

HALIFAX REGIONAL MUNICIPALITY

HALIFAX REGIONAL COUNCIL MINUTES November 13, 2001

PRESENT:

Mayor Peter J. Kelly
Deputy Mayor Robert P. Harvey
Councillors: Stephen Streach
Gary Hines
Keith Colwell
Ron Cooper
Harry McInroy
Brian Warshick
Condo Sarto
Bruce Hetherington
Jim Smith
John Cunningham
Jerry Blumenthal
Dawn Sloane
Sue Uteck
Sheila Fougere
Russell Walker
Diana Whalen
Linda Mosher
Stephen D. Adams
Brad Johns
Len Goucher
Reg Rankin
Gary Meade

REGRETS:

Councillors: Keith Colwell
Brad Johns

STAFF MEMBERS:

Mr. George McLellan, Acting Chief Administrative Officer
Mr. Wayne Anstey, Municipal Solicitor
Ms. Vi Carmichael, Municipal Clerk
Ms. Patti Halliday, Assistant Municipal Clerk

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1. **INVOCATION**

Mayor Kelly called the meeting to order at 6:00 p.m. with the Invocation being led by Councillor Goucher.

Acknowledgements

On behalf of the residents of Bedford, Councillor Goucher expressed thanks to HRM Fire Services for their quick response to the recent townhouse fire in the Brookshire Court area of Bedford.

Later in the meeting, Councillor Rankin recognized the presence in the gallery of the 1st Timberlea Scout Troop, along with their parents and troop leaders.

2. **PROCLAMATIONS**

**SPECIAL PRESENTATION - Audrey Manzer, Chair - Dartmouth Lakes
Advisory Board**

Councillor Hetherington and Mayor Kelly made a presentation to Audrey Manzer, Chair, Dartmouth Lakes Advisory Board, in honour of her service and dedication to the Board over the last 30 years.

3. **APPROVAL OF MINUTES - October 30, 2001**

MOVED by Councillor Blumenthal, seconded by Councillor Hetherington, that the minutes of October 30, 2001, be approved, as circulated. MOTION PUT AND PASSED UNANIMOUSLY.

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

The following items were added to the agenda:

- 13.1 Property Matter - Lease Agreement - Cole Harbour Place
- 13.2 Property Matter - Property Acquisition - 3090, 92, 94 Windsor Street
- 13.3 Legal Matter - Settlement of Claim
- 13.4 Legal Matter - Harbour Solutions

MOVED by Councillor Hines, seconded by Councillor Blumenthal, that Item 9.1 Public Hearing - Property Sale - 116 Lakeview Road - Halifax Regional Search and

Rescue be deferred until January 15, 2002. MOTION PUT AND PASSED UNANIMOUSLY.

It was agreed to move Item 11.1.5 Case 00389 - Application by Shelby CarGo Ltd. to amend the Secondary Planning Strategy for Downtown Dartmouth to fall under Item 8 - Deferred Business.

Councillor Uteck requested that Information Item #4 - Memorandum from Director, Public Works & Transportation Services, dated November 8, 2001 re: Armview Corridor Shortcutting - Next Steps, be added to the agenda.

MOVED by Councillor Hetherington, seconded by Councillor Sloane, that the Order of Business, Additions and Deletions, be approved. MOTION PUT AND PASSED UNANIMOUSLY.

5. BUSINESS ARISING OUT OF THE MINUTES

6. MOTIONS OF RECONSIDERATION - NONE

7. MOTIONS OF RESCISSION - NONE

8. CONSIDERATION OF DEFERRED BUSINESS - Nov. 6/01

8.1 Use of Public Funds by School Boards - Councillor Hines

C This item was discussed during the November 6, 2001 Regional Council session. When that meeting adjourned, the following motion was still on the floor:

MOVED by Councillor Hines, seconded by Councillor Colwell, that the Mayor send a letter to the Minister of Education in support of the cessation of school boards and the beginning of the much needed restructuring of the Education Department. Further, that Council pursue some sort of legislation that allows municipalities, if they are not pleased with the answers and actions received from the School Board, to take further action, whether it be directly through to the Province or within the municipality's own legislation under the School Board Act.

For the record, Councillor Hines read the motion that was currently on the floor. As the original seconder, Councillor Colwell, was not present, Councillor Sloane seconded the motion.

MOVED by Councillor Hines, seconded by Councillor Sloane, that the Mayor send a letter to the Minister of Education in support of the cessation of school boards and the beginning of the much needed restructuring of the Education Department. Further, that Council pursue some sort of legislation that allows municipalities, if they are not pleased with the answers and actions received from the School Board, to take further action, whether it be directly through to the Province or within the municipality's own legislation under the School Board Act.

Councillor Cunningham expressed concern with the word "cessation" and suggested the motion was not appropriate. The Councillor stated the calling for the cessation of school boards is a "knee-jerk" reaction to the recent reports of some abuse on the part of some school boards. Councillor Cunningham noted the Department of Education is investigating the situation and suggested the end result will be stronger school boards. The Councillor noted there are many hard-working citizens serving on school boards throughout the Province, and they make an invaluable contribution to the community. Councillor Cunningham stated before he could even consider the motion on the floor, he would require a substantial amount of additional information.

Speaking against the motion, Councillor Sarto stated it is a matter for the provincial Department of Education to investigate and to be accountable to the public. The Councillor stated it is wrong to paint all school boards with the same brush, and to ban all school boards would be an affront to the taxpayers.

Councillor Blumenthal stated the motion was too heavy, and suggested if it was changed to be referred it to the Union of Nova Scotia Municipalities to look at the structure of school boards, he could support it.

Councillor Cooper stated he believes a lot of the recent problems with the school boards were related to internal workings of the boards or the staff of the boards. The Councillor stated the motion on the floor is probably beyond the scope of Council. However, he noted the portion regarding the much needed restructuring of the Education Department is well worth pursuing.

