

HALIFAX REGIONAL MUNICIPALITY

HALIFAX REGIONAL COUNCIL MINUTES

December 8, 1998

PRESENT:

Mayor Walter Fitzgerald
Deputy Mayor Larry Uteck
Councillors Bill Dooks
David Hendsbee
Ron Cooper
Harry McInroy
Jack Greenough
Condo Sarto
Bruce Hetherington
Clint Schofield
John Cunningham
Jerry Blumenthal
Graham L. Downey
Sheila Fougere
Russell Walker
Bill Stone
Stephen D. Adams
Bob Harvey
Peter Kelly
Reg Rankin
Jack Mitchell

ABSENT WITH
REGRETS:

Councillors Barry Barnet
Ron Hanson
Gordon R. Snow

STAFF MEMBERS:

Mr. Ken Meech, Chief Administrative Officer
Mr. Wayne Anstey, Municipal Solicitor
Ms. Vi Carmichael, Municipal Clerk
Ms. Karen Swim, Asst. Municipal Clerk

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1. **INVOCATION**

His Worship Mayor Walter Fitzgerald called the meeting to order at 6:00 p.m. with the Invocation.

2. **PROCLAMATIONS**

2.1 **Human Rights Day**

Mayor Fitzgerald proclaimed Thursday, December 10, 1998 as *Human Rights Day* in the Halifax Regional Municipality.

3. **APPROVAL OF MINUTES - NONE**

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

The following items were requested to be added to the agenda:

- 13.1 Deputy Mayor Uteck: Proposed Pesticide By-Law
- 13.2 Council Hendsbee: Resolution Re: Transit Reductions and Fare Increases (**Note:** At the request of the Councillor, **it was agreed that** this matter be dealt with as Item 11.3.3 in conjunction with matters relating to the Community and Race Relations Advisory Committee)
- 13.3 Land Matter: Street Closure: Cedar Street
- 13.4 Land Matter: Acquisition of Merle Harrie Lands (Terrance Bay)
- 13.5 HRM Surplus Properties: Sackville Drive, Upper Sackville
- 13.6 Councillor Greenough: 200 Waverley Road - Fuel Tank Installation

MOVED by Councillor Schofield, seconded by Deputy Mayor Uteck that the Order of Business and Additions and Deletions be approved. MOTION PUT AND PASSED UNANIMOUSLY.

5. **BUSINESS ARISING OUT OF THE MINUTES - NONE**

6. **MOTIONS OF RECONSIDERATION**

6.1 **Councillor Adams - Award of Tender #98-183, Halifax Police Station,
1975 Gottingen Street (Entry Renovations)**

The following motion had been approved during the December 1, 1998 meeting of Halifax Regional Council: *That Tender #98-183, Halifax Police Station, 1975 Gottingen Street (Entry Renovations) be awarded to the low bid of \$145,241.00 (including taxes) from*

Blunden Construction. Blunden Construction has asked to withdraw their bid based on an alleged error in their submission. In the event that Blunden Construction does not enter into a contract with HRM staff recommends the award of the contract to the next low bid of \$218,385.00 (including taxes) from Duron Atlantic Ltd. Construction, and that a contingency of \$30,000 be approved if required.

A Notice of Motion of Reconsideration regarding this matter had subsequently been served by Councillor Adams.

Councillor Adams indicated that, in his opinion, it was unfair to penalize Blunden Construction in this instance by calling in their bond. He went on to point out that, not only had a slightly different form been used by HRM during this particular tendering process, but that it had been Blunden themselves who had brought the mistake in pricing to the attention of the Procurement Section. The Councillor went on to refer to two previous instances in which Council had taken a different approach with regard to errors in the tendering process, and concluded his remarks by referencing Blunden's long history with the former City of Halifax, the Metropolitan Authority and with HRM itself.

MOVED by Councillor Adams, seconded by Councillor Walker that Council reconsider its motion of December 1, 1998. THE MOTION TO RECONSIDER WAS PUT AND DEFEATED.

