



## MINUTES - COMMITTEE OF THE WHOLE

September 28, 2023, 9:00 A.M.

COUNCIL CHAMBERS, CITY HALL, 1 CENTENNIAL SQUARE

The City of Victoria is located on the homelands of the Songhees and Esquimalt People  
Meeting will recess for a lunch break between 12:00 p.m. and 1:00 p.m.

PRESENT: Mayor Alto in the Chair, Councillor Caradonna, Councillor Coleman, Councillor Dell, Councillor Gardiner, Councillor Hammond, Councillor Kim

PRESENT ELECTRONICALLY: Councillor Loughton, Councillor Thompson

STAFF PRESENT: J. Jenkyns - City Manager, S. Thompson - Deputy City Manager / Chief Financial Officer, T. Soulliere – Deputy City Manager, C. Kingsley - City Clerk, C. Anderson - Deputy City Clerk, S. Johnson - Director of Communications and Engagement, T. Zworski - City Solicitor, P. Rantucci - Director of Strategic Real Estate, D. Newman – Acting Director of Parks, Recreation & Facilities, K. Hoese – Director of Sustainable Planning & Development Services, S. Perkins - Director of Bylaw Services, C. Mycroft – Manager of Intergovernmental & Media Relations. A. Hudson – Assistant Director of Sustainable Planning & Community Development, A. Johnston – Assistant Director of Development Services, R. Soward – Manager of Housing, S. Webb – Manager of Sustainable Transportation Planning & Development, L. Monk – Manager of Revenue, M. MacLean – Senior Planner, B. Roder – Senior Legislative Coordinator

### A. TERRITORIAL ACKNOWLEDGEMENT

Committee acknowledged that the City of Victoria is located on the homelands of the Songhees First Nation and Esquimalt First Nation communities, and thanked them for allowing us to live, work and play on their lands.

### C. APPROVAL OF AGENDA

**Moved By** Councillor Hammond  
**Seconded By** Councillor Dell

That the agenda be approved.

**CARRIED UNANIMOUSLY**

### D. CLOSED MEETING

**Moved By** Councillor Coleman  
**Seconded By** Councillor Caradonna

MOTION TO CLOSE THE SEPTEMBER 28, 2023 COMMITTEE OF THE WHOLE MEETING TO THE PUBLIC

That Council convene a closed meeting that excludes the public under Section 90 of the *Community Charter* for the reason that the following agenda items deal with matters specified in Sections 90(1) and/or (2) of the *Community Charter*, namely:

Section 90(1) A part of a council meeting may be closed to the public if the subject matter being considered relates to or is one or more of the following:

*Section 90(1)(i) the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose; and*

Section 90(2) A part of a council meeting must be closed to the public if the subject matter being considered relates to one or more of the following:

*Section 90(2)(b) the consideration of information received and held in confidence relating to negotiations between the municipality and a provincial government or the federal government or both, or between a provincial government or the federal government or both and a third party.*

**CARRIED UNANIMOUSLY**

*Committee closed the meeting to the public at 9:10 a.m.*

*Committee reopened the meeting to the public at 9:59 a.m.*

**E. CONSENT AGENDA**

*Councillor Caradonna requested that the item **F.3 CRD Transportation Governance – Preliminary Input** be removed from the consent agenda.*

**Moved By** Councillor Coleman  
**Seconded By** Councillor Gardiner

That the following items be approved without further debate:

**CARRIED UNANIMOUSLY**

**F.1 359, 363 & 369 Tye Road, 343 Tye Road, 90 Esquimalt Road and 358 Harbour Road: Request to remove and amend Statutory Rights-of-Way and Covenants**

Committee received a report dated September 14, 2023, from the Director of Sustainable Planning and Community Development, regarding the removal and amendment of legal charges related to the properties located at 359, 363 and 369 Tye Road, 343 Tye Road, 90 Esquimalt Road and 358 Harbour Road (Dockside).

