

HALIFAX REGIONAL MUNICIPALITY

HALIFAX REGIONAL COUNCIL MINUTES OCTOBER 28, 1997

PRESENT: Mayor Walter Fitzgerald
Deputy Mayor Jack Greenough
Councillors: Gordon R. Snow
David Hendsbee
Ron Cooper
Harry McInroy
Condo Sarto
Bruce Hetherington
Clint Schofield
John Cunningham
Jerry Blumenthal
Graham L. Downey
Larry Uteck
Howard Epstein
Russell Walker
Bill Stone
Ron Hanson
Stephen Adams
Barry Barnet
Bob Harvey
Peter Kelly
Reg Rankin
Jack Mitchell

REGRETS: Councillor Bill Dooks

STAFF MEMBERS: Mr. Ken Meech, Chief Administrative Officer
Mr. Wayne Anstey, Municipal Solicitor
Ms. Vi Carmichael, Municipal Clerk
Ms. Jane Nauss, Assistant Municipal Clerk

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1. INVOCATION

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

2. PROCLAMATIONS

2.1 CPR Awareness Month - November, 1997

2.2 Crohn's and Colitis Public Awareness Month - November, 1997

Mayor Fitzgerald proclaimed November, 1997 as CPR Awareness Month, and Crohn's and Colitis Public Awareness Month.

COMMENDATION

Police Chief Vince MacDonald commended Mr. Tom Hall, an employee of Halifax Regional Municipality (Metro Transit), on the level of tact and diplomacy involved in locating a young girl, Brittany Downey and returning the child to her parents. Chief MacDonald thanked Mr. Hall for his action in this regard.

Mr. Hall (with his wife present) thanked Council for the recognition.

3. APPROVAL OF MINUTES - October 14 and 21, 1997

MOVED by Deputy Mayor Greenough and Councillor Stone to adopt the minutes of October 14 and 21, 1997. MOTION PUT AND PASSED UNANIMOUSLY.

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

The Municipal Clerk advised of the following changes to the agenda:

- a) Agenda item 9.4.1 - deferred to November 18
- b) Agenda item 9.4.13 - to be deleted
- c) School Board Facilities - Chief Administrative Officer - to be added to agenda
- d) Memorandum from Commissioner of Regional Operations re Agreement between Miller Composting Corporation and Halifax Regional Municipality - to be added to the Information Items Agenda

Councillor Kelly requested the following be added to the agenda:

- a) Appointment to Bedford Waterfront Development Corporation.

MOVED by Councillors Hetherington and Blumenthal to adopt the Order of Business, as amended. MOTION PUT AND PASSED UNANIMOUSLY.

- 5. **BUSINESS ARISING OUT OF THE MINUTES** - None
- 6. **MOTIONS OF RECONSIDERATION** - None
- 7. **MOTIONS OF RESCISSION** - None

8. **CONSIDERATION OF DEFERRED BUSINESS**

8.1 **Administrative Order Number Ten Respecting Partial Exemption for Residential Taxation**

A revised supplementary report prepared for Ms. Val Spencer, Commissioner, Priority and Policy, on the above-noted, was before Council.

MOVED by Councillors Hendsbee and Blumenthal that Council approve Option A, Administrative Order 10 Respecting Partial Tax Exemption which provides income alone as the criteria for eligibility. MOTION PUT AND PASSED UNANIMOUSLY.

9. **REPORTS**

9.1 **MAYOR**

9.1.1 **Municipal Government Act**

Mayor Fitzgerald addressed Council noting he would like to form a working committee comprised of 3 Members of Council as well as 2 members of staff, to review and comment on the draft legislation (report to be made to the Province by the end of December, 1997).

Mr. Wayne Anstey, Municipal Solicitor, suggested the document should be distributed to *various* members of staff as well, for their input.

Council agreed to the formation of this committee. Mayor Fitzgerald advised he would select the membership the following day.

9.2 **MEMBERS OF COUNCIL**

9.2.1 **Local Improvement Charges - Bedford Highway Improvement -
Councillor Stone**

- A memorandum prepared for Councillor Stone on the above-noted, was before Council for discussion.

