

HALIFAX REGIONAL MUNICIPALITY

HALIFAX REGIONAL COUNCIL MINUTES February 10, 2004

PRESENT:

Mayor Peter J. Kelly
Deputy Mayor Steve Streach
Councillors: Krista Snow
David Hendsbee
Ron Cooper
Harry McInroy
Brian Warshick
Condo Sarto
Bruce Hetherington
Jim Smith
John Cunningham
Dawn Sloane
Sue Uteck
Sheila Fougere
Russell Walker
Debbie Hum
Linda Mosher
Len Goucher
Robert Harvey
Reg Rankin
Gary Meade

REGRETS:

Councillors: Jerry Blumenthal
Stephen Adams
Brad Johns

STAFF:

Mr. George McLellan, Chief Administrative Officer
Mr. Wayne Anstey, Municipal Solicitor
Ms. Jan Gibson, Acting Municipal Clerk
Ms. Patti Halliday, Legislative Assistant

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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 Sarto .

2. **APPROVAL OF MINUTES - January 27, 2004**

MOVED by Councillor Sloane, seconded by Councillor Cunningham, that the minutes of January 27, 2004, be approved, as circulated. MOTION PUT AND PASSED UNANIMOUSLY.

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

The following items were added to the agenda:

- 12.1 Concrete Pouring in Winter Conditions
- 12.2 Property Matter - Sale of Block Z and Extension of Regency Park Drive - Clayton Park West
- 12.3 Personnel Matter - Citizen and Councillor Appointments to Boards/Committees and Commissions

Councillor Rankin requested that Item 10.3.2 Councillor Rankin - Action Plan: Interim Planning Process (Regional Planning) - Request for Staff Overview be moved up on the agenda under Presentations to following Item 9.3.1 Provincial Health Council - Harry Churchill.

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

Councillor Cunningham requested that an item be added to the agenda respecting a moratorium on construction around the Dartmouth lakes. In response Mr. Wayne Anstey, Municipal Solicitor, advised Council that the Minister of Service Nova Scotia and Municipal Relations would not have the authority under the Municipal Government Act to issue such an order. Even if the authority did exist, on the basis of the case law regarding current applications before the municipality, the court is clear that any changes in the planning law can only operate prospectively. Mr. Anstey also expressed concern that if the matter was on the floor and open to debate, then that would put the members of the Harbour East Community Council in jeopardy of disqualifying themselves in order to consider the application when it does come before them. A vote was taken to add this item to the agenda.

MOTION DEFEATED.

4. **BUSINESS ARISING OUT OF THE MINUTES**
 5. **MOTIONS OF RECONSIDERATION - NONE**
 6. **MOTIONS OF RESCISSION - NONE**
 7. **CONSIDERATION OF DEFERRED BUSINESS - NONE**
 8. **PUBLIC HEARINGS - 6:00 p.m.**
 - 8.1 **By-Law T-212, An Amendment to By-Law T-201, Respecting Tax Exemption for Non-Profit Organizations: 2003-04, New Applications**
- C By-Law T-212, An Amendment to By-Law T-201, Respecting Tax Exemption for Non-Profit Organizations: 2003-04, New Applications, passed First Reading on January 13, 2004 and was now before Council for Second Reading.

Ms. P. J. Temple, Coordinator, Grants Program, presented the staff report to Council and responded to questions of clarification of Council. In response to a question of Councillor Meade, Ms. Temple stated staff would recommend the deletion of Item (iii) *public access to the water supply at no cost* under Item A - Recommend Approval, 1. Coastal Communities Economic Development Cooperative Ltd.

Mayor Kelly called for members of the public wishing to speak either in favour of or against the proposed By-Law.

Mr. Dan O'Halloran, Waegwaltic Club

Mr. O'Halloran addressed Council noted that approximately three years ago, the Waegwaltic Club purchased the adjacent property (the Fairfield property). He noted that considerable good use has been made of the property and the intent is to consolidate the two properties. Mr. O'Halloran also noted that about three years ago, Council approve a residential tax rate for the Waegwaltic Club and the Grant Committee has recommended that the Fairfield property also be subject to the residential tax rate. Mr. O'Halloran spoke in support of this recommendation and stated the Waegwaltic Club would be grateful for Council's favourable consideration.

Mayor Kelly called for any further speakers.

Ms. Joyce Beaudry, Sackville Family Day Care Association, 22 Memory Lane, Lr.