**Moved By** Councillor Coleman  
**Seconded By** Councillor Gardiner

1. That Council authorize the execution of the following land title documents related to 359, 363 and 369 Tyee Road and 358 Harbour Road, with contents satisfactory to the Director of Sustainable Planning and Community Development and form satisfactory to the City Solicitor:
  - a. The release of a covenant, that prohibits the separate sale of two historic lots that now form 379 Tyee Road, and 350, 354, 356, 358 and 360 Harbour Road (the “No Separate Sale”; Charge number EM3973)
  - b. The amendment of a Statutory Right-of-Way and covenant that requires a bus shelter and to remove an incorrect lot reference (the “City Works and Shelter”; Charges number CA8482030-CA8482033).
2. That Council authorize the execution of a release of Statutory Right-of-Way for pedestrian access from 343 Tyee Road / 90 Esquimalt Road and also 359, 363 and 369 Tyee Road, with form satisfactory to the City Solicitor (the “Pedestrian Public Right-of-Way”; Charge number EF120079).
3. That Council authorize the execution of the following land title documents related to statutory right of way (the “Support SRW”; Charge number EG35897), which is for the support of Tyee Road and is registered against 359, 363 and 369 Tyee as well as 343 Tyee / 90 Esquimalt Roads, with contents satisfactory to the Director of Engineering and Public Works, and form satisfactory to the City Solicitor:
  - a. An amendment to remove “Area J” from the Support SRW
  - b. Remove “Area N, and O” from the Support SRW upon completion of the foundation to support Tyee Road, to the satisfaction of the Director of Engineering.

**CARRIED UNANIMOUSLY**

**G.1 Council Member Motion: Seattle Trade Mission, Seattle, Washington, October 2-4, 2023**

Committee received a Council Member Motion dated September 6, 2023, from Mayor Alto, regarding the attendance and associated costs for Mayor Alto to attend the Seattle Trade Mission to be held in Seattle, Washington from October 2-4, 2023.

**Moved By** Councillor Coleman  
**Seconded By** Councillor Gardiner

That Council authorizes the attendance and associated costs for Mayor Alto to attend the Seattle Trade Mission to be held in Seattle, Washington from October 2-4, 2023.

The approximate cost for attending is:

Accommodation (2 nights)	\$ 639
Flights	\$ 850

Airport Taxis	\$ 150
Food & Incidentals	\$ 100
Misc Transportation	\$ 50
Carbon footprint calculation	\$12 (.08 x 150.00)
<b>TOTAL</b>	<b>\$1801</b>

**Estimated total cost = \$1801**

That this motion be forwarded to the daytime Council meeting on September 28, 2023, for Council consideration.

**CARRIED UNANIMOUSLY**

**F. STAFF REPORTS**

**F.2 Missing Middle Housing Initiative Six-Month Review**

Committee received a report dated September 7, 2023, from the Director of Sustainable Planning and Community Development, providing a six-month review of the Missing Middle regulatory framework and provide recommended amendments to better encourage new missing middle housing.

*Committee discussed the following:*

- *Minimum parking requirement*
- *Prospective housing policies and BC Step Code*
- *Complimentary to Province's mandated housing targets*
- *Follow up review to occur after 18 months*
- *Affordable and missing middle housing on the housing continuum*
- *Consultation with the public*
- *Removal of requirement for adaptable dwelling units*
- *Building heights of houseplexes and townhomes*

*Committee recessed at 10: 50 a.m. and reconvened at 11:04 a.m.*

*Committee discussed the following:*

- *Amendment of side yard setbacks*
- *Urban forest and tree canopy*
- *Removal of bonus density requirements*
- *Option for car-free proposals*
- *Consideration of variances*

**Moved By** Councillor Dell

**Seconded By** Councillor Caradonna

1. That Council instruct the Director of Sustainable Planning and Community Development to prepare a Zoning Regulation Bylaw amendment to the regulations related to Missing Middle Housing, to:
  - a. Simplify the conditions of use.

