

HALIFAX REGIONAL COUNCIL
MINUTES

March 26, 2013

PRESENT:

Mayor Mike Savage
Deputy Mayor Reg Rankin
Councillors: Barry Dalrymple
David Hendsbee
Bill Karsten
Lorelei Nicoll
Gloria McCluskey
Darren Fisher
Waye Mason
Linda Mosher
Russell Walker
Stephen Adams
Matt Whitman
Brad Johns
Steve Craig
Tim Outhit

REGRETS:

Councillors: Jennifer Watts

STAFF:

Mr. Richard Butts, Chief Administrative Officer
Mr. Martin Ward, Municipal Solicitor
Ms. Cathy Mellett, Municipal Clerk
Ms. Sherryl Murphy, Deputy Clerk
Ms. Jennifer Weagle, Legislative Assistant

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1. INVOCATION

The Mayor called the meeting to order at 6:00 p.m. with the Invocation being led by Councillor Johns.

2. SPECIAL COMMUNITY ANNOUNCEMENTS & ACKNOWLEDGEMENTS

Councillors noted a number of community announcements and acknowledgements.

Councillor Karsten arrived at 6:03 p.m.

Councillor Mosher asked Mayor Savage to write a letter of thanks to Bearley's House of Blues on Barrington Street and musicians involved in a fundraising event held Sunday, March 24, 2013 for the families of five Woods Harbour fishermen lost aboard the fishing vessel Miss Alley last month.

3. APPROVAL OF MINUTES – March 5, 2013 Committee of the Whole

MOVED by Councillor McCluskey, seconded by Councillor Nicoll, that the March 5, 2013 Committee of the Whole minutes be approved as circulated. MOTION PUT AND PASSED.

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

Additions:

- 14.1 Councillor Craig – Information Item #3 - Memorandum from the Director of Transportation and Public Works and the Acting Chief of Police, dated March 4, 2013 Re: Pedestrian Safety Interim Report

MOVED by Councillor Nicoll, seconded by Councillor Karsten, that the order of business be approved as amended. MOTION PUT AND PASSED.

9. PUBLIC HEARINGS

9.1 Proposed Administrative Order SC-73, Respecting Closure of a Portion of Lancaster Drive, Herring Cove

The following information was before Council:

- Extract of the draft March 5, 2013 Regional Council minutes
- Staff report dated February 1, 2013

Mr. Nathan Hines, Senior Real Estate Officer, introduced the proposed Administrative Order SC-73 concerning the closure and sale of a portion of Lancaster Drive right-of-way.

The Mayor opened the floor for those wishing to speak.

Mr. Andy Margeson, Herring Cove, advised that he lives across the street from this road reserve. He is not opposed to the development of these lands, but is concerned about what they will end up looking at across the road. He noted that he understood the unserviced lot was meant to be a road reserve. Mr. Margeson inquired whether there would be any chance to move from an unserviced lot to a serviced lot, because he understands the water and sewer laterals run directly by this lot, and what that development would look like. Mr. Margeson commented that as land owners they have to protect their investment, and hope for like development. He noted that the staff report refers to the zoning being R2, although he understood the entire area to be zoned R1. He noted that the house next door was also built as an R2, and he is unsure how this happened. Mr. Margeson questioned whether access would be from Harrigans Road or Lancaster Drive, and whether the access road would be used as a road. He inquired what protection do land owners have that the development will be in keeping with the neighbourhood.

Councillor Adams asked that staff clarify after the public hearing what is allowed to be constructed as-of-right in this area.

At the request of Councillor McCluskey, and referring to an image of the subdivision plan (Attachment "C" to the staff report), Mr. Margeson clarified that there is currently no development on lots L1, L2, nor L3.

