

HALIFAX REGIONAL COUNCIL
MINUTES

May 22, 2012

PRESENT:

Mayor Peter Kelly
Deputy Mayor Bill Karsten
Councillors: Steve Streach
Barry Dalrymple
David Hendsbee
Lorelei Nicoll
Gloria McCluskey
Darren Fisher
Jackie Barkhouse
Jim Smith
Mary Wile
Jerry Blumenthal
Dawn Sloane
Sue Uteck
Russell Walker
Jennifer Watts
Debbie Hum
Linda Mosher
Stephen Adams
Brad Johns
Robert Harvey
Tim Outhit
Reg Rankin
Peter Lund

STAFF:

Mr. Richard Butts, Chief Administrative Officer
Ms. Martin Ward, Q.C., Acting Municipal Solicitor
Ms. Sherryll Murphy, Deputy Municipal Clerk
Ms. Jennifer Weagle, Legislative Assistant
Ms. Chris Newson, Legislative Assistant

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1. INVOCATION

The Mayor called the meeting to order at 2:00 p.m. with the Invocation being led by Councillor Adams.

Councillor Uteck sent regrets for the afternoon session of Council.

2. SPECIAL COMMUNITY ANNOUNCEMENTS & ACKNOWLEDGEMENTS

Councillors noted a number of acknowledgements and community events.

Councillor Hum entered the meeting at 2:03 p.m.

Councillors Johns and Streach entered the meeting at 2:09 p.m.

3. APPROVAL OF MINUTES – May 1, 2012

Councillor Watts requested that her comments in relation to the impact of the Metro Transit strike on transit fares be included on page 10 the May 1, 2012 minutes

MOVED by Councillor Nicoll, seconded by Councillor Smith, that the Halifax Regional Council minutes of May 1, 2012 be approved as amended. MOTION PUT AND PASSED.

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

Addition: 13.1 Councillor McCluskey – Request for Staff Report on Use of Councillors' District Capital Funds

MOVED by Councillor Nicoll, seconded by Councillor Johns that the agenda, as amended, be approved. 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. HEARINGS

9.1 PUBLIC HEARING – 6:00 P.M.

Case H00364 – Proposed Demolition of Former Tip Top Tailors Building – 1592 Barrington Street, Barrington Street Heritage Conservation District, Halifax

This matter was dealt with later in the meeting. See page 11.

10. CORRESPONDENCE, PETITIONS & DELEGATIONS

10.1 Correspondence - NONE

10.2 Petitions - NONE

11. REPORTS

11.1 CHIEF ADMINISTRATIVE OFFICER

11.1.1 Request for Encroachment – Quinpool Road Side Mounted Banners on Utility Poles and Bicycle Rack Branding

The April 27, 2012 staff report was before Council.

MOVED by Councillor Watts, seconded by Councillor Sloane that Halifax Regional Council approve the request to allow:

- 1. Side Mounted Banners to be installed on utility poles within the HRM right of way along Quinpool Road; and,**
- 2. Business Association Branding Signage on existing bicycle racks within the HRM right of way, subject to the encroachment agreement attached to the April 27, 2012 staff report.**

MOTION PUT AND PASSED.

11.1.2 Tender 12-034 – Concrete Street and Sidewalk Maintenance - Halifax Peninsula

The May 8, 2012 staff report was before Council.

MOVED by Councillor Sloane, seconded by Councillor Walker that Halifax Regional Council award Tender No. 12-034, Concrete Street and Sidewalk Maintenance – Halifax Peninsula to the lowest bidder meeting specifications, Leaheys Landscaping & Contracting Ltd. For a Total Tender Price of \$725,934.85 (net HST included) with funding from Operating Account No.'s R717-6925 and R716-6399 as outlined in the Budget Implications section of the May 8, 2012 staff report.

Discussion ensued on the motion with Mr. Mike Labrecque, Deputy Chief Administrative Officer, and Mr. Ken Reashor, Director, Transportation and Public Works, responding to questions of clarification from Members of Council. Mr. Labrecque advised that he would report back in regard to Councillor Hendsbee's request for more information on the work experience/past performance of Leaheys Landscaping & Contracting Ltd.

Councillor Barkhouse entered the meeting at 2:15 p.m.

Councillor Johns requested that staff review the ability to use alternatives such as asphalt versus concrete for curbs and gutters as concrete may not fit all situations.

MOTION PUT AND PASSED.

