

HALIFAX REGIONAL COUNCIL  
MINUTES  
March 6, 2007

PRESENT:

Mayor Peter Kelly  
Deputy Mayor Sue Uteck  
Councillors Krista Snow  
David Hendsbee  
Harry McInroy  
Gloria McCluskey  
Andrew Younger  
Bill Karsten  
Jim Smith  
Mary Wile  
Patrick Murphy  
Dawn Sloane  
Sheila Fougere  
Russell Walker  
Debbie Hum  
Steve Adams  
Robert Harvey  
Gary Martin  
Reg Rankin

REGRETS:

Councillors: Steve Streach  
Becky Kent  
Linda Mosher  
Brad Johns  
Gary Meade

STAFF:

Mr. Wayne Anstey, Deputy 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 6:00 p.m. with the Invocation being led by Councillor Snow with Deputy Mayor Uteck in the Chair.

**2. SPECIAL COMMUNITY ANNOUNCEMENTS & ACKNOWLEDGEMENTS**

Councillor Walker circulated a lapel pin to members of Council in support of \$0.01 of the GST in the budget for all Canadian municipalities.

Councillor Younger recognized Staff Sgt. David Porter on his retirement after thirty years of service as a member of the Halifax Regional Police.

Councillor Hendsbee advised of a public hearing scheduled for Thursday, March 8, 2007 at the St. John's church hall on Lake Major Road as well as a public meeting on safer streets to be held on March 13<sup>th</sup> at the Black Cultural Centre at 7:00 p.m. The Councillor further noted that there will be two public meetings on the 10% parkland dedication fee, one on March 19<sup>th</sup> in Halifax and one on March 26<sup>th</sup> at the rink in Musquodoboit Harbour.

Councillor Murphy advised the official opening of the community police station will take place on March 17<sup>th</sup>.

Councillor Sloane advised there will be a meeting regarding the transportation strategy for HRM at the Queen Elizabeth High at 7:00 p.m. on March 8, 2007.

Councillor Smith advised that the Farrell Benevolent Society will be holding its annual general meeting on Wednesday, March 14<sup>th</sup> at Farrell Hall, Windmill Road.

**3. APPROVAL OF MINUTES - February 20, 2007**

**MOVED by Councillor McCluskey, seconded by Councillor Sloane, that the minutes of February 20, 2007 be approved. MOTION PUT AND PASSED UNANIMOUSLY.**

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

Deletions

1.1.2 Fire - Purchase of Vehicles/Reserve Withdrawals

Additions

- 13.1 Award of Tenders - Grass Cutting and Landscape Maintenance - Various Locations
- 13.2 Regional Capital Cost Charges for Wastewater System
- 13.3 Harbour Solutions Community Integration
- 13.4 Contractual Matter - Sludge Lagoon Decommissioning

Council agreed to move item 11.1.5, Use of the North Common and Memorandum of Understanding with Events Halifax Regarding Major Outdoor Concerts up on the agenda to be addressed immediately following the public hearings.

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

**5. BUSINESS ARISING OUT OF THE MINUTES - NONE**

**6. MOTIONS OF RECONSIDERATION - NONE**

**7. MOTIONS OF RESCISSION - NONE**

**8. CONSIDERATION OF DEFERRED BUSINESS - NONE**

**9. PUBLIC HEARINGS**

**9.1 Case 00690 - Amendment to Bedford MPS and LUB for Phase II of Crestview Commercial Comprehensive Development District (CCDD)**

- An extract from the February 13, 2007 Regional Council minutes was before Council.
- A report dated February 8, 2007, on the above noted was before Council.

Mr. Andrew Bone, Planner, presented the report to Council.

Following the presentation, staff clarified the following in response to questions of clarification by members of Council:

- The building will have one parking spot per unit,
- A traffic study was undertaken and engineering staff concurred with the findings of the study and recommended approval of this proposal,
- The traffic study looked at growth in the area and would include growth from other potential development

Deputy Mayor Uteck called for those wishing to speak either in favour of or in opposition to the proposed amendment.



