

HALIFAX REGIONAL MUNICIPALITY

HALIFAX REGIONAL COUNCIL MINUTES April 14, 1998

PRESENT:

Mayor Walter Fitzgerald
Deputy Mayor Reg Rankin
Councillors: Bill Dooks
Gordon R. Snow
David Hendsbee
Ron Cooper
Harry McInroy
Jack Greenough
Condo Sarto
Bruce Hetherington
Clint Schofield
John Cunningham
Jerry Blumenthal
Graham L. Downey
Larry Uteck
Howard Epstein
Russell Walker
Bill Stone
Ron Hanson
Stephen Adams
Bob Harvey
Barry Barnet
Peter Kelly
Jack Mitchell

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.

2. **PROCLAMATIONS**

2.1 **1998 Volunteer Week**

Mayor Fitzgerald proclaimed the week of April 19 - 25, 1998 as Volunteer Week.

2.2 **National Pesticide-Free Week**

Council agreed to add the above Proclamation to the agenda. Mayor Fitzgerald welcomed Ms. Rachel deConde, student, Sacred Heart School of Halifax, and Ms. Linda Davis, teacher, Sacred Heart School of Halifax, to the meeting.

Ms. deConde made a brief presentation to Council, extending an invitation to a public meeting and panel discussion regarding human health and urban pesticides to be held on Thursday, April 23, 7:30 p.m., Room 105, Weldon Law Building, Dalhousie University. Ms. deConde noted there will also be a public lecture by Elizabeth May, Executive Director, The Sierra Club of Canada, on April 28, at the same location.

Mayor Fitzgerald proclaimed the week of April 19 - 25, 1998 as National Pesticide-Free Week.

3. **APPROVAL OF MINUTES - March 31, 1998**

MOVED by Councillors Blumenthal and Hetherington that the minutes of March 31, 1998 be approved, as circulated. MOTION PUT AND PASSED UNANIMOUSLY.

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

The following items were requested to be added to the agenda:

- 13.1 Councillor Schofield - Procurement Policy and Local Preferences
- 13.2 Councillor Schofield - Voice Mail
- 13.3 Operating and Capital Budget Process Discussions

Councillor Hetherington requested that Item 11.1 Petitions be moved up to follow the Public Hearings.

MOVED by Councillors Schofield and Hanson that the Order of Business be approved, as amended. MOTION PUT AND PASSED UNANIMOUSLY.

5. BUSINESS ARISING OUT OF THE MINUTES - None

6. PUBLIC HEARINGS

6.1 Case 7625 - 5945 Spring Garden Road: Internal Conversion from a Duplex

- A report from Mr. Robert Daley, Chairman, Peninsula Planning Advisory Committee, dated March 10, 1998, and a staff report prepared for the Peninsula Planning Advisory Committee dated February 27, 1998, regarding the above, were before Council for consideration.
- Correspondence from Mr. Blair Beed, 6467 Summit Street, in support of the proposal, was before Council for consideration.

With the use of overheads, Ms. Shelley Dickey, Planner, presented the staff report. Ms. Dickey stated staff is recommending approval of the development agreement as it meets the requirements of Policy 6.8 as follows:

- 1) The existing building is not being altered in any way which diminishes its heritage value. There are no major alterations, and those that are required are only structural additions to the rear, such as the fire escape and ramp, to meet building code requirements. The remaining changes, such as painting, will improve the heritage value of this building.
- 2) This development will maintain the integrity of the registered heritage property. The changes to building and site do not reduce the integrity of this property in relation to its surrounding area, which has been diminished with surrounding redevelopment.
- 3) Any adjacent uses are not unduly disrupted due to traffic generation, noise, parking requirements, or other land use impacts required as part of this development.

Mayor Fitzgerald called for speakers from the public either in favour or against the proposal.

Mr. Jim Wilson, Applicant

Mr. Wilson spoke in favour of the proposal, stating the development proposal will bring a beautiful old building back to good condition. Mr. Wilson asked for Council's support in approving this proposal.

Mr. Blair Beed, Resident, 6467 Summit Street

Mr. Beed spoke in support of the proposal, stating he believes it reflects the intention of the establishment of Heritage Policies 6.8 and 6.1. Mr. Beed submitted correspondence reflecting his comments.

Mayor Fitzgerald called three times for any additional speakers. No one came forward.

MOVED by Councillors Hetherington and Greenough that the Public Hearing be closed. MOTION PUT AND PASSED UNANIMOUSLY.

MOVED by Councillors Downey and Sarto that the development agreement attached as Appendix A to the staff report dated February 27, 1998, to permit the internal conversion of 5945 Spring Garden Road from a duplex to an office use be approved. MOTION PUT AND PASSED UNANIMOUSLY.

6.2 Second Reading By-Law B-201 Respecting the Building Code

- A staff report prepared for Dan English, Deputy Chief Administrative Officer, regarding the above was before Council for consideration. It was noted that only Recommendations 1 and 2 of the staff report were being recommended for approval at this time. The recommendation respecting fees will be brought back to Council at a future date.
- Correspondence from Mr. Darrell Dixon, Vice President, Canadian Home Builders' Association of Central Nova, expressing support of the proposed by-law, was before Council for consideration.

Mr. Mike Hanusiak, General Manager, Development Services, and Mr. Ed Thornhill, Regional Coordinator, Inspections/Enforcement, presented the proposed By-Law to Council. Mr. Hanusiak reviewed the staff report with Council, highlighting the main issues.