11.1.3 First Reading – Case 01298 – Extension of Central Water Service to Giles Drive, Bedford, Proposed By-Law L-136, An Amendment to By-Law L-100, respecting Charges for Local Improvements

The April 25, 2012 staff report was before Council.

MOVED by Councillor Outhit, seconded by Councillor Lund that Halifax Regional Council give First Reading and set a public hearing date to consider the repeal of By-Law L-133, an amendment to By-Law L-100, to be replaced with By-Law L-136, as amended to maintain the interim charge to be levied on each of the five properties at \$10,000, as presented in Attachment “A” of the April 25, 2012 staff report, and; to decrease the amount indicated in the Budget Implications Section of the report under the Local Improvement Charge from \$67,940 to \$50,000. The \$17,940 difference to be funded from CTU01006 Roadway Oversizing Bedford West, thereby reducing the balance.

Discussion ensued on the motion with concern expressed that it was not what was presented in the staff report before Council.

Mayor Kelly clarified that the process is to have the recommendations as outlined in the staff report brought forward for consideration by Council prior to an alternate being considered.

Without a vote taken on the motion, it was **MOVED by Councillor Outhit, seconded by Councillor Lund that Halifax Regional Council give First Reading and set a public hearing date to consider the repeal of By-Law L-133, an amendment to By-Law L-100, to be replaced with By-Law L-136, to increase the interim charge to be levied on each of the five properties from \$10,000 to \$133,588, as presented in Attachment “A” of the April 25, 2012 staff report.**

Discussion ensued on the motion.

Councillor Walker requested clarification on whether the only matter to be discussed at this time was the giving of First Reading and that any amendments should be considered at the public hearing.

Councillor Sloane noted that a report on the Capital Cost Contribution should be provided by staff.

Councillor Rankin commented that the essential question is whether or not this is a deviation from the basis for which the 1/3 funding to cover the cost was made now that

the cost has risen to \$220,000; it is not. He advised that he would not support this motion.

Councillor Dalrymple explained that Council has already agreed to cover the cost although, unfortunately, the price has gone up. He advised that he would be voting against the motion.

Councillor Hum noted that the issue is not just extending services to five homes but also on the procedure and legal implications. Under normal circumstances the resident would cover the full cost of servicing; in this instance there are a number of sources. She inquired whether there would be any legal implications that Council should be aware of if they were to consider a motion other than that recommended by staff in the report before Council.

Mr. Martin Ward, Solicitor, commented that each case was to be considered on its own merit.

Councillor Watts explained that the issue is the five homes impacted by blasting in the area and the damage to their properties through no fault of their own. She requested clarification on the CTU account and whether or not it was HRM funds from the general tax rate or from the Capital Cost Contributions fund.

Mr. Peter Duncan, Manager of Infrastructure, clarified for Council that the CTU account is jointly funded by HRM and the developer's paid Capital Cost Contributions. The intent, in this instance, is to use funds from the HRM share which would be considered a further contribution by HRM for this project.

Councillor Harvey questioned the process and commented that the motion on the floor should be the motion the Councillor wishes to put forward.

Mr. Ward confirmed that Council had decided that the recommendations as outlined in the staff reports brought before them should be considered prior to considering alternatives. Mayor Kelly added that Council had provided unanimous consent to this process.

Councillor Lund advised that he was in support of defeating this motion as the residents were not surveyed in advance.

Councillor McCluskey entered the meeting at 2:39 p.m.

Councillor Walker expressed concern that this may be setting a precedent wherein HRM would be covering costs if costs come in higher than anticipated.

A vote was then taken on the motion as follows: **MOVED by Councillor Outhit, seconded by Councillor Lund that Halifax Regional Council give First Reading and set a public hearing date to consider the repeal of By-Law L-133, an**

amendment to By-Law L-100, to be replaced with By-Law L-136, to increase the interim charge to be levied on each of the five properties from \$10,000 to \$13,588, as presented in Attachment “A” of the April 25, 2012 staff report. MOTION PUT AND DEFEATED.

It was then **MOVED** by Councillor Outhit, seconded by Councillor Lund that Halifax Regional Council give First Reading and set a public hearing date to consider the repeal of By-Law L-133, an amendment to By-Law L-100, to be replaced with By-Law L-136, as amended to maintain the interim charge to be levied on each of the five properties at \$10,000, as presented in Attachment “A” of the April 25, 2012 staff report, and; to decrease the amount indicated in the Budget Implications Section of the report under the Local Improvement Charge from \$67,940 to \$50,000. The \$17,940 difference to be funded from CTU01006 Roadway Oversizing Bedford West, thereby reducing the balance. **MOTION PUT AND PASSED.**

11.2 CHEBUCTO COMMUNITY COUNCIL

11.2.1 Natural Gas Connection Request

The following documents were before Council:

- April 30, 2012 Chebucto Community Council report
- February 15, 2012 staff report

MOVED by Councillor Mosher, seconded by Councillor Johns that Halifax Regional Council consider allowing a natural gas connection via the parkland near the Emscote Lands in Wentworth Estates as is currently permitted for water and sewer services.