7. MOTIONS OF RESCISSION - NONE

8. CONSIDERATION OF DEFERRED BUSINESS- NONE

9. PUBLIC HEARINGS

9.1 Case No. 7591 - Plan Amendment for Chebucto Peninsula (Planning District 5) to Realign the Conservation Designation Boundary (Polling District 18)

! A report dated October 6, 1998 and entitled *Case 7591 - Plan Amendment for Chebucto Peninsula (Planning District 5) to Realign the Conservation Designation Boundary - Polling District 18* was submitted under the signature of Councillor Bill Stone, Chairman of the Chebucto Community Council.

Ms. Thea Langille-Hanna, Planner (Planning Services), provided members of Council with a brief overview of the proposed Plan amendment. In her remarks, Ms. Langille-Hanna pointed out that, if adopted, the proposal will see a Conservation Designation maintained for the Crown lands in this portion of HRM; however, it will also allow more appropriate designations (e.g., residential, commercial, etc.) to be applied to the privately-owned properties in this area.

Responding to a question from Councillor Kelly, the Municipal Solicitor advised that while the Federal Government (the owner of various of the Crown lands in question) is not bound to respect property designations imposed by the Municipality, the fact that such designations exist may serve to influence their planning processes when the future of these lands is being considered.

Mayor Fitzgerald called for comments from members of the public.

Mr. Peter Whalen spoke briefly in support of the proposed Plan amendment.

There being no further persons wishing to address Council on this proposal, **it was MOVED by Councillor Blumenthal, seconded by Councillor Hetherington that the public hearing be adjourned. THE MOTION WAS PUT AND PASSED.**

MOVED by Councillor Adams, seconded by Councillor Fougere that, as recommended by staff and the Chebucto Community Council, Halifax Regional Council approve the revised Generalized Future Land Use Map for the Chebucto Peninsula Planning District 5. THE MOTION WAS PUT AND PASSED.

9.2 Deregistration of Heritage Property - 62 Rockingstone Road

! A report dated December 3, 1998 and entitled *Deregistration - Parcel of Land (Lot B-1BX) at 62 Rockingstone Road, A Registered Heritage Property*, was submitted under the signature of Mr. Paul Erickson, A/Chair and Vice Chair, Heritage Advisory Committee.

! A supplementary report dated December 4, 1998 and entitled *62 Rockingstone Road (Kidston Farm), A Registered Heritage Property*, was submitted under the signature of Dan English, A/Chief Administrative Officer.

Ms. Thea Langille-Hanna, Planner (Planning Services), provided members of Council with a brief overview of the proposed deregistration. In her remarks, Ms. Langille-Hanna emphasized that, in staff's view, the subdivision of this property and the deregistration of 3.4 acres located at 62 Rockingstone Road will not significantly affect the heritage value of the existing farmhouse or the various features that surround it. Furthermore, approval of the proposed deregistration will allow the construction of a new single-family dwelling proposed to be in keeping with the heritage characteristics of the existing buildings.

Mayor Fitzgerald called for comments from members of the public.

Mr. Arthur Kidston, co-owner of the property in question, briefly addressed Council in support of the deregistration proposal.

There were no further persons wishing to address Council in this regard.

MOVED by Councillor Greenough, seconded by Councillor Adams that the public hearing be adjourned. THE MOTION WAS PUT AND PASSED.

MOVED by Councillor Adams, seconded by Councillor Blumenthal that, as recommended by staff and the Heritage Advisory Committee, Council approve the deregistration of the parcel of land (Lot B-1BX) at 62 Rockingstone Road as shown on Map 2 attached to the supplementary staff report dated December 4, 1998. THE MOTION WAS PUT AND PASSED.

9.3 Case No. 00013 - Non-Conforming Use Development Agreement, 5576 and 5576 1/2 North Street, Halifax

- ! A report dated November 18, 1998 and entitled *Case 00013: Non-Conforming Use Development Agreement for a Laundromat in Conjunction with an Existing Grocery Store and Three Apartment Units, 5576 and 5576 ½ North Street, Halifax*, was submitted under the signature of Mr. Robert Daley, Chairman, Peninsula Planning Advisory Committee.
- ! Correspondence, dated November 24, 1998 and attaching a petition (containing approximately 119 signatures) in opposition to the proposal, was received from Mr. Richard Kwon, owner of Miss Murphy's Laundromat, 6023 North Street, Halifax, B3K 1N9.
- ! A petition containing the signatures of approximately 577 individuals in support of the proposed laundromat, was submitted by Councillor Downey.
- ! A petition containing the signatures of approximately 100 individuals in opposition to the proposed development agreement was submitted by Councillor Blumenthal.

