

HALIFAX REGIONAL MUNICIPALITY

HALIFAX REGIONAL COUNCIL
April 23, 1996

- PRESENT: Mayor Walter Fitzgerald
Deputy Mayor Jack Greenough
Councillor Bill Dooks
Councillor Gordon R. Snow
Councillor David Hendsbee
Councillor Ron Cooper
Councillor Harry McInroy
Councillor Condo Sarto
Councillor Bruce Hetherington
Councillor Clint Schofield
Councillor John Cunningham
Councillor Jerry Blumenthal
Councillor Larry Uteck
Councillor Howard Epstein
Councillor Russell Walker
Councillor Bill Stone
Councillor Ron Hanson
Councillor Stephen Adams
Councillor Barry Barnet
Councillor Bob Harvey
Councillor Peter Kelly
Councillor Reg Rankin
Councillor Jack Mitchell
- ALSO PRESENT: K.R. Meech, Chief Administrative Officer
Wayne Anstey, Municipal Solicitor
Vi Carmichael, Municipal Clerk
Julia Horncastle, Assistant Municipal Clerk
- ABSENT: Councillor Graham L. Downey

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Mayor Fitzgerald proclaimed April 24, 1996 as Professional Secretaries Day and April 25, 1996 as Canada Book Day.

1. **INVOCATION**

Mayor Fitzgerald called the meeting to order with an Invocation.

2. **APPROVAL OF THE ORDER TO BUSINESS AND APPROVAL OF ADDITIONS AND DELETIONS**

Councillor Uteck requested the addition of Shakespeare By the Sea.

It was requested that Tax Harmonization - PST/GST be added.

It was requested that item #7.1 - Pier 21 Project - Ruth Goldbloom be moved up on the agenda and placed after item #4.

Councillor Schofield requested the addition of the following items:

- Flag for Halifax Regional Municipality
- Creation of Community Council for Dartmouth

Councillor Hetherington requested the addition of "Municipal Vehicles"

Councillor Dooks requested the addition of the following items:

- Livestock
- Sheet Harbour Board of Trade

Councillor Hendsbee requested that item #8.5.3 - Beaver Bank & Porter's Lake Bus Operations be moved up on the agenda. It was agreed that the item be placed after item #6.

Councillor Adams requested the addition of "Electrical Inspectors"

MOVED by Councillors Barnet and Harvey that item 5.4 be dealt with before item 5.3. MOTION WAS PUT AND PASSED.

Councillor Rankin requested the addition of the following items:

- Recommendation - Solid Waste Resource Management Committee
- Notice of Motion re: Amendment to Burning By-Law
- St. Margaret's Arena Purchase - request for staff report

MOVED by Councillors Barnet and Harvey to approve the Order of Business, as amended. MOTION WAS PUT AND PASSED.

4. **MOTIONS OF RECONSIDERATION** - NONE

7. **CORRESPONDENCE, PETITIONS AND DELEGATIONS PRESENTATION:**

7.1 **Pier 21 Project - Ruth Goldbloom (Presentation)**

Dr. Ruth Goldbloom addressed Council and provided information on the proposed and past functions and utilization of Pier 21. She informed Council monies had been committed at both the Provincial and Federal level and was, at this time, requesting a contribution of \$500,00.00 from Halifax Regional Council. Circulated with the agenda, was an information report from staff providing background on the Project.

MOVED by Deputy Mayor Greenough and Councillor Sarto that the expenditure of \$500,000.00 be approved subject to funding being provided at the Federal and Provincial level. Further, the release of those monies to be at the discretion of staff in terms of the ongoing requirement for funds. MOTION PUT AND PASSED.