- i. Eliminate the requirement for an adaptable dwelling unit.
  - ii. Increase the maximum height of houseplexes to match corner townhouses (9.5 m for flat roofs and 10.5 m for other roof forms).
  - iii. Require the lowest level of houseplexes and corner townhouse buildings to have a finished ceiling that is more than 1.2 m above average grade.
  - iv. Eliminate the requirement for a secondary dwelling unit (a suite).
  - v. Allow bedrooms in a suite to contribute toward the main unit's total bedroom count.
- b. Remove all the bonus density requirements except for right-of-way dedication.
  - c. Amend setback and site coverage regulations.
    - i. Reduce the minimum setback for corner townhouses from a street to be 2 m instead of 4 m.
    - ii. Reduce the setback for corner townhouses from an internal property line to a building elevation with windows to habitable rooms (e.g., the back of a row of townhouses) to 5 m instead of 6 m.
    - iii. Increase the maximum site coverage for corner townhouses to 45% instead of 40% to align with revised setbacks on an 18 m wide corner lot.
    - iv. Only specify side setbacks in meters and not as a percent of lot width.
  - d. Clarify regulations to improve interpretation including eliminating the overlap of other use regulations with heritage conserving infill use regulations.
2. That, pursuant to section 30 of the Land Use Procedure Bylaw, Council waive the requirement for the holding of a public hearing.
  3. That, after publication of notification in accordance with section 467 of the Local Government Act, first, second, and third reading of the zoning bylaw amendment be considered by Council.
  4. That the above recommendations be adopted on the condition that they create no legal rights for any person, or obligation on the part of the City or its officials, and any expenditure of funds is at the risk of the person making the expenditure.

**Amendment:**

**Moved By** Councillor Caradonna

**Seconded By** Councillor Dell

1. That Council instruct the Director of Sustainable Planning and Community Development to prepare a Zoning Regulation Bylaw amendment to the regulations related to Missing Middle Housing, to:
  - a. Simplify the conditions of use.
    - i. Eliminate the requirement for an adaptable dwelling unit.
    - ii. Increase the maximum height of houseplexes to match corner townhouses (9.5 m for flat roofs and 10.5 m for other roof forms).
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- iv. Eliminate the requirement for a secondary dwelling unit (a suite).
- v. Allow bedrooms in a suite to contribute toward the main unit's total bedroom count.
- b. Remove all the bonus density requirements except for right-of-way dedication.
- c. Amend setback and site coverage regulations.
  - i. Reduce the minimum setback for corner townhouses from a street to be 2 m instead of 4 m.
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- 4. That the above recommendations be adopted on the condition that they create no legal rights for any person, or obligation on the part of the City or its officials, and any expenditure of funds is at the risk of the person making the expenditure.
  - **On the current Missing Middle Zoning Regulation Bylaw, maintain the current vehicle regulations in Section 6.1, but add the following provision: "Delegate authorities to staff to approve parking variances for missing middle housing initiative projects."**

**CARRIED UNANIMOUSLY**

**Amendment:**

**Moved By** Councillor Caradonna

**Seconded By** Councillor Dell

- 1. That Council instruct the Director of Sustainable Planning and Community Development to prepare a Zoning Regulation Bylaw amendment to the regulations related to Missing Middle Housing, to:
  - a. Simplify the conditions of use.
    - i. Eliminate the requirement for an adaptable dwelling unit.
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- iv. Eliminate the requirement for a secondary dwelling unit (a suite).
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- b. Remove all the bonus density requirements except for right-of-way dedication.
- c. Amend setback and site coverage regulations.
  - i. Reduce the minimum setback for corner townhouses from a street to be 2 m instead of 4 m.
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  - On the current Missing Middle Zoning Regulation Bylaw, maintain the current vehicle regulations in Section 6.1, but add the following provision: "Delegate authorities to staff to approve parking variances for missing middle housing initiative projects."
  - **On the current Missing Middle Zoning Regulation Bylaw, amend Section 3.3.a to reduce Houseplex Front Setbacks from 6.1m to 4.0m.**

FOR (8): Mayor Alto, Councillor Caradonna, Councillor Coleman, Councillor Dell, Councillor Hammond, Councillor Kim, Councillor Loughton, and Councillor Thompson

