# HALIFAX REGIONAL COUNCIL MINUTES December 6, 2005

PRESENT: Mayor Peter Kelly

Deputy Mayor Russell Walker Councillors: Steve Streatch

Krista Snow
David Hendsbee
Gloria McCluskey
Andrew Younger
Bill Karsten
Becky Kent
Jim Smith
Mary Wile
Patrick Murphy
Dawn Sloane

Stephen Adams Brad Johns Robert Harvey Gary Meade

Sheila Fougere

REGRETS: Councillors: Harry McInroy

Sue Uteck Debbie Hum Linda Mosher Len Goucher Reg Rankin

STAFF: Mr. Dan English, Chief Administrative Officer

Ms. Mary Ellen Donovan, Municipal Solicitor

Ms. Jan Gibson, Municipal Clerk

Ms. Julia Horncastle, Legislative Assistant

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#### 1. <u>INVOCATION</u>

The meeting was called to order at 6:00 p.m. with the Invocation being led by Councillor Adams.

## 2. APPROVAL OF MINUTES - November 22, 2005

MOVED by Councillor McCluskey, seconded by Councillor Sloane, that the minutes of November 22, 2005 be approved. MOTION PUT AND PASSED UNANIMOUSLY.

# 3. <u>APPROVAL OF THE ORDER OF BUSINESS AND APPROVAL OF ADDITIONS AND DELETIONS</u>

## Additions

- 11.1 November 15, 2005 Regional Council Minutes
- 11.2 Property Matter 100 Wyse Road Dartmouth la Societe Maison Acadienne
- 11.3 Property Matter Transfer of title for 341 Pleasant Street, Dartmouth to supportive Housing for Young Mothers
- 11.4 Legal Matter Solid Homes Construction Limited Settlement Contribution Offer
- 11.5 Legal Matter Settlement of Claim
- 11.6 Councillor Murphy Information Item #5 to main agenda for discussion
- 11.7 Councillor Harvey Snow removal for Senior Citizens Program

#### Deletions

9.7.1 Membership: Program & Service Review Committee

Councillor Karsten requested Council address item 9.5 following item 9.1.2.

MOVED by Councillor Hendsbee, seconded by Councillor Meade, that the Order of Business, as amended, be approved. MOTION PUT AND PASSED UNANIMOUSLY.

- 4. BUSINESS ARISING OUT OF THE MINUTES NONE
- 5. MOTIONS OF RECONSIDERATION NONE
- 6. <u>MOTIONS OF RESCISSION NONE</u>
- 7. CONSIDERATION OF DEFERRED BUSINESS NONE

## 8. CORRESPONDENCE, PETITIONS AND DELEGATIONS

## 8.1 <u>Correspondence - None</u>

#### 8.2 Petitions

# 8.2.1 <u>Councillor Younger</u>

Councillor Younger served a petition on behalf of the residents on the west side of Spring Avenue requesting repaving of Spring Avenue.

#### 8.2.2 Councillor Karsten

Councillor Karsten served a petition on behalf of the residents of the east side of Spring Avenue requesting repaving of Spring Avenue.

## 8.2.3 Councillor Kent

Councillor Kent served a petition on behalf of the residents of South Woodside requesting bus service be extended from Franklin Street to Bonnie Brae Park or Brompton Road during peak hours.

## 8.2.4 Councillor Smith

Councillor Smith served a petition on behalf of the residents of District 9 in support of Councils move to enact regulations around adult entertainment facilities.

#### 9. REPORTS

## 9.1 CHIEF ADMINISTRATIVE OFFICER

- 9.1.1 <u>Approval to Increase PO#2070217918, Additional Consultant Work Scope and Fees, Former CA Beckett School (23 Fenerty Road, Halifax)</u>
- A report dated November 15, 2005, on the above noted, was before Council.