Councillor Stone noted, in his memorandum, that various properties (approximately five properties facing Kelvin Grove) along the Bedford Highway have no access to the roadway due to the high retaining wall. However, they are responsible for local improvement charges. The Councillor opposed the fact that the affected residents are paying these charges.

MOVED by Councillors Stone and Cunningham that this matter be referred to staff for a report within two weeks time. Further, that this is of the utmost urgency.

Councillor Walker requested #90 Bedford Highway be addressed in the report.

Councillor Hetherington, referencing Portland and Pleasant Streets, anticipated this policy would deal with arterial roads.

Councillor Cooper suggested staff address in the report, limited access roads throughout the entire municipality.

Councillor Sarto suggested that staff address new sidewalks that abut backyards.

Deputy Mayor Greenough stated that a policy for arterial and collector roads was a necessity.

Councillor Stone expressed concern with the fact that this report could now take longer than he had initially anticipated, due to other comments/suggestions of Council. Accordingly, he suggested that perhaps two reports should be prepared by staff.

MOTION PUT AND PASSED UNANIMOUSLY.

9.2.2 **Bedford Administration Office Space - Councillor Kelly**

- A memorandum prepared for Councillor Kelly on the above-noted, was before Council for discussion.

Councillor Kelly noted in his memorandum, that the lease for the Bedford Administration Office space expires December 31, 1997. The Councillor advised that the community of Bedford was losing all semblance of its former self and that it was about to lose its last two services - Development Services and Storefront. Councillor Kelly requested a report from staff offering options as to how this concern of the community, can be addressed.

It was agreed that a report would be forthcoming within two weeks.

9.3 NORTH WEST COMMUNITY COUNCIL

9.3.1 Case 7559 - Application for Rezoning - 2649 Prospect Road

- A memorandum prepared for Councillor Harvey, Chair, North West Community Council, on the above-noted, was before Council for discussion.

The North West Community Council was recommending alternative 3 as noted in the September 25, 1997 staff report as follows:

“... that a plan amendment be initiated to accommodate a request to allow a tanning business at 2649 Prospect Road in Whites Lake.”

Councillor Mitchell addressed Council noting the length of time involved in proceeding with a plan amendment was 8 months, therefore, the Councillor suggested this matter be referred back to North West Community for a public hearing as this particular process would only take approximately 4 months.

MOVED by Councillors Mitchell and Stone to refer Case 7559 - Application for Rezoning - 2649 Prospect Road, back to North West Community Council for the setting of a public hearing date. MOTION PUT AND PASSED UNANIMOUSLY.

9.4 CHIEF ADMINISTRATIVE OFFICER

9.4.1 First Reading By-Law S-400 - Respecting Charges for New Street Improvements

- A memorandum prepared for Mr. Wayne Anstey, Municipal Solicitor, on the above-noted, was before Council.

MOVED by Councillors Blumenthal and Hetherington to defer First Reading on By-Law S-400 - Respecting Charges for New Street Improvement, to November 18, 1997. MOTION PUT AND PASSED.

9.4.2 Tender 97-366 - New Paving - East, West and Central Districts

- During the October 21, 1997 Regional Council Meeting, various projects were approved by Council, however, approval of a number of projects listed in the staff report dated October 15, 1997 were deferred to October 28, 1997 pending sufficient time for the affected residents to be petitioned.

MOVED by Councillors Rankin and Mitchell to approve the paving of Brenda Drive in the Kingswood Subdivision as per the staff report dated October 15, 1997. MOTION PUT AND PASSED UNANIMOUSLY.

9.4.3 Tender 97-110 - Three Bay Vehicle Exhaust Extraction System for Metropolitan Avenue Fire Station

- A memorandum prepared for Mr. Gary Greene, Commissioner of Fire Services, on the above-noted, was before Council.

MOVED by Councillors Sarto and Hetherington to authorize the award of the tender to the lowest bidder, Commercial Heating and Air Conditioning at a cost of \$60,892.50, including HST. MOTION PUT AND PASSED UNANIMOUSLY.

9.4.4 Tender 97-278 - Nova Terrace Storm Sewer

- A memorandum prepared for Mr. George McLellan, Commissioner, Regional Operations, on the above-noted, was before Council.