Council observed a minute of silence out of respect for the passing of Councillor Downey's brother

5. **CONSIDERATION OF DEFERRED BUSINESS**

5.1 **Appointments - Halifax County Regional Development Agency**

MOVED by Councillor Hetherington and Deputy Mayor Greenough that Councillor Hendsbee representing the Eastern section, Councillor Barnet representing the Central section and Councillor Mitchell representing the Western section, be appointed to the Board of the Regional Development Agency. MOTION WAS PUT AND PASSED.

5.2 **Water Commission**

Mayor Fitzgerald informed Council that Councillor Hetherington has been appointed as Vice-Chair. He informed Council one more name would be brought forward at the next Council session.

5.4 **Community Council - District 19-23**

A report on Community Council - Districts 19-23 was brought before Council.

MOVED by Councillor Rankin and Kelly that Council accept Administrative Order Number Two, respecting the creation of the Community Council (Appendix B), and Alternative No. 2 of the staff report, from the Commissioner of Community Services, dated April 17, 1996 to establish the "North West Regional Community Council" which would include Polling Districts 19, 20, 21, 22 and 23 of Halifax Regional Municipality which states "*Council could approve establishing a Community Council in District 19 to 23. This course of action is of course dependant upon Council's decision regarding the Committee of the Whole recommendation on committees. While this course of action is not recommended at this time, the proposed community council does satisfy the minimum requirements prescribed by the HRM Act for size and population. An administrative order to permit the establishment of this Community Council is attached for Council's consideration as Appendix "B".*

Councillor Uteck expressed concern as to whether these Councils are a necessity and if so, could their formation be held in abeyance until after the Committee Advisory Committee has met and residents have been given an opportunity for community input.

In reply, Councillor Barnet offered there are community issues that need to be addressed in a timely manner and the community expects these Councils to be in place, as soon as possible, to deal expediently and efficiently with their concerns.

Councillor Harvey noted these Councils work closely with the people they represent to address issues at the community level and Councillor Kelly stated if these communities decide this is the approach they wish to take, then they should be given the opportunity to establish Community Councils and not lose the community support.

Councillor Stone expressed the desire to have a decision respecting the formation of a Community Council deferred until after a meeting is held to look at the advantages and disadvantages of these Councils. He said there are too many unanswered questions as to the powers and responsibilities of Community Councils to make a decision at this time.

MOVED by Councillor Stone and Hanson that this be deferred until a Committee of the Whole meeting is held to address the matter (the formation of Community Councils). MOTION WAS PUT AND DEFEATED.

Councillor Cooper advised that Community Councils provide direct interaction between the residents and elected officials and allow decisions that are community based to be made in the community. It was noted that experience has shown that decisions made and

actions taken by Community Councils are not in conflict with decisions made by full Council.

Councillor Uteck noted that other avenues could be used to provide community input without the establishment of Community Councils.

MAIN MOTION WAS PUT AND PASSED.

5.3 Resolution of Committee of the Whole - Standing Committees

MOVED by Councillor Kelly and Snow that the following Committee of the Whole recommendations be ratified by Council:

“THAT it be recommended to Council that an ad hoc committee called “Committee Advisory Committee” be struck to review and make recommendations to Council with respect to the staff report regarding the formation and structure of committees. Further, it was agreed that Standing Committees be dealt with by Council at a Committee of the Whole”

“THAT Council invite the Planning Advisory Committees and the Heritage Advisory Committees, which were existing in the units as of March 31, 1996, to be appointed to operate as interim Planning Advisory and Heritage Advisory Committees for Halifax Regional Municipality”

MOTION WAS PUT AND PASSED.

6. PUBLIC HEARINGS - NONE

8. REPORTS

8.5 Commissioner of Regional Operations

8.5.3 Beaver Bank & Porter’s Lake Bus Operation

A report entitled “Report on Beaver Bank and Porter’s Lake Bus Operations” was presented to Council with Mr. Brian Taylor, Acting Director of Transportation, in attendance to answer questions posed by members of Council. Council was informed that it was the intention, working through Metro Transit, to ask Beaver Bank Transit Ltd to sign over

authority to operate Beaver Bank Transit to Metro Transit, with service being continued under the name Beaver Bank Transit, utilizing present buses and staff.

