

HALIFAX REGIONAL MUNICIPALITY

HALIFAX REGIONAL COUNCIL
MINUTES
APRIL 25, 2000

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

ABSENT
WITH REGRETS: Councillor Keith Colwell

STAFF: Mr. Ken Meech, Chief Administrative Officer
Mr. Wayne Anstey, Municipal Solicitor
Ms. Vi Carmichael, Municipal Clerk
Ms. Julia Horncastle, Assistant Municipal Clerk

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1. INVOCATION

The meeting was called to order at 6:00 p.m. with an invocation.

2. PROCLAMATIONS

2.1 Multiple Sclerosis Awareness Month - May, 2000

Mayor Fitzgerald proclaimed May as Multiple Sclerosis Awareness Month in the Halifax Regional Municipality.

2.2 Mental Health Week (May 1-7)

Mayor Fitzgerald proclaimed May 1-7, 2000 as Mental Health Week in the Halifax Regional Municipality.

2.3 The Salvation Army Red Shield Month - May, 2000

Mayor Fitzgerald proclaimed May as the Salvation Army Red Shield Month in the Halifax Regional Municipality.

3. APPROVAL OF MINUTES - NONE

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

Deletions

1. Item 10.2.1 - Presentation, Scott Yetman

Additions

- 13.1 Councillor Rankin - Municipal Assessment - Provincial Downloading
- 13.2 Property Matter - Former School Board Sub-System Building, Jeddore
- 13.3 Property Matter - Former Archbishop's Residence - 6541 Coburg Road
- 13.4 Personnel Matter - Committee Appointments

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

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 **Case 00241 - Amendment to Development Agreement 6955 Bayers Road**

- A staff report prepared for Mr. K. R. Meech, Chief Administrative Officer, on the above noted, was circulated to Council on April 4, 2000
- An excerpt from the April 4, 2000 Council minutes was before Council

Mr. Gary Porter, Planner, with the aid of overheads, presented the staff report.

Mayor Fitzgerald called for members of the public wishing to speak either in favour of or against the amendment. Hearing none, the following motion was placed before Council.

MOVED by Councillor Hetherington and Deputy Mayor Cunningham that the public hearing close. MOTION PUT AND PASSED UNANIMOUSLY.

MOVED by Councillors Blumenthal and Sarto that:

1. **Council approve the amendment to the development agreement for 6955 Bayers Road, as attached in Appendix A, of the staff report dated April 3, 2000, to permit subdivision of the property.**
2. **Council requires that the development agreement be signed within 120 days, or any extension thereof granted by Council on request of the applicant, from the date of final approval by Council and any other bodies as necessary, whichever is later; otherwise, this approval will be void and obligations arising hereunder shall be at an end.**

MOTION PUT AND PASSED UNANIMOUSLY.

9.2 **Second Reading By-Law R-102 Respecting the Amendments of By-Law R-100 the By-Law and Ordinance Repeal By-Law**

- A copy of the By-Law was previously circulated at the April 4, 2000 Council

Session.

- An excerpt from the April 4, 2000 minutes was before Council. First Reading was given to By-Law R-102 on April 4, 2000.

Mr. Wayne Anstey, Municipal Solicitor, advised there were a number of By-Laws in the former municipalities which, either because of provisions in the HRM Act or other activities, have been superseded or are redundant.

Mayor Fitzgerald called for members of the public wishing to speak either in favour of or against the amendment. Hearing none, the following motion was placed before Council.

MOVED by Councillors Greenough and Sarto that the public hearing close. MOTION PUT AND PASSED UNANIMOUSLY.

MOVED by Councillors Hetherington and Greenough that Council approve second reading of By-Law R-102 Respecting the amendment of By-Law R-100, the By-Law and Ordinances Repeal By-Law. MOTION PUT AND PASSED UNANIMOUSLY.

10. CORRESPONDENCE, PETITIONS AND DELEGATIONS

10.1 PETITIONS

10.1.1 Councillor Blumenthal

Councillor Blumenthal submitted a petition on behalf of the residents of Union Street, Halifax requesting Halifax Regional Municipality to take action to correct the problem of water drainage from Fort Needham as it is destroying their properties.

10.1.2 Councillor Uteck

Councillor Uteck submitted a petition, containing an additional 50 names, from the Committee of Concern regarding the removal of the traffic lights at Connaught Avenue and Jubilee Road.

