

HALIFAX REGIONAL COUNCIL  
MINUTES

May 4, 2010

**REVISED**

PRESENT:

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

REGRETS:

Councillors: Sue Uteck  
Stephen Adams

STAFF:

Mr. Dan English, Chief Administrative Officer  
Ms. Mary Ellen Donovan, Municipal Solicitor  
Ms. Cathy Mellett, Acting Municipal Clerk  
Ms. Melody Campbell, Legislative Assistant

TABLE OF CONTENTS

1.	INVOCATION.....	4
2.	SPECIAL COMMUNITY ANNOUNCEMENTS & ACKNOWLEDGEMENTS. . . .	4
3.	APPROVAL OF MINUTES - April 20, 2010.....	5
4.	APPROVAL OF THE ORDER OF BUSINESS AND APPROVAL OF ADDITIONS AND DELETIONS. . . . .	5
5.	BUSINESS ARISING OUT OF THE MINUTES.....	5
6.	MOTIONS OF RECONSIDERATION - NONE.....	6
7.	MOTIONS OF RESCISSION - NONE. . . . .	6
8.	CONSIDERATION OF DEFERRED BUSINESS	
8.1	Freedom of the City for Canada's Navy. . . . .	6
9.	PUBLIC HEARINGS - 6:00 P.M.	
9.1	Case 01323 - Municipal Planning Strategy and Land Use By-Law Amendments - Sackville/Sackville Drive. . . . .	6
10.	CORRESPONDENCE, PETITIONS & DELEGATIONS	
10.1	Correspondence - None. . . . .	7
10.2	Petitions. . . . .	7
11.	REPORTS	
11.1	CHIEF ADMINISTRATIVE OFFICER	
11.1.1	Tender 09-225 - Ernst Mill Bridge Replacement - East Region. . .	7
11.1.2	Contract Increase - Tender 09-289 -Dartmouth Harbourfront Trail, East Region (i) Staff Report (ii) Harbour East Community Council Report. . . . .	8
11.1.3	Proposed Amendment to Administrative Order 45, Respecting Private Road Maintenance - Road Maintenance Fee for River Bend Road and River Court Home Owners Association. . . . .	9
11.2	HARBOUR EAST COMMUNITY COUNCIL	
11.2.1	Case 01361 - Municipal Planning Strategy Amendment - Dartmouth Bridge Transit Terminal. . . . .	9
11.3	ENERGY & UNDERGROUND SERVICES ADVISORY COMMITTEE	

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11.3.1 Energy Efficiency Initiative: Vending Machines. . . . .	11
11.4 SPECIAL EVENTS ADVISORY COMMITTEE	
11.4.1 HRM Hallmark Event Grant Renewals. . . . .	11
11.4.2 Special Events Grant Funding Requests. . . . .	12
12. MOTIONS. . . . .	14
13. ADDED ITEMS. . . . .	14
14. NOTICES OF MOTION. . . . .	14
15. ADJOURNMENT. . . . .	15

**1. INVOCATION**

Deputy Mayor Johns called the meeting to order at 6:00 p.m. with the Invocation being led by Councillor Outhit.

**2. SPECIAL COMMUNITY ANNOUNCEMENT & ACKNOWLEDGEMENTS**

Councillor Sloane advised that the YMCA on South Park Street will hold a public open house on Wednesday, May 5<sup>th</sup> to receive public input on the development of the CBC/ YMCA site. She stated that HRM has initiated a contest, open to children from ages 5-12, to name the new geese at the Public Gardens. She stated that the HRM Greenhouse Open House will be held on May 15<sup>th</sup> at the Green House on Sackville Street.

Councillor Mosher noted that the John W. MacLeod and Fleming Tower School's Spring Fair will be taking place on Saturday, May 8<sup>th</sup> from 10:00 a.m. to 1:00 p.m. at the Purcells Cove Road. She expressed her appreciation to HRM staff for their work in preparing for the Skate Park Jam taking place at the Captain William Spry Centre on Friday, May 7<sup>th</sup> from 1:00 p.m. to 4:00 p.m. She advised that a Developer's meeting for the Number One Craigmore building will be held on Monday, May 10<sup>th</sup> at the Chocolate Lake Recreation Centre. She added that the meeting is to provide information to nearby residents regarding the development.