Without a vote being taken on the motion on the floor, it was **MOVED** by Deputy Mayor Karsten, seconded by Councillor Sloane that the matter be deferred pending a staff report on whether a formal agreement is required for the encroachment on parkland and that staff outline issues that may be associated with encroachment on parkland and why it is policy that parkland is not traversed. **MOTION PUT AND PASSED.**

11.3 GRANTS COMMITTEE

11.3.1 HRM Community Grants Program 2012-2013 – Recommendation Awards

The following documents were before Council:

- May 8, 2012 Grants Committee report
- April 25, 2012 staff report

MOVED by Councillor Dalrymple, seconded by Councillor Walker that Halifax Regional Council approve the 56 awards detailed in Attachment 2 of the April 25,

2012 staff report for a combined total cost of \$413,478 from operating account M311-8004 (Community Grants Program). MOTION PUT AND PASSED.

11.4 AUDIT AND FINANCE STANDING COMMITTEE

11.4.1 Second Reading Proposed Amendments to Administrative Order 18, Revenue Collections Policy – Tax Sale Reserve Bid

The May 9, 2012 Audit and Finance Standing Committee report was before Council.

MOVED by Councillor Walker, seconded by Councillor Wile that Halifax Regional Council approve the amendments to Administrative Order 18, the Revenue and Collection Policy as outlined in the May 9, 2012 Audit and Finance Standing Committee report. MOTION PUT AND PASSED.

12. MOTIONS

12.1 Councillor McCluskey

MOVED by Councillor McCluskey, seconded by Councillor Sloane that Halifax Regional Council request that Metro Transit come to Regional Council one month prior to budget presentations to present any proposed changes to Metro Transit service so that Council has ample time to debate the proposed changes before the budget comes to Council.

Discussion ensued on the motion with some Members of Council opposing the proposal as any changes to transit service are based on a service standards policy already set by Council; Metro Transit staff currently meet with Councillors to discuss district services, and; transit matters could be reviewed by the Transportation Standing Committee in regard to policy.

Some Members of Council expressed support for the motion as once input is received from the public Councillors may have after thoughts. If the proposal is approved, during the next budget session the public will be sure to be aware of any proposed changes.

MOTION PUT AND PASSED.

12.2 Councillor Smith

MOVED by Councillor Smith, seconded by Councillor Hendsbee that Halifax Regional Council request a staff report regarding the revision of public information meeting procedures regarding resident mail-out notification, that all residents, whether owners or renters or otherwise living in a mail-out zone are to be sent notification of public meetings in that area. MOTION PUT AND PASSED.

13. ADDED ITEMS

13.1 Councillor McCluskey

MOVED by Councillor McCluskey, seconded by Councillor Fisher that Halifax Regional Council request a staff report to enable Regional Council to approve expenditure of up to \$20,000 from District Capital Funds (from District 6 and District 5), to enable assistance in the clean up of weeds in Lakes Mic Mac and Banook in preparation for World Championships.

Councillor McCluskey explained that there have been weed problems in the lakes that have been causing problems in the world class paddling canoe course. The equipment purchased, a rake, was not sufficient to deal with the problem.

Councillor Walker commented that the requested purchase does not fall within the guideline. He suggested that staff be asked to find the money in some other budget such as parks and recreation. He advised that he was opposed to using District Capital Funds in this manner as it is against the guidelines.

Mr. Martin Ward, Solicitor; explained that it is within Council's jurisdiction to change or make exceptions to the policy they have created.

MOVED by Deputy Mayor Karsten, seconded by Councillor McCluskey that the motion be amended as follows: "up to \$20,000 from the District Capital Funds by those members of the Harbour East Community Council who wish to contribute."

Discussion ensued on the motion and the proposed amendment.

Without a vote being taken on the motions on the floor; it was **MOVED by Councillor Rankin, seconded by Councillor Walker that the matter be deferred pending a staff report.**

Councillor Rankin requested a recorded vote.