10.1.3 Councillor Schofield

Councillor Schofield submitted a petition, containing 300 names, requesting Council vote against any By-Law which bans pesticide application.

10.2 PRESENTATIONS

10.2.1 Development Adjacent to Hemlock Ravine Park - Scott Yetman

This item was deleted under the approval of the order of business.

11. REPORTS

11.1 MEMBERS OF COUNCIL

11.1.1 Councillor Merrigan - Springfield Lake Road

- Photos showing the condition of the road were shown to Council.

Councillor Merrigan stated the road is in an unacceptable condition and the residents are requesting help in upgrading the road.

MOVED by Councillors Merrigan and Blumenthal that staff examine the history of the Springfield Lake Road and report to Council, in two weeks, on what measures can be taken to bring it up to standard. The report also include a determination on which of the thirteen private lanes in Eastern Passage may be eligible to be taken over by the Municipality if and when they are upgraded and brought up to standard. Further, Adeor Drive, District 7, be examined and included in the report.

Councillor Adams noted the issue of private roads and lanes has been before Council on an number of occasions and suggested the formation of a committee to examine this issue.

MOTION PUT AND PASSED UNANIMOUSLY.

11.2 HARBOUR EAST COMMUNITY COUNCIL

11.2.1 Case 00177 - Request by BARWIL Developments Limited to Amend the MPS for Cole Harbour/Westphal and Halifax County Subdivision (set public hearing date for May 23, 2000)

- A report from Councillor Harry McInroy, Chair of the Harbour East Community Council, dated April 14, 2000, was before Council.

MOVED by Councillors Cooper and McInroy that May 23, 2000 be set as the public hearing date. MOTION PUT AND PASSED UNANIMOUSLY.

11.3 REGIONAL TAXI & LIMOUSINE COMMITTEE

11.3.1 Taxi Rates

- A report prepared for Councillor Stephen Adams, Chair of the Taxi and Limousine Committee, dated April 18, 2000, was before Council.

MOVED by Councillors Adams and Downey that Council give First Reading to By-Law T-112 attached as Schedule "A" to the staff report dated April 18, 2000. MOTION PUT AND PASSED UNANIMOUSLY.

11.4 CHIEF ADMINISTRATIVE OFFICER

11.4.1 Tender 00-175 Spring Garden Road Library Exterior Repairs

- A staff report prepared for Mr. K.R. Meech, Chief Administrative Officer, dated March 29, 2000, on the above noted, was before Council.

MOVED by Councillors Harvey and Mitchell that the award of tender 00-175 be made to the low bid of Procon Restoration Services Ltd. for the total lump sum price of \$62,643.95 (including taxes) and that a contingency of \$6,000.00 be approved.

In response to Councillor Downey as to when the balance of the \$500,000 that was designated for repairs will be spent, Mr. Meech advised staff is awaiting the schedule of how the renovations will proceed.

Councillor Downey requested staff provide a report on when the balance of the monies will be spent.

Mr. Meech advised a report would be provided at the next Council session.

No vote was taken on the motion.

11.4.2 Pesticide By-Law

- A supplementary staff report prepared for Mr. K.R. Meech, Chief Administrative Officer, dated April 19, 2000, on the above noted, was before Council.

CONFLICT OF INTEREST

Councillor Snow declared a Conflict of Interest on this issue as he is the owner of a landscape company and left the Council Chamber.

Councillor Streach stated that legislation allows for regulation and use of pesticides but not a ban. He noted the original plan was for registration, advance notice and a posting

system. The Councillor indicated the Pesticide Advisory Committee had not consulted the PMRA which is the Federal body that deals specifically with pesticide regulation. He noted Council had asked for a report proposing a four year phased in approach but, the supplementary report before Council called for a total and complete ban in ten months. He suggested this By-Law goes beyond the scope of the mandate of the Halifax Regional Municipality and has far reaching implications.

MOVED by Councillors Streach and Cooper that Council table the report dated April 19, 2000 and not pass a pesticide By-Law until such time as the results of the Supreme Court decision is known as well as the direction that the Federal Government and Minister of Health will be going pursuant to any legislation that they will be enacting.

Councillor Read advised Halifax Regional Municipality does have the authority to ban pesticides under the HRM Act.

