

HALIFAX REGIONAL MUNICIPALITY

COMMITTEE OF THE WHOLE
(AFTERNOON SESSION)
MINUTES
APRIL 21, 1998

PRESENT: Mayor Walter Fitzgerald
Deputy Mayor Reginald 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
Barry Barnet
Robert Harvey
Peter Kelly
Jack Mitchell

STAFF: Mr. Ken Meech, Chief Administrative Officer
Mr. Wayne Anstey, Municipal Solicitor
Ms. Vi Carmichael, Municipal Clerk
Ms. Julia Horncastle, Assistant Municipal Clerk

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The meeting was called to order at 2:30 p.m.

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

Additions

Councillor Blumenthal requested item 2.2 be brought forward and discussed before item 2.1.

Deputy Mayor Rankin requested item #2, Information Items (evening session) Local Improvement Charges - Greenwood Heights/Maplewood Subdivision, be brought forward.

Deletions

The Municipal Clerk requested item 2.4 - Presentation, Traffic Safety Issues be deleted.

MOVED by Councillors Hetherington and Blumenthal that the Order of Business, as amended, be approved. MOTION PUT AND PASSED.

2. **PRESENTATIONS**

2.2 **Audible Traffic Signals**

Mr. Charlie MacDonald, Executive Director, Nova Scotia Disabled Persons Commission, addressed the Committee regarding traffic concerns by persons who are blind or visually impaired. Some of the noted concerns were:

- C the increase in the volume of traffic in recent years,
- C configurations of intersections,
- C ability to turn right on a red light,
- C significant increases in truck traffic that impact on a person's ability to hear clearly at an intersection,
- C the continued development of right turn lanes at intersections,
- C the requirement that traffic light systems vary the amount of time that a pedestrian has to cross a street coupled with significantly short crossing times on boulevards streets

Mr. MacDonald stated the inclusion of audible pedestrian crossing is very helpful to persons who are blind and visually impaired, noting a guide dog does not have the ability to read the traffic lights but will stop at an intersection, wait for the command of the owner, and enter the

street when it's considered to be safe.

In conclusion, Mr. MacDonald advised the CNIB is recommending that the Halifax Regional Municipality adopt a policy whereby:

- C all intersections in the future consider the needs of blind and visually impaired persons
- C engage in a process of retrofitting current traffic light intersections with audible signals and consider that any new intersections be fitted at the outset with audible traffic signals
- C he noted the cost is approximately \$500 per signal with four signals per intersection at a cost of approximately \$2,000 per lighted intersection

Joining in the presentation, Mr. Wayne Huskins, CNIB, stated they were proposing a long term strategy, the goal of which is to have audible traffic signals installed at all light controlled intersections in HRM, specifically:

- C an annual budget allocation for installing audible signals at any new installations,
- C adopt a policy that requires any new lights that are installed include audible traffic signals,
- C all the existing audible traffic signals be refurbished to bring them up to an acceptable standard,
- C all remaining traffic lights be upgraded to have audible traffic signals installed targeting 15 intersections over the next 13 years,
- C crossing times be lengthened at intersections where there are multi lanes of traffic or intersections where there are boulevards and islands,
- C the policy of turning off audible signals after 9:00 p.m. and on Sundays be immediately abolished,
- C a consultative process be established that involves visually impaired and blind members of the community to set up a working group to look at the entire issue, such as prioritizing which lights are going to be upgraded to audible signals etc.

Mayor Fitzgerald thanked both individuals for their presentation.

MOVED by Councillors Blumenthal and Schofield that it be recommended to Council that a staff report be prepared for the May 19, 1998 Committee of the Whole, regarding the issue of installation of audible pedestrian signals at intersections. MOTION PUT AND PASSED.

