

HALIFAX REGIONAL MUNICIPALITY

**HALIFAX REGIONAL COUNCIL
MINUTES
May 18, 2004**

PRESENT:

Mayor Peter J. Kelly
Deputy Mayor Steve Streach
Councillors: David Hendsbee
Ron Cooper
Harry McInroy
Brian Warshick
Condo Sarto
Bruce Hetherington
Jim Smith
John Cunningham
Jerry Blumenthal
Dawn Sloane
Sue Uteck
Sheila Fougere
Russell Walker
Debbie Hum
Linda Mosher
Robert Harvey
Len Goucher
Reg Rankin
Gary Meade

ABSENT

WITH REGRETS:

Councillor: Krista Snow
Stephen Adams
Brad Johns

STAFF:

Mr. George McLellan, Chief Administrative Officer
Mr. Wayne Anstey, Municipal Solicitor
Ms. Jan Gibson, Acting Municipal Clerk
Ms. Sherrill Murphy, Legislative Assistant

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1. **INVOCATION**

The meeting was called to order at 6:00 p.m.

2. **APPROVAL OF MINUTES**

MOVED by Councillor Blumenthal, seconded by Councillor Meade that the minutes of the May 4, 2004 meeting of Halifax Regional Council, as distributed, be approved. MOTION PUT AND PASSED UNANIMOUSLY.

3. **APPROVAL OF THE ORDER OF BUSINESS AND APPROVAL OF ADDITIONS AND DELETIONS**

Additions:

12.1 Regional Planning

Later in the meeting Councillor Smith requested that Information Item 2 be added to the agenda for the May 25, 2004 meeting of Halifax Regional Council.

MOVED by Councillor Blumenthal, seconded by Councillor Warshick that agenda, as amended, be approved. MOTION PUT AND PASSED UNANIMOUSLY.

4. **BUSINESS ARISING OUT OF THE MINUTES** - None

5. **MOTIONS OF RECONSIDERATION** - None

6 **MOTIONS OF RESCISSION** - None

7. **CONSIDERATION OF DEFERRED BUSINESS**

7.1 **By-Law V-102, An Amendment to Schedule "D" of the Former City of Halifax Ordinance 180, Respecting Streets**

- This matter was deferred to this meeting pending Councillor Sloane having an opportunity to discuss the matter with staff.

MOVED by Councillor Uteck, seconded by Councillor Cunningham that Regional Council approve in principle By-law V-102, respecting an amendment to Schedule

“D” of the City of Halifax Streets Ordinance 180 and commence the process for giving First Reading for the adoption of the By-law.

Councillor Sloane noted that issues relating to this amendment are presently before the Human Rights Commission.

MOVED, seconded by Councillor Hendsbee that this consideration of this item be deferred pending the outcome of the matter at the Human Rights Commission.

Following a brief discussion, the **MOTION TO DEFER WAS PUT AND PASSED.**

8. PUBLIC HEARINGS

8.1 By-law O-106, an Amendment to By-law O-103, the Open Air Burning By-law

- This matter was given First Reading at the April 27, 2004 meeting of Halifax Regional Council. By-law O-106 was before Council for consideration.
- The following correspondence was received regarding this matter:
 - < Letter dated May 17, 2004 from R. Donald Steeves, Lake Echo
 - < E-mail dated May 17, 2004 from Ross Haynes, West Porters Lake
 - < Letter received May 17, 2004 from Robyn Wagner
 - < Letter dated May 17, 2004 from Amanda and Craig McMullin, Lake Echo
 - < Letter received May 17, 2004 from Bernard J. Crilley, Porters Lake
 - < Memorandum dated May 18, 2004 from Krista Snow, Councillor, District 2, including pictures of damage to properties
 - < Petition dated May 13, 2004 from residents of Beaver Bank

Mr. Mike Eddy, Chief Director, Fire Services, briefly addressed Council noting that many of the local Fire Chiefs were in the gallery this evening. He indicated he and his staff wanted to support the integrity of the By-law and to ensure the safety of HRM residents. Chief Eddy noted that the proposed By-law responded to extraordinary circumstances like Hurricane Juan. Following his presentation, Mr. Eddy responded to questions from members of Council.

