

HALIFAX REGIONAL COUNCIL
MINUTES

April 28, 2009

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

REGRETS: Councillors: NONE

STAFF: Ms. Geri Kaiser, Deputy Chief Administrative Officer
Ms. Mary Ellen Donovan, Municipal Solicitor
Ms. Julia Horncastle, Acting Municipal Clerk
Ms. Chris Newson, Legislative Assistant

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1. INVOCATION

The Mayor called the meeting to order at 6:33 p.m. with the Invocation being led by Councillor Johns.

2. SPECIAL COMMUNITY ANNOUNCEMENTS & ACKNOWLEDGEMENTS

Councillor Mosher acknowledged and welcomed the First Armdale Scout Troop, led by Mr. Peter Koskolos, who were in attendance for educational purposes and as part of the requirement to earn a badge.

Councillor Harvey extended an invitation to residents to take part in a clean up of the Second Lake park area with the Second Lake Regional Park Association on Saturday, May 2, 2009 at 9:00 a.m. commencing at the top of Metropolitan Drive.

Councillors Smith and Uteck entered the meeting at 6:35 p.m.

Councillor McCluskey invited residents to participate in the Penhorn Woodlawn Community Liaison Group's clean-up of Penhorn Lake on Saturday, May 2 (rain date Saturday, May 9, 2009). Location will be the Old Moore's building behind Penhorn Mall from 10:00 a.m. to 12:00 noon. Gloves, garbage bags, refreshments and prizes will be provided as well as a mobile skate park. For more information call 490-5190.

Councillor Dalrymple advised that on Wednesday, April 29th at 7:00 p.m. the District 2 Volunteer of the Year Awards would be held in the Beaver Bank Recreation Centre. He congratulated all sixteen (16) volunteers nominated.

Councillor Barkhouse entered the meeting at 6:36 p.m.

Deputy Mayor Hendsbee congratulated Mayor Kelly on receiving the Mayors Award of Distinction for Public Works that were short listed for Contemporary Visual Art. An Open House and presentation was held Monday, April 27th and the exhibit will be on display in Halifax Hall every Wednesday from 7-9:00 p.m. until June 17th with the exception of Wednesday, May 6. He further noted that the Mineville Community Association would be having their Annual General Meeting that evening (Tuesday, April 28th) and on Wednesday, April 29th the Porters Lake Community Services Association would be having their Annual General Meeting. He expressed congratulations to the Lake Echo Seniors who would be hosting their 20th Anniversary Open House on Saturday, May 2nd.

Councillor Watts advised that the Quinpool Road Business District Monty Carlo night would take place on Friday, May 1st from 7:00 - 11:00 p.m. at the Holiday Inn (corner of

Robie Street/Quinpool Road); fundraising would go toward graffiti cleaning of the Quinpool Road area. On Friday, May 1st, Oxford School would be hosting a community/educational event with a variety of Junior Highs schools throughout the municipality being invited to participate.

Councillor Karsten cautioned residents that the Portland Estates Trail System area, crossing the causeway by Russell Lake, would be closed for a few days while Halifax Water does some investigative work. Residents were requested to find alternative routes during this time.

Councillor Younger extended an invitation for everyone to attend the Dartmouth All City Music Show Case to be held on Monday, May 5th at 7:00 p.m. in the Dartmouth Sportsplex. Closing performance by Alumni and Staff directed by Scott MacMillan.

Councillor Hum announced that Mr. Andrew Sticking, Grade 5 Teacher at Grosvenor-Wentworth Park Elementary School and his Grade 5 class, won numerous awards and national / international recognition for their film making. Awards were won for the following films: The Bright, the Bad and the Ugly; Titanic Halifax; and Left Out. This was the second year running that Mr. Sticking's class has received awards in film making. She has drafted a letter recommending Mr. Sticking for the Governor General's award for Excellence in Teaching.

Councillor Streach announced that the Musquodoboit Valley Tourism Association would be hosting a Merchandise Bingo on Friday, May 1st at the Meaghers Grant Fire Hall at 7:00 p.m.; all were welcome to attend.