Mr. Norman Newell, Herring Cove, advised that he lives next door to the subject property. Mr. Newell suggested the purchaser is asking HRM to convert this property from a road reserve to a right-of-way so that they don't have to build a road. He further suggested that the purchaser wants to run a waterline along the right-of-way to service the lot at the back. Mr. Newell questioned whether the purchaser intended to install the waterline to all three lots or just to Lot L2, and leave the water connections to Lots L1 and L3 to the purchasers of those lots. He is concerned as a neighbouring property owner that this could cause construction on the property to go on for months. Mr. Newell noted that he would not have a concern with the road reserve being used as a driveway for three lots, but would be concerned with increased traffic if the three lots were subdivided into more lots.

Mayor Savage called three times for any further speakers. Hearing none, it was **MOVED by Councillor McCluskey, seconded by Councillor Johns that the public hearing close. MOTION PUT AND PASSED.**

MOVED by Councillor Adams, seconded by Councillor Johns, that Halifax Regional Council:

- 1. Declare a portion of PID# 40077356, Lancaster Drive, surplus and authorize the closure of a portion of the Lancaster Drive right-of-way, as shown on**

Attachment “B” of the February 1, 2013 report, subject to the conclusion of the Public Hearing to facilitate the disposal;

- 2. Authorize the Mayor and the Municipal Clerk to enter into an Agreement of Purchase and Sale for the disposal of a portion of PID# 40077356, as per the key terms and conditions outlined in the Confidential Information Report dated February 1, 2013.**

At the request of Councillor Adams, Mr. Hines spoke to concerns raised by the speakers and plans for the subject property. Mr. Hines clarified that the maximum capacity for this property is shown on Attachment “C” of the staff report, which is three lots.

Councillor Adams further clarified through Mr. Hines, with regard to Mr. Margeson’s comments on R1 and R2 zoning, that there was a planning process in 2000 whereby this area became the Herring Cove Zone, and certain zoning changes were made at that time.

Mr. Hines clarified at the request of Councillor McCluskey that all three lots will have to meet minimum frontage requirements of 75 feet.

Mr. Hines further clarified, at the request of Councillor Adams that there will be two access points off Harrigans Road and one off Lancaster Drive.

MOTION PUT AND PASSED. (15 in favour, 1 opposed)

Those voting in favour were: Mayor Mike Savage; Deputy Mayor Rankin; and Councillors Dalrymple, Hendsbee, Karsten, Nicoll, McCluskey, Fisher, Mason, Walker, Adams, Whitman, Johns, Craig, and Outhit.

Those voting against were: Councillor Mosher.

Councillor Watts was not present for the vote.

9.2 Case 16773- Second Annual Review- Downtown Halifax Secondary Municipal Planning Strategy & Land Use By-Law

The following information was before Council:

- Email from Peggy Cameron dated March 11, 2013
- Extract of the draft March 5, 2013 Regional Council minutes
- Recommendation report from the Design Review Committee dated February 15, 2013, with attached staff report dated December 19, 2013

The following information was circulated to Council:

- Copy of the staff presentation
- Email from Janet Morris dated March 21, 2013

- Letter from Phil Pacey, Heritage Trust of Nova Scotia dated March 22, 2013

Mr. Luc Ouellet, Senior Planner, presented Case 16773 second annual review of the Downtown Halifax Secondary Municipal Planning Strategy and Land Use By-law.

Mr. Ouellet clarified that there are two different recommendations before Council, from the Design Review Committee and staff. He noted that both recommendations are missing a reference to the Halifax Municipal Planning Strategy.

The Mayor opened the floor for those wishing to speak.

Ms. Judy Haiven, Morris Street, noted that she is a member of the HRM Committee with the Heritage Trust. Ms. Haiven commented that if you walk anywhere near the Aliant building or Park Victoria you will be swept away by the wind, especially in the winter. She noted that there are many hospital studies that explain that wind in the winter freezes water and snow and causes an increase in falls. Ms. Haiven noted that the most important thing is safety and walkability since so many people in metro walk and wait outside to take the bus. She noted that wind tunnels are fierce in downtown and not requiring quantitative wind studies will miss something with regard to the safety and security of residents. Ms. Haiven indicated that the Design Review Committee were correct in recommending that the current protections from adverse wind effects set out in the Downtown Halifax Land Use By-law be maintained while these provisions are reviewed.

