

HALIFAX REGIONAL COUNCIL

HALIFAX REGIONAL COUNCIL
MINUTES
JUNE 28, 2005

PRESENT:

Mayor Peter Kelly
Deputy Mayor Len Goucher
Councillors: Steve Streach
Krista Snow
David Hendsbee
Harry McInroy
Gloria McCluskey
Andrew Younger
Becky Kent
Jim Smith
Mary Wile
Patrick Murphy
Dawn Sloane
Sue Uteck
Sheila Fougere
Russell Walker
Debbie Hum
Linda Mosher
Brad Johns
Robert Harvey
Reg Rankin
Gary Meade

REGRETS:

Councillors: Bill Karsten
Stephen Adams

STAFF:

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

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1. INVOCATION

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

2. APPROVAL OF MINUTES - June 14, 2005

MOVED by Deputy Mayor Goucher, seconded by Councillor Wile, that the minutes of June 14, 2005 be approved. MOTION PUT AND PASSED UNANIMOUSLY.

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

Additions

- 12.1 Councillor Hum - Request to have information item #4 "Ethical Procurement" added to the Regional Council agenda for discussion.
- 12.2 Alderney Gate Acquisition - Financing
- 12.3 Life Sciences Research Institute
- 12.4 Property Matter - Deed Transfer Tax Claim 1995
- 12.5 Legal Matter - Dalhousie Municipal Access Agreement

MOVED by Councillor Walker, seconded by Councillor Sloane, that the Order of Business, as amended, be approved. MOTION PUT AND PASSED UNANIMOUSLY.

Councillor Streach thanked Councillor Hendsbee, the Eastern Shore Emergency Management Team and Volunteer Firefighters for their help in the evacuation of forty homes in District 1.

Councillor Murphy offered congratulations to the committee that organized the North Atlantic Festival.

Councillor McCluskey offered congratulations to all the paddlers who made the World Junior Trials, the Canada Games and the Pan American.

4. BUSINESS ARISING OUT OF THE MINUTES

- A memorandum from the Municipal Clerk regarding a revision to the March 22, 2005 Regional Council meeting minutes was circulated to Council.

MOVED by Councillor Fougere, seconded by Councillor Hendsbee, that the noted revision to the March 22, 2005 Regional Council meeting minutes be approved. MOTION PUT AND PASSED UNANIMOUSLY.

5. MOTIONS OF RECONSIDERATION - NONE

6. MOTIONS OF RESCISSION - NONE

7. CONSIDERATION OF DEFERRED BUSINESS - NONE

8. PUBLIC HEARINGS

8.1 By-Law N-203, Respecting Noise - Summary Offence Tickets

- An extract from the May 10, 2005 Regional Council minutes, on the above noted, was before Council.
- A copy of By-Law N-203 was before Council.

Mr. Anstey noted Section 8 of N-200 currently provides for a minimum fine of \$125.00 and a maximum fine of \$10,000.00. He noted he has removed Section 9 which provides for Municipal Offence Tickets which are no longer used. He advised Section 8 will be replaced with the new section which provides for escalated fines with a first offence running from \$300.00 to \$10,000.00, a second offence from \$700.00 to \$10,000.00 and subsequent offences from \$1,000.00 to \$10,000.00.

Mayor Kelly called for those wishing to speak either in favour of or in opposition to the proposed By-law.

Mr. John Weagle, Halifax, stated there has been an ongoing noise problem as a result of parties being held in student housing. He advised these parties have resulted in damage to property and vehicles and stated the current fines are not high enough to curtail the activities.

Mr. Joseph Hrestak, Halifax, stated he is in favour of the fines being raised noting, presently they cannot enjoy their properties nor sleep as a result of the activities. He stated there needs to be strict enforcement of the fines.

Mayor Kelly called three times for additional speakers. Hearing none, the following motion was placed.