**Mr. Salla**, on behalf of applicant, advised:

- There have been two public information meetings, two Planning Advisory Committee meetings and two Bedford Watershed Advisory Committee meetings on this application,
- The developer has met the requirements as required,
- They were able to maintain no reduction in the setback from both sides of the brook as prescribed in the Regional Plan,
- They have addressed all concerns expressed by the Bedford Watershed Advisory Committee,
- They have made significant adjustments to accommodate both the public and staff recommendations,
- They agreed to connect adjacent dwellings to municipal services at developers expense,
- The public was opposed to commercial development on this site, noting this development will provide housing for 51 families.

Mayor Kelly assumed the chair at 6:26 p.m.

**Mr Bruce Ford**, spoke in opposition to the project urging Council to reject the proposal stating:

- It is inconsistent with intent the of Municipal Strategy and Land Use By-law for Bedford,
- This development does not foster the small town image of Bedford,
- This development is inconsistent in mass and scale to existing buildings,
- It will establish an inappropriate and unwanted precedent for similar structures,
- Bedford Waters Advisory Board had rejected this application twice.

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

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

Mr. Salla clarified that the zoning on the property is CCDD which allows commercial and, this would not be precedent setting as each case is judged on its own merits.

In response to questions of Council, staff advised:

- The proposal would be subject to site specific policy and height would be a decision of the North West Community Council,
- There are no protected specific site lines in the Bedford plan,

- There is a policy that requires that Community Council have regard to height but there are no specific policies,
- Community Council would have to amend the development agreement to require that all five surrounding properties be serviced at the developers expense.

**MOVED by Councillor Martin, seconded by Councillor Snow, that Halifax Regional Council approve the proposed amendments to the Bedford Municipal Planning Strategy and Land Use By-Law as provided in Attachment A to A-3 of the November 20, 2006 staff report.**

Mayor Kelly noted that, as he was not in attendance for the complete public hearing, he was not eligible to vote on the matter.

**MOTION PUT AND PASSED.**

**9.2            Case 00864 - Proposed Residential Condominium Project at 675 Windmill Road, Dartmouth**

- An extract from the February 13, 2007 Regional Council minutes was before Council.
- Report dated February 6, 2007, on the above noted was before Council.

Mr. Roger Wells, Community Planning, and Mr. Paul Morgan, Planner, presented the staff report.

Ms. Mary Ellen Donovan, Municipal Solicitor, advised staff have indicated that there is potential for residential development on Sheppards Island as part of this proposal. She noted this is new to the process since the public participation meeting and, if there are any comments with respect to the development of the island, the public would take the opportunity during the public hearing to note them.

Following the presentation, staff responded to questions of clarification by members of Council:

- If there is to be any infilling, a permit will have to be obtained from the Department of Fisheries and Oceans,
- Development on the island would be considered at a future date by the Harbour East Community Council,
- Development would be on 25% of the island and screening from the outer harbour is to be retained.

Council recessed at 7:26 p.m.

Council reconvened at 7:37 p.m.

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

**Mr. Dan Dean** , Maxim Construction, spoke in favour of the project stating it will be a boost for all the suppliers in Burnside as well as provide jobs. He stated the design will be an asset to the Dartmouth waterfront.

**Ms. Mary Schumacher** , spoke in support of the project. This is a quality project and is needed in north end Dartmouth. This project will be something to be proud of and encouraged Council to support the project.

**Ms. Cynthia Martin** stated she considers the proposed development a good use of land and waterfront. The developer can create the right balance and she feels that the proposal has ben well thought out.

**Mr. Ed Versteeg** , landscape architect for the development, stated the development is sensitively sited to allow people to live and have access on the waterfront.

**Mr. Guy Eastabrook** , Dartmouth, spoke in favour of the development but expressed concern with the height of the buildings. He noted Sheppards island is close to salt water marsh and that the navy islands must remain as they are.

**Ms. Andrea Norlander** spoke in favour of the development and stated it would serve to add a needed balance to that area and improve its reputation. She commented that this type of development will be a first for this type of development in Dartmouth.