Based on the comments made, Councillor Hines agreed to amend his motion to replace the word "cessation" with "review." The Secunder was in agreement with this amendment. The amended motion now read as follows:

MOVED by Councillor Hines, seconded by Councillor Sloane, that the Mayor send a letter to the Minister of Education in support of the review of school boards and the beginning of the much needed restructuring of the Education Department. Further, that Council pursue some sort of legislation that allows municipalities, if

they are not pleased with the answers and actions received from the School Board, to take further action, whether it be directly through to the Province or within the municipality's own legislation under the School Board Act.

Councillor Hines agreed with Councillor Cunningham that there are good school board members, but stated that their superiors failed them. The Councillor stated the only way to eliminate these senior positions is through restructuring.

Speaking in support of the motion, Councillor Adams stated he believes it comes from an inherent frustration on the part of Council with regard to school board issues and attempts to receive responses from them.

Also speaking in support of the motion, Councillor McInroy stated the funding of school boards and the lack of fiscal responsibility is clearly a concern throughout the Province, and this is the focus he would like to see addressed.

Councillor Goucher stated there would be provincial-wide fallout from this motion if it passes. The Councillor noted there are a lot of serious issues with respect to this matter, funding being one of the most relevant. Due to the fact that this is a province-wide issue, Councillor Goucher put forth the following motion:

MOVED by Councillor Goucher, seconded by Councillor Blumenthal, that this matter be referred to the Union of Nova Scotia Municipalities to investigate.

Councillor Hetherington agreed with the referral, but suggested Council should vote on the issue first, and then send the adopted motion on to the UNSM. Councillor Goucher agreed to withdraw the motion at this time.

MOTION WITHDRAWN.

Mayor Kelly suggested the referral to UNSM could be added as an amendment to the motion. Both the Mover and Seconder of the motion agreed to this amendment. The amended motion now read as follows:

MOVED by Councillor Hines, seconded by Councillor Sloane, that the Mayor send a letter to the Minister of Education in support of the review of school boards and the beginning of the much needed restructuring of the Education Department, and that the matter also be referred to UNSM. Further, that Council pursue some sort of legislation that allows municipalities, if they are not pleased with the answers and actions received from the School Board, to take further action, whether it be

directly through to the Province or within the municipality's own legislation under the School Board Act.

Mr. George McLellan, Acting Chief Administrative Officer, stated the matter yet to be addressed is what would replace school boards if they were eliminated. Mr. Wayne Anstey, Municipal Solicitor, stated it was his understanding that the intent of referring the matter to UNSM was so it could express its opinion on the issue of school boards.

Councillor Warshick expressed concern with the change of the word "cessation." The Councillor stated that requesting a review may not be a strong enough action. Councillor Warshick also expressed concern with the time frame in which UNSM will be able to deal with this issue.

Councillor Streach spoke in support of the amended motion.

Councillor Smith stated he would support asking for the restructuring of the Education Department.

Speaking against the motion, Councillor Walker stated it is not within HRM's domain.

Speaking in support of the motion, Councillor Blumenthal stated he knows UNSM would deal with the issue quickly.

Deputy Mayor Harvey agreed with Councillor Walker that this issue is not within HRM's jurisdiction and stated he has full confidence that the Minister will deal with the boards involved.

Councillor Hetherington noted HRM gives over \$80 million to the Halifax Regional School Board, and, therefore, Council needs to have some accountability back to the people it represents.

Closing the debate, Councillor Hines stated the reason for his motion was due to the extreme waste indicated by some school boards that is presently being investigated. The Councillor stated he is only asking for support to the Minister to bring some accountability to the school boards.

MOTION PUT AND PASSED.

8.2 Point Pleasant Sewer Project - Councillor Uteck

Councillor Uteck requested a staff report regarding a letter sent in 1998 to the residents of Point Pleasant Drive who have no septic services. The Councillor noted a petition

regarding the costs was also sent to the residents. The cost at the time was \$225,000. The project was then delayed due to the Harbour Solutions Project, and staff has now said the cost is \$398,000. Councillor Uteck asked that the report respond to the following:

- (a) Did the residents agree to local charges in 1998?
- (b) How do local improvement charges work in general?
- (c) Why was this project delayed?
- (d) What is a reasonable estimate of the cost to the homeowner of hooking up to the sewer line (excluding the \$130.00 per foot charge)?
- (e) As part of the sewer hook up, will Point Pleasant Drive be moved to capital budget 2002 for street upgrades as well?

Councillor Uteck requested that a copy of the letter that was sent to the residents be included as part of the staff report. The Councillor also asked that staff work in conjunction with staff of Point Pleasant Park regarding any blasting that has to be done.

MOVED by Councillor Uteck, seconded by Councillor Fougere, that the matter be referred to staff for a report. MOTION PUT AND PASSED UNANIMOUSLY.

8.3 Property Disposal - Lot G, Crane Lake Drive, Bayers Lake Business Park

- C This item was discussed during an In Camera session on November 6, 2001, and was now before Council for its consideration.

MOVED by Councillor Whalen, seconded by Councillor Walker, that the following In Camera recommendation be adopted:

THAT Halifax Regional Municipality authorize the Mayor and Municipal Clerk to enter into an Agreement of Purchase and Sale whereby Lot G, Crane Lake Drive, at an area of approximately 32,541 square feet, subject to final Plan of Survey and Legal Description, at a price of \$3.75 per square foot, for a total of \$122,029.00 be conveyed to Master Promotions Ltd; and, further, that the October 19, 2001 Private and Confidential staff report not be released to the public until this transaction has closed. MOTION PUT AND PASSED UNANIMOUSLY.

8.4 Property Buy-Back - Lot 64-9D Crane Lake Dr., Bayers Lake Business Park

- C This item was discussed during an In Camera session on November 6, 2001, and was now before Council for its consideration.

Councillor Blumenthal stated he would like to have this item deferred for one week as staff was not present to respond to questions of clarification.