Ms. Grace Ho, Planner (Planning Services), using maps and sketches of the property in question, provided Council with a brief overview of the proposed development agreement and the implications it holds for an existing agreement in place for this site since 1989. In her remarks, Ms. Ho advised that, in staff's opinion, the proposal (i.e., to replace a former pizza and donair shop on the main level of the building with a laundromat) and the conditions which will be attached to it are in accordance with the intent of Implementation Policy 3.14 and are therefore recommended for Council's approval.

Ms. Ho subsequently responded to questions from various members of Council.

Mayor Fitzgerald called for comments from members of the public.

Mr. Sung Kwon addressed Council on behalf of his father, Mr. Richard Kwon, owner of Miss Murphy's Laundromat, 6023 North Street, Halifax. In his remarks, Mr. Kwon expressed concern that yet another laundromat is being proposed for this part of Peninsula North, and referred to a petition containing the signatures of approximately 119 individuals (primarily customers of his father's laundromat) in opposition to this proposal.

Mr. Kwon emphasized that, like many other emigrants to Canada, his family has invested heavily in their business enterprise. If it were to fail because of an excess of competing interests, Mr. Kwon suggested that the impact would not only be considerable for the Kwon family but might also serve as a signal to future emigrants that the Halifax Regional Municipality does not provide a suitable environment in which new businesses can flourish.

Mr. Ronald George, a resident of the North Street neighborhood, briefly addressed Council in support of the proposal, noting that a petition containing more than 500 signatures has been circulated requesting that the laundromat be approved. **Note:** This petition was subsequently submitted to the Municipal Clerk by Councillor Downey.

There being no further persons wishing to address Council on this matter, **it was MOVED by Councillor Hetherington, seconded by Councillor Greenough that the public hearing be adjourned. THE MOTION WAS PUT AND PASSED.**

MOVED by Councillor Downey, seconded by Councillor Schofield that, as recommended by staff and the Planning Advisory Committee, Halifax Regional Council:

- (1) approve the non-conforming use development agreement to permit a laundromat, existing grocery store, and three apartment units at 5576 and 5576 1/2 North Street;**
- (2) require that the agreement be signed within 120 days or any extension thereof granted by Council on request of the applicant from the date of final approval by Council and any other bodies as necessary, whichever approval is later, including applicable appeal periods; otherwise, this approval will be void and obligations arising hereunder shall be at an end; and**
- (3) discharge the development agreement dated December 29, 1989 between Salim Zhouri and the City of Halifax which permits a take-out restaurant, said agreement being filed at the Registry of Deeds in Book 4868 at Pages 598-602.**

Concerns were expressed by various Councillors with regard to the impact the addition of another laundromat in this area will have on existing businesses of a similar nature. The Municipal Solicitor clarified, however, that Council's role is to evaluate this application on

the basis of whether or not it is consistent with the policies contained in HRM's Planning Strategy, rather than to attempt to regulate competing business interests.

THE MOTION WAS PUT AND PASSED with Councillor Blumenthal voting in opposition.

10. CORRESPONDENCE, PETITIONS - NONE

11. REPORTS

11.1 MEMBERS OF COUNCIL

11.1.1 Councillor Cunningham - Starr Manufacturing Lands

Councillor Cunningham advised that a public information meeting had been held on Wednesday, December 2, 1998 to present three proposals submitted through the Municipality's request for "expressions of interest" in the Starr Manufacturing lands. The Councillor noted that each of these proposals is now being reviewed by staff with input to be sought from the following special interest groups: the Shubenacadie Canal Commission, the Dartmouth Downtown Development Corporation, the Central Dartmouth Neighbourhood Association, and the Heritage Advisory Committee. The review process is expected to be completed by late January, 1999 at which time a report and recommendation will be submitted for Council's consideration.

