# HALIFAX REGIONAL COUNCIL MINUTES

September 20, 2011

PRESENT: Mayor Peter Kelly

Deputy Mayor Jim Smith Councillors: Steve Streatch

Barry Dalrymple David Hendsbee Lorelei Nicoll Gloria McCluskey Darren Fisher Bill Karsten

Jackie Barkhouse

Mary Wile

Jerry Blumenthal
Dawn Sloane
Sue Uteck
Jennifer Watts
Russell Walker
Debbie Hum
Linda Mosher
Stephen Adams
Brad Johns
Tim Outhit
Reg Rankin
Peter Lund

REGRETS: Councillor Robert Harvey

STAFF: Mr. Richard Butts, Chief Administrative Officer

Ms. Karen Brown, Acting Municipal Solicitor Ms. Sherryll Murphy, Acting Municipal Clerk Ms. Shawnee Gregory, Legislative Assistant

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### 1. INVOCATION

Mayor Kelly called the meeting to order at 6:01 p.m. with the Invocation being led by Councillor Karsten.

### 2. SPECIAL COMMUNITY ANNOUNCEMENTS & ACKNOWLEDGEMENTS

Councillors noted a number of acknowledgements and community events.

- 3. APPROVAL OF MINUTES NONE
- 4. APPROVAL OF THE ORDER OF BUSINESS AND APPROVAL OF ADDITIONS AND DELETIONS

#### Additions:

- 13.1 Motion Councillor Fisher
- 13.2 Councillor Walker Request for Postponement of Demolition of the Northcliffe Recreation Centre
- 13.3 Deputy Mayor Smith Request to Revise the 2011 Council Meeting Schedule to Accommodate the 2011 Fall UNSM Conference Dates

Councillor Nicoll requested that Information Item 2 be added to the next regular Council agenda to be held on September 27, 2011.

Council agreed to move item 11.1.9 immediately following item 10.3.1

MOVED by Councillor McCluskey, seconded by Councillor Nicoll that the agenda be accepted as amended. MOTION PUT AND PASSED.

- 5. BUSINESS ARISING OUT OF THE MINUTES NONE
- 6. MOTIONS OF RECONSIDERATION NONE
- 7. MOTIONS OF RESCISSION NONE
- 8. CONSIDERATION OF DEFERRED BUSINESS NONE
- 9. PUBLIC HEARINGS
- 9.1 By-Law N-200, Respecting Noise Exemption Application (i) Alexander Keith's 216 Birthday Celebration

A report dated August 8, 2011 was before Council.

Ms. Tanya Phillips provided the presentation on the Noise By-law Exemption – Alexander Keith's 216<sup>th</sup> Birthday Celebration – 1505 and 1521 Lower Water Street, Halifax.

Mayor Kelly opened the Public Hearing and called three times for those wishing to speak for or against the Noise By-law Exemption – Alexander Keith's 216<sup>th</sup> Birthday Celebration – 1505 and 1521 Lower Water Street, Halifax. As there was no one wishing to speak, the following motion was passed:

MOVED by Councillor McCluskey, seconded by Councillor Karsten that the Public Hearing be closed. MOTION PUT AND PASSED.

MOVED by Councillor Sloane, seconded by Councillor Blumenthal that Halifax Regional Council approve the Alexander Keith's 216th Birthday Celebration application for an exemption from the provisions of the Noise By-Law pursuant to the contents of the August 8, 2011 staff report and any matters raised at the hearing. MOTION PUT AND PASSED.

### (ii) Dexter Construction – 721 Windmill Road

A report dated August 30, 2011 was before Council.

Ms. Tanya Phillips, Manager of By-law Services, provided the presentation on the Noise By-law Exemption – Dexter Construction – 721 Windmill Road.

Mayor Kelly opened the Public Hearing and called three times for those wishing to speak for or against the Noise By-law Exemption – Dexter Construction – 721 Windmill Road. As there was no one wishing to speak, the following motion was passed:

MOVED by Councillor McCluskey, seconded by Councillor Karsten that the Public Hearing be closed. MOTION PUT AND PASSED.

MOVED by Deputy Mayor Smith, seconded by Councillor Karsten that Halifax Regional Council approve Dexter Construction Company Limited's re-submitted application for an exemption from the provisions of the Noise By-Law pursuant to the contents of the August 30, 2011 staff report and any matters raised at the hearing. MOTION PUT AND PASSED.