In response to a question from Councillor Hetherington regarding undersized lots, Mr. Hanusiak stated this issue is not part of the building by-law. He noted in the former City of Dartmouth, a lot of the traditional land use regulations are not found in the Land Use By-Law, and are found in the Subdivision By-Law or another Ordinance. That being the case, minor variances cannot be done as the other municipalities have become accustomed to doing. Mr. Hanusiak stated there is a plan to review the MPS and LUB for the former City of Dartmouth. With respect to Councillor Hetherington's concerns, Mr. Hanusiak suggested he could examine the situation in the context of how

it has been interpreted in the other municipalities, and provide correspondence to the Councillor.

Councillor Barnet inquired about fencing and fence plans and the cost that could be incurred by the homeowner due to the requirement to provide construction details. Mr. Hanusiak stated large fence companies will have a stock plan available which has been previously approved and used in other applications. The reason for the engineer or architect approval of the fence design is to keep the liability where it should be, which is with the private property owner.

Responding to a question from Councillor Barnet relating to a resident wishing to build an extension to an existing fence, Mr. Hanusiak stated there would be some leeway with respect to mirror images of existing fences for the purpose of extension. He stated the main concern is with new fences.

In response to a question from Councillor Barnet regarding commercial fences, Mr. Thornhill noted there are not many problems regarding commercial fences, and most complaints are regarding residential fences.

Councillor Barnet inquired about fences that are less than six feet high and installed using super spikes, noting the by-law will not address this problem. Mr. Hanusiak stated a lot of research regarding design specifications for smaller fences has not been completed and disallowing the super spike would create problems with the manufacturers. He suggested this issue could be examined in the future.

Councillor Schofield stated he believes the fence regulations should be lowered to four feet. In response to a question from the Councillor regarding occupancy permits, Mr. Hanusiak stated any building that existed prior to 1987, will not require an occupancy permit, as a fifty year old building cannot meet the current building code.

Councillor Greenough expressed concerns with this by-law not including lot grading and related inspections. Mr. Hanusiak indicated lot grading is currently handled under lot grading by-laws, and there is a very good model that came from the former County of Halifax. Councillor Greenough raised a particular drainage issue on Avenue du Portage in Dartmouth. Mr. Hanusiak stated he was not familiar with this matter and agreed to look into the specifics of it.

Councillor Blumenthal expressed concern with some rooming houses having occupancy permits that should not have them, and stated he hopes this will be addressed in the future.

In response to a question from Councillor Kelly, Mr. Thornhill stated the fee can be paid at any time. Inspections will be done, however, an occupancy permit will not be issued until the fee is paid. Mr. Hanusiak stated if residents move into a house without an occupancy permit, they will be prosecuted. Mr. Thornhill added this is covered under the Provincial Building Code Regulations, and he agreed to provide the Councillor with the relevant Section.

In response to a question from Councillor Stone regarding the height restriction for fences, Mr. Thornhill stated the 6.5 feet came from the Provincial fencing regulations prior to November 1997.

Responding to a question from Councillor Hendsbee, Mr. Hanusiak stated the occupancy permit will be issued if there are minor, non-life-threatening deficiencies. An occupancy permit will not be issued where there are significant defects in the work or life-threatening issues at play. Responding to another question from the Councillor, Mr. Thornhill stated the requirement for an engineer design for accessory buildings is in the National Building Code, and, the fire suppression regulations are in the Provincial Building Code. Therefore, HRM has no control over changes to these regulations.

Councillor Dooks expressed concern with how this by-law will affect the farming community and the costs that will be incurred. He referenced a particular case regarding a resident from the Musquodoboit Valley wanting to construct a pole barn. The Councillor noted the Municipality's inspectors do not have experience in inspecting these types of projects. The Councillor suggested there should be some type of disclaimer to free the Municipality from any legal obligation to the building for the farming communities, and allow the builder and the financial institution to look after it. In response, Mr. Hanusiak stated the Municipality has an impressive level of expertise in the building inspection group. He suggested that, rather than hold up this by-law for that particular aspect, this matter should be addressed separately having dialogue with the Province. Councillor Dooks asked if the Municipality could provide a document to the Musquodoboit Valley applicant that would provide a disclaimer. Mr. Hanusiak stated he would like the opportunity to consult with the Municipal Solicitor and then provide an answer to the Councillor.

Councillor Sarto inquired if there was any way to control the use of creosote timber in the construction of retention walls. Mr. Hanusiak replied he would like to pose this question to the Department of Environment as it has guidelines on the use of creosote.

Mayor Fitzgerald called three times for speakers from the public either in favour or against the By-law. No one came forward.

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

MOVED by Councillors Hetherington and Greenough that By-Law B-201 Respecting the Building Code be given Second Reading and the existing Building By-laws as set forth in Appendix B of the staff report dated March 24, 1998, be repealed. **MOTION PUT AND PASSED.**

MOVED by Councillors Stone and Blumenthal that By-Law B-201 Respecting the Building Code be given Third Reading. **MOTION PUT AND PASSED.**

It was reiterated that the fee structure will come back to Council at a later date.

7. MOTIONS OF RECONSIDERATION - None

8. MOTIONS OF RESCISSION - None

9. CONSIDERATION OF DEFERRED BUSINESS - None

11. CORRESPONDENCE, PETITIONS

11.1 Petitions

11.1.1 Councillor Hetherington - Old Birch Road - Resident and Dog

Councillor Hetherington submitted a petition from residents of Old Birch Road expressing concerns with a resident and his dog.

11.1.2 Councillor Blumenthal - Request for Hedge - Between Prescott St. and Robie St. Extension

Councillor Blumenthal submitted a petition from residents requesting a hedge be planted between Prescott Street and the Robie Street Extension to protect the residents from noise and to provide safety for the children.

11.1.3 Councillor Walker - Request to Pave Adelaide Ave.

Councillor Walker submitted a petition from residents requesting the paving of Adelaide Avenue from Birch Street to Willet Street in 1998.