MOVED by Deputy Mayor Greenough and Councillor McInroy to award Tender No. 97-278, Nova Terrace Storm Sewer to Harbour Construction Company Limited for materials and services listed at the unit prices quoted for a Total Tender Price of \$147,431.15 and a Total Project Cost of \$169,546.00 with funding authorized as per the Budget Implications Section in the staff report dated October 22, 1997.

Councillor Hetherington enquired as to why Council was not taking action against the engineers who caused flooding problems in this area. Accordingly, the Councillor requested this matter be brought back to Council.

In response, Mr. Wayne Anstey, Municipal Solicitor, advised that an opinion on this issue was being prepared. Further, another report could be prepared, however, this would not prove an easy process as there was a lot of historic information on file.

In response to an enquiry from Councillor Hetherington if both APENS and TUNS had been approached to assist with determining who was at fault, Mr. George McLellan, Commissioner, Regional Operations, advised that the focus of determining who was at fault should not be directed entirely on the engineering community.

Councillor Hetherington reiterated his concern and requested that staff determine who is responsible; further, that APENS and TUNS be part of the process.

No vote was taken on the Main Motion. Another Motion was put on the floor.

MOVED by Councillors Hetherington and Blumenthal that a preliminary report on flooding concerns be prepared. MOTION PUT AND PASSED.

9.4.5 Hubbards Cove Waterfront Development Project

- A memorandum prepared for Ms. Val Spencer, Commissioner, Priority and Policy, on the above-noted, was before Council. Correspondence from the producers of Black Harbour was distributed to Council.

MOVED by Councillors Mitchell and Rankin that Council authorize staff to negotiate a legal agreement between the Halifax Regional Municipality and the Hubbards Cove Waterfront Development Association that would provide \$100,000 towards the \$250,000 purchase price of the former Acadia Sea Plant property, with the intent of providing public access to the waterfront in Hubbards Cove and with the understanding that the Halifax Regional Municipality will not provide assistance towards the operations of the building presently located on the property.

Mayor Fitzgerald reminded Council that the Hubbards Cove Waterfront Development Association's option to purchase the property for \$250,000, expires October 31, 1997, therefore a decision will have to be made this evening. Further, the \$100,000 allocation could be withdrawn from the Sale of Land Account.

Councillor Mitchell stated that the Association itself has raised \$40,000 to date and should this property become the property of the Association, it will be maintained by the Association. Further, the producers of the show "Black Harbour" supports the recommendation.

Councillor Stone suggested that although he supports the proposal, it would be more appropriate to keep a level of equity in the building in case something happens to the building if it is sold in the future.

In response to a suggestion from Mayor Fitzgerald that the municipality hold a second mortgage on the property, Councillor Mitchell agreed. Further, the Association will borrow the required monies until the funds are available from the municipality.

No vote was taken on the Main Motion. Another Motion was put on the floor.

MOVED by Councillors Mitchell and Rankin that Council authorize staff to negotiate a legal agreement between the Halifax Regional Municipality and the Hubbards Cove Waterfront Development Association that would provide \$100,000 as a second mortgage towards the \$250,000 purchase price of the former Acadia Sea Plant property, with the intent of providing public access to the waterfront in Hubbards Cove and with the understanding that the Halifax Regional Municipality will not provide assistance towards the operations of the building presently located on the property. MOTION PUT AND PASSED.

Councillor Blumenthal stated he was abstaining from voting.

9.4.6 Settlement of Expropriation - Parcel B-21, 238 Bedford Highway

- A memorandum prepared for Mr. Larry Corrigan, Commissioner, Corporate Services, on the above-noted, was before Council for discussion.

MOVED by Councillors Stone and Walker that Mr. Alfred Gordon be paid \$72,500 as settlement in full for the expropriation of Parcel B-21 as shown in Plan TT-48-31776 attached to the October 21, 1997 staff report, plus interest in accordance with the Expropriation Act. Funds to be made available from the capital account for the project, Bedford Highway Widening Project, 95436-6716. MOTION PUT AND PASSED.

9.4.7 Granting of Spatial/Surface Easements - Halifax-Dartmouth Bridge Commission

- A memorandum prepared for Mr. Larry Corrigan, Commissioner, Corporate Services, on the above-noted, was before Council.