MOVED by Councillor Blumenthal, seconded by Councillor Sloane, that this item be deferred for one week. MOTION PUT AND PASSED UNANIMOUSLY.

8.5 Sale of 43 Wentworth Street, Dartmouth

C This item was discussed during an In Camera session on November 6, 2001, and was now before Council for its consideration.

MOVED by Councillor Cunningham, seconded by Councillor Hetherington, that the following In Camera recommendation be adopted:

- 1. That Regional Council authorize the Mayor and Municipal Clerk to enter into an Agreement of Purchase and Sale whereby the property, as shown on Attachment 1 of the September 20, 2001 Private and Confidential staff report, located at 43 Wentworth Street, Dartmouth, be conveyed to Feeding Others of Dartmouth Society for the sum of \$1.00, subject to the preparation of a Site Survey and a Legal Description and the terms and conditions as set out in the Discussion Section of the September 20, 2001 report; the municipality shall retain the right of first refusal to reacquire the property for the sum of \$1.00; and,**
- 2. Authorize staff to set a date of December 4, 2001, for a Public Hearing, concerning the transfer of title of municipal property at less than market value; and,**
- 3. Authorize the immediate release of the September 20, 2001 Private and Confidential staff report to the public. MOTION PUT AND PASSED UNANIMOUSLY.**

8.6 Pension Claim

C This item was discussed during an In Camera session on November 6, 2001, and was now before Council for its consideration.

MOVED by Councillor McInroy, seconded by Councillor Sarto, that the following In Camera recommendation be adopted:

That Regional Council settle this claim brought by the Employee in the amount of \$40,000 as settlement in full upon obtaining a full release from the Employee from any further claims arising out of his employment with HRM and any former municipality to date, in accordance with the terms set out in the October 17, 2001 Private and Confidential staff report. **MOTION PUT AND PASSED UNANIMOUSLY.**

8.7 CAO Review Committee Recommendation

C This item was discussed during an In Camera session on November 6, 2001, and was now before Council for its consideration.

MOVED by Councillor Hetherington, seconded by Councillor Blumenthal, that the following In Camera recommendation be adopted:

1. That the Interim CAO present a one year business plan to be submitted to the CAO Review Committee within two weeks, developed in three (3), six (6), nine (9) and twelve (12) month increments with performance to be evaluated by the CAO Review Committee in mid-January.
2. That the stipend payable to the Acting CAO be increased by an amount of \$750.00 per month, up to \$125,000 per year, while in the Acting CAO position, to be paid retroactively to date of appointment. **MOTION PUT AND PASSED UNANIMOUSLY.**

8.8 Removal of Garbage from the Metro Food Bank - Councillor Johns

As Councillor Johns was not present, Deputy Mayor Harvey requested that this item be deferred.

MOVED by Deputy Mayor Harvey, seconded by Councillor Hetherington, that this item be deferred. MOTION PUT AND PASSED UNANIMOUSLY.

As agreed to during Approval of the Order of Business, Council dealt with Item 11.1.5 Case 00389 - Application by Shelby CarGo Ltd. to amend the Secondary Planning Strategy for Downtown Dartmouth at this time.

11.1.5 Case 00389 - Application by Shelby CarGo Ltd. to amend the Secondary Planning Strategy for Downtown Dartmouth

- C A supplementary staff report prepared for Paul Dunphy, Director, Planning and Development Services, regarding the above, was before Council for its consideration. The report recommended that: *Council **not initiate** an amendment to the Downtown Dartmouth Secondary Planning Strategy to enable autobody repair and paint uses at One Pine Street in Downtown Dartmouth.*
- C Correspondence from Joy Woodford, dated November 12, 2001, regarding the above, was circulated to Council for its consideration.
- C Correspondence from Jill Brogan, Dartmouth Cove Area Residents Association, dated November 11, 2001, regarding the above, was circulated to Council for its consideration.
- C Correspondence from Robert Bell, Innovative Properties Limited, regarding the above, was circulated to Council.
- C An information package from Mr. David Quinlan, Shelby CarGo Ltd., regarding the above, was circulated to Council.
- C A memorandum from Mayor Peter Kelly to Members of Council, regarding the above, was circulated to Council.
- C Later in the meeting, Councillor Cunningham served a petition from residents opposing the application (Item 10.1.6), and Councillor Streach served a petition from residents in support of the application (Item 10.1.1).

MOVED by Councillor Cunningham, seconded by Councillor Fougere, that Council not initiate an amendment to the Downtown Dartmouth Secondary Planning Strategy to enable autobody repair and paint uses at One Pine Street in Downtown Dartmouth.

Councillor Cunningham noted that Mr. Quinlan's petition referenced the type of work performed by Standard Auto Glass, the former occupant of the property. The Councillor stated Planning Services maintains that Standard did not have the right to perform autobody and paint service, and the Utility and Review Board did uphold that decision. Both agreed that, in the replacement of glass, there may have been the need to do some minor body or paint work around the windows, and Planning Services maintains that use can still be carried on. However, Councillor Cunningham noted that Shelby CarGo is requesting to be permitted to perform full autobody repair and painting service, and this is what the community opposes.

Councillor Cunningham noted he has two petitions signed by residents of the downtown, and immediately adjacent areas, strongly opposing the legitimization of autobody repair and spray painting in the downtown core, and, specifically, One Pine Street. The Councillor stated the Downtown Dartmouth Development Corporation has stated it is adamantly opposed to this application. Also, the Central Dartmouth Neighbourhood Association has clearly stated that it does not wish to have this use in the downtown. Councillor Cunningham stated the supplementary staff report before Council responds to the concerns previously raised by Council, and it still recommends that an amendment to the MPS not be initiated. The Councillor stated his remarks are not meant to oppose Mr. Quinlan, but rather to support the residents and businesses in the downtown. Councillor Cunningham stated the MPS process took two and half years, and it was very clear in that process that this is a use the residents do not want in that area. In closing, the Councillor asked Council for its support in this motion.

