

HALIFAX REGIONAL MUNICIPALITY

HALIFAX REGIONAL COUNCIL
MINUTES
February 20, 2007

PRESENT:

Mayor Peter Kelly
Deputy Mayor Sue Uteck
Councillors Steve Streach
David Hendsbee
Harry McInroy
Gloria McCluskey
Andrew Younger
Mary Wile
Patrick Murphy
Dawn Sloane
Sheila Fougere
Russell Walker
Debbie Hum
Linda Mosher
Steve Adams
Brad Johns
Reg Rankin
Gary Meade

REGRETS:

Councillors: Krista Snow
Bill Karsten
Becky Kent
Jim Smith
Robert Harvey
Gary Martin

STAFF:

Mr. Dan English, Chief Administrative Officer
Ms. Mary Ellen Donovan, Municipal Solicitor
Ms. Jan Gibson, Municipal Clerk
Ms. Julia Horncastle, Legislative Assistant

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1. INVOCATION

The meeting was called to order at 6:00 p.m. with the Invocation being led by Councillor Rankin.

2. SPECIAL COMMUNITY ANNOUNCEMENT & ACKNOWLEDGEMENTS

Councillor Hum wished the Canada Games participants good luck on behalf of Council.

Councillor Johns reminded the residents of the Waterstone area that the annual general meeting for the Waterstone Homeowners Association will be held on Wednesday, February 21, 2007 at 7:00 p.m. at the Wallace Lucas Community Centre

Councillor Mosher thanked staff who participated in the "Take the Roof off Winter" event at Frog Pond.

Deputy Mayor Uteck congratulated the organizers of the East Coast Music Awards.

Councillor McCluskey reminded the residents of Manor Park of the meeting at 7:00 p.m. on Wednesday, February 21, 7:00 p.m. in Alderney School.

3. APPROVAL OF MINUTES - NONE

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

Deletions

11.1.6 Tender 07-205 - Paving Renewal, South Street (Studley Avenue to Oxford Street) - West Region

Additions

13.1 Councillor Streach - Request for Report re: Broadband Communications

13.2 Legal Matter - Settlement of Claim

13.3 Personnel Matter - Citizen & Councillor Appointments to Boards, Committees and Commissions

Council agreed to move item 10.1.11 - Water Commission Annual Report up on the agenda to be addressed following the public hearing.

At the request of Councillor Streach, Council agreed to add a report entitled "Stakeholder Developed Plan (BSLB Risk Mitigation Plan) for mitigating the risk of the spread of Brown Spruce Longhorn Beetle" to the agenda.

Councillor Adams requested Information item #4, Third Quarter 2006 / 2007 Financial Report be added to a future agenda. He requested staff provide a breakdown, by capital project, the \$140 million of uncommitted capital as per attachment 4 of the document.

Councillor McCluskey requested item 6.1, motion of reconsideration be deleted from the agenda, noting she will bring it back at a future meeting.

MOVED by Councillor McInroy, seconded by Councillor Hendsbee, that the Order of Business, as amended, be approved. MOTION PUT AND PASSED UNANIMOUSLY.

5. BUSINESS ARISING OUT OF THE MINUTES - NONE

6. MOTIONS OF RECONSIDERATION

6.1 Councillor McCluskey - Amendment to Administrative Order One

This item was deleted under the approval of the Order of Business.

7. MOTIONS OF RESCISSION - NONE

8. CONSIDERATION OF DEFERRED BUSINESS - NONE

9. PUBLIC HEARINGS

9.1 By-Law T-702, An Amendment to By-Law T-700, Respecting Tax Deferrals Proposed Interest Rate

- An extract from the January 30, 2007 Regional Council minutes was before Council.
- A staff report dated January 17, 2007, on the above noted, was before Council.

Ms. P.J. Temple, Team Lead, Tax, Grants & Special Projects, presented the staff report to Council.

Mayor Kelly called three times for anyone wishing to speak either in favour of or in opposition to the proposed By-law. Hearing none, the following motion was placed.

MOVED by Councillor Johns, seconded by Councillor Younger, that the public

hearing close. **MOTION PUT AND PASSED UNANIMOUSLY.**

MOVED by Councillor Walker, seconded by Deputy Mayor Uteck, that Regional Council approve By-Law T-702, an Amendment to By-Law T-700, Respecting Tax Deferrals: proposed Interest Rate as set out in the staff report dated January 17, 2007. MOTION PUT AND PASSED UNANIMOUSLY.

As per the Order of Business, Council addressed item 11.1.10 at this time.