MOVED by Councillors Downey and Cunningham that spatial/surface easements identified as HRM 1-16 and shown on Plan Nos. 13-1101-0, 14-777-0 and 13-1118-0 and comprising of 1833.9 m² (19,733 sq. Ft.), owned by HRM be granted to the Halifax-Dartmouth Bridge Commission for \$68,854 plus any closing costs or taxes that may be applicable. These easements are substantially in accordance with the easements indicated in the vicinity map attached to the October 21, 1997 staff report. MOTION PUT AND PASSED UNANIMOUSLY.

9.4.8 Drainage - Private Property

- A memorandum prepared for Mr. George McLellan, Commissioner, Regional Operations, on the above-noted, was before Council.

MOVED by Councillors Sarto and Blumenthal that Council adopt, as policy, the “Report on Drainage-Private Property” as attached to the October 22, 1997 staff report.

Councillor Kelly had some concerns with the report, referencing clauses 1.4, 1.5, 1.6, 5.1, and 6.1. Mayor Fitzgerald suggested these queries could be debated in two weeks time as the report was simply being tabled this evening.

Councillor Barnet suggested an ad hoc committee be formed to review the report over the next two week period.

Deputy Mayor Greenough suggested this matter be referred to a Committee of the Whole to provide an indepth discussion on the matter.

No vote was taken on the Motion. Another Motion was put on the floor.

MOVED by Deputy Mayor Greenough and Councillor Sarto to refer the matter of Drainage - Private Property - to a Committee of the Whole meeting. MOTION PUT AND PASSED UNANIMOUSLY.

9.4.9 Case 7372 - Plan Amendment Request for Petro Canada Property on Barrington St.

- A memorandum prepared for Mr. Michael Hanusiak, Acting Commissioner, Community Services, on the above-noted, was before Council.

MOVED by Councillor Blumenthal and Deputy Mayor Greenough:

- (a) that the application to re-zone the Petro-Canada Property on Barrington Street from C-5 (Harbour Related Industrial) Zone to R-3 (Multiple Dwelling) Zone, be rejected.**
- (b) that a plan amendment process be initiated for the Municipal Planning Strategy for Halifax to allow for consideration of residential development on the Petro Canada property on Barrington Street only through a development agreement with policy criteria developed in consultation with the neighbourhood for any future development agreement application; and**
- (c) that the public participation process program be undertaken in accordance with the public participation resolution adopted by Regional Council on February 25, 1997. MOTION PUT AND PASSED UNANIMOUSLY.**

9.4.10 Heritage Advisory Committee Recommendations for Heritage Property Registration and Deregistration

- A memorandum prepared for Mr. Michael Hanusiak, Acting Commissioner, Community Services, on the above-noted, was before Council.

MOVED by Councillors Hendsbee and Downey that Council consider the eleven recommendations of the Heritage Advisory Committee, as set out in the staff report dated October 21, 1997, at a public hearing. It is suggested that the date of December 9, 1997 be set for all eleven public hearings. When the public hearing date is set by Council it will be advertised as required in the Heritage Property Act. MOTION PUT AND PASSED UNANIMOUSLY.

9.4.11 Heritage Monuments Policy

- A memorandum prepared for Mr. Michael Hanusiak, Acting Commissioner, Community Services, on the above-noted, was before Council.

MOVED by Councillors Hendsbee and Epstein that Council refer the Historic Monument Policy Report from the Heritage Advisory Committee (attached to October 21, 1997 staff report) to the staff working group now examining the issue of Public Art. The staff report will be forwarded to Council at a future date. MOTION PUT AND PASSED UNANIMOUSLY.

9.4.12 Amendments to HRM Act

- A memorandum prepared for Mr. Wayne Anstey, Municipal Solicitor, on the above-noted, was before Council.

MOVED by Deputy Mayor Greenough and Councillor Kelly that Council authorize staff to arrange for the introduction before the Nova Scotia Legislature of a private members bill to amend the HRM Act to incorporate the changes to the Act contained in Appendix "A" of the staff report dated October 23,1997.

Truck Routes

Councillor Kelly enquired if the municipality has the ability to restrict truck traffic on any street within the region. In response, Mr. Kulvinder Dhillon, Director of Engineering Services, advised that a by-law can be created to designate truck routes on HRM controlled streets. In response to a further comment from the Councillor if the Province has the final say in this regard, Mr. Dhillon advised he would confirm this information after the meeting.