Councillor Streach expressed concern with the affect this will have on Mr. Quinlan's livelihood. Responding to questions of the Councillor, Ms. Jacqueline Hamilton, Planner, stated Shelby CarGo has been in its current location since June 2000, which was prior to the implementation of the Downtown Dartmouth MPS. In response to a further question of the Councillor, Mr. Paul Dunphy, Director, Planning and Development Services, stated the Shelby CarGo business was not authorized and was operating illegally at this location. At the time Mr. Quinlan applied for the necessary permits, Mr. Dunphy stated they were refused and the matter proceeded to the Utility Review Board for a decision. When the permits were finally issued, they were issued for the restricted use of car sales and auto glass repair. Mr. Dunphy stated there was never any permit issued that authorized autobody or painting work. When this work commenced, Mr. Quinlan was informed it was illegal and unauthorized. Mr. Dunphy noted, that, out of empathy, staff attempted to find an alternative location for the business, but were unsuccessful.

Mr. Dunphy stated the understanding that staff has from Council is when there is an illegal operation, regardless of the circumstances, Council wishes these to be prosecuted. Where there is an existing policy in an MPS that allows Council to consider rezoning or a development agreement, that is brought forward to Council to determine whether or not Council wants to authorize it. In this case, Mr. Dunphy stated there is no such policy.

Responding to questions of Councillor Blumenthal, Ms. Hamilton stated she met with Mr. Quinlan, and his solicitor, Mr. Bright, on November 6th. At that time, they reviewed the previous staff report and the concerns Mr. Bright had with it, which focussed on the fact that he felt that the proposed change was a minor change to the MPS, and, therefore, should be considered. Staff explained that, in their view, the change is major since this issue is specifically addressed in the Downtown Dartmouth MPS and there was clear direction from the public on this issue. Staff also raised concern with the exterior impacts on the surrounding residential neighbourhood from this type of operation.

Councillor Blumenthal expressed concern with Mr. Quinlan's petition, in that all the signatures did not have accompanying addresses, and some of the addresses given were not from the downtown area. The Councillor noted that if this application is denied, Mr. Quinlan will still be permitted to perform part of his business. Therefore, he stated he would support the motion.

Councillor Goucher noted the MPS is a legal document to protect the rights and integrity of the planning process and the residents of the area. The Councillor noted he sympathizes with the issue, but Council needs to rely on and enforce its planning document which was written on behalf of the residents.

Speaking in support of the motion, Councillor Fougere stated Council heard clearly from the residents and businesses of Dartmouth how strongly they supported the MPS, as it was presented. The Councillor stated the fact that this business is operating outside the bounds of what is legal has to be taken into consideration. Councillor Fougere stated it behoves business owners to make sure they are aware of the restrictions and regulations before purchasing and using property for their business.

Councillor Smith expressed concern regarding the impacts that autobody painting and repair have on the people who live in the surrounding area. The Councillor stated the MPS was put in place so that these operations are placed outside residential areas.

Speaking in support of the motion, Councillor Sloane stated she receives complaints regarding similar businesses in her District, and Council needs to follow the rules.

Closing the debate, Councillor Cunningham stated this is a difficult and emotional situation. However, the Councillor stated the MPS and zoning are extremely important parts of an urban setting, and are in place for the good of the whole community and neighbourhood. The Councillor stated the most important goal of zoning and the MPS is to preserve the integrity of the community, and for that reason, he asked Council to support the motion.

MOTION PUT AND PASSED.

9. PUBLIC HEARING - 6:00 pm

9.1 Property Sale - 116 Lakeview Road - Halifax Regional Search & Rescue

During the Approval of the Order of Business, this item was deferred to January 15, 2002.

10. CORRESPONDENCE, PETITIONS & DELEGATIONS

10.1 Petitions

10.1.1 Councillor Streach - Shelby's Car/Go Ltd.

Councillor Streach tabled a petition from residents in support of Shelby's Car/Go application to amend the Secondary Planning Strategy for Downtown Dartmouth.

10.1.2 Councillor Warshick - Request for Sidewalk, Andover Street

Councillor Warshick served a petition from Michael Wallace School requesting that a sidewalk be installed on the school side of Andover Street, Dartmouth. The Councillor asked that the petition be forwarded to staff for consideration.

10.1.3 Councillor Goucher - Summer Cove Condominium, Noise By-Law

Councillor Goucher served a petition containing 142 signatures of residents of Nelson's Landing requesting that Council deny Greater Homes application for an exemption from the Noise By-Law. The Councillor asked that the petition be kept for the upcoming public hearing on this issue.

10.1.4 Councillor Goucher - Diesel engine enhanced braking system "Jake Brakes"

Councillor Goucher submitted correspondence from a resident expressing concern with the use of diesel engine enhanced braking systems on tractor trailer units.

10.1.5 Councillor Goucher - Halloween Curfew

Councillor Goucher submitted correspondence from a resident requesting that a curfew be set for Halloween night.

10.1.6 Councillor Cunningham - Shelby's Car/Go Ltd.

Councillor Cunningham tabled a petition from residents in opposition of Shelby's Car/Go application to amend the Secondary Planning Strategy for Downtown Dartmouth.

10.1.7 Councillor Adams - Proposed Sewage Treatment Plant in Herring Cove

Councillor Adams read into the record correspondence from the Herring Cove RatePayers Association in support of the harbour clean up and the proposed sewage treatment plant in Herring Cove. The Councillor noted copies of the correspondence have already been circulated to Council.

10.2 Presentation

10.2.1 Halifax Forum Expansion - Al Driscoll

C The Halifax Forum Community Association, Bingo Hall Construction Business Plan, dated September 2001, was before Council for its consideration.

Mr. George Findlay, Chairman, and Mr. Al Driscoll, General Manager, Halifax Forum Community Association, made a presentation to Regional Council regarding the Halifax Forum Expansion.