Councillor Johns congratulated Sackville volunteers being recognized at the Lake District Recreation Association's Volunteer Recognition Dinner on Wednesday, April 29th and the Lake District Recreation Association themselves for the 30th year of hosting the dinner.

Councillor Nicoll announced that on Saturday, May 2nd at the Cole Harbour Fire Hall a number of Fire Fighters would be recognized for their long service ranging from 5 to 30 years.

Councillor Barkhouse announced that the Hope for Wildlife Society and 105.9 Seaside FM would be hosting an Eagle Release on Saturday, May 2nd at 4:45 p.m. on the Eastern Passage Boardwalk. She also commemorated the 25th Anniversary of the National Day of Mourning for workers who were killed or injured at the workplace.

3. APPROVAL OF MINUTES - April 7 & 14, 2009

MOVED BY Councillor McCluskey, seconded by Councillor Sloane that the minutes of April 7 & 14, 2009, as presented, be approved. MOTION PUT AND PASSED.

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

Deletion: 8.1 Monarch Rivendale Water Service Boundary

Additions: 13.1 Councillor Blumenthal - Request for Report SMART Car Program
13.2 Transportation & Municipal Tax Structure - Multi-dwelling Unit Clarification
13.3 Capital Project Ranking (Stimulus funding)
13.4 Capital Project Ranking (Build Canada Funding)
13.5 Harbour Link
13.6 Property Matter - Property Acquisition, 2113 Prospect Road, Hatchet Lake

Move: Item 9.1 and 9.2 to be dealt with first; Item 11.1.3 to be dealt with immediately following Item 9.2.

MOVED BY Councillor Sloane, seconded by Councillor Blumenthal, that the agenda, as amended, be approved. MOTION PUT AND PASSED.

It was agreed during the approval of the agenda that Item 9.1 would be dealt with at this time.

9.1 By-Law L-127 - Local Improvement Charges - Hillside Water Utility Upgrade - Bomont Subdivision, Elmsdale

- A copy of the PowerPoint presentation dated March 31, 2009 was before Council.
- An extract of the April 7, 2009 Regional Council draft minutes was before Council.
- A report dated March 5, 2009 was before Council.

Mr. Fred Wendt, Planner, presented the report. He advised that the report may be viewed online at <http://www.halifax.ca/council/agendasc/documents/090428ca91.pdf>

In response to questions of clarification from Members of Council, Mr. Wendt advised that if the By-Law were approved, Halifax Water would take over the utility. Mr. Jamie Hannam, Director of Engineering, Halifax Water, advised that there was no capacity to expand the water service into undeveloped areas at this time. He explained that

existing pipe would be utilized for the new water supply plant and the plant will meet Nova Scotia water quality requirements.

Mayor Kelly explained the procedures for the Public Hearing then called for speakers for or against the proposed By-Law.

Larry Powers, Bomont Drive, Hillside Water Utility area

Mr. Powers advised that he was highly in favour of Halifax Water taking over the current water utility and performing the required upgrades. He explained that he had operated the current system for the last fifteen (15) years. For the last seven (7) years he has been working with the area Councillor and Halifax Water to bring about this initiative. He noted that the existing plant was at the end of its service life and that it no longer met the water quality standards. For the last two (2) years, only essential maintenance has been done. He noted that although the cost to upgrade the system would be high it would be approximately the same cost per property as having a well drilled but without the risk.

Mayor Kelly called three times for further speakers; hearing none it was **MOVED BY Councillor McCluskey, seconded by Councillor Johns that the public hearing be closed. MOTION PUT AND PASSED.**

MOVED by Councillor Streach, seconded by Councillor Karsten that Regional Council approve By-Law L-127, Respecting Local Improvement Charges - Hillside Water Utility, Bomont Subdivision, Elmsdale as shown in Attachment 1 of the March 5, 2009 staff report. MOTION PUT AND PASSED.

It was agreed during the approval of the agenda that Item 9.2 would be dealt with at this time.

