

HALIFAX REGIONAL COUNCIL
MINUTES
September 5, 2006

PRESENT:

Mayor Peter Kelly, Chair
Deputy Mayor Russell Walker
Councillors: Steve Streach
Krista Snow
David Hendsbee
Gloria McCluskey
Andrew Younger
Bill Karsten (evening)
Jim Smith
Mary Wile
Patrick Murphy
Dawn Sloane
Sue Uteck
Debbie Hum
Linda Mosher
Stephen Adams
Brad Johns
Robert Harvey
Gary Martin
Reg Rankin
Gary Meade

REGRETS:

Councillors: Harry McInroy
Becky Kent
Sheila Fougere

STAFF:

Mr. Dan English, Chief Administrative Officer
Ms. Mary Ellen Donovan, 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 3:00 p.m. with the Invocation being led by Councillor Rankin.

SWEARING IN CEREMONY - COUNCILLOR DISTRICT 21 - BEDFORD

Councillor Elect Gary Martin was sworn in by Mayor Kelly as the Councillor for District 21, Bedford.

MOVED by Councillor Adams, seconded by Deputy Mayor Walker, the Council move In Camera. MOTION PUT AND PASSED UNANIMOUSLY.

Council reconvened at 4:23 p.m.

2. APPROVAL OF MINUTES - August 1 & 8, 2006

MOVED by Councillor Sloane, seconded by Councillor McCluskey, that the minutes of August 1 & 8, 2006 be approved. MOTION PUT AND PASSED UNANIMOUSLY.

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

Councillor Mosher requested item 10.3.2 (i) - Proposed Graffiti By-Law, be deferred to September 12, 2006.

Councillor Adams requested item 10.3.1 - Status of Herring Cove Sewer and Water Project/Investigation of Additional Funding Sources, be brought forward on the agenda to be addressed immediately following the approval of the Order of Business.

MOVED by Councillor Sloane, seconded by Councillor Adams, that item 10.1.7 - By-Law P-504, Amendment to By-Law P-500, Respecting Parking Meters - Increase in Parking Meter Fines, be deferred to September 12, 2006. MOTION DEFEATED.

12. 1 Contractual Matter - Rolling Stones Matter Update.

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

As per the approval of the Order of Business, Council addressed item 10.3.1 at this time.

**10.3.1 Councillor Adams - Status of Herring Cove Sewer and Water Project/
Investigation of Additional Funding Sources**

MOVED by Councillor Adams, seconded by Councillor Johns, that staff look at alternate sources of funding for the Herring Cove Sewer and Water Project; however, that funding is not to displace anything off the MRIF list that is in place or other funding that is currently in place. MOTION PUT AND PASSED UNANIMOUSLY.

MOVED by Councillor Younger, seconded by Councillor Hendsbee, that the tenders be brought forward and addressed at this time. MOTION PUT AND PASSED.

10.1.1 Tender 06-267 - Sidewalk Renewals - West Region

- A report dated August 24, 2006, on the above noted, was before Council.

MOVED by Councillor Wile, seconded by Deputy Mayor Walker, that Council award Tender No. 06-267, Sidewalk Renewals - West Region to Dexter Construction Company Limited for materials and services listed at the unit prices quoted for a Tender Price of \$397,375 including net HST from Capital Account No. CKU00783, Sidewalk Renewals and Capital Account No. CDG00490, Capital District - Urban Design Study, with funding authorized as per the Budget Implication section of the August 24, 2006 report. MOTION PUT AND PASSED UNANIMOUSLY.

10.1.2 Tender 06-269 - Alton Drive, Paving Renewal - West Region

- A report dated August 29, 2006, on the above noted, was before Council.

MOVED by Councillor Adams, seconded by Councillor Hum, that Council award Tender No. 06-269, Alton Drive, Paving Renewal - West Region to Dexter Construction Company Limited for materials and services listed at the unit prices quoted for a Total Tender Price of \$277,914 including net HST from Capital Account No. CYU00784, Paving Renewal and Capital Account No. CGU00461, Sewer Lateral Replacement (Paving Projects), with funding authorized as per the Budget Implications Section of the August 29, 2006 report. MOTION PUT AND PASSED UNANIMOUSLY.

