

HALIFAX REGIONAL COUNCIL  
MINUTES

April 14, 2009

PRESENT: Mayor Peter Kelly  
Deputy Mayor Stephen Adams  
Councillors: Steve Streach  
Barry Dalrymple  
David Hendsbee  
Lorelei Nicoll  
Gloria McCluskey  
Andrew Younger  
Bill Karsten  
Jackie Barkhouse  
Jim Smith  
Mary Wile  
Jerry Blumenthal  
Sue Uteck  
Jennifer Watts  
Russell Walker  
Debbie Hum  
Linda Mosher  
Brad Johns  
Robert Harvey  
Peter Lund  
Reg Rankin

REGRETS: Councillors: Dawn Sloane  
Tim Outhit

STAFF: Mr. Dan English, Chief Administrative Officer  
Ms. Mary Ellen Donovan, Municipal Solicitor  
Ms. Julia Horncastle, Acting Municipal Clerk  
Ms. Shawnee Gregory, Legislative Assistant

TABLE OF CONTENTS

1.	INVOCATION.....	4
2.	SPECIAL COMMUNITY ANNOUNCEMENTS & ACKNOWLEDGEMENTS. . . .	4
3.	APPROVAL OF MINUTES. . . . .	5
4.	APPROVAL OF THE ORDER OF BUSINESS AND APPROVAL OF ADDITIONS AND DELETIONS. . . . .	5
5.	BUSINESS ARISING OUT OF THE MINUTES.....	5
6.	MOTIONS OF RECONSIDERATION. . . . .	7
6.1	Councillor Karsten.....	7
7.	MOTIONS OF RESCISSION.....	10
8.	CONSIDERATION OF DEFERRED BUSINESS.....	11
8.1	Councillor Watts - Request to add March 10/09 Information Item #1 to the Agenda - Crosswalk Safety Education and Public Awareness Campaign.11	
9.	PUBLIC HEARINGS. . . . .	12
9.1	Administrative Order SC-55, Respecting Closure of a Portion of Main Avenue, Halifax (Parcels M-1 &M-2).....	6
9.2	By-Law L-130, An Amendment to By-Law L-100, Respecting Charges for Local Improvements - Amendments to Herring Cove Water & Sewer Services. . . . .	5
10.	CORRESPONDENCE, PETITIONS & DELEGATIONS. . . . .	12
10.1	Correspondence. . . . .	12
10.2	Petitions. . . . .	12
10.3	Delegations.....	12
11.	REPORTS. . . . .	12
11.1	CHIEF ADMINISTRATIVE OFFICER. . . . .	12
11.1.1	Harbour Solutions.....	10
11.1.2	Transportation Committees. . . . .	12
11.1.3	Case 01130 - Municipal Planning Strategy / Land Use By-Law Amendment and Development Agreement - Mayor Avenue. . . . .	7
11.2	HARBOUR EAST COMMUNITY COUNCIL. . . . .	13
11.2.1	Project 01031 - Wright's Cove Secondary Planning Strategy. . .	13

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11.3	MARINE DRIVE, VALLEY & CANAL COMMUNITY COUNCIL. . . . .	14
	11.3.1 Monarch Rivendale Water Service Boundary. . . . .	14
11.4	MEMBERS OF COUNCIL. . . . .	14
	11.4.1 Councillor Uteck - Encroachment Agreement - 5786 Southwood Drive, Halifax. . . . .	14
12.	MOTIONS. . . . .	15
13.	ADDED ITEMS. . . . .	15
14.	NOTICES OF MOTION. . . . .	16
	14.1 Councillor Younger. . . . .	16
15.	ADJOURNMENT. . . . .	17

**1. INVOCATION**

The Mayor called the meeting to order at 6:18 p.m. with the Invocation being led by Councillor Adams.