9.2 By-Law L-129 - Local Improvement Charges - Sanitary Sewer Line Upgrade - 2046 - 2068 Brunswick Street, Halifax

- An e-mail dated April 17, 2009 from Mr. David Noseworthy was before Council.
- A copy of the PowerPoint presentation dated March 31, 2009 was before Council.
- An extract of the April 7, 2009 Regional Council minutes was before Council.
- A report dated March 6, 2009 was before Council.
- An e-mail from Mr. David Noseworthy dated April 27, 2009 was circulated at this time.

Mr. Fred Wendt, Planner, presented the report. He advised that the report may be viewed online at <http://www.halifax.ca/council/agendasc/documents/090428ca92.pdf>.

In response to questions of clarification from Members of Council, Mr. Jamie Hannam, Director of Engineering, Halifax Water, advised that:

- Local Improvement Charge (LIC) costs would be based on the actual cost of the project; \$205,000 was an estimated cost; the LIC could be lower.
- Easements would be required and accrued at a nominal or no cost to the project.
- If the property owners decided to do the work on their own Halifax Water would take over the main if the design were to their standards with easements in place. If the residents opted to do the work themselves, they would have to take caution to ensure warranty of work/bonding and consider that there may be fees for Halifax Water staff to administer or inspect the project.
- Halifax Water did consider leaving the main as a private main, however; the LIC was suggested as a way to ensure twelve (12) equal partners paid an equal share.

Mayor Kelly explained the procedures for the Public Hearing then called for any speakers for or against the proposed By-Law.

Nina Conrad

Ms. Conrad advised that she was glad the work would be done by HRM but hoped that an alternate, cheaper option would be considered. She noted that she currently had no tenants to help with her expenses as she had no sewer service.

Gene Daniels, Owner of 12 Apostles

Mr. Daniels noted that, although in support of the work being done, the residents of 12 Apostles were on fixed incomes and other estimates for the work came in substantially lower than the \$205,000 cost presented. One estimate provided by a Contractor was for \$35,000 but did not include a new water line nor design of the project.

In response to Councillor Younger, Mr. Daniels advised that copies of the estimates had not been forwarded to Halifax Water but would be distributed.

Mayor Kelly called three times for further speakers; hearing none it was **MOVED BY Councillor McCluskey, seconded by Councillor Johns that the public hearing be closed. MOTION PUT AND PASSED.**

MOVED BY Councillor McCluskey, seconded by Councillor Karsten that Regional Council approve By-Law L-129, Respecting Local Improvement Charges - 2046 - 2068 Brunswick Street, Halifax as shown in Attachment 1 of the March 6, 2009 staff report.

In response to Members of Council, staff advised that:

- The LIC would be recouped by a lien on the properties for a period of just over twenty (20) years; approximately \$854 per year at prime plus 2%.
- If the tender costs came in at over 10% of the interim amount, property owners would be notified.
- The first payment would be due on commission of work; the interest in the first year would be approximately \$750.

- There is a lot of flexibility with the LIC and the property owner could pay down the LIC incrementally or all at once.

In response to Deputy Mayor Hendsbee, Mr. Hannam advised that Halifax Water was not requested to make application for any external funding for this project and he was not aware of any external funding being provided.

MOTION PUT AND PASSED.

It was agreed during the approval of the agenda that Item 11.1.3 would be dealt with at this time.

11.1.3 Case 01248 - Cedar Street Municipal Planning Strategy Amendment and Development Agreement

- A report dated April 7, 2009 was before Council

MOVED BY Councillor Uteck, seconded by Deputy Mayor Hendsbee that Halifax Regional Council:

1. **Authorize staff to initiate a process to consider amending the Halifax Municipal Planning Strategy and Peninsula Land Use By-Law to allow for a townhouse development at PID #00137273, a vacant lot within the block bounded by Cedar, Henry, Jubilee, and Robie Street, Halifax; and**
2. **Request staff to follow the public participation program as approved by Council in February 1997.**

MOTION PUT AND PASSED.