11.1.4 Councillor Greenough - Drainage Problem - Ave. du Portage

Councillor Greenough submitted a petition from residents of Avenue du Portage regarding drainage problems in some backyards on this street.

10. REPORTS

10.1 MEMBER OF COUNCIL

10.1.1 COUNCILLOR UTECK - ORDINANCE 166 OUTDOOR SIGNS

Councillor Uteck noted there are some inconsistencies in the Land Use By-Law regarding zoning permits for signs, definitions and enforcement. He requested a staff report to bring some context and perspective to this issue. Councillor Stone stated currently there is no by-law for HRM respecting mobile signs, and staff is currently working on this.

Councillor Schofield stated he has received calls from Dartmouth residents stating Inspectors have requested signs be removed as they are closer than 25 feet to the curb. The Councillor referenced a particular case in Dartmouth which he agreed to discuss further with the Municipal Solicitor at a later time.

Councillor Kelly noted District 21 has a strong sign by-law and stated he hopes the intent to strengthen or weaken the restrictions will be done by District.

Council agreed to the request for a staff report.

10.2 COMMITTEE OF THE WHOLE

10.2.1 Councillor Adams - Titanic and Tourism

In reviewing the Committee of the Whole recommendation, Councillor Adams noted the phrase "parking central" should read "parking control." The Councillor stated the purpose of the recommendation is to preserve the history of the grave sites and the Titanic, and not to gain profit or charge admission.

Councillor Blumenthal stressed the importance of protecting the integrity of the cemetery. He also expressed concern for the safety of children on Chisholm Avenue.

Councillor Sarto inquired if there is any opportunity to obtain funding for infrastructure costs from other sources. Mayor Fitzgerald reviewed a press release issued today by the Province of Nova Scotia which indicates that the federal and provincial governments are dedicating \$500,000 to the project over the next two years, and an additional \$100,000 will come from the joint initiatives with the Halifax Regional

Municipality. The Province and the Municipality have been working together since February. A committee has been developing a plan to provide an orderly and timely response to the increased number of visitors interested in the Titanic. The cost of the project is \$600,000 of which \$500,000 will be coming from the Canada/Nova Scotia agreement and \$100,000 will come from HRM and private ownership. The cost of product development is \$439,000 and the cost of the major Titanic exhibit at the museum is about \$100,000, the cost of preservation of the Halifax Titanic sites, including the Fairview cemetery, is \$100,000.

MOVED by Councillors Adams and Epstein, as recommended by Committee of the Whole, that Tourism be requested to coordinate the following with the appropriate HRM departments:

- 1) To acquire cost estimates and sources of funding for the upgrade of:**
 - **Grave sites**
 - **Landscaping**
 - **Chipseal of Chisholm ave.**
 - **Sidewalk renewal**
 - **Entrance/walkway upgrades**
 - **Parking control**

- 2) The publishing of an updated booklet on the graveyard history of the Titanic, with information on how to participate in ongoing maintenance and graveyard etiquette. If possible, the booklet could include an address, web site, and phone number.**

- 3) Mayor Fitzgerald to contact Royal Trust to manage and expand the trust grant for the Titanic. All monies are to go to the trust and not for ongoing expenses.**

The long term goal could be to commemorate the 1308 citizens who have no grave, who were buried at sea or who were never recovered/identified. The funds could also be used to upgrade the other two Titanic grave sites.

- 4) Mayor Fitzgerald to contact CN for permission for bus turning.**

MOTION PUT AND PASSED UNANIMOUSLY.

10.2.2 Crossing Guard Contract - (supplementary report) (deferred from Mar. 24/98)

- Correspondence from R. O. Dauphinee, Eagle Security Limited; Roger Miller, Pinkerton Security and Investigation Services; and, David Hartshorn. regarding the above was before Council for consideration.

MOVED BY Councillors Schofield and Cunningham, as recommended by Committee of the Whole, that the status quo be maintained for one year. Also, that the matter be referred to staff for a report to review the terms of the existing contract to attempt to provide an increase in pay as per the recommendation contained in the Eagle Security report.

Councillor Blumenthal spoke against the motion, expressing concern with respect to safety for the children.

Councillor Barnet inquired if the motion precludes staff from renegotiating the contract in August of this year. Mr. Anstey, Municipal Solicitor, stated his recollection from the Committee of the Whole debate indicates there would be a second contract year beginning in August. Deputy Chief MacKinnon stated his recollection of the contract is that the review shall be done at budget time; therefore, if it were to be renewed, it would be done during the current budget year and run until the end of the next fiscal year. However, there are provisions in the contract itself for termination of service with due cause and notice before that time. Mr. Meech added if the contract were extended, in the meantime, staff can provide advice as to changes with respect to wages.

Councillor Barnet stated he will not support the motion as he believes the contract was breached.

Councillor Walker spoke against the motion, stating he received more complaints this week. The Councillor suggested the contract should be re-tendered. Councillor Walker stated he did not believe there is enough scrutiny of replacement guards and expressed concern with security.

Councillor Adams spoke against the motion, stating the service is too large to be handled by one company. He agreed with Councillor Walker that the contract should be re-tendered.

Councillor Hetherington spoke in support of the motion, however, he expressed concern with crossing guards located near junior high schools being required to work during elementary in-service days. The Councillor stated he did not believe crossing guards are required for junior high schools. Mr. Meech stated when the staff report regarding crossing guard wages comes back to Council, it will also address this matter. Councillor Hetherington suggested the junior high school crossing guards should be

contacted regarding this as well. Mr. Meech suggested Council should hear from Inspector Murphy, Police Services, before making any decision on this issue.