Sackville

Ms. Beaudry addressed Council inquiring if the Sackville Family Day Care could be eligible for a 100 percent exemption, noting this request as been declined by the Grant Committee. Ms. Beaudry spoke about the work of the centre and the identify crisis it faces. She noted the centre is a family resource centre, not a day care centre. The centre administers an in-home day care program. Spoke about work of centre. She provided some printed material with further information and asked that Council reconsider the application for 100 percent tax exemption.

Mayor Kelly called three times for any further speakers. Hearing none, the following motion was put on the floor:

MOVED by Councillor Hetherington, seconded by Councillor Goucher, that the Public Hearing be closed. MOTION PUT AND PASSED UNANIMOUSLY.

COUNCIL DECISION

MOVED by Councillor Walker, seconded by Councillor Goucher, that Council give Second Reading to By-Law T-212, An Amendment to By-Law T-201, Respecting Tax Exemption for Non-Profit Organizations: 2003-04, New Applications, with the amendment recommended by staff regarding the deletion of Item (iii) *public access to the water supply at no cost* under Item A - Recommend Approval, 1. Coastal Communities Economic Development Cooperative Ltd.

MOVED by Councillor Harvey, seconded by Deputy Mayor Streach, that the proposed by-law be amended by referring the Sackville Family Day Care Association, 22 Memory Lane, Lr. Sackville, back to the Grant Committee for further consideration. MOTION PUT AND PASSED UNANIMOUSLY.

MOVED by Councillor Uteck, seconded by Councillor Sloane, that the proposed by-law be amended by referring the Halifax Curling Club, 948 Bland Street, Halifax, back to the Grant Committee for further consideration.

Councillor Uteck noted this Club is located in a unique area of the Peninsula with a grossly over-inflated commercial assessment due to its location. The Councillor stated she does not believe that was taken into consideration by the Committee in reviewing the application.

MOTION PUT AND PASSED UNANIMOUSLY.

Following a brief discussion, the vote was taken on the proposed by-law as amended.

MOTION PUT AND PASSED UNANIMOUSLY.

9. CORRESPONDENCE, PETITIONS & DELEGATIONS

9.1 Correspondence - None

9.2 Petitions

There were no petitions served at this meeting.

9.3 Presentations

9.3.1 Provincial Health Council - Harry Churchill

Mayor Kelly was presented with a Healthy Communities Award, on behalf of the Nova Scotia Provincial Health Council, to recognize the passage by HRM of a By-Law regarding Environmental Tobacco Smoke in Public Places.

As agreed to under Approval of the Order of Business, Council addressed Item 10.3.2 Councillor Rankin - Action Plan: Interim Planning Process (Regional Planning) - Request for Staff Overview, at this time.

10.3.2 Councillor Rankin - Action Plan: Interim Planning Process (Regional Planning) - Request for Staff Overview

Ms. Carol Macomber, Project Manager, Regional Planning, made a presentation to Council regarding the above, copies of which were provided to Council.

Councillor Hendsbee inquired if there is a need for more public meetings will that be possible. The Councillor also inquired if there were any staff present at the Urban Development Institute meeting being held this evening in Hammonds Plains. Ms. Macomber stated she was not aware of any staff attending that meeting. Deputy Mayor Streach inquired if the industry members will be invited to one of the three public meetings. Ms. Macomber responded that staff are willing to meet with them, or any other stakeholder, as frequently as needed.

Councillor Smith inquired if any meetings have been held with the surveying industry. Mr. Pyle advised Council that he received a letter today from the President of the Land Surveyors Association, which he will respond to, noting staff are willing to meet with them. Mr. Pyle stated the surveying industry would be affected by the moratorium like other industries within the construction industry. HRM Development Services staff have been speaking with various members of the Association providing them with updated information regarding the Ministerial Order and the proposed Regional Plan. Ms. Macomber noted no reduction in construction

is being projected as there is a three year supply of lots still available. However, staff is projecting to better manage where that construction occurs.

Councillor Walker noted a location clarification with respect to Halifax West, noting it is on Thomas Raddall Drive, not Lacewood Drive.

Councillor Goucher inquired when meetings with the individual planning advisory committees will be held to review the implications relative to the planning strategies. In response, Ms. Macomber stated staff have a stakeholder group list which includes all of the planning advisory committees. Staff have contacted all members of the list offering to meet to give updates and receive feedback. She agreed to email the Councillor further information regarding the times of the contact and those wanting to meet. Councillor Goucher expressed concern with the planning advisory committees not being involved in the public process. In response, Mr. Pyle explained that, due to the time line, the approach being followed is similar to that used for the capital cost contribution, not the approach used for the construction and demolition debris issue. Councillor Goucher stated he was previously advised that the planning advisory committees would be contacted and advised of what was taking place as the process evolved. The Councillor stated he does not see that taking place and requested that a meeting with the planning advisory committees be arranged and that Council be advised of the dates in the next few days. Mr. Pyle responded that to achieve that task the planning advisory committees would have to be willing to meet during the day outside of their traditional meeting times. If not, this could not be accomplished within the 90 days. Councillor Goucher expressed confidence that the planning advisory committees would be agreeable to this.