- 10. CORRESPONDENCE, PETITIONS & DELEGATIONS
- 10.1 Correspondence None
- 10.2 Petitions

#### 10.2.1 Councillor Streatch

Councillor Streatch submitted a petition containing 51 signatures from the residents of Highway 224 approaching the #7 Highway, Sheet Harbour, requesting that the present 70km speed limit be reduced to 60km to civic #155 and further reduced to 50km from there to the intersection at the #7 Highway.

The petition was referred to staff for review and report.

### 10.3 Presentation

# 10.3.1 Halifax International Airport Authority

- (i) Tom Ruth, President & CEO
- (ii) Michael Healy, Vice President Infrastructure and Commercial Development

Representatives Mr. Tom Ruth, President and CEO, Mr. Michael Healy, Vice President of Infrastructure and Commercial Development and Mr. Peter Spurway, Communication, Retail and Government Affairs provided the presentation on the Halifax International Airport Authority (HIAA). A copy of the presentation is on file.

On behalf of Council, Mayor Kelly thanked the representatives and HIAA for a job well done.

# 11.1.9 2011 Report of the Citizen's Commission on Council Remuneration (i) Staff Report

(ii) Committee Report (to be circulated)

A report dated September 12, 2011 was before Council.

A report dated September 20, 2011 was submitted.

Mr. Jon Stone, Citizen's Commission on Remuneration for the Mayor and Members of Halifax Regional Municipal Council, presented the report dated September 20, 2011. He introduced Committee member, Mr. Blair Mitchell, and noted that their other member, Mr. Peter Ineson could not be in attendance.

Mayor Kelly reminded Council of their previous motion to vote on the recommendation before them from the Committee without amendments or debate.

MOVED by Deputy Mayor Smith, seconded by Councillor Walker that Halifax Regional Council that the philosophy and formula for remunerating the Mayor and Members of the Council of Halifax Regional Municipality approved in Amended Administrative Order No. 17 remain unchanged. MOTION PUT AND PASSED.

### 11. REPORTS

### 11.1 CHIEF ADMINISTRATIVE OFFICER

### 11.1.1 Tender 11-181 – North Preston Community Centre Expansion

A report dated August 29, 2011 was before Council.

MOVED by Councillor Hendsbee, seconded by Councillor Nicoll that Halifax Regional Council award Tender No. 11-181, for North Preston Community Centre Expansion, to the lowest bidder meeting specifications, Select Projects Ltd., for a Total Tender Price of \$2,367,292.20 (net HST included), with funding from Project No. CBX01141, North Preston Community Centre Expansion, as outlined in the Budget Implications section of the August 29, 2011 staff report. MOTION PUT AND PASSED.

# 11.1.2 Request for Proposal - 11-176 – Design/Build Welding Shop – Thornhill Drive

A report dated August 17, 2011 was before Council.

MOVED by Deputy Mayor Smith, seconded by Councillor Karsten that Halifax Regional Council:

- 1. Approve a transfer of \$57,087 from Project No. CEU01132 Fleet Shop Equipment, to Project No. CEU01298 Welding Shop, Thornhill Drive; and
- 2. Award RFP No. 11-176 Design/Build Welding Shop, Thornhill Drive, to the highest scoring proponent, J.W. Lindsay Enterprises Limited, for a Total Price of \$483,675 (net HST included), with funding from Project No. CEU01298 Welding Shop Thornhill Drive, as outlined in the Budget Implications section of the August 17, 2011 staff report.

### MOTION PUT AND PASSED.

## 11.1.3 MIRROR NS – 2010-2016 Operations and Price Agreement

A report dated August 26, 2011 was before Council.

Councillor Rankin moved the motion as recommended in the August 26, 2011 report with the following amendment:

MOVED by Councillor Rankin, seconded by Councillor Walker that Halifax Regional Council:

- 1. Authorize the Mayor and Municipal Clerk to execute Supplementary Agreement (#13) signed by MIRROR NS as per the key terms, conditions and budget implications as outlined in this report for the operations of the Otter Lake facilities for the period from April 1, 2010 to March 31, 2016 and it is further understood that any proposed terms to the contract which relate to future changes to the strategy provide for HRM consultation with the Community Monitoring Committee (CMC).
- 2. Direct staff to advance the following 'next steps' in order to achieve a more fiscally sustainable delivery of the HRM solid waste strategy:
  - i. Expand education efforts and develop program initiatives to increase diversion:
  - ii. Commence the community engagement process to review the Waste Resource Strategy, to include assessment of alternative options;
  - iii. With other landfill operators, work with the Province to review the design specifications for landfill cells; and,
  - iv. Conduct a full business case assessment of a transfer station operation to potentially reduce collection contract costs and provide greater security and flexibility to HRM to evolve the Waste Resource Strategy.