Councillor Stone stated he believes crossing guards should be provided at junior high schools as the students have become accustomed to the service. The Councillor suggested the school principals should be contacted regarding this matter as well. With respect to replacement guards, Councillor Stone stated this should be the responsibility of the supervisors and not the crossing guards. He also suggested there should be a regular on-going evaluation of the crossing guard service throughout the year from the teachers or principals of the schools.

Councillor Hendsbee spoke in support of the motion, but suggested the crossing guard service should be the responsibility of the School Board. The Councillor also suggested the employer should provide uniforms with the employee paying a deposit.

Councillor Hanson spoke in support of the motion, stating the problems brought forward have been solved to his satisfaction.

Councillor Greenough spoke in support of the motion, stating most of the growing pains have been dealt with, and the onus is on Eagle Security to correct the remaining problems.

MOTION PUT AND PASSED.

10.2.3 Review of Municipal Planning Strategy for Dartmouth (deferred from Mar. 24/98)

MOVED by Councillors Hetherington and Schofield, as recommended by Committee of the Whole, that Council:

- 1. Authorize staff to proceed with a review of the Municipal Planning Strategy and Land Use By-law for Dartmouth as outlined in the terms of reference attached to the staff report. Where appropriate, the review will include the municipal planning strategies and land use by-laws for the adjacent Harbour East communities; and**
- 2. Adopt an overall public participation program which requires that a minimum of two public meetings be held on each issue area addressed in the plan review. A more detailed public participation program shall be prepared for each aspect of the review process;**

Further, that if the overall process extends longer than anticipated, then the request by Walford to Amend the Municipal Planning Strategy for Cole Harbour/Westphal to Allow an Automotive Repair Use in the General Business Zone and the request by William Casavechia to Amend the Municipal Planning Strategy for Cole Harbour/Westphal will be dealt with separately. MOTION PUT AND PASSED UNANIMOUSLY.

10.2.4 Request by William Casavechia to Amend the Municipal Planning Strategy for Cole Harbour/Westphal

MOVED by Councillors Hetherington and Schofield, as recommended by Committee of the Whole, that this request be received and filed. MOTION PUT AND PASSED UNANIMOUSLY.

10.2.5 Request to Amend the Municipal Planning Strategy for Cole Harbour/Westphal to Allow an Automotive Repair Use in the General Business Zone

MOVED by Councillors Hetherington and Schofield, as recommended by Committee of the Whole, that this request be received and filed. MOTION PUT AND PASSED UNANIMOUSLY.

10.2.6 Regional Development Agency - 1998/99 Business Plan - Jo Ann Fewer, General Manager

MOVED by Councillors Hendsbee and Snow, as recommended by Committee of the Whole, that staff be requested to prepare a report regarding the expansion of the RDA to the urban area, to be implemented in April 1999, and that the report is to include staff and costs required. MOTION PUT AND PASSED UNANIMOUSLY.

10.2.7 Halifax Regional Water Commission - Annual Report - Mr. John Dick, Chair

MOVED by Councillors Hetherington and Sarto, as recommended by Committee of the Whole, that the March 31, 1997 Annual Report of the Halifax Regional Water Commission be accepted. MOTION PUT AND PASSED.

10.2.8 Metro Lobby Group of Nova Scotia - Sector Based Administration of Housing Co-ops - Carol Jollimore

- The recommendation from Committee of the Whole was that a resolution be passed urging the Provincial government to commit to the transfer of Co-op Housing to the Nova Scotia Co-operative Housing Federation when it is formed.

Mr. Meech stated it was suggested at the Committee of the Whole meeting that if staff had some advice on this issue, it would be provided to Council before a decision was made. Ms. Barb Nehley, Principal, Priority and Policy, provided a brief verbal report, noting staff has some concerns and would like the opportunity to gather some information from CMHC and from the Province as to their concerns and views with respect to the third sector administration policy. Ms. Nehley suggested that this matter be deferred until this information is obtained.

Councillor Schofield corrected a statement he made at the Committee of the Whole meeting, noting, in fact, the co-op housing package has been passed on to the Province, but the Province will not be changing any agreements. The co-op will still have complete control of its destiny. The Councillor suggested this matter should be referred to the housing committee formed by Council for a report.

MOVED by Councillors Schofield and Hetherington that this matter be referred to the HRM Housing for Tomorrow Work Group for a report. MOTION PUT AND PASSED UNANIMOUSLY.

10.2.9 Ratification - In Camera Item - Lease Burnside Park

MOVED by Councillors Schofield and Greenough that the motion adopted In Camera be ratified. MOTION PUT AND PASSED UNANIMOUSLY.

10.2.10 Ratification - In Camera Item - Land Matter - Musquodoboit Harbour Building Surplus

MOVED by Councillors Dooks and Hendsbee that the motion adopted In Camera be ratified. MOTION PUT AND PASSED UNANIMOUSLY.

10.2.11 Ratification - In Camera Item - Land Matter - Middle Musquodoboit Building Surplus

MOVED by Councillors Dooks and Hendsbee that the motion adopted In Camera be ratified. MOTION PUT AND PASSED UNANIMOUSLY.

10.2.12 Ratification - In Camera Item - Land Matter - Withrod Drive

MOVED by Councillors Hanson and Stone that the motion adopted In Camera be ratified. **MOTION PUT AND PASSED UNANIMOUSLY.**

10.2.13 Ratification - In Camera Item - Land Matter - Civic Nos. 213-217 Bedford Highway - Metro Food Bank

MOVED by Councillor Greenough and Deputy Mayor Rankin that the motion adopted In Camera be ratified.

Deputy Mayor Rankin spoke in support of the motion, stating it represents the achievement of the objectives. The Deputy Mayor noted the recommendation consists of three parts, one being the requirement to hold a public hearing to sell for less than the appraised value of \$290,000.