OPPOSED (1): Councillor Gardiner

**CARRIED (8 to 1)**

**Amendment:**

**Moved By** Councillor Caradonna

**Seconded By** Councillor Dell

1. That Council instruct the Director of Sustainable Planning and Community Development to prepare a Zoning Regulation Bylaw amendment to the regulations related to Missing Middle Housing, to:
  - a. Simplify the conditions of use.
    - i. Eliminate the requirement for an adaptable dwelling unit.
    - ii. Increase the maximum height of houseplexes to match corner townhouses (9.5 m for flat roofs and 10.5 m for other roof forms).
    - iii. Require the lowest level of houseplexes and corner townhouse buildings to have a finished ceiling that is more than 1.2 m above average grade.
    - iv. Eliminate the requirement for a secondary dwelling unit (a suite).
    - v. Allow bedrooms in a suite to contribute toward the main unit's total bedroom count.
  - b. Remove all the bonus density requirements except for right-of-way dedication.
  - c. Amend setback and site coverage regulations.
    - i. Reduce the minimum setback for corner townhouses from a street to be 2 m instead of 4 m.
    - ii. Reduce the setback for corner townhouses from an internal property line to a building elevation with windows to habitable rooms (e.g., the back of a row of townhouses) to 5 m instead of 6 m.
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  - On the current Missing Middle Zoning Regulation Bylaw, amend Section 3.3.a to reduce Houseplex Front Setbacks from 6.1m to 4.0m.
  - **Adjust basement, ceiling, and roof heights for both Houseplexes and Townhouses to permit for both livable basements (that would not affect FSR or count as a storey) and 3 floors of above-ground stories.**



OPPOSED (9): Mayor Alto, Councillor Caradonna, Councillor Coleman, Councillor Dell, Councillor Gardiner, Councillor Hammond, Councillor Kim, Councillor Loughton, and Councillor Thompson

**DEFEATED UNANIMOUSLY**

*Committee recessed for lunch at 12:00 p.m. and reconvened at 1:00 p.m.*

**Amendment:**

**Moved By** Councillor Caradonna

**Seconded By** Councillor Dell

1. That Council instruct the Director of Sustainable Planning and Community Development to prepare a Zoning Regulation Bylaw amendment to the regulations related to Missing Middle Housing, to:
  - a. Simplify the conditions of use.
    - i. Eliminate the requirement for an adaptable dwelling unit.
    - ii. Increase the maximum height of houseplexes ~~to match and~~ corner townhouses (~~9.5~~ **11.0** m for flat roofs and ~~10.5~~ **12.0** m for other roof forms).
    - iii. Require the lowest level of houseplexes and corner townhouse buildings to have a finished ceiling that is **at least 1.1 more than** ~~1.2~~ m above average grade.
    - iv. Eliminate the requirement for a secondary dwelling unit (a suite).
    - v. Allow bedrooms in a suite to contribute toward the main unit's total bedroom count.
  - b. Remove all the bonus density requirements except for right-of-way dedication.
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  - On the current Missing Middle Zoning Regulation Bylaw, amend Section 3.3.a to reduce Houseplex Front Setbacks from 6.1m to 4.0m.

FOR (7): Mayor Alto, Councillor Caradonna, Councillor Coleman, Councillor Dell, Councillor Kim, Councillor Loughton, and Councillor Thompson  
 OPPOSED (2): Councillor Gardiner, and Councillor Hammond

**CARRIED (7 to 2)**

**Amendment:**

**Moved By** Mayor Alto

**Seconded By** Councillor Caradonna

1. That Council instruct the Director of Sustainable Planning and Community Development to prepare a Zoning Regulation Bylaw amendment to the regulations related to Missing Middle Housing, to:
  - a. Simplify the conditions of use.
    - i. Eliminate the requirement for an adaptable dwelling unit.
    - ii. Increase the maximum height of houseplexes and corner townhouses (11.0 m for flat roofs and 12.0 m for other roof forms).
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    - iii. Increase the maximum site coverage for corner townhouses to **50% 45%** instead of 40% to align with revised setbacks on an 18 m wide corner lot.
    - iv. Only specify side setbacks in meters and not as a percent of lot width.