Responding to a question of Councillor Blumenthal, Mr. Findlay stated the possibility of the Association going through the Municipality to obtain a loan at a better interest rate is being requested in the business plan.

MOVED by Councillor Blumenthal, seconded by Councillor Adams, that this matter be referred to staff for a report.

In response to a question of Councillor Fougere regarding parking, Mr. Driscoll stated there are 225 parking spots in the north lot and 185 parking spots north of the current multi-purpose centre, and another 112 parking spaces will be added. The maximum seating capacity of the new bingo facility will be 700 people. The current average number in attendance is between 400-500.

Responding to a question of Councillor Streach, Mr. Findlay stated HRM owns the complex, and the Halifax Forum Community Association is an incorporated management group who voluntarily work to operate the Forum. In response to an additional question of the Councillor, Mr. Findlay stated one or two evenings a week are provided for charitable bingo events.

MOTION PUT AND PASSED UNANIMOUSLY.

11. REPORTS

11.1 CHIEF ADMINISTRATIVE OFFICER

11.1.1 Tender 01-156, Centennial Pool Parking Lot

C A staff report prepared for Mike Labrecque, Director, Real Property Services, regarding the above, was before Council for its consideration.

MOVED by Councillor Sloane, seconded by Councillor Goucher, that:

- 1. Council increase capital budget, CB100075, Parking Area “J” Expansion in the amount of \$51,685.**
- 2. Tender No. 01-156: Centennial Pool Parking Lot be awarded to the lowest bidder Dexter Construction Limited for \$131,900 excluding HST, and an allowance of \$19,785 for rock removal, testing, quality control, and unforeseen conditions for a total cost including HST of \$151,685.00 with funds to be derived from CB100075 Parking Area “J” Expansion. This project is eligible for 100% HST input tax credit.**
- 3. The over expenditure of \$51,685 will be financed through the reduction of the subsidy given to the Centennial Pool Association over a three year period.**

Responding to a question of Councillor Uteck, Mr. Dennis Huck, Manager, Custodial Services, Building Management Services, stated this was an initiative between the Centennial Pool Association and HRM. The intent is that money raised through the rental of space will be used to help the operations of the pool. It is anticipated that there will be an \$84,000-\$86,000 surplus each year on the operations of the parking lot that will be used to help reduce the subsidy now being served, or to increase the operations or infrastructure of the facility. Councillor Uteck expressed concern with some major maintenance issues facing the Centennial Pool in the next couple of years under this agreement. The Councillor stated she wanted assurances that the money will go back into the physical building and not staffing. Mr. Mike Labrecque, Director, Real Property Services, stated staff currently plans all of the capital requirements in the course of the year with the Associations, and this is one of them. The management agreement will help direct the funds back into the facility itself.

In response to a question of Councillor Hines, Mr. Labrecque stated a grid survey of the area was completed and the intent of the \$19,785 allowance was to provide some form of a contingency in the event it was needed.

Speaking in support of the motion, Councillor Sloane stated this will be a benefit to the facility.

Councillor Warshick noted the amount of the allowance is exactly 15 percent of the tender, and stated Council made it very clear that 15 percent contingency is no longer acceptable.

MOTION PUT AND PASSED UNANIMOUSLY.

11.1.2 Tender 01-256, Partial Award - Resurfacing, Western Region

- C A staff report prepared for Kulvinder Dhillon, Director, Public Works and Transportation Services, regarding the above, was before Council for its consideration.

MOVED by Councillor Sloane, seconded by Councillor Blumenthal, that Council award modified Tender No. 01-256, Resurfacing - Western Region, to Dexter Construction Company Limited for materials and services listed at the unit prices quoted for a Tender Price of \$241,975.00 plus net HST and 10% for quality control/quality assurance and unforeseen works for a Total Project Cost of \$283,273.00 with funding authorized as per the Budget Implications Section of the staff report dated November 5, 2001.

Councillor Walker requested a staff report to respond to the following: (1) Was the tender higher than expected? (2) If so, should the two deferred streets be re-tendered?

MOTION PUT AND PASSED UNANIMOUSLY.

11.1.3 Purchase of Systems Furniture for 2750 Dutch Village Rd. Relocation

- C A staff report prepared for Mike Labrecque, Director, Real Property Services, regarding the above, was before Council for its consideration.

MOVED by Councillor Uteck, seconded by Councillor Fougere, that Council approve the award of a contract to Office Interiors for \$125,893.84 including net taxes from account CB100175 for the purchase of systems furniture, disassembly of all systems furniture at 2750 Dutch Village Road and assembly of systems furniture at the West End Mall.

Responding to a question of Councillor Walker regarding storage space for Planning and Development Services at the new location, Mr. Phil Townsend, Manager, Capital Budget, Real Property Services, stated it is his understanding that there is a storage room available and staff is currently pricing a rolling file system to accommodate the storage. Mr. Paul Dunphy, Director, Planning and Development Services, added that staff of Planning and Development have been closely involved with Real Property Services on the design of the space. Mr. Dunphy confirmed there is storage space available and the rolling file system will allow the maximum number of files to be stored in the smallest amount of space. Therefore, he stated he did not anticipate any problems.

In response to a question of Councillor Adams regarding the rolling file system, Mr. Dunphy stated it is his understanding that it will accommodate all the Planning and Development files. If there are any problems, he will raise them with Real Property Services.

Councillor Sloane suggested HRM should look at the possibility of creating a digital catalogue for Planning and Development Services.

Councillor Hines requested that Council be provided with a copy of the Sole Sourcing Policy.

MOTION PUT AND PASSED UNANIMOUSLY.

11.1.4 Sale / Donation 36 Greenhead Road, Lakeside (supp report) (to set public hearing date - Dec. 4)

C A supplementary staff report prepared for Dan English, Deputy Chief Administrative Officer, regarding the above, was before Council for its consideration.