In response to a question from Councillor Stone regarding tractor trailers, Mr. Simpson McLeod, Manager, Building Transition Program, stated this matter has been raised with the Metro Food Bank. Currently, they only receive deliveries by tractor trailers three or four times per year. The Metro Food Bank has examined the situation and believes the tractor trailer can be parallel parked for unloading purposes. Since this is an infrequent occurrence, this does not appear to be a problem. Councillor Stone asked if it could be suggested that tractor trailers be used during non-peak hours. Mr. McLeod replied this could be addressed in the lease to purchase agreement. He noted the tractor trailers are only used when receiving deliveries from national distributors, and are not used for regular Metro Food Bank deliveries.

Although he supports the Metro Food Bank, Councillor Adams expressed concern with the timing of public hearing, noting it should have been held before the Metro Food Bank moved into the building.

MOTION PUT AND PASSED UNANIMOUSLY.

The date of the Public Hearing will be May 12, 1998.

RECESS

A ten minute recess was taken at 8:20 p.m. The meeting reconvened at 8:30 p.m.

The following items were forwarded to Council from Committee of the Whole without recommendation.

10.2.14 HRM Corporate Greenhouse Gas Emissions

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

Councillor Stone spoke in support of the staff recommendation, expressing thanks to Chris Feetham, Energy Auditor, for his work in this matter. Councillor Epstein thanked Councillor Stone for taking the initiative, as Council's representative at FCM last year, to encourage Council to join the FCM 20% Club program.

MOVED by Councillors Stone and Epstein that Council:

1. **Accept the staff reported “Greenhouse Gas Emissions Inventory: 1990 and 1996-97: HRM Corporate Operations,” dated January 1998, and authorize that it be forwarded to FCM, in partial fulfilment of Milestone 1 of the FCM 20% Club program.**
2. **Endorse the Guidelines of Part Two of this report as a basis on which staff can prepare plans for reducing HRM’s corporate emissions of greenhouse gases, such plans to be brought back to Council for review and approval. MOTION PUT AND PASSED UNANIMOUSLY.**

10.2.15 Case 7437: MPS and LUB Amendments for the Brunswick Comprehensive Development District (Polling District 12)

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

MOVED by Councillors Downey and Blumenthal that Council approve the recommendation of staff as contained in the report of 10 February 1998 with the addition of Policy 9.7.2 - G (iv) as follows:

“All possible measures shall be taken to mitigate any negative stormwater drainage impacts of any new development or significant additions to any existing development, on existing dwellings in the district.”

It is further recommended that Regional Council not make any changes to the policy recommended by staff in the report of 10 February 1998, with respect to reducing the district height limit from 40 to 35 feet, and requiring that all proposals provide a shadow impact study.

In response to a question from Councillor Epstein, Ms. Shelley Dickey, Planner, stated the 40 feet height limit for new buildings would be from the lowest point surrounding the building. The implication is that no point of the building can be any higher than 40 feet from the natural grade. Councillor Epstein noted the existing buildings on Brunswick Street are lower than 40 feet, and this would create the potential for new buildings to be 5 or 10 feet higher than the existing buildings. Ms. Dickey stated, in terms of Brunswick Street, the proposal is that buildings built between 2146 Brunswick Street and Cornwallis Street be of similar height, which would be about 35 feet. On the remainder of Brunswick Street, the height limit would be 40 feet.

Councillor Epstein inquired what affect this proposal will have with respect to views of St. George's Church. Ms. Dickey stated staff has attempted, through height and set back limits, not to further affect the existing views of the church.

In response to a question from Councillor Uteck, Ms. Dickey noted there is also a provision to maintain a small portion of the site at the corner to preserve a portion of the views from St. George's Church.

MOTION PUT AND PASSED UNANIMOUSLY.

10.2.16 Award of Tender #98-015 - Fleet - Access-A-Bus

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

MOVED by Councillors Sarto and Hetherington that:

- 1. Council award Tender 98-015 to the low bidder Girardin Inc., to supply HRM with buses to be used in the Access-A-Bus service. The bid from Girardin Inc., has a total cost of \$567,296 plus taxes over the term of the agreement. The tender is for a two-year agreement to purchase up to eight small buses equipped with wheel chair lifts.**
- 2. Council provide early approval of the portion of the 1998/99 Capital Budget for funds totalling \$400,000 identified for the replacement of Access-A-Bus vehicles.**

Councillor Barnet inquired what is the total number of buses in the Access-A-Bus fleet. Mr. Brian Smith, Director, Business Operations, replied his recollection is there are fifteen buses in the fleet. He noted two budget years are being combined in this recommendation. Councillor Barnet asked if there will be cost sharing with the Province in this purchase, to which Mr. Smith responded in the negative, noting cost sharing opportunities through the Urban Transportation Assistance Program are lost in years when a Capital Infrastructure Works Program is held.

In response to a question from Councillor Barnet inquiring about the impact of only purchasing the buses funded in last year's Capital Budget, Mr. Smith stated there is an opportunity to save money and time by taking advantage of the Year 1 price.

Councillor Barnet suggested it would be more responsible to spread the bus purchases out rather than replacing half of the fleet at one time. The Councillor also expressed

concern with Council approving a Capital Budget item outside of the Capital Budget process.

Councillor Sarto spoke in support of the motion, noting the savings achieved by purchasing all the buses at once is about \$13,000.

MOTION PUT AND PASSED.

10.2.17 Tender 98-040 - Supply of Non-Coning Traffic Paint

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

MOVED by Councillors Mitchell and Blumenthal that Council authorize the award of Tender 98-040 to the only bidder meeting specifications, Laurentide Atlantic Limited at a cost of \$98,039.00 plus 15% HST for a total cost of \$112,744.85.