Councillor Hum requested the report include information from financial services on whether or not the request meets the criteria and if not, an explanation as to why the request does not meet the criteria. .

Councillor Sloane requested that the staff report provide information on whether or not the policy would need to be amended. In the past, an amendment has not been required, only the agreement of Council.

Councillor Streach expressed concern that deferring for one week would only encourage more weed growth.

Councillor Adams explained that he was not in support of the Councillors using their funds as the organizers of the event should be prepared to provide the funding to ensure the facility is upgraded as required for their event.

Councillor Watts requested that the staff report include an analysis of long term use of the facility in regard to what needs to be done if world class events are to continue being held at that location.

A vote was then taken on the motion that now reads as follows: **MOVED by Councillor Rankin, seconded by Councillor Walker that Halifax Regional Council defer this matter and request a staff report that will enable Regional Council to approve the expenditure of up to \$20,000 from District Capital Funds (to be split between those districts of Harbour East Community Council who wish to participate) to enable assistance in the clean-up of weeds in Lakes Mic Mac and Banook in preparation for the National Championships in August of this year, and: that the report include an analysis of long term needs/issues if world class events are to continue being held at this facility. MOTION TO DEFER PUT AND PASSED.**

14. NOTICES OF MOTION

14.1 Councillor Watts

“Take notice that at the next regular meeting of the Halifax Regional Council to be held on May 29, 2012, I intend to introduce a motion to request the Community Development and Economic Planning Standing Committee review the comparative analysis resource tool or municipal cultural investments and consider requesting a similar analysis for HRM so that Regional Council can assess its support for HRM’s cultural community in comparison with other major cities across Canada.”

14.2 Deputy Mayor Karsten

“Take notice that at the next meeting of Halifax Regional Council I propose to move a motion that all votes taken at Halifax Regional Council be recorded votes.”

14.3 Councillor Walker

“Take notice that at the next regular Regional Council meeting, to be held on Tuesday, the 12th of June, I propose to put forward a motion to approve Administrative Order 55, Sponsorship Policy, as outlined in the March 15, 2012 staff report with the following amendment: “Alcohol sponsorships must contain a responsible drinking component.”, and; Administrative Order 56, Naming Rights Policy, as outlined in the March 16, 2012 staff report. “

14.4 Councillor Dalrymple

“Take notice that at the next regular Regional Council meeting to be held on Tuesday,

the 29th day of May, 2012, I propose to move First Reading of By-Law L-135, the purpose of which is to amend Schedule "A" of By-Law L-100 to permit the implementation of Local Improvement Charges to finance the replacement of the two privately owned bridges located at Little Rawdon River and Golden Brook, both on Kings Road in Wellington."

14.5 Councillor Outhit

"Take notice that at the regular Regional Council meeting to be held on Tuesday, the 12th day of June, 2012, I propose to move approval of By-Law L-136, an amendment to By-Law L-100, Respecting Local Improvement Charges, the purpose of which is to replace By-Law L-133, respecting the extension of central water service to Giles Drive, Bedford."

15. IN CAMERA

MOVED by Councillor Wile, seconded by Councillor Blumenthal that Regional Council convene In Camera at this time for an update on Nova Scotia Union of Public and Private Employees (NSUPE) Local 13 Contract Negotiations. MOTION PUT AND PASSED.

15.1 Labour Relations

15.1.1 NSUPE Contract Negotiations – Oral

This matter was dealt with during the In Camera session.

Council recessed at 4:21 p.m.

Council reconvened at 6:00 p.m.

9.1 PUBLIC HEARING: Case H00364 – Proposed Demolition of Former Tip Top Tailors Building – 1592 Barrington Street, Barrington Street Heritage Conservation District, Halifax

The following information was before Council:

- March 22, 2012 Heritage Advisory Committee report
- February 7, 2012 staff report

The following correspondence was circulated to Council:

- Letter from Morris Strug dated May 22, 2012
- Email from Christian Rankin dated May 22, 2012
- Letter from Phil Pacey dated May 22, 2012 with attached research "Tip Top Tailors Building on Barrington Street"

A copy of the staff presentation was circulated to Council.

Mr. Bill Plaskett, Heritage Planner, provided an overview of Case H00364, the proposed demolition and redevelopment of the former Tip Top Tailors Building located at 1592 Barrington Street, Halifax.

Mr. Plaskett noted that there was an appeal of the decision of the Design Review Committee to approve the proposed development at 1592 Barrington Street which was before Council last week, at which time the decision of the Design Review Committee was upheld.

