

HALIFAX REGIONAL MUNICIPALITY

HALIFAX REGIONAL COUNCIL MINUTES NOVEMBER 18, 1997

PRESENT:

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

REGRETS:

Councillor Ron Cooper
Jack Mitchell
Stephen Adams

STAFF MEMBERS:

Mr. Ken Meech, Chief Administrative Officer
Mr. Barry Allen, Acting 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** - None

**PRESENTATION - CHARLES COGSWELL HARBOUR ROWING
CHAMPIONSHIP TRUST**

Mayor Fitzgerald referenced Dr. Charles Cogswell, former City of Halifax Alderman, and founder of the Charles Cogswell Harbour Rowing Championship Trust. Dr. Cogswell contributed much to the former City in his lifetime, including the fence around the Grand Parade and input in the production of the City crest.

Mayor Fitzgerald introduced this year's recipient of the Award, Mr. Lawrence Nwaesei, and presented him with the Cogswell Medal along with a cheque. Also, Mayor Fitzgerald introduced past winners, Mr. Bill Martin, Mr. Bob Sawler, Mr. Bud Myra, and Mr. Bob Mills and presented them with pins.

Mr. O'Hara, President of the Nova Scotia Rowing Association, presented Mayor Fitzgerald with a Nova Scotia Rowing Association Pin as a token of appreciation for inviting them this evening.

Mayor Fitzgerald, on behalf of Council, expressed his appreciation. Members of Council joined the Mayor in appreciation to the group with a round of applause.

FUNDRAISING EFFORT - CLOCK TOWER RESTORATION PROJECT

Mayor Fitzgerald called on representatives from Morneau, Sobeco, Coopers & Lybrand, Mr. Mel Bartlett, Wade Harding, and Mike Casey, who will be making a presentation to the municipality.

Mr. Bartlett, representing the Halifax Office of Morneau, Sobeco, Coopers & Lybrand, addressed Council, introduced Mr. Harding (Halifax Office), and Mr. Mike Casey of their sister firm of Coopers & Lybrand. Mr. Bartlett presented the municipality with a cheque in the amount of \$15,000 (initial pledge) to assist with the restoration of the Clock Tower. Mr. Bartlett advised that his company and sister company were leading the local business community to raise funds towards restoration costs. Preliminary discussions have been held with a number of businesses in the consulting field and a favourable response on this concept has been received (indications of support approximate \$100,000). It is an objective to raise fifty percent of required repair costs

by December 8, 1997 (the 80th Anniversary of the Halifax Explosion and the date when the tower was originally damaged).

Mr. Bartlett expressed his appreciation to Mayor Fitzgerald and Councillor Harvey for taking the time to meet with him on this matter.

Mayor Fitzgerald, on behalf of the residents of Halifax Regional Municipality, expressed his appreciation for this generous donation to a worthwhile project.

3. APPROVAL OF MINUTES - October 28 and November 4, 1997

MOVED by Councillors Blumenthal and Hetherington to adopt the minutes of October 28 and November 4, 1997. MOTION PUT AND PASSED UNANIMOUSLY.

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

Councillor Hetherington requested that item 12.1 - Dartmouth YMCA - be deferred for two weeks.

Councillor Kelly requested Information Item #5 - Consolidation of Blasting By-Laws - be added to the Regular Agenda.

Councillor Stone requested that item 9.4.2 - First Reading - By-Law S-400 Respecting Charges for New Street Improvements - be deferred pending a staff report.

Councillor Downey enquired as to when staff will have a report prepared regarding heritage properties (row houses) on Portland Street. The Councillor understood that the proposal call process was complete. In response, Mr. Ken Meech, Chief Administrative Officer, advised he would review the matter.

The Municipal Clerk requested the following items be added to the agenda:

- Councillor Barnet requested - Illegal Dumping Issues - be added to the agenda.
- Councillor Hendsbee requested - By-Law T-201 - Tax Exemption - be added to the agenda.

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

1997 YMCA PEACE MEDAL

At this point in the meeting, Councillor Hendsbee referenced Mayor Fitzgerald's presentation of an award on November 17, 1997 to an organization from the Eastern Region of the municipality - Fourteen Days in December. This group is the recipient of the 1997 YMCA Peace Medal. The organization is an ongoing project by the Tri Community Inner Agency Council and is comprised of individuals who live in the various communities (educators, health care workers, police officers, social workers, and other concerned citizens) all working together to promote activities/events for the promotion of peace.

In the first fourteen days of December, there are significant events occurring: International World Awareness Day (December 1), Anniversary of the Montreal Massacre, and Purple Ribbon Campaign (December 6), White Ribbon Campaign, International Day for Human Rights (December 10), Advent Season and Hanukkah. The Councillor encouraged everyone to participate.

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 **Tender 97-318 Beechville, Lakeside, Timberlea Community Centre Renovations**

- An Information Report prepared for Mr. Larry Corrigan, Commissioner, Corporate Services, on the above-noted, was before Council.
- A memorandum (dated November 4/97) prepared for Mr. George McLellan, Commissioner, Regional Operations, on the above-noted, was re-distributed to Council.

Awarding of this tender had been deferred from the November 4, 1997 Regional Council Meeting. Staff was recommending awarding Tender 97-318 Beechville Lakeside Timberlea Community Centre - Renovations to Avondale Construction Limited for \$112,083.60 including taxes plus a \$17,000 contingency for a total of \$129,083.60.

Councillor Epstein addressed Council noting he was displeased with the manner in which the District Capital Funds - former Halifax County Municipality - had been dealt with. Further, as he was not satisfied with staff's explanation of the situation, the Councillor suggested an internal impropriety took place and has concluded that a

Police investigation take place. Councillor Epstein suggested that Section 8 of the HRM Act had not been complied with.