In concluding his remarks, Councillor Cunningham expressed his appreciation to staff, the Harbour East Community Council, members of the aforementioned special interest groups, and the residents of Dartmouth Centre for their hard work and dedication to this initiative.

11.2 REGIONAL MUSEUM OF CULTURAL HISTORY AD HOC COMMITTEE

11.2.1 Report - Regional Museum of Cultural History

- ! Report (together with covering memorandum dated December 3, 1998 from Mrs. Brenda Shannon, Chair) entitled *Regional Museum of Cultural History: A Museum for the New Millennium* (December 1998) submitted by the Ad Hoc Committee for the Regional Museum of Cultural History.
- ! Correspondence dated July 1997/December 1998 from Mr. Thomas Deakin, a Dartmouth resident.
- ! Correspondence dated December 3, 1998 from Dr. John R. N. Lazier, President, Heritage Trust of Nova Scotia.

- ! Correspondence dated December 7, 1998 from Mrs. Elizabeth Pacey, Heritage Canada Foundation (Nova Scotia).
- ! Correspondence dated December 7, 1998 from Mr. Richard W. Cregan, P. O. Box 355, Halifax, B3J 2N7.

Mrs. Brenda Shannon, Chair of the Ad Hoc Committee for the Regional Museum of Cultural History, provided members of Council with a brief overview of the December 1998 report. In her remarks, Mrs. Shannon spoke of the significance to the Municipality and its culture of the artifacts now housed by the Museum and suggested that, with the 250th anniversaries of both Halifax and Dartmouth and the Millennium to be celebrated shortly, HRM should be showing off its history rather than putting it in storage. On the issue of storage, she emphasized that the Committee's research has shown that the costs of either warehousing the collection or of disposing of the artifacts in some fashion are considerably higher than anticipated. Consequently, the Committee has recommended that the Museum be maintained, albeit with certain changes in its governance, programs and services.

More specifically, the following recommendations were put forward by the Committee with regard to the future of the Regional Museum of Cultural History:

- (a) the mandate and services of the Museum (as set out in the December 1998 report) be adopted;
- (b) a community board consisting of 12 persons be appointed as soon as possible to undertake the governance of the Museum and, in particular, a program of vigorous fund raising;
- (c) the Museum stay in its present building for the time being, and the Board be charged with finding a suitable permanent location within two years;
- (d) the Board be charged with raising at least a third of the Museum's annual operating budget from fund raising efforts within three years;
- (e) the Municipality undertakes to provide an operating budget of \$250,000 for each of the next three years and to provide payroll and other administrative services to the Museum.

Mrs. Shannon and Mr. Lewis Rogers, General Manager, Tourism, Culture and Heritage, responded to questions from various members of Council.

MOVED by Councillor Hetherington, seconded by Councillor Greenough that Council:

- (1) refer the Report of the Ad Hoc Committee to the Program and Service Review Committee for review and recommendation;
- (2) request a staff report for consideration by the Program and Service Review Committee on the implications of the Report's recommendations; and
- (3) extend the terms of the Ad Hoc Committee to January 31, 1999.

Speaking in support of the motion, Councillor Rankin asked that the requested staff report also address the long-term costs inherent in moving the Museum to another location and, in particular, the source(s) of any necessary funding.

THE MOTION WAS PUT AND PASSED with His Worship expressing Council's appreciation to Mrs. Shannon and her Committee for their efforts in this regard.

11.3 COMMUNITY AND RACE RELATIONS ADVISORY COMMITTEE

11.3.1 Terms of Reference

! A report dated December 2, 1998 and entitled *Terms of Reference* was submitted by Ms. Betty Thomas, Chair of the Community and Race Relations Advisory Committee.

Ms. Thomas presented a brief over view of her Committee's report concerning the proposed Terms of Reference as well as on the report and resolution referenced under Agenda Items 11.3.2 and 11.3.3 respectively.

Following Ms. Thomas' remarks, His Worship Mayor Fitzgerald, on behalf of Halifax Regional Council, expressed his appreciation to the Committee and its staff for their work over the past several months.