Ms. Macomber reiterated that the planning advisory committees are on the stakeholder list and it is her understanding they all have been contacted and offered information and meetings. She agreed to confirm this information for the Councillor tomorrow.

Councillor McInroy shared Councillor Goucher's concerns with regard to input from the planning advisory committees. The Councillor also suggested consideration should be given to having a staff observer at meetings such as the one being held by the Urban Development Institute. In response to a question of the Councillor, Mr. Pyle stated April 20, 2004 is the end of the Ministerial Order. Following the public information meeting, staff will prepare a supplementary report for Council to consider at Committee of the Whole tentatively scheduled for March 9, 2004, followed by a Public Hearing on March 30, 2004. Mr. Pyle stated there is very little room to move the date of the Public Hearing.

Councillor Warshick expressed concern with conflicting dates for budget meetings and this public hearing. The Clerk confirmed that budget deliberations are set for the week of March 29 - April 2, 2004.

With respect to surveyors, Councillor Warshick encouraged staff to be pro-active and ask them if they want to meet rather than waiting for them. With respect to the Ministerial Order,

the Councillor requested clarification of what it does and does not allow to proceed. As there appeared to be some confusion with respect to this, Mr. Anstey suggested that Council be provided with a written explanation of what is and is not covered. Councillor Warshick suggested this information also be provided to the general public and the industry. The Councillor also inquired if it would be possible for Council to receive a list of those applications that will be excluded and those that have been approved along with definitions of temporary and final approvals, and, further, that the Municipal Solicitor review the list.

In response to a question of Councillor Cooper, Ms. Macomber stated staff offered to provide the stakeholders with information on what has occurred and have offered to meet with them. She noted she has requested a written status on which groups have been contacted and which ones have been met by staff, and what the plan is for the coming week to ensure everyone is informed. Councillor Cooper expressed concern as to whether or not the stakeholders will have sufficient time to review and respond to the amendments and suggested a second consultation may need to be set up with those groups for their input. Councillor Cooper stated he did not want the planning advisory committees cut out of the process. The Councillor also requested that Council be provided with copies of all correspondence and documents that are received by staff regarding this process to allow Council to have access to the same input as staff and the opportunity to review it before making a decision. With regard to the meeting schedule, Ms. Macomber agreed to review it but noted there is not a lot of room for flexibility. She agreed to provide Council with copies of all input received by staff.

In response to comments of Councillor Rankin, Ms. Macomber stated staff are working on packages of a combination of tools to look at various approaches and implications on the market compared to demand. She stated staff will attempt to send these approaches to Council via email/fax before the meetings.

Closing the discussion, Councillor Hendsbee requested that more detail be provided on maps that are put forward, noting they need to be as accurate as possible for the public.

10. REPORTS

10.1 CHIEF ADMINISTRATIVE OFFICER

10.1.1 Tender 03-282, Shoreline Protection - Ferguson's Cove Road, West Region and Cow Bay Road, East Region

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

MOVED by Councillor Mosher, seconded by Councillor McInroy, that Council award

Tender No. 03-282, Shoreline Protection to Brycon Construction Limited for materials and services listed at the unit prices quoted for a Tender Price of \$147,500.00 plus net HST for a total of \$156,983.00 from Operating Account No. R928, with funding authorized as per the Budget Implications section of the staff report dated February 2, 2004. MOTION PUT AND PASSED UNANIMOUSLY.

10.1.2 Request by Charitable Irish Society “St. Patrick’s Green”

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

MOVED by Councillor Harvey, seconded by Councillor Sloane, that Halifax Regional Council approve the proposal to rename that portion of the municipally-owned lands immediately adjacent to the Celtic Cross as “St. Patrick’s Green.” MOTION PUT AND PASSED UNANIMOUSLY.

10.1.3 Complementary Voting Alternatives for Municipal Elections

- C A staff report prepared for Dan English, Deputy Chief Administrative Officer, regarding the above, was before Council for its consideration. The report recommended that (1) *HRM not pursue complementary voting alternatives for the October 2004 municipal election, (2) Regional Council approve further exploration and study of complementary voting alternatives for use in future municipal elections prior to adopting and implementing any of the currently available electronic or mail-in options.*

Ms. Betty MacDonald, Director, Governance and Strategic Initiatives, presented the staff report to Council.