2.1 Nova Scotia Water Trail - Sue Brown

Ms. Sue Brown, Ecology Action Centre, addressed the Committee regarding the development

of a coastal water trail in Nova Scotia for recreational boats such as self propelled boats and small watercraft. She advised this is a two year planning project and is a partnership between the Ecology Action and three provincial government departments as well as private businesses. The goal is to develop the trail design and a management plan along the Atlantic coast between Yarmouth and Sydney in the next two years. Ms. Brown stated the trail would be phased in with phase one being the planning and phase two being the development of the trail. The objectives are conservation, environmental awareness, ecotourism, recreational development and community economic development.

Ms. Brown suggested HRM embark on a small pilot project to develop a small portion of the coast as part of the planning phase so there is a prototype including costs that can be used when developing the rest of the trail. In closing, Ms. Brown suggested an exchange of services with the HRM Open Space Plan so that an in kind contribution can be provided between projects.

Mayor Fitzgerald thanked Ms. Brown for her presentation.

MOVED by Councillors Greenough and Schofield that it be recommended to Council that a staff report be requested for the May 19, 1998 Committee of the Whole regarding consideration of a pilot project and further that the report include the clarification of the role that HRM ought to take. MOTION PUT AND PASSED UNANIMOUSLY.

2.3 Metropolitan Halifax Chamber of Commerce Task Force on Municipal Issues - John Prentice, Chair

Mr. Prentice, in addressing the Committee, referenced the circulated document and outlined the conclusions which were:

- C spending per capita in HRM is higher than the seven other communities that were looked at,
- C business contribution to total tax revenue is higher in HRM than all other municipalities within Nova Scotia and the seven other communities looked at,
- C given the pressures on fiscal expenditures and the trends in non discretionary expenditures and the debt situation faced by HRM and the fact that there are potential large capital expenditures for the future, HRM is faced with significant pressures on spending control and the potential for service reductions on a go forward basis,
- C the fiscal difficulties described exist in the absence of a long term direction.

He stated the Chamber was coming forward with the following recommendations:

- C ask Council to consider putting into place a process through which or by which a long

- term plan would be constructed such that by the time budget debates take place next year, there would be a long term plan in place with clear objectives, measures, service targets and with a critical path and accountabilities that would demonstrate publicly how Council would propose to achieve the long term plan,
- C that HRM complete baseline statistical comparisons against a number of other communities so that there would be an understanding of the concept of fair service value,
- C Council adopt a governance model and adhere to it.

In response to Councillor Kelly with regards to comparisons and the factors used, Mr. Prentice advised their comparison was a top line comparison only.

In response to Councillor Stone, Mr. Prentice stated the Chamber feels the business tax needs to be clear, predictable and understood, noting there are currently over twelve individual business taxes in Metro.

In response to Councillor Cooper, Mr. Prentice advised they have not looked at to what extent a long range plan should be limited. The Councillor referenced the suggestion of a single tax rate and expressed concern with cost risks associated with core versus rural areas.

In response to Councillor Blumenthal, Mr. Prentice advised he was not aware of whether or not any of the other Municipalities used in the comparison, had more than one tax rate. The Councillor referenced supplementary education funding and noted that this is not limited to the former City of Halifax.

Mayor Fitzgerald thanked Mr. Prentice and the members of the Metropolitan Halifax Chamber of Commerce for the report.

MOVED by Councillors Blumenthal and Greenough that it be recommended to Council that the report be tabled. MOTION PUT AND PASSED.

3. REPORTS

3.1 GRANT COMMITTEE

3.1.1 Tax Exemption Paramount Theatre Conversion Project

- C A report from Councillor David Hendsbee, Chair of the Grant Committee, dated April 16, 1998 was before Committee for consideration.

- C Circulated with this item was correspondence from Paramount Theatre Society dated

April 9, 1998.