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

DECISION OF COUNCIL

MOVED by Councillor Uteck, seconded by Councillor Fougere, that Regional Council approve By-Law N-203, Respecting Noise to increase the summary offence ticket from \$125.00 to \$300.00. MOTION PUT AND PASSED UNANIMOUSLY.

8.2 By-Law N-204, Respecting Noise - Repair of Commercial Vehicles

- An extract from the May 24, 2005 Regional Council minutes, on the above noted, was before Council.
- A copy of By-Law N-204 was before Council.

Mr. Anstey, Municipal Solicitor, advised that in addition to the general provision there are also schedules to the by-law that set out particular activities and times and places which are deemed to be activities which unreasonably disturb the peace and tranquillity of the neighbourhood. This amendment is to add an additional activity under Part 2 of Schedule A which is the maintenance and repair of commercial vehicles outdoors or in a building which is not fully enclosed in such a way as to prevent the escape of noise within 250 feet of a residential property. Such noise would be prohibited if the noise is heard in a residential area and if the time of the event is between the hours of 11p.m. and 7 a.m.

Councillor Walker noted that the By-law before Council is only dealing with commercial vehicles.

Councillor Streach expressed concern that this may infringe upon certain business to carry on their activities such as agriculture, mining and fisheries.

Mr. Anstey advised that a district can request to be exempt from the by-law.

Mayor Kelly called for those wishing to speak either in favour of or in opposition to the proposed By-law.

Ernie Brennan, Ketch Harbour, suggested the by-law provide for an urban rural split and not be blanket throughout the municipality.

Larry Farrell, Dartmouth, advised there is a commercial business in his district where buses are repaired. He advised these activities occur on and on going basis and take place at such

times as two or three o'clock in the morning. Buses are arriving as early as four in the morning and the backup warning signal is very disruptive to the neighbourhood.

Mayor Kelly called call three times for any additional speakers. Hearing none, the following motion was placed.

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

DECISION OF COUNCIL

MOVED by Councillor Younger, seconded by Councillor Uteck, that Halifax Regional Council approve the following amendment to By-law N-200, Respecting Noise

- 1. Part 2 of Schedule A of said By-law N-200 is amended by adding the following to the end thereof, the following:**
 - 14. The maintenance or other repair of commercial vehicles outdoors, or in a building which is not fully enclosed in such a way as to prevent the escape of noise, if said operation is within 250 feet of a residential property.**

Councillor Younger noted there was a petition submitted previously regarding this issue. He noted there are such things as air hammers running at four o'clock in the morning in some areas of the municipality.

Councillor Sloane suggested Council needs to examine the issue of idling of large vehicles and perhaps develop a policy to address this.

In response to Councillor Streach, Mr. Anstey advised there are both objective and subjective by-laws. The objective one is the one that would address decibel levels. When this by-law was adopted Council had the option of going with one type or the other and opted to go with the subjective which relies upon evidence from people in the neighbourhood as to the effect the noise has on them. There are certain activities listed that proof of the activity is deemed to disturb the neighbourhood whether anyone complains or not.

Councillor Smith left the meeting at 6:45 p.m.

Councillor Streach stated he needs to have some ability so that someone does not arbitrarily complain about an activity that has been ongoing. The Councillor stated he would like to have something written in the by-law that protects and gives consideration to ongoing activities in

rural areas.

Without a vote being taken on the motion, the following motion was placed.

MOVED by Councillor Streach, seconded by Councillor McCluskey, that the item be deferred for one week for staff to come back with wording that address Councillor Younger's issue but at the same time protects the ability of certain business in rural areas such as agriculture, mining, forestry and fishing.

Councillor Wile suggested the time be changed from 11:00 p.m. to 10:00 p.m. Mr. Anstey advised this would be a substantive change to the by-law and would have to be readvertised as it changes the intent.

Councilor Rankin noted there are different circumstances in different communities and Council has to be sensitive to this.

A recorded vote was taken.

MOTION TO DEFER PUT AND PASSED.