11.1.10 Halifax Regional Water Commission - Annual Report

- A copy of the Powerpoint presentation was before Council.
- A copy of the Annual Report dated March 31, 2006 was before Council.

Mr. Carl Yates, General Manager, presented the annual report to Council noting:

- HRWC has assets of \$326 million,
- The long term debt is \$62 million,
- The actual operating revenue is \$34,897,734 compared to budget of \$34,659,091,
- The actual operating expense is \$25,179,327 compared to budget of \$25,601,114,
- Excess of revenue over expenditure of \$2,395,389,
- Dividend/Grant in Lieu of Taxes of \$3,435,160 to HRM,
- NSURB Order provided for a rate increase for three years,
- All systems produced water that was better than the health objectives in the Canadian Drinking Water Quality Guidelines, except for Churchill Estates,
- There was a high level of customer satisfaction measured through the annual survey,
- There was a high level of customer satisfaction with water quality,
- To be in conformance with Provincial Water Regulations, all capital upgrades must be in place by April 1, 2008,
- The merger with HRM wastewater/stormwater operations with HRWC will be complete this year.

Mayor Kelly, on behalf of Council, thanked Mr. Yates for his presentation.

10. CORRESPONDENCE, PETITIONS AND DELEGATIONS

10.1 Correspondence - None

10.2 Petitions - None

11. REPORTS

11.1 CHIEF ADMINISTRATIVE OFFICER

11.1.1 Tender 06-252 - Herring Cove Water & Sewer, Phase 2A - West Region

- A report dated February 12, 2007, on the above noted, was before Council.

MOVED by Councillor Adams, seconded by Councillor Mosher, that Council:

- 1. Award Tender No. 06-252 Herring Cove Water and Sewer, Phase 2A - West Region to ACL Construction Limited for materials and services listed at the unit prices quoted for a Total Tender Price of \$4,737,466 (net HST included) with funding from CGU00645 and CSE00398, as outlined in the Budget Implication section of the February 12, 2007 report.**
- 2. Award contract administration and construction inspection services for Tender No. 06-252 Herring Cove Water and Sewer, Phase 2A - West Region, to CBCL Limited for a Total Tender Price of \$177,303 (net HST included), with funding from CGU00645 as outlined in the Budget Implications section of the February 12, 2007 report.**
- 3. Approve \$40,000 (net HST included) for quality control and audit inspection services for the water system for Tender No. 06-252 Herring Cove Water and Sewer, Phase 2A - West Region, to Halifax Regional Water Commission (HRWC), with funding from CGU00645 as outlined in the Budget Implications section of the February 12, 2007 report.**
- 4. Approve additional detailed design work on Tender No. 06-252 Herring Cove Water and Sewer, Phase 2A - West Region to CBCL Limited for a Total Tender Price of \$15,514 (net HST included), with funding from CGU00645 as outlined in the Budget Implications section of the February 12, 2007 report.**
- 5. Approve re-allocation of Phase 1A costs in the amount of \$2,470,800 to the Herring Cove Water and Sewer Account (CGU00645) leaving the remaining costs of \$1,410,575 to be funded by the Herring Cove Community Integration Fund as outlined in the Budget Implications section of the February 12, 2007 report.**
- 6. Approve the budget amounts for the Capital Contribution Charges revenues and the corresponding expenses under Capital Account No. CGU00645 to be shown at gross values instead of net values as is the current situation. This**

will result in both budgets being increased by \$1,140,000 respectively as outlined in the Budget Implications section of the February 12, 2007 report.

MOTION PUT AND PASSED UNANIMOUSLY.

11.1.2 Tender 06-219 - Herring Cove Water and Sewer, Phase 1B - West Region

- A report dated February 15, 2007, on the above noted, was before Council.

MOVED by Councillor Adams, seconded by Councillor Mosher, that Council:

- 1. Award Tender No. 06-219 Herring Cove Water and Sewer, Phase 1B - West Region to ACL Construction Limited for materials and services listed at the unit prices quoted for a Tender Price of \$2,882,147 (net HST included) with funding from CGU00645 as outlined in the Budget Implications section of the February 15, 2007 report.**
- 2. Award contract administration and construction inspection services for Tender No. 06-219 Herring Cove Water and Sewer, Phase 1B - West Region, to CBCL Limited for a Total Tender Price of \$123,080 (net HST included) with funding from CGU00645 as outlined in the Budget Implications section of the February 15, 2007 report.**
- 3. Approve \$40,000 (net HST included) for quality control and audit inspection services for the water system for Tender No. 06-219 Herring Cove Water and Sewer, Phase 1B - West Region, to the Halifax Regional Water Commission (HRWC) with funding from CGU00645 as outlined in the Budget Implications section of the February 15, 2007 report.**
- 4. Approve an increase in the gross budget for Capital Account No. CSE00398, Herring Cove Community Integration Fund by \$1,656,400, with funding coming from the Harbour Solutions Project Contingency Fund, in order to fund the shortfall for Phase 1B, as ratified by Regional Council on February 13, 2007.**
- 5. Approve the use of the \$400,000 surplus CNSIP funds for the completion of Phase 1B subject to the approval of the Secretariat, which will increase the budget for Capital Account No. CGU00645, Herring Cove Water and Sewer.**

MOTION PUT AND PASSED UNANIMOUSLY.

11.1.3 Tender 06-281 - Retaining Wall: Brunswick Street - West Region

- A report dated February 5, 2007, on the above noted, was before Council.

MOVED by Councillor Murphy, seconded by Councillor Wile, that Council award Tender No. 06-281, Retaining Wall; Brunswick Street - West Region to Dexter Construction Company Limited for materials and services listed at the unit prices quoted for a Total Tender Price of \$101,877.57 (net HST included) with funding from Capital Account No. CRU00701, Other Road Related Works Design & Construction, as outlined in the Budget Implications section of the February 5, 2007 report. MOTION PUT AND PASSED UNANIMOUSLY.

11.1.4 Request for Proposal 06-321 - Consulting Services - Asphalt Pavement Specification Development

- A report dated February 2, 2007, on the above noted, was before Council.

MOVED by Deputy Mayor Uteck, seconded by Councillor Fougere, that Council award RFP No. 06-321, Consulting Services - Asphalt Pavement Specification Development, to the highest scoring proponent, Amec Earth 7 Environmental at a cost of \$154,781.49 (net HST included) with funding from Capital Account No. CRU00701 - Other Road Related Works Design & Construction as outlined in the Budget Implications section of the February 2, 2007 report. MOTION PUT AND PASSED UNANIMOUSLY.

11.1.5 Tender 07-150 - Metro Transit Renovation - 200 Ilsley Avenue

- A report dated February 8, 2007, on the above noted, was before Council.

MOVED by Councillor McInroy, seconded by Councillor Fougere, that Council award Tender No. 07-150 to Seagate Construction Inc., for a total tender price of \$103,015 (net HST included), with funding from Capital Account No. CBU00876 - 200 Ilsley Upgrades, as outlined in the Budget Implications section of the February 8, 2007 report. MOTION PUT AND PASSED UNANIMOUSLY.

11.1.6 Tender 07-205, Paving Renewal, South Street (Studley Avenue to Oxford Street) - West Region

This item was deleted under the approval of the Order of Business.

11.1.7 Quotation 2006-M-218 and 2006-M-251 Dartmouth Natural Gas

Conversions

- A report dated January 18, 2007, on the above noted, was before Council.

MOVED by Councillor McCluskey, seconded by Councillor Younger, that Council award Quotations No. 2006-M-218 and 2006-M-251 with an unbudgeted withdrawal from the Capital Replacement Reserve Q130 of \$121,470 including net HST with the corresponding increase to Capital Account CBU01001 as outlined in the Budget Implications section of the January 18, 2007 report to:

1. **Direct Energy for Northbrook School Police Training Facility oil-to-gas conversion for a total tender price of \$85,846 including net HST and,**
2. **Carmichael Engineering for Dartmouth North Community Centre oil-to-gas conversion for a total tender price of \$26,791, including net HST and,**
3. **That funds totalling \$18,433, including net HST, for the conversion from propane to natural gas at 150 Thornhill Drive, Rapid Transit Fleet Centre, already awarded to Carmichael Engineering, also be paid for from the Capital Replacement Reserve Q130.**

MOTION PUT AND PASSED UNANIMOUSLY.

11.1.8 Request for Extra Funds for Tender No. 05-230, Intersection Improvements Windmill Road at Akerley Boulevard - East Region

- A report dated January 30, 2007, on the above noted, was before Council.

MOVED by Councillor Younger, seconded by Councillor McCluskey, that Council authorize an increase to Capital Account #CGU00577, Akerley & Windmill Pumping Station in the amount of \$74,800 and an increase to Capital Account #CB300628, Bus Rapid Transit, in the amount of \$52,000 with no net impact as indicated in the Budget Implications section of the January 30, 2007 report. MOTION PUT AND PASSED UNANIMOUSLY.