In response, Councillor Greenough, Chair, Audit Committee, advised that this matter had been dealt with by the Audit Committee and that there was no internal impropriety as being suggested by Councillor Epstein. Further, Councillor Greenough was under the impression that Councillor Epstein had received all relevant information dealing with this issue, as the Audit Committee report had been circulated to Council. The Councillor suggested a meeting of the Audit Committee be called to review the matter and that Councillor Epstein be invited to attend.

MOVED by Councillors Greenough and Stone to refer the matter of District Capital Funds for former Halifax County Councillors, back to the Audit Committee. MOTION PUT AND PASSED.

Councillors Hanson and Harvey expressed concern with Councillor Epstein's suggestion that a Police investigation take place; further, that the Councillor did not discuss this issue with them at any time.

MOVED by Councillors Kelly and Hetherington that HRM Legal staff prepare a legal opinion on a perceived internal impropriety. MOTION PUT AND PASSED.

MOVED by Councillor Greenough and Deputy Mayor Rankin to award Tender 97-318 Beechville Lakeside Timberlea Community Centre - Renovations to Avondale Construction Limited for \$112,083.60 including taxes plus a \$17,000 contingency for a total of \$129,083.60. MOTION PUT AND PASSED UNANIMOUSLY.

9. REPORTS

9.1 MAYOR

9.1.1(a) Appointments - Smoking By-Law Work Group and Regional Heritage Advisory Committee

- A memorandum prepared for Mayor Fitzgerald on the above-noted, was before Council.

MOVED by Councillors Sarto and Cunningham to appoint the following individuals to the Smoking By-Law Work Group:

Robert Beauchamps, Luc Erjavac, Dan Hewitt, Susan Bartlett, Dr. Maureen Baikie, Merv Ungurain. Further, one individual representing the Chamber of Commerce is yet to be determined.

MOTION PUT AND PASSED UNANIMOUSLY.

9.1.1 (b) Appointments - Regional Heritage Advisory Committee

- A memorandum prepared for Mayor Fitzgerald on the above-noted, was before Council.

MOVED by Councillors Greenough and Cunningham to appoint the following individuals to the Regional Heritage Advisory Committee:

Mark Steward, J. Douglas Miller, Anthony Barlow, John MacLeod and Beverley Miller.

MOTION PUT AND PASSED UNANIMOUSLY.

9.2 MEMBERS OF COUNCIL

9.2.1 Management Agreements - Halifax Forum - Councillor Blumenthal

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

Councillor Blumenthal was enquiring as to when the management agreement with the Halifax Forum would be ready. Mr. Paul Dunphy, Executive Assistant, Community Services, advised that a report will be tabled with Council on November 25.

9.2.2 CNR Noise Problem - Councillor Uteck

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

Councillor Uteck requested Council address resident concerns of the shunting of trains in District 13. Specifically, the Councillor requested staff meet with CNR

representatives to discuss a history of regulations on CN trains operating during the evenings, thereby, creating a noise problem.

Councillor Blumenthal suggested the staff report address noise concerns in the vicinity of 6967 Bayers Road as well.

9.3 REGIONAL HERITAGE ADVISORY COMMITTEE

9.3.1 Heritage Advisory Committee Recommendations for Heritage Property Registration

- A memorandum prepared by Mr. Turney Manzer, Heritage Advisory Committee, on the above-noted, was before Council.

MOVED by Councillors Downey and Greenough to consider for Heritage Registration, 2237 Brunswick Street, 2275 Brunswick Street, and 5675 North Street, at a public hearing to be held on December 9, 1997. MOTION PUT AND PASSED UNANIMOUSLY.

9.4 CHIEF ADMINISTRATIVE OFFICER

9.4.1 First Reading By-Law P-500 Respecting Parking Meters Motion - Councillor Blumenthal - First Reading

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

MOVED by Councillors Blumenthal and Walker that First Reading be given to By-Law P-500 Respecting Parking Meters, attached as Appendix "A" to the staff report dated November 10, 1997.

Councillor Cunningham advised this by-law should not reach the First Reading stage as it was his opinion this was a discriminatory by-law. In response, Mayor Fitzgerald advised no debate was usually permitted at First Reading, however, it would be Council's decision. Council agreed to *not* hear debate at this point in time, but to wait for Second Reading at which time such debate could take place.

MOTION PUT AND PASSED.

9.4.2 First Reading By-Law S-400 Respecting Charges for New Street Improvements Motion - Councillor Stone - First Reading

This matter was deferred at the commencement of the meeting.

9.4.3 Tender 97-120 - Two 1997-98 Model Crew Cab Pick-Up Trucks

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

MOVED by Councillors Sarto and Hetherington to award Tender #97-120 for two (2) 1997-98 Model Crew Cab Pick-up Trucks, to the low bidder, Carroll Pontiac, for a grand total of \$70,232.80, including taxes, from the 1997-98 Capital Budget Vehicle Replacement Account #02-95118-6710. MOTION PUT AND PASSED UNANIMOUSLY.

9.4.4 Tender 97-102 Janitorial Services, 2750 & 2776 Dutch Village Road

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

MOVED by Deputy Mayor Rankin and Councillor Stone to award the Contract for Janitorial Services for 2750 and 2776 Dutch Village Road to the lowest Evaluated Bidder, Doug Walker Cleaning Services (1987) Ltd. at a cost of \$133,803.65, for a three year contract. MOTION PUT AND PASSED UNANIMOUSLY.

Councillor Rankin stated the contract was being let on, or before, December 1, 1997.