His Worship Mayor Kelly called for persons wishing to address Council in support of or against the proposed amendment.

Elizabeth Treleven, 55 Lake Avenue, Lake Echo

Ms. Treleven addressed Council in support of the proposed amendment noting that:

- < residents in the rural areas are asking to use a controlled burn on huge amount of trees and brush
- < one week before the Provincial ban was put in place these trees and brush were under snow
- < the Department of Natural Resources has lifted their ban in the rural portion of HRM in recognition of the problem
- < HRM has not been responsive until this time
- < the 50 feet requirement from the nearest building is a difficulty for many residents
- < residents are cognizant of the risk involved in burning
- < if burning is not permitted, there is a very good chance that a disaster will result
- < if Council does not approve this amendment, perhaps HRM will pick up the debris

Jackie Purcell, 207 Hwy., Grand Desert

Ms. Purcell addressed Council expressing concern with regard to the permitting process. She went on to note that it is difficult for residents to meet the regulations because they are extremely restrictive. Noting that she appreciated the concern for safety, Ms. Purcell stressed that rural residents are just seeking an opportunity to get rid of fallen trees and brush.

Daniel Sloan, Lawrencetown

Mr. Sloan addressed Council noting that he has burned for 12 years in a burn barrel. This year he was not permitted to burn in that barrel as it is not CSA approved. Mr. Sloan indicated that he has always burned safely and felt the regulations were draconian.

Mayor Kelly called three times for any additional speakers either in favour or against. Hearing none, the following motion was placed.

MOVED by Councillor Hetherington, seconded by Councillor Warshick that the public hearing close. MOTION PUT AND PASSED UNANIMOUSLY.

MOVED by Councillor Hendsbee, seconded by Deputy Mayor Streach that Council approve Second Reading of By-law O-106 as follows:

BE IT ENACTED by the Council the Halifax Regional Municipality that By-law O-103 the Halifax Regional Municipality Burning By-law be amended as follows:

- 1. By-law O-103 is amended by adding immediately following Section 13 thereof, the following Heading and Section:**

Extraordinary Exemption

- 13A Notwithstanding any other provision of this By-law, in order to deal with any natural disasters or other similar conditions, the Chief Director or his designate may give special permission for the issuance of Permits for the open air burning of trees, wood, shrubs, bushes or brush and any such Permits may be issued at the discretion of the local Fire Chief, based on the Provincial Forest Fire Index or any hazardous conditions that may cause a fire safety issue in their local area, in accordance with Section 9 of this By-law and shall be subject to any terms and conditions imposed by the Local Fire Chief.**

A brief discussion ensued with Chief Eddy responding to concerns regarding implementation of the permitting. Chief Eddy indicated that the public would be made aware of the process and when permits would be available.

MOTION PUT AND PASSED UNANIMOUSLY.

Following a further discussion, it was **MOVED by Deputy Mayor Streach, seconded by Councillor Hendsbee that staff prepare a report outlining a plan to offer greater support to the residents of HRM in cleaning up from Hurricane Juan.**

Further clarifying his motion, Deputy Mayor Streach suggested that staff look into the possibility of HRM applying for funding through the Federal program established for larger forestry operations. He went on to request that the report consider such things as providing the manpower to help clean up the debris for residents who are not able to do the work themselves, an extended brush pick up program, locating central chippers throughout HRM and assistance with deep hole burying.

The **MOTION WAS PUT AND PASSED UNANIMOUSLY.**

9. CORRESPONDENCE, PETITIONS & DELEGATIONS

9.1 Correspondence

9.1.1 D-Day Parade Ceremonial Fly Past

- Correspondence dated May 17, 2004 from G. V. Davidson, Rear-Admiral, Commander, Maritime Forces Atlantic, was before Regional Council for consideration.

MOVED by Councillor Hetherington, seconded by Councillor Blumenthal that the Mayor and Council grant the Canadian Forces permission to do a symbolic flypast

over the June 6, 2004 D-Day Parade in honour of Veterans in attendance. MOTION PUT AND PASSED UNANIMOUSLY.