In response to Deputy Mayor Cunningham, Mr. Anstey stated the HRM Act does give the Municipality the power to regulate, noting another section of the Act, dealing with By-Laws generally, expands on what Council has power to do and states that when Council has the power to regulate, it also has the power to prohibit.

MOTION DEFEATED.

Mr. Ken Meech, Chief Administrative Officer and Mr. Paul Dunphy, Director of Planning and Development Services presented the staff report.

Mr. Meech outlined the history and process leading up to the development of a By-Law.

Mr. Paul Dunphy provided information as to how the By-Law would be implemented and how it would apply to properties within HRM. He advised the thrust of the staff report is to provide Council with advice on how to effectively implement and enforce a By-Law. He noted Council had requested staff prepare a report addressing the following main elements:

- the By-Law itself was to be consistent with the majority report of the Pesticide Advisory Committee, using the Chelsea By-Law as a model
- the staff report was to address:
 - issues of liability
 - enforcement and administration of the By-Law
 - the costs and funding sources for enforcement and administration

In response to Councillor Kelly, Mr. Dunphy advised the position of Coordinator identified

in the cost estimates was related to public education and communication strategy. Further, the proposal included four additional seasonal staff who would respond to complaints and enforce the By-Law during the spring, summer and fall period. The Coordinator would be familiar with alternative plant maintenance and pest control.

(Deputy Mayor Cunningham assumed the Chair at 7:20 p.m.)

In response to Councillor Streach, Mr. Dunphy advised the task of deciding whether or not to regulate pesticides had been a committee decision. The Committee had provided advice to Council who in turn requested staff prepare a draft By-Law for consideration.

In response to Councillor Cooper, Mr. Dunphy advised school property owned by the Municipality would be included in the ban. On further question, Council was advised this would not apply to lands owned by the Water Commission.

In response to Councillor Kelly, Mr. Dunphy advised the Province have indicated that they are not interested in pursuing this responsibility for pesticide regulation at the present time. The Councillor then suggested the Municipality approach the Province asking them where they stand with regards to this proposed By-Law.

(Mayor Fitzgerald resumed the Chair at 7:40 p.m.)

Councillor Rankin noted Section 5:33 of the Municipal Government Act lists every aspect of regulation with the exception of banning. The Councillor stated that when the legislation was requested there was discussion with regards to regulation of pesticide use, not banning, and questioned whether the Provincial and Federal regulatory bodies had been consulted to ascertain if it is complimentary to their governing legislation. He noted staff is recommending that the By-Law focus only on those pesticides that may have potential life threatening effects and provide the most effective level of protection.

MOVED by Councillor Rankin and Streach that Council defer decision pending expert opinion from the regulatory agencies within the Federal and Provincial governments.

A number of Councillors spoke in opposition to the deferral, noting that this issue has gone through the public process and it is time to make a decision based on the information received.

MOTION DEFEATED.

Mr. Anstey suggested Council recommend an option that would be closest to the final By-Law, noting Option A has more variances to it.

MOVED by Councillor Read and Fougere that Council adopt in principle the draft By-Law presented as Option B, in the staff report dated April 19, 2000, involving a ban on the outdoor use of pesticides for plant and turf maintenance on residential and municipal properties, effective March 1, 2001; and that arrangements be made for its formal introduction for First Reading.

Councillor Hetherington stated the proposed By-Law is not realistic as it would mean a complete ban in ten months, suggesting Council endorse option A which has the flexibility to eventually institute a ban without a defined time frame.

Councillor Uteck suggested a two year phase in period.

In response to Councillor Cooper, Council was advised that any appeals regarding permissible products would be through Council.

A number of Councillors expressed concern with option B stating a ban was too extreme. A gradual processing, including public education, would be more effective.

MOVED by Councillor Stone that there be a three year phase in.

As there was no seconder to the amendment, the was motion lost.

Councillor Greenough noted that both options will impose a ban and costs associated with the longer phase in will be greater.

Councillor Read requested a recorded vote on the motion to adopt Option B.

Those voting in favour were: Councillors Greenough, Downey, Uteck, Fougere, Walker, Read and Harvey.

Those voting against were: Mayor Fitzgerald, Deputy Mayor Cunningham, Councillors Streach, Cooper, McInroy, Sarto, Hetherington, Schofield, Blumenthal, Stone, Adams, Merrigan, Kelly, Rankin and Mitchell.