He informed Council, further to the recommendation in the staff report, it was being recommended that certain conditions be attached to the agreement; namely, there would be a limit to costs; letter of abandonment be provided at the end of the service; detailed invoices be presented on a regular basis and regular operating statistics be provided to Metro Transit.

MOVED by Councillor Hendsbee and Cooper that Council adopt the position that HRM is prepared to continue the Beaver Bank Villa and Porter's Lake service coordinated by Metro Transit up to June 1, 1996 and to discontinue the service from Enfield, Fall River to Bedford Place Mall, effective April 26, 1996 with the following conditions: 1) there would be a limit to costs; 2) a "Letter of Abandonment be provided at the end of the service; 3) detailed invoices be presented on a regular basis and, 4) regular operating statistics be provided to Metro Transit.

In response to questions, Council was informed that the service had been provided through an area rate and the service in the Enfield/Fall River area was only on a temporary basis to determine whether a permanent transit service was feasible. Council was informed Beaver Bank Transit provided service to areas which could not meet cost recoveries required by Metro Transit.

In response to a question on whether or not Beaver Bank Transit was operating with a deficit, Mr. McLellan advised that the former Halifax County did provide funding for continued operations but there may be a deficit for the previous fiscal year.

Councillor Cooper advised that the funds approved by the former Halifax County Municipality was for provision of operation to the end of April, 1996.

MOTION WAS PUT AND PASSED.

Councillor Hendsbee asked to be excused and left the meeting at 7:40 p.m.

8.1 Chief Administrative Officer

8.1.1 Union Street Flooding

Council received a report entitled "Union Street Flooding".

MOVED by Councillor Kelly and Hetherington that Regional Council include the Union Street Storm Water Control Piping system Project in the 1996/97 capital budget. MOTION WAS PUT AND PASSED.

8.1.2 Sale of Lot 807A1 - John Savage Avenue, Burnside Park to CANJAM Trading Limited

Council received a report entitled "Sale of Lot 807A1, John Savage Avenue, Burnside Business Park to CANJAM Trading Limited.

MOVED by Councillor Hetherington and Deputy Mayor Greenough that Regional Council approve the sale of Lot 807A1 on John Savage Avenue in the Burnside Business Park to CANJAM Trading Limited (the Purchaser) at a price of \$2.95 per square foot. (\$128,502.00 per acre). Lot 807A1, subject to the preparation of a survey plan and legal description, consists of 20,906 square feet, for a total purchase price of \$61,673. The location of the lot is shown on Attachment 1 of the staff report dated April 15, 1996 from Tom Rath, General Manager, Business Parks. Further the lot is being sold "as is", with the purchaser acknowledging the conditions set out in said staff report. MOTION WAS PUT AND PASSED.

8.2 COMMISSIONER OF COMMUNITY SERVICES

8.2.1 1260 Blenheim Terrace: Application for Heritage Agreement

Council received a report, dated April 16, 1996, from Dan English, Commissioner of Community Services, entitled "1260 Blenheim Terrace: Application for Heritage Agreement"

MOVED by Councillor Uteck and Blumenthal the Council enter into a Heritage Agreement with the owner of 1260 Blenheim Terrace, a registered heritage property, to substantially alter the property in accordance with the Agreement attached to the staff report dated April 16, 1996 from Dan English, Commissioner of Community Services and further, require that the Heritage Agreement shall be signed within 120 days, or any extension thereof granted by Council on the request of the applicant, from the date of approval by Halifax Regional Council and any other bodies as necessary whichever approval is later, including any applicable appeal periods; otherwise this approval will be void and obligations arising hereunder shall be at an end.

In response to Councillor Kelly, Council was informed that access to 3E would be from

Blenhiem Terrace.