Mr. Alan Ruffman, Fergusons Cove Road, suggested that in the winter months wind is an issue for older, younger, and lighter people. Mr. Ruffman noted that the Design Review Committee recommendations were not reviewed in the staff presentation. He understood that the Design Review Committee are not recommending any of the proposed amendments to the Downtown Halifax Land Use Bylaw relating to wind assessments set out on pages 18 to 20 of the staff report. Mr. Ruffman noted that the job of the Design Review Committee is to look at, among other things, wind impacts on new developments. He noted that the Texpark property wind studies were not made available to the public and suggested that staff believed that wind assessment results don't belong to the public, which a Supreme Court Justice ruled against. Mr. Ruffman encouraged Council to not approve the proposed amendments set out on pages 18 to 20 of the staff report.

Mr. Danny Chedrawe, President, Westwood Developments, advised that he has been involved in development in HRM for the past 20 years. Mr. Chedrawe noted that his company supported HRM by Design through the design review process. After HRM by Design was adopted by Council, his company completed one project under the plan and has several more projects planned. One of the planned projects is The Drum, adjacent to the Emera Oval, which is on hold while awaiting the amendments proposed here this evening. Mr. Chedrawe noted that HRM by Design is not a perfect process and plan, and there are growing pains with any new process. His company has found the process challenging when it comes to small scale development, and finds that the

plan makes small scale developments less economically feasible. Mr. Chedrawe indicated that The Drum proposal will only be six storeys and 44 units. He noted that when it comes to small scale developments, a wind assessment adds a lot of cost. He suggested that the plan needs to distinguish between small and large scale developments, because Halifax needs more small scale developments to make the downtown more attractive. Mr. Chedrawe concluded that he does support the proposed amendments and encouraged Council to look at smaller scale developments in a different light with less restrictions.

Mayor Savage called three times for any further speakers. Hearing none, it was **MOVED by Councillor McCluskey, seconded by Councillor Johns that the public hearing close. MOTION PUT AND PASSED.**

MOVED by Councillor Mason, seconded by Councillor Fisher, that Halifax Regional Council:

- 1. Approve the proposed amendments to the Downtown Halifax Secondary Planning Strategy, the Halifax Municipal Planning Strategy and the Downtown Halifax Land Use By-Law, as contained in Attachments A, B and C to the December 19, 2012 report with the exception of items 18-22 regarding Wind Assessment Performance Standards; and**
- 2. Develop a defined policy relative to the requirement for a Wind Assessment considering the best practices of other municipalities.**

Councillor Mason clarified that this is the recommendation from the Design Review Committee, which he supports to protect the integrity of HRM by Design. He suggested that Council move the housekeeping amendments proposed by staff forward at this time and have a comprehensive review of the wind assessment process at a future date.

At the request of Councillor McCluskey, Mr. Oulette clarified that wind assessments are done by professionals hired by the developer and submitted to the municipality. Councillor McCluskey noted that she would be more comfortable if HRM hired consultants to undertake these assessments.

At the request of Councillor Walker, Mr. Richard Harvey, Acting Urban Design Project Manager, Community Planning, clarified the difference between the staff and Design Review Committee recommendations. He noted that staff feel that a comprehensive review of the wind assessment requirement would be best undertaken during the five year review of HRM by Design.

Discussion ensued on the motion.

MOTION DEFEATED. (4 in favour, 12 against)

Those voting in favour were: Councillors Nicoll, Fisher, Mason, and Whitman.

Those voting against were: Mayor Savage; Deputy Mayor Rankin; and Councillors Dalrymple, Hendsbee, Karsten, McCluskey, Mosher, Walker, Adams, Johns, Craig, and Outhit.

Councillor Watts was absent from the vote.

MOVED by Councillor Karsten, seconded by Councillor Walker, that Halifax Regional Council approve the proposed amendments to the Downtown Halifax Secondary Planning Strategy, the Halifax Municipal Planning Strategy and the Downtown Halifax Land Use By-law, as contained in Attachments A, B and C of the December 19, 2012 staff report. MOTION PUT AND PASSED UNANIMOUSLY.