Responding to a question of Councillor Smith regarding costs of alternative voting methods, Ms. MacDonald stated staff do not have costing information on all options, but she suggested that electronic voting would be the most expensive. She noted that any additional voting options offered would be an added cost to the normal election costs. Ms. Geri Kaiser, Director, Shared Services, added that experience of other municipalities has shown that a mail-in vote option would be the least expensive and the preliminary estimate is the incremental cost would be approximately \$604,000.

MOVED by Councillor Smith that HRM further pursue complementary voting alternatives of mail in voting for the October 2004 municipal election in one or two of the lowest voter turnout Districts from the last election and to pursue full electronic voting for the 2008 election.

In response, Mr. Anstey advised Council that if a mail-in option is provided, the legislation requires that it be offered to all Districts and not just select Districts.

Ms. MacDonald noted the 2004 election costs will be approximately \$200,000 more than the 2000 election primarily due to salary, mailing and rental costs.

Based on this information, Councillor Smith amended his motion to read as follows:

MOVED by Councillor Smith that HRM not pursue complementary voting alternatives for the October 2004 municipal election and that Regional Council go forward on a pro-active manner to enact electronic and mail-in voting in 2008 and, further, that Council move forward with implementing alternative voting options for the by-elections which may occur subsequent to the 2004 general municipal election.

There was no seconder to the motion, therefore, the MOTION WAS LOST.

MOVED by Councillor McInroy, seconded by Councillor Snow, that:

- 1. HRM not pursue complementary voting alternatives for the October 2004 general municipal election.**
- 2. Regional Council approve further exploration and study of complementary voting alternatives for use in the 2008 municipal election.**
- 3. Further, that staff pursue complementary voting alternative options for by-elections which may occur subsequent to the 2004 general election.**

Councillor Goucher noted there is a 140-page report on the process followed by Markham, Ontario, with respect to electronic voting, noting they did not experience any security problems with the process. The Councillor reviewed some of the statistics contained in the report with respect to a survey of 5,000 Markham residents regarding electronic voting.

Councillor Goucher noted the electronic system is audited. He suggested HRM could piggyback on the Markham, but suggested this may not be the year to do it and supported the motion to pursue electronic voting for the 2008 election.

In response to comments of Councillors, Ms. MacDonald stated staff is committed to increasing voter turnout and one of the scorecard outcomes is to increase public participation in government.

Following a brief discussion, the vote was taken.

MOTION PUT AND PASSED UNANIMOUSLY.

RECESS

A recess was taken from 8:00 p.m. - 8:15 p.m.

10.1.4 First Reading By-Law A-200, HRM Automatic Machine Licensing

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

MOVED by Councillor Cooper, seconded by Councillor Goucher, that Regional give First Reading to the adoption of HRM By-Law Number A-200 respecting Automatic Machines and authorize staff to request a change to the definition of automatic machine in the MGA to include the introduction of an “electronic card or device” in addition to coin, counter or slug.

Councillor Hendsbee requested some information regarding the following:

- C How many automatic machines (jukeboxes, mechanical rides, vending machines) are in each of the former municipal areas?
C Is there a concentration of certain machines in certain areas?
C Would charitable organizations be exempt or assessed at a lower level?

Councillor Walker noted staff have the information requested by Councillor Hendsbee and will bring it forward at the Public Hearing.

MOTION PUT AND PASSED UNANIMOUSLY.

It was noted the Public Hearing date will be March 2, 2004.

10.1.5 First Reading By-Law T-128, An Amendment to By-Law T-108 Respecting Geography Testing for Taxi Drivers

- C A report from the Taxi and Limousine Committee, regarding the above, was before Council for its consideration.

MOVED by Councillor Cooper, seconded by Councillor Harvey, that Council give First Reading to By-Law T-128, An Amendment to By-Law T-108 Respecting Geography Testing for Taxi Drivers.

Councillor Sloane suggested a six month waiting period should be implemented between taking the test multiple times and asked that this be taken into consideration.

MOTION PUT AND PASSED UNANIMOUSLY.

It was noted the Public Hearing date will be March 2, 2004.

10.1.6 Homelessness in HRM - A Portrait of Streets and Shelters

Mr. Paul Dunphy, Director, Planning and Development Services, advised Council tonight's presentation would focus on the recent report *Homelessness in HRM - A Portrait of Streets and Shelters*. Following a brief overview by Mr. Dunphy, Ms. Kasia Tota, Housing Research Coordinator, made a presentation to Council regarding the report, copies of which were circulated to Council.

