

HALIFAX REGIONAL MUNICIPALITY

HALIFAX REGIONAL COUNCIL MINUTES October 12, 1999

PRESENT:

Mayor Walter Fitzgerald
Deputy Mayor Larry Uteck
Councillors: Gordon R. Snow
Ron Cooper
Harry McInroy
Jack Greenough
Condo Sarto
Bruce Hetherington
John Cunningham
Jerry Blumenthal
Graham L. Downey
Sheila Fougere
Russell Walker
Bill Stone
Graham Read
Stephen D. Adams
Bob Harvey
Peter Kelly
Reg Rankin
Jack Mitchell

REGRETS:

Councillor Clint Schofield

STAFF MEMBERS:

Mr. Ken Meech, Chief Administrative Officer
Mr. Wayne Anstey, Municipal Solicitor
Ms. Vi Carmichael, Municipal Clerk
Ms. Patti Halliday, Assistant Municipal Clerk

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1. INVOCATION

Mayor Fitzgerald called the meeting to order at 6:00 p.m. with the Invocation.

ACKNOWLEDGEMENT

At a later point in the meeting, Mayor Fitzgerald acknowledged the presence in the gallery of Mr. David Hendsbee, MLA, Preston.

2. PROCLAMATIONS

2.1 Science and Technology Week

Mayor Fitzgerald proclaimed the week of October 15 - 24, 1999 as Science and Technology Week.

3. APPROVAL OF MINUTES - None

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

The following items were added to the agenda:

- 13.1 Deputy Mayor Uteck/Councillor Adams - Request to Move Information Items #8 and #9 to the Regular Council Agenda

Information Item #8 - Memorandum from Director of Engineering & Transportation Services dated October 5/99 re: Neighbourhood Short-Cutting - Armview-Pryor-Jubilee Neighbourhood - Interim Report

Information Item #9 - Memorandum from Director of Engineering & Transportation Services dated October 6/99 re: Connaught/Jubilee Signals - Petition for Removal

- 13.2 Councillor Kelly - Impact Analysis of Takeover by the World Trade and Convention Centre of Exhibition Grounds

- 13.3 Recommendation - Neptune Theatre Promotional Event

The following item was deleted from the agenda:

- 11.1.4 Properties Recommended for Sale

Councillor Hetherington submitted correspondence, dated October 12, 1999 from Alderney Real Estate Appraisals, regarding this information item, and requested that it be forwarded to Mr. Tom Rath, General Manager, Real Estate Services, for a response when the matter comes back before Council.

MOVED by Councillors Blumenthal and Hetherington that the Order of Business and Additions and Deletions be approved. MOTION PUT AND PASSED UNANIMOUSLY.

5. BUSINESS ARISING FROM THE MINUTES - None

6. MOTIONS OF RECONSIDERATION - None

7. MOTION OF RESCISSION - None

8. CONSIDERATION OF DEFERRED BUSINESS

8.1 Winter Parking Ban

- A staff report prepared for Dan English, Deputy Chief Administrative Officer, recommending the issue be referred to the Program and Service Review Committee, was before Council for consideration.
- An information report prepared for K. S. Dhillon, Director, Engineering and Transportation Services, regarding the above, was before Council for its information.
- Correspondence from Bob O'Neill, Commons North Neighbourhood Association (and a response from Mayor Fitzgerald's office); and, Kate Carmichael, Executive Director, Downtown Halifax Business Commission, opposing the overnight parking ban, was circulated to Council.

MOVED by Councillors Kelly and Fougere that Regional Council remove the overnight parking ban and abide by Section 202 of the Nova Scotia Motor Vehicle Act.

Councillor Kelly stated he had no problem with staff or the Program and Service Review Committee reviewing this motion, if Council so decides.

Councillor Walker also expressed no difficulty with the matter being referred to the Program and Service Review Committee, as long as it does not cause the issue to be waylaid so it cannot be implemented this year. The Councillor noted Section 202 of the Motor Vehicle Act will address the parking issue during snowstorms. Councillor Walker

clarified that the parking ban is not being proposed to be eliminated as it will be replaced with a ban that will only be in force during a snowstorm until the streets are clear. With respect to the provincial regulations, Councillor Walker stated he believes they are enforced during snowstorms but not during the entire parking ban. The Councillor questioned the logic of issuing tickets when there is no snow.