**Mr. Jim Eldridge** , stated many companies will benefit from this development both during construction and after it is completed. This will set a new standard for the community and requested Council endorse the proposal.

**Ms. Debra Hutchinson** spoke in favour of the proposal stating this project is suited for the area as this water frontage is best suited for residential and recreational use. The development will create a unique landmark that will beautify Dartmouth.

**Ms. Ann Macdonald** , Halifax, spoke in support of the project stating there is a need for residential development in Dartmouth and this development is perfectly suited for this piece of land.

**Ms. Sandra Cofflin** , Dartmouth, stated it is a wonderful project and will add to the waterfront.

She further noted the Sheppards Island public access proposal is a good one.

**Mr. Bill Lobin**, Clam Harbour, spoke in support of the proposal stating a residential development in Dartmouth will bring more people to the waterfront as well as being a beautiful landmark.

**Mr. Phil McNaulty**, Dartmouth, spoke in favour of the development.

**Dr. Wanda Thomas-Bernard**, East Preston, stated she sees this project as a positive addition to Dartmouth North. The project is a positive residential development that will bring a positive image to the community. She urged Council to approve the proposal.

**Mr. Wilfred Warner**, Dartmouth, spoke in support of the development stating it is close to recreational areas and it is the first residential area on the Dartmouth waterfront.

**Mr. Joe Ross**, Dartmouth, spoke in support of the proposal stating it was his intention to create a unique landmark in Dartmouth that one could be proud of.

Mayor Kelly called three times for any 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.**

**MOVED by Councillor Smith, seconded by Councillor Karsten, that Halifax Regional Council approve the proposed amendments to the Dartmouth Municipal Planning Strategy and Land Use By-Law presented in Attachment A of the January 22, 2007 staff report, except clause A policy H-21 be amended to read “no development on Sheppards Island is to be permitted and any future use of the island is to be limited to passive recreational activities”.**

Speaking to the motion the following comments and concerns were expressed by members of Council:

- Any development proposal for the island would have to come back for and MPS and development agreement to the Harbour East Community Council,
- There is a need to balance industrial and residential uses,
- This is an important project for Dartmouth,
- There has been ample time for input into this process,
- It is a good balance for the area,
- The speakers had spoken in favour of the development,

- Only 25% of the island can be developed when and if it is developed,
- Council should be cautious with regard to what is developed on the island,
- There should be a balance of commercial as well as residential development on the waterfront,
- There may be a liability risk on the part of the owner if the island is opened to public access.

**MOTION DEFEATED. (8 in favour, 11 against)**

Those voting in favour were Councillors Karsten, Smith, Murphy, Sloane, Walker, Hum, Harvey and Martin.

Those voting against were Mayor Kelly, Deputy Mayor Uteck and Councillors Snow, Hendsbee, McInroy, McCluskey, Younger, Wile, Fougere, Adams and Rankin.

Councillors Streach, Kent, Mosher, Johns and Meade were absent.

**MOVED by Councillor Smith, seconded by Councillor Snow, that Halifax Regional Council approve the proposed amendments to the Dartmouth Municipal Planning Strategy and Land Use By-Law presented in Attachment A of the January 22, 2007 staff report. MOTION PUT AND PASSED UNANIMOUSLY.**

Council recessed at 9:19 p.m.  
Council reconvened at 9:32 p.m.

As per the approval of the Order of Business Council addressed 11.1.5 at this time.

**11.1.5      Use of the North Common and Memorandum of Understanding with Events Halifax Regarding Major Outdoor Concerts**

- A report dated February 20, 2007, on the above noted, was before Council.

Mr. Andrew Whittemore, Manager, Community Relations and Events and Peter Bigelow, Manager, Real Property Planning, presented the report to Council.

At this point, due to the hour, the following motion was placed.

**MOVED by Councillor Karsten, seconded by Councillor Rankin, that Council continue until the agenda is complete. MOTION PUT AND PASSED.**

Councillor Sloane requested that a report to Council and a post meeting with the residents be

added as part of the communications strategy.