9.2 Petitions

9.2.1 Petition - Councillor Warshick - Traffic Calming Measures on Avenue du Portage

Councillor Warshick served a petition on behalf of residents of Avenue du Portage, Dartmouth requesting a three way stop and crosswalk at the intersection of Avenue du Portage and Madeline Place.

9.2.2 Petition - Councillor Harvey - Support for Crossing Guard Wage Increase and Increase Number of Paid Hours

Councillor Harvey served a petition on behalf of crossing guards in support of a wage increase and an increase in the numbers of paid hours from 3 to 3.5.

9.2.3 Petition - Deputy Mayor Streach - Support for a Boat Launch on Upper Lakeville Road

Deputy Mayor Streach submitted a petition on behalf of residents of Upper Lakeville Road in support of a Boat Launch.

9.3 Presentations

9.3.1 Grand Parade - Park or Parkade - (i) Angela Bischoff, TRAX / Ecology Action Centre and (ii) John Crace, Heritage Trust of Nova Scotia

- A written presentation entitled Grand Parade - Park or Parkade prepared by John Crace, Fran Bristow and Angela Bishcoff, was before Council for consideration.

The following correspondence was distributed to members of Council:

- Letter dated May 18, 2004 from Karen Harris, Parish Administrator, St. Paul's Church
- E-mail dated May 19, 2004 from Joanne Rowe

John Crace addressed Council on behalf of behalf of Heritage Trust of Nova Scotia, the Nova Scotia Association of Architects, the local Canadian Green Buildings Council and the Environment Committee of the Association of Engineers of Nova Scotia.

During his presentation, Mr. Crace made the following points:

- Grand Parade is a historically rich and significant urban space
- The question is why are cars in the Grand Parade
- There has been lots of discussion about parking and it is an issue, but parking is not the issue when considering the Grand Parade
- The issue is that HRM must recognize the importance of the Grand Parade to the history and the future of HRM
- There are too many cars, too often and the cars must be removed to allow for the civic space the Grand Parade should be
- The present treatment of the Grand Parade is odd given the significance of the space
- Council cannot let convenience outstrip the historical and future significance of the Grand Parade.

Angela Bischoff, TRAX/Ecology Action Centre, addressed Council making the following points in favour of a car free Grand Parade:

- No other city of a similar size or larger allows parking in their civic space
- Parking is an inappropriate use of this space especially as there is alternative parking in close vicinity

Ms. Bischoff presented a petition to Council containing 1000 signatures noting the list of groups that endorse a car free Grand Parade. This list is attached to the petition. She further requested that Council endorse the establishment of a Committee to bring forward options for the future use of Grand Parade. In conclusion, Ms. Bishcoff listed a number of ideas for the use of the Grand Parade.

Mayor Kelly thanked Mr. Crace and Ms Bischoff for their presentation.

Councillor Sloane clarified that this presentation would be referred to staff for a report.

Deputy Mayor Streach and Councillor Rankin leave the meeting.

10. REPORTS

10.1 CHIEF ADMINISTRATIVE OFFICER

10.1.1 Tender 04-037, One (1) New Rehab Trailer

- A staff report dated May 4, 2004 prepared for George McLellan, Chief Administrative Officer, was before Council for consideration.

MOVED by Councillor Sarto, seconded by Councillor Mosher that Regional Council authorize the award of Tender #04-037 to Tri-Star Industries Limited at a cost of \$153,917.62 (net HST included) with funding from Capital Account No. CVJ00252, Rehab Unit for Fire Services Fleet, as outlined in the Budget Implications section of the May 4, 2004 staff report. MOTION PUT AND PASSED UNANIMOUSLY.

