

HALIFAX REGIONAL MUNICIPALITY

HALIFAX REGIONAL COUNCIL MINUTES JULY 15, 1997

PRESENT:

Mayor Walter Fitzgerald
Deputy Mayor Jack Greenough
Councillors: Bill Dooks
Gordon R. Snow
David Hendsbee
Ron Cooper
Harry McInroy
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
Bob Harvey
Peter Kelly
Reg Rankin
Jack Mitchell

STAFF MEMBERS:

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

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1. INVOCATION

Mayor Fitzgerald called the meeting to order at 2:00 p.m. with the Invocation.

2. PROCLAMATIONS - None

3. APPROVAL OF MINUTES - June 17 and 24, 1997

MOVED BY Councillors Hetherington and Blumenthal to adopt the minutes of June 17 and 24, 1997. MOTION PUT AND PASSED UNANIMOUSLY.

4. APPROVAL OF ORDER OF BUSINESS - ADDITIONS AND DELETIONS

MOVED by Councillor Hendsbee and Deputy Mayor Greenough to follow the agenda as stated, with items 8.2. - 1997/98 Operating Budget - Clause (d) of Resolution; 9.4.2 - MIRROR Contract, and 9.5.1 - Recommendation of 1996/97 Audited Financial Statement to be discussed after 6:00 p.m. MOTION DEFEATED.

At an earlier request of Councillor Dooks, Council agreed to delay discussion on 8.2 pending his arrival.

At an earlier request of Councillor Adams, Council agreed to delay discussion on 9.3.1 pending his arrival.

The Municipal Clerk requested the addition of the following items:

- 8.2 Councillor Dooks - Fire Department Deficit (to be discussed under 8.2)
- 9.10.15 Request to address Halifax Regional Council - Monica Tap/Garry Neill Kennedy, Khyber Arts Society re: Item 9.10.15
- 13.1 Councillor Blumenthal - Greater Halifax Partnership
- 13.2 Councillor Rankin - Recognition of Mr. Chester MacKenzie, Canadian Competitor, World Cup and World Masters Dart Championships (to be discussed after 6:00 p.m.)
- 13.3 Councillor Dooks - Paving

- 13.4 In Camera Ratification - Expropriation of Lands - Residual Disposal Facility and Front End Processor
- 13.5 In Camera Ratification - Appointment - Halifax - Dartmouth Port Development Commission.

MOVED by Councillors Hetherington and Sarto to adopt the Order of Business, as amended. MOTION PUT AND PASSED UNANIMOUSLY.

5. **BUSINESS ARISING OUT OF THE MINUTES** -None
6. **MOTIONS OF RECONSIDERATION** - None
7. **MOTIONS OF RESCISSION** - None

8. **CONSIDERATION OF DEFERRED BUSINESS**

8.1 **Land Sales Account and Burnside Capital Works - Councillor Schofield**

- This matter had been deferred from the June 24 Council Session.

Councillor Schofield addressed Council noting that questions he had pertaining to the Land Sales Account had been addressed by staff.

On another matter, Councillor Schofield referenced the Wright Avenue/Ilsey Avenue intersection in Burnside and the fact that the light installation project previously approved by Council had been cancelled two weeks prior to going to tender.

MOVED by Councillors Schofield and Cunningham to proceed with the tender call, with the funds (\$110,000) to come from the Sale of Land Account.

Councillor Schofield requested a listing of capital requirements in all business parks, with said listing to be prepared by the fall.

Mayor Fitzgerald suggested that prior to taking a vote on the Motion, a staff report be compiled for the first meeting in August, explaining why this project was cancelled two weeks prior to going to tender and if indeed the funds could be removed from the Sale of Land Account to cover the project costs.

Councillor Stone expressed concern with utilizing funds from the Sale of Land Account for this particular project and suggested if this Motion is eventually passed, ongoing improvements to business parks could be affected. The Councillor further enquired if a Motion would be in order that funds from the sale of land in business parks, be removed from the Sale of Land Account and put into an account for ongoing business park improvements.

In response, Mr. Ken Meech, Chief Administrative Officer, advised it was possible to segregate the funds and earmark them for the business parks, however, this aspect would be addressed in the staff report.

MOVED by Councillors Uteck and Cooper to defer this Motion pending a staff report. MOTION PUT AND PASSED.

8.2 1997/98 Operating Budget - Clause (d) of Resolution (deferred from June 24/97)

Discussion on this item was deferred pending the arrival of Councillor Dooks (see page 14).

8.3 Infrastructure Program - Bedford Waterfront Development

- This item had been deferred from the July 8, 1997 Special Session pending correspondence from the Province on the projects approved under the Infrastructure Program
- Circulated with this item was correspondence from Len Goucher, 77 Millrun Crescent, Bedford, N.S.

Mr. Ken Meech, Chief Administrative Officer, advised the Province is not as yet in a position to provide a letter regarding the Infrastructure Program other than the correspondence as it pertains to the Bedford Waterfront Development.