Councillor Downey spoke in support of a parking ban to ensure safety for the residents due to the many narrow streets in his area. The Councillor noted snowstorms can occur anytime through the night, and to ensure emergency vehicles can access all areas, a parking ban must be in place.

Mayor Fitzgerald suggested this issue could be referred to the Program and Service Review Committee for review, and a subsequent Committee of the Whole meeting could take place for Council to debate the matter.

Councillor Greenough stated it is important not to penalize residents unnecessarily, but Council also needs to be careful not to create confusion in the minds of the public as to what is the policy. The residents also have to be aware of any possible consequences as a result of any changes to the ban.

MOVED by Councillors Greenough and Walker that the issue of the winter parking ban be referred to the Program and Service Review Committee.

Councillor Greenough noted the next meeting of the Program and Service Review Committee is scheduled for October 21, 1999.

Councillor Blumenthal spoke in support of referring the matter to the Committee, noting whatever is decided needs to be implemented HRM wide and not just in Halifax.

Councillor Fougere noted the report states that last year only 40 of the 16,525 tickets were issued when it was snowing, which indicates there is a problem with the parking ban. The Councillor stated the parking ban issue is adequately covered under the Motor Vehicle Act, and she will be supporting the elimination of the current ban.

MOTION PUT AND PASSED UNANIMOUSLY.

8.2 Smoking By-Law

- A staff report prepared for Dan English, Deputy Chief Administrative Officer, recommending that this matter be deferred to allow staff and the Smoking Work Group the opportunity to thoroughly review the proposed amendments, was before Council for consideration.

MOVED by Councillors Stone and Cunningham that this matter be deferred to October 26, 1999. MOTION PUT AND PASSED UNANIMOUSLY.

9. PUBLIC HEARING

9.1 Second Reading By-Law C-200 Respecting Municipal Cemeteries

- By-Law C-200 Respecting Municipal Cemeteries passed First Reading on September 21, 1999, and was now before Council for Second Reading.
- An information report prepared for Kulvinder Dhillon, Acting Director, Works and Natural Services, regarding perpetual care of municipal cemeteries, was before Council for its information.

Mr. Stephen King, Manager, Parks & Natural Services, presented the staff report.

In response to a question of Councillor Kelly inquiring about perpetual care accounts, Mr. King stated Camp Hill Cemetery and Fairview Lawn Cemetery have perpetual care accounts in place now. At the present time, there are no perpetual care accounts set up for the following cemeteries in Dartmouth: Mount Hermon, Saint Paul's, Dartmouth Common and Saint Peter's. It is the goal of staff, working with Finance, to establish a perpetual care or reserve account, from the revenue obtained by lot sales in the expansion of Mount Hermon Cemetery, for the maintenance of those cemeteries. Councillor Kelly inquired if it would be worthwhile for staff to explore having one perpetual care account for all the cemeteries in the By-Law. Mr. King replied that staff could look into this.

Responding to a question of Councillor Kelly regarding lot transfers, Mr. King stated these transactions are processed through the cemetery office to ensure the control of cemetery records. Mr. Kulvinder Dhillon, Acting Director, Works and Natural Services, stated the Municipality needs to know the current owner of the lots to ensure the accuracy of the cemetery records; and, therefore, there needs to be some mechanism in place to provide this information. Councillor Kelly suggested a transfer fee could be charged to the lot seller, which would allow the Municipality to maintain control over the lot records, and the lot owner would be able to sell their lot on the open market. Mr. Dhillon replied staff could examine this suggestion.

With respect to the repair of stones, Councillor Kelly inquired if the words "or remove the memorial at the expense of the owner" could be removed from Section 20 (4) of the By-Law. Mr. King replied that staff can consider this, but the cost implications of this need to be kept in mind, noting there are tens of thousands of headstones in these cemeteries. Mr. King noted the types of materials to be used for headstones are more specific now,

which will reduce the number of repairs. In the case of vandalism, Mr. King stated HRM, as the caretaker, would have to address it.

Councillor Kelly stated the public needs to be assured that if something happens to a stone, and there are no family members remaining, HRM will take some responsibility to repair and maintain the stone. Mr. Dhillon stated staff would like to leave the clause respecting general maintenance of the stones in the By-Law as it is important, but on an ad hoc basis, staff can deal with this type of situation if it occurs.