10.1.2 Request for Proposal 04-038, Handheld Parking Ticket Issuing System

- A staff report dated May 5, 2004 prepared for George McLellan, Chief Administrative Officer, was before Council for consideration

MOVED by Councillor Hetherington, seconded by Councillor Sarto that Regional Council award the contract to provide a Handheld Parking Ticket Issuing System to the Halifax Regional Municipality to EDC Corporation, the highest ranking proponent in the amount of \$98,875 plus net HST for a total project cost of \$105,232 from Capital Account No. CEM00514, Hand Held Parking Ticket Issuing System, as indicated in the Budget Implications section of the May 5, 2004 staff report.

Following a brief discussion and questioning of staff the **MOTION WAS PUT AND PASSED UNANIMOUSLY.**

10.1.3 Request for Proposal 04-058, Greenhouse Gas Emission Reduction Plan for HRM

- A staff report dated May 4, 2004 prepared for George McLellan, Chief Administrative Officer, was before Council for consideration

MOVED by Councillor Cunningham, seconded by Councillor Hetherington that Regional Council approve the award of Request for Proposals #04-0958 to the highest ranking proponent the International Council for Local Environmental Initiatives (ICLEI) in the amount of \$59,550.00 (plus net HST) from Operating Account #D940-6999, and funding authorized as per the Budget Implications of the May 4, 2004 report.

After a brief questioning of staff, the **MOTION WAS PUT AND PASSED UNANIMOUSLY.**

10.1.4 Tender 04-156, Admiral Harry Dewolf Park Walkway and Shoreline Restoration

- A staff report dated May 4, 2004 prepared for George McLellan, Chief Administrative Officer, was before Council for consideration

MOVED by Councillor Goucher, seconded by Councillor Hum that Council award Tender No. 04-156- Admiral Harry Dewolf Park Walkway Repair to Dexter Construction, for materials and services specified at the unit prices quoted for a Tender Price of \$692,370.00, plus net HST, for a total amount of \$736,882.47; and funding will be processed under the Federal Disaster Financial Relief Program under Hurricane Juan Account No. W928 and authorized as per the Budget Implications section of the May 4,2004 report.

A brief questioning of staff ensued and the **MOTION WAS PUT AND PASSED UNANIMOUSLY.**

10.1.5 Case 00654: Request for a Municipal Planning Strategy / Land Use By-law Amendment to Permit a Health Centre at 5667 Kaye Street, Halifax

- A staff report dated May 11, 2004 prepared for George McLellan, Chief Administrative Officer, was before Council for consideration

MOVED by Councillor Blumenthal, seconded by Councillor Hendsbee that staff initiate the process to consider amending the Halifax Municipal Planning Strategy and Land Use By-law to permit a health centre at 5667 Kaye Street.

At the request of Councillor Walker, Mr. Angus Schaffenburg, Planner briefly reviewed the proposal as found in the May 11, 2004 staff report. He emphasized that the policies in the Plan are intended to minimize commercial use in this residential area. He further indicated that the process, if initiated, would begin with a Public Information meeting, through to Peninsula Community Council and finally to Regional Council.

A brief discussion ensued with Councillors expressing concern that:

- the proposal for this property is more than just a home occupation, it is a full fledged business
- the property is being rezoned for commercial use and although this owner is planning to operate a health centre, the next owner may wish to operate something much less compatible

Following a further brief discussion, Councillor Blumenthal, with the agreement of his seconder, **withdrew the motion**

After a further discussion, the following motion was placed:

MOVED by Councillor Blumenthal, seconded by Councillor Hendsbee that:

1. Council authorize a MPS and Land Use By-law amendment process to consider a specific amendment to permit a commercial use at 5667 Kaye Street, Halifax.
2. Council provide the ability to include a Development Agreement within the process
3. Council direct staff to follow the public participation program as approved by Council in February, 1997

MOTION PUT AND PASSED.

10.1.6 Approval of Tenders - Authorization

- A staff report dated April 26, 2004 prepared for George McLellan, Chief Administrative Officer, was before Council for consideration

Ms. Dale MacLennan, Director, Financial Services, provided a brief overview of the staff report and recommendation.

MOVED by Councillor Hetherington, seconded by Councillor Sarto that Regional Council approve a change in Procurement Policy Clause 8 - Award of Contracts, paragraph 8.4 and 8.5 as contained in Appendix "A" of the April 26, 2004 staff report and direct staff to arrange for the formal adoption of the Procurement Policy as an Administrative Order pursuant to the *Municipal Government Act*.