**2. SPECIAL COMMUNITY ANNOUNCEMENTS & ACKNOWLEDGEMENTS**

Councillor Dalrymple indicated that the Lion's Club would be holding their annual free seniors appreciation supper on April 15, 2009 at 6:00 p.m. at the LWF Community Hall on Fall River Road. He stated that the St. Margaret's Anglican Church would be hosting their annual dinner and auction on April 18, 2009 at 6:00 p.m. at the Oakfield Golf Club. Councillor Dalrymple advised that a 75<sup>th</sup> birthday party would be also be held on April 18, 2009 for community member and volunteer, Brenda Meagher at the LWF Community Hall.

Deputy Mayor Hendsbee indicated that the fourth annual Hope for Wild Life open house and coffee house would be taking place on April 19, 2009 from 12:00 - 4:00 p.m. at Cole Harbour Place. He also stated that he had represented HRM at the 35<sup>th</sup> annual volunteer recognition event that afternoon; noting that the following Haligonians had been honoured; Mr. Matthew LeMoine, Mr. Greg Simpson, Ms. Gloria Lowther, Erin Auprey, Leslie Harnish, Ms. Joy Marie Corkum, Mr. Francis John Vossman, Mr. Rick Shenal, Ms. Elizabeth Holly Woodell and Ms. Claire Caine. Deputy Mayor Hendsbee congratulated and thanked all volunteers.

Councillor Adams indicated that a meeting would be taking place at 7:00 p.m. that evening at Emanuel Church Hall regarding Elizabeth Sutherland School.

Councillor Watts indicated that a Public Information Meeting was being held on April 20, 2009 regarding a change in zoning from R2 to C1 for the corner of Chebucto Road and Connaught Avenue.

Councillor Johns indicated that on April 9, 2009 the Weir Rocking Committee had announced that the main act for the Weir Rocking concert that was being held on August 22, 2009 would be Trooper. He thanked Councillor Nicoll who had attended the announcement.

Councillor Mosher indicated that an Imagine Our Schools meeting regarding the JL Ilsley family of schools would be taking place on April 20, 2009 at 7:30 p.m. at Herring Cove Junior High. She expressed concerns with the potential closure of Cunard Junior High School and hoped that residents would also voice their concerns. Councillor Mosher also stated that no funding had been given to JL Ilsley High School in the recent funding announcement even though it was an aging school.

**3. APPROVAL OF MINUTES - None**

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

**Additions:**

- 13.1 Transportation & Municipal Tax Structure
- 13.2 Clearwater Drive Bridge - Councillor Rankin

**MOVED BY Councillor Dalrymple, seconded by Deputy Mayor Hendsbee, that item 11.3.1 be deferred to the next Regional Council meeting scheduled for April 21, 2009. MOTION PUT AND PASSED.**

**MOVED BY Councillor Streach, seconded by Councillor McCluskey that item 11.1.1 be dealt with immediately after item 6.1. MOTION PUT AND PASSED.**

**MOVED BY Councillor Adams, seconded by Councillor Streach, that item 11.1.3 be dealt with prior to item 11.1.1. MOTION PUT AND PASSED.**

**MOVED BY Councillor McCluskey, seconded by Councillor Wile, that the agenda be approved as amended. MOTION PUT AND PASSED.**

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

**9.2 By-Law L-130, An Amendment to By-Law L-100, Respecting Charges for Local Improvements - Amendments to Herring Cove Water & Sewer Services**

- An extract of the Regional Council minutes dated March 24, 2009 was before Council.
- A report dated February 20, 2009 was before Council.

Mr. Gordon Roussel, Financial Consultant, provided the presentation on By-Law L-130, An Amendment to By-Law L-100, Respecting Charges for Local Improvements - Amendments to Herring Cove Water & Sewer Services as well as a brief summary of By-Law L-130. He advised that the amendment would correct the water service boundary to include two properties which were mistakenly excluded.