MOVED by Councillors Hendsbee and Downey that it be recommended to Council that:

1. **Council approve a tax concession for the non profit Paramount Theatre Society:**
 - a. **at 100 per cent for operating year one and two,**
 - b. **reduced to seventy-five per cent in subsequent years,**
 - c. **to no more than \$30,000 per year, for a maximum of five years,**
 - d. **subject to funding of the project by the Province of Nova Scotia and ACOA, signing a lease, and,**
 - e. **further subject to annual review and adjustment by the Grant Committee.**

2. **Council approve a letter be sent to the Province of Nova Scotia expressing strong support for the funding of the project. MOTION PUT AND PASSED UNANIMOUSLY.**

3.1.2 By-Law T-201 Respecting Tax Exemptions for Non-Profit

- C A report from Councillor David Hendsbee, Chair, Grant Committee, dated April 16, 1998, was before Committee for consideration.

- C Correspondence was circulated from Mr. Bill Greenlaw, President of Sport Nova Scotia dated April 9, 1998.

Councillor Kelly requested that those organizations listed be notified as to what the changes are. He further suggested Council go back to the public hearing process to provide an opportunity for input before third and final reading.

Councillor Greenough reiterated that the clubs and organizations need to be notified to make them aware of the proposal.

MOVED by Councillors Greenough and Kelly that it be recommended to Council, that notification of the proposal be sent to clubs and organizations advising of the changes as well as advising the By-law be tabled during the May 5, 1998 Committee of the Whole.

Councillor Barnet expressed concern that all groups were not being treated equally.

MOTION TO TABLE PUT AND PASSED.

3.2 CHIEF ADMINISTRATIVE OFFICER

3.2.1 Tender 98-207, Beaver Bank Servicing Phase III

C A staff report, dated April 16, 1998, prepared for George McLellan, Deputy Chief Administrative Officer, on the above noted subject, Beaver Bank Servicing Phase III was before Committee for consideration.

Staff was recommending that:

1. Council approve the betterment charges for the sewer portion of the project at a rate of \$63 per linear foot of property along Beaver Bank Road from Majestic Avenue to Tucker Lake Road.
2. Council accept the recommendations of the Halifax Regional Water Commission regarding the project costs relating to the water portion of the project and approve water charges at the rate of \$67 per linear foot of property on behalf of the HRWC along Beaver Bank Road from Majestic Avenue to Tucker Lake Road. These charges are being collected by HRM and transferred to HRWC.
3. Council approve the appointment of SGE Engineering to provide inspection of pumping stations, mechanical and electrical systems at an estimated cost of \$50,000 plus HST.
4. Council award Tender No. 98-207, Beaver Bank Servicing Phase III for sewer and water services to Santec Construction Managers Limited for materials and services at a tender price of \$4,752,190.43 and a total project cost of \$5,227,409. With funding as noted in the Budget Implications section of this report.

MOVED by Councillors Barnet and Adams that the report be forwarded to Council without recommendation.

Councillor Barnet advised there has been a meeting set between the community and staff to look at alternative ways in which the betterment charges can be levied; therefore, the Councillor requested the tender not be awarded at this meeting. He advised this project is asking residents to pay for the pipe in front of the street, pay to fix a problem that was created before and pay to solve a problem into the future. The Councillor stated that property owners

have never before been asked to pay for infrastructure that had been required in the past. He stated further discussion will take place with staff regarding alternative ways of financing.

In response to an enquiry from Mayor Fitzgerald, Mr. Anstey, Solicitor, advised the motion to forward to Council without recommendation was in order.

MOTION PUT AND PASSED.

3.2.2 Tender 98-200, Fenwood Road Storm Sewer

C A report, dated April 9, 1998, prepared for George McLellan, Deputy Chief Administrative Officer, on the above noted subject, was before Committee for consideration.

MOVED by Councillors Hanson and Adams that it be recommended to Council to award Tender No. 98-200, Fenwood Road Storm Sewer to J.R. Eisener Contracting Limited for materials and services specified at the unit prices quoted for a Total Tender Price of \$141,884.68 and a Total Project Cost of \$163,167. with funding from the Capital Account Number 83037. MOTION PUT AND PASSED UNANIMOUSLY.

3.2.3 Tender 98-226, Traffic Signals - Chain Lake Drive at Superstore Entrance

C A report, dated April 7, 1998, prepared for George McLellan, Deputy Chief Administrative Officer, on the above noted subject, was before Committee for consideration.

