

# **HALIFAX REGIONAL MUNICIPALITY**

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## **HALIFAX REGIONAL COUNCIL MINUTES October 26, 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  
Dawn Sloane  
Sue Uteck  
Sheila Fougere  
Russell Walker  
Debbie Hum  
Linda Mosher  
Stephen Adams  
Brad Johns  
Robert Harvey  
Len Goucher  
Reg Rankin  
Gary Meade

### **ABSENT WITH REGRETS:**

Councillors: Krista Snow  
Jerry Blumenthal

### **STAFF:**

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

**Table of Contents**

1.	INVOCATION .....	5
2.	APPROVAL OF MINUTES .....	5
3.	APPROVAL OF THE ORDER OF BUSINESS AND APPROVAL OF ADDITIONS AND DELETIONS .....	5
4.	BUSINESS ARISING OUT OF THE MINUTES - None .....	5
5.	MOTIONS OF RECONSIDERATION .....	5
6	MOTIONS OF RESCISSION .....	5
7.	CONSIDERATION OF DEFERRED BUSINESS .....	5
8.	PUBLIC HEARINGS .....	5
8.1	By-Law L-119, An Amendment to By-Law L-100 Respecting Local Improvement Charges, Rockwood Hills Drive (Private Road) Bridge - Timberlea .....	6
9.	CORRESPONDENCE, PETITIONS & DELEGATIONS .....	6
9.1	Correspondence .....	6
9.2	Petitions .....	6
9.2.1	Petition - Councillor Uteck - Rezoning of Henry Street .....	6
9.3	Presentations .....	6
9.3.1	Farewell Remarks from Outgoing Councillors .....	7
9.3.2	Presentation - Halifax Coalition Against Poverty .....	8
10.	REPORTS .....	9
10.1	CHIEF ADMINISTRATIVE OFFICER .....	9
10.1.1	Increasing Women's Participation in Municipal Government .....	10
10.1.2	Development Agreement - HRM and Heritage Gas .....	10
10.1.3	Case 00712 - Bedford Municipal Planning Strategy and Land Use By-Law .....	11
10.1.4	By-Law S-307, Various Amendments to By-Law S-300, Respecting Streets .....	11
10.1.5	Tender 04-104, One (1) Rescue Pumper, Tender 04-106, Two (2) 1500 Gallon Pumpers, and Tender 04-108 - Four (4) 2500 Gallon Pumpers .....	11
10.1.6	First Reading - By-Law T-213, An Amendment to By-Law T-201, Tax	

	Exemption for Non-Profit Organizations - New Applications 2004-2005 Motion - Councillor Walker - Move First Reading .....	12
10.2	BIKEWAYS ADVISORY COMMITTEE .....	13
10.2.1	Funding for the Annual Bike Week Event Volunteer Committee .....	13
10.2.2	Nova Scotia Bicycle Safety Brochure .....	13
10.3	ADVISORY COMMITTEE FOR PERSONS WITH DISABILITIES .....	14
10.3.1	Amendment to the Terms of Reference .....	14
10.4	MEMBERS OF COUNCIL .....	14
10.4.1	Councillor Warshick - Sharing of Casino and Racetrack Revenues .....	14
11.	MOTIONS .....	15
12.	ADDED ITEMS .....	15
12.1	Enhancements - New High School - Halifax Common .....	15
12.2	Master Planning Studies .....	16
12.3	Property Matter - Transfer of Title 53-55 Ochterloney Street, Dartmouth, to Dartmouth Non-Profit Housing Society .....	16
12.4	Property Matter - Sale of Former Housing Demonstration Project Properties to Harbour City Homes Society, Halifax .....	16
12.5	Property Matter - Property Donation Request from Harbour City Homes Society, Halifax, for HRM-Owned Sites .....	17
13.	NOTICES OF MOTION .....	17
13.1	Notice of Motion - Councillor Uteck - First Reading of By-Law S .....	17
14.	ADJOURNMENT .....	18