Councillor Hendsbee advised that Wednesday, May 5<sup>th</sup> is McHappy Day at all McDonald restaurants throughout HRM. He noted that on Saturday, May 8<sup>th</sup> a JEM Jamboree (Joint Emergency Management Parade of Partners) will be held at the Porters Lake Superstore from 10:00 a.m. to 1:00 p.m. He advised that the Bell Park School Fair and Spring Fling will be held at the Bell Park School from 11:00 a.m. to 2:00 p.m. The grand reopening of the playground will take place at the Porters Lake Community Recreation Centre on Saturday, May 8<sup>th</sup> from 11:30 a.m. to 1:30 p.m. He noted that the Royal Army Cadet Corp 2471 will hold their annual parade on Saturday, May 8<sup>th</sup> from 1:00 p.m. to 3:00 p.m. at Gaetz Brook Junior High School. He wished his mother a Happy Mothers Day.

Councillor Lund advised that the Hubbards Farm Market opens for the season on Saturday, May 8<sup>th</sup> at 8:00 a.m.

Mayor Kelly entered the meeting at 6:10 p.m. and assumed the Chair.

Councillor Watts advised that meetings will be held on May 5<sup>th</sup>, May 11<sup>th</sup> and May 13<sup>th</sup> to discuss community recreation on the peninsula. She advised residents that they need to register on the HRM website or by contacting Councillor Watts if they are interested in participating in the sessions. She noted that a lecture on community gardens, with

Dr. Susan Guppy, will take place at the Scotiabank Theatre at St. Mary's from 7:00 p.m. to 9:00 p.m. She advised that a meeting will be held on May 12<sup>th</sup> at 7:00 p.m. regarding recent changes to Larry O'Connell Park at Maritime Hall, Halifax Forum and a meeting will be held on Thursday, May 13<sup>th</sup> at 7:00 p.m. to discuss upgrades to Admore Park at Maritime Hall, Halifax Forum.

Councillor McCluskey wished Sidney Crosby well during the NHL playoffs.

**3. APPROVAL OF MINUTES - April 20, 2010 & March 31, 2009 (Revised)**

**MOVED by Councillor Blumenthal, seconded by Deputy Mayor Johns , that the minutes of April 20, 2010, as amended, be approved.**

The following amendments to the minutes were noted:

Councillor Nicoll - Top of page 10 - 1st line - Mr. Francis Macdonald is referred to as "she" - should be "he"

Councillor Walker - Page 11- paragraph 2- Councillor Walker requested a staff report on "the capacity of the treatment plant and the design and capacity for future years build out & development".

Councillor Watts Page 18 - Item 13.3 Councillor Watts indicated there was a seconder for the motion and the motion was put to a vote.

**MOTION PUT AND PASSED.**

**MOVED by Councillor Sloane, seconded by Councillor Nicoll, that Regional Council amend, as circulated, the minutes of the March 31<sup>st</sup>, 2009 meeting of Regional Council previously adopted on April 21, 2009. MOTION PUT AND PASSED.**

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

Addition:

8.1 Affirmation of the Freedom of the City for Canada's Navy

**MOVED by Councillor Blumenthal, seconded by Councillor Barkhouse, that the Order of Business, 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

8.1 Affirming the Freedom of the City to Canada's Navy

**MOVED** by Councillor Blumenthal, seconded by Councillor Barkhouse, that on this day marking the 100<sup>th</sup> Anniversary of Canada's Navy, Regional Council is proud to unanimously affirm the proclamation of the Freedom of the City granted to the Canadian Navy this 4<sup>th</sup> day of May 2010, with all the rights and privileges pertaining thereof. **MOTION PUT AND PASSED.**

9. PUBLIC HEARINGS - 6:00 P.M.

9.1 Case 01323 - Municipal Planning Strategy and Land Use By-Law Amendments - Sackville/Sackville Drive

- A staff report dated February 16, 2010 was before Council.
- A North West Community Council report dated March 26, 2010 was before Council.
- A North West Planning Advisory Committee report dated March 4, 2010 was before Council.
- An extract of the Regional Council minutes of April 13, 2010 was before Council.