**MOVED by Councillor Sloane, seconded by Deputy Mayor Uteck, that Halifax Regional Council:**

- (a) **Continue to support the North Common as an outdoor concert site for “major concerts”;**
- (b) **Approve the Memorandum of Understanding with Events Halifax as an interim agreement to address the immediate requests from concert promoters; and,**
- (c) **Adopt as policy the approach contained on pages 6 and 7 in the February 20, 2007 report as the basis to evaluate requests for future concerts on the North Common.**
- (d) **Provide staff the authority to begin negotiating a draft contract with Events Halifax pursuant to the MOU protocol for two tentative concert dates - August 18<sup>th</sup> and/or September 1<sup>st</sup>.**
- (e) **Approve in principle allocation of funds (to a maximum of \$100,000) to offset the municipal service costs, on the condition that the artists will not be publicly announced until a final contract is approved.**
- (f) **Construct a full communications strategy for the residents surrounding the commons.**

Councillor Fougere referenced the wording “when deemed required and acceptable” in the MOU, and questioned who would make that determination. In response, Mr. Whittemore clarified that this section refers to Council.

Council agreed to add the words “by Council” with respect to this wording.

Councillor Fougere referenced Item (c) of the recommendations and requested the wording be changed to “Adopt as policy” rather than “Use”.

Council agreed to this change.

Councillor Fougere requested accessibility be taken into consideration as part of the events planning process in consultation with the “Advisory Committee for Persons with Disabilities”.

**MOTION PUT AND PASSED UNANIMOUSLY.**

**10. CORRESPONDENCE, PETITIONS AND DELEGATIONS**

**10.1 Correspondence - None**

**10.2        Petitions - None**

**11.        REPORTS**

**11.1       CHIEF ADMINISTRATIVE OFFICER**

**11.1.1 Request for Proposal 06-166 - Prospect Road Community Centre Architectural Consulting Services**

- A report dated February 8, 2007, on the above noted, was before Council.

**MOVED by Councillor Rankin, seconded by Councillor Wile, that:**

1. Council approve the award of Phase I of RFP No. 06-166, Prospect Road Community Centre Architectural Consulting Services to Davison Seamone Rickard Adams Architects Inc. (DSRA) for building programming and schematic design services in the amount of \$55,541.37 (net HST included) with funding from Capital Account No. CBG00720 - Prospect Community Centre, as outlined in the Budget Implications section of the February 8, 2007 report.
2. Council approve the award of Phase II and Phase III of RFP No. 06-166, Prospect Road Community Centre Architectural Consulting Services to Davison Seamone Rickard Adams Architects Inc. (DSRA) for design development, tender and construction supervision in the amount of \$280,499.45 (net HST included), contingent upon Council approval of capital funding through the capital budget process in subsequent budget years.

**MOTION PUT AND PASSED UNANIMOUSLY.**

**11.1.2 Fire - Purchase of Vehicles/Reserve Withdrawals**

This item was deleted under the approval of the Order of Business.

**11.1.3 Proposed By-Law S-421, An Amendment to By-Law S-400, Respecting Charges for Street Improvements and Proposed Amendments to Administrative Order 15, Respecting License, Permit and Processing Fees - Engineering Fees Recovery for Local Improvement Charges**

- A report dated February 23, 2007, on the above noted, was before Council.

**MOVED by Councillor Hendsbee, seconded by Councillor Murphy, that:**

1. Regional Council give first reading to an amendment to By-Law S-400, Respecting Charges for Street Improvements, to provide for a reference to the fees outlined in Administrative Order 15 as per the attachment to the February 23, 2007 staff report.

2. **Regional Council approve an amendment to Administrative Order 15 regarding Engineering Fees, to be effective April 1, 2006, and that the February 23, 2007 report serve as Notice of Motion to approve the change as per the attachment to the report.**

**MOTION PUT AND PASSED UNANIMOUSLY.**

**11.1.4 Youth Governance Model**

- A report dated February 22, 2007, on the above noted, was before Council.