Councillor Walker inquired if the specifications were the same as last year. Staff confirmed the specifications were the same. Councillor Walker stated he hopes the paint holds up better than it did last year.

MOTION PUT AND PASSED UNANIMOUSLY.

10.2.18 Award of Tender 98-225, Traffic Signals - Lakeside Park Drive at Highway No. 3

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

MOVED by Deputy Mayor Rankin and Councillor Mitchell that Council award Tender 98-225, Traffic Signals, Lakeside Park Drive to Highway No. 3 to Seahawk Contracting Limited for materials and services specified at the unit prices quoted for a Total Tender Price of \$110,102.73 and a Total Project Cost of \$126,618.00 with funding from the Capital Account Number noted in the Budget Implications section of the staff report. MOTION PUT AND PASSED UNANIMOUSLY.

10.2.19 Award of Tender No. 98-210, Beaver Crescent Forcemain Renewal

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

MOVED by Councillors Mitchell and McInroy that Council award Tender No. 98-210, Beaver Crescent Forcemain Renewal to Sackville Trenching (1995) Limited for materials and services specified at the unit prices quoted for a Total Tender Price of \$90,620.00 and a Total Project Cost of \$104,213.00 with funding from the Capital Account Number noted in the Budget Implications section of the staff report. **MOTION PUT AND PASSED UNANIMOUSLY.**

10.2.20 Award of Contracts for the Integrated Financial Management Project

- A staff report prepared for George McLellan, Acting Chief Administrative Officer, regarding the above, was before Council for consideration.
- A review of the Budgetary Implications of the Project was circulated to Council for consideration.

MOVED by Councillor Kelly and Deputy Mayor Rankin that:

1. **Regional Council enter into an agreement with the Province of Nova Scotia to acquire software licenses from SAP Canada Inc. (SAP) on behalf of HRM. The cost of the software to HRM will range between \$2,454,612 and \$2,711,064, plus applicable taxes, depending on how many licenses the Province purchases for its own use. The stipulated price will be payable not before April 1, 1999; and,**
2. **Regional Council enter into an agreement with DMR Consulting Group Inc. (DMR) for the provision of systems integration and change management services in connection with the implementation of this system. This will take the form of a time-and-materials arrangement for professional consulting services, with a total budgeted cost of \$3,403,200 plus travel and living expenses and applicable taxes, over the full duration of the Project.**

Mr. Kevin Leydon, Manager of the IFMP, reviewed the Budgetary Implications of the Project, which was circulated to Council.

In response to questions from Councillor Kelly, Mr. Meech stated one of the assumptions is that a contribution of \$3 million will be obtained from the Province, which will be an allocation of the \$15 million negotiated by Mayor Fitzgerald, and could be in the second year of the transfer from the Province.

Councillor Kelly inquired why HRM would contract with SAP directly. Mr. Leydon replied the agreement with the Province is for software only, and consulting services are separate. Mr. Leydon stated the best estimate of the total costs at this point is \$10.5 million including all SAP resources and anything else that might be required. This figure includes about a 10 percent contingency.

Responding to a question from Councillor Kelly regarding the time line, Mr. Leydon stated the time line is two years for the total project, with the first phase being completed in April 1999, and the system being fully operational by April 1, 2000.

Deputy Mayor Rankin noted the reports regarding this matter have been reviewed by the Audit Committee and have been previously before Council. The Deputy Mayor noted the only difference in the cost amount before Council now is the assumption of \$3 million from the Province.

Councillor Cooper inquired about the third party taxation system. Mr. Leydon replied this is the property tax system and it is not yet known if property taxes will be done with SAP or a separate linking software product. This is currently being examined by staff and a decision is expected in about a month. Mr. Leydon stated this can be brought back to Council at that time.

Councillor Greenough spoke in support of the recommendation, noting the Audit Committee endorses the proposal.

Councillor Hendsbee stated he hopes the project will dovetail with the findings of the activity based costing and program service review. The Councillor stressed the importance of a linkage of this system with the property tax system. Mr. Leydon stated the new system will support activity based costings and program service review.

In response to a question from Councillor Stone asking if the present equipment will run the new software, Mr. Leydon stated about \$500,000 of new equipment will be required.

MOTION PUT AND PASSED UNANIMOUSLY.

10.2.21 Street Lights

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

Councillor Hendsbee stated he wants to ensure that flexibility is provided in the street light policy, and that the Councillor and residents will be consulted as to the locations of street lights on private roads.

MOVED by Councillors Hetherington and Greenough that the funding of any lights on private roads be considered as part of the review process of the 1998-99 Operating Budget. MOTION PUT AND PASSED UNANIMOUSLY.

10.2.22 Amendments to the City of Halifax Superannuation Plan

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

MOVED by Councillors Sarto and Uteck that the City of Halifax Superannuation Plan as adopted by the Coordinator of the Halifax Regional Municipality on March 29, 1996, be amended, as per the amendments presented under the Background section of the staff report dated March 13, 1998. MOTION PUT AND PASSED UNANIMOUSLY.

10.2.23 Bank Account Sheet Harbour Credit Union

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

MOVED by Councillors Hendsbee and Cunningham that staff be authorized to open a deposit bank account at Sheet Harbour Credit Union with signing officers to be, the Mayor, Deputy Mayor, Director of Finance and Manager, Treasury.

In response to a question from Councillor Walker, Mr. Derek Tynski, Team Leader, Cash Management, stated the cost to open the account is approximately \$25 with a charge of \$.50 for each transaction by the Credit Union and a \$2.00 charge by the Royal Bank to electronically transfer the funds to the HRM bank account. On a yearly basis, the cost would be approximately \$50.00.