Mayor Fitzgerald called three times for members of the public wishing to speak either in favour of or against the By-Law. Hearing none, the following motion was put on the floor.

**MOVED by Councillors Kelly and Blumenthal that the Public Hearing be closed.
MOTION PUT AND PASSED UNANIMOUSLY.**

COUNCIL DECISION

MOVED by Councillors Kelly and Blumenthal that By-Law C-200 Respecting Municipal Cemeteries be referred back to staff to address the points raised at this meeting.

Mayor Fitzgerald stated the matter can come back to Council for a decision on Second Reading at the next Council meeting.

MOTION PUT AND PASSED UNANIMOUSLY.

10. CORRESPONDENCE, PETITIONS & DELEGATIONS

10.1 PETITIONS

10.1.1 Councillor Fougere - Traffic Lights at Connaught Avenue and Jubilee Road

Councillor Fougere submitted an additional 300 names to the previously submitted petition opposing the use of traffic lights at the corner of Connaught Avenue and Jubilee Road, with an accompanying letter which she read into the record. The total number of signatures on the petition now totals 1,600.

11. REPORTS

11.1 CHIEF ADMINISTRATIVE OFFICER

11.1.1 Award of Tender No. 99-240 - Dartmouth Road Sidewalk (North Street to Bedford Highway), Bedford

- A staff report prepared for Dan English, Deputy Chief Administrative Officer, regarding the above, was before Council for consideration.

MOVED by Councillors Kelly and Hetherington that:

1. Council authorize the transfer of funds in the amount of \$32,656.00 from Account No. CRESPOOL, the Capital Reserve Pool to Capital Account No. CJR00510, Dartmouth Road Sidewalk (North Street to Bedford Highway).
2. Council award Tender No. 99-240, Dartmouth Road Sidewalk (North Street to Bedford Highway) to Ocean Contractors Limited for materials and services listed at the unit prices quoted for a Tender Price of \$71,875.00, and a Total Project Cost of \$82,656.00, with funding authorized as per the Budget Implications Section of the staff report dated October 4, 1999.
MOTION PUT AND PASSED UNANIMOUSLY.

11.1.2 Alderney Landing - Phase 2 (Theatre/Market Building) - Award of Tender No. 99-250, Landscaping

- A staff report prepared for Dan English, Deputy Chief Administrative Officer, regarding the above, was before Council for consideration.

MOVED by Councillors Cunningham and Greenough that Council award Tender No. 99-250, Landscaping, to Tag Enterprises Limited for materials and services listed at the unit prices quoted for a total Tender Price \$127,000.00 +HST. In addition to the tender price, a 15% contingency in the amount of \$19,050.00 is recommended, for a total project cost of \$146,050.00. Funding authorized as per the Budget Implications Section of the staff report dated October 7, 1999.

Responding to a question of Councillor Walker, Mr. Blair Blakeney, Regional Coordinator, Recreation Facilities, stated the landscaping estimate in the original budget presented to Council in the report was for \$125,000 and the actual tender price was \$127,000 plus allowance for contingencies. Councillor Walker expressed concern that this is only the first of several tenders to come in and the project is already over budget.

MOTION PUT AND PASSED.

11.1.3 Upper Hammonds Plains Water Service (Anderson Court)

- A staff report prepared for Dan English, Deputy Chief Administrative Officer, regarding the above, was before Council for consideration.

MOVED by Councillors Rankin and Hetherington that Council approve:

1. **The inclusion of the installation of a water line on Anderson Court, from Anderson Road to the end; and,**
2. **Local Improvement Charges of \$12.50 per foot to the abutting property owners. MOTION PUT AND PASSED UNANIMOUSLY.**

11.1.4 Properties Recommended for Sale

- A staff report prepared for George McLellan, Deputy Chief Administrative Officer, regarding the above, was before Council for consideration.

During Approval of the Order of Business, this item was deleted.

11.1.5 Paving - Ridgewood Drive, Boutilliers Point

- A staff report prepared for Dan English, Deputy Chief Administrative Officer, regarding the above, was before Council for consideration.