- d. Clarify regulations to improve interpretation including eliminating the overlap of other use regulations with heritage conserving infill use regulations.
2. That, pursuant to section 30 of the Land Use Procedure Bylaw, Council waive the requirement for the holding of a public hearing.
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  - On the current Missing Middle Zoning Regulation Bylaw, amend Section 3.3.a to reduce Houseplex Front Setbacks from 6.1m to 4.0m.

#### **CARRIED UNANIMOUSLY**

#### **On the main motion as amended:**

1. That Council instruct the Director of Sustainable Planning and Community Development to prepare a Zoning Regulation Bylaw amendment to the regulations related to Missing Middle Housing, to:
  - a. Simplify the conditions of use.
    - i. Eliminate the requirement for an adaptable dwelling unit.
    - ii. Increase the maximum height of houseplexes and corner townhouses (11.0 m for flat roofs and 12.0 m for other roof forms).
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    - iii. Increase the maximum site coverage for corner townhouses to 50% instead of 40% to align with revised setbacks on an 18 m wide corner lot.
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- d. Clarify regulations to improve interpretation including eliminating the overlap of other use regulations with heritage conserving infill use regulations.
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3. That, after publication of notification in accordance with section 467 of the Local Government Act, first, second, and third reading of the zoning bylaw amendment be considered by Council.
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  - On the current Missing Middle Zoning Regulation Bylaw, maintain the current vehicle regulations in Section 6.1, but add the following provision: “Delegate authorities to staff to approve parking variances for missing middle housing initiative projects.”
  - On the current Missing Middle Zoning Regulation Bylaw, amend Section 3.3.a to reduce Houseplex Front Setbacks from 6.1m to 4.0m.

FOR (7): Mayor Alto, Councillor Caradonna, Councillor Coleman, Councillor Dell, Councillor Kim, Councillor Loughton, and Councillor Thompson  
 OPPOSED (2): Councillor Gardiner, and Councillor Hammond

**CARRIED (7 to 2)**

**F.3 CRD Transportation Governance – Preliminary Input**

Committee received a report dated September 15, 2023, from the Acting Director of Engineering and Public Works, seeking endorsement on the City of Victoria submission to the CRD Transportation Governance Engagement Process.

**Moved By** Councillor Kim  
**Seconded By** Councillor Caradonna

That the ranking on number 5 of the survey be reordered as follows:

1. Improving access to essential amenities
2. Enhancing connectivity between neighbouring municipalities
3. Connecting residential areas and employment centers
4. Connecting to BC Ferries and Victoria International Airport

OPPOSED (9): Mayor Alto, Councillor Caradonna, Councillor Coleman, Councillor Dell, Councillor Gardiner, Councillor Hammond, Councillor Kim, Councillor Loughton, and Councillor Thompson

**DEFEATED UNANIMOUSLY**

**Moved By** Councillor Kim  
**Seconded By** Councillor Coleman

That Council endorse the attached submission into the CRD Transportation Governance Engagement Process.

**CARRIED UNANIMOUSLY**

**F.4 Permissive Tax Exemptions 2024-2025**

Committee received a report dated August 17, 2023, from the Deputy Director of Finance, regarding applications from non-profit organizations requesting permissive property tax exemptions for 2024 to 2025 for Council's consideration.

*Committee discussed the following:*

- *Length of exemption cycle*
- *New applications*
- *Potential inclusion of Gorge View Society*
- *Guided by the City's Permissive Tax Exemption Policy*

**Motion to extend:**

**Moved By** Councillor Dell

**Seconded By** Councillor Gardiner

That the meeting be extended to 3:00 p.m.

**CARRIED UNANIMOUSLY**

**Motion to refer:**

**Moved By** Mayor Alto

**Seconded By** Councillor Dell

That this item be referred to the October 5, 2023 Committee of the Whole meeting.

**CARRIED UNANIMOUSLY**

**G. NEW BUSINESS**

**G.2 Council Member Motion: Expand ban on possession and use of illicit drugs near "child-focused spaces"**

Committee received a Council Member Motion dated September 21, 2023, from Councillor Hammond, seeking to expand the ban on use and possession of illegal drugs within 30 metres of "child-focused spaces".