MOVED by Councillor Kelly and Deputy Mayor Greenough that Council approve the capital expenditure of \$400,000 as a municipal contribution under the Canada-Nova Scotia Infrastructure Works Program for the Bedford Waterfront Project, when the Mayor and Chief Administrative Officer are advised that the Interchange/Connector Road Project has been approved under the Infrastructure Program.

Councillor Barnet expressed concern as to why all the submitted project requests could not be approved at the same time and encouraged Council to not support the Motion on the floor, pending receipt of formal correspondence from the Province in this regard.

Mr. Ken Meech, to clarify, stated the above-noted resolution was based on approval of the Interchange/Connector Road project.

Councillors Mitchell, Schofield, Blumenthal and Walker advised they would not support the Motion until a complete approval list had been received.

Another Motion was put on the floor.

MOVED by Councillors Hetherington and Blumenthal to defer further discussion on this matter pending receipt of a list of those projects approved under the Infrastructure Program. MOTION DEFEATED.

A vote on the Main Motion took place.

MOTION PUT AND PASSED.

NOTICE OF RECONSIDERATION

Prior to adjournment, a Notice of Reconsideration of the main motion was moved by Councillors Barnet and Walker for the August 19, 1997 meeting.

9. REPORTS

9.1 MAYOR

9.1.1 Membership - Advisory Committee on the Status of Persons with Disabilities

- A memorandum prepared for Mayor Fitzgerald on the above-noted, was before Council.

MOVED by Councillors Blumenthal and Sarto to ratify Betty MacDonald's appointment to the Advisory Committee on the Status of Persons with Disabilities. MOTION PUT AND PASSED UNANIMOUSLY.

9.2 MEMBERS OF COUNCIL

9.2.1 Youth Conference of the Church of Jesus Christ Latter Day Saints - Councillor Cooper

- A memorandum prepared for Councillor Cooper on the above-noted, was before Council.

MOVED by Councillors Cooper and Hendsbee to forward a letter of congratulations to the Youth Conference of the Church of Jesus Christ of Latter Day Saints, extending official recognition for their efforts in contributing to the improvements in Forest Hills. MOTION PUT AND PASSED UNANIMOUSLY.

9.3 COMMITTEE OF THE WHOLE

**9.3.1 Comprehensive Audit, and Program and Service Review -
Recommendation**

Discussion on this item was deferred pending the arrival of Councillor Adams (see page 17).

9.4 CHIEF ADMINISTRATIVE OFFICER

9.4.1 MIRROR Contract

- A copy of the MIRROR / HRM Agreement had been distributed to Council. An amended Appendix "D" and documentation entitled "Community Monitoring Committee - It's Purpose, It's Mandate, It's Role in the Process" was circulated to Council as well.
- A staff report, dated July 14, 1997, from George McLellan, Commissioner of Regional Operations, entitled "MIRROR/HRM Draft Agreement", was circulated to Council.
- Correspondence from Bruce W. Stone, Executive Vice President, Ogden Waste to Energy Inc., and Kenneth F. Burrill, President, NSCEA Consulting Engineers Association, was circulated to Council.

Councillor Rankin, Chair, Solid Waste Advisory Committee (SWRAC), advised that the Negotiating Team met with the Community Monitoring Committee (CMC) yesterday for approximately five hours, reviewing the Agreement. As a result, an amended Appendix "D" was developed, speaking to the process that more work will have to be carried out on certain aspects of the contract i.e. definition of "testing" and the process involved. The Community Monitoring Committee response to this Agreement is very important. The Councillor referenced the new CMC Monitoring Agreement and it appears to reflect all concerns of HRM and the CMC. One item not identified in the Agreement, is the Interchange/Interconnector, however, Councillor Rankin expected this to be constructed before commencement of operations.

Recognition for leadership in the entire solid waste matter was given to SWRAC, Council, staff, Mr. Fred Crooks (Cox Downie), and the Community Monitoring Committee, under the Chairmanship of Mr. Reg McAusland, who was present in the gallery.

MOVED by Councillors Rankin and Mitchell that Council:

- 1. Approve the document for execution, including those changes as attached, and including such further minor changes as staff may consider advisable,**

not inconsistent with the substance of the Draft Agreement; further

2. **Approve the Recommendation, as outlined in detail in the Confidential Staff Report to Council dated July 8, 1997 and titled "Expropriation of Lands - Residual Disposal Facility and Front End Processing Facility," to begin the friendly expropriation of lands to clear titles in the majority of the properties, including expropriation of one parcel of land where staff was unable to arrive at an agreement with the property owner; further**
3. **Authorize staff to retain CBCL as HRM's Consultant pursuant to the Agreement subject to negotiations on fee and fee structure.**

Councillor Mitchell also expressed his appreciation to the public and Community Monitoring Committee for their input in this project.