1. **INVOCATION**

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

2. **APPROVAL OF MINUTES**

**MOVED** by Councillor Adams, seconded by Councillor Cunningham that the minutes of Halifax Regional Council meetings held on October 5 and 12, 2004, as distributed, be approved. **MOTION PUT AND PASSED UNANIMOUSLY.**

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

**Additions**

9.3 Presentations

9.3.1 Farewell Remarks from Outgoing Councillors

12.1 Enhancements - New High School - Halifax Common

12.2 Master Planning Studies

12.3 Property Matter - Transfer of Title 53-55 Ochterloney Street, Dartmouth, to Dartmouth Non-Profit Housing Society

12.4 Property Matter - Sale of Former Housing Demonstration Project Properties to Harbour City Homes Society, Halifax

12.5 Property Matter - Property Donation Request from Harbour City Homes Society, Halifax, for HRM-Owned Sites

**Information Items**

1. Application for Recount - District 22

2. Official Results - Election 2004

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

5. **MOTIONS OF RECONSIDERATION** - None

6. **MOTIONS OF RESCISSION** - None

7. **CONSIDERATION OF DEFERRED BUSINESS** - None

8. **PUBLIC HEARINGS**

**8.1 By-Law L-119, An Amendment to By-Law L-100 Respecting Local Improvement Charges, Rockwood Hills Drive (Private Road) Bridge - Timberlea**

- This matter was given First Reading at the October 5, 2004 meeting of Regional Council.

Mr. David Hubley, Senior Design Engineer, briefly reviewed the September 20, 2004 staff report indicating that staff is recommending approval of By-Law L-119.

His Worship called for persons wishing to speak in favour of or against the proposal.

**Brad King, Halifax**

Mr. King thanked Council and staff for the work they had done toward this project. The project means a great deal to the residents of Hillside.

His Worship called three times for further speakers. Hearing none, it was **MOVED by Councillor Hetherington, seconded by Councillor Warshick that the public hearing be closed. MOTION PUT AND PASSED UNANIMOUSLY.**

**MOVED by Councillor Rankin, seconded by Councillor Uteck that Regional Council adopt By-Law Number L-119, Respecting Charges to Provide for the Rehabilitation of the Existing Culvert and the Construction of a Timber Bridge over the Culvert on Rockwood Hills Drive, a Private Road, and the assignment of Local Improvement Charges for full recovery of HRM's financial assistance. MOTION PUT AND PASSED UNANIMOUSLY.**

**9. CORRESPONDENCE, PETITIONS & DELEGATIONS**

**9.1 Correspondence - None**

**9.2 Petitions**

**9.2.1 Petition - Councillor Uteck - Rezoning of Henry Street**

Councillor Uteck submitted a petition on behalf of residents of Henry Street requesting a rezoning of the portion of Henry Street bounded on the south by Coburg Road and on the north by Jubilee Road, from R-2 to R-1. This matter will be referred to staff for response.

**9.3 Presentations**

**9.3.1 Farewell Remarks from Outgoing Councillors**

His Worship Mayor Kelly thanked each of the outgoing Councillors on behalf of Council and the residents of HRM. He invited outgoing Councillors to make farewell remarks.

Councillor Cooper thanked Council for the opportunity to speak. He went on to reflect upon his history in public life, the growth he has seen since his initial term on Council, and the experience he gained through Halifax County Council and then with Halifax Regional Council. The Councillor thanked his community for their support over the years and all the members of Council, both past and present. Concluding his remarks, Councillor Cooper thanked staff of the HRM and of the former County of Halifax noting that without their vision and determination, Council could never have achieved what it has nor set the stage for where HRM is going.

Councillor Warshick noted that this was his first experience with municipal politics. He went on to thank the Mayor, members of Council and senior staff for their support. The Councillor noted that residents remember most the small things that are done on their behalf, and commented that these were the things that made him feel good about what he has done for the residents of his area.

Councillor Warshick went on to reflect upon what he had achieved for the District during his term of office. Concluding his remarks, Councillor Warshick indicated that he intended to be involved in the future with municipal government.