9.4.5 Tender 97-103 Janitorial Services, 636 Sackville Drive

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

MOVED by Councillors Harvey and Greenough to award the Contract for Janitorial Services for 636 Sackville Drive to the lowest Evaluated Bidder, D & J Cleaning Services, at a cost of \$120,672.81, for a three year contract. MOTION PUT AND PASSED UNANIMOUSLY.

9.4.6 Tender 97-310 - City Hall Clock Tower

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

MOVED by Councillors Harvey and Downey to award Tender 97-318, HRM City Hall Clock Tower - Restoration, to the low bidder, J.W. Lindsay Enterprises Limited for \$183,449.15, plus a contingency of \$36,000 for a total cost of \$219,449.15, to be funded from Capital Account #02-94142. MOTION PUT AND

PASSED UNANIMOUSLY.

9.4.7 Tender 97-279 Retention Tank & Stream Bed Modifications, Sherwood Street Pumping Station

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

MOVED by Councillors Hetherington and McInroy to award Tender 97-279, Retention Tank & Stream Bed Modifications, Sherwood Street Pumping Station to Three “C” Contractors Limited for materials and services listed at the unit prices quoted for a Total Tender Price of \$178,996.35 and a Total Project Cost of \$205,846 with funding authorized as per the Budget Implications section in the staff report dated October 30, 1997. MOTION PUT AND PASSED UNANIMOUSLY.

**9.4.8 Bedford Administration Office Space
Report from North West Community Council
Information Report from Commissioner of Community Services**

- A memorandum prepared for Councillor Barnet, Chair, North West Community Council, on the above-noted, was before Council.
- A memorandum prepared for Mr. Dan English, Commissioner, Community Services, on the above-noted, was before Council.

The North West Community Council supported the request of Councillor Kelly to secure and retain the remaining Storefront and Development Service operations in Bedford. However, staff was planning to proceed with the business plan to close the Bedford office, and consolidate staff and services in the Sackville office at Acadia School, unless directed otherwise by Council.

Councillor Kelly referenced the Resolution from the North West Community Council and read it for the record:

WHEREAS the former Municipalities of Halifax, Dartmouth, Halifax County and Bedford were brought into amalgamation as equal partners; and

WHEREAS it was the understanding that all partners would continue to receive the promised continued level of service; and

WHEREAS Bedford has had Municipal Administrative Offices in its community since 1979; and

WHEREAS HRM has already relocated Bedford's former Plannin Department, Engineering Department, Tax Resource Department, Human Resources Department and General Administration out of the community of Bedford; and

WHEREAS it is Bedford's desire to continue to maintain some of HRM's Administrative Offices within its Community;

BE IT THEREFORE RESOLVED that the North West Community Council go on record as supporting the request of the District 21 Councillor to secure and retain the remaining Storefront and Development Service operations in Bedford;

AND FURTHERMORE, forward the said Motion to the Halifax Regional Municipality Council.

The Councillor, for discussion purposes, then made the following Motion:

MOVED by Councillors Kelly and Snow that:

WHEREAS the former Municipalities of Halifax, Dartmouth, Halifax County and Bedford were brought into amalgamation as equal partners; and

WHEREAS it was the understanding that all partners would continue to receive the promised continued level of service; and

WHEREAS Bedford has had Municipal Administrative Offices in its community since 1979; and

WHEREAS HRM has already relocated Bedford's former Planning Department, Engineering Department, Tax Resource Department, Human Resources Department and General Administration out of the Community of Bedford; and

WHEREAS it is Bedford's desire to continue to maintain some of HRM's Administrative Offices within its Community;

BE IT THEREFORE RESOLVED that the Halifax Regional Council instruct staff to secure and retain the remaining Storefront and Development Service operations in Bedford.

Councillor Kelly advised that it is the community's wish to retain the services in the community as well as the eight - ten staff positions in the Bedford Storefront. The Councillor stated there are various options as to where the office could be located i.e. the existing space (Royal Bank Building), soon to be former Police Station (lease expires December 31/98), and the former Fire Hall.

Councillor Blumenthal agreed that the community of Bedford should have a form of Storefront

available for its residents and enquired if staff could work something out in this regard.

Councillor Hendsbee expressed concern with Councillor Kelly's request.

Councillor Uteck supported Councillor Kelly's request, however, he noted the Storefront should be retained at the lowest possible costs.

Councillor Schofield agreed with Councillor Kelly's request.

Councillor Snow stated that residents in District 2 also utilize the Storefront services in Bedford.

Councillor Barnet suggested this was an expenditure the municipality could not afford.

Councillor Greenough echoed Councillor Barnet's concern noting that the consolidation of services has been consistent across the entire region. Further, the Councillor suggested it was not a significant inconvenience for residents in Bedford to travel to Lr. Sackville (Acadia School).

Councillor Epstein supported Councillor Kelly's request and referenced the fact that in September, 1997, a staff memorandum stated that Cole Harbour facility would be an ideal location for a storefront as the municipality had spent ample funds on same. This was due to the fact that the municipality was tied to a long term lease, not so much as it was more convenient for the development industry. The Councillor suggested that staff review all options to retain a presence in Bedford.

Councillor Hanson suggested that amalgamation had been difficult for everyone and that Bedford, like other communities, has sacrificed many services since amalgamation. The Councillor suggested that staff review the matter.

Councillor Stone expressed concern with Councillor Kelly's request, noting he could not support the Motion as it stood, however, he could support a Kiosk (option 3).

Councillors Harvey and Hetherington supported Councillor Kelly's Motion, in principle, but could not support the entire content of the Motion.