Councillor Hetherington noted that giving the CAO authority to approve a greater number of contracts has been discussed since amalgamation. He went on to point out that Council approves the Capital budget on an annual basis and has also approved a Procurement Policy. The Councillor commented that the amendment stipulates when contracts must come to Council (e.g. over the budgeted amount). Councillor Hetherington indicated that this would allow for streamlining of Regional Council agendas freeing up time for more participation on other items.

Councillor McInroy, agreeing with Councillor Hetherington's comments, indicated that he would be more comfortable if the award amounts were lower than has been recommended by Council.

MOVED by Councillor McInroy, seconded by Councillor Smith that the motion be amended to provide that point 5 of subsection 8.4 of Appendix "A" read that the award

for the purchase of goods not exceed \$250,000 and further that point 6 of subsection 8.4 of Appendix "A" read that the award for consulting services not exceed \$125,000.

Councillor McInroy went on to request that Councillors be kept informed regarding the award of tenders and suggested that an information report to Council listing the contracts awarded would be an appropriate vehicle.

Following a further discussion the **MOTION TO AMEND WAS PUT AND DEFEATED.**

Members of Council voting **in favour** of the motion were: Councillors Hendsbee, Cooper, McInroy, Uteck, Fougere, Mosher and Goucher.

Members of Council voting **against** the motion were: Mayor Kelly and Councillors Warshick, Sarto, Hetherington, Smith, Cunningham, Blumenthal, Sloane, Walker, Hum, Harvey and Meade.

Deputy Mayor Streach and Councillor Rankin were not present for the vote.

Councillors Snow, Adams, and Johns were absent.

In response to a request for clarification from Councillor Cooper, Ms. MacLennan advised that tenders exceeding the budgeted amount would not be included under this recommendation. Ms. MacLennan further indicated that the CAO would not have the authority to pre-approve tenders prior to the budget being approved.

Councillor Hendsbee suggested that in order to keep Councillors informed, a process be established whereby Councillors are advised of the issuing on tenders by e-mail and that the Councillor for the area receive a hard copy of the details around the successful bidder when the contract is awarded.

The original motion, as follows, was again before Council:

MOVED by Councillor Hetherington, seconded by Councillor Sarto that Regional Council approve a change in Procurement Policy Clause 8 - Award of Contracts, paragraph 8.4 and 8.5 as contained in Appendix "A" of the April 26, 2004 staff report and direct staff to arrange for the formal adoption of the Procurement Policy as an Administrative Order pursuant to the *Municipal Government Act*.

MOTION PUT AND PASSED.

Members of Council voting **in favour** of the motion were: Councillors Cooper, Warshick, Sarto, Hetherington, Smith, Cunningham, Blumenthal, Sloane, Harvey and Meade.

Members of Council voting **against** the motion were: Mayor Kelly and Councillors Hendsbee, McInroy, Uteck, Fougere, Walker, Hum, Mosher and Goucher.

Deputy Mayor Streach and Councillor Rankin were not present for the vote.

Councillors Snow, Adams, and Johns were absent.

10.2 HERITAGE ADVISORY COMMITTEE

10.2.1 Case H00128: Application for Registration of Memory Lane Heritage Village, Lake Charlotte

- A report dated May 12, 2004 from the Heritage Advisory Committee was before Council for consideration.

MOVED by Councillor Hendsbee, seconded by Councillor Warshick that Halifax Regional Council:

- 1. Set the date of June 15, 2004 for a Heritage Hearing to provide consideration for the registration of Memory Lane Heritage Village, Lake Charlotte, under the HRM Heritage Property Program.**
- 2. Subsequent to the Heritage Hearing, approve the registration of Memory Lake Heritage Building, Lake Charlotte, NS.**

MOTION PUT AND PASSED UNANIMOUSLY.

11. MOTIONS - None

12. ADDED ITEMS

12.1 Regional Planning

- This matter was considered at the Committee of the Whole Council held earlier today and was before Council for ratification.