**10.1.3 Tender 06-270 - Paving Renewal and Thin Overlay, Skeena Street - East
Region**

- A report dated August 28, 2006, on the above noted, was before Council.

MOVED by Councillor Younger, seconded by Deputy Mayor Walker, that Council award Tender No. 06-270, Paving Renewal and Thin Overlay, Skeena Street - East Region to Basin Contracting Limited for material and services listed at the unit prices quoted for a Tender Price of \$611,814 including net HST from Capital Account No. CYU00784, Paving Renewal, Capital Account No. CZU00782 Resurfacing Program, Capital Account No. CRU00683, Concrete Curb Repair Program, and Capital Account No. CGU00461, Sewer Lateral Replacement, with funding authorized as per the Budget Implications section of the August 28, 2006 report. MOTION PUT AND PASSED UNANIMOUSLY.

10.1.4 Tender 06-072 and Tender 06-074 - Winter Sidewalk Snow and Ice Control - East & West Regions

- A report dated August 26, 2006, on the above noted, was before Council.

MOVED by Councillor Uteck, seconded by Councillor Smith, that this item be addressed at the evening session. MOTION PUT AND PASSED.

10.1.5 Consultant Award of Engineering Study Peggy's Cove Water and Sewer Servicing Options Evaluation and Preliminary Design Study

MOVED by Councillor Meade, seconded by Councillor Johns, that this item be addressed at the evening session. MOTION PUT AND PASSED.

10.1.6 Request for Proposal 06-331 - Engineering Study; Sonar & CCTV Inspection and Sewer Condition Assessment; North West Arm Sewer, Freshwater Brook Sewer and Bedford/Sackville Trunk Sewer

- A report dated August 22, 2006, on the above noted, was before Council.

MOVED by Councillor Johns, seconded by Councillor Uteck, that Regional Council award the engineering study, Sonar & CCTV Inspection and Sewer Condition Assessment; North West Arm Sewer, Freshwater Brook Sewer and Bedford/Sackville Trunk Sewer, as called for in RFP#06-331, to Andrews Infrastructure for a total cost of \$257,996 including net HST, with funding authorized as per the Budget Implications section of the August 22, 2006 report. MOTION PUT AND PASSED UNANIMOUSLY.

Council recessed at 4:40 p.m
Council reconvened at 6:00 p.m.

8. PUBLIC HEARINGS

8.1 Case 00808: Amendments to the Sackville Drive Secondary Planning Strategy and Land Use By-law

- A report from the North West Community Council, dated July 21, 2006, on the above noted was before Council.

Ms. Thea Langille-Hanna, Planner, presented the staff report, noting this was a joint meeting between Regional Council and North West Community Council.

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

Mr. Dennis Baxter, Sackville, addressed Council noting:

- He owns commercial properties on Sackville Drive with 830 feet of frontage,
- He is concerned with the proposed amendments especially height restrictions, zoning and landscape setback,
- This amendment will create expense to anyone wishing to develop along Sackville Drive,
- He was recommending Council not approve this recommendation but rather six stories with no setbacks,
- He was suggesting Pinehill be given the outdoor display court zoning,
- He does not agree with the landscape setbacks as, in his opinion, they are very restrictive.

Ms. Gina Byrne, Sackville Drive Business Association, stated:

- Setbacks or transitions after three stories are excessive,
- To reduce the sense of mass without actually limiting the size of the building specific design features should be incorporated,
- The time delay in having site plans approved might discourage development and have the effect of driving developers away,
- If the micro climate and natural features policies are amended business may prefer to develop in other parts of the municipality,
- People need to see the cultivation of a core community.

Mr. Walter Regan, Sackville, spoke in support of the amendments stating he feels the amendments are good for both the community and the public especially the setbacks for large buildings. He suggested there should be an increase in the green area.

Mr. John Gionackis, Sackville, stated it would be expensive to construct a building with the proposed setbacks and requested Council not accept the building height requirements.

Mr. Bill Anwyll, Anwyll Fogo Architects, stated:

- His only concern is the restriction of heights and the additional setback for additional stories,
- Sackville drive is wide and the sunlight is not an issue,
- By making six stories as-of-right allows for developers to have a taller building with a wider variety of building materials and streetscapes,
- Having a ten foot setback for every story would be cost prohibitive.