Councillor Sarto described his retirement from Regional Council as a bittersweet occasion, pleasant yet tinged with sadness. The Councillor extended heartfelt thanks to all residents of Dartmouth particularly of Woodlawn. He went on to thank his wife, Betty and his family for their support. Councillor Sarto thanked his colleagues on Council and, noting that HRM enjoys dedicated, skilled and able employees, thanked them for their support.

Councillor Sarto commented that Dartmouth has experienced tremendous growth and it has been a challenge to keep pace. He went on to suggest that Dartmouth was one of the best places to live, work and play and to comment on the spirit of pride in Dartmouth. Concluding his remarks, Councillor Sarto extended best wishes to all members of Council and stated that it had been an honour and a privilege to serve the residents of Dartmouth.

Councillor Cunningham thanked the residents of Dartmouth for their support over the last number of years. He commented that the job of Councillor is more a vocation than a job and the responsibilities of the position become more a part of your life than just a part of your day. Councillor Cunningham recognized the support of his family during his time as Councillor. The Councillor thanked his campaign workers noting they had supported him through seven campaigns since he first ran for Council. Councillor Cunningham thanked the Mayor and Council for their support noting that the group worked well together to achieve the goals of

HRM. He commented that HRM staff are both professional and courteous.

Noting that amalgamation is working, Councillor Cunningham commented that the residents of HRM share the pride in their new municipality. HRM is on a course for growth and there is still much work to be accomplished. In closing, Councillor Cunningham wished the new HRM Council luck in achieving their goals.

Councillor Hetherington stated that the last 22 years serving as a Councillor has been an exciting time. He commented that only his marriage, the birth of his children and his grandson could compare. The Councillor noting the grassroots nature of the job, commented that the satisfaction of HRM residents with the place they live illustrates that Council and staff have done something right.

Councillor Hetherington urged the new Council to continue to push for what the residents want, but with an eye to the cost. Councillor Hetherington advised the incoming Council to show respect for the residents HRM, for staff and especially for their fellow Councillors. Concluding his remarks, Councillor Hetherington, wished the new Council all the best.

Members of Council, staff and the public rose for a round of applause honouring the outgoing Councillors.

**MOVED by Councillor Rankin, seconded by Councillor Fougere that a representative of the Halifax Coalition Against Poverty address Council at this time. MOTION PUT AND PASSED.**

### **9.3.2 Presentation - Halifax Coalition Against Poverty**

Councillor Hetherington clarified that, as per the Rules of Order, the presentation will be five minutes and the matter will be forwarded to staff without further discussion.

His Worship noted that upon investigation the Clerk's Office has no record of having received a request to speak from the Halifax Coalition on Poverty. He clarified that the process is to make a written request to present five days prior to the Council meeting. Requesting that in future respect be shown for both the meeting and the process, His Worship advised that Council has, with a 2/3 majority vote, agreed to hear the presentation from the Coalition at this time.

**Cap Larsen, Halifax Coalition Against Poverty**, addressed Council with regard to By-Law M-100 Respecting Residential Occupancies in the HRM. Ms. Larsen advised that recently one rooming house was condemned and that seven more are slated for the same as a result of the By-Law M-100. She indicated that the tenants of those rooming houses are to be evicted with no support systems or housing in place.

Ms. Larsen indicated that the Coalition did not argue that the By-Law was a good By-Law in many ways. However, the Coalition would like Regional Council to make an amendment to the By-Law to ensure that any tenants that are evicted as a result of the enforcement of this By-Law, are supported in finding adequate housing. Ms. Larsen went on to indicate that many of the occupants of the rooming houses that are being condemned are some of the hardest to house people in the municipality. They suffer from mental illness or addiction and, therefore, cannot go to any of the existing shelter systems.

Ms. Larsen went on to note that other municipalities across Canada, for example Toronto, have a rooming house emergency response plan. The plan provides for the coordinated response of several agencies to imminent rooming house closures. Ms. Larsen went on to note that support available for residents affected by closures included: emergency shelter arrangements, transportation to emergency shelter, clothing, personal services and supports, community legal service and long term housing.