Councillor Rankin noted that adequate notice was not provided to the general public, as per the Municipal Government Act, regarding the public hearing for the sale of this property. Therefore, staff is recommending that this be remedied by holding a new duly advertised public hearing.

MOVED by Councillor Rankin, seconded by Councillor Meade, that Regional Council approve a public hearing date of December 4, 2001 for the sale of the property at 36 Greenhead Road, Lakeside. MOTION PUT AND PASSED UNANIMOUSLY.

11.1.5 Case 00389 - Application by Shelby CarGo Ltd. to amend the Secondary Planning Strategy for Downtown Dartmouth (supp report)

This item was addressed under Item 8 - Deferred Business.

11.1.6 College de l'Acadie - Connection of Municipal Sewer

C A staff report prepared for Dan English, Acting Chief Administrative Officer, regarding the above, was before Council for its consideration.

MOVED by Councillor Warshick, seconded by Councillor Sarto, that Halifax Regional Council approve the connection of College de l'Acadie in Port Wallace to

the Municipality's sewer system in that area, subject to the Province and/or College agreeing to the following conditions:

- a) That all conditions are met for the connection of the P3 School, L'Ecole Boise-Jolie, to the Municipality's sewer system;**
- b) That the Province and/or College resolve, to the satisfaction of the Development Engineer, any capacity of operational issues related to the impact of connecting to the Municipality's sewer system;**
- c) That the Province and/or College obtain approval from the Provincial Department of the Environment and Labour with respect to connecting to the Municipality's sewer systems, which approval is to be provided prior to the issuance of any permit to connect to the Municipality's sewer system.**
- d) That the Province and/or College agree to pay any Municipal fees and charges normally required pursuant to any legislation or by-law, which fees and charges are to be paid prior to the issuance of any permit to connect to the Municipality's sewer system.**
- e) That the Province and/or College agree to initiate any Municipal Plan Amendment process related to changes in the Development Boundary at Port Wallace, including the payment of any related fees and costs;**
- f) That the Province and/or College pay a sewer connection charge of \$24,000 to be paid prior to the issuance of any permit to connect to the Municipality's sewer system.**

Councillor Fougere expressed concern with the wording "and/or" throughout the motion. Mr. Peter Duncan, Sr. Development Engineer, stated there really is no legal document to be signed, as it is just a straight permitting function. The Councillor noted permitting issues can be appealed through the Utility and Review Board. Mr. Wayne Anstey, Municipal Solicitor, advised that the approval to connect to HRM's pipe is not appealable to the URB. Mr. Anstey stated as long as someone applies and pays, it does not matter to the Municipality if it is the Province or the College.

Responding to a question of Councillor Sarto, Mr. Duncan stated the sewer line does not extend beyond the boundary, so they will have to run a long lateral along the shoulder of the future street to tie into the sewer line.

In response to a question of Councillor Warshick, Mr. Duncan stated the cost to tie into the sewer system will be in the vicinity of \$50,000 plus the \$24,000 hook-up fee. Responding to a further question of the Councillor, Mr. Duncan stated two of the existing schools share a common lateral and staff is asking that this be rectified before the third school is permitted to tie into the sewer.

MOTION PUT AND PASSED UNANIMOUSLY.

RECESS

A recess was taken at 7:55 p.m. The meeting reconvened at 8:05 p.m.

11.2 MEMBERS OF COUNCIL

11.2.1 Councillor Fougere - Charitable Organizations - Solid Waste Expenses

Councillor Fougere noted that a lot of physical items donated to charities are not useable by the receiving organizations for one reason or another. When that happens, those organizations are charged with disposing of those particular goods. The Councillor noted that, due to HRM's waste strategy, an expense has developed for those organizations, where previously none existed, as they have to pay tipping fees for the garbage that they dispose of and hire a private hauler to remove the garbage. Councillor Fougere stated the food banks receive a huge amount of goods from the grocery stores, some of it damaged, that they have to sort through to see what is useable. Through this process, the Councillor stated the grocery stores have put a huge expense upon the food bank as the grocery stores no longer have to pay to get rid of unusable goods, but the food bank does. Councillor Fougere noted the same is true for other donations such as clothing, furniture, etc. The Councillor stated she does not think HRM should be picking up the expense due to the huge number of charitable organizations throughout the Municipality, but, stated, at the very least, HRM needs to look at helping to inform the public that, in fact, they need to be careful about what they are donating to these charities.

Councillor Fougere asked for a staff report to address some strategies to help HRM, as the creator of this problem, to assist those charitable organizations to offset this expense that has been created for them. For example, a public relations campaign could be developed to let the public know that they have to be careful in what they donate to ensure it is useful to the organization and does not become an expense for them to dispose of it.

MOVED by Councillor Fougere, seconded by Councillor Goucher, that this matter be referred to staff for a report.

Councillor Walker requested that the report also look at the possibility of the Superstore or Sobeys contributing money to these organizations for goods that are not acceptable and have to be discarded.

Councillor Blumenthal cautioned Council from getting too stringent so that these companies stop donating products.

Councillor Sloane suggested some kind of network between the charitable organizations should also be considered, whereby goods unusable to one organization may be sent to another organization that could benefit from them.

MOTION PUT AND PASSED UNANIMOUSLY.

12. MOTIONS

12.1 Councillor Mosher

“That Council adopt as a policy pursuant to Section 521 of the Municipal Government Act, an amendment to Administrative Order 7, the Chebucto Community Council Administrative Order, the purpose of which will be to delete District Number 11, Halifax North End, District 12, Halifax Downtown, District 13, Northwest Arm-south End and District 14, Connaught-Quinpool from the Chebucto Community Council and further to adopt Administrative Order Number 28, the Peninsula Community Council Administrative Order the purpose of which will be to create a Community Council Administrative Order the purpose of which will be to create a Community Council made up of the said District Numbers 11, 12, 13 and 14. This amendment and enactment shall be effective December 1st, 2001.”