Ms. Thea Langille, Supervisor, Planning Applications, presented Case 01323: Sackville/Sackville Drive MPS and LUB amendments to Council.

Mayor Kelly reviewed the rules of procedure for public hearings, and opened the hearing for those wishing to speak to the matter.

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

**MOVED** by Councillor Harvey, seconded by Deputy Mayor Johns, that Regional Council approve the proposed amendments to the Sackville Municipal Planning Strategy and Land Use By-Law and the Sackville Drive Secondary Planning Strategy and Land Use By-Law as set out in Attachments "A", "B", "C" and "D" of the February 16, 2010 staff report. **MOTION PUT AND PASSED.**

**10. CORRESPONDENCE, PETITIONS & DELEGATIONS**

**10.1 Correspondence - None**

**10.2 Petitions - None**

**11. REPORTS**

**11.1 CHIEF ADMINISTRATIVE OFFICER**

**11.1.1 Tender 09-225 - Ernst Mill Bridge Replacement - East Region**

- A staff report dated April 14, 2010 was before Council.

**MOVED by Councillor Hendsbee, seconded by Councillor McCluskey, that Regional Council:**

- 1. Approve an increase of \$1,500,000 to Capital Account CRX01279 - Ernst Mill Bridge as advanced funding of the 2010/11 Proposed Capital Budget. This project will be funded through Canada-Nova Scotia Infrastructure Stimulus Fund (2/3) and HRM's 2010/11 Capital Budget (1/3).**
- 2. Award construction administration and site supervision services under RFP 08-313 Consultant Award, Ernst Mill Bridge - East Region to O'Halloran Campbell Limited for an estimated fee of \$16,978.04 (net HST included) with funding from Capital Account No.CRX01279 Ernst Mill Bridge, as outlined in the Budget Implications section of the report dated April 14, 2010.**
- 3. Award Tender No. 09-225, Ernst Mill Bridge Replacement- East Region to Amber Construction for a Total Tender Price of \$1,246,027.78 (net HST included) with funding from Capital Account No.CRX01279 - Ernst Mill Bridge, as outlined in the Budget Implications section of the report dated April 14, 2010.**

In response to a query by Councillor Hendsbee, Mr. Hubley, Manager, Design & Construction, advised that the contractor, as indicated in the contract, is required to provide road maintenance, grading and dusting for dust control. He advised that the road will be closed for five weeks, although the entire project is scheduled for fourteen weeks starting in early July. He noted that the five week road closure is expected to occur towards the end of July and the beginning of August. He stated that if the project is not completed on schedule, the Contractor will incur significant penalties.

**MOTION PUT AND PASSED.**

**11.1.2 Contract Increase - Tender 09-289 - Dartmouth Harbourfront Trail, East Region**

- A staff report dated April 12, 2010 was before Council.
- A Harbour East Community Council report dated April 6, 2010, was before Council.

**MOVED by Councillor Barkhouse, seconded by Councillor Nicoll, that Regional Council:**

- 1. Authorize a transfer of \$75,000 from Capital Account No. CSE00397 - Harbour Solutions Dartmouth Community Integration Fund (CIF) to Capital Account No. CPX01032 - Regional Trails Active Transportation;**
- 2. Authorize an increase to the contract with CBCL Engineering Services for the Dartmouth Harbourfront Trail - Parker Street Retaining Wall (RFP 09-317), for the amount of \$28,287.83 (net HST included) with funding from Capital Account No. CPX01032 - Regional Trails Active Transportation;**
- 3. Authorize an increase to the contract with Allterrain Contracting Inc. for the Dartmouth Harbourfront Trail - Parker Street Retaining Wall (Tender No. 09-289) for the amount of \$153,420.22 (net HST included) with funding from Capital Account No. CPX01032 - Regional Trails Active Transportation; as outlined in the Budget Implications section of the report dated April 12, 2010.**

In response to a query by Councillor Karsten, Mr. Bigelow, Manager, Real Property Planning, advised that this contract complies with HRM Procurement policies. Mr. Bigelow advised Council that the cost increase to the tender was due to unexpected soil conditions. He stated that there had to be full removal and replacement of soil material behind the wall to ensure the wall's structural integrity.