MOVED by Councillors Rankin (on behalf of Councillor Mitchell) and Hetherington that Council:

1. **Waive the abutters' right to petition against the paving of Ridgewood Drive, Boutilliers Point and approve the project under the Aid-to-Municipalities Program and enter into an agreement with NSDOT&PW for 50/50 cost-sharing with funding authorized as per the Budget Implications Section of the staff report dated October 4, 1999; and,**
2. **Approve the recovery of the Local Improvement Charges by area rate applied to the St. Margaret's Bay, Boutilliers Point to Tantallon area of District 23. MOTION PUT AND PASSED UNANIMOUSLY.**

12. MOTIONS - None

13. ADDED ITEMS

13.1 **Deputy Mayor Uteck/Councillor Adams - Request to Move Information Items #8 and #9 to the Regular Council Agenda**

Information Item #8 - Memorandum from Director of Engineering & Transportation Services dated October 5/99 re: Neighbourhood Short-Cutting - Armview-Pryor-Jubilee Neighbourhood - Interim Report

Information Item #9 - Memorandum from Director of Engineering & Transportation Services dated October 6/99 re: Connaught/Jubilee Signals - Petition for Removal

- Correspondence from Dr. G. MacKean, 1742 Connaught Avenue, Dr. Deborah Thompson, 6614 Jubilee Road, and Mr. Tim Backman, 1774 Preston Street, opposing the trial installation of traffic lights at Connaught/Jubilee, was circulated to Council.

On behalf of Deputy Mayor Uteck, Councillor Rankin read a statement regarding this issue which included the following points:

- Excessive traffic on residential streets is a serious problem throughout District 13 and on many other streets throughout HRM.
- Over the last ten years, the traffic problem on the Peninsula has become acute, particularly on Armview Drive, which has the largest volume of traffic on a residential street on the Peninsula.
- By requesting the study on Armview, it was hoped a model would be developed that would address the problem and act as a template when dealing with traffic on the Peninsula.
- Street closures only pass the problem onto another area. Although the lights have addressed the situation on Armview, the problem has been passed on to Norwood, Rosebank and the children of Sir Charles Tupper School.
- Two possible alternatives are: (1) look at traffic calming from the larger neighbourhood and the Peninsula as a whole, and (2) bring this matter back to Council at the end of the six month trial period.

Mr. David McCusker, Manager, Traffic and Transportation Services, presented the information report to Council, stating staff sees some partial success at this time and would not want to abandon the trial at this point. Mr. McCusker said the trial could be modified slightly and continued. Once the trial is complete, the results will be reported to Council and direction sought at that time.

Councillor Adams suggested with the decrease in traffic volume, the traffic lights may no longer meet the necessary warrants. In response to a question of the Councillor regarding the increased traffic on Norwood, Mr. McCusker stated staff is not certain where the traffic

has come from, but suspect the before count on Bloomingdale Terrace between Quinpool Road and Norwood Street is incorrect. Councillor Adams expressed concern with the incorrect information.

Responding to a question of Councillor Kelly regarding the possibility of ceasing the test, Mr. McCusker stated prematurely ending a test would be a decision of staff based on engineering judgement. Councillor Kelly inquired if the full six month duration of the test is required, or could the results be obtained in less time. Mr. McCusker replied, if staff determined through traffic monitoring that traffic patterns have settled, consideration could be given to providing the results to Council after two months.

In response to a question of Councillor Blumenthal regarding time of day turning restrictions, Mr. McCusker stated these require police enforcement to ensure they work properly, and staff prefers to use physical barricades to enforce these restrictions. However, he noted staff is attempting to move away from a long list of time of day turning restrictions, as experience has shown that, without significant police enforcement, they will often be violated.

Councillor Blumenthal spoke in support of a previous suggestion of Mayor Fitzgerald to restrict traffic on Quinpool Road one way during certain periods of the day. In response, Mr. McCusker stated this is a technology staff would like to take more advantage of, particularly on the Peninsula where traffic flows are quite heavily balanced in one direction at a certain time of the day. However, he suggested this is probably not a good solution for Quinpool Road, as long range planning identifies this street as one of many roads connecting one side of the Peninsula to another and to downtown. Therefore, staff believes efforts are best placed on Bayers Road where more capacity can be provided than on Quinpool Road.