C Correspondence from Hiram Tiller and William Phillips, regarding the above, was before Council for its consideration.

C An Information Report prepared for Vi Carmichael, Municipal Clerk, regarding Community Council costs, was before Council for its information.

MOVED by Councillor Mosher, seconded by Councillor Whalen, that BE IT RESOLVED that Administrative Order No. 7, the Chebucto Community Council Administrative Order be amended as follows:

- 1. Section 2 of said Administrative Order 7 is amended by deleting therefrom the words, numbers and punctuation “11, Halifax North End, polling district 12, Halifax Downtown, polling district 13, Northwest Arm-South End, polling district 14, Connaught-Quinpool, polling district” immediately following the word “district” as it first appears in the third line thereof.**
- 2. This amendment shall take effect December 1, 2001.**

Councillor Mosher referenced the correspondence submitted from Mr. Hiram Tiller and Mr. William Phillips, regular attendees at the Community Council meetings, which supported the proposed amendment to Administrative Order 7. The Councillor noted the current Chebucto Community Council consists of eight Districts, one-third of the entire Council. Councillor Mosher stated some residents have indicated to her that they are uncomfortable speaking in front of such a large group. Also, due to the length of the agendas, residents sometimes have to wait over two hours to speak to an issue. The Councillor noted this Community Council also has reduced representation on Boards and Committees. With respect to staff costs, Councillor Mosher stated it would be the same if the Community Council was split. The Councillor stated she finds the communities included in the eight Districts are diverse and dissimilar with respect to development, zoning, densities, watercourses, etc. In closing, Councillor Mosher asked for Council's support in ensuring that Community Councils fulfill the goal of representing local interests.

Speaking against the motion, Councillor Blumenthal stated that, with respect to meeting length, some issues have come to Community Council that should have been sent to directly to Regional Council. The Councillor stated a Community Council of eight members can speak with a strong voice. However, Councillor Blumenthal did agree with Councillor Mosher that representation on Committees is lessened by only having one representative on a Committee for eight Districts. The Councillor suggested the current Community Council should continue for another year, noting he never received anything but good comments from his residents regarding the issue.

Councillor Uteck noted Community Councils save time for Regional Council, not the public. The Councillor noted that all five Community Councils only had 72 members of the public come forward at an annual cost of \$90,000. Councillor Uteck suggested the issue should be to re-look at the Community Councils as a whole, and not about dividing or splitting.

Councillor Sloane stated the Community Council should stay together, and perhaps it should have two representatives on Committees. The Councillor suggested splitting the Community Council is not the answer.

Councillor Streach noted this is the third or fourth time this issue regarding the Chebucto Community Council has been before Council in the last two years, and it needs to be

resolved. With respect to representation on Committees, the Councillor stated basing the number of votes on population does not seem fair, and Councillors should be representing all residents when serving on boards and committees.

Councillor Walker noted the public participant numbers in the Information Report do not include public hearings, the people in the gallery, etc. The Councillor stated Community Councils should not be forced to keep former municipal unit boundaries, noting that bigger is not better when it comes to community issues. Councillor Walker stated residents have told him the Chebucto Community Council has become too large and has gone out of the community realm of dealing with issues. With respect to costs, the Councillor stated he doubts the total cost will change much.

Speaking in support of the motion, Councillor Whalen stated this larger Community Council was entered into by its members in an optimistic manner, hoping it would bring a more commonality of understanding. However, the Councillor noted it does not appear that any direct benefits have been derived from it. Councillor Whalen stated one of her major concerns is planning, and expressed concern with the absence of a planning advisory committee. The Councillor stated this places the responsibility for analysing and scrutinizing proposed developments on the Community Council, and expressed concern that this role is not being played effectively at the moment. Councillor Whalen stated there is a need to have Community Councils that will work together when looking at new developments, and this does not appear to be the case with the current structure. The Councillor stated she believes returning to the former structure of four members on the Community Council will improve the process.

Speaking against the motion, Councillor Cunningham stated the Harbour East Community Council, which has seven members, works very well as a unit, with a better understanding on behalf of all its members of the other areas encompassed by the Community Council. The Councillor stated there is an area of common interest in the current Chebucto Community Council: the former City of Halifax. Councillor Cunningham stated the community of Halifax should be represented by one Community Council.

Also speaking against the motion, Councillor Fougere stated the Notice of Motion was the first time she became aware of this issue, as it was not previously discussed among the eight members of the Community Council. The Councillor noted one of the reasons Community Councils were formed was to represent a community of interest in the larger body of amalgamation. Councillor Fougere stated when the current Chebucto Community Council was formed, the argument for it was the reflection of a community of interest and the fact that the MPS and LUB areas crisscross each other. The Councillor noted that decisions made in one District have impacts on another, and this is why a broader range of discussion is needed. With respect to public participation, Councillor Fougere noted it actually increased rather than decreased when the two Community Councils merged. The

Councillor noted if the issue is time, there is the option at Community Council to defer items to another meeting. In closing, Councillor Fougere stated, with regard to committee representation, it is somewhat uneven, but it can be addressed outside of this issue.

Speaking in support of the motion, Councillor Adams said there is variance in the issues between the Peninsula and the Mainland areas. With respect to committee representation, the Councillor noted some strength was lost when the two former Community Councils were combined to form the current eight member structure. Councillor Adams stated it was his hope that some cohesiveness would be achieved when this Community Council was formed, but this did not occur.

Councillor Cooper stated, in this case, it appears there is not sufficient feeling of commonality to make this Community Council work. The Councillor stated the idea of having Community Councils for communities of interest needs to be protected, and, therefore, he will support the separation.

Councillor Adams stated he has a great deal of respect for the individuals on the Chebucto Community Council and this is not a personal issue. However, the Councillor stated the logistics are not working at this time, and, therefore, he supports the separation.