MOVED by Councillors Stone and Schofield that it be recommended to Council to award Tender 98-226, Traffic Signals, Chain Lake Drive at Superstore Entrance to Black and MacDonald Limited for materials and services specified at the unit price quoted for a Total Tender Price of \$126,355.10 and a Total Project Cost of \$145,309., with funding from the Capital Account Number 97902. MOTION PUT AND PASSED UNANIMOUSLY.

3.2.4 Tender 97-086, Bus Tender

C A report, dated April 15, 1998, prepared for George McLellan, Deputy Chief Administrative Officer, on the above noted subject, was before Committee for consideration.

MOVED by Councillors Greenough and Blumenthal that it be recommended to Council to award Tender Number 97-086, a three year purchase agreement for the supply of up to 25 low floor transit buses, to Nova Bus Limited of St-Eustache, Quebec, at a per unit cost of \$308,757, subject to annual Capital Budget approvals. MOTION PUT AND PASSED UNANIMOUSLY.

3.2.5 Tender 98-309, Testing and Inspection

C A report, dated April 16, 1998, prepared for George McLellan, Deputy Chief Administrative Officer, on the above noted subject, was before Committee for consideration.

MOVED by Councillors Sarto and Hetherington that it be recommended to Council to award Tender No. 98-309, Testing and Inspection 1998, to Maritime Testing Ltd. MOTION PUT AND PASSED.

3.2.6 Request for Proposals 98-025 Provision of Services for Collection and Transportation of Source-Separated Solid Waste

C A report, dated April 21, 1998, prepared for George McLellan, Deputy Chief Administrative Officer, on the above noted subject, was before Committee for consideration.

C Circulated with this item was correspondence from Blair McArthur, Vice President, Miller Waste Systems, dated April 21, 1998.

MOVED by Councillors Hetherington and Dooks that it be recommended to Council to award contracts for Source-Separated Solid Waste Collection and Transportation Services to the firms recommended for Areas 1 to 8 as outlined in Table A of staff report dated April 21, 1998.

Councillor Kelly noted that there were substantial differences in the amounts quoted by the next lowest bidder and asked, if for some reason the lowest bidder is not able to accept or honour the contract, will the contract be retendered. In response, Mr. Mark Bernard, Manager Waste Resources, advised that each individual zone would have to be examined to determine what the price differentials are and it was not necessarily the intent to go to the next low bid.

The following amendment was placed on the floor for consideration:

MOVED by Councillors Kelly and Snow that should the low bid not be able to do the job, as quoted, then the Municipality retender that zone.

Mayor Fitzgerald ruled the amendment out of order.

Councillor Greenough stated if any of the successful bidders is not able to fulfil the terms of the contract the matter should be brought back to Council for decision on how to proceed.

Mr. Meech stated if for some reason one of the low bidders does not accept the contract, it will have to come back to Council to have the contract awarded.

Councillor Hetherington asked if for some reason the first tender could not perform and another tender had to be chosen, is there anything in the tender documents that would allow a liability on that first tender. In response, Mr. Bernard advised that if they did not enter into a contract with the HRM and just did not respond to enter into a contract they would forfeit their bid bond of \$5,000.00. If they did enter into a contract which was ongoing and at some point they could not perform, there is a substantial performance bond which would allow the Municipality to covers it costs until a new contractor is found.

In response to Councillor Walker, Mr. Bernard advised the total cost had come in under what was estimated. On further question, he advised a company could bid on all the zones but each company could only be awarded a maximum of three zones.

A vote was then taken on the main motion:

MOTION PUT AND PASSED.

3.2.7 Review of Halifax Regional Municipality Polling Districts

C A report prepared for George McLellan, Deputy Chief Administrative Officer, on the above noted, was before the Committee for consideration.

Staff was recommending:

- 1) A Committee of staff be established and report to Council with various options for redistribution of polling districts, and
- 2) Council provide directions as to a preferred option in terms of the number of polling districts within the Halifax Regional Municipality.