Councillor Hetherington and Deputy Mayor Rankin suggested this Motion be deferred for the time being.

Mr. Dan English, Commissioner, Community Services, addressed Council noting it was a business decision to relocate the Bedford Storefront to Acadia School, thereby providing a cost effect service to the public. The suggestion to go with Option 3 (Kiosk) could prove viable, however, the Motion as it stands, "ties the hands of staff." Mr. English further noted this business plan is not a service reduction, but simply a consolidation of services.

Councillor Kelly stated the municipality is paying the rent for the Police Station whether it is being utilized or not (the Station will be relocating in January, 1998).

Councillor Kelly reiterated his comment that the community of Bedford is a former municipal unit. The community is not trying to go backwards, but is trying to retain the eight-ten staff positions required to provide Storefront and Development services.

Over the last eight years, the community of Bedford has brought into HRM approximately \$100 million worth of construction, and this year, 266 units are being built for a construction value of approximately \$18 million. In comparison, \$50,000 is required to continue an administrative space in Bedford. The Councillor suggested it was worth \$50,000 to maintain the Storefront and Development Services in the community.

Councillor Cunningham supported staff's recommendation noting that the consolidation of services creates an enhanced level of service.

Another Motion was put on the floor.

MOVED by Deputy Mayor Rankin and Councillor Hendsbee to refer this matter back to staff to examine options; further, that a supplementary report be prepared and brought back to Council prior to the end of December, 1997. MOTION DEFEATED.

To clarify, Councillor Kelly stated he was not seeking a Kiosk in the community and that this particular aspect should not be debated.

Mayor Fitzgerald reiterated Councillor Kelly's Motion in that the Halifax Regional Council instruct staff to secure and retain the remaining Storefront and Development Service operations in Bedford.

Councillor Kelly stated he was prepared to work with staff in this regard. Further, he requested a recorded vote on his Motion.

Councillor Uteck clarified that Deputy Mayor Rankin's Motion was to refer the matter back to staff to review all options, not simply a Kiosk. The Councillor suggested that Councillor Kelly reword the Motion.

Councillors Blumenthal and Hendsbee could not support the Motion and suggested this matter be referred back to staff.

In response to an enquiry from Councillor Stone, Mr. English, Commissioner, Community Services, advised if Councillor Kelly's Motion stands, this means that staff will be directed to leave in place the current resource level (eight Development Services staff and two Customer Service Representatives). This would result in a less efficient service being offered in Acadia School. Staff's main concern is being advised by Council as to where Community Services is

to place staff.

In response to a further enquiry from Councillor Stone if the existing Police Department space could be sublet, Mr. English advised this is something that HRM's Real Estate Division would be reviewing.

Councillor Kelly reiterated his comments that he would meet with staff in this regard, also, that the community does not want a Kiosk.

A recorded vote on the Main Motion took place.

MOTION DEFEATED (six voted in favour of the Motion; fifteen voted against the Motion; three were absent).

Those who supported the Motion were Councillors Dooks, Snow, Schofield, Walker, Hanson and Kelly.

Those who opposed the Motion were Mayor Fitzgerald, Deputy Mayor Rankin, and Councillors Hendsbee, McInroy, Greenough, Sarto, Hetherington, Cunningham, Blumenthal, Downey, Uteck, Epstein, Stone, Barnet, and Harvey.

Absent from the meeting were Councillors Cooper, Adams and Mitchell.

Councillor Hendsbee suggested this matter be referred back to staff to examine all options, including the Library.

Mr. Dan English advised that Community Services staff can meet with Councillor Kelly to explore other options, including the LeBrun Centre, Library, etc., in order to provide Storefront services.

Councillor Dooks asked Council to support Councillor Kelly by permitting this issue to be referred back to staff to examine other options.

Mr. Mike Hanusiak, Manager, Development Services, addressed Council noting that staff can examine alternatives with Councillor Kelly.

It was agreed this matter would be left with staff to hold further discussions with Councillor Kelly in terms of possible storefront options which could be considered in the area of the former Town of Bedford, including the possibility of utilizing the Library.

9.4.9 Acquisition - Service Easement, Martin's Drive

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

MOVED by Councillors Hanson and Schofield to approve the acquisition of the Service Easement shown on the plan - No. TT-34-27786 (attached to the staff report dated November 7, 1997), from Ms. Margot Spafford, for \$10,000 plus any applicable taxes and closing costs as settlement in full. Funds are available in the Sundry Land Account, 02-87504-6330. MOTION PUT AND PASSED UNANIMOUSLY.

9.4.10 Surplus Buildings for Disposal

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

Staff was recommending the following:

- (a) approve the list of surplus properties identified by category of disposal in Appendix A (attached to staff report dated November 12, 1997);
- (b) authorize staff to set a date for a public hearing for consideration of the Halifax Regional Municipality Administrative Order No. SC9, concerning the closure of a portion of Robie Street, as shown on the plan attached as Appendix B in the staff report dated November 12, 1997.

MOVED by Councillors McInroy and Hetherington to declare 1215 Cole Harbour Road (former Fire Hall/Parks and Grounds Storage Facility) as surplus property. MOTION PUT AND PASSED.

Councillor Downey requested that Brunswick Street Heritage Property (former School Board offices) and 5711 Sackville Street (Heritage property rented to Help Line) be referred to the Heritage Advisory Committee.

Councillor Kelly requested that staff discuss with the Food Bank, their possible take over of either the Brunswick Street Heritage Property (former School Board offices), or 130 Ochterloney Street (former Greenvale School), in order to solve their severe space problems.

MOVED by Councillors Hetherington and Cunningham to refer 53/55 Ochterloney Street (office - Dartmouth Non-Profit Housing) to the Heritage Advisory Committee.