Closing the debate, Councillor Mosher stated the members gave this Community Council an eight month trial, but it has not worked. With respect to costs, the Councillor stated she can only recall one issue in the last year that would have gone to both Community Councils, and there is legislation to permit joint meetings so extra staff time is not expended. Councillor Mosher stressed the fact that this issue has nothing to do with personalities and she respects the other Councillors. The Councillor stated she has not heard a good reason why the Community Council should stay together. Councillor Mosher stated it is very time consuming to gather the necessary background information for agenda items for eight Districts, and the residents are not getting the expertise and research they deserve on these issues. In closing, the Councillor reiterated it is not a personal issue, it is a local issue, and she urged Council to support the local community interests.

MOTION PUT AND PASSED.

MOVED by Councillor Mosher, seconded by Councillor Whalen, that BE IT RESOLVED as an Administrative Order of the Council of the Halifax Regional Municipality as follows:

Short Title

- 1. This Administrative Order may be cited as Administrative Order Number Twenty-Eight, the Peninsula Community Council Administrative Order.**

Community

2. There is hereby established a community council to be known as the Peninsula Community Council for the area of the Halifax Regional Municipality that on the 1st day of April 2001 was included in polling districts 11, Halifax North End, polling district 12, Halifax Downtown, polling district 13, Northwest Arm-South End, and polling district 14, Connaught-Quinpool.
3. Sections 526 through 528 of the Municipal Government Act applies to the Community Council.
4. This Administrative Order shall come into effect on December 1, 2001.
MOTION PUT AND PASSED.

13. **ADDED ITEMS**

13.1 **Property Matter - Lease Agreement - Cole Harbour Place**

- C This matter was discussed during an In Camera Session held prior to the Regular Session and was now before Council for ratification.

MOVED by Councillor Cooper, seconded by Councillor McInroy, that Council authorize the Mayor and the Municipal Clerk to enter into a Lease Agreement with Community Builder's Incorporated to lease Cole Harbour Place located on 51 Hills Parkway subject to the key terms and conditions set out in the Private and Confidential staff report dated November 7, 2001 and further that this report not be released until the final lease agreement is executed. MOTION PUT AND PASSED UNANIMOUSLY.

13.2 **Property Matter - Property Acquisition - 3090, 92, 94 Windsor Street**

- C This matter was discussed during an In Camera Session held prior to the Regular Session and was now before Council for ratification.

MOVED by Councillor Fougere, seconded by Councillor Walker, that Council authorize the Mayor and Municipal Clerk to enter into an Agreement of Purchase and Sale with Empire Developments Limited for the purchase of 3090, 92, 94 Windsor Street for the price of \$238,500.00 plus net taxes in addition to the payout penalty of \$8,176.05 (effective November 30, 2001) for a total purchase price of \$262,009.00 to be funded from Capital Account CTR-00417 as indicated in the Budget Implications Section of the November 5, 2001 Private and Confidential staff

report and further subject to the terms and conditions set out in the same report; and, further, that this report not be released to the public until the transaction has been completed. **MOTION PUT AND PASSED UNANIMOUSLY.**

13.3 Legal Matter - Settlement of Claim

C This matter was discussed during an In Camera Session held prior to the Regular Session and was now before Council for ratification.

MOVED by Councillor Warshick, seconded by Councillor Sarto, that Halifax Regional Council settle the claim, as set out in the Private and Confidential staff report dated November 8, 2001, brought by the Plaintiff in the amount of \$21,950.00 as settlement in full upon obtaining a full release from the Plaintiff from any further claims arising out of the accident which occurred on May 21, 1997. MOTION PUT AND PASSED.

13.4 Legal Matter - Harbour Solutions

C This matter was discussed during an In Camera Session held prior to the Regular Session and was now before Council for ratification.

MOVED by Councillor Rankin, seconded by Councillor Hetherington, that Halifax Regional Council not receive a presentation from either of the proponents with regard to the Harbour Solutions proposals. MOTION PUT AND PASSED UNANIMOUSLY.

13.5 Councillor Uteck - Information Item #4 - Memorandum from Director, Public Works & Transportation Services, dated November 8, 2001 re: Armview Corridor Shortcutting - Next Steps

C An Information Report - Memorandum from Director, Public Works & Transportation Services, dated November 8, 2001 re: Armview Corridor Shortcutting - Next Steps, was before Council for its information. The report stated that staff needs additional time to consider the next steps to be taken and a further report will come back in early December 2001.

Councillor Uteck stated it is unacceptable that the changes could be made to this area in less than 12 hours, but it will take three more weeks for a staff report regarding further options.

MOVED by Councillor Uteck, seconded by Councillor Blumenthal, that a staff report be brought back to Council next week regarding the options of stop signs, speed humps and possibly provisions for “no right-hand turns” after 9:00 a.m. for the Armview/Pryor corridor.

Councillor Mosher stated she agreed the safety of these residential streets needs to be examined, but stated she would not support the “no right-hand turns.”

Speaking against the motion, Councillor Adams stated he will not support a request for any staff report regarding “no right-hand turns.” The Councillor stated he would like the staff report to include information as to whether or not it is possible to extend the light at Quinpool and Connaught for the Quinpool Road traffic in bound to two or three times that of the other roads.

Deputy Mayor Harvey stated, in his opinion, there is no traffic calming process in place anymore with this piecemeal approach.

Mr. McLellan stated staff deserves the right to provide a professional opinion, and Council cannot prescribe the report.

Councillor Blumenthal stated the people living in the Armview corridor will continue to suffer for three weeks waiting for this report.

Mr. McLellan stated there have been very long discussions over a series of years regarding this issue, and staff can come back with a finite recommendation within the provincial legislation. However, if Council wants more information as to what else can be done, staff can bring that back and it will then be Council’s decision, as Council have dealt staff out of the issue.

MOTION PUT AND PASSED.

14. NOTICES OF MOTION - NONE

15. ADJOURNMENT

There being no further business, the meeting adjourned at 9:15 p.m.

Vi Carmichael
Municipal Clerk