MOVED by Deputy Mayor Walker, seconded by Councillor Younger, that Halifax Regional Council approve an increase to Purchase Order No. 2070217918 by \$29,942.70 (net HST included), as per the Background section of the November 15, 2005 report. The increase is 32% of the current purchase order. MOTION PUT AND

#### PASSED UNANIMOUSLY.

### 9.1.2 Point Pleasant Park Master Plan

A report dated November 8, 2005, on the above noted, was before Council.

Mr. Peter Bigelow, Manager, Real Property Planning, introduced Dr. Jim Spatz, Point Pleasant Park Design Steering Committee, who presented the framework for restoration of point pleasant park.

Mayor Kelly, on behalf of Council, thanked Dr. Spatz and the Committee and their work.

MOVED by Councillor Fougere, seconded by Councillor Murphy, that Halifax Regional Council:

- Endorse the competition-winning submissions and recommended teams, NIP
   Paysage and Ekistics Planning and Design, as outlined in the November 8,
   2005 report as the general framework for the restoration of Point Pleasant Park.
- 2. Authorize staff to enter into contracts with the two proponents for the first phase of park restoration as funds become available.

#### MOTION PUT AND PASSED UNANIMOUSLY.

## 9.5.1 Consolidated Audited Financial Statements, March 31, 2005

A report dated November 23, 2005, on the above noted, was before Council.

Ms. Pam Caswill, Manager, Corporate Reporting & Financial Policies, and Mr. Jamie O'Neil, KPMG, presented the financial statements and auditors report to Council

MOVED by Councillor Karsten, seconded by Councillor McCluskey, that Halifax Regional Municipality's consolidated audited financial statements for the year ended March 31, 2005 be approved, and the Mayor and Municipal Clerk be authorized to sign the financial statements on behalf of Council. MOTION PUT AND PASSED UNANIMOUSLY...

Councillor Johns left the meeting at 6:42 p.m.

# 9.1.3 Revenue Collection Policy

A report dated November 29, 2005, on the above noted, was before Council.

Catherine Sanderson, Senior Manager, Financial Collection Services, presented the report to Council.

MOVED by Deputy Mayor Walker, seconded by Councillor Fougere, that Regional Council approve, in principle, the repeal of the existing Administrative Order 18, Respecting Tax Collection and replace it with the attached Administrative Order 18, Respecting Revenue Collection Policy and request staff to arrange for the formal introduction of the new Administrative Order 18 for approval. MOTION PUT AND PASSED UNANIMOUSLY.

## 9.1.4 Provincial Road Transfer

A report dated November 24, 2005, on the above noted, was before Council.

MOVED by Councillor Meade, seconded by Councillor Wile, that Regional Council:

- 1. Endorse the Provincial Road Transfer in the Hammonds Plains area in accordance with the terms and conditions of Agreement HRM-01 as outlined in the attached correspondence dated September 26, 2005 from Hon. Ron S. Russell, Minister of Transportation and Public Works; and,
- 2. Approve the list of HRM owned roads (Appendix C) located outside the Urban Core Boundary, for conveyance to the Province in exchange for acceptance of Provincially owned roads located in the proposed exchange area which do not meet the density criteria thresholds under Agreement HRM-01 (Appendix B) per the September 26, 2005 attachment.

Councillor Adams requested an update on the Capital Transportation Authority be provided at a future meeting of Council.

#### MOTION PUT AND PASSED UNANIMOUSLY.

9.1.5 <u>Case 00832: Bedford Municipal Planning Strategy and Land Use By-</u> Law Amendment - 356 Hammonds Plains Road • A report dated November 28, 2005, on the above noted, was before Council.

## MOVED by Councillor Harvey, seconded by Councillor Meade, that Regional Council:

- 1. Approve the request to initiate the process to consider amending the Bedford Municipal Planning Strategy and Land Use by-Law to designate a portion of HRM owned land (PID#40698359) Residential Reserve and rezone it RSU (Residential Single Unit) zone;
- 2. Request staff to follow the public participation program as approved by Council in February, 1997.