Mayor Kelly reviewed the Rules of Procedure for Public Hearings. He called three times for those wishing to speak for or against By-Law L-100, Respecting Charges for Local Improvements - Amendments to Herring Cove Water & Sewer Services. Hearing none, the following motion was placed:

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

**MOVED BY Councillor Adams, seconded by Councillor Johns, that Halifax Regional Council approve By-Law L-130, Respecting Local Improvements Charges - Amendments to Herring Cove Water and Sewer Services as shown in Attachment 1 of the staff report dated February 20, 2009. MOTION PUT AND PASSED.**

**9.1 Administrative Order SC-55, Respecting Closure of a Portion of Main Avenue, Halifax (Parcels M-1 &M-2)**

- An extract of the Regional Council minutes dated March 24, 2009 was before Council.
- A report dated February 23, 2009 was before Council.
- Correspondence from Ms. Wendy McDonald was before Council.

Ms. Carla Thistle, Real Estate Officer, provided the presentation on Administrative Order SC-55, Respecting Closure of a Portion of Main Avenue, Halifax (Parcels M-1 &M-2). It was clarified that this was a straight land exchange.

Deputy Mayor Hendsbee advised that Council had received correspondence from Ms. Wendy MacDonald; noting that staff had reviewed her comments and queries.

Regarding Ms. MacDonald's letter, Mr. Tom Crouse, Acquisition and Disposal Manager, advised that her queries had been forward to the park and planning department and that staff did not foresee any problems with these issues.

Mayor Kelly reviewed the Rules of Procedure for Public Hearings. He called three times for those wishing to speak for or against the Closure of a Portion of Main Avenue, Halifax (Parcels M-1 &M-2). Hearing none, the following motion was placed:

**MOVED by Councillor McCluskey, seconded by Councillor Younger, that the public hearing be closed. MOTION PUT AND PASSED.**

**MOVED BY Councillor Walker, seconded by Councillor Wile, that Halifax Regional Council approve Administrative Order SC-55, Respecting Closure of Portions of Main Avenue, Parcels M - 1 and M - 2 as indicated in Attachment A of the staff report dated March 24, 2009. MOTION PUT AND PASSED.**

**11.1.3 Case 01130 - Municipal Planning Strategy / Land Use By-Law Amendment and Development Agreement - Mayor Avenue**

- A report dated March 16, 2009 was before Council.

**MOVED BY Councillor Adams, seconded by Councillor Mosher, that Halifax Regional Council:**

1. **Authorize staff to initiate the process to consider amending the Halifax MPS and Halifax Mainland LUB to permit, by development agreement, townhouse style residential development; and**
2. **Request staff to follow the public participation program as approved by Council in February 1997.**

**MOTION PUT AND PASSED.**

**6. MOTIONS OF RECONSIDERATION - April 7, 2009**

**6.1 Councillor Karsten**

- An extract of the Regional Council minutes dated April 7, 2009 was before Council.
- A report dated February 26, 2009 was before Council.

Councillor Karsten clarified that the Dartmouth Adult Service Centre Association (DASCA) was not independently wealthy as was stated at the public hearing. He stated that the real reason for selling the property for \$1 to DASCA would be for the clients they serve.

It was noted that Councillors Uteck, Mosher and Johns were not eligible to vote on the main motion.

As such, Councillors Uteck and Johns did not vote on the motion of reconsideration and left the Chambers.

**MOVED BY Councillor Karsten , seconded by Councillor Smith, that Halifax Regional Council reconsider the motion of Regional Council dated April 7, 2009, 9.1 Less than Market Value Sale Lot 1115, 59 Dorey Avenue, Dartmouth Adult Services Centre Association.**

A recorded vote was taken on the motion.

**MOTION DEFEATED. (12 in favour, 7 against)**

Those voting in favour were Mayor Kelly, Deputy Mayor Hendsbee and Councillors Streach, Dalrymple, Nicoll, McCluskey, Younger, Karsten, Barkhouse, Smith, Adams and Rankin.

Those voting against were Councillors Wile, Blumenthal, Watts, Walker, Hum, Harvey and Lund.

Councillors Uteck, Mosher and Johns were not eligible to vote.