Mr. Terris Panagiotakos, stated there is a need to have the ability to bring people to Sackville Drive in support of the businesses on the drive. He stated Sackville Drive needs to be able to be competitive and attract people.

Mr. Ernie Brennan, Ketch Harbour, stated he supported the proposed amendments as there is a need for higher density development.

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

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

MOVED by Councillor Harvey, seconded by Deputy Mayor Walker, that Regional Council:

1. **Adopt the amendments to the Sackville Drive Secondary Planning Strategy and Land Use By-Law provided in Attachment A of the staff report dated June 16, 2006 with the exception of proposed amendment to Section 6.2.2 of the Secondary Planning Strategy and Part 6, Section 31a of the Land Use By-Law related to building height.**
2. **Adopt an amendment to the Sackville Drive Secondary Planning Strategy and Land Use By-Law which will enable a maximum building height of 50ft. (measured from grade at front property line) and buildings greater than 50ft. (measured from grade at front property line) by development agreement.**

Councillor Streach asked, for the record, that if an amendment was to come forward allowing for six stories as-of-right would it be contrary to the motion, and therefore out of order.

In response, the Municipal Solicitor advised that it would be contrary to the motion on the floor, confirming that the motion currently on the floor would have to be defeated in order for an amendment to come forward.

Councillor Sloane expressed concern with the quality of development that may take place if as-of-right development is allowed, noting a development agreement gives everyone a say.

Councillor Martin spoke in support of the motion noting, the businesses have a sense of pride and want to improve the area; therefore, they would not be in favour of development that was not compatible.

Councillor Harvey stated the step back requirement is not something to be imposed on Sackville Drive. He stated he has listened to the Sackville Drive Business community and their Association and is aware of their views and the issues behind these amendments. The Councillor stated he believes the amendment put forward best represents the community at this time and requested Council support his motion.

MOTION PUT AND PASSED UNANIMOUSLY.

North West Community Council will approve the amendments under its jurisdiction at the next Community Council meeting.

Council recessed at 7:28 p.m.

Council reconvened at 7: 38 p.m.

8.2 By-Law C-500 - Respecting Commerce and Vending on Municipal Lands

- A report dated June 9, 2006, on the above noted, was before Council.
- An extract from the Draft August 1st Regional Council minutes was before Council.
- Correspondence from Kirsten Gelevan, on the above noted, was before Council.
-

Mr. Ken Reashor, Manager, Traffic and Right of Way Services, presented the report to Council.

Following the presentation Mr. Reashor provided the following points of clarification to Council in response to questions:

- A bidder would have fourteen (14) days in which to use a site, noting this would be at the discretion of the administrative officer who would make the determination,
- If a bid was revoked, the intent would be to start the process again, noting previous bidders could also be considered,
- A push cart has a size restriction and has provision for a cooler,
- This by-law is standardizing the requirements for vending and commercial use of the right of way,
- This will legalize the current sites and eliminate the buffer zone that exists in Halifax and allow for designated sites which can be added or deleted by Administrative Order,

- This consolidates the locations for newspaper boxes,
- A pawn broker is not allowed to vend in the street as they are not permitted to impact the sidewalk,
- The sites have to be owner occupied,
- This by-law applies only to HRM right of ways,
- There is only one site identified on University Avenue.

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

Mr. Jerry Reddick, Halifax, addressed Council noting the following:

- He has a push cart and, according to this new By-Law, he would not be allowed on University Avenue,
- He feels staff is trying to remove his push cart and replace it with a mobile canteen,
- He is working to feed his family,
- He feels this By-Law is directed at him.

Ms. Christine Rutledge, publisher of the Coast expressed concern that if a publisher has more than one title they may take up more than one box and suggested the By-Law state “one box per publisher” rather than one box per publication.

Mr. Ernie Brennan, Ketch Harbour, stated this By-Law may have an impact on the Halifax Farmers Market. He stated this By-Law was imposing restrictions on artists and artisans at a time when it is very difficult to make a living. He noted that many people sell goods on the streets on weekends.