MOVED by Councillor Blumenthal, seconded by Deputy Mayor Uteck that the terms of reference proposed for HRM's Community and Race Relations Advisory Committee (as outlined in the Committee's report of December 2, 1998) be referred to staff for review and comment. THE MOTION WAS PUT AND PASSED.

11.3.2 Recognition of Significant Dates

! A report dated December 2, 1998 and entitled *Recognition of Significant Dates* was submitted by Ms. Betty Thomas, Chair of the Community and Race Relations Advisory Committee.

MOVED by Councillor Blumenthal, seconded by Deputy Mayor Uteck that the list of significant dates pertaining to the recognition of particular community groups or events (as outlined in the Committee's report of December 2, 1998) be referred to staff for review and comment. **THE MOTION WAS PUT AND PASSED.**

11.3.3 Transit Reductions and Fare Increases

This matter had been added to the agenda at the request of Councillor Hendsbee who submitted the following resolution, dated December 8, 1998, from the Community and Race Relations Advisory Committee:

That by increasing fares and eliminating bus routes, Council has adversely affected the most financially disadvantaged in the communities of HRM. It is further recommended that Council look for alternative revenue or cost savings in the area of transportation such as taxing all vehicles registered to owners within HRM.

IT WAS AGREED THAT Council would take this resolution under advisement.

Councillor McInroy retired from the meeting.

11.4 CHIEF ADMINISTRATIVE OFFICER

11.4.1 First Reading: By-law S-600, Solid Waste Resource Collection and Disposal

! A report dated December 2, 1998 and entitled *Solid Waste Resource Collection & Disposal By-Law S-600 (First Reading)* was submitted under the signature of K. R. Meech, Chief Administrative Officer.

This matter had last been discussed during the November 24, 1998 meeting of Regional Council at which time an approval process relative to proposed By-law S-600 had been authorized and a Notice of Motion for First Reading served by Councillor Rankin.

MOVED by Councillor Adams, seconded by Councillor Blumenthal that **By-law S-600, Respecting Solid Waste Resource Collection and Disposal, be given First Reading; and further, that Second Reading be scheduled for the January 5, 1999 regular meeting of Regional Council. THE MOTION WAS PUT AND PASSED.**

11.4.2 Halifax Regional Library - Automation Reserve

! A staff report dated December 2, 1998 and entitled *Halifax Regional Library - Automation Reserve* was submitted under the signatures of Dan English, A/Chief Administrative Officer and George McLellan, Deputy CAO.

MOVED by Councillor Stone, seconded by Councillor Cunningham that Council endorse the use of the Library Automation Reserve for approximately \$90,000 (as approved by the Halifax Regional Library Board during its meeting of October 19, 1998). **THE MOTION WAS PUT AND PASSED.**

12. MOTIONS

12.1 Councillor Kelly - Current Service Levels (Police Services)

CONFLICT OF INTEREST

Councillor Fougere declared a Conflict of Interest with regard to this matter, given that her husband is a member of HRM's Police Services, and removed herself from the discussion.

Notice of Motion with regard to this matter had been given by Councillor Kelly during a regular meeting of Regional Council held on Tuesday, December 1, 1998.

MOVED by Councillor Kelly, seconded by Councillor Walker that Council approve the replacement of all current 14 vacancies based on a sworn officer complement of the HRM Police Force of 403 as approved by Council in the 1998/99 Operating Budget; and that the vacancies be hired from the existing and available 33 trained graduates of the Provincial Training Program; and further, that all vacancies be replaced as they occur due to retirements, Long Term Disabilities, and/or other replacement situations.

In putting forward this motion, Councillor Kelly made reference to what he referred to as "a real want and a real desire to increase the police presence in our communities and to try to help address the concerns that have been brought forth over the last few months."

Responding to concerns raised by His Worship Mayor Fitzgerald pertaining to the necessity of identifying funding for this initiative, Councillor Kelly suggested that allowances did not appear to have been made in the current budget documents for the contribution from the Ports Corporation of approximately \$125,000. He therefore asked for clarification as to where these revenues have been allocated. On another but related matter, the Councillor referred to the recent hiring of three police superintendents at an increased cost to the Municipality of approximately \$40,000. Noting that this also appeared to be an unbudgeted item, Councillor Kelly asked for information as to where those monies had been identified.