MOTION WAS PUT AN PASSED.

8.2.2 Pedestrian Tunnel - Scotia Square to World Trade and Convention Centre

Council received a report, dated April 12, 1996, from Dan English, Commissioner of Community Services, entitled "Pedestrian Tunnel - Scotia Square to World Trade and Convention Centre".

MOVED by Deputy Mayor Greenough and Councillor Hetherington that Council approve the construction of a pedestrian tunnel between the World Trade and Convention Centre and Scotia Square and execute the agreement substantially in the form between Halifax Development Ltd, Trade Centre Ltd., and Halifax Regional Municipality as attached to the staff report, dated April 12, 1996, from Dan English, Commissioner of Community Services.

In response to a question from Councillor Kelly, Mr. Campbell, Manager of Development Services, advised that it was privately owned by Halifax Developments Limited and Trade Centre Limited and is assessed as commercial property.

Councillor Kelly asked for a report as to whether this tunnel was taxable as commercial property and to whom it would be assessed.

MOTION WAS PUT AND PASSED.

8.3 Commissioner of Corporate Services

8.3.1 Resident Tax Exemptions/Deferrals

Council received a report dated April 18, 1996 from Larry Corrigan, Commissioner of Corporate Services entitled "Resident Tax Exemptions/Deferrals".

MOVED by Deputy Mayor Greenough and Sarto that the tax exemption and deferral program be deferred and Council direct staff to draft a consolidated policy, more appropriate to the amalgamated municipality, and report back to council within three to four weeks.

In response to a question from Councillor Sarto, Mr. Meech said this is to reaffirm what has been previously in place. He advised that staff would need time to prepare a report

establishing a policy that would work towards elimination of inequities.

It was agreed that a general notice would be sent to those residents who, in previous years, had been exempted or deferred.

Councillor Walker suggested "Divorced" be added to the eligibility listing with a monthly payment schedule established.

MOTION WAS PUT AND PASSED.

8.4 **Commissioner of Policy and Planning**

8.4.1 **Retail Shopping Hours**

Council received a report from Valerie Spencer, Commissioner of Policy and Planning entitled "Retail Shopping Hours".

MOVED by Councillor Hetherington and Stone that Council receive and file the report. MOTION WAS PUT AND PASSED.

8.5 **Commissioner of Regional Operations**

8.5.1 **Administrative Order Two: Street Closure Proposed Street, Kline Heights**

Council received a report from George McLellan, Commissioner of Regional Operations entitled "Administrative order Two: Street Closure - Proposed Street, Kline Heights.

Councillor Kelly requested information on appraisal costs, assessed value, and overall square footage.

MOVED by Councillor Kelly and Epstein that this be deferred to the next meeting. MOTION WAS PUT AND DEFEATED.

Mr. Wayne Anstey, Municipal Solicitor asked that for purposes of clarity, that Administrative Order Two be changed to read Street Closure #1 (S.C. #1).

MOVED by Councillor Hanson and Cooper that Council set May 27, 1996 as a date for a public hearing for consideration of Halifax Regional Municipality SC-1 concerning the closure of Proposed Street, Kline Heights. MOTION WAS PUT AND PASSED.

8.5.2 St. Michael's Avenue Upgrading

Council received a report dated April 15, 1996 from George McLellan, Commissioner of Regional Operation, entitled "St. Michael's Avenue Upgrading".

MOVED by Councillor Hanson and Adams that Halifax Regional Council confirm the approval of cost sharing with the developer in the estimated amount of \$113,500., for the St. Michael's Avenue Upgrading, including the storm sewer renewal. MOTION WAS PUT AND PASSED.

8.6 Municipal Solicitor

8.6.1 Civic Holiday By-law - First Reading

Council received a report, dated April 10, 1996, from Mr. Wayne Anstey, Municipal Solicitor entitled "Civic Holiday By-law".