MOTION PUT AND PASSED UNANIMOUSLY.

10.2.24 Signing Authorities for Area Rated Services and Area Services

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

MOVED by Councillor Mitchell and Deputy Mayor Rankin that Council approve the signing authorities for area rated services and area services as outlined in Appendix A of the staff report.

Councillor Hendsbee expressed concerns with regards to signing authorities for area rated services, in particular with the East Preston Recreation Centre. He stated the Councillor should be responsible to ensure these monies are being used frugally and responsibly. He suggested an amendment should be made to the motion.

MOVED by Councillor Hendsbee and Hetherington that the motion be amended for the Councillor of the area to be consulted and advised and that his consent be required for any expenditures of the East Preston Recreation Centre over and above electricity and fuel oil.

Councillor Harvey suggested Council should be consistent with area rates that go to any recreation associations and they should be handled in the same way. He expressed concern with one organization being singled out.

Councillor Barnet stated concerns with budgets should be addressed during budget deliberations.

Councillor Stone stated he would prefer the signing authority to be a staff person who would check with the District Councillor before any cheque was handed over. Mr. Meech stated the purpose of the signing authority is to ensure staff has a clear set of procedures as to who has the authority to authorize expenditures.

Councillor Hendsbee stated he wants to ensure the community is kept advised of how these funds are being spent and that they are legitimately scrutinized.

The vote was taken on the amendment.

MOTION PUT AND PASSED.

Mr. Meech stated, ultimately, it is Council, as a collective body, that is responsible and accountable, and not the individual Councillor. Staff still has the responsibility to ensure these monies are being expended for the appropriate purposes. He suggested a better way to deal with the control issue is with a proper flow of information.

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

MOVED by Councillor Mitchell and Deputy Mayor Rankin that Council approve the signing authorities for area rated services and area services as outlined in Appendix A of the staff report. Further, that the Councillor of the area be consulted and advised, and that his consent be required, for any expenditures of the East Preston Recreation Centre, over and above electricity and fuel oil.
MOTION PUT AND PASSED.

10.2.25 Investment Policy

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

MOVED by Councillor Blumenthal and Deputy Mayor Rankin that:

- 1. An Investment Policy Advisory Committee be formed to recommend to Council an investment policy for the Halifax Regional Municipality and provide ongoing monitoring of investment activities.**
- 2. That this Committee be comprised for one representative from the Business Community, one from the Academic Community, one member at large, one member of Council and one member of staff.**

In response to questions from Councillor Cooper, Mr. Tynski stated RT Capital reduced the minimum of 70% government guaranteed issues to 50%, and this can be reduced further. The rating on the commercial and chartered bank instruments comes from the Dominion Bond Rating Service. Mr. Tynski stated he expects investment guidelines will be established as well as limitations on the amounts of investment with any one issuer, as well as an approved list of institutions from which funds could be borrowed.

Councillor Greenough spoke in support of the recommendation, noting the former City of Dartmouth had a similar committee which worked very well.

In response to a question from Councillor Hendsbee, Mr. Reg Ridgley, Manager, Treasury, stated the Municipal Finance Corporation is charged with the responsibility of issuing all debt for all municipalities. Councillor Hendsbee suggested the subject of municipal bonds is something that should be raised with the Province in the future.

MOTION PUT AND PASSED UNANIMOUSLY.

Mayor Fitzgerald suggested that he meet with the Deputy Mayor and bring back a recommendation for appointments to the Investment Policy Advisory Committee. Council agreed to this suggestion.

10.2.26 Acquisition of 1300 St. Margaret's Bay Road, Lakeside

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

MOVED by Deputy Mayor Rankin and Councillor Mitchell that:

- 1. Halifax Regional Council approve the acquisition of 1300 St. Margaret's Bay Road, as shown on the sketch attached to the staff report, for**

\$300,000.00 as settlement in full, plus any additional taxes and adjustments that may be applicable from Livingston International.

- 2. Further that Halifax Regional Council approve funding in the amount of \$15,000, for the demolition of the vacant dwelling. MOTION PUT AND PASSED UNANIMOUSLY.**

10.2.27 Blasting By-Law B-300

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

Mr. Kulvinder Dhillon, Director, Engineering and Transportation Services, stated the proposed By-Law B-300 is before Council for discussion and direction before First Reading. The purpose of the by-law is to harmonize the blasting by-laws of the previous municipal units. The by-law will monitor the blasting in HRM and not control what can go on the site.

MOVED by Deputy Mayor Rankin and Councillor Uteck that Council give direction to staff on the proposed Blasting By-Law B-300 before the motion to introduce.

Councillor Kelly noted he raised several points with staff earlier in the day, and inquired if these points will be reviewed by staff and brought back to Council. Mr. Dhillon replied staff response to these points will be brought back at First Reading.

Councillor Hendsbee expressed concerns with preservation of water quality and quantity in subdivisions with drilled or dug wells. Mr. Dhillon stated damage to wells is very difficult to control and prove, and, further, it is a legal issue. He agreed this can be examined and brought back in the staff report.

Responding to a question from Councillor Hendsbee, Mr. Dhillon stated the By-Law will be HRM wide.

In response to a question from Councillor Dooks inquiring if an application is required for using a blasting method for digging graves, Mr. Dhillon replied in the affirmative, but noted exceptions can be made for emergency situations. With respect to waiving the fee for this type of situation, Mr. Hanusiak stated he believed something can be added to the By-Law before it is brought back to Council. Mr. Hanusiak stated there are some minor blasting activities for which Development Services would like to be able to provide over the counter permits. Staff will attempt to come up with some form of wording to allow this.