MOVED by Councillors Kelly and Epstein that it be recommended to Council that:

- 1) A committee of staff be established and report to Council with various options for redistribution of polling districts;**
- 2) Allow for public input and report to Council;**
- 3) Council provide directions as to a preferred option in terms of the number of polling districts within the Halifax Regional Municipality.**

Councillor Hendsbee suggested consideration be given to this committee being chosen by the Council. He referenced the geographical boundaries, and asked if there would be a distribution of some of the present boundaries to bordering municipalities.

Councillor Cooper questioned whether this process was advisable at this time and what the financial impacts may be.

Ms. Carmichael advised the report was to initiate a process and staff would bring information to assist Council in its decision.

Councillor Walker expressed concerns stating this is premature. In response to a question regarding the amount budgeted for this review, Ms. Carmichael advised there have been no funds budgeted for this process.

Councillor Greenough stated he also felt this was premature and stated that before any committee is established, a terms of reference and criteria be established through which such a review would be undertaken.

Another Motion was put on the floor.

MOVED by Councillors Greenough and Sarto that a Terms of Reference and Criteria by which this process would be undertaken be established and brought back to Council before the process proceeds.

Councillor Dooks suggested, as part of this process, those areas of the municipality that feel they have no common interests with HRM, be examined with regards to those areas joining with a neighbouring municipality.

A lengthy discussion ensued if this review was actually the responsibility of the Utility Review Board (URB). Further, it was suggested this review may be premature, however, if Council still wished to proceed, it should be Council itself that sets the conditions, and not staff.

To clarify the role of the URB, Mr. Wayne Anstey, Municipal Solicitor, advised the Board could initiate a study, however, under normal circumstances, a municipality would undertake a study and make an Application to the Board. The Board, in turn, would consider the Application and hold a public hearing(s) on same. Subsequent to the public hearing(s), the Board makes a decision on the Application.

Councillor Cooper suggested an “administrative nightmare” would result from two reviews (a) municipal polling districts; and (b) school board districts.

Councillor Dooks advised that a community (with fifty signatures) can file an Application with the URB.

Councillor Harvey stated he supported the initiative, noting it might be healthy to “blurr” internal boundaries, resulting in former municipalities joining other units.

Councillor Sarto suggested taking those areas above the median - taking into consideration the number of voters and population - and reviewing those particular areas, as opposed to all twenty-three districts.

Councillor Barnet suggested this was an appropriate process to undertake and that each Councillor should review the distribution of population and voters in each of their Districts.

MOTION DEFEATED.

A vote on the Main Motion took place. **MOTION PUT AND PASSED.**

3.2.8 Modifications to HRM Business Parks Lot Sale Pricing Policy

C A staff report, dated April 8, 1998, prepared for Ken Meech, Chief Administrative Officer, on the above noted subject was before the Committee for consideration.

MOVED by Councillors Hetherington and Uteck that it be recommended to Council to authorize the modifications, as noted in the April 8, 1998 staff report, to the Municipality’s pricing policy for the sale of lots in Aerotech Business Park, the Bayers Lake Business Park, the Burnside Business Park, the Lakeside Industrial Park and the Ragged Lake Business Park.

Mr. Randy Hubley, Duron Atlantic, advised he is owner of a property in Burnside Industrial Park which has outgrown its lot and is interested in buying the adjacent lot.

Mr. Tom Rath, Manager, Business Parks, advised that with each sale of land transaction

authorized by the municipality there is a requirement for the buyer to build a certain size building, 20% of the overall size of the lot in all parks except for Aerotech. He advised Mr. Hubley's situation is that the nature of what he wishes to do does not require that they erect a building that will cover 20% of the lot. He advised what is being proposed are a series of measures whereby a company can still purchase a lot, pay the price and pay a premium on that portion that they don't build as they would otherwise be required to do.

It was agreed this issue would be further discussed during the evening session.