Councillor Watts was absent from the vote.

5. **BUSINESS ARISING OUT OF THE MINUTES – NONE**
6. **MOTIONS OF RECONSIDERATION – NONE**
7. **MOTIONS OF RESCISSION – NONE**
8. **CONSIDERATION OF DEFERRED BUSINESS – March 19, 2013**

8.1 Councillor Mason

“That Regional Council approve the disbursement of \$12,075 to Brunswick Street United Church for the purchase and installation of a wrought iron style fence and gates to improve security, control, traffic and provide access control to the church, the Brunswick Street Mission, the Metro Turning Point shelter, and the surrounding residential neighbourhood, \$3,000 to be funded from the District 8 Capital funds, \$9,075 to be funded from the District 7 Capital funds.”

Councillor Mason noted that he was advised that his notice of motion was out of order for the reason that it would have to bring forward a policy amendment and he is therefore withdrawing his notice of motion made at the March 19, 2013 meeting. He will put forward an amended notice of motion later in the meeting.

At the request of Councillor Hendsbee, Mr. Martin Ward, Solicitor, clarified that Councillor Mason’s Notice of Motion would have to bring forward an amendment to the District Capital Funds policy. This was not brought to the Councillor’s attention at the time of the original Notice of Motion.

Councillor Outhit suggested that a broader look at the District Capital Funds policy should be in order. Mr. Richard Butts, CAO, noted that this is the first time that the policy has been challenged in the two years he has been working with Council. He noted that if it became a trend, then the policy would warrant a review.

9. PUBLIC HEARINGS

9.1 Proposed Administrative Order SC-73, Respecting Closure of a Portion of Lancaster Drive, Herring Cove

This item was dealt with earlier in the meeting. Refer to page 3.

9.2 Case 16773- Second Annual Review- Downtown Halifax Secondary Municipal Planning Strategy & Land Use By-Law

This item was dealt with earlier in the meeting. Refer to page 5.

10. CORRESPONDENCE, PETITIONS & DELEGATIONS

10.1 Correspondence - None

10.2 Petitions

10.2.1 Councillor McCluskey

Councillor McCluskey submitted a petition from the Downtown Dartmouth Business Commission signed by approximately 2000 people in support of restoring late night ferry service.

11. REPORTS

11.1 CHIEF ADMINISTRATIVE OFFICER

11.1.1 Tender 13-009- New Passenger Ferry

A report dated February 28, 2013 was before Council.

MOVED by Councillor McCluskey, seconded by Councillor Mason, that Halifax Regional Council:

- 1) Award Tender No. 13-009 for a New Passenger Ferry to the lowest bidder meeting specifications, A.F. Theriault & Son Ltd., for Total Tender Price of \$4,158,299.96 (net HST included) with funding from Project No. CMX01123 – New Conventional Ferry, as outlined in the Financial Implications section of the February 28, 2013 staff report.**
- 2) Authorize an increase to the project budget for Project No. CMX01123 – New Conventional Ferry in the amount of \$1,450,000 with funding as a withdrawal from the Ferry Replacement Reserve (Q129) as indicated in the Financial Implications Section of the February 28, 2013 staff report.**

- 3) **In accordance with the Sole Source Policy (Administrative Order 35, Section 8(11A) subsections (a) and (b) attached- Appendix "A"), award the sole source procurement for construction and inspection services to E.Y.E. Marine Consultants for an estimated amount of \$78,626.43 (net HST included) with funding from Project No. CMX01123, as outlined in the Financial Implication section of the February 28, 2013 staff report.**

Mr. Eddie Robar, Director, Metro Transit, clarified at the request of Councillor Mason that this ferry would be structurally the same as the other ferries in the fleet. The design is the best for Halifax Harbour needs and weather.

MOTON PUT AND PASSED UNANIMOUSLY.

Councillor Watts was absent for the vote.

11.1.2 Request for Proposal No.11-057, Managed Print Services

A report dated March 14, 2013 was before Council.