MOVED by Councillor Mosher, seconded by Councillor Warshick that the Regional Planning reports presented at Committee of the Whole on May 18, 2004 be received and tabled, and included with the information for the Regional Planning process that is anticipated to be completed in June 2005. Further, that staff report back to Council on an as needed basis to keep Council updated on projects.

MOVED by Councillor Mosher, seconded by Councillor Hetherington that, as per Section 50(1)(c), the question now be put. MOTION PUT AND PASSED.

Councillor Fougere requested that the motion be split to identify the three reports on which Council is voting.

MOVED by Councillor Mosher, seconded by Councillor Warshick that the Regional Planning report, regarding the Economic Potential Study, presented at Committee of the Whole on May 18, 2004 be received and tabled, and included with the information for the Regional Planning process that is anticipated to be completed in June 2005. Further, that staff report back to Council on an as needed basis to keep Council updated on projects. MOTION PUT AND PASSED.

Members of Council voting **in favour** of the motion were: Councillors Hendsbee, Cooper, McInroy, Warshick, Sarto, Hetherington, Smith, Blumenthal, Fougere, Walker, Hum, Mosher, Harvey, Goucher.

Members of Council voting **against** the motion were: Mayor Kelly and Councillors Cunningham, Sloane, Uteck, Meade.

Deputy Mayor Streach and Councillor Rankin were not present for the vote.

Councillors Snow, Adams, and Johns were absent.

MOVED by Councillor Mosher, seconded by Councillor Warshick that the Regional Planning report, regarding the Capital District Urban Design Study, presented at Committee of the Whole on May 18, 2004 be received and tabled, and included with the information for the Regional Planning process that is anticipated to be completed in June 2005. Further, that staff report back to Council on an as needed basis to keep Council updated on projects. MOTION PUT AND PASSED.

Members of Council voting **in favour** of the motion were: Councillors Hendsbee, Cooper, McInroy, Warshick, Sarto, Hetherington, Smith, Blumenthal, Walker, Hum, Mosher, Goucher.

Members of Council voting **against** the motion were Mayor Kelly and Councillors Cunningham, Sloane, Uteck, Fougere, Harvey and Meade.

Deputy Mayor Streach and Councillor Rankin were not present for the vote.

Councillors Snow, Adams, and Johns were absent.

MOVED by Councillor Mosher, seconded by Councillor Warshick that the Regional Planning report, regarding the Capital District Public Facilities Needs & Opportunities Study, presented at Committee of the Whole on May 18, 2004 be received and tabled, and included with the information for the Regional Planning process that is anticipated to be completed in June 2005. Further, that staff report back to Council on an as needed basis to keep Council updated on projects. MOTION PUT AND PASSED.

Members of Council **in favour** of the motion were: Mayor Kelly and Councillors Hendsbee, Cooper, McInroy, Sarto, Hetherington, Smith, Blumenthal, Fougere, Walker, Hum, Mosher, and Harvey.

Members of Council **against** the motion were: Councillors Warshick, Cunningham, Sloane, Uteck, Goucher, and Meade.

Deputy Mayor Streach and Councillor Rankin were not present for the vote.

Councillors Snow, Adams, and Johns were absent.

13. NOTICES OF MOTION

13.1 Councillor Uteck - Reconsideration of Item 12.1, Regional Planning

Councillor Uteck gave Notice of Motion to Reconsider, seconded by Councillor Sloane, the decision of Regional Council relative to agenda item 12.1 Regional Planning of the May 18, 2004 meeting of Regional Council.

13.2 Councillor Blumenthal - Administrative Order SC

Councillor Blumenthal gave Notice of Motion of his intention to, at the regular meeting of Halifax Regional Council, to be held on June 8, 2004, introduce a motion regarding a Policy pursuant to Section 315 of the Municipal Government Act, Administrative Order SC-33, the purpose of which is to effect closure of Polar Place, Halifax, Nova Scotia.

14. ADJOURNMENT

There being no further business, the meeting adjourned at 9:20 p.m.

Jan Gibson
Acting Municipal Clerk