3.2.9 Temporary Borrowing Resolution Renewals

C A staff report, dated April 8, 1998, prepared for George McLellan, Deputy Chief Administrative Officer, on the above noted subject was before the Committee for consideration.

MOVED by Councillor Adams and Uteck that it be recommended to Council to approve the renewal of the temporary borrowing resolutions in the amount of \$52,480,233 as follows:

TBR 97/98/01	\$29,103,000
TBR 97/98/02	\$17,478,000
TBR 97/98/03	\$ 5, 899,233

MOTION PUT AND PASSED UNANIMOUSLY.

3.2.10 Sale of Land, 6955 Bayers Road, St. Andrews Site

C A staff report, dated April 9, 1998, prepared for George McLellan, Deputy Chief Administrative Officer, on the above noted subject was before the Committee for consideration.

MOVED by Councillors Blumenthal and Epstein that it be recommended to Council that:

- 1. Council authorize the Mayor and Municipal Clerk to execute a Purchase and Sale Agreement for the sale of the portion of 6955 Bayers Road as shown in the attached sketch and measuring approximately 96,000 square feet to the Italian Canadian Cultural Association for \$280,000 plus closing adjustments and taxes and subject to the terms indicated in this report, with funds to be deposited in the Municipality's Sale of Land Capital Reserve Account.**

2. Council authorize HRM to enter into a Land Use Agreement, as described in this report, with the Italian Canadian Cultural Association concerning access to lands on the St. Andrew's Site by both parties.

MOTION PUT AND PASSED UNANIMOUSLY.

3.2.11 Call For Proposals for Western Commons Study 98-019

It was agreed this item would be referred to the evening session.

3.2.12 Community Garden Proposal - Murray Warrington Park

- C A staff report, dated April 21, 1998, prepared for George McLellan, Deputy Chief Administrative Officer, on the above noted subject, was before the Committee for consideration.
- C Circulated with this item was information respecting the concept objectives and strategy of the project.

MOVED by Councillors Downey and Hendsbee that it be recommended to Council to approve the Community Garden Project in principle and allow the Task Force and HRM staff to develop and enter into an agreement which would allow the Community Task Force to design, construct and sustain a community garden in this location.
MOTION PUT AND PASSED UNANIMOUSLY.

3.2.13 Request for Assistance - King Edward Inn

- C A supplementary staff report, dated April 6, 1998, prepared for George McLellan, Deputy Chief Administrative Officer, on the above noted subject was before the Committee for consideration.

Conflict of Interest

Councillor McInroy declared a Conflict of Interest and removed himself from discussion as he was an employee of the Provincial Assessment Department.

Councillor Stone referenced the report and suggested that the word "joint" be removed with regards to the request for the review to which Council agreed.

MOVED by Councillors Downey and Hendsbee that it be recommended to Council

to authorize a letter to be written by the Mayor to the Minister of Housing and Municipal Affairs, requesting that a review be undertaken of all services offered by universities in the Province of Nova Scotia in order to determine those activities not directly related to the delivery of education and therefore potentially subject to municipal taxation.

Mr. David MacDonald, President/Innkeeper, King Edward Inn, advised the Committee he is not satisfied with the staff report, and stated in his opinion the taxation issue is very important and noted there is a conflict with zoning. He suggested that staff be given direction to prosecute and allow the universities to file a defence.

MOTION PUT AND PASSED UNANIMOUSLY.

Councillor McInroy resumed his place at the meeting.

3.2.14 Paving - Stonemount Subdivision

It was agreed this item would be referred to the evening session.

3.2.15 Local Improvement Charges - Greenwood Heights/Maplewood Subdivision (Information Report, April 21, 1998 Committee of the Whole evening session)

Although Deputy Mayor Rankin had requested this matter be added at the commencement of the meeting, it was eventually referred to the evening session.

4. ADJOURNMENT

MOVED by Councillors Cooper and Uteck that the meeting be adjourned at 5:30 p.m.
MOTION PUT AND PASSED.

**Vi Carmichael
MUNICIPAL CLERK**