Councillors Sloane and Outhit were absent.

Councillor Adams questioned the requirement of having two thirds consent of Council to reconsider the motion.

Ms. Mary Ellen Donovan, Municipal Solicitor, advised that the applicable provision could be found in section 56 of Administrative Order 1 which did call for two thirds consent when the original motion had been resolved in the negative.

**MOVED BY Councillor Walker, seconded by Councillor Blumenthal, that Halifax Regional Council:**

- 1. Uphold staff's recommendation to decline the sale of Lot 1115, 59 Dorey Avenue, Dartmouth, for the sum of \$1;**
- 2. Approve, in principle, a less than market value sale of Lot 1115, 59 Dorey Avenue, Dartmouth, to the Dartmouth Adult Service Centre Association for the sum of \$101,592.00 as per the terms and conditions set out in the Discussions section of the report dated February 26, 2009.**

It was noted that a two thirds majority vote would once again be required.

Councillors Uteck and Johns entered the meeting at 6:52 p.m.

A discussion on the motion ensued.

Councillor Walker stated that it had taken the Grants Committee four meetings to decide upon this price and that he was under the impression upon first reading that the industry was satisfied. He advised that the Committee had used the same formula to come up with a price of \$101,592.00 that they use for all applications.

Several Councillors expressed their desire to compromise and sell the property at a lower price between the Grants Committee and the request of \$1.

Councillors who were members of the Grants Committee advised that their decision for a less than market value price of \$101,592.00 was based on their desire to keep such requests both consistent and equitable.

A recorded vote was taken on the motion.

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

Those voting in favour were Councillors Wile, Blumenthal, Watts, Walker, Hum, Harvey, Rankin and Lund.

Those voting against were Mayor Kelly, Deputy Mayor Hendsbee and Councillors Streach, Dalrymple, Nicoll, McCluskey, Younger, Karsten, Barkhouse, Smith and Adams.

Councillors Uteck, Mosher and Johns were not eligible to vote.

Councillors Sloane and Outhit were absent.

**MOVED BY Deputy Mayor Hendsbee, seconded by Councillor Smith, that Halifax Regional Council approve the sale of Lot 1115, 59 Dorey Avenue, Dartmouth for the sum of \$50,000.00.**

A recorded vote was taken on the motion.

**MOTION PUT AND PASSED. (16 in favour, 3 against)**

Those voting in favour were Mayor Kelly, Deputy Mayor Hendsbee and Councillors Streach, Dalrymple, Nicoll, McCluskey, Younger, Karsten, Barkhouse, Smith, Wile, Blumenthal, Watts, Adams, Rankin and Lund.

Those voting against were Councillors Hum, Walker and Harvey.

Councillors Uteck, Mosher and Johns were not eligible to vote.

Councillors Sloane and Outhit were absent for the vote.

**MOVED BY Councillor Streach, seconded by Councillor Wile, that Halifax Regional Council approve that the following clauses be added to the agreement: a buy back provision and a clause stating a three year time period to start development with an additional three years to complete.**

It was noted that only the majority of Council was required to pass this motion.

**MOTION PUT AND PASSED.**

Council recessed at 7:38 p.m.

Council reconvened at 7:46 p.m. with the same members present with the exception of Councillor Harvey.

**7. MOTIONS OF RESCISSION - NONE**

**11.1.1 Harbour Solutions**

- A Power Point presentation was submitted.

Councillor Barkhouse clarified, for the record, that she had supported the motion of reconsideration under item 6.1.