#### MOTION PUT AND PASSED UNANIMOUSLY.

- 9.1.6 <u>Proposed Installation of Crossing Gates at the Railway Crossing near</u> the Fall River/Windsor Junction Intersection
- A report dated November 21, 2005, on the above noted, was before Council.

MOVED by Councillor Snow, seconded by Councillor Sloane, that Regional Council authorize the Mayor and Municipal Clerk to sign the agreement attached to the November 21, 2005 staff report with CN to fund \$26,887.50 plus net HST or 12.5% of the \$215,100 cost of upgrading the CN rail crossing on Fall River Road with funding authorized from Account No. CTR00905 as per the Budget Implications section of the November 21, 2005 report. MOTION PUT AND PASSED UNANIMOUSLY.

#### 9.2 HARBOUR EAST COMMUNITY COUNCIL

## 9.2.1 <u>Traffic Study - Burnside City of Lakes Business Park</u>

A report dated November 18, 2005, on the above noted, was before Council.

MOVED by Councillor Smith, seconded by Councillor McCluskey, that an independent traffic study be conducted on all development and lands east of Burnside Drive with the objective of determining the congruence of the present and future street systems with the City of Lakes Business Park.

Councillor Smith noted the area east of Burnside Drive is growing and there are concerns with respect to traffic issues and impacts as a result of new development taking place in the business park.

In response to Councillor Streatch, Mr. Ken Reashor, Manager, Traffic and Right of Way Services, advised a traffic study had been completed in conjunction with the Dartmouth Crossing development. That traffic study analysed all the intersections of Burnside Drive and the accesses onto Highway #118. The results of that study indicated that those roadways, with the future upgrades, would have the capacity to handle new development.

Councillor Streatch requested staff contact the developer of Dartmouth Crossing and request a copy of the traffic study.

Mr. English, Chief Administrative Officer, advised that prior to staff undertaking a study Council would have to know the scope, timing, cost etc. He suggested the motion be that staff be requested to provide a report on the feasibility of conducting an independent traffic study.

The mover and seconder agreed to the wording change to the motion to request a staff report.

The motion now reads.

MOVED by Councillor Smith, seconded by Councillor McCluskey, that a report be requested on the feasibility of conducting an independent traffic study on all development and lands east of Burnside Drive with the objective of determining the congruence of the present and future street systems with the City of Lakes Business Park. MOTION PUT AND PASSED UNANIMOUSLY.

#### RECESS

Council recessed at 7:47 p.m. and reconvened at 8:04 p.m.

## 9.3 REGIONAL PLANNING COMMITTEE

#### 9.3.1 Regional Plan

A report dated November 23, 2005, on the above noted, was before Council.

MOVED by Deputy Mayor Walker, seconded by Councillor Fougere, that:

- 1. Regional Council approve the tabling of Draft #2 of the Regional Plan as submitted on December 6, 2005.
- 2. Regional Council approve a further period of public review until January 17, 2006.

3. The Regional Planning Committee receive and consider all written public submissions made through a period of public review and submit a final report to Regional Council on February 7, 2006 for final debate and First Reading.

Dr. Hugh Millward, Chairman, Regional Planning Committee, presented Draft #2 of the Regional Plan to Council outlining the changes in the new draft which include:

- Up to 8 lots on new roads intersecting local roads,
- Any number of lots on existing local roads,
- Wider frontage trunk and routes roads,
- Deferring major changes to service boundaries to the Community Plan Review process,
- Listing Beaver Bank and Hammonds Plains to protect traffic safety,
- A more flexible time frame for future roads,
- Adding more long term road corridors for acquiring land,
- Adding another Regional Part at Feely Lake near Middle Sackville,
- Requiring island development to proceed by agreement to protect coastal communities.
- Requiring Capital District policies be developed as amendments to Regional Plan,
- Requiring Harbour policies be developed as amendments to Regional Plan,
- Response to requests for change to centres such as Spryfield, Jeddore, etc.
- Clarification of HRM's role with respect to housing, culture and heritage,
- Removal of project implementation schedule pending Council review of HRM business plans and budgets.