Councillor Sloane read a brief statement on behalf of Ms. Angela Bishop, Community Action Steering Committee.

MOVED by Councillor Warshick, seconded by Councillor Sloane, that Regional Council:

- 1. Accept the Homelessness in HRM - Portrait of Streets and Shelters report;**
- 2. Encourage the Provincial and Federal government to support the development of a shelter of "last resort" for individuals currently not served by the shelter system by virtue of their mental illness, addiction and related problems;**
- 3. Encourage and support the Provincial government in its implementation of the Federal-Provincial Affordable Housing Program and direct staff to explore appropriate partnerships;**
- 4. Encourage the Federal government to develop a National Housing Strategy.**
- 5. Encourage HRM to seek to attain regulations/rules similar to those under the former Boards of Health to allow for the closure of buildings which are deemed to be substandard.**
- 6. Continue to identify efficiencies and opportunities within existing activity areas to support the development and maintenance of affordable housing stock in the region. MOTION PUT AND PASSED UNANIMOUSLY**

10.2 HERITAGE ADVISORY COMMITTEE

10.2.1 Case H00125 - Application for Registration of 5355 Russell Street, Halifax

C A report from the Heritage Advisory Committee, regarding the above, was before Council for its consideration.

MOVED by Councillor Uteck, seconded by Councillor Fougere, that Regional Council set the date of March 23, 2004, for a Heritage Hearing to provide consideration for the registration of 5355 Russell Street, Halifax, under the HRM Heritage Property Program. MOTION PUT AND PASSED UNANIMOUSLY.

10.3.1 Councillor Smith - Federal Privacy Act

Councillor Smith inquired how the Federal Privacy Act affects municipalities. In response, Mr. Wayne Anstey, Municipal Solicitor, stated the Act does not apply to municipalities as they fall under the provincial Freedom of Information and Protection of Privacy Act. The Federal Privacy Act applies to federal agencies and to private commercial enterprises that could do business with the federal government.

Councillor Smith advised Council that some residents have expressed concern to him with respect to how HRM handles information that is obtained as a result of actions of HRM, such as by-law investigations against properties as well as property tax rebates, assessments, etc. The Councillor requested a staff report detailing how Community Projects deals with information they receive through by-law investigations and how this information is shared. Councillor Smith also requested information regarding tax rebates and if information regarding who is receiving these rebates can be provided to other departments and members of Council.

MOVED by Councillor Smith, seconded by Councillor Cunningham, that this matter be referred to staff for a report. MOTION PUT AND PASSED.

10.3.2 Councillor Rankin - Action Plan: Interim Planning Process (Regional Planning) - Request for Staff Overview

This item was addressed earlier in the meeting under Presentations.

12. ADDED ITEMS

12.1 Concrete Pouring in Winter Conditions

C This item was discussed at a Committee of the Whole session held earlier in the day

and was now before Council for ratification.

MOVED by Councillor Mosher, seconded by Councillor Walker, that Halifax Regional Council request a staff report considering the possibility of instituting a concrete pouring permit. MOTION PUT AND PASSED UNANIMOUSLY.

12.2 Property Matter - Sale of Block Z and Extension of Regency Park Drive - Clayton Park West

C This item was discussed at an In Camera session held earlier prior to the Regular Session and was now before Council for ratification.

MOVED by Councillor Hum, seconded by Councillor Walker, that Halifax Regional Council authorize the Mayor and Municipal Clerk to enter into an Agreement of Purchase and Sale with Clayton Developments Limited for Block Z, Regency Park Drive, subject to the key business terms and conditions outlined in the February 3, 2004 staff report and further that the February 3, 2004 staff report not be released until the property transaction is concluded. MOTION PUT AND PASSED UNANIMOUSLY.

12.3 Personnel Matter - Citizen and Councillor Appointments to Boards/Committees and Commissions

C This item was discussed at an In Camera session held earlier prior to the Regular Session and was now before Council for ratification.

MOVED by Councillor Rankin, seconded by Councillor Goucher, that Regional Council:

- 1. Approve the Citizen appointments to Boards/Committees/Commissions as outlined in Attachment 1 of the February 10, 2004 report.**
- 2. Approve the Councillor appointments to Boards/Committees/Commissions as outlined in Attachment 2 of the February 10, 2004 report. MOTION PUT AND PASSED UNANIMOUSLY.**

13. NOTICES

There were no notices served at this meeting.

14. ADJOURNMENT

There being no further business, the meeting adjourned at 8:45 p.m.

Jan Gibson
Acting Municipal Clerk