Escort and Dating Services

With respect to the escort and dating aspect, Councillor Epstein enquired if this requires zoning power. Mr. Wayne Anstey, Municipal Solicitor, advised this could be regulated under zoning but this deals with licensing mechanisms, regulation of signage and other activities on the premises, that go beyond land use.

Councillor Schofield suggested that the municipality was not doing enough as it pertains to controlling escort and dating services. Further, the Councillor suggested this aspect be deleted from the package until it can be dealt with.

In response, Mr. Anstey stated if Council is dealing with land use matters, they must be dealt with under the Land Use By-Law (LUB).

Councillor Sarto stated if exotic dancing can be regulated, why can't escort and dating services be regulated. Mr. Anstey advised that exotic dancing is regulated due to the fact there are no regulations in place in the areas in which these types of businesses are operating. In response to a further enquiry from Councillor Sarto if the Nova Scotia Gaming Commission provides this type of license, Mr. Anstey advised they regulate the liquor premises portion of the business.

To further clarify, Mr. Anstey explained that a by-law establishes the regulation; the Act

simply provides the municipality the jurisdiction to adopt a by-law. It was noted there is a by-law currently in place from the former City of Halifax.

In response to an enquiry from Councillor Adams if it would be possible to create a new zone for adult entertainment i.e. an "X" zone, Mr. Anstey advised in the affirmative.

Councillor Adams requested that staff review and update existing by-laws as they pertain to escort and dating services, as well as adult entertainment. Mr. Anstey noted that adult entertainment is already addressed in the Act.

Deputy Mayor Greenough suggested that the former City of Halifax by-law that dealt with escort and dating services be distributed to Council as soon as possible. Further, the Deputy Mayor suggested that staff proceed to draft such a by-law.

MOTION PUT AND PASSED UNANIMOUSLY.

9.4.13 Lands of Wayne Currie, Sheet Harbour

This item had been deleted at the commencement of the meeting.

9.4.14 Legislation - Development Charges on New Infrastructure

- A memorandum prepared for Ms. Val Spencer, Commissioner, Priority and Policy; Mr. Dan English, Commissioner, Community Services; Mr. George McLellan, Commissioner, Regional Operations, and Mr. Wayne Anstey, Municipal Solicitor, on the above-noted, was before Council.

MOVED by Deputy Mayor Greenough and Councillor Stone that Council authorize staff to arrange for the introduction before the Nova Scotia Legislature of a private members bill to allow the Municipality to levy development charges on new development to recover costs of new infrastructure needed to service future development in the form contained in Appendix "A" of the staff report dated October 23, 1997. MOTION PUT AND PASSED UNANIMOUSLY.

10. PUBLIC HEARINGS

10.1 Second Reading By-Law P-303 - Amendment to By-Law P-408 (City of Dartmouth Employees' Retirement Pension Plan)

- First Reading of the above-noted By-Law was given on October 7, 1997. The By-Law was now before Council for Second Reading.

MOVED by Deputy Mayor Greenough and Councillor Hetherington that **Second Reading** be given to By-Law P-303 which provides that the "Rule of 80" (minimum age 50) will have an effective date of July 1, 1997, in conjunction with the Workforce Adjustment Program currently being offered by Halifax Regional Municipality.

Mayor Fitzgerald called for comments from the public.

MR. PETER WHELAN

Mr. Whelan supported Second Reading of By-Law P-303.

Mayor Fitzgerald called three times for further comments from the floor. There were none.

Moved by Councillors Hetherington and Blumenthal to close the public hearing.
MOTION PUT AND PASSED UNANIMOUSLY.

A vote on the Main Motion took place.

MOTION PUT AND PASSED UNANIMOUSLY.

A Motion on Third Reading took place.

MOVED by Councillor Hetherington and Deputy Mayor Greenough that **Third Reading** be given to By-Law P-303 which provides that the "Rule of 80" (minimum age 50) will have an effective date of July 1, 1997, in conjunction with the Workforce Adjustment Program currently being offered by Halifax Regional Municipality. **MOTION PUT AND PASSED UNANIMOUSLY.**

10.2 Second Reading By-Law S-300 Respecting Streets

- First Reading of the above-noted By-Law was given on September 30, 1997. The By-Law was now before Council for Second Reading.