MOVED by Deputy Mayor Rankin, seconded by Councillor Nicoll, that Halifax Regional Council award the implementation and management phase of RFP No. 11-057, *Print Management Audit and Recommendations*, to the highest scoring proponent, Xerox Canada for a total price of \$3,020,000 (net HST included) for a five year term, as outlined in the Financial Implications section of the March 14, 2013 staff report, subject to approval by the Minister Service Nova Scotia and Municipal Relations.

At the request of the Deputy Mayor, Mr. Greg Keefe, Director of Finance and ICT/CFO, clarified that the contract will expire at the end of five years, although it will be able to be renegotiated. He noted that the Province also has a contract, which HRM would be able to join at any time to take advantage of their costs. Staff have evaluated the provincial contract and feel that HRM would need more density in our office before it would be beneficial.

At the request of Councillor Walker, Mr. Keefe further clarified that this contract does not affect staff in the HRM Printing Centre.

MOTON PUT AND PASSED UNANIMOUSLY.

Councillor Watts was absent for the vote.

11.1.3 Sole Source Award - Purchase for Evidence Based Stock Management System

A report dated January 24, 2013 was before Council.

MOVED by Councillor Mason, seconded by Councillor Whitman, that Halifax Regional Council, in accordance with the Sole Source provisions of Administrative Order 35, Section 8(11) (A) (b) attached, award the Sole Source Purchase of collection HQ hosted software solution, to Bridgeall Public Library Ltd, in the amount of \$85,670.94 (net HST included) with funding from B012 6399, as outlined in the Budget Implications section of the January 24, 2013 staff report. MOTION PUT AND PASSED UNANIMOUSLY.

Councillor Watts was absent for the vote.

11.2 GRANT COMMITTEE

11.2.1 HRM Community Based Transit Funding

A report dated March 5, 2013 was before Community Council.

MOVED by Councillor Walker, seconded by Deputy Mayor Rankin, that Halifax Regional Council approve the HRM Community Based Transit Funding Program developed by staff (Attachment 1 of the January 30, 2013 staff report) and request staff to begin a public consultation process for the HRM Community Based Transit Funding program evaluation criteria, which will be reviewed by the Grants Committee prior to being brought to Council.

Councillor Walker clarified that \$10,000 has already been approved by Council for MusGo Rider, and is not up for debate today by Council.

Councillor Hendsbee suggested a change of terminology, from transit to transportation, to encompass all types of transportation, not just buses. He noted that MusGo Rider is covered for this fiscal year with the \$10,000, but what about the 2013/14 fiscal year?

Mr. Dave Reage, Manager, Planning and Scheduling, Metro Transit clarified that what is before Council at this time is specifically in response to Council's direction on MusGo Rider. In terms of future programs there are details that staff need to review, particularly with regard to funding sources. Staff propose to continue developing the program and start accepting applications in January of 2014.

Responding to questions from Councillor Hendsbee with regard to consultation, Mr. Eddie Robar, Director, Metro Transit, advised that there are multiple consultations going on this year and consultation on community transit will happen at that time.

Discussion ensued on the motion.

Responding to questions from Councillor Outhit with regard to liability insurance, Mr. Robar advised that part of the eligibility requirements would be proof of liability insurance. Mr. Martin Ward, Solicitor, indicated that the issue of HRM liability would

have to be looked at in more details, but it is clear that it would not be the same level of liability as if HRM operated community transit directly.

Discussion continued on the motion.

Councillor Dalrymple requested that consultation take place in rural areas.

MOTION PUT AND PASSED UNANIMOUSLY.

Councillor Watts was absent for the vote.

12. MOTIONS - None

13. IN CAMERA - None

14. ADDED ITEMS

14.1 Councillor Craig – Information Item #3 - Memorandum from the Director of Transportation and Public Works and the Acting Chief of Police, dated March 4, 2013 Re: Pedestrian Safety Interim Report

Councillor Craig thanked everyone involved in the Pedestrian Safety Interim Report. He noted that HRM is accepting applications for the Crosswalk Safety Advisory Committee and asked how else citizens could engage on this topic.