Ms. Larsen commented that on February 10, 2004, Regional Council moved to encourage the Provincial and Federal Government to support the development of last resort shelter for individuals currently not served by the shelter system by virtue of their mental illness, addiction or related problems. The motion also directed that staff continue to identify efficiencies and opportunities within existing activity areas to support the development of and maintenance of affordable housing stock in this region. Ms. Larsen went on to urge Council to honour this motion and to pressure Provincial and Federal Governments for last resort shelters or harm reduction centres, and to honour the commitment made to affordable housing.

Concluding her remarks, Ms. Larsen indicated that the Coalition is requesting that Regional Council amend By-law M-100 to provide for a safety net for tenants who are evicted as a result of their buildings being condemned with the Toronto example being recognized as a good program.

His Worship, in response to a question from Ms. Larsen regarding the process, noted that this matter would be referred to staff for review and come back to Council for consideration. His Worship thanked Ms. Larsen for her presentation.

## **10. REPORTS**

### **10.1 CHIEF ADMINISTRATIVE OFFICER**

#### **10.1.1 Increasing Women's Participation in Municipal Government**

- A staff report dated October 6, 2004 prepared for George McLellan, Chief Administrative Officer, was before Council for consideration.

- A draft Terms of Reference for the Union of Nova Scotia Municipalities, Women in Local Government Steering Committee, was distributed to Council.

Ms. Sherryll Murphy, Clerk's Office, briefly presented the October 6, 2004 staff report.

**MOVED by Councillor Fougere, seconded by Councillor Sloane that HRM, in partnership with the YWCA, develop a local strategy to address the concerns of women with regard to participation in Municipal Government.**

A brief discussion ensued with Councillor Walker noting that the Union of Nova Scotia Municipalities had recently established a Steering Committee to look at this particular issue. He commented that it appeared that adoption of the recommendation before Council this evening would simply be a duplication of effort.

**MOVED by Councillor Walker, seconded by Councillor Goucher that consideration of this matter be referred to the UNSM Women in Local Government Steering Committee.**

Following a further discussion, the **MOTION TO REFER WAS PUT AND PASSED.**

Members of Council voting in favour of the motion to refer were Mayor Kelly, Deputy Mayor Streach and Councillors Hendsbee, Cooper, McInroy, Hetherington, Smith, Walker, Mosher, Adams, Johns, Goucher, Rankin and Meade.

Member of Council voting against the motion to refer were Councillors Warshick, Sarto, Cunningham, Sloane, Uteck, Fougere, Hum and Harvey.

Councillors Snow and Blumenthal were not present at the meeting.

#### **10.1.2 Development Agreement - HRM and Heritage Gas**

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

**MOVED by Councillor Adams, seconded by Councillor Uteck that Council authorize the execution of the Development agreement between Heritage Gas and HRM as attached to the October 26, 2004 staff report.**

Ms. Cathie O'Toole, Manager, briefly presented the October 26, 2004 staff report and responded to questions.

**MOTION PUT AND PASSED UNANIMOUSLY.**

**10.1.3 Case 00712 - Bedford Municipal Planning Strategy and Land Use By-Law Amendment - Former C.P. Allen Driveway - Duke Street**

- A staff report dated October 13, 2004 prepared for George McLellan, Chief Administrative Officer, was before Council for consideration.

**MOVED by Councillor Goucher, seconded by Councillor Sloane that Regional Council:**

1. **Authorize staff to initiate a process to amend the Bedford Municipal Planning Strategy and Land Use By-law to designate a portion of 196 Rocky Lake Road (the former C.P. Allen School driveway) Industrial (IND) and rezone it ILI (Light Industrial) zone.**
2. **Request 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.**

**10.1.4 By-Law S-307, Various Amendments to By-Law S-300, Respecting Streets**

- A staff report dated September 30, 2004 prepared for George McLellan, Chief Administrative Officer, was before Council for consideration.