Those voting **in favour** were: Mayor Kelly, Deputy Mayor Goucher and Councillors Streach, Snow, Hendsbee, McInroy, McCluskey, Kent, Murphy, Sloane, Mosher, Rankin and Meade.

Those voting **against** were: Councillors Wile, Uteck, Fougere, Walker, Hum, Johns and Harvey.

Councillors Karsten, Smith and Adams were absent for the vote.

8.3 Case 00733 - Halifax Municipal Planning Strategy and Land Use By-law - 6770 Jubilee Road

- An extract from the May 17, 2005 Regional Council minutes, on the above noted, was before Council.
- A report from the Peninsula Community Council. dated May 11, 2005, on the above noted, was before Council.

Mr. Luc Ouelett, Planner, with the aid of overheads, presented the report to Council.

Mayor Kelly called for those wishing to speak either in favour of or in opposition to the proposed amendments.

Mr. Roy Willwerth, project architect, advised the scope of the project is interior in nature involving the conversion of what was a common area into a condominium unit. He noted there is sufficient on site parking to accommodate the additional unit.

Mayor Kelly called three times for additional speakers. Hearing none, the following motion was placed.

MOVED by Deputy Mayor Goucher, seconded by Councillor Murphy, that the public hearing close. MOTION PUT AND PASSED UNANIMOUSLY.

DECISION OF COUNCIL

MOVED by Councillor Uteck, seconded by Councillor Fougere, that Regional Council approve the amendments to the Halifax Municipal Planning Strategy and the Halifax Peninsula Land Use By-law as contained in Attachments “A” and “B” of the April 25, 2005 staff report. MOTION PUT AND PASSED UNANIMOUSLY.

8.4 By-law N-200, Respecting Noise Exemption Application, Royal Nova Scotia Yacht Squadron

- A staff report dated June 16, 2005, on the above noted, was before Council.

Mr. Allan Waye, Community Projects, presented the report advising the Nova Scotia Yacht Squadron is requesting the exemption for the evenings of Tuesday, July 12th, Wednesday, July 13th and Thursday, July 14th. He noted all the entertainment will be performed inside the building.

Mayor Kelly called for those wishing to speak in favour of or in opposition to the proposed exemption.

Mr. Ernie Brennan, Ketch Harbour, spoke against granting the exemption.

Mayor Kelly called three times for additional speakers. Hearing none, the following motion was placed.

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

DECISION OF COUNCIL

MOVED by Councillor Mosher, seconded by Councillor Walker, that Regional Council

approve the Royal Nova Scotia Yacht Squadron's application (attached as Appendix A to the June 16, 2005 staff report) for an exemption from the provisions of By-law N-200, Respecting Noise pursuant to the contents of the report dated June 16, 2005 and any matters at the hearing. MOTION PUT AND PASSED UNANIMOUSLY.

9. CORRESPONDENCE, PETITIONS AND DELEGATIONS

9.1 Correspondence - None

9.2 Petitions

9.2.1 Councillor Sloane

Councillor Sloane served a petition on behalf of the residents of Plaza 1881 Brunswick Street regarding excessive noise from cooling units on the rooftop of Scotia Square Mall.

9.2.2 Councillor Younger

Councillor Younger served a petition on behalf of residents regarding a concern with respect to outdoor wood burning devices.

9.2.3 Councillor Kent

Councillor Kent served a petition on behalf of residents of Eastern Passage wherein they are requesting the installation of a sidewalk on a section of Shore Road.

9.3 Presentation

9.3.1 Canada Day - Carol Dobson

Ms. Carol Dobson, Co-Chair, Canada Day Committee, made a presentation to Council outlining the activities planned throughout HRM for the Canada Day weekend.

Mayor Kelly thanked Ms. Dobson for her presentation.

10. REPORTS

10.1 CHIEF ADMINISTRATIVE OFFICER

10.1.1 Tender 04-260, Beaver Bank Municipal Services, Phase 4E, Central

Region

- A staff report, dated June 17, 2005, on the above noted, was before Council.