Mr. Brad Anguish, Director of Business Planning and Information Management, and Mr. Carl Yates, General Manager of the Halifax Regional Water Commission, provided the presentation on Harbour Solutions and the Halifax Wastewater Treatment Facility. The following highlights were noted:

- All information regarding this matter would be posted to the HRM website;
- The treatment facility did have a diesel generator;
- After the flood; the first order of business was to stop the plant from freezing which was successful;
- As staff could not get to the valve to close it after January 14, 2009 collection of biosolids continued, therefore, the plant had to be pumped out for several days;
- Staff planned to use all possible recovery funding options prior to turning to rate payers;
- The tunnel had no way of discharging so staff would continue pumping it out during wet weather;
- Halifax Water would be looking at improving all three Harbour Solutions Plants based on the forensic investigation findings that were set to take place the following week;
- Staff would look to progress payments as another means to recover costs;
- Overflows were being screened prior to emptying into the harbour by devices that were running 24/7 to ensure that solids and floatables were being captured. These devices were cleaned on a fairly routine basis.

Mayor Kelly thanked staff for their update.

**8. CONSIDERATION OF DEFERRED BUSINESS - April 7, 2009**

**8.1 Councillor Watts - Request to add March 10/09 Information Item #1 to the Agenda - Crosswalk Safety Education and Public Awareness Campaign**

- An information report dated February 6, 2009 was before Council.

Councillor Watts advised that she had several questions regarding the information report. She asked why pedestrians were now required to push crosswalk buttons rather than having a timed walk signal as she felt that the emphasis was on keeping traffic moving to the detriment of pedestrians.

Mr. Ken Reashor, Manager of Traffic Authority, advised that the reason why staff was implementing the push button system was to create a balance between pedestrian and vehicle through traffic needs.

Councillor Karsten wished to test Council on the potential for implementing zebra stripe crosswalks.

**MOVED BY Councillor Karsten, seconded by Councillor Younger, that Halifax Regional Council request a staff report on initiating the process to incorporate zebra stripe markings on crosswalks that would currently be considered or warranted under today's standards for the 2010/2011 paint season.**

Mr. Reashor advised that this suggestion had come up before and that he had not recommended it to Council. His rationale was that while zebra striping looked nice and visible to pedestrians it was no different than regular markings from the drivers perspective. He provided a photo of both the pedestrian and driver views to illustrate his point to Council. Mr. Reashor stated that if Council did wish to identify resources to fund zebra stripes they would cost approximately \$40,000 per year. He noted that it was not too late to implement as staff had not issued paint tenders for line markings; to date only the paint supply for centre lines had been dealt with.

Councillor Streach left the meeting at 8:52 p.m.

Mayor Kelly and Mr. Dan English, Chief Administrative Officer, advised that as Council had already given staff direction to maintain a status quo budget additions such as this would have to be dealt with at budget time.

A discussion on the motion ensued with Mr. Reashor responding to questions. The following points were noted:

- Pedestrian and driver crosswalk education would be a better use of HRM funds;
- The provincial crosswalk paint standard was two white lines;

- HRM and the province had recently partnered with Global TV in airing crosswalk safety advertisements across Nova Scotia;
- Crosswalk safety brochures had been sent to every household throughout HRM;
- Staff would like to see one accepted standard across HRM for crosswalk markings.

A vote was taken on the motion.

**MOTION PUT AND PASSED.**

**9. PUBLIC HEARINGS**

**9.1 Administrative Order SC-55, Respecting Closure of a Portion of Main Avenue, Halifax (Parcels M-1 & M-2)**

This item was dealt with earlier in the meeting. Please see page 6.

**9.2 By-Law L-130, An Amendment to By-Law L-100, Respecting Charges for Local Improvements - Amendments to Herring Cove Water & Sewer Services**

This item was dealt with earlier in the meeting. Please see page 5.

**10. CORRESPONDENCE, PETITIONS & DELEGATIONS**

**10.1 Correspondence - None**

**10.2 Petitions - None**

**10.3 Delegations - None**

**11. REPORTS**

**11.1 CHIEF ADMINISTRATIVE OFFICER**

**11.1.1 Harbour Solutions**

This item was dealt with earlier in the meeting. Please see page 10.

**11.1.2 Transportation Committees**

- A report dated March 26, 2009 was before Council.