Mr. George McLellan, Commissioner, Regional Operations, advised that although staff is aware this is a heritage property, staff is still recommending it *not* be retained.

No vote was taken on the Motion.

Councillor Hanson requested that a decision on 28 Withrod Drive be deferred until he determines which activities take place in this building.

Deputy Mayor Rankin suggested the Heritage Advisory Committee take into account the cost of retaining the Brunswick Street Heritage Property (former School Board offices), when the Committee reports back to Council.

Deputy Mayor Rankin further stated that with respect to the proposed relocation of the Robie Street streetline to its former location, he would like staff to look into the possibility that adjacent property owners, who had previously sited their buildings to conform to the wider streetline, might seek compensation from the municipality if it now removed that restriction.

Councillor Downey requested that a decision on 1403 Robie Street be deferred until he has further opportunity to review the situation with staff.

Councillor Sarto suggested that 53/55 Ochterloney Street should be discussed with the Non-Profit Housing Board of Directors.

9.4.11 Building Management Study - Selection of Consultant

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

MOVED by Councillors Greenough and Sarto that:

- (a) Council award the contract for the Building Management Study, Stage One, to Rose Facilities Management for an upset price of \$124,928, plus applicable taxes;**
- (b) Council authorize the transfer of \$80,000 from the approved 1997-98 Capital Budget (line item 80027 - Facilities Upgrade) so that this study may proceed immediately. MOTION PUT AND PASSED UNANIMOUSLY.**

In response to an enquiry from Councillor Hendsbee, Mr. Simpson McLeod, Manager, Building Transition Program, advised he would distribute a listing of twenty-four buildings that are going to be included in the Management Study.

9.4.12 Case 7591 - Plan Amendment for Chebucto Peninsula to Redesignate the Conservation Designation Boundary

- A memorandum prepared for Mr. Dan English, Commissioner, Community Services, on the above-noted, was before Council.

MOVED by Councillors Walker and Stone that staff initiate a plan amendment process to amend the Chebucto Peninsula (Planning District 5) Generalized Future Land Use Map by redesigning privately owned properties in the Conservation Designation to the nearest appropriate designation. Further, it is recommended that public participation be undertaken in accordance with the Public Participation Resolution adopted by Regional Council on February 25,1997. MOTION PUT AND PASSED UNANIMOUSLY.

10. PUBLIC HEARINGS

10.1 Second Reading By-Law S-300 Respecting Streets

- The public hearing had been adjourned to November 18 from October 28 (the public hearing was still open).

The following Motion was still on the floor from October 28 and the public hearing was still in effect:

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

Mr. George McLellan, Commissioner, Regional Operations, addressed Council noting that Second Reading had been deferred to November 18 pending a Supplementary Report, which was now before Council.

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

**MOVED by Councillors Hetherington and Greenough to close the public hearing.
MOTION PUT AND PASSED UNANIMOUSLY.**

Councillor Walker enquired if this by-law addresses all former City of Halifax issues. In response, Mr. Phil Francis, Engineering and Transportation Services (Regional Operations) advised that this by-law does not address all of the issues included in the former City of Halifax Ordinance. This by-law addresses only the service related issues (removal of ice and snow, use of sidewalks, street opening permits, utility permits, driveway access). Sections on vending and newspaper boxes, etc, still remain within Ordinance 180.

In response to another enquiry from Councillor Walker if other issues will be addressed in another by-law, Mr. Francis advised in the affirmative. With respect to enforcement of the by-laws (fines), the Councillor enquired if this aspect would also be discussed simultaneously with the fines. In response, Mr. Barry Allen, Acting Municipal Solicitor, advised that fines as they pertain to the particular provisions before Council this evening, could be dealt with at this point in time. Fines could be revisited when Council reviews the other issues, however, this is a decision of Council.

Councillor Walker stated that in the former City of Halifax, the Ordinance included fines and this by-law does not. The Councillor enquired as to whether Council will be able to address this aspect. In response, Mr. Francis advised that actions that the municipality can take if an abutter fails to clear the sidewalk area of snow are described in Section 6. Further, fines with respect to all issues covered by this by-law are included in Section 45 which is an overall

penalty clause (sidewalks, snow removal and permits, etc.). Fines as related to vending and other issues, will still apply as per the former City of Halifax ordinance.

Councillor Walker reiterated his concern with this proposed by-law. In response, Mr. George McLellan, Commissioner, Regional Operations, understood that staff will come back to Council with regulations indicating specific fines.

To clarify, Mr. Barry Allen, Acting Municipal Solicitor, advised that the only difference between this by-law and the previous one, as far as enforcement is concerned, is that in some areas of the previous by-law, there were specific penalties for failing to clear snow, etc. This by-law does not have a specific fine for each of the offences, however, it contains the general penalty clause, as previously mentioned (maximum fine of \$5,000). Also, it provides for a voluntary payment fine of \$50 if an individual has been charged with an offence.

Councillor Walker expressed concern, noting that he will not be supporting Second Reading of this by-law.

Deputy Mayor Rankin, on behalf of Councillor Adams and the Sable Gas Committee, expressed appreciation to Mr. Phil Francis, Regional Operations, and Ms. Betty MacDonald, Priority and Planning, for their input into incorporating in this by-law enabling provisions for the utilities which puts the municipality in an excellent position to provide for a regulatory regime. The Deputy Mayor referenced Clause 3(h) of the by-law which refers to a definition of "facility."