MOVED by Councillor Snow, seconded by Councillor Johns, that Council:

- 1. Award Tender No. 04-260, Beaver Bank Municipal Services, Phase 4E - Central Region to J.R. Eisener Contracting Limited for materials and services listed at the unit prices quoted for a tender price of \$1,984,290.25 plus net HST for a total of \$2,052,332.00 including net HST from Capital Account No. CGU00386, Beaver Bank Municipal Services, Phase 4E, with funding authorized as per the Budget Implications section of the June 17, 2005 report.**
- 2. Approve the appointment of CBCL Ltd. for construction inspection services for an estimated fee of \$75,978 plus net HST for a total of \$78,583 from Capital Account No. CGU00386, Beaver Bank Municipal Services, Phase 4E, with funding as outlined in the Budget Implications section of the report dated June 17, 2005.**

MOTION PUT AND PASSED UNANIMOUSLY.

10.1.2 2005-2006 Area Rates for Sidewalk Snowplowing

- A staff report dated June 17, 2005, on the above noted, was before Council.

Councillor Johns expressed concern that the report does not contain a chart that breaks down what the current costs per area that receives the services are and a map of what areas will be taxed. The Councillor advised he would be placing a motion to look at having this deferred for one week to have staff come back with a list of what districts, the breakdown of the cost by district that receive snowplowing and what the cost is to provide the service as well as what areas within those districts are going to be billed.

The Councillor stated the information being requested was what the cost per district is to provide the sidewalk snow clearing in each district in HRM and maps that highlight exactly what area is going to be billed the cost for the area rate. What percentage of the districts will be paying for the snowplowing as all areas do not have sidewalks.

Mr. McLellan, CAO, noted that where sidewalk snow clearing is provided it is done under a common area rate.

Councillor Snow expressed concern with the amount for snow removal in her district.

Ms. Dale McLennan, Director, Financial Services, advised that what staff is talking about is not a product you are buying for your street but rather a service that is not uniformly delivered because it does not exist uniformly. When there are services like this, staff addresses the service issue. She stated staff is recommending that this be paid for the same way as HRM pays for all the general rated services that are delivered to neighbourhoods consistently.

Councillor McCluskey questioned what would happen in Dartmouth under the proposed change. In response, Ms. McLennan advised the intersections that are being done all across the serviced area will be general rated. All those intersections will be deducted from the area rates that are charged.

Councillor Hum stated it was her understanding that there would be a report coming to Council so that each Councillor could look at the cost and implications. In response, Ms. McLennan advised that the decision was made by Council to add the intersection piece. Public Works will be coming back with options on August 9th to look at longer term options. It was recommended and accepted during budget and program and service review that it would be done in two phases, this year intersections and then to look at where to go from there.

Mayor Kelly noted that Council is requesting information on how much is being charged, how much is being spent and what is the balance being transferred.

Ms. McLennan advised the only information staff has on the cost per district is by kilometre and how many kilometres in each district.

Mr. McLellan, CAO, advised the contract is not done on the basis of a district, it is done on the larger economy of scale.

Councillor Younger asked if there would be a reduction in the sidewalk snowplowing rate. In response, Ms. McLennan advised the report reflects the rates that are required to raise the costs that are needed subtracted from those costs are the costs of the intersections which are general rated. It is a cost based reduction.

Councillor Younger noted there are areas where there are no sidewalks in some districts and yet they are paying for sidewalk snow clearing.

In response to Councillor Meade, Council was advised the contractor is responsible for repair of damage they may have caused. The damage from the previous winter is charged to the next winter snow budget.

RECESS

Council recessed at this time. Council reconvened at 8:10 p.m.

Councillor Rankin stated Council did not ask for a district approach. The Councillor noted tenders are not based on district boundaries.

Councillor Snow noted the sidewalks in her district are built by way of an area rate and it was her impression that District 2 would be clearing its own sidewalks.

Councillor Hendsbee expressed concern that he had three sidewalks in the urban portion of his district and requested a cost analysis.