Mr. Ken Reashor, Director, Transportation and Public Works, noted that a pre-campaign survey was done and another will be done after the campaign. He discussed how staff and police are working with seniors and youth. Superintendent Bill Moore, Deputy Chief of Police, noted a number of outreach initiatives including town hall meetings, work with schools, and media communications.

Mr. Reashor clarified at the request of Councillor Craig that the Road Safety Advisory Committee mentioned in the report includes representatives from the province, HRM and the judicial system.

Supt. Moore clarified at the request of Councillor Fisher that an intersection without lights is a crosswalk within the meaning of the Act.

Councillor Whitman noted that there is crosswalk near Shatford School in Hubbards which is in danger of being removed, although it is important to the people in the community. Mr. Reashor noted that this crosswalk is under provincial jurisdiction, and they will only install crosswalks and flashing overhead lights where warranted and only with a certain number of students.

Mr. Reashor advised, at the request of Councillor Mosher, that reviews of areas requested for crosswalks can be done upon request.

Responding to concerns from Councillor Mosher that not all intersection curb cuts are being cleared after snow storms. Mr. Reashor noted that they would want to be notified of any intersections that are not being cleared to investigate further.

Responding to concerns from Councillor Outhit about the quality of line paint, Mr. Reashor commented on the types of paint used for different lines, the quality of paints used, and the climatic and traffic conditions that contributes to wear.

Mr. Reashor clarified that, with regard to safety, if there are too many crosswalks, it makes them normal and less visible to drivers. Less crosswalks creates the expectation that there may be pedestrians at a crosswalk.

Responding to questions from Councillors with regard to crosswalk flags, Mr. Reashor advised that the Transportation Association of Canada do not support crosswalk flags as a traffic control device. Mr. Reashor clarified that the Traffic Authority is the sole authority on the use of cross walk flags. HRM allowed a trial with crosswalk flags, which went forward to the TAC, which they do not support.

15. NOTICES OF MOTION

15.1 Councillor Mason

“Take notice that at the next regular meeting of Halifax Regional Council to be held on April 9, 2013 I intend to move the following: That Regional Council approve a one-time amendment to the District Capital Fund Policy of June 2007 to permit the disbursement of \$12,075 to Brunswick Street United Church for the purchase and installation of a wrought iron style fence and gates to improve security, control, traffic and provide access control to the church, the Brunswick Street Mission, the Metro Turning Point shelter, and the surrounding residential neighbourhood, \$3,000 to be funded from the District 8 Capital funds, \$9,075 to be funded from the District 7 Capital funds.”

15.2 Councillor Walker

“Whereas HRM does not currently have an umbrella policy to direct how surplus property disposals should be approached and, further that Council has recommended that policy and procedures in that regard be established similar to those established by other municipalities.

Take notice that at the next regular meeting of Halifax Regional Council to be held on April 9, 2013, I propose to move approval of Administrative Order 50, Respecting the Disposal of Surplus Real Property, the purpose of which is to put forward a suggested policy for the disposal of surplus properties, which aims to optimize the outcome of sales of surplus municipal properties to support community endeavours, to attract development, target industries, grow employment, regenerate neighbourhoods, and generate revenue and property tax revenue.”

16. ADJOURNMENT

The meeting was adjourned at 8:39 p.m.

Cathy J. Mellett
Municipal Clerk

INFORMATION ITEMS

1. Proclamation- Purple Day for Epilepsy- March 26, 2013
2. Proclamation- Nova Scotia Masonic Freemasons Day- March 30, 2013
3. Memorandum from the Director of Transportation and Public Works and the Acting Chief of Police, dated March 4, 2013 Re: Pedestrian Safety Interim Report
4. Memorandum from the Director of Metro Transit, dated March 4, 2013 re: 2013/14 Metro Transit Annual Service Plan
5. Memorandum from the Municipal Clerk dated March 19, 2013 re: Requests for Presentation to Council- None