Councillor Stone suggested that sidewalks are not cleared of snow and that this has been an ongoing problem. In some areas, there may be only one by-law enforcement officer that deals with this. Accordingly, the Councillor suggested an enforcement policy be put in place i.e. if sidewalks are not cleared by an abutter within a certain time frame, a fine should be issued. The Councillor suggested a supplementary report on an enforcement policy should be prepared examining the process of implementing same.

In response, Mr. Barry Allen, Acting Municipal Solicitor, advised that the law is adequate to achieve what Council so directs. The question is how it will be done by the individuals responsible for enforcement. Tickets could be issued to deal with each situation that arises. This is one of the reasons why the fine provision is drafted as such in the proposed by-law - to permit matters to proceed to the Courts or at least to impose greater penalties than would some of the previous penalties. In closing, Mr. Allen advised that this by-law (the law itself) is adequate to carry out the wishes of Council as stated this evening (a method of enforcement that will better achieve the objectives of the by-law).

Councillor Stone advised this issue had been discussed at his Community Council and it was agreed there was a need for better enforcement. While this by-law may be satisfactory in itself, unless there is some way to enforce same, the by-law will not carry any weight. The Councillor reiterated his earlier request for a supplementary report examining enforcement of the by-law.

In response, Mr. George McLellan, Commissioner, Regional Operations, concurred with Mr. Allen's comments. Further, measures were currently in place; it was now a matter of *policy enforcement*. Also, it is not simply the by-law enforcement officer who can issue tickets, as Police officers can enforce this as well.

Mayor Fitzgerald stated that a supplementary report examining the enforcement issue will be prepared.

Councillor Stone referenced garbage receptacles for eating establishments and that same will be emptied prior to the closing of each eating establishment each day. The Councillor suggested this information be circulated to each establishment (i.e. a flyer).

COUNCIL DECISION

A vote on Second Reading took place. **MOTION PUT AND PASSED.**

MOVED by Councillors Greenough and Schofield to give Third Reading to By-Law No. S-300 - By-Law Respecting Streets. MOTION PUT AND PASSED.

10.2 Deregistration of Municipal Heritage Property

- A memorandum prepared for Mr. Dan English, Commissioner, Community Services, on the above-noted, was before Council.

MOVED by Councillors Uteck and Epstein that Council:

- deregister Lot 2B-1 in accordance with the approved Heritage Agreement and the Plan of Subdivision attached to the staff report dated November 12,1997;**
- notify the owner and file notice of deregistration at the Registry of Deeds in keeping with the provisions of Heritage By-Law H-200 and the Heritage Property Act.**

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

MOVED by Councillors Uteck and Epstein to close the public hearing. MOTION PUT AND PASSED UNANIMOUSLY.

COUNCIL DECISION

A vote on the Motion took place. **MOTION PUT AND PASSED UNANIMOUSLY.**

10.3 Street Closure and Sale, Lands Abutting Lot C-4, Dartmouth Road, Bedford

- Mr. Austin French addressed Council reviewing the staff report.

MOVED by Councillors Kelly and Snow that:

1. **Halifax Regional Council approve Administrative Order Number SC5, concerning the closure of a portion of the Dartmouth Road Right of Way, shown as “subject lands” in the staff report dated November 4, 1997.**

It is further recommended that:

1. **Subject to the approval of Administrative Order SC5, Halifax Regional Council approve the sale of lands identified as “subject lands” as shown on the sketch attached to the staff report dated November 4, 1997 for \$2,100 as settlement in full, plus any additional taxes and adjustments that may be applicable.**

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

MOVED by Councillors Kelly and Snow to close the public hearing. MOTION PUT AND PASSED UNANIMOUSLY.

COUNCIL DECISION

A vote on the Main Motion took place. **MOTION PUT AND PASSED UNANIMOUSLY.**

10.4 Street Closure - Stokil Drive

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

Mr. Austin French, Real Estate, addressed Council reviewing the staff report.

MOVED by Councillors Barnet and Kelly that:

- 1) Council approve Administrative Order SC-8 concerning the closure of a portion of Stokil Drive Road Right-of-Way measuring approximately 10,500 square feet, as shown as "subject lands" attached to the staff report dated November 5, 1997;

It is further recommended that:

- 2) subject to the approval of Administrative Order SC-8, Halifax Regional Council authorize the Mayor and Municipal Clerk to enter into a purchase and sale agreement transferring ownership of the surplus road lands noted above to the Armoyan Group Ltd. for nominal consideration on the condition that the company:
 - construct an appropriate drainage system acceptable to the Boxwood Drive residents on the rear portion of the Stokil Drive land holdings;
 - transfer ownership of lands measuring approximately 5,000 square feet to the owners of Boxwood Crescent, Lot Number 21 through 26 inclusive; and
 - carry out legal, survey and other administrative costs associated with the above noted land transactions at the expense of the Armoyan Group.

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

MOVED by Councillors Barnet and Kelly to close the public hearing. MOTION PUT AND PASSED UNANIMOUSLY.

COUNCIL DECISION

A vote on the Main Motion took place. **MOTION PUT AND PASSED UNANIMOUSLY.**

RECESS

Following a ten minute recess, Council resumed its meeting at 8:30 p.m.

- 10.5 **Amendments to Subdivision by-Law for the former Halifax Co. Municipality and the MPS for Beaver Bank, Hammonds Plains and Upper Sackville (Planning Districts 15, 18, & 19) to include the community of Hammonds Plains within a Water Service District**

Correspondence from Susan and Neil MacDonald; Brenda and Wilfred Swyer; Albert and

Leona Bekkers; and Lynn Ford, on the above-noted, had been distributed to Council.

Ms. Maureen Ryan, Community Planning and Development, addressed Council reviewing the staff report.