Councillor Hendsbee expressed concern with the January 17<sup>th</sup> date and placed the following motion.

MOVED by Councillor Hendsbee, seconded by Councillor Murphy, that the public review period be extended to January 31, 2006. MOTION PUT AND PASSED.

MOVED by Deputy Mayor Walker, seconded by Councillor Fougere, that the final report to Regional Council be extended to February 22, 2006 for final debate and First Reading. MOTION PUT AND PASSED UNANIMOUSLY.

## MOTION AS AMENDED

MOVED by Deputy Mayor Walker, seconded by Councillor Fougere, that:

1. Regional Council approve the tabling of Draft #2 of the Regional Plan as

submitted on December 6, 2005.

- 2. Regional Council approve a further period of public review until January 31, 2006.
- 3. The Regional Planning Committee receive and consider all written public submissions made through a period of public review and submit a final report to Regional Council on February 22, 2006 for final debate and First Reading.

Clarification was received on the following issues:

- This Plan would not affect the development of the three thousand approved lots in the Hammonds Plains area,
- Staff would be available to meet with individual community groups if requested,
- The Enfield area has been designated a centre,
- The 2.5 metre vertical elevation only applies to coastline and not fresh water rivers,
- There is sufficient authority, under the Municipal Government Act, to implement hydrogeological testing in the case where Council is considering rural residential development through the development agreement process; however, HRM does not have the authority with respect to a subdivision for by right development,
- The subdivision by-law map indicates the Spider Lake area as an area where the water services could be extended,
- Fall River Village is included on the subdivision map,
- Square footage and acreage measurement equivalents be provided in the documents for clarification.

Prior to a vote being taken on the motion, the following amendment was placed.

MOVED by Councillor Hendsbee, seconded by Councillor McCluskey, that information sessions be provided to all Community Council's in the month of January. MOTION DEFEATED.

## MAIN MOTION PUT AND PASSED UNANIMOUSLY.

## 9.4 GRANT COMMITTEE

## 9.4.1 HRM Community Grants Program - Recommended Changes 2006-2007

A report dated November 24, 2005, on the above noted, was before Council.

**MOVED** by Deputy Mayor Walker, seconded by Councillor Kent, that:

- 1. Regional Council approve revisions to the HRM Community Grants program as detailed in the Discussion section of the November 24, 2005 report.
- 2. Approve implementation of the revised criteria April 1, 2006.

#### MOTION PUT AND PASSED UNANIMOUSLY.

## 9.5 AUDIT COMMITTEE

## 9.5.1 Consolidated Audited Financial Statements, March 31, 2005

This item was addressed earlier in the meeting (See page 6)

## 9.6 <u>MEMBERSHIP SELECTION COMMITTEE</u>

# 9.6.1 <u>Councillor and Citizen Appointments to Boards/Committees and</u> Commissions

A report dated November 30, 2005, on the above noted, was before Council.

# MOVED by Councillor Streatch, seconded by Councillor Wile, that Regional Council:

- 1. Approve the Citizen and Councillor appointments to Boards/Committees/Commissions as outlined in Attachment 1 of the staff report.
- 2. Extend the terms for the existing membership of the Regional Planning Committee to 2007 as mandate is almost complete.
- 3. Make no additional appointments to the Cultural Advisory Committee as mandate is almost complete.
- 4. This report may be released to the public.

Without a vote being taken on the motion on the floor, the following motion was placed.

MOVED by Councillor Smith, seconded by Councillor Murphy, the Board of Police Commission appointments be referred back to the Membership Selection Committee for review. MOTION TO REFER DEFEATED.

#### MAIN MOTION PUT AND PASSED UNANIMOUSLY.

## 9.7 PROGRAM AND SERVICE REVIEW COMMITTEE

# 9.7.1 <u>Membership: Program and Service Review Committee</u>

This item was deleted under the approval of the Order of Business.