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

6. **MOTIONS OF RECONSIDERATION - NONE**

7. **MOTIONS OF RESCISSION - NONE**

8. **CONSIDERATION OF DEFERRED BUSINESS - April 21, 2009**

8.1 **Monarch Rivendale Water Service Boundary**

This item was deferred to May 5, 2009 during the approval of the agenda.

8.2 **Case 01003 - Municipal Planning Strategy / Land Use By-law Amendments and Development Agreement - Regatta Point, Halifax**

- A report dated April 8, 2009 was before Council.

Councillor Mosher explained that concerns raised by residents were not addressed in the report, therefore; she would prefer a second public information meeting be held prior to moving forward with the public hearing process.

MOVED BY Councillor Mosher, seconded by Councillor McCluskey that the item be tabled pending a second Public Information Meeting to obtain broader public consultation. MOTION PUT AND PASSED.

8.3 Motion - Councillor Younger

MOVED BY Councillor Younger, seconded by Councillor McCluskey that Halifax Regional Council request that the Grants Committee return to Regional Council within five 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.

Councillor Younger explained that he would like the criteria and guidelines for the three grant programs that work in harmony to be brought before Council so that they may have clarity on how they work.

MOTION PUT AND PASSED.

9. PUBLIC HEARINGS

9.1 By-Law L-127, An Amendment to By-Law L-100, Respecting Charges for Local Improvements - Hillside Water Utility Upgrade - Bomont Subdivision, Elmsdale

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

9.2 By-Law L-129, An Amendment to By-Law L-100, Respecting Charges for Local Improvements - Sanitary Sewer Line Upgrade - 2046-2068 Brunswick Street, Halifax - REVISED

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

10. CORRESPONDENCE, PETITIONS & DELEGATIONS - NONE

11. REPORTS

11.1 CHIEF ADMINISTRATIVE OFFICER

11.1.1 ecoMOBILITY Funding Award

- A report dated April 12, 2009 was before Council.

MOVED BY Councillor Johns, seconded by Councillor Karsten that Halifax Regional Council approve a \$95,000 reduction in CTR00908 - Transportation Demand Management and allocate these funds to the operating accounts for Regional Transportation Planning in order to leverage outside funding as described in the Budget Implications section of the report dated April 12, 2009. MOTION PUT AND PASSED.

11.1.2 Proposed Amendment to Administrative Order 11 - Feeding of Waterfowl & Pigeons (Admin. Order 11 is a schedule of By-Law A-300 - Respecting Animals and Responsible Pet Ownership)

- A report dated March 10, 2009 was before Council.

MOVED BY Councillor McCluskey, seconded by Councillor Karsten that Halifax Regional Council approve in principle the proposed amendment to Administrative Order #11 as attached to the March 10, 2009 staff report as Appendix A.

In response to questions of clarity from Members of Council, Ms. Mary Ellen Donovan, Municipal Solicitor, advised that behaviour on land could be controlled by the municipality, for example: if the person were standing on the land and throwing food into the lake, however; existing provincial regulations would have to be reviewed in regard to feeding fowl from a boat in the lake as the municipality does not own the lake.

Councillor Nicoll requested that Bissett Lake be added to the list.

Councillor Adams inquired whether the municipality was able to protect its interests as the municipal property owner by prohibiting feeding of waterfowl from land abutting the lakes. In response, Ms. Donovan explained that the municipality has no rights/controls over provincial properties or their lakes.

Deputy Mayor Hendsbee clarified that only the Municipal Parkland area of Lake Echo would be included in the prohibited feeding area.

Councillor Wile noted the following correction to the list: Big Belchers Marsh should be referred to as Belchers Marsh and Little Belchers Marsh should be Little Belchers Pond.

Councillor Younger noted that the area in Shubie Park where everyone currently feeds the ducks is not municipal land. Ms. Donovan concurred that the area in Shubie Park where the feeding is undertaken is provincial land and under provincial control.

Councillor Sloane advised that she was not in support of the site specific amendment explaining that educating the population on why they should not be feeding the waterfowl would be a better option than putting up signs.