Councillor Johns noted that clarification had been requested previously. He stated that six kilometres away from where the sidewalks are a thousand feet of sidewalk was built and then the area rate was extended. The way it is set up at the present time is disproportionate. The Councillor stated he is not disputing the cost but who is paying.

MOVED by Councillor Johns, seconded by Councillor Younger, that this matter be deferred for one week to examine whether there are options available.

Mr. McLellan, CAO, stated he objected to the word “deceived” being used with regards to staff in comments made during the discussion.

Councillor McInroy stated that HRM is one municipality and services should be cost effective. The Councillor suggested the concern for the districts in question be addressed separately.

A recorded vote was taken.

MOTION TO DEFER CARRIED (12 in favour, 9 against)

Those voting **in favour** were: Mayor Kelly, Deputy Mayor Goucher and Councillors Streach, Snow, Hendsbee, McCluskey, Younger, Kent, Uteck, Johns, Harvey and Meade.

Those voting **against** were: Councillors McInroy, Wile, Murphy, Sloane, Fougere, Walker, Hum, Mosher and Rankin

Councillors Karsten, Smith and Adams were absent.

10.1.3 2005-06 Budgets and Business Plans for Area Rated Services

- A staff report dated June 20, 2005, on the above noted, was before Council.

Ms. Dale McLennan, Director, Financial Services, presented the staff report noting the shaded area and everything down from that point on Appendix B, page 3, should not have

been part of the report.

MOVED by Councillor Walker, seconded by Councillor Wile, that the Resolution for Approval of the Operating Budget and Area Rates for Fiscal 2005-2006 (Appendix A) including the attached Schedule of Area Rates (Appendix B) AS REVISED be approved.

Councillor Snow expressed concern that the transit rate is being raised in Beaver Bank and the residents have not been notified. The Councillor noted that with regards to both the recreation and transit rates there is a section of Beaver Bank and all of Kinsac is in the urban district yet they are paying full operating costs to the recreation centre and they receive community transit and not urban transit.

In response to Councillor Johns, Council was advised the area rate guidelines are laid out a policy of Council.

MOTION PUT AND PASSED.

10.1.4 Joint HRM/Provincial Public Lands Project

- A staff report dated June 15, 2005, on the above noted, was before Council.

MOVED by Councillor Hendsbee, seconded by Councillor Snow, that Regional Council authorize the CAO on behalf of HRM to execute the Memorandum of Understanding in attachment two of the report dated June 15, 2005 to proceed with the two joint municipal provincial projects within the Capital District, including the preparation and issuance of a Request for Proposal for both projects.

Councillor Streach expressed concern with the amount identified for the study and that the report does not provide options for consideration.

Councillor Harvey stated this was an excellent opportunity for HRM to combine with the Province to look at lands held in the Capital District area and to make a plan for the future. He noted the area in question is a sensitive area and HRM should proceed with the study.

Councillor Mosher noted that currently HRM is leasing and utilizing space at many different locations and there is a need for HRM to own properties to address HRM needs. The Councillor noted she would support the Spring Garden aspect of the report but not the Grand Parade portion.

Deputy Mayor Goucher stated City Hall is a working building and if Council is going to

continue to use the Council Chamber and do business out of the building there has to be convenient access to the building.

MOVED by Deputy Mayor Goucher, seconded by Councillor Mosher, that the Grand Parade parking portion be removed from the study process.

Councillor Fougere stated that all existing elements need to be examined in their entirety to be able to make a good choice on how to move forward.

Councillor Mosher stated Council should be looking at concepts. The Councillor stated Council should be discussing an updated needs assessment for Provincial/Municipal office and administrative needs as well as exploring potential requirements for new facilities.

Ms. Jackie Hamilton. Project Manager, Capital District, advised the opportunity arose to partner with the Province. She noted the previous intent with regards to the Grand Parade was to take some of the recommended short term improvements from a concept through to implementation. She advised Council needs to be involved in the decision making process and staff will bring back a report at the early stage to receive Council feedback.