## 9.8 <u>MEMBERS OF COUNCIL</u>

# 9.8.1 <u>Councillor Snow - Request for staff report re: Honorariums for Volunteer Firefighters</u>

MOVED by Councillor Snow, seconded by Councillor Kent, that a staff report be provided regarding honorariums for Volunteer Firefighters.

The Councillor noted the purpose of the report is to compare current honorariums with other volunteer fire departments across Canada to determine if HRM is comparable to the national standard. The report is to also address the possibility of increasing the current honorarium.

## MOTION PUT AND PASSED UNANIMOUSLY.

#### 10. MOTIONS

## 10.1 <u>Councillor McCluskey - Audit on all HRM Departments</u>

MOVED by Councillor McCluskey, seconded by Councillor Younger, that a comprehensive audit be carried out on all departments of HRM. The audit is to be carried out by an external audit team and to include at least an audit of two departments each year.

Following discussion, and without a vote being taken on the motion on the floor, the following motion was placed.

MOVED by Councillor Murphy, seconded by Councillor Sloane, that the matter be referred to the Audit Committee for a report and recommendation.

Mr. Dan English, Chief Administrative Officer, suggested that before Council makes a recommendation all options be examined and staff provide a report early in the new year. He noted departments are looked at on a risk basis by an internal committee through which several areas of risk have already been identified. He reiterated that at this point staff does

not have a position.

Councillor McCluskey requested a recorded vote.

## **MOTION TO REFER PUT AND PASSED (11 in favour, 6 against)**

Those voting **in favour** of the motion were Mayor Kelly and Councillors Streatch, Hendsbee, Karsten, Kent, Wile, Murphy, Sloane, Fougere, Adams and Meade

Those voting **against** the motion were Deputy Mayor Walker and Councillors Snow, McCluskey, Younger, Smith, and Harvey.

Councillors McInroy, Uteck, Hum, Mosher, Johns, Goucher and Rankin were absent for the vote.

## 11. ADDED ITEMS

# 11.1 <u>Approval of November 15, 2005 Regional Council Minutes</u>

MOVED by Councillor Sloane, seconded by Councillor Karsten, that the minutes of November 15, 2005 be approved. MOTION PUT AND PASSED UNANIMOUSLY.

# 11.2 <u>Property Matter - 100 Wyse Road, Dartmouth - la Societe Maison</u> Acadienne

 This item was addressed at an earlier In Camera meeting held prior to the regular session and was now before Council for ratification.

MOVED by Councillor McCluskey, seconded by Councillor Smith, that Halifax Regional Council:

- 1. Authorize staff from Real Property and Asset Management and Recreation Tourism and Culture to enter into negotiations with the la Societe Maison Acadienne (SMA) with the intent of developing a Management Agreement structure for the investment, repair and re-use of the property at 100 Wyse Road, Dartmouth, by SMA for administrative and cultural uses as outlined in the November 10, 2005 Private and Confidential staff report.
- 2. Not release the November 10, 2005 Private and Confidential staff report.

#### MOTION PUT AND PASSED UNANIMOUSLY.

# 11.3 <u>Property Matter - Transfer of Title for 341 Pleasant Street, Dartmouth to Supportive Housing for Young Mothers</u>

 This item was addressed at an earlier In Camera meeting held prior to the regular session and was now before Council for ratification.