**MOVED by Councillor Uteck, seconded Councillor Hetherington that Regional Council approve in principle By-Law S-307 (attached as Appendix A), amendments to By-Law S-300, Respecting Streets, and arrange for their formal adoption by Regional Council. The amendment is to replace the word “abutter” in sections 4, 6 and 10 with the word “owner”, and to clearly articulate the property owners responsibilities with respect to these sections of the By-Law. MOTION PUT AND PASSED UNANIMOUSLY.**

**10.1.5 Tender 04-104, One (1) Rescue Pumper, Tender 04-106, Two (2) 1500 Gallon Pumpers, and Tender 04-108 - Four (4) 2500 Gallon Pumpers**

- A staff report dated October 7, 2004 prepared for George McLellan, Chief Administrative Officer, was before Council for consideration.

**MOVED** by Deputy Mayor Streach, seconded by Councillor Goucher that Regional Council:

1. Authorize the award of Tender #04-104 for the purchase of one (1) new 2005 Commercial Rescue Pumper from E-ONE Capital Ltd. at a cost of \$238,906.29 (net HST included) funding from Capital Account CVJ00223, Apparatus Replacement, as outlined in the Budget Implications section of the October 7, 2004 staff report.
2. Authorize the award of Tender #04-106 for the purchase of two (2) new 2005, 1500 Gallon Pumper Tankers including optional equipment from E-One Canada Ltd. at a cost of \$575,634.10 (net HST included) with funding from Capital Account CVJ00223, Apparatus Replacement, as outlined in the Budget Implications section of the October 7, 2004 staff report.
3. Authorize the award of Tender #04-108 for the purchase of four (4) new 2005, 2500 Gallon Pumper Tankers including optional equipment from E-One Canada Ltd. at a cost of \$1,297,061.72 (net HST included) with funding from Capital Account CVJ00223, Apparatus Replacement, as outlined in the Budget Implications section of the October 7, 2004 staff report.
4. Authorize staff to exercise the second year pricing option as submitted by E-ONE Canada Ltd. in the above tenders for the purchase of additional Fire Apparatus. The second year option would be contingent upon funding approved in the 2005/2006 Capital Budget.

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

**10.1.6 First Reading - By-Law T-213, An Amendment to By-Law T-201, Tax Exemption for Non-Profit Organizations - New Applications 2004-2005 Motion - Councillor Walker - Move First Reading**

- A report dated September 20, 2004 submitted by Councillor Russell Walker, Chair, HRM Grants Committee, was before Council for consideration.

**MOVED** by Councillor Walker, seconded by Councillor Hum that Regional Council approve First Reading of By-Law T-213 as attached to the September 20, 2004 staff report and direct staff to set a public hearing date to approve the recommendations as set out in the Discussion section of the report, with the following change:

The words “with an income ceiling of \$26,000 or less per year” be replaced by the words “ with an income ceiling as set by Halifax Regional Council”, in the staff recommendations for items 19. Dartmouth Non-Profit Housing Society - Affordable Housing and 20. Harbour City Homes Society - Affordable Housing.

In response to a question from Councillor Walker as to the deadline for appeals, Ms. P. J. Temple, Team Leader Tax, indicated that appeals should be received in writing for the December meeting of the Grants Committee.

## **10.2 BIKEWAYS ADVISORY COMMITTEE**

### **10.2.1 Funding for the Annual Bike Week Event Volunteer Committee**

- A report dated October 18, 2004 from Councillor Sheila Fougere, Chair of the Bikeways Advisory Committee, was before Council for consideration.

**MOVED by Councillor Fougere, seconded by Councillor Uteck that Regional Council direct Recreation, Tourism and Culture to provide seed money for the annual Bike Week event beginning in 2005 and provide a report to Council with regard to this funding.**

Following a brief discussion the **MOTION WAS PUT AND PASSED UNANIMOUSLY.**

### **10.2.2 Nova Scotia Bicycle Safety Brochure**

- A report dated October 18, 2004 submitted by Councillor Sheila Fougere, Chair of the Bikeways Advisory Committee, was before Council for consideration.
- The ‘Nova Scotia Bicycle Safety’ brochure was distributed to Council.