Discussion on the motion ensued with staff responding to questions.

Mr. Gord Helm, Manager of Solid Waste, indicated that staff believe there are opportunities within the agreement to allow for alternative operational models; however, there was currently no viable option for implementation. He stated that the HRM Waste Characterisation Study was ongoing and staff were trying to conduct a full strategy review; noting that it was the past direction of Council to not entertain technologies that have not proven successful in other municipalities. Mr. Helm advised that one challenge in Nova Scotia was the Provincial Environment Act which includes regulations that preclude HRM from using waste as energy; noting that HRM would require permission from the Province for this to be changed.

Mr. Helm clarified the savings described in the Budget Implications section of the report, specifically the \$3,480,000 in savings noted in the first paragraph on page 8. He advised that the first paragraph and the \$3,480,000 savings represented the total savings from both 2010-2011 and 2011-2012 budget years; \$1,360,000 from 2010/11 and \$2,120,000 from 2011/12 totalling \$3,480,000 for both years. Mr. Helm stated that the second paragraph explains the savings from the 2010/2011 fiscal year and the third paragraph explains the forecasted savings from the 2011/2012 fiscal year.

Mr. Richard Butts, Chief Administrative Officer, clarified that the assessment of the transfer station under item 2.iv would provide HRM with flexibility for the future in case of a mishap at the Otter Lake Facility; noting that any change would first come to Council for approval.

Councillor Uteck requested that her objection to HRM looking to transfer solid waste outside of the municipality be noted for the record.

Deputy Mayor Smith requested that the review include consideration of an annual one day curb side pickup for electronics.

Councillor Sloane requested that staff look into shared service agreements such as those used across Canada as a creative way to save money and help other areas in Nova Scotia with their best practices.

Mayor Kelly advised that Council made the decision not to export any waste outside of HRM; however, Council could review this and allow debate at the Committee Monitoring Committee (CMC) or Environment and Sustainability Standing Committee.

A further amendment was requested to include the Environment and Sustainability Standing Committee and the CMC, to which the Mover and Seconder agreed.

The motion now reads:

# MOVED by Councillor Rankin, seconded by Councillor Walker that Halifax Regional Council:

- 1. Authorize the Mayor and Municipal Clerk to execute Supplementary Agreement (#13) signed by MIRROR NS as per the key terms, conditions and budget implications as outlined in this report for the operations of the Otter Lake facilities for the period from April 1, 2010 to March 31, 2016 and it is further understood that any proposed terms to the contract which relate to future changes to the strategy provide for HRM consultation with the Community Monitoring Committee (CMC).
- 2. Direct staff to advance the following 'next steps' in order to achieve a more fiscally sustainable delivery of the HRM solid waste strategy:
  - i. Expand education efforts and develop program initiatives to increase diversion;
  - ii. Commence the community engagement process, including consultation with the CMC and consideration by the Environment and Sustainability Standing Committee, to review the Waste Resource Strategy, to include assessment of alternative options;

- iii. With other landfill operators, work with the Province, and in consultation with the CMC and consideration by the Environment and Sustainability Standing Committee, to review the design specifications for landfill cells; and,
- iv. Conduct a full business case assessment, which provides for consultation with the CMC and consideration by the Environment and Sustainability Standing Committee, of a transfer station operation to potentially reduce collection contract costs and provide greater security and flexibility to HRM to evolve the Waste Resource Strategy.

Following further discussion, Councillor Rankin stated that the CMC had previously come before Council in support of the prevention of waste export.

### MOTION PUT AND PASSED.

The meeting recessed at 7:51 p.m.

The meeting reconvened at 8:08 p.m. with the same members present with the exception of Councillor Streatch.

11.1.4 Case 16656 – Amendments to the Dartmouth Municipal Planning Strategy and Development Agreement – Former Dartmouth YMCA, Lake Banook

A report dated August 25, 2011 was before Council.

Mr. Mitch Dickey, Planner, provided the presentation on Case 16656 – Amendments to the Dartmouth Municipal Planning Strategy and Development Agreement – Former Dartmouth YMCA, Lake Banook.

MOVED by Councillor McCluskey, seconded by Councillor Nicoll that Halifax Regional Council not initiate the process to consider amending the Dartmouth Municipal Planning Strategy, to deny consideration of buildings over 35 feet in height on the former YMCA site.

Discussion on the motion ensued with staff responding to questions.