MOVED by Councillor Kent, seconded by Councillor Streatch, that Halifax Regional Council:

- 1. Set a date for a public hearing to consider the conveyance of the property located at 341 Pleasant Street, Dartmouth, to Supportive Housing for Young Mothers for less than market value and subject to the terms and conditions set out in the Discussion section of the November 8, 2005 Private and Confidential staff report.
- 2. Authorize the immediate release of the November 8, 2005 staff report.
- 3. Subject to the Public Hearing, authorize the Mayor and Municipal Clerk to enter into an Agreement of Purchase and Sale whereby the property located at 341 Pleasant Street, Dartmouth, be conveyed to Supportive Housing for Young Mothers, subject to site survey and legal description, and the terms and conditions set out in the Discussion section of the November 8, 2005 staff report

#### MOTION PUT AND PASSED UNANIMOUSLY

# 11.4 <u>Legal Matter - Solid Homes Construction Limited - Settlement</u> Contribution Offer

• This item was addressed at an earlier In Camera meeting held prior to the regular session and was now before Council for ratification.

MOVED by Councillor Sloane, seconded by Councillor Fougere, that Halifax Regional Council:

1. Approve an offer by HRM's insurers in full settlement of the claim in the amount of \$95,000.00, of which HRM would be responsible for its insurance deductible in the amount of \$20,000.00.

2. Not release the November 19, 2005 Private and Confidential staff report.

#### MOTION PUT AND PASSED UNANIMOUSLY.

## 11.5 <u>Legal Matter - Settlement of Claim</u>

 This item was addressed at an earlier In Camera meeting held prior to the regular session and was now before Council for ratification.

MOVED by Councillor Wile, seconded by Deputy Mayor Walker, that Halifax Regional Council:

- 1. Settle this claim, as set out in the November 22, 2005 Private and Confidential staff report, brought by the Plaintiff in the amount of \$65,00.00 to achieve a full settlement of the Plaintiff's action upon obtaining a full release from the Plaintiff from any further claims arising out of a Motor Vehicle accident which occurred on January 21, 2001.
- 2. Not release the November 22, 2005 Private and Confidential staff report.

#### MOTION PUT AND PASSED UNANIMOUSLY.

11.6 <u>Councillor Murphy - Information Item #5 re HRM/Tenancy Board</u>
<u>Partnership</u>

Councillor Murphy thanked staff for the report and Mr. Ed Thornhill, Manager, Permits and Inspections, advised the Tenancy Board has shown an interest in the initiative.

# 11.7 <u>Councillor Harvey - Snow Removal for Senior Citizens Program</u>

In response to concerns raised by Councillor Harvey, Mr. Labrecque, Director, Traffic and Transportation Services, advised staff are committed to providing the service and, if necessary, staff will come back to Council if there are any issues that need to be addressed further.

## 12. <u>NOTICES OF MOTION</u>

## 12.1 <u>Councillor Fougere</u>

Take Notice that at the next regular meeting of the Halifax Regional Council to be held on Tuesday, the 13<sup>th</sup> day of December, 2005, I propose to introduce for adoption Administrative Order 18, Respecting Revenue Collection Policy, the purpose of which is to replace existing Administrative Order 18 Respecting Tax Collection.

## 13. ADJOURNMENT

The meeting was adjourned at 9:45 p.m.

Jan Gibson Municipal Clerk

# The following information items were circulated to Council:

- 1. Memorandum from Director, Planning & Development Services dated December 1, 2005 re: Smoke Free Places Act
- 2. Memorandum from Chair, Cultural Committee dated November 30, 2005 re: HRM Cultural Plan: Status Update
- 3. Memorandum from Director, Environmental Management Services dated November 1, 2005 re: Harbour Solutions Project Quarterly Report (July 1 September 30, 2005)
- Memorandum from Acting Director, Real Property and Asset Management dated November 28, 2005 re: Timberlea Village - Playground Upgrades Request
- 5. Memorandum from Director, Planning & Development Services dated November 30, 2005 re: HRM / Tenancy Board Partnership
- 6. Memorandum from Director, Financial Services dated November 30, 2005 re: Area Rate for
- 7. Memorandum from Director, Planning & Development Services dated November 28, 2005 re: As of Right Development in HRM
- 8. Memorandum from Director, Financial Services dated November 25, 2005 re: Comprehensive Audits
- 9. Memorandum from the Municipal Clerk, dated December 2, 2005 re: Requests for Presentations to Council None