Responding to a question of Councillor Read, Mr. McCusker stated temporary installations are not connected to the central computer system due to the added expense, but will be added if they are made permanent. This system includes vehicle detector loops which are used to allocate green time.

In response to a question of Councillor Read regarding traffic volume on Quinpool Road, Mr. McCusker stated continual counts are made on Quinpool Road through vehicle detection, and the results of these counts can be provided to Council. The Councillor suggested three areas that may incrementally help the flow along Quinpool Road. Those areas being the following: no parking prior to 9:00 a.m. and no stopping on Quinpool Road being enforced, garbage pick up not taking place prior to 9:00 a.m., and crosswalk guards at Beech being instructed to synchronize with the lights at Quinpool. Mr. McCusker agreed, noting these areas have been identified as problem areas for flow on Quinpool Road, and steps are being taken to address them.

In response to a question of Councillor Stone, Mr. McCusker stated the addition to the trial of a partial closure at the intersection of Bloomingdale and Quinpool will be implemented, but there will not be any further additions until the study area is expanded or the trial terminated.

Councillor Stone suggested there should be a warning in advance of the right hand turn off Connaught to Jubilee, as the vehicles turning left have to veer to the right because of the barrier. Mr. McCusker noted a number of suggestions, such as this, have been recorded throughout the trial process and will be considered if the installation becomes permanent.

In response to an additional question of Councillor Stone, Mr. McCusker stated the allocation of green time is quite different in the morning than in the afternoon, noting the intent is to make traffic flow and clear the intersection as best possible, and it is really just an intervention during the morning peak hours.

Responding to a question of Councillor Harvey regarding the process, Mr. McCusker stated the policy provides staff with the opportunity to evaluate the plan put forward by the neighbourhood committee and to determine if it is appropriate to address a problem that has been identified. Staff is also permitted to take its own steps, if necessary, to alleviate an identified problem, which was done in this case. Staff believed the neighbourhood plan in this situation was too restrictive, and more traffic would be diverted than could be handled. Councillor Harvey stated he will be interested in seeing this project carry forward as a template, noting there is a similar traffic problem on the Old Sackville Road. The Councillor noted a solution to traffic problems would be the addition of significantly more public transit funding which would reduce the number of vehicles on the road.

In response to a question of Councillor Fougere regarding traffic volume counts, Mr. McCusker stated the figures are a mixture of individual counts, and, in some cases, a single count. The Councillor expressed concern with Council making a judgement on these numbers, and noted figures for both Jubilee and Quinpool, which are directly affected, are not included. Mr. McCusker noted these figures were not reported since they are not part of the determination of whether the trial terminates or not, but they can be provided to Council if so wished.

Responding to a question of Councillor Fougere regarding crosswalk safety and speeding traffic on Jubilee Road and Norwood Street, Mr. McCusker stated staff continues to monitor both traffic and pedestrian volumes, and believe both intersections are adequately addressed in terms of pedestrian traffic.

Councillor Adams expressed concern with the process and the figures used, noting some figures are averages and some are absolutes. The Councillor suggested, based on the

information and phone calls received, it appears the lights are not working and a conclusion should be drawn after two months rather than continuing the test for six months.

Mayor Fitzgerald stated traffic problems should be solved or shared, and in this situation, the traffic is not being shared fairly. The Mayor stated the installation of lights at this location is wrong, and the six month period is too long. In response to the Mayor's comments, Mr. Dhillon stated staff is preparing a transportation system report which will be before Council in two to three weeks for Council's input.

Councillor Rankin noted the information report is an interim status report as to the outcomes of the community policy. The Councillor stated it is his understanding that there were parameters set at the community meeting with regard to maximum thresholds of traffic on those streets, and pursuant to that policy, the Traffic Authority could make adjustments. Councillor Rankin stated the most important aspect to consider is respecting the vote of the community. Mr. Dhillon replied the policy states if some of the streets exceed the allowable limit of traffic, then other appropriate measures can be taken. Mr. McCusker noted the community is involved in the process to identify the problem and to look at some potential ways to address it.

Councillor Rankin stated Deputy Mayor Uteck is not in favour of closing Armview Drive.

(Councillor Mitchell took his place at the meeting at 7:45 p.m.)