Councillor McCluskey stated that this proposal related to amendments to the Municipal Planning Strategy (MPS) and Land Use By-law (LUB) made in 2005 implementing a 35 foot height restriction on properties around Lake Banook; this was an important change to protect the Lake Banook Canoe Course. She indicated that the previous amendment not only affected this site but other sites around the Lake. She advised that the 35 foot restriction was unanimously approved by the Harbour East Community Council. She went on to note that a Public Information Meeting (PIM) was held in 2005 and that 23

people spoke in favour of the restriction; noting that the Atlantic Division of Canoe and Kayak Canada (CKC) do not want any development on the site and staff also feel that the requested amendment would negatively impact the wind at the lake.

Several Councillors suggested sending this matter to Public Hearing in fairness to those for and against the amendments, as circumstances and theories on what negatively impacts the lake may have changed since 2005.

Mr. Dickey advised that if Council chooses not to accept staff's recommendation, the matter would go through the PIM process based on the current information and return to Council for a Public Hearing. He noted that the site did allow for "as of right " development of a 35 foot apartment building.

Mayor Kelly advised that if Council approves the staff recommendation, the process would stop until another application comes forward.

It was clarified for Councillor Hum that any property owner may apply for an MPS amendment.

Several Councillors argued that this matter was before the public in 2005 and there was no need to revisit the matter.

Councillor Mosher asked that if this matter goes through the "as of right process", staff should look to acquire water frontage parkland and trees during negotiations.

Mr. Dickey noted that while the CKC does not endorse the development, they have undertaken an objective empirical exercise and have determined minimal impact to the lake.

A recorded vote was requested.

### **MOTION PUT AND PASSED (20 in favour, 2 against)**

Those voting in favour were Mayor Kelly, Deputy Mayor Smith and Councillors Adams, Barkhouse, Blumenthal, Dalrymple, Fisher, Hum, Johns, Karsten, Lund, McCluskey, Mosher, Nicoll, Outhit, Rankin, Sloane, Uteck, Watts and Wile.

Councillors Hendsbee and Walker voted against the motion.

Councillors Harvey and Streatch were absent from the vote.

## 11.1.5 Penhorn Mall Property – Commencement of Process to Consider Amending the Dartmouth Municipal Planning Strategy and Land Use By-Law

A report dated August 24, 2011 was before Council.

MOVED by Councillor McCluskey, seconded by Councillor Sloane that Halifax Regional Council initiate the process to consider amending the Dartmouth Municipal Planning Strategy and Land Use By-law to enable mixed-use development on the former Penhorn Mall property (PID Nos. 00222844 & 41331281), including the proposed public participation program presented in Attachment C of the August 24, 2011 report. MOTION PUT AND PASSED.

11.1.6 Fall River Community Planning Process – Committee Membership under the Public Participation Program

A report dated August 26, 2011 was before Council.

MOVED by Councillor Dalrymple, seconded by Councillor Nicoll that Halifax Regional Council amend the Public Participation Program Resolution for the Fall River Community Planning Process regarding the composition of the Vision Implementation Committee/Community Planning Group, as per Attachment A of the August 26, 2011 staff report. MOTION PUT AND PASSED.

- 11.1.7 Case 16466 First Annual Review Amendments to the Downtown Halifax Secondary Municipal Planning Strategy and Land Use By-Law (Phase 1 of 2)
  - (i) Supplementary Staff Report
  - (ii) Committee Information Report

A supplementary report dated September 12, 2011 was before Council.

An information report dated September 12, 2011 from the Design Review Committee was before Council.

Correspondence dated September 19, 2011 from Mr. Phil Pacey, Chair of the HRM Committee of the Heritage Trust of Nova Scotia, was submitted.

MOVED by Councillor Sloane, seconded by Councillor Karsten that Halifax Regional Council give First Reading to the proposed amendments to the Downtown Halifax Secondary Municipal Planning Strategy and the Downtown Halifax Land Use By-Law, as contained in Attachments A-1 and B-1 of the September 12, 2011 staff report and schedule a public hearing for October 4, 2011.

Discussion on the motion ensued.

Councillor Sloane requested that consideration be given at the Public Hearing for the removal of Section 25 as contained in Attachment B-1 of the supplementary staff report dated September 12, 2011; noting that staff were in agreement as they had been

advised by the Spring Garden Road Business Commission that they could accommodate this parking and this would not be a substantive change.

Councillor Watts asked which of the four items outlined in the correspondence dated September 19, 2011 from Mr. Pacey could be brought forward to the Public Hearing phase and if they were considered major or minor amendments.