Councillor Walker suggested an amendment under the Nuisance section of the report. He suggested "special situations" be removed to ensure no blasting occurs on weekends or holidays. The Councillor also suggested that the 150 metres notification be changed to 350 metres. He also asked if pre-inspection of homes before blasting could be included.

In response to a question from Councillor Stone, Mr. Hanusiak stated one idea discussed with Engineering Services is to install a 1-800-BLAST phone number which will have a daily recording of the blasting activities approved by HRM.

Councillor Stone stated there needs to be some leeway provided to give the opportunity for a pre-blasting survey or the installation of a seismograph at homes located on rock ledges without the knowledge of the blasting company. Mr. Phil Francis, Policy and Planning Engineer, stated if there is a known area of possible fault lines, the Inspector will have the ability to declare that within the blasting area.

In response to a question from Councillor Stone regarding claims, Mr. Dhillon stated if there is a claim it will be an issue between the property owner and the blasting company.

Councillor Sarto inquired about the possibility of extending the notification range for blasting to 1000 feet. Mr. Dhillon replied this can be examined and brought back to Council.

Councillor Cooper inquired if consideration has been given for the blasters to provide a video pre-blast record. Mr. Dhillon replied the by-law does not specify how the record will be provided, but this can be examined and made a requirement.

Councillor Cooper suggested a possible requirement could be for the homeowner to sign off that they accept the pre-blast survey. With respect to wells, the Councillor asked if consideration has been given to requesting a pre and post water flow test. Mr. Dhillon replied his experience has been that it is very difficult to prove damage to the underground system, but he agreed to look at this.

Councillor Cooper asked if this by-law can be applied to provincial operations. Mr. Hanusiak replied this can be examined.

Councillor Snow noted blasting effects will travel further than a three mile radius.

Councillor Schofield expressed concerns with construction noise at the Sheraton Hotel during the night. Mr. Hanusiak stated the former City of Halifax has a noise by-law which regulates this and staff believes the Sheraton Hotel is not violating this by-law.

MOTION PUT AND PASSED UNANIMOUSLY.

10.2.28 Truck Route By-Law

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

Due to the lateness of the hour, Councillor Hetherington suggested this matter be referred to the next Committee of the Whole meeting, as he has numerous concerns to raise.

MOVED by Councillors Hetherington and Barnet that this matter be referred to the next Committee of the Whole meeting. MOTION PUT AND PASSED UNANIMOUSLY.

10.2.29 Dog By-Law D-100, Staff Report

- A staff report prepared for George McLellan, Acting Chief Administrative Officer, regarding the above, was before Council for consideration.
- Correspondence from Jill Gramlewicz, Lisa Farrell and Janice Walsh-Ward, regarding the above, was before Council for consideration.

MOVED by Deputy Mayor Rankin and Councillor Hendsbee that a Public Hearing be held on April 28, 1998, to consider Second Reading of By-Law D-100, the addition of the rules respecting leashing contained in the staff report. MOTION PUT AND PASSED UNANIMOUSLY.

10.2.30 Councillor Adams - Relocation of Super Mailboxes in HRM

- A memo from Councillor Adams requesting the above item be added to the agenda, was before Council for consideration.

Councillor Adams stated Canada Post has relocated several of the super mailboxes in Williamswood and Herring Cove from side street areas to main streets. The Councillor asked that a Canada Post be contacted to determine what policy is being followed and if the HRM Traffic Authority has been contacted. He further requested that a staff member from Regional Operations visit the area of Margaret Lorne Drive in Herring Cove to examine the lower part of the street to look at potholes and the possibility of installing a more permanent coating.

MOVED by Councillor Adams and Hetherington that this matter be referred to Regional Operations for a report.

Councillor Hendsbee concurred with Councillor Adams' concerns regarding the locations of super mailboxes and suggested HRM should consider implementing minimum standards with Canada Post with respect to these mailboxes.

Councillor Stone inquired if staff has been contacted when these mailboxes have been moved. Mr. Dhillon replied HRM approves the locations, but not the design of the boxes. He agreed to discuss the issues raised by Council with Canada Post. Councillor Stone suggested HRM should be encouraging Canada Post to return to door-to-door delivery due to the problems experienced with the super mailboxes.

Councillor Snow spoke in support of the super mailboxes.

MOTION PUT AND PASSED UNANIMOUSLY.

11. CORRESPONDENCE, PETITIONS

This item was dealt with earlier in the meeting.

12. MOTIONS

12.1 Councillor Adams

**Moved by Councillors Adams and Hetherington that First Reading be given to an amendment to By-Law T-100 to modify the composition of the Halifax Regional Taxi and Limousine Committee to eliminate the position of a UCDA member.
MOTION PUT AND PASSED UNANIMOUSLY.**

12.2 Councillor Schofield

MOVED by Councillors Schofield and Uteck that the Traffic Authority be requested to review the possibility of installing or placing a three-way stop sign at the intersection of Lancaster Drive and Sea King Drive in Dartmouth. MOTION PUT AND PASSED UNANIMOUSLY.

13. ADDED ITEMS

13.1 Councillor Schofield - Procurement Policy and Local Preferences

This item was not addressed and will be carried forward to the April 21, 1998 Committee of the Whole meeting.

13.2 Councillor Schofield - Voice Mail

This item was not addressed and will be carried forward to the April 21, 1998 Committee of the Whole meeting.

13.3 Operating and Capital Budget Process Discussions

This item was not addressed.

14. NOTICES OF MOTION - None

15. ADJOURNMENT

**MOVED by Councillors Dooks and Uteck that the meeting adjourn at 10:00 p.m.
MOTION PUT AND PASSED UNANIMOUSLY.**

Vi Carmichael
Municipal Clerk