AMENDMENT DEFEATED.

Councillor Mosher requested the items be voted on separately.

MOVED by Councillor Mosher that item #1 on attachment 4 the civic improvement plan and item #3 the public participation program be removed.

The motion was lost as there was no seconder.

MOVED by Councillor Hendsbee, seconded by Councillor Snow that Regional Council authorize the CAO on behalf of HRM to execute the Memorandum of Understanding in attachment two of the June 15, 2005 report to proceed with the Spring Garden Road/Queen Street Lands Plan within the Capital District, including the preparation and issuance of a Request for Proposals. MOTION PUT AND PASSED.

MOVED by Councillor Hendsbee, seconded by Councillor Snow that Regional Council authorize the CAO on behalf of HRM to execute the Memorandum of Understanding in attachment two of the June 15, 2005 report to proceed with the Grand Parade/Province House Joint Public Lands Plan within the Capital District, including the preparation and issuance of a Request for Proposals. MOTION PUT AND PASSED. (17 in favour, 4 against)

Those voting **in favour** of the motion were: Mayor Kelly, Deputy Mayor Goucher and Councillors Snow, Hendsbee, McInroy, Younger, Wile, Murphy, Sloane, Uteck, Fougere, Walker, Hum, Johns, Harvey, Rankin and Meade.

Those voting **against** the motion were: Councillors Streach, McCluskey, Kent and Mosher.

Councillors Karsten, Smith and Adams were absent for the vote.

10.1.5 Administrative Order #1, Respecting the Procedures of Council - Public Hearing Procedure

Deferred to July 5, 2005.

10.1.6 Marketing Levy Adjustments - Major Facilities Reserve

Deferred to July 5, 2005.

10.1.7 Interim Award Policy - 2005

Deferred to July 5, 2005.

10.2 ENERGY AND UNDERGROUND SERVICES COMMITTEE

10.2.1 Terms of Reference

Deferred to July 5, 2005..

10.3 MEMBERS OF COUNCIL

10.3.1 Councillor Snow - Mobile Home Park Committee

Deferred to July 5, 2005.

10.3.2 Councillor Sloane - Grass Cutting - Halifax Regional School Board Properties

Deferred to July 5, 2005.

10.3.3 (i) Councillor Younger - Legislation Penalizing Developers for Incomplete Developments

Deferred to July 5, 2005..

10.3.3 (ii) Councillor Younger - Policy for Daylighting of Rivers

Deferred to July 5, 2005.

11. MOTIONS (On Notice) - NONE

12. ADDED ITEMS

12.1 Councillor Hum - Request to have Information Item #4 "Ethical Procurement"

Deferred to July 5, 2005.

12.2 Alderney Gate Acquisition - Financing

Deferred to July 5, 2005.

12.3 Life Sciences Research Institute

Deferred to July 5, 2005.

12.4 Property Matter - Deed Transfer Tax Claim 1995

Deferred to July 5, 2005.

12.5 Legal Matter - Dalhousie Municipal Access Agreement

Deferred to July 5, 2005.

13. NOTICES OF MOTION - NONE

14. ADJOURNMENT

The meeting was adjourned at 10:00 p.m.

Jan Gibson
Municipal Clerk

The following information items were circulated to Council:

Proclamation - Make Poverty History - February 3, 2005 - February 3, 2006

1. Memorandum from Director, Financial Services dated June 14, 2005
re: Ethical Procurement Policy
2. Memorandum from Director, Planning and Development dated June 21, 2005
re: Lot Grading and Sedimentation
4. Memorandum from the Municipal Clerk, dated June 24, 2005
re: Requests for Presentations to Council

Date of Request(s)	Name of Delegation(s)	Disposition of Request(s)
June 20 - 24, 2005	Kristian Curran Representing Community Group re: Parking Issues in Downtown Halifax (District 12)	Referred to Regional Planning and By-Law Enforcement to work with the Community Group toward the resolution of issues associated with parking.