Mr. Rocky Jones, Halifax, legal representative for Mr. Reddick, addressed Council noting:

- This By-Law is about Mr. Reddick and he is the only person that will be affected by this By-Law,
- He is the only person who vends on University Avenue and suggested Council add a new location on University Avenue to allow for a mobile canteen,
- This By-Law will put Mr. Reddick out of work,
- Council should look carefully at whether or not the specific legislation that is designed to impact on one person is not retaliation; therefore, it is not appropriate for this issue to be debated and decided in a legal form,
- There is no reason for Council to rush this matter and suggested Council proceed but leave out the matter dealing with University Avenue.

Mr. Leonard Preyra, MLA, Halifax Citadel, stated:

- The By-Law is a good idea and encourages entrepreneurship,
- The University Avenue site is very specific and the perception is that it is aimed at one particular vendor,

- A number of push carts would add to the vibrancy of the streetscape,
- If a vendor has been at a location for a long period of time some consideration should be given to that vendor.

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

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

MOVED by Deputy Mayor Walker, seconded by Councillor Uteck, that Regional Council approve:

1. **By-Law C-500, respecting Commerce and Vending on Municipal Lands.**
2. **Administrative Order 37, Respecting Commerce and Vending on Municipal Lands (Site Locations).**
3. **An amendment to Administrative Order 15, Respecting License, Permit and Processing Fees.**

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

MOVED by Councillor Sloane, seconded by Councillor Mosher, that there be one box per publisher. MOTION PUT AND PASSED UNANIMOUSLY.

In response to Councillor Sloane, staff confirmed that the licenses are not transferrable.

MOVED by Councillor Sloane, seconded by Councillor Uteck, that is a person does not use his license/location in seven (7) days they lose it for one year (til the next vending season). MOTION PUT AND PASSED.

In response to a concern by Councillor Streach that the By-Law may be selective, staff advised that the By-Law applies to HRM owned lands, noting that if there is a problem the By-Law can be utilized but it is not the intention of staff to go to the rural areas and enforce issues unless there is a problem.

In response to Councillor Hendsbee, staff advised that any new sites that are identified are evaluated and if recommended by the engineer they would have to receive approval by Council to be incorporated as part of Administrative Order 37.

MOVED by Councillor Hendsbee, seconded by Councillor Sloane, that a “prospecting” clause be inserted whereby a person who identifies a site has first right of refusal on that site. MOTION PUT AND PASSED.

MOVED by Councillor Harvey, seconded by Councillor Sloane, that the By-Law be amended such that HRM may consider a larger vehicle providing not more than one parking spot be utilized. MOTION PUT AND PASSED UNANIMOUSLY.

In response to Councillor Smith, staff advised anyone can make application for a site, and at the discretion of Council the site can be added to the Administrative Order and become a valid site. The Councillor stated this is a global By-Law and may affect those that have been vending for a long period of time without any complaint.

MOVED by Deputy Mayor Walker, seconded by Councillor Hendsbee that Council finish the next public hearing and the deferred business items. MOTION DEFEATED.

In response to Councillor Rankin, staff advised that the vending season is from May to October.

MOVED by Councillor Rankin, seconded by Councillor Karsten, that a provision be added giving staff the enabling authority to provide measures within the By-Law relating to times of operation. MOTION PUT AND PASSED.

MOVED by Councillor Sloane, seconded by Councillor Hendsbee, that the “Dawgfather” be grandfathered for one year beyond the October expiry date. MOTION PUT AND PASSED.

MOVED by Councillor Streach, seconded by Councillor Johns, that a staff report be provided addressing the exemption of yard sales, flea markets and non profit group activities. MOTION PUT AND PASSED UNANIMOUSLY.

Councillor Murphy received clarification that charities are excluded from this By-Law.

MOVED by Deputy Mayor Walker, seconded by Councillor Uteck, that Section 2(b), page 3, be amended to say that a license may be revoked where there has been a conviction for this By-Law or any other laws of Canada with respect to drugs. MOTION PUT AND PASSED UNANIMOUSLY.

Decision was deferred pending staff report addressing amendments as put forward by members of Council to the September 12, 2006 meeting.

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 A-201, An Amendment to By-Law A-200, Respecting Automatic Machines**

This item was deferred to September 12, 2006.

7.2 **By-Law T-701, An Amendment to By-Law T-700, Respecting Tax Deferrals - Revised Criteria for Residency**

This item was deferred to September 12, 2006.