*Committee discussed the following:*

- *Increased safety for children, youth and other vulnerable populations*
- *Municipality's authority*

**Moved By** Councillor Hammond  
**Seconded By** Councillor Gardiner

That Council direct staff to draft bylaw changes to include the following:

1. The use and possession of illegal drugs be banned within 30 metres of “child-focused spaces”.
2. “Child-focused spaces” would be expanded to include sports fields, tennis courts, picnic tables, bus shelters, and public facilities such as libraries and community centres, in addition to the existing list of playground play structures, spray pools, wading pools and skate parks.

**Motion to extend:**

**Moved By** Councillor Kim  
**Seconded By** Councillor Gardiner

That the meeting be extended to 3:20 p.m.

**CARRIED UNANIMOUSLY**

**Amendment:**

**Moved By** Mayor Alto  
**Seconded By** Councillor Gardiner

That Council **request the mayor write to the Premier and Solicitor General urging the provincial government to expand its prohibitions to possess illegal drugs in some public places** ~~direct staff to draft bylaw changes~~ to include the following:

1. The use and possession of illegal drugs be banned within 30 metres of “child-focused spaces”.
2. “Child-focused spaces” would be expanded to include sports fields, tennis courts, picnic tables, bus shelters, and public facilities such as libraries and community centres, in addition to the existing list of playground play structures, spray pools, wading pools and skate parks.

**Motion to refer:**

**Moved By** Councillor Hammond  
**Seconded By** Councillor Gardiner

That the item be referred to the October 12, 2023 Committee of the Whole meeting.

**CARRIED UNANIMOUSLY**

**G.3 Council Member Motion: Enabling an Affordable Downtown Community Arts Hub in Perpetuity**

Committee received a report dated September 22, 2023, from Councillor Dell and Councillor Caradonna, requesting options for securing an affordable long-term community arts hub.

**Moved By** Councillor Dell  
**Seconded By** Councillor Caradonna

That Council direct staff to investigate and report back on options for securing an affordable long-term community arts hub, such as the one at 780 Blanshard.

**Amendment:**

**Moved By** Councillor Caradonna  
**Seconded By** Councillor Dell

That Council **provide the non-profit arts organization running the arts hub a grant of \$390,000 to be paid out of the 2024 and 2025 budgets and** direct staff to investigate and report back on options for securing an affordable long-term community arts hub, such as the one at 780 Blanshard.

**CARRIED UNANIMOUSLY**

**Amendment:**

**Moved By** Councillor Dell  
**Seconded By** Councillor Caradonna

**Council Member Motion: Enabling an Affordable Downtown Community Arts Hub in Perpetuity**

**CARRIED UNANIMOUSLY**

**Motion to extend:**

**Moved By** Councillor Coleman  
**Seconded By** Councillor Caradonna

That the meeting be extended to 4:00 p.m.

**CARRIED UNANIMOUSLY**

**On the main motion as amended:**

That Council provide the non-profit arts organization running the arts hub a grant of \$390,000 to be paid out of the 2024 and 2025 budgets and direct staff to investigate and report back on options for securing an affordable long-term community arts hub, such as the one at 780 Blanshard.

**CARRIED UNANIMOUSLY**

#### **G.4 Council Member Motion: Continued Actions on Unsheltered Homelessness**

Committee received a report dated September 28, 2023, from Councillor Loughton, Councillor Caradonna, and Councillor Kim, requesting continued actions on unsheltered homelessness.

**Motion to refer:**

**Moved By** Councillor Loughton  
**Seconded By** Councillor Coleman

That the item be referred to the October 5, 2023 Committee of the Whole meeting.

**CARRIED UNANIMOUSLY**

**I. ADJOURNMENT OF COMMITTEE OF THE WHOLE**

**Moved By** Councillor Dell  
**Seconded By** Councillor Kim

That the Committee of the Whole Meeting be adjourned at 3:24 p.m.

**CARRIED UNANIMOUSLY**

\_\_\_\_\_  
CITY CLERK

\_\_\_\_\_  
MAYOR