Councillor Snow had earlier declared a conflict of interest and was not present for the vote. Councillor Colwell was absent from the meeting.

MOTION DEFEATED (7 in favour, 15 against)

MOVED by Councillors Hetherington and Blumenthal that Council adopt Option A as the guidelines for the By-Law. MOTION PUT AND PASSED.

11.4.3 Request for Proposals 99-105 Parking Facility and Mixed Use Development for Lot 1, Granville, Sackville, Hollis and Salter Streets, Downtown Halifax

- A staff report, prepared for Mr. Ken Meech, Chief Administrative Officer, dated March 31, 2000, on the above noted, was before Council.

MOVED by Councillors Downey and Uteck that Council authorize staff to:

- 1. advise the three proponents that the Municipality will not pursue any further review or evaluation of the submissions received, and that the above Request for Proposal process is now terminated; and ,**
- 2. prepare and issue a Request for Proposals to Design/Build a 670 space Parking Structure on Lot 1A (Attachment 1), that would be owned by the Municipality and operated under a private sector management contract, review all submissions and report back to Council with recommendations.**

Councillor Uteck requested staff consider dedicating the bottom floor as commercial space.

Councillor Kelly stated that, in his opinion, a commercial component would help offset the projected deficit of this operation. For clarification purposes, the Councillor indicated there is a cost aspect for twenty years for 10%, noting the current rate of interest from the Municipal Finance Corporation is 7.25% and questioned why the differential as the differential would offset a large portion of the projected deficit. He questioned why the Municipality was being pessimistic in terms of the rate that is going to be charged by the corporation.

In response, Mr. Rath advised the numbers before Council are numbers that err on the high side. He advised staff had checked on the cost of financing, noting there are monies available for ten years only and this project would be amortized over a twenty year term; therefore, staff does not know specifically what the cost is going to be for the remaining ten years.

Councillor Kelly noted the HST portion of the staff report has a full 15% which, in terms of current market conditions, HST and the commercial potential are overly pessimistic. The Councillor stated this is a negative rather than a pro-active approach to this project and the projected deficit may not be there pending the final plan.

With regards to contracting out and management of this facility, Councillor Kelly indicated his preference would be to keep the operating of the facility within the HRM purview.

In response to Councillor McInroy, Mr. Rath advised the 670 spaces is the maximum that can be constructed on the property in keeping with the applicable view plane legislation.

In response to Councillor Stone, Mr. Rath advised the timetable for this project is approximately twelve months with the Tex Park being utilized until such time as this facility is completed.

MOTION PUT AND PASSED UNANIMOUSLY.

12. MOTIONS - NONE

13. ADDED ITEMS

CONFLICT OF INTEREST

Councillor McInroy declared a Conflict of Interest as he is an employee of the Provincial Assessment Department.

13.1 Councillor Rankin - Municipal Assessment - Provincial Downloading

Councillor Rankin advised notice had been received from the UNSM and the Provincial Government that assessment costs will be downloaded to the Municipal level. The Councillor noted no consultation or discussion had been held with Municipal representatives.

Councillor Hetherington noted the notice was given on April 17, 2000 which does not meet the deadline for implementation in 2001.

MOVED by Councillors Hetherington and Walker that the Provincial Government, with a copy to the UNSM, be advised they have met the deadline for implementation in 2001. MOTION PUT AND PASSED.

Councillor Schofield advised the Provincial Government has indicated it is going to cut subsidy to public housing in Nova Scotia by Four Million Dollars and requested the letter from the Mayor ask how it is intended that this cut be made.

MOVED by Councillors Rankin and Hetherington that the Mayor write to the Province of Nova Scotia and the UNSM regarding Provincial downloading relative to the Municipal Assessment and the implications of such an action. The letter indicate the deadline for giving notice for implementation of these changes has passed and therefore could not be implemented until 2002. Further, the letter include a request for information how the proposed cuts to the subsidy to public housing will be

made. MOTION PUT AND PASSED UNANIMOUSLY.