**MOVED BY Councillor Mosher, seconded by Councillor Blumenthal, that Halifax Regional Council:**

1. **Re-affirm its interest in the concept of a Capital Transportation Authority (CTA) and ask the Mayor to approach the Province regarding the establishment of a CTA.**
2. **Approve in principle a Regional Transportation Advisory Committee to be considered as part of the Transportation Council Focus Area and Committees of Council review, with mandate and scope to be determined.**

Mr. English advised that if Council approved the formation of this Committee; staff would come back with a Terms of Reference and Mandate in order for Council to work out the details and scope of the Committee.

**MOTION PUT AND PASSED.**

**11.1.3 Case 01130 - Municipal Planning Strategy / Land Use By-Law Amendment and Development Agreement - Mayor Avenue**

This item was dealt with earlier in the meeting. Please see page 7.

**11.2 HARBOUR EAST COMMUNITY COUNCIL**

**11.2.1 Project 01031 - Wright's Cove Secondary Planning Strategy**

- A report dated April 3, 2009 was before Council.

**MOVED BY Councillor Smith, seconded by Councillor McCluskey, that Halifax Regional Council:**

1. **Give first reading to the Wright's Cove Secondary Planning Strategy and proposed amendments to the Dartmouth Land Use By-Law as presented in Attachment A of the report dated March 17, 2009 and schedule a public hearing for May 26, 2009; and**
2. **Approve the Wright's Cove Secondary Planning Strategy and proposed amendments to the Dartmouth Land Use By-Law presented as Attachment A in the staff report dated March 17, 2009.**
3. **Amend Policy WC-4 (b) to read "No building shall exceed 16 storeys in height."**

**MOTION PUT AND PASSED.**

**11.3 MARINE DRIVE, VALLEY & CANAL COMMUNITY COUNCIL**

**11.3.1 Monarch Rivendale Water Service Boundary**

This item was deferred to the next Regional Council meeting dated April 21, 2009.

**11.4 MEMBERS OF COUNCIL**

**11.4.1 Councillor Uteck - Encroachment Agreement - 5786 Southwood Drive, Halifax**

- An extract of the Regional Council minutes dated December 9, 2008 was before Council.
- A report dated November 25, 2009 was before Council.

**MOVED BY Councillor Uteck, seconded by Councillor Johns, that Halifax Regional Council approve the Encroachment Agreement attached to the staff report dated November 25, 2008 to allow for a masonry wall landscaping enclosure to be located within the HRM right-of-way adjacent to 5786 Southwood Drive, and include the driveway pillars and sections of fence.**

Ms. Donovan advised that this motion was beyond the two month two thirds requirement as per Administrative Order 1.

A discussion on the motion ensued with Ms. Denise Schofield, Manager of Development Engineering, responding to questions. She advised that the situation was somewhat common and as soon as the resident became aware that they were violating a By-Law they put forward an application. Ms. Schofield also noted that it would be included in the agreement that HRM would not be liable for any damages to the masonry wall by snow plows and so on.

Council agreed to stay until the agenda was completed.

Ms. Donovan clarified that a notice of motion should have been required in advance of Councillor Uteck's item being placed on the agenda. She advised that this rule could be waved by a two thirds majority of Council.

Council agreed to suspend the Rules of Order.

Deputy Mayor Hendsbee requested that a friendly amendment be added to the motion which would require the resident to have appropriate civic address signage on the masonry wall.

**MOVED BY Deputy Mayor Hendsbee, seconded by Councillor Uteck, that the Encroachment Agreement also include the requirement to post a civic address.  
MOTION PUT AND PASSED.**

The motion now reads:

**MOVED BY Councillor Uteck, seconded by Councillor Johns, that Halifax Regional Council :**

1. **Approve the Encroachment Agreement attached to the staff report dated November 25, 2008 to allow for a masonry wall landscaping enclosure to be located within the HRM right-of-way adjacent to 5786 Southwood Drive, and include the driveway pillars and sections of fence; and**
2. **That the Encroachment Agreement also include the requirement to post a civic address.**