**MOVED by Councillor Fougere, seconded by Councillor Uteck that:**

- 1. HRM use the Provincial brochure *Nova Scotia Bicycle Safety* in any bicycle safety promotions.**
- 2. HRM request Service Nova Scotia and Municipal Relations to provide copies of the brochure for the HRM Customer Service centres.**

A brief discussion ensued with Councillor Hetherington noting that there was very little enforcement of the helmet law as it presently exists. He went on to indicate that the

requirement to wear a helmet is under the Motor Vehicle Act and applies only on road. Councillor Hetherington indicated there are no regulations within HRM that require a helmet to be worn off road (i.e. on paths, on trails, in parks). The Councillor commented that HRM should develop a By-Law to enhance the Provincial regulations with regard to the wearing of helmets.

**MOTION PUT AND PASSED UNANIMOUSLY.**

### **10.3 ADVISORY COMMITTEE FOR PERSONS WITH DISABILITIES**

#### **10.3.1 Amendment to the Terms of Reference**

- A report dated October 19, 2004 from Betty MacDonald, Chair, Advisory Committee for Persons with Disabilities, was before Council for consideration.

**MOVED by Councillor Meade, seconded by Councillor Hetherington that:**

**Regional Council revise the Terms of Reference for the Advisory Committee for Persons with Disabilities to reduce the composition of the Committee from a minimum of 15 residents to a minimum of 8 residents as follows:**

#### **1. Section 3. COMPOSITION, Sub-section 3.1:**

- 3.1 Members of the Committee shall be appointed by Council and will consist of not less than 8 residents of HRM who shall come from the disability communities, including parents and advocates; and two members of Council.**

**MOTION PUT AND PASSED UNANIMOUSLY.**

### **10.4 MEMBERS OF COUNCIL**

#### **10.4.1 Councillor Warshick - Sharing of Casino and Racetrack Revenues**

Councillor Warshick referred to agreements which had been reached with the Ontario Lottery Commission and several municipalities relative to a payment structure for those municipalities hosting commercial casinos, charity casinos or race tracks with slot machines. The Councillor advised that cities such as Sarnia and Brantford that host these types of operations, receive 5% of net revenues. Concluding his remarks, Councillor Warshick noted that the founding philosophy of revenues from lotteries being directed to sports and recreation has been lost.

**MOVED by Councillor Warshick, seconded by Councillor Hendsbee that Council direct staff to look at the arrangement in Ontario relative to a payment structure for communities hosting commercial casinos, charity casinos or race tracks with slot machines, and come back to Council with a recommendation relative to seeking a similar arrangement with the Province for HRM. MOTION PUT AND PASSED UNANIMOUSLY.**

Councillor Warshick submitted information relating the above matter for the consideration of staff in preparing the report.

**11. MOTIONS - None**

**12. ADDED ITEMS**

**12.1 Enhancements - New High School - Halifax Common**

- This matter was considered at the Committee of the Whole Council meeting held on October 19, 2004 and was before Regional Council for ratification.

**MOVED by Councillor Fougere, seconded by Sloane that Halifax Regional Council:**

- 1) Approve in principle the building of an HRM community gym, conditional on community use as a priority, estimated at \$1.85 million, as part of the Nova Scotia Department of Education's Halifax Commons High School project, subject to budget approval in the 2005-06 and 2006-07 capital budgets. Staff will bring to Council an appropriate plan for facility rationalization and a joint use agreement for access to the new high school for consideration prior to budget discussions, and,**
- 2) Approve in principle the use of the Central Commons field by the adjacent new Commons High School, and the field improvements outlined in this report, estimated at \$30,000 to be considered in the 2005-06 capital budget.**
- 3) Send a letter to the Premier and Cabinet requesting that the discussion of what a school should be, be opened up to public consultation; further, that staff commit to providing Council with a report respecting the provision of a contribution from the net proceeds of the sale of St. Pat's High School to the new theater and auditorium and to provide an appraisal of the land to determine its value.**

**MOTION PUT AND PASSED UNANIMOUSLY.**

**12.2 Master Planning Studies**

- This matter was considered at the Committee of the Whole Council meeting held on October 19, 2004 and was before Regional Council for ratification.