Following a brief discussion, **it was MOVED** by Councillor Mitchell, seconded by Deputy Mayor Uteck that the motion put forward by Councillor Kelly be referred to the Halifax Regional Board of Police Commissioners for review and recommendation. **THE MOTION WAS PUT AND PASSED.**

Councillor Fougere returned to the Council Chambers.

13. ADDED ITEMS

13.1 Deputy Mayor Uteck - Proposed Pesticide By-Law

This matter had been added to the agenda at the request of Deputy Mayor Uteck, who made reference to the fact that, as of April 1, 1999, the Municipality will be given authority by the Province of Nova Scotia to implement a by-law on the use of pesticides. Under the circumstances, therefore, the Deputy Mayor asked for information as to what steps will be followed by staff in the development of that Bylaw.

Mr. Wayne Anstey, Municipal Solicitor, advised that a proposed Pesticide By-law is now under discussion at the staff level with a report to Council anticipated by mid-January.

Deputy Mayor Uteck made reference to the considerable degree of interest in this matter, and asked that the formulation of the By-law involve as much public input as possible.

13.2 Councillor Hendsbee - Resolution Re: Transit Reductions and Fare Increases

This matter was dealt with at an earlier point in the meeting as Item 11.3.3.

13.3 Land Matter: Street Closure - Cedar Street

! This matter had been discussed during an *In Camera* meeting of Halifax Regional Council held earlier in the day.

MOVED by Councillor Walker, seconded by Councillor Fougere that, as recommended by Council during its *in camera* meeting of December 8, 1998, staff be authorized to set a date for a public hearing for consideration of Halifax Regional Municipality Administrative Order SC-17, concerning the closure of a portion of Cedar Street as shown on the sketch attached to the confidential staff report of December 1, 1998 and identified as Parcel "A." THE MOTION WAS PUT AND PASSED.

13.4 Land Matter: Acquisition of Merle Harrie Lands (Terrance Bay)

! This matter had been discussed during an *In Camera* meeting of Halifax Regional Council held earlier in the day.

MOVED by Councillor Adams, seconded by Councillor Walker that the recommendation put forward during the *in camera* meeting of December 8, 1998 be ratified by Halifax Regional Council. **THE MOTION WAS PUT AND PASSED.**

13.5 HRM Surplus Properties: Sackville Drive, Upper Sackville

! This matter had been discussed during an *In Camera* meeting of Halifax Regional Council held earlier in the day.

MOVED by Councillor Harvey, seconded by Councillor Mitchell that the recommendation put forward during the *in camera* meeting of December 8, 1998 be ratified by Halifax Regional Council. **THE MOTION WAS PUT AND PASSED.**

13.6 Councillor Greenough: 200 Waverley Road - Fuel Tank Installation

! An Information Report dated December 1, 1998 and entitled *200 Waverley Road - Fuel Tank Installation* was submitted under the signature of Kulvinder S. Dhillon, P.Eng., Director of Engineering and Transportation Services.

Councillor Greenough made reference to concerns raised during the November 17 meeting of Regional Council, but noted that, given the assurances contained in the December 1 Information Report, he now felt comfortable with the safety precautions that are being taken with regard to this installation project.

14. NOTICES OF MOTION

14.1 Councillor McInroy - First Reading By-Law L-101

TAKE NOTICE that at the next regular meeting of Halifax Regional Council, to be held on Tuesday, December 15, 1998, I propose to introduce the First Reading of By-Law L-101 respecting Local Improvement Charges, Cow Bay Road (Sewer and Water).

Note: In Councillor McInroy's absence, this Notice of Motion was given by Councillor Cooper.

15. ADJOURNMENT

MOVED by Councillor Blumenthal, seconded by Councillor Hendsbee that the meeting adjourn at 7:50 p.m. **MOTION PUT AND PASSED UNANIMOUSLY.**

Vi Carmichael
Municipal Clerk

*K