Councillor Hum agreed that an education program would be the preferred method as there are signs everywhere, such as the Off-leash dog areas, and people just do not comply.

Councillor Karsten clarified that the merits of the By-Law were not being debated at this time; the issue was an amendment to Section 13 (1) to provide a list of site specific locations for enforcement and protection.

Councillor Smith noted that since signs were posted in 2002 around Big Albro Lake, the feeding of the ducks and problems with the gulls and pigeons has dissipated and the beach has not been closed in almost six (6) years.

MOTION PUT AND PASSED.

11.1.3 Case 01248 - Cedar Street Municipal Planning Strategy Amendment and Development Agreement

This item was dealt with earlier in the meeting. See page 9.

11.2 ADVISORY COMMITTEE FOR PERSONS WITH DISABILITIES

11.2.1 Amendment to Terms of Reference

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

MOVED BY Councillor Blumenthal, seconded by Councillor Wile that Halifax Regional Council amend the Terms of Reference for the Advisory Committee for Persons with Disabilities, Section 9 (Appointments) by adding the following clause:

“9.3 When requested to provide representation on other Committees of Regional Council, the appointment will be for a one-year term.”

MOTION PUT AND PASSED.

11.3 GRANT COMMITTEE

11.3.1 Bloomfield Centre, 2786 Agricola Street, Halifax - Less Than Market Value Lease Renewals

- A report dated April 22, 2009 was before Council.

MOVED BY Councillor Walker, seconded by Councillor Lund that Halifax Regional Council approve the renewal of the following six (6) leases for a term of one (1) year pending the re-development of the Bloomfield Centre site: Canadian Mental Health Association, Ecology Action Centre, Northern Lights Senior Citizens Club, Safe Harbour Metropolitan Church, Independent Living Resource Centre, and the Knights of Columbus.

In response to Councillor McCluskey, Mayor Kelly advised that the rent would be less than market rent.

MOTION PUT AND PASSED.

12. MOTIONS - NONE

13. ADDED ITEMS

13.1 Councillor Blumenthal - Request for Report re: SMART Car Program

MOVED BY Councillor Blumenthal, seconded by Councillor Sloane that Halifax Regional Council request a staff report on the SMART Car Program.

Councillor Blumenthal explained that a private company, CARSHARE, was operating in the area and that HRM should participate in that program to support local business rather than competing with the private sector. He advised that the \$9.00 per hour rate charged by CARSHARE included gas, insurance, maintenance and MACPASS which would be more economical for the Municipality than the purchase of three vehicles.

Deputy Mayor Hendsbee advised that the SMART Car Program was a corporate responsibility initiative to provide alternative travel options. He noted that the municipality was encouraging the private sector to do more and was not in competition with them. He explained that a link to the CARSHARE website, as well as a Bicycle Program, have been linked to the HRM website.

Councillor Karsten noted that he was not in support of a staff report on this matter as it was a good news story and he was certain staff had done their research in bringing the program forward.

Ms. Geri Kaiser, Deputy Chief Administrative Officer, explained that the SMART Car program had gone through Council at the last Capital Budget Process approximately fourteen (14) months prior and was presented by staff as an environmental initiative approximately ten (10) months ago. She noted that HRM was trying to lead by example in regard to sustainability initiatives and this program fit very well.

Councillor Younger noted that the matter had been debated previous to some Councillors being on the current Council. He also noted that at \$9.00 per hour, the cars would be paid for in approximately six (6) months and suggested, if a staff report were to be provided, that the report include a financial analysis.

MOTION DEFEATED.

13.2 Transportation & Municipal Tax Structure - Multi-dwelling Unit Clarification

This item was dealt with at an earlier Committee of the Whole session and was now before Council for ratification.

MOVED BY Councillor Walker, seconded by Councillor Johns that Halifax Regional Council approve Option 6 - Area Tax rate (local) for those within a 3 km distance from a transit service and general tax rate (regional) using assessment for a period of one year. MOTION PUT AND PASSED.

13.3 Capital Project Ranking (Stimulus Funding)

This item was dealt with at an earlier Committee of the Whole session and was now before Council for ratification.