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

- (a) **Adopt the Youth Governance Model as described in the body of the February 22, 2007 report.**
- (b) **adopt the HRM Regional Youth Advisory Committee Terms of Reference as provided in Attachment 1 of the February 22, 2007 report.**

**MOTION PUT AND PASSED.**

**11.1.5 Use of the North Common and Memorandum of Understanding with Events Halifax Regarding Major Outdoor Concerts**

This item was addressed earlier in the meeting. (See page 10)

**11.1.6 Strategic Transit Funding Allocation**

- A report dated February 28, 2007, on the above noted, was before Council.

**MOVED by Councillor McInroy, seconded by Councillor Wile, that:**

1. **Council approve the list of projects for Strategic Transit funding as listed in Attachment A of the February 28, 2007 report,**
2. **Council approve a reduction in the capital budget of \$110,872 as per the Budget Implications section of the February 28, 2007 report; and,**
3. **Approve the Reserve Business Case contained in Attachment C of the February 28, 2007 report.**

Councillor Adams stated he would like to see some of the money going towards expanding service into areas that do not have transit such as Sambro Loop and Cow Bay and for staff to provide information on how the areas can access to transit services at an affordable price.

In response, Mr. Mike Labrecque, Director, Transportation and Public Works, if Council chose to change the current service, it would then be discussed during the business plan part of the budget and it would be a decision of Council as to where the focus would be.

**MOTION PUT AND PASSED UNANIMOUSLY.**

**11.1.7 Capital District Health Authority Land Requirement**

- A report dated February 27, 2007, on the above noted, was before Council.

**MOVED by Councillor Sloane, seconded by Deputy Mayor Uteck, that Halifax Regional Council authorize staff to enter into formal land negotiations with the Capital District Health Authority and Province of Nova Scotia to facilitate the planned expansion of the QEII Health Sciences Centre, Emergency Department and defer any further decisions regarding the remaining lands of Queen Elizabeth High School and St. Patrick's High, pending further communication from the Halifax Regional School Board and public consultation**

Councillor Fougere expressed concern that the land identified for the expansion covers the only two vehicular access points to the remainder of this site and may limit what may potentially happen to the remainder of that site. She stated this may be limiting the value of the remainder of that property.

**MOTION PUT AND PASSED UNANIMOUSLY**

**MOVED by Councillor Fougere, seconded by Councillor Sloane, that staff provide a report identifying the legal options and details of the historical agreement in cases where HRSB no longer occupied HRM buildings for elementary and junior high or high school use. MOTION PUT AND PASSED UNANIMOUSLY.**

**11.2 MARINE DRIVE, VALLEY AND CANAL COMMUNITY COUNCIL**

**11.2.1 Request to Name New Recreation Centre in Fall River for Former Councillor Gordon Snow**

- A report dated February 26, 2007, on the above noted, was before Council.

Councillor Snow declared a conflict of interest on this item.

**MOVED by Councillor Hendsbee, seconded Councillor McCluskey, that Halifax Regional Council name the new Fall River Recreation Centre “The Gordon Ross Snow Community Centre”. MOTION PUT AND PASSED UNANIMOUSLY.**

**12. MOTIONS - NONE**

**13. ADDED ITEMS**

**13.1 Award of Tenders - Grass Cutting and Landscape Maintenance - Various Locations**

- The following item was addressed at an earlier Committee of the Whole session and was now before Council for ratification.

**MOVED by Deputy Mayor Uteck, seconded by Councillor Sloane, that Regional Council authorize:**

- 1. The award of ten (10) grass mowing and landscape maintenance tenders listed in the background section of the staff report dated February 14, 2007, with a total award of \$903,930.51 (net HST included) for the period May 1 to November 1, 2007 with funding from Operating Account R710, Grounds and Landscaping as outlined in the Budget Implications section of the staff report dated February 14, 2007 and that;**
- 2. The second, third and fourth year award would be contingent upon an annual performance review and budget allocation at a total cost of \$903,903.50 (net HST included) per year and would return to Regional Council for approval.**

**MOTION PUT AND PASSED UNANIMOUSLY.**

**13.2 Regional Capital Cost Charge for Wastewater System.**

- The following item was addressed at an earlier Committee of the Whole session and was now before Council for ratification.