MOVED by Deputy Mayor Greenough and Councillor Schofield that Halifax Regional Council give **Second Reading** to By-Law No. S-300 - By-Law Respecting Streets.

Mr. Khulvinder Dillon, Director of Engineering Services, addressed Council, advising that staff wished to make a presentation.

Mr. Phil Francis, Policy and Planning Engineer, Engineering and Transportation Services (Regional Operations), addressed Council referencing points raised during and since First Reading of the by-law which had taken place September 30, 1997.

(a) A question had been raised at First Reading as to whether the by-law would affect service in any of the former municipalities; there are two service implications in the by-law:

- **Sidewalk snow removal** - the by-law states *where snow removal on sidewalks is not provided by the municipality, the abutter must remove the snow.*

That leaves the decision with Council if they wish to provide snow removal service and where it is not provided then it is the responsibility of the abutter.

- **Maintenance of Grass Areas on Streets** - the by-law states *it is the responsibility of the abutter to maintain grass areas on streets.*

Should the new by-law be passed as written, maintenance of grass areas on streets will become the responsibility of the abutter, across the board. However, if Council so wishes, staff can include the same type of proviso as that of sidewalk snow removal to incorporate a statement stating *where the service is not provided by the municipality.*

(b) **Garbage Receptacles** - Since First Reading, a representation has been made to staff by the Downtown Halifax BIDC with regard to littering and garbage receptacles in front of eating establishments. On certain nights downtown, these receptacles are filled to the maximum and not emptied immediately. This provides an opportunity for seagulls, etc. to get into the garbage and litter is spilled over the ground. The business community has requested an amendment to the by-law that would address this concern by requesting those eating establishments, which have garbage receptacles on the street in front of their businesses, to empty those receptacles upon closing.

(c) Clarification - with respect to the repeal section (where previous by-laws are being repealed), staff would like to insert *Part 5 of Ordinance 180 (former City of Halifax) is being repealed.* This section deals with littering and is covered under the new by-law.

(d) Clarification - with respect to repealing former City of Dartmouth By-law S-1400; staff wish to state that the amending By-law S-1401, will remain in place for the time being (this deals with sidewalk cafes, signs and canopies).

Mayor Fitzgerald suggested that in fairness to the public, as a result of these suggested amendments, this public hearing should be readvertised. In response, Mr. Wayne Anstey, Municipal Solicitor, advised this would be a prudent course of action.

Councillor Cooper suggested the public hearing be deferred for one month as he had various suggested amendments to the by-law that he would like staff to consider.

Deputy Mayor Greenough suggested this public hearing be adjourned and postponed for the time being.

MOVED by Deputy Mayor Greenough and Councillor Hetherington to adjourn the public hearing to November 18, 1997 and readvertise Second Reading for By-Law S-300. MOTION PUT AND PASSED.

11. CORRESPONDENCE, PETITIONS AND DELEGATIONS

11.1 PETITIONS

11.1.1 Councillor Walker submitted a petition to the Municipal Clerk, from residents requesting the installation of a sidewalk on the east side of Main Avenue between its intersections with Dunbrack Street and Willett Street, with a request for a staff report from Regional Operations.

12. MOTIONS - None

13. ADDED ITEMS

13.1 Use of School Board Facilities

Mr. Ken Meech, Chief Administrative Officer, referenced correspondence from Dr. Don Trider, Superintendent, Halifax Regional School Board, regarding use of Board facilities. It was agreed that staff would organize a meeting between Council, staff and Regional School Board on the above-noted matter.

13.2 Bedford Waterfront Development Corporation (BWDC) - Appointments

Councillor Kelly forwarded information to the Municipal Clerk on appointments to the BWDC, noting that nomination of an individual must be forwarded to the Province for ratification.

14. NOTICES OF MOTION - None

15. **ADJOURNMENT**

MOVED by Councillors Mitchell and Hetherington to adjourn the meeting at 8:05 p.m. MOTION PUT AND PASSED UNANIMOUSLY.

Vi Carmichael
MUNICIPAL CLERK