MOVED BY Councillor Karsten, seconded by Councillor Johns that Halifax Regional Council advance the 4-Pad Arena project as the project under the stimulus funding. MOTION PUT AND PASSED.

13.4 Capital Project Ranking (Build Canada Funding)

This item was dealt with at an earlier Committee of the Whole session and was now before Council for ratification.

MOVED BY Councillor Barkhouse, seconded by Councillor Sloane that Halifax Regional Council advance the Central Library and the New Woodside Ferry be as the projects under the Building Canada Fund with HRM's share of funding being from debt funding and further the rest of the Infrastructure List, excluding the Harbour Link, be included as part of the Submission. MOTION PUT AND PASSED.

13.5 Harbour Link

This item was dealt with at an earlier In Camera session and was now before Council for ratification.

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

- 1. Approve the amended Harbour Link Project Schedule dated March 31, 2009 (attachment 2 of the March 26, 2009 report)**
- 2. Authorize staff to carry on negotiations with Transport Canada to establish an appropriate classification of vessel under which the HarbourLink vessels will operate,**
- 3. Direct staff to review the vessel operating criteria and develop a detailed operating plan for the vessel routes,**
- 4. Direct staff to update the available data on all other transit modes for carrying Bedford to Halifax trips to provide a balanced perspective to Council to facilitate informed decision making on the final transit solution,**
- 5. Direct staff to bring all available information together into a comprehensive economic model for transporting passengers by transit from the Bedford area to Halifax in time for a decision on the 2010- 2011 Capital and Operating Budget.**

MOTION PUT AND PASSED.

13.6 Property Matter - Property Acquisition, 2113 Prospect Road, Hatchet Lake

This item was dealt with at an earlier In Camera session and was now before Council for ratification.

MOVED Councillor Rankin, seconded by Councillor Sloane that Halifax Regional Council:

- 1. Approve the acquisition of 2113 Prospect Road, Hatchet Lake as per the terms and conditions outlined in the report dated March 26, 2009;**
- 2. Approve an increase to Capital Project Account CPX01149, Park Land Acquisition in the amount of \$164,052.00 with funding provided from a withdrawal from Q107 Parkland Reserve;**
- 3. Approve the disposal of the remaining lands and residential dwelling at market value as per the Discussion and Budget Implications section of the report dated March 26, 2009; and,**

4. Not release the report dated March 26, 2009 until the transaction has been completed.

MOTION PUT AND PASSED.

14. NOTICES OF MOTION

14.1 Councillor McCluskey

“Take Notice that, at the next regular meeting of Halifax Regional Council to be held on Tuesday, the 5th of May, I propose to introduce amendments to Administrative Order #11 Respecting Dog Registration Fees, the purpose of which is to approve the restriction of feeding waterfowl or pigeons on or from the Municipal owned lands located at or adjacent to the site specific locations as set out in Schedule 1 of this Administrative Order.”

14.2 Councillor Karsten

“Take Notice that, at the next regular Regional Council meeting, to be held on Tuesday, May 5, 2009, I propose to move First Reading of By-Law S-605, the purpose of which is to amend By-Law S-600, to require the separation of cardboard from other paper at industrial, commercial and institutional properties, plus other housekeeping matters.”

15. ADJOURNMENT

The meeting was adjourned at 8:03 p.m.

Julia Horncastle
Acting Municipal Clerk

INFORMATION ITEMS

April 28, 2009

1. Proclamation - Multiple Sclerosis Awareness Month, May 2009
2. Proclamation - North American Occupational Safety and Health Week - May 3-9, 2009
3. Memorandum from Director, Legal Services & Risk Management dated April 22, 2009
re: Status of By-Law Prosecutions, September 1-30, 2008
4. Memorandum from Deputy Chief Administrative Officer, Corporate Services & Strategy dated April 16, 2009 re: Ombudsman or Similar Office for HRM
5. Memorandum from the Acting Municipal Clerk dated April 24, 2009
re: Requests for Presentation to Council - None