MOVED by Councillor Hetherington and Sarto that Council give First Reading to By-law H-100, the Civic Holiday By-law and direct staff to advertise for public input and Second Reading on May 7, 1996. MOTION WAS PUT AND PASSED.

9. ADDED ITEMS

9.1 Councillor Uteck - Shakespeare By the Sea

Councillor Uteck asked for a staff report on potential funding (Grants Committee).

9.2 Tax Harmonization - PST/GST

Mr. Larry Corrigan, Commissioner of Corporate Services, circulated an information report to Council and outlined the tax structure Halifax Regional Municipality is currently subject to. He informed Council that a Memorandum of Understanding has been signed between the Government of Canada and the provinces of Nova Scotia, New Brunswick and Newfoundland for the harmonization of the GST and PST, to be replaced with a single 15% rate to be implemented April 1, 1997. As a result of the harmonization, Halifax Regional Municipality will no longer be exempt from Provincial Sales Tax. As a result, this could mean the Regional Municipality would have to absorb \$5 million in additional taxes per year. He outlined the recommendations as set out in his report for Councils consideration and suggested a task force of elected officials and staff be set up to study and document the impact of this new tax structure.

Councillors questioned whether or not there was any flexibility and whether it would be possible to seek exemption for Municipalities.

MOVED by Deputy Mayor Greenough and Councillor Walker that Halifax Regional Municipality request the Province of Nova Scotia to exempt Municipalities from this tax; ask for an extension to the phase in period; request the Province for transitional assistance and the exemption limit for Municipalities be increased to 75% or over.

Councillor Walker suggested informing residents of the resulting tax implications.

Councillor Dooks suggested Council say “no” to and not pay this tax.

MOVED by Councillor Hetherington and Dooks that the Halifax Regional Municipality make no further payments to the Province until this issue has been resolved. MOTION WAS PUT AND PASSED UNANIMOUSLY.

Mayor Fitzgerald advised that, before any action on the motion can be taken, he would have to consult with the Solicitor as to it’s legality.

Councillor Kelly asked if the Province pays for the police officers who occupy Province House and requested a staff report indicating whether the service was billed to the Province.

At the request of Councillor Cooper, Mr. Meech agreed to investigate circulating a newsletter to residents which would outline the cost implications of down loading that has taken place to date.

Deputy Mayor Greenough suggested the Mayor seek some form of joint action through UNSM.

MAIN MOTION WAS PUT AND PASSED.

9.3 Municipal Flag - Councillor Schofield

Councillor Schofield inquired as to the status of the design and adoption of a Municipal Flag.

9.4 Establishment of Community Council - Councillor Schofield

Councillor Schofield informed Council that after the Committee Advisory Committee meets

and brings forward its recommendations, the Councillors representing Districts 4, 5, 6, 7, 8, 9 and 10 would ask for an Administrative Order to form a Community Council.

9.5 **Municipal Vehicles - Councillor Hetherington**

Councillor Hetherington requested a report on the number of Municipally owned vehicles that leave the work place at night and for what purpose.

9.6 **Livestock - Councillor Dooks**

Councillor Dooks advised Council of the problem citizens of his District are experiencing as a result of cattle running loose. The following motion was then placed before Council:

MOVED by Councillor Dooks and Snow that Halifax Regional Council forward a request to the Minister of Agriculture and Marketing requesting that the Governor In Council designate Halifax Regional Municipality as a Municipality under the Fences and Detention of Livestock Act. MOTION WAS PUT AND PASSED.

9.7 **Electrical Inspectors - Councillor Adams**

Councillor Adams informed Council this item had been addressed.

9.8 **Recommendation - Solid Waste Committee**

Council received a report, dated April 22, 1996, from Mr. Jim Bauld, Manager of Solid Waste, to the Chair and members of the Solid Waste Resource Advisory Committee.