Mr. Austin French, Manager of Planning Services, advised that these changes had not been advertised to the public previously nor included in the Public Information Meeting process. He stated that if Council, at the time of the Public Hearing, chooses to make such changes they would have to be addressed at a later time as they would probably be substantial amendments. Mr. French indicated that staff did not recommend that Council approve such changes as they were inconsistent and not good policy for the downtown.

Mr. Luc Ouellet, Planning Applications, provided staff's explanation for not recommending the requested changes. Regarding concerns that heritage properties in Precinct 3 would be put at risk, he stated that there were only three heritage properties in Precinct 3, two of which, the Provincial Court House and the Royal Auxiliary Park, were zoned institutional and did not permit residential development; therefore, the issue was null and void as it was not permitted as of right under the zoning. Mr. Ouellet indicated that the Ballard House would be the only affected propety; however, the development potential for that site was very limited as the building height maximum was only16 metres, the lot itself was quite small and the site was registered both municipally and provincially, therefore, the chance of development on the site was slim to none.

Mr. Ouellet advised that most heritage buildings do, in fact, conform to the By-law and it would generally be modern buildings that do not conform and could be expanded. Regarding concerns that a heritage building could be demolished in order to build a larger building, he stated that such matters would have to come before Council first to approve the demolition and deregistration of the heritage building. He indicated that the entire site could then be built upon.

Regarding Councillor Watts' request that the wording under Policy 92, Attachment 1a, be changed from 'allow' to 'regulate', Mr. Ouellet advised that staff believes that the word allow was much clearer as the intent of the plan was to increase development in the downtown and to protect heritage as well.

#### MOTION PUT AND PASSED.

# 11.1.8 Second Reading Proposed By-Law S-431, an Amendment to By-Law S-400, Respecting Charges for Street Improvements

An extract of the draft Regional Council minutes dated August 2, 2011 was before Council.

A report dated June 16, 2011 was before Council.

Councillor Uteck left the meeting at 9:50 p.m.

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

- 1. Approve the 2011 Local Improvement Charges as outlined in Schedule "A" of the June 16, 2011 staff report;
- 2. Approve By-Law S-431, an Amendment to By-Law S-400, Respecting Charges for Street Improvements, as attached to the June 16, 2011 staff report and;
- 3. Upon approval of By-Law S-431, apply the new charges to all completed 2010/11 projects where such charges apply;
- 4. Direct staff to review the current Local Improvement Charges (LIC) By-Law and Policy requirements for possible improvement to the process, and to present to Council varying options for discussion.

### MOTION PUT AND PASSED.

- 11.1.9 2011 Report of the Citizen's Commission on Council Remuneration
  - (i) Staff Report
  - (ii) Committee Report (to be circulated)

This item was dealt with earlier in the meeting. Please see page 6.

- 12. MOTIONS
- 13. ADDED ITEMS
- 13.1 Motion Councillor Fisher

MOVED by Councillor Fisher, seconded by Deputy Mayor Smith that Halifax Regional Council request that staff include a short summary section in plain language in all staff reports to provide clarity to citizens as to the action being requested and/or the stage in the process being considered. MOTION PUT AND PASSED.

13.2 Councillor Walker – Request for postponement of demolition of Northcliffe Recreation Centre

MOVED by Councillor Walker, seconded by Councillor Mosher that Halifax Regional Council request that staff postpone the demolition of the property at 111

September 20, 2011

Clayton Park Drive, the Northcliffe Recreation Centre, in order for staff to review all unsolicited offers for the property. MOTION PUT AND PASSED.

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13.3 Deputy Mayor Smith - Request to revise the 2011 Council Meeting Schedule to accommodate the 2011 Fall UNSM Conference dates

MOVED by Deputy Mayor Smith, seconded by Councillor Blumenthal that Halifax Regional Council amend the 2011 Council Meeting Schedule to provide that a Council meeting be held on October 25, 2011 and that no meeting be held on November 1, 2011 in order to accommodate the 2011 Fall UNSM Conference. MOTION PUT AND PASSED.

- **NOTICES OF MOTION NONE** 14.
- 15. **ADJOURNMENT**

The meeting was adjourned at 9:53 p.m.

Cathy J. Mellett Municipal Clerk

# INFORMATION ITEMS September 20, 2011

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- 1. Proclamation Right to Know Week September 26 September 30, 2011
- 2. Memorandum from Director, Transportation and Public Work dated September 7, 2011 re Petition McLaughlin Road and Lake Loon Heavy Equipment Traffic
- 3. Memorandum from Director, Transportation and Public Works dated August 9, 2011
  - re: Downtown Street Network Changes
- 4. Memorandum from the Municipal Clerk dated September 9, 2011 re: Requests for Presentation to Council None