Mr. Plaskett reviewed the building and the context of the building within the street. He reviewed policy considerations that Council must consider with regard to this application for demolition, including:

- heritage value
- structural condition
- potential for repair and continued use
- merits of proposal for replacement building

Mr. Plaskett applied these policy considerations to 1592 Barrington Street. He indicated that the staff recommendation is to approve the proposed demolition of 1592 Barrington Street. Mr. Plaskett noted that under the *Heritage Property Act*, Council does have the ability to place conditions on the approval provided that they relate to the development, that they are for a heritage conservation purpose, and that they are in accordance with the design guidelines within the Design Manual. He further noted that neither the Heritage Advisory Committee, nor the Design Review Committee have recommended that any conditions be placed on the approval. Should Council deny the demolition, or approve it with conditions, the reasons for the denial or the conditions must be clearly stated in the resolution.

Councillor Watts commented that it would have been helpful to have the minutes from the Design Review Committee on this matter. Mr. Plaskett clarified that there has not been another meeting of the Design Review Committee since they made the decision on this matter in March 8, 2012, therefore the minutes have not been approved for release.

There were no further questions of clarification from members of Council.

The Mayor opened the public hearing and called for speakers.

Mr. Phil Pacey, Heritage Trust of Nova Scotia, noted that the office for the Heritage Trust of Nova Scotia is at 1588 Barrington Street, in the Khyber building which abuts the subject property. Mr. Pacey commented that heritage conservation districts can provide significant benefits to the economy. Conserving a heritage building is less expensive than demolition and reconstruction. The money spent on conservation creates more jobs locally than the same amount of money spent on new construction. Commercial heritage conservation districts attract customers from far and wide, including heritage tourists. 8000 municipalities across North America have heritage conservation districts.

The city of Saint John, New Brunswick has protected 11 heritage conservation districts. Saint John found that property values and tax revenues increase 30% faster in heritage conservation districts than in areas without. Heritage conservation districts only work if the area is retained and the character of the area is sustained.

Mr. Pacey noted that the former Tip Top Tailors building is valuable. Architect Alan Duffus designed the building. It is an example of the cubist style of the 1950's. Some original features of the building have been covered but could be uncovered. The proposed replacement is oversized and incompatible. Black sheet metal siding should not be used downtown. The proposed replacement building would endanger both the Khyber and Tramway Buildings on either side. The citizens of HRM own the Khyber building and Council is responsible for protecting the Khyber building.

Mr. Pacey showed a photo of the sky light. The light well is an umbrella shaped glass skylight that gives light to the stairwell of the Khyber. The proposed building would be 2 ½ stories higher than the Khyber. He spoke of the potential damage increased snow loads could have on the Khyber roof skylight, since the snow may blow off the proposed building onto the skylight of the Khyber building. The issue of snow loads is addressed in the National Building Code section 4.1.6.2. Mr. Pacey indicated he finds it insufficient to indicate that this matter should be resolved between property owners. The proposed building would make the neighbouring properties less marketable. He encouraged Council to ask for a staff report on these issues.

The Mayor called three times for any further speakers. Hearing none, it was **MOVED by Councillor McCluskey, seconded by Councillor Nicoll, that the public hearing close. MOTION PUT AND PASSED.**

Councillor Sloane requested that a building inspector look into the concerns raised by Mr. Pacey with regard to snow loads on the roof and skylight of the Khyber building. Mr. Richard Butts, CAO, indicated that building condition reports are regularly done on HRM owned buildings, and an additional inspection was not necessary.

MOVED by Councillor Sloane, seconded by Councillor Uteck, that Halifax Regional Council approve the demolition application of the former Tip Top Tailors building at 1592 Barrington Street, Halifax.

Responding to questions from Councillor Watts, staff confirmed that the height of the proposed building fits within the height guidelines as set out by the HRM by Design height precinct and meets the allowable height for that property.

Councillor Sloane spoke to the current condition of the building and the costs that would be involved in bringing it up to code. She spoke in support of the redevelopment of the site.

MOTION PUT AND PASSED.

16. ADJOURNMENT

The meeting was adjourned at 6:20 p.m.

Cathy J. Mellett
Municipal Clerk

**INFORMATION ITEMS
May 22, 2012**

1. Proclamation – Jumpstart Day – May 26, 2012
2. Proclamation – HRM Bike Week – May 25 - June 3, 2012
3. Memorandum from the Municipal Clerk dated May 14, 2012 re: Requests for Presentation to Council - None