PID#40073991 and PID#559997 (lands of Charles F. Reardon on Atholea Drive) for the price of \$81,600 plus applicable HST as settlement in full, with funds for the purchase coming from the Parkland Reserve Account. MOTION PUT AND PASSED UNANIMOUSLY.

13. NOTICES OF MOTION

13.1 Councillor Walker - Armview Traffic Ballot

Councillor Walker served a **Notice of Motion of Reconsideration** for January 18, 2000 with respect to Item 11.1 - Motion - Councillor Uteck - Armview Traffic Ballot.

13.2 Councillor Sarto- Deputy Traffic Authority

TAKE NOTICE that at the next meeting of Regional Council to be held on **January 18, 2000**, I intend to introduce a motion to amend Administrative Order Number 12 to reflect the appointment of Mr. Taso Koutroulakis as Deputy Traffic Authority.

14. ADJOURNMENT

MOVED by Councillors Blumenthal and Greenough that the meeting adjourn at 7:20 p.m. **MOTION PUT AND PASSED UNANIMOUSLY.**

Vi Carmichael
Municipal Clerk