11.1.9 Canadian Council of Ministers of the Environment (CCME) Draft Wastewater Strategy

- A report dated January 23, 2007, on the above noted, was before Council.

MOVED by Councillor Fougere, seconded by Councillor Walker, that Council

endorse the staff comments as provided in Appendix A of the January 23, 2007 report, for provision to CCME by the March 1, 2007 deadline.

Mr. Tony Blouin, Manager of Environmental Performance, advised the purpose of bringing this to Council was to highlight the financial implications for HRM.

Councillor Younger stated, in his opinion, HRM should be agreeing in principle and, after a national framework has been established in terms of what is an acceptable level of chemicals, then HRM can have the discussion nationally through FCM or Big City Mayors. Councillor Fougere urged Council to support this initiative, noting it is a national initiative spearheaded by the Canadian Council of Ministers of Environment.

MOTION PUT AND PASSED.

11.1.10 Halifax Regional Water Commission - Annual Report

This item was addressed earlier in the meeting. (See page 6)

11.1.11 First Reading - By-Law T-220, An Amendment to By-Law T-200, Respecting Tax Exemptions - Deferred Applications & Appeals

- An extract from the November 28, 2006, Regional Council minutes on the above noted, was before Council.
- A supplementary report dated January 8, 2007, on the above noted, was before Council.

MOVED by Councillor Fougere, seconded by Councillor McCluskey, that Regional Council give First Reading to By-Law T-220, An Amendment to By-Law T-200, Respecting Tax Exemptions - Deferred Applications & Appeals and set a public hearing date. MOTION PUT AND PASSED UNANIMOUSLY.

11.2 ENERGY AND UNDERGROUND SERVICES COMMITTEE

11.2.1(i) Undergrounding at Herring Cove Wastewater Treatment Plant

- A report dated February 16, 2007, on the above noted, was before Council.

MOVED by Councillor Younger, seconded by Councillor Adams, that the scope of the Harbour Solutions Project be amended to include the rerouting of the aerial power to the Herring Cove Wastewater Treatment Plant from the east side of the driveway to the west side by the use of a 45 metre section of underground conduit;

with funding to be provided from the Energy and Underground Services Reserve (Q131). **MOTION PUT AND PASSED UNANIMOUSLY.**

11.2.1(ii) Alternate Routing of Power to the Herring Cove Wastewater Treatment Facility

- A report dated February 19, 2007, on the above noted, was before Council.

MOVED by Councillor Adams, seconded by Councillor Mosher, that Regional Council amend the scope of the Harbour Solutions Project to include the rerouting of the aerial power to the Herring Cove Wastewater Treatment Plant from the east side of the driveway to the west side by the use of 45 metre section of underground conduit in the amount of \$43,400, plus net HST for a total price of \$44,888 with funding authorized from the Energy and Underground Services Reserve No. Q131, as per the Budget Implications section of the February 19, 2007 report. **MOTION PUT AND PASSED UNANIMOUSLY.**

11.3 MEMBERS OF COUNCIL

11.3.1 Councillor Younger - Tax Deduction for Local Improvement Charges

MOVED by Councillor Younger, seconded by Councillor McCluskey, that the Mayor write to the provincial and federal finance ministers requesting that the Local Improvement Charge portion of property tax be income tax deductible for residents effective in the 2007 tax year.

Without a vote being taken on the motion, the following motion was placed.

MOVED by Councillor Walker, seconded by Councillor McInroy that the matter be referred to staff for a report on budget implications.

Councillor McInroy requested the report include a review by staff as to whether the installation of septic systems can also be given consideration.

Councillor Streach requested the report consider cluster systems.

MOTION TO REFER PUT AND PASSED.

12. MOTIONS - NONE

13. ADDED ITEMS

13.1 Councillor Streach - Broadband Communications

MOVED by Councillor Streach, seconded by Councillor Hendsbee, that staff provide a report outlining a go forward plan of action for this project including staff's recommended vendor based on the RFP for the implementation of the Broadband Communications Project. The staff report should also include a recommendation to establish, complete with a draft Terms of Reference, a Steering Committee to oversee this and future telecommunications initiatives (wireless, broadband, etc) in HRM. MOTION PUT AND PASSED UNANIMOUSLY.

13.2 Legal Matter - Settlement of Claim

- The following item was addressed at an earlier In Camera session and was now before Council for ratification.

MOVED by Councillor Wile, seconded by Councillor Walker, that Halifax Regional Council.