**MOVED by Councillor Rankin, seconded by Councillor Wile, that Regional Council approve, in principle, the approach on the capital cost contribution relating to storm water and sewage. MOTION PUT AND PASSED UNANIMOUSLY.**

**13.3            Harbour Solutions Community Integration**

- The following item was addressed at an earlier Committee of the Whole session and was now before Council for ratification.

**MOVED by Councillor Sloane, seconded by Councillor Martin, that Regional Council approve in principle the concept of the Community Investment Fund as outlined in the March 6, 2007 staff presentation, and that staff proceed with the next steps as follows:**

- C    **Work with CLC to establish a governance structure**
- C    **Consult with other service providers re: partnering**
- C    **Develop business architecture (business plan, financials)**
- C    **Incorporate approach into service agreement with GHP**
- C    **New service agreement with GHP to be brought forward for Council's consideration - end of March/early April.**

**MOTION PUT AND PASSED UNANIMOUSLY.**

**13.4            Contractual Matter - Sludge Lagoon Decommissioning**

- The following item was addressed at an earlier In Camera session and was now before Council for ratification

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

- 1. Authorize staff to commence the cleaning and decommissioning of the sludge lagoon in 2007 with funds charged to operating cost centre R260, which will be funded from the Environmental Protection Charge Reserve (Q105), as per the Budget implications section of this report.**
- 2. That the Private and Confidential report dated February 21, 2007 not be released to the public.**

**MOTION PUT AND PASSED UNANIMOUSLY.**

**14.            NOTICES OF MOTION**

**Councillor Hendsbee**

Take Notice that, at the next regular Regional Council meeting, to be held on Tuesday, the 20<sup>th</sup> day of March, 2007, I propose to move First Reading of By-Law S-421, the purpose of which is to amend Section 2 of By-Law S-400 subsection 12 to read “An engineering fee will be imposed as set out in Administrative Order 15 Respecting License, Permit and Processing Fees, on Local Improvement Projects covered under this By-Law”. Also, on that same Council meeting date, I propose to give notice to amend Administrative Order 15 subsection 16 to provide for engineering fees as follows: 5% of property owners share a total construction costs for paving and stand-alone curb projects and 10% of property owners share of total construction costs for sidewalk, curb and gutter projects to be effective April 1, 2006.

**Councillor Fougere**

Take notice that at the next regular meeting of HRM Council to be held on March 20<sup>th</sup>, 2007, I intend to introduce the following motion:

In order to end the uncertainty that has been affecting property owners on Chebucto Road for more than 12 months, and conclude discussions on the project that appeared in the 2006-07 capital budget that Council:

- a) Direct staff to bring a report on the Chebucto Road reversing lane project to Council for discussion, prior to the commencement of the 2007-08 Budget deliberations;

Subsequent to the receipt of this information,

- b) Direct staff to abandon the Chebucto Road reversing lane project, and
- c) Using the Chebucto Road experience as a less desirable scenario for public communication, direct staff to develop a policy for a clear and transparent process, of pro-active communication with owners of residential and small business properties, a portion of whose land is deemed required for purchase, for the completion of HRM public works projects.

**15. ADJOURNMENT**

The meeting was adjourned at 10:50 p.m.

Jan Gibson  
Municipal Clerk

**The following information items were circulated to Council.**

1. Proclamation - World Kidney Day - March 8, 2007
2. Memorandum from Acting Director, Finance dated February 26, 2007 re: Third Quarter 2006 / 2007 Financial Report - Capital Report Detail (Supplementary Information Report)
3. Memorandum from Director, Community Development dated February 21, 2007 re: Polling District Review Process
4. Memorandum from the Returning Officer dated March 1, 2007 re: Conseil scolaire acadien provincial (CSAP) School Board - Special Election
5. Memorandum from the Municipal Clerk dated March 2, 2007 re: Requests for Presentation to Council - None