MOVED by Councillor Rankin and Walker that Halifax Regional Council declare the Municipality of Cumberland County as the preferred vendor, that Halifax Regional Council authorize staff to initiate detailed contract discussions with Cumberland region municipalities for The purpose of establishing a solid waste export contract for a two year period, effective January 1, 1997, with an option for additional months - to a total maximum of thirty-six months; and, that Halifax Regional Council request the Cumberland region municipalities initiate all regulatory and community approvals related activities required to execute the waste export contract.

Councillor Rankin gave a brief overview as to the origin and recommendations outlined in the report.

Councillors were provided and opportunity for input with the following points of concern being brought forward:

Councillor Blumenthal stated that the number of tons has to be worked out.

Councillor Epstein noted there is a need for an interim solution as well as clarification on whether the contract will be based on a "Put or Pay" scenario. He advised that such a provision would require the Municipality to produce or pay for a set tonnage per year which would be contrary to the CSC "Do It Now" strategies for reduction of the waste stream to the landfill. He advised he was in favour of this only being used as an interim solution and noted the transportation factor built into the cost represents dollars that could be spent otherwise; therefore, Council should not be tempted to view this as a long term solution. Councillor Epstein cautioned there is a conflict between people involved in waste haulage who maximize their profits the more waste produced and the function of waste diversion and waste disposal, where what ought to be happening is minimizing the amount of waste that is disposed of.

In response to a question from Councillor Kelly, Council was advised that trucking, rather than rail, was more economical. Councillor Kelly noted although the trucks would be going to the facility full, they would be empty on their return. He asked what was the alternate site if the new landfill is not ready to start operation in the allocated time frame. He was advised this would be a responsibility of the MIRROR Group and, to date, no specific site has been identified. Mr. McLellan advised he would seek this information.

In response to a question from Councillor Harvey whether Section 152 (6) of the CSC Strategy applies, Mr. Anstey informed Council that the section applies and will continue to apply throughout. He advised the ultimate goal is still to implement the diversion proposals of the Strategy and for the Municipality to have its own landfill.

MOTION WAS PUT AND PASSED.

9.9 Burning By-law - Councillor Rankin

Councillor Rankin gave notice of motion that at the May 7, 1996 session of Council he will move first reading of By-law B-100, the Burning By-law.

9.10 St. Margaret's Arena - Councillor Rankin

Councillor Rankin informed Council St. Margarets Association is desirous of purchasing the St. Margaret's Arena and requested a staff report including the option to purchase.

9.11 Presentation - Board of Trade - Councillor Dooks

Councillor Dooks requested an opportunity be provided for the Sheet Harbour Board of Trade to make a fifteen minute presentation at the May 28, 1996 Council session.

10. NOTICE OF MOTION

10.1 Councillor Hetherington

Councillor Hetherington gave the following Notice of Motion:

Take notice that at the regular meeting of the Halifax Regional Council to be held on May 7, 1996 he proposes to introduce first reading of a By-law to repeal City of Halifax Ordinance 121 - Retail Shopping Closure Ordinance. He informed Council the purpose of this By-law would be to deregulate retail store hours in the former City of Halifax thereby making the regulation uniform throughout the Regional Municipality.

INFORMATION CIRCULATED

- Letter re: Store Hours, dated April 22, 1996, from Markborough Properties Inc.
- Memorandum re: Policy and Planning Appointments, dated April 23, 1996, from Valerie Spencer, Commissioner of Policy and Planning.
- Information Report re: Tax Harmonization - PST/GST, dated April 23, 1996, from Larry Corrigan, Commissioner of Corporate Services.
- Report re: Alternate Disposal Site - Interim Solution, dated April 22, 1996, from Jim Bauld, Manager of Solid Waste.

11. ADJOURNMENT

**MOVED by Deputy Mayor Greenough and Sarto that the meeting be adjourned.
MOTION WAS PUT AND PASSED.**

**Vi Carmichael
MUNICIPAL CLERK**