Councillor Rankin stated the Deputy Mayor encourages staff to use all available resources to bring forward accurate facts previously alluded to by Councillor Adams. Deputy Mayor Uteck also requested that the process of the trial be hastened if possible.

Councillor Rankin stated, if required, he is willing to put forward a motion to reaffirm the position of the Traffic Authority and the neighbourhood policy.

Councillor Adams suggested the time frame for the trial should be shortened.

MOVED by Councillor Adams and Deputy Mayor Uteck that staff be requested to come back in one month with a report including conclusions and recommendations of the trial installation of a signal light at the intersection of Jubilee Road and Connaught Avenue.

Councillor Cunningham proposed an amendment to the motion changing the time frame to six weeks, stating one month may be too restrictive for staff.

MOVED by Councillors Cunningham and Hetherington that the motion be amended to change the time frame from one month to six weeks. MOTION PUT AND PASSED UNANIMOUSLY.

Councillor Read stated traffic calming measures have been put in place on streets in neighbourhoods that have been subjected to far less traffic than what has been counted on Armview and Pryor. The Councillor stated the ultimate traffic calming measure is to reduce the total number of vehicles, as suggested earlier by Councillor Harvey. Councillor Read suggested opportunities should be encouraged for people to live closer to where they work and vice versa.

With respect to public transit, Councillor Blumenthal stated the fares should be reduced to encourage more users.

In closing the debate, Councillor Rankin noted Deputy Mayor Uteck indicated to him that in the on-going analysis of traffic that strong consideration should be given by the Traffic Authority to expanding the neighbourhood concerned.

The vote was then taken on the main motion, as amended, which read as follows:

MOVED by Councillor Adams and Deputy Mayor Uteck that staff be requested to come back in six weeks with a report including conclusions and recommendations of the trial installation of a signal light at the intersection of Jubilee Road and Connaught Avenue. MOTION PUT AND PASSED UNANIMOUSLY.

13.2 Councillor Kelly - Impact Analysis of Takeover by the World Trade and Convention Centre of Exhibition Grounds

Councillor Kelly stated he asked that this item be added to the agenda due to the recent announcement with regard to the possible takeover of the Exhibition Grounds, and the points recently raised in the media by Mayor Fitzgerald regarding the Province taking over the Metro Centre. Councillor Kelly spoke in support of the Metro Centre takeover and suggested this should be explored to determine the impacts. The Councillor suggested this matter should be referred to staff for a report, within two weeks, exploring the possibility of the Province taking over the Metro Centre and the potential effects this would have on the Operating Budget, Capital Budget and the negotiations with the Province. Mayor Fitzgerald noted Mr. Ken Meech, Chief Administrative Officer, is currently working on this.

Councillor Mitchell noted the World Trade and Convention Centre had a \$1 million surplus this year, and questioned why the Municipality provides financial support to it.

Councillor Blumenthal suggested Council should wait until the next Board meeting of the World Trade and Convention Centre is held before making any decision regarding this. Council agreed to the request for a staff report.

13.3 Recommendation - Neptune Theatre Promotional Event

- A staff report prepared for Dan English, Deputy Chief Administrative Officer, regarding the above, was circulated to Council.

MOVED by Councillors Mitchell and Hetherington that Council support the issuance of the required liquor licence by the Nova Scotia Alcohol and Gaming Authority to organizers of the Neptune Theatre Event - "Death the Musical Street Party" to be held on Saturday, October 30, 1999 from 7:00 p.m. - 12:00 p.m. on Argyle Street. MOTION PUT AND PASSED UNANIMOUSLY.

14. NOTICES OF MOTION

14.1 Councillor Harvey

TAKE NOTICE that at the next regular meeting of Halifax Regional Council to be held on Tuesday, October 19, 1999, I propose to place before Council for adoption, as a policy pursuant to the Municipal Government Act, Administrative Order Number 19, the Corporate Coat of Arms and Flag Administrative Order, the purpose of which is to adopt the official coat of arms, flag and badge of the Halifax Regional Municipality and to regulate their use as well as the use of the symbols of the predecessor municipalities.

15. ADJOURNMENT

MOVED by Councillors Greenough and Blumenthal that the meeting adjourn at 8:15 p.m. MOTION PUT AND PASSED UNANIMOUSLY.

Vi Carmichael
Municipal Clerk