**MOVED by Councillor Hetherington, seconded by councillor Sarto that Regional Council:**

1. **Direct staff to continue to negotiate policy and regulatory amendments needed to allow for the development of the Morris-Russell Lake master plan.**
2. **Defer any decision on the Bedford West and Port Wallace master plans and the Governor Lake North study for a maximum of two weeks.**

**MOTION PUT AND PASSED UNANIMOUSLY.**

**12.3 Property Matter - Transfer of Title 53-55 Ochterloney Street, Dartmouth, to Dartmouth Non-Profit Housing Society**

- This matter was considered at the in camera Council session held earlier today and was before Regional Council for ratification.

**MOVED by Councillor Hetherington, seconded by Councillor Sarto that Regional Council:**

1. **Authorize the Mayor and Municipal Clerk to enter into an Agreement of Purchase and Sale whereby the property located at 53-55 Ochterloney Street, Dartmouth, be conveyed to the Dartmouth Non-Profit Housing Society for the sum of \$1, subject to site survey and legal description, and the terms and conditions set out in the Discussion section of the report dated September 20, 2004.**
2. **Set a date for a public hearing.**
3. **Authorize immediate release of the report.**

**MOTION PUT AND PASSED UNANIMOUSLY.**

**12.4 Property Matter - Sale of Former Housing Demonstration Project Properties to Harbour City Homes Society, Halifax**

- This matter was considered at the in camera Council session held earlier today and was before Regional Council for ratification.

**MOVED by Councillor Walker, seconded by Councillor Sloane that Regional Council:**

1. **Authorize the Mayor and Municipal Clerk to enter into an Agreement of Purchase and Sale whereby the properties located at 2350 Gottingen Street, 2386-2388 Gottingen Street, 2014-2020 Maynard Street, portions (2 parcels) of PID #4048245, North Street; 2444-2450 Barrington Street, and 2559 Gottingen Street, Halifax, Lot D-2 Brunswick Street, and Lot E-1 Brunswick Street, Halifax, be conveyed to harbour City Homes Society for the sum of \$1 each, plus all costs associated with this conveyance, subject to the Site Survey and Legal Description and the terms and conditions set out in the Discussion section of the report dated September 20, 2004;**
2. **Authorize staff to set a date for a public hearing.**
3. **Authorize the immediate release of the report.**

**MOTION PUT AND PASSED UNANIMOUSLY.**

**12.5 Property Matter - Property Donation Request from Harbour City Homes Society, Halifax, for HRM-Owned Sites**

This matter was considered at the in camera Council session held earlier today and was before Regional Council for ratification.

**MOVED by Councillor Johns, seconded by Councillor Harvey that Regional Council:**

1. **Decline the request by Harbour City Homes Society to donate the HRM-owned properties listed in the Discussion section of the report dated September 20, 2004.**
2. **Authorize the immediate release of the report to the public.**

**MOTION PUT AND PASSED UNANIMOUSLY.**

**13. NOTICES OF MOTION**

**13.1 Notice of Motion - Councillor Uteck - First Reading of By-Law S-307**

Councillor Uteck gave Notice of Motion of her intent to, at the meeting of Halifax Regional Council to be held on Tuesday, November 9, 2004, introduce for First Reading, By-Law S-307, an amendment to By-Law S-300, Respecting Streets, to provide clarity to property owners of their responsibility to remove snow and ice from sidewalks abutting their property and to maintain the area between the curb and sidewalk abutting their property free from garbage, waste or debris.

**14. ADJOURNMENT**

There being no further business, the meeting adjourned at 7:40 p.m.

Jan Gibson  
Municipal Clerk