MOVED by Deputy Mayor Rankin and Councillor Kelly that:

- 1. The amendments to the Municipal Planning Strategy for Beaver Bank, Hammonds Plains and Upper Sackville to include all the frontage lands along the Pockwock Road, Norman Boulevard, Anderson Road and Anderson Court within the Water Service District presented in Appendix A in the June 25, 1997 Supplementary Report be approved; and**
- 2. That the amendments to the Subdivision By-Law of the former Halifax County Municipality to implement the inclusion of all of the frontage lands along the Pockwock Road, Norman Boulevard, Anderson Road and Anderson Court within the Water Service District presented in Appendix B of the June 25, 1997 Supplementary Report**

Mayor Fitzgerald called for comments from the floor.

MS. SUSAN MACDONALD, MIC MAC DRIVE, MAPLEWOOD ON THE LAKES

Ms. MacDonald referenced her correspondence dated May 29, 1997, which had been distributed to Council this evening. Council was advised that an environmental study was not necessary as it has been proven there are water problems in the area.

MS. BARBARA VERGE, MAPLEWOOD ON THE LAKES

Ms. Verge suggested that the Upper Hammonds Plains area should be included in the Water District. In 1994, when extension of the Water Service District Boundary was being discussed to include Lucasville to English Corner, although Council at the time supported the concept, when it came time to vote on the matter, no input from the public was taken into consideration. Following discussions at that time with her Council representative, Council eventually passed a recommendation included in a May 9, 1994 memorandum, which stated "... application by the municipality to amend the MPS for Planning Districts 15, 18 and 19 by establishing a Water Service District Boundary over the Maplewood Subdivision and Hammonds Plains." To this date, Ms. Verge stated that this has not occurred.

There are both drilled and dug wells in her subdivision. As the subdivision is being developed,

residents are being encouraged to go with dug wells, however, problems with bacteria are being experienced. The reason for extending the boundary to English Corner was to include the school, however, the school is now not included. There are approximately five or six homes on one side of the Hammonds Plains Road which will not be connected. However, if these homes, the school, and the businesses on the opposite side of the road, were connected to water service, then salt could be used to alleviate possible accidents at the intersection in this area.

MS. MAY CASEY - 103 POCKWOOD ROAD

Ms. Casey read from a prepared statement noting that she has a dug well and always has to ration water during the summer months. As her water is unsafe to drink, Ms. Casey has purchased 5 - 20 litre containers of water every week for approximately ten years. Further, the fear of arsenic in drilled wells is apparent and as a result of the condition of the water, laundry is stained from the iron. In closing, Ms. Casey stated that water is required in the area.

MR. DANIEL NORTON - PRESIDENT, UPPER HAMMONDS PLAINS COMMUNITY DEVELOPMENT ASSOCIATION; DEACON AT EMMANUAL BAPTIST CHURCH IN UPPER HAMMONDS PLAINS

Mr. Norton and his wife have lived in the area since 1983 and have raised a family in the community. Further, Mr. Norton has been a business owner, in the area, for the past eleven years.

Mr. Norton stated that water purifiers are required in order to use the water. Further, there has been a loss of fishing and swimming locations, as a result of the Pockwock watershed. Residents in the area do not feel the community has been treated fairly as they have not been properly compensated for the land. Although this is not specifically the issue at hand, Mr. Norton stated there is more at stake than just being included within the Water Service District Boundary.

REV. DARRYL GRAY - DEVELOPMENT CO-ORDINATOR FOR UPPER HAMMONDS PLAINS

Rev. Gray addressed Council expressing the hope that Council will look favourably on this issue. Although Pockwock water runs behind Upper Hammonds Plains and Maplewood Subdivision, these residents do not enjoy the benefits of same. Council was advised that the community needs water or else it will die. The community, through discussions with various government entities, has identified resources. Accordingly, the community is attempting to minimize the amount of funding that may be requested from the municipality due to fiscal

restraints.

An affordable housing program has been developed, and ten new homes are anticipated for the following year, and approximately forty within the next three years, however, if there is no water, this program will not be successful.

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

**MOVED by Councillors Hetherington and Greenough to close the public hearing.
MOTION PUT AND PASSED UNANIMOUSLY.**

Deputy Mayor Rankin reviewed the recommendation on the floor.

For the record, Deputy Mayor Rankin stated that in the documentation pertaining to 10.4, correspondence from Brenda and Milford Swyer, and Albert and Leona Becker, should have been included as part of agenda item 10.5.

Deputy Mayor Rankin requested this file be evaluated between the Regional Water Commission and HRM staff to determine a financial solution. Further, the Deputy Mayor suggested that although he would like to include Maplewood on the Lakes in the Water Service District Boundary, he would like additional information first.

Ms. Ryan, Planner, advised that it would not be possible to include the Maplewood On the Lake subdivision this evening as staff must consult with the Department of the Environment on a water sampling program. Depending on these results, staff will also request testing on quantity problems. Further, this process could take approximately four to five months.

COUNCIL DECISION

A vote on the main Motion took place. **MOTION PUT AND PASSED.**

Another Motion was put on the floor.

MOVED by Deputy Mayor Rankin and Councillor Kelly that the request to include Maplewood on the Lakes in the Water Service District Boundary be carried out as quickly as possible. Further, that this file be evaluated between the Regional Water Commission and HRM staff to determine a financing solution. MOTION PUT AND PASSED.

11. CORRESPONDENCE, PETITIONS AND DELEGATIONS

11.1 Presentations

11.1.1 Biomedical Waste - Bruno Marcocchio, Cape Breton Regional Health Care Committee

Mr. Marcocchio read from a prepared statement (previously distributed to Council) on an alternative to disposing biomedical waste; further that the municipality encourage the Province to engage in a public process to permit all facts to be stated and discussed.