1. **Settle this claim brought by the Plaintiff in the amount of \$18,500.00 to achieve a full and final settlement of the Plaintiff's action upon obtaining a full release from the Plaintiff from any further claims arising out of the incident on May 28, 2000; and**
2. **The February 5, 2007 staff report not be released to the public.**

MOTION PUT AND PASSED UNANIMOUSLY.

13.3 Personnel Matter - Citizen & Councillor Appointments to Boards, Committees and Commissions

- The following item was addressed at an earlier In Camera session and was now before Council for ratification.

At the request of Councillor Fougere, the recommendations were voted on separately.

PART 1

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

1. **Approve the Citizen appointments to Boards/Committees/Commissions as outlined in Attachment 1 of the February 14, 2007 Private and Confidential staff report, with the exception of the three appointments to the Halifax International Airport Authority Board, which are referred back to the Membership Selection Committee.**

MOTION PUT AND PASSED UNANIMOUSLY.

PART 2

MOVED by Councillor Rankin, seconded by Councillor Walker, that Halifax Regional

Council:

2. Approve an amendment to the Regional Planning Committee terms of reference to allow for staggered terms of one, two, and three years.

MOTION PUT AND PASSED UNANIMOUSLY.

PART 3

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

3. That Councillor appointments to Boards/Committees/Commissions as follows:
 - (a) For a two year term to a maximum of two terms. If no expression of interest, Councillors shall be eligible for re-appointment;
 - (b) Appointment of Chairs be for one year.

Be referred back to the Membership Selection Committee.

MOTION PUT AND PASSED.

PART 4

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

4. That should absenteeism be an issue with Boards/Committees/Commissions, the Committee be tasked with reviewing whether a more appropriate schedule could be agreed upon.

Be referred back to the Membership Selection Committee.

MOTION PUT AND PASSED.

- 13.4 **Councillor Streach - Stakeholder Developed Plan (BSLB Risk Mitigation Plan) for mitigating the risk of the spread of Brown Spruce Longhorn Beetle**

Councillor Streach advised input into the Position Paper has been received by approximately forty partners with the objective being to minimize the risk of the spread of

the Brown Spruce Longhorn Beetle.

MOVED by Councillor Streach, seconded by Councillor Hendsbee, that Council support the document in principle and authorize the Mayor, on behalf of Council, after consultation with the CAO and staff, to write a letter of support for this document and, if positive support, the Mayor hand deliver to Minister Chuck Strahl. Further, prior to the Mayor signing off on the document, staff to provide an e-mail to members of Council addressing concerns raised.

Without a vote being taken on the motion on the floor, the following motion was placed.

MOVED by Councillor Walker, seconded by Councillor Hum, that the matter be deferred for one week to allow Council and staff an opportunity to address the report.

Mr. Dan English, CAO, advised that as there is a timeline, staff would examine the report and he would respond via e-mail to members of Council

Councillor Fougere referenced sections of the report that states "all partners shall" noting this would have implications for HRM and requested specific comments be provided with regards to those sections.

MOTION TO DEFER DEFEATED.

MAIN MOTION PUT AND PASSED.

14. NOTICES OF MOTION

Councillor Murphy

Take Notice that at the next regular meeting of Halifax Regional Council to be held on Tuesday, February 27, 2007, I intend to put forward an amendment to the fare schedule of Administrative Order 39 to make taxi rates 28% lower than limousine rates to and from the airport for destinations in HRM.

15. **ADJOURNMENT**

The meeting was adjourned at 7:40 p.m.

Jan Gibson

Municipal Clerk

The following information items were circulated to Council.

1. Memorandum from Director, Community Development dated February 6, 2007 re: Improving HRM's Community Relations - An Assessment of HRM's Past and Present Public Engagement Exercises Project Update
2. Memorandum from Director, Community Development dated February 12, 2007 re: Community Visioning - Pilot Project Update
3. Memorandum from Acting Director, Finance dated February 9, 2007 re: Third Quarter 2006 / 2007 Business Plan Goals & Objectives Update
4. Memorandum from Acting Director, Finance dated February 13, 2007 re: Third Quarter 2006 / 2007 Financial Report
5. Memorandum from Director, Transportation and Public Works dated February 9, 2007 re: Petition for New Sidewalk, Beaver Bank Road - Central Region
6. Memorandum from Director, Legal Services dated February 7, 2007 re: Status of By-Law Prosecutions
7. Memorandum from the Municipal Clerk dated February 16, 2007 re: Requests for Presentation to Council - Halifax Farmers' Market