In response to further questions from Council, the following information was provided:

- the work has been completed
- the wall width is 3.5 metres
- prices were higher due to the work being done through the winter season
- work had to be completed by March 31<sup>st</sup> so that the project could capitalize on cost sharing from the three levels of government.

**MOTION PUT AND PASSED.**

**11.1.3 Proposed Amendment to Administrative Order 45, Respecting Private Road Maintenance - Road Maintenance Fee for River Bend Road and River Court Home Owners Association**

- A staff report dated April 19, 2010 was before Council.

**MOVED by Councillor Dalrymple, seconded by Councillor Hendsbee, that Halifax Regional Council:**

- 1. Approve in principle an annual uniform charge of no more than \$350.00 per property to be applied against all properties accessed from River Bend Road and/or River Court, private roads located in the community of Enfield, as depicted in the map shown in Appendix A of the report dated April 19, 2010 effective with the 2010-11 fiscal year for the purpose of funding the road maintenance activities of the River Bend Road and River Court Home Owners Association.**
- 2. Approve in principle amending Administrative Order 45, Respecting Private Road Maintenance, by adding Schedule 5, respecting a uniform charge for the River Bend Road and River Court Home Owners Association, attached hereto as Appendix B of the April 19, 2010 staff report.**
- 3. Subject to the approval of Schedule 5 of Administrative Order 45, authorize the Mayor and Municipal Clerk to sign on behalf of HRM, the Management and Operating Agreement between HRM and the Association included as Appendix C of the report dated April 19, 2010.**

Councillor Dalrymple advised that two public meetings were held regarding road maintenance fees for River Bend Road and River Court Home Owners Association with a large percentage of those in attendance supporting the recommendation.

In response to a question by Councillor McCluskey, Councillor Dalrymple advised that the residents can change their uniform charge from year to year at the River Court Home Owners Association's Annual Meeting.

**MOTION PUT AND PASSED.**

**11.2 HARBOUR EAST COMMUNITY COUNCIL**

**11.2.1 Case 01361 - Municipal Planning Strategy Amendment - Dartmouth Bridge Transit Terminal**

- A staff report dated April 2, 2010 was before Council.

- A Harbour East Community Council report dated April 27, 2010 was before Council.

**MOVED by Councillor McCluskey, seconded by Deputy Mayor Johns, that Regional Council give First Reading to the proposed amendments to the Dartmouth Municipal Planning Strategy and Land Use By-Law as set out in attachments “A” and “B” of the staff report dated April 1, 2010, and schedule a joint public hearing with Harbour East Community Council.**

Councillor Smith advised that this is a large project and that there are concerns regarding the project. He requested that additional information be provided to Council.

Council requested that staff provide a supplementary report prior to the public hearing addressing the following points:

1. More information about alternate sites, the Scotiabank site, the Alderney Road site and the Faulkner/Wyse Road site, including cost efficiency, costs to acquire, benefits of closer location to north end residents.
2. What are the implications to the Dartmouth High School atmosphere and outdoor activity opportunities. Will there be any increase or decrease in gas fumes, etc. for the high school population. What is the extent of the reduction in bus idling and in buses travelling empty in the neighbourhood. Are there any other concerns about having a major terminal this close to a high school. Do the benefits to students, if any, offset any negative aspects.
3. Would HRM be suggesting this location if the land was not a problematic piece of wilderness park.
4. Are there any other possible locations for the terminal. Why does the terminal have to be at this location and not located outside the Dartmouth Regional centre.
5. How does this new terminal benefit the disabled community.
6. Verify new Schedule M, is the maximum area 3.5 acres. Attachments A and B do not state 3.5 acres (Page 7).
7. Is there written comment from Traffic Services on traffic issues, ie. Wyse/Thistle and a half signal on Nantucket.
8. What happens to the 2.5 acres not part of the transit terminal.
9. Is there legal comment on the use of parking spots after the existing terminal is moved.
10. Is the consultant report on the HRM website.
11. More details on the rationale for the need for an expanded transit terminal.