**MOTION PUT AND PASSED.**

12. **MOTIONS - NONE**

13. **ADDED ITEMS**

13.1 **Transportation & Municipal Tax Structure**

The following item was dealt with at the Committee of the Whole session held earlier in the day and was now before Council for ratification:

**MOVED BY Councillor Johns, seconded by Councillor Adams, that Halifax Regional Council approve Transit Tax Structure based on Option 9 - One Area Rate and one General Tax Rate with multi-unit apartment buildings (except condominiums) at 50% of single family dwelling units, with the general tax portion to be phased in over three (3) years.**

Several Councillors requested to split the motion. Mayor Kelly advised that the Municipal Solicitor had indicated that the motion could not be split.

**MOTION DEFEATED.**

When asked what the status of this item would now be; Mr. English advised that Council would be back to the status quo.

Ms. O'Toole advised Council that their motion of December 16, 2008 requested that staff bring back proposed rates and options. She indicated that earlier in the day Council had been presented with ten options; one that was the status quo and nine additional variations of how staff and Council could apply the December 16 motion. She stated that staff now required direction from Council as to what variation they would like to pass or if they wished to remain with the status quo.

**MOVED BY Councillor Adams, seconded by Deputy Mayor Hendsbee, Halifax Regional Council approve Transit Tax Structure based on Option 9 - One Area Rate and one General Tax Rate with multi-units at 50% of single family dwelling units, with the general tax portion to be phased in over three (3) years.**

A discussion on the motion ensued with Ms. O'Toole responding to questions.

It was noted that multi - units included apartments, condominiums and mobile home parks, however, separate mobile homes were exempt.

Councillor Hum advised that she did not believe that multi - units included mobile home parks based on the debate that had taken place that afternoon.

Ms. O'Toole stated that, to her recollection, mobile home parks were included. She advised Council that they could include these separate items into the motion.

**MOVED Councillor Hum, seconded by Councillor Blumenthal, that Halifax Regional Council defer their decision pending further clarification on mobile home parks.**

**MOTION PUT AND PASSED.**

Councillors Blumenthal and Mosher left the meeting at 10:15 p.m.

### **13.2 Clearwater Drive Bridge - Councillor Rankin**

**MOVED BY Councillor Rankin, seconded by Councillor Johns, that Halifax Regional Council request a staff report as to the matter of facilitation by the municipality to help the community pay back the required loan to repair the bridge on Clearwater Drive.**

Councillor Rankin stated that his understanding was that this was a private road. He advised that staff would like a policy directive on this matter as there was a policy within the Municipal Government Act related to fire services and the responsibility to provide emergency services.

**MOTION PUT AND PASSED.**

## **14. NOTICES OF MOTION**

### **14.1 Councillor Younger**

Take notice that at the next regular Regional Council meeting, to be held on Tuesday, April 21, 2009, I intend to introduce a motion to require that the Grants Committee return to

Regional Council within 3 months with a recommendation to Council outlining specific requirements, criteria, and scoring for 1. Tax exemption levels; 2. Land sales for less than market value; and 3. Community grants.

**15. ADJOURNMENT**

The meeting was adjourned at 10:17 p.m.

Julia Horncastle  
Acting Municipal Clerk

The following items were added as information:

1. Memorandum from Deputy Traffic Authority dated March 26, 2009  
re: Petition - Traffic Signals at Primrose / Victoria
2. Memorandum from Acting Director, Infrastructure & Asset Management  
dated April 2, 2009 re: Petition for New Sidewalk - Ross Street (Donaldson  
Avenue to Oakley Avenue), Halifax
3. Memorandum from Director, Community Development, dated April 8, 2009  
re: Regional Centre Urban Design Study - Downtown Halifax Urban Design Plan  
(HRM By Design)
4. Memorandum from Acting Director, Infrastructure and Asset Management  
dated April 8, 2009 re: Track & Field Facilities
5. Memorandum from the Acting Municipal Clerk dated April 9, 2009  
re: Requests for Presentation to Council - None.