Councillor Uteck stated this is of particular concern to Halifax Regional Municipality as it has already voted against incineration.

MOVED by Councillors Uteck and Epstein to forward correspondence to the Department of the Environment stating that Halifax Regional Council supports the Sydney, Cape Breton situation.

Councillor Stone suggested that staff prepare a report prior to correspondence being forwarded to the Province.

Councillor Hetherington, stated for the record, that this Council has not voted against incineration, although the former City of Halifax may have. Further, although the environmental impact study on the Ogden Martin incinerator was approved, it was cancelled for economic reasons.

No vote was taken on the Motion.

There was a general consensus that a staff report be prepared.

Mr. Ken Meech, Chief Administrative Officer, advised that since staff did not have the expertise on providing professional advice on biomedical waste; staff could only provide comments on the process.

11.1.2 Snow Plowing Services within HRM - Spring Garden Area Business Association, Paul MacKinnon

Mr. Paul MacKinnon addressed Council expressing concern with the fact there was no standardization on the service of sidewalk snow plowing throughout the Region. Mr. MacKinnon compared this issue with store hour operations and the fact that Council used the argument of standardization for same.

Mr. MacKinnon advised that a special committee of Council agreed that the status quo would

remain (other urban core areas would receive snow plowing for their sidewalks, and that Halifax would not). This solution is unacceptable. Since amalgamation, services in the Spring Garden Road area have been reduced (police, maintenance). Further, the fact that this area is the highest tax payer in the municipality, does not appear to be reflected in the services the area receives.

Councillor Blumenthal advised he would be raising the issue of harmonization of sidewalk snow plowing during upcoming budget deliberations.

Councillor Hetherington referenced Mr. MacKinnon's comment on a special committee of Council that agreed that the status quo would remain. The Councillor advised it was not the Committee that made the decision. It was a decision of Council; the Halifax Councillors decided they did not want an area rate for the service. Further, Dartmouth, Bedford and the former Halifax County decided they would maintain the services through an area rate.

Councillor Stone advised that sidewalk snow plowing was not considered a common service but was considered an "over and above" service. For the record, Chebucto Community Council had discussed this particular topic and it was determined if this service is not offered through a general rate, it will be offered through an area rate.

EXTENSION OF MEETING

MOVED by Councillors Epstein and Hetherington to extend the meeting beyond 10 p.m. by ten minutes. MOTION PUT AND PASSED.

Councillor Downey enquired of Mr. Ken Meech, Chief Administrative Officer, if staff is recommending there will be snow removal (sidewalk) for Halifax. In response, Mr. Meech advised that staff will have to review the situation. The issue at hand is whether or not there will be a standard policy in the core area, if there will be an area rate, or included as part of the general rate.

Councillor Barnet suggested the BIDCs have the ability to levy an area rate to cover the costs of maintaining sidewalk snow plowing.

MOVED by Councillors Downey and Greenough to refer this matter to staff for a full report. MOTION PUT AND PASSED.

11.2 PETITIONS

11.2.1 Councillor Harvey - Smoking By-Law

Councillor Harvey referenced a petition which Council had received over the weekend, from a number of food court owners in malls and he requested this be formally received by Council. The Councillor drew Council's attention to the first line in paragraph three of the petition which states "... Although we have been given a grace period of two months, one must wonder what will be the outcome once the suspension expires." Councillor Harvey advised he would also like to know what the outcome would be.

Councillor Harvey suggested there could be problems as of January 1, 1998. Further, the Councillor stated there was a question of definition as to when a food court becomes a restaurant when it abuts an open space, and vice versa.

12. MOTIONS

12.1(a) Dartmouth YMCA

Motion - Councillor Hetherington - asking Halifax Regional Municipality to ask the Province of Nova Scotia to exempt the property taxes under the Nova Scotia Assessment Act of the property of 26 Brookdale Court, known as the Dartmouth YMCA, to be exempt from all municipal taxes

12.1(b) Staff report from Commissioner of Corporate Services - Municipal Taxation - 26 Brookdale Court

This matter - 12.1(a) and (b) - was deferred for two weeks at the commencement of the meeting.

13. ADDED ITEMS

13.1 Consolidation of Blasting By-Laws (Info Report)

Council agreed to defer this matter for one week.

13.2 Illegal Dumping Issues

Council agreed to defer this matter for one week.

14. NOTICES OF MOTION

14.1 Councillor Hendsbee

Councillor Hendsbee served Notice that during the December 2, 1997 meeting of Regional Council, he intends to introduce a Motion to give First Reading of a By-Law Respecting Dog Registration and Dog Control Regulations.

14.2 Councillor Barnet

Councillor Barnet served Notice that he intends to introduce a Motion to amend Halifax County By-Law #29 (Mobile Home By-Law) to allow tenants the right to take out a building permit without the permission of the landlord. Further , to hold a public hearing on this issue at the earliest possible date.

BY-LAW T-201 - RESPECTING TAX EXEMPTIONS

At this point in the meeting, Councillor Hendsbee suggested the above-noted matter be discussed during a Committee of the Whole meeting on November 25, 1997; further, that any changes to the By-Law be brought forward to the Regional Council Session following the Committee of the Whole; further, that the public hearing originally scheduled for December 2, be changed to December 9, 1997 to permit sufficient time for advertisement and notification to the organizations involved.

15. ADJOURNMENT

MOVED by Councillor Blumenthal and Deputy Mayor Rankin to adjourn the meeting at 10:15 p.m. MOTION PUT AND PASSED.

Vi Carmichael
MUNICIPAL CLERK