**MOTION PUT AND PASSED.**

### **11.3 ENERGY & UNDERGROUND SERVICES ADVISORY COMMITTEE**

### **11.3.1 Energy Efficiency Initiative: Vending Machines**

- A staff report dated April 5, 2010 was before Council.
- An Energy and Underground Services Committee report dated April 19, 2010 was before Council.

**MOVED by Councillor Hum, seconded by Councillor McCluskey, that Halifax Regional Council direct staff to develop a Memorandum of Understanding with Refreshments Canada whereby the vending industry shall voluntarily improve energy efficiency of its entire fleet by 25% over the next three (3) years.**

Mr. Richard MacLellan, Manager, Sustainable Environment Management Office, provided a presentation to Council regarding Energy Efficiency Initiative: Vending Machines.

In response to a question by Councillor Watts regarding the change in recommendation from a by-law to voluntary compliance, staff indicated that the vending industry have brought forward a responsible proposal. Mr. MacLellan added that progress towards compliance can be monitored and Council could bring forward a by-law, in the future, if it is deemed necessary.

Members of Council reiterated their support regarding this energy efficient initiative.

### **MOTION PUT AND PASSED.**

## **11.4 SPECIAL EVENTS ADVISORY COMMITTEE**

### **11.4.1 HRM Hallmark Event Grant Renewals**

- A staff report dated February 3, 2010 was before Council.
- A Special Events Advisory Committee report dated April 14, 2010 was before Council.

**MOVED by Deputy Mayor Johns, seconded by Councillor Sloane, that Halifax Regional Council:**

**(A) Approve grants from the 2010/11 Marketing Levy Special Events Reserve (Q315) for a total of \$330,000:**

- 1. \$90,000 to the Royal Nova Scotia International Tattoo;**
- 2. \$50,000 to the Blue Nose International Marathon;**
- 3. \$50,000 to the Halifax International Busker Festival;**
- 4. \$40,000 to the Atlantic Jazz Festival;**
- 5. \$40,000 to the Atlantic Film Festival;**

6. \$25,000 to the Halifax Pride Festival;
7. \$15,000 to the Shearwater East Dartmouth Minor Hockey Association (SEDMHA) International Hockey Tournament;
8. \$10,000 to the Pop Explosion; and
9. \$10,000 to the Scotia Festival of Music

**(B) Approve the proposed improvements to the Hallmark Events Operating Guidelines contained within Attachment 1 of the staff report dated February 3, 2010 and as amended by the Special Events Advisory Committee on April 14, 2010, as outlined in the Discussion section of the April 14, 2010 report.**

Deputy Mayor Johns advised that funding for these events is supplied by a tax levied on hotel rooms in HRM. He stated that funding is not supplied through the general tax rate.

Councillor McCluskey questioned the funding provided to SEDMHA (Shearwater East Dartmouth Minor Hockey Association) in relation to other events noting that this tournament is for minor aged participants. She suggested that funding be based on the number of hotel rooms booked throughout HRM for each event.

Councillor Mosher stated that the Bluenose Marathon also supports children's events with schools participating with running programs throughout the year.

Deputy Mayor Johns advised that the SEDMHA tournament is receiving the same amount of funds as they received last year. He stated that the Special Events Advisory Committee reviews each application with economic development being considered as part of the evaluation. He added that the Committee is considering more clarity and definition of criteria for next year's evaluations.

#### **MOTION PUT AND PASSED.**

##### **11.4.2 Special Events Grant Funding Requests**

- A staff report dated March 4, 2010 was before Council.
- A Special Events Advisory Committee report dated April 14, 2010 was before Council.