13.2 Property Matter - Former School Board Sub-System Building, Jeddore

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

MOVED by Councillors Streach and Snow that Council:

1. **authorize the Mayor and Municipal Clerk to enter into an Agreement of Purchase and Sale with the Marine Drive Community Centre Association for the purchase of the subject property based on the key business terms and conditions outlined in the April 11, 2000 staff report; and,**
2. **Council set May 23, 2000 as the date for a public hearing respecting the sale of the property at less than market value as provided for in Section 51 of the Municipal Government Act.**

MOTION PUT AND PASSED UNANIMOUSLY.

13.3 Property Matter - Former Archbishop's Residence - 6541 Coburg Road

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

MOVED by Councillors Uteck and Fougere that:

1. **Council approve the sale of the former Archbishop's Residence at 6541 Coburg Road for the price of \$640,000, plus applicable HST to the Waegwoltic Club (the Club) and authorize the Mayor and Municipal Clerk to execute a Purchase and Sale Agreement incorporating terms as discussed in the April 14, 2000 staff report.**
2. **THAT Council approve the granting of a license to the Club for occupancy of a portion of the Coburg Road extension right-of-way in exchange for a deed to HRM from the Club conveying whatever interests it has in the extension of Coburg Road on the condition that, if the Club property is sold, the lands within the right-of-way would be vacated, would revert to the HRM, and the license extinguished.**
3. **The closings for the transactions set out in each of the preceding**

recommendations are to take place no later than August 30, 2000; with the Agreement of Purchase and Sale based upon the Municipality's standard terms for the purchase and sale of surplus property to be signed by no later than May 31, 2000, at which time the Municipality would receive a 5% deposit on the purchase price.

- 4. With the proviso that the repurchase price to HRM would be \$640,000, plus applicable HST, and that the property will remain zoned Parks & Institutional.**

Councillor Blumenthal stated he was not in favour of the recommendation and requested a recorded vote.

Those voting in favour were: Mayor Fitzgerald, Deputy Mayor Cunningham and Councillors Snow, Greenough, Sarto, Downey, Uteck, Fougere, Walker, Stone, Adams, Rankin and Mitchell.

Those voting against were: Councillors Streach, Cooper, McInroy, Hetherington, Schofield, Blumenthal, Read, Merrigan, Harvey and Kelly.

MOTION PUT AND PASSED (13 in favour, 10 against)

Councillor Colwell was absent from the meeting.

Councillors Blumenthal and Schofield gave Notice of Reconsideration for the May 2, 2000 Council session.

13.4 Personnel Matter - Committee Appointments

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

MOVED by Councillors Cooper and Read that Council approve the appointment to the Regional Taxi and Limousine Committee: Councillors Adams and Cooper, Elsie Cholette, Ernie Hawes, Robert Naugle, Lorne Alexander Baccardax, Timothy James Auld, Frank O'Brien, Leo Greenwood, Robert Richards and Rev. Wayne Campagna. MOTION PUT AND PASSED.

MOVED by Councillors Uteck and Hetherington that Council approve the appointment of Payson Hunter, Siobhan Ryan, Bill Mont and LaJune Naud to the Point Pleasant Advisory Committee for a three year term. The term for LaJune Naud to be effective as at November, 2000. As there is one additional citizen being recommended for appointment to this committee, the terms of reference will now

need to be amended to appropriately reflect the increased membership. **MOTION PUT AND PASSED.**

MOVED by Councillors Fougere and Stone that Council approve the appointment of Mr. Paul McNab as a citizen on the McNabs and Lawlor Islands Citizen Advisory Committee. Approve the staff appointments of Steve Oakley (Parkland Planner, Parks and Recreation Services) and Marcus Garnet (Planner, Planning and Development Services) be available on an as needed basis in an advisory capacity. **MOTION PUT AND PASSED.**

IN CAMERA REPORTS PART OF PUBLIC RECORD

MOVED by Councillors Kelly and Adams that the staff reports from the April 25, 2000 In Camera session be made public. **MOTION PUT AND PASSED.**

14. NOTICES OF MOTION

Councillor Hetherington

Take Notice that at the next regular meeting of the Halifax Regional Council to be held on Tuesday, May 2, 2000, I propose to move first reading of a By-Law to regulate the use of residential pesticides as outlined in Option A of the 19th of April, 2000 staff report.

15. ADJOURNMENT

MOVED by Councillors McInroy and Greenough that the meeting be adjourned at 9:30 p.m. **MOTION PUT AND PASSED UNANIMOUSLY.**

**Vi Carmichael
Municipal Clerk**