7.3 **Administrative Order 10 - Partial Tax Exemption for Residential Homeowners - Revised Criteria for Residency**

This item was deferred to September 12, 2006.

7.4 **Policy on Daylighting of Rivers**

This item was deferred to September 12, 2006.

8. **PUBLIC HEARINGS**

8.1 **Case 00808: Amendments to the Sackville Drive Secondary Planning Strategy and Land Use By-Law**

This item was addressed earlier in the meeting. (See page 6)

8.2 **By-Law C-500 - Respecting Commerce and Vending on Municipal Lands**

This item was addressed earlier in the meeting. (See page 9)

8.3 **Project 00913: Portland Hills Capital Cost Contribution**

This item was deferred to September 12, 2006.

9. CORRESPONDENCE, PETITIONS & DELEGATIONS

9.1 Correspondence - None

9.2 Petitions - None

9.3 Presentation

9.3.1 The Natural Step

This item was deferred to September 12, 2006.

10. REPORTS

10.1 CHIEF ADMINISTRATIVE OFFICER

10.1.1 Tender 06-267 - Sidewalk Renewals - West Region

This item was addressed earlier in the meeting. (See page 5)

10.1.2 Tender 06-269 - Alton Drive, Paving Renewal - West Region

This item was addressed earlier in the meeting. (See page 5)

10.1.3 Tender 06-270 - Paving Renewal and Thin Overlay, Skeena Street - East Region

This item was addressed earlier in the meeting. (See page 5)

10.1.4 Tender 06-072 and Tender 06-074 - Winter Sidewalk Snow and Ice Control - East and West Regions

This item was deferred to September 12, 2006.

10.1.5 Award of Engineering Study, Peggy's Cove Water and Sewer Servicing Options Evaluation and Preliminary Design Study

This item was deferred to September 12, 2006.

10.1.6 Request for Proposal 06-331 - Engineering Study, Sonar & CCTV

**Inspection and Sewer Condition Assessment; North West Arm Sewer,
Freshwater Brook Sewer and Bedford/Sackville Trunk Sewer**

This item was addressed earlier in the meeting. (See page 6)

**10.1.7 By-Law P-504, Amendment to By-Law P-500, Respecting Parking Meters
- Increase in Parking Meter Fines**

This item was deferred to September 12, 2006.

10.2 WESTERN REGION COMMUNITY COUNCIL

**10.2.1 Request for Provincial Capital Assistance Program Funding for the
Station Road Sewage Study**

This item was deferred to September 12, 2006.

10.3 MEMBERS OF COUNCIL

**10.3.1 Councillor Adams - Status of Herring Cove Sewer and Water
Project/Investigation**

This item was addressed earlier in the meeting. (See page 5)

10.3.2(i) Councillor Mosher - Proposed Graffiti By-Law

This item was deferred to September 12, 2006.

10.3.2(ii) Councillor Mosher - Grass Cutting Service

This item was deferred to September 12, 2006.

11. MOTIONS - NONE

12. ADDED ITEMS

12.1 Contractual Matter - Rolling Stones Contract Update

This item was deferred to September 12, 2006.

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.

1. Proclamation - Taoist Tai Chi Awareness Day - September 9, 2006
2. Memorandum from Director, Transportation and Public Works dated August 24, 2006 re: Petition for New Paving, Duncans Cove Road, Duncans Cove - West Region
3. Memorandum from Acting Director, Environmental Management Services dated August 21, 2006 re: Systems Approach to Sustainability - The Natural Step
4. Memorandum from Acting Director, Finance and Deputy Treasurer dated August 29, 2006 re: Investment Activities - Quarter Ending March 31, 2006
5. Memorandum from Acting Director, Finance dated August 23, 2006 re: First Quarter 2006 / 2007 Financial Report
6. Memorandum from Co-Chairs, Investment Policy Advisory Committee dated August 25, 2006 re: Quarter Ending March 31, 2005
7. Memorandum from the Returning Officer dated August 24, 2006 re: Special Election Halifax Regional Municipality District 21 - Bedford
8. Memorandum from the Municipal Clerk dated September 1, 2006 re: Requests for Presentation to Council - The Natural Step