**MOVED by Deputy Mayor Johns, seconded by Councillor Sloane, that Regional Council approve the 2010/11 funding amounts identified in Table 2 of the staff report dated March 4, 2010 from the Marketing Levy Special Events Reserve (Q315) with the following amendments:**

- **the decision on Non-qualified status for the Nova Scotia International Air Show, page 5 of the staff report dated March 4, 2010, be deferred**

- pending clarification from HRM Finance regarding the \$32,000 debt repayment to HRM.
- that the Premier Basketball All Star Weekend (Rainmen), page 6 of the staff report, be given qualifying status and awarded a grant of \$50,000 based on amendments to the scoring criteria as outlined in the Discussion section of the April 14, 2010 report.
  - that the Baseball Championships - 2010 Senior Mens award be increased to \$15,000 from \$12,500.
  - that the New Year's Eve Event award be increased to \$40,000 from \$30,000.
  - that the Manifesto East award be decreased to \$15,000 from \$26,000 due to the amendments to the scoring criteria as outlined in the Discussion section of April 14, 2010 report.

Deputy Mayor Johns advised that the Special Events Advisory Committee reviewed all of the applications and made recommendations on staff's ratings. He noted that the Manifesto East event rated lower after the Committee's evaluation.

Councillor Karsten expressed concern regarding funding for the Premier Basketball All Star Weekend (Rainmen). He advised he does not consider this a special event, noting that although the Rainmen do a lot for the city, they are a private venture.

Councillor McCluskey stated that the Premier Basketball All Star Weekend (Rainmen) is a profit making organization.

Councillor Sloane advised the Rainmen became a non-profit society in order to give free tickets to children and she added that they attend schools providing free basketball clinics.

Deputy Mayor Johns advised that the Premier Basketball All Star Weekend (Rainmen) received \$125,000 last year. He advised that the organization does meet the mandate.

Deputy Mayor Johns noted that the Special Events Advisory Committee will be evaluating criteria for next year's funding.

Council requested that the item and amendments be voted on separately:

**That Regional Council approve the 2010/11 funding amounts identified in Table 2 of the staff report dated March 4, 2010 from the Marketing Levy Special Events Reserve (Q315) with the following amendments:**

**MOTION PUT AND PASSED.**

**AMENDMENTS:**

**That the decision on Non-qualified status for the Nova Scotia International Air Show, page 5 of the staff report dated March 4, 2010, be deferred pending clarification from HRM Finance regarding the \$32,000 debt repayment to HRM.**

**MOTION PUT AND PASSED.**

**That the Premier Basketball All Star Weekend (Rainmen), page 6 of the staff report, be given qualifying status and awarded a grant of \$50,000 based on amendments to the scoring criteria as outlined in the Discussion section of the April 14, 2010 report.**

**MOTION PUT AND PASSED.**

**That the Baseball Championships - 2010 Senior Mens award be increased to \$15,000 from \$12,500.**

**MOTION PUT AND PASSED.**

**That the New Year's Eve Event award be increased to \$40,000 from \$30,000.**

**MOTION PUT AND PASSED.**

**That the Manifesto East award be decreased to \$15,000 from \$26,000 due to the amendments to the scoring criteria as outlined in the Discussion section of April 14, 2010 report.**

**MOTION PUT AND PASSED.**

**12. MOTIONS**

**13. ADDED ITEMS**

**14. NOTICES OF MOTION**

**14.1 Councillor Dalrymple**

Take notice that at the next regular Regional Council meeting to be held on Tuesday, the 11<sup>th</sup> day of May, 2010, I intend to move approval of an amendment to Administrative Order 45, Respecting Private Road Maintenance, to add Schedule 5 to permit the implementation of Private Road Maintenance Fees for River Bend Road and River Court, private roads located in Enfield.

**15. ADJOURNMENT**

The meeting was adjourned at 7:14 p.m.

Cathy Mellett  
Acting Municipal Clerk

**INFORMATION ITEMS**  
**May 4, 2010**

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1. Proclamation - Sexual Assault Awareness Month - May 2010
2. Proclamation - Multiple Sclerosis Awareness Month - May 2010
3. Memorandum from Director, Business Planning & Information Management dated April 6, 2010 re: Resident Petition - Request to Rename Torrington Drive, Bedford
4. Memorandum from Director, Legal Services & Risk Management dated April 22, 2010 re: Status of By-Law Prosecutions - January 1 - 31, 2010
5. Memorandum from the Acting Clerk Manager dated April 30, 2010 re: Requests for Presentation to Council - None