Councillor Kelly expressed concern with receiving an amended Appendix "D" at this late date.

Councillor Adams took his place at the meeting (2:55 p.m.).

In response to an enquiry from Councillor Kelly, Mr. Ray Halsey, Vaughan Engineering, advised CBC will be on site as long as is deemed necessary, when testing is carried out.

With respect to the financing of the project, Councillor Kelly enquired if a definitive cost per tonne has been determined. Mr. Joe Mann, Solid Waste, stated the cost per tonne can be determined by dividing \$7.7 million (first year operation costs) by the 99,000 tonnes of waste to be received. Further, capital costs relating to the facilities are not subject to MIRROR financing but are subject to HRM financing. There is approximately a \$16.1 million cost relating to the facilities for its first year of operation, and \$7.7 million of this reflects the cost of operating the facilities, while the remainder reflects principle and interest payments associated with those facilities.

Mr. Mann further added that the current tipping fee is \$100/tonne and that it is not anticipated it will be higher, however, this is subject to a detailed analysis and is to be brought to Council for review and authorization at a later date.

Councillor Kelly expressed concern that MIRROR was not investing any funds in the project. The Councillor also expressed concern with the fact that MIRROR will qualify for a margin in the amount of 20% which appears to be a substantial amount. The Councillor enquired if this level of profit margin was normal. In response, Mr. Mann advised it was lower than the industry norm.

In response to a further enquiry from Councillor Kelly as to whether or not it was normal for industries to also invest dollars in projects, Mr. Mann advised there is a difference between an internal rate of return, which reflects a return on an investment, and a margin which reflects an operating margin on revenue. Businesses such as MIRROR

do both - they have operating agreements with various municipalities to provide a service; further, they make investments in other businesses where they provide the services as well.

Councillor Kelly then referenced Appendix "P" - Operating Period Insurance - enquiring if staff has undertaken an evaluation as to whether or not it is worthwhile for the municipality to include this operation under the HRM policy. In response, Mr. Mann advised that at this point in time, as it pertains to the life cycle liability that MIRROR is assuming for this operation and the various insurance coverages, staff felt it was in the municipality's best interest to have that insurance coverage provided by MIRROR as it relates to the design, build, and operation cycle. If coverages are added under the municipality's existing insurances, and should there be upsets, that insurance would have a material affect on the coverages, and the costs of those coverages to the rest of HRM's operation. Accordingly, it has been determined this would be an unfair burden to place on the municipality.

Councillor Kelly reiterated his enquiry if it would not be worthwhile to carry out a cost benefit analysis as to whether or not the municipality should include this under its blanket policy, with expanded coverage where necessary, rather than paying for it all over again.

In response, Mr. Mann stated that on a straight cost basis, MIRROR's purchasing power of insurance is equal to, or greater than, the municipality's, on the basic types of insurance coverages i.e. commercial liability, etc. When it relates to specific coverages, however, the municipality is not equal to MIRROR in this regard. Staff did not check out the coverages versus the coverages the municipality incurs, as staff do not want the liability of those coverages to fall on the HRM general policy.

Councillor Kelly enquired as to why the municipality is being subjected to the 4% surcharge on areas that are out of the municipality's, and MIRROR's, control.

In response, Mr. Fred Crooks stated that MIRROR may be obligated to do additional work over and above that which is covered in the pricing arrangement. Through no fault of its own, it would be unreasonable for the municipality to expect MIRROR to do the work for cost reimbursement only. The municipality cannot expect MIRROR to do work for nothing - which is what HRM would be asking if MIRROR was asked to do the work on a cost reimbursement basis. The 20% margin is on work they are obligated to perform in operating the facility. This is separate and apart from the construction work where costs could be impacted by an Act of God item, or change in law.

In response to Councillor Kelly's enquiry on the margins and bonuses/penalty structure, Mr. Crooks advised that 12% is the margin that will accrue to MIRROR on the basis of the scope of their duties as it relates to the acceptance period. The bonuses/penalty structure are incentives to complete work in a time frame (December 31, 1998). If deadlines are missed, the bonuses are forfeited. If the project is not completed by the aforementioned date, MIRROR is in breach of the agreement and must then attend to

all of the region's waste (up to the design capacity of 99,000 tonnes on an annual basis) at what it would have cost the region had they completed the facilities on time. Therefore, the penalty they would incur is to determine an alternative solution for HRM's waste at their cost, to the extent that it exceeds the cost HRM would have paid had the facilities been completed on time. Ultimately, if MIRROR is unable to complete the facilities for an extended period of time, they would be in breach of the agreement and the municipality has the option of terminating agreement.

In response to further enquiries from Councillor Kelly (a) why the municipality is paying bonuses for expected duties; and (b) in the event MIRROR achieves a lower cost than HRM would have incurred, would the municipality receive the benefit of that transaction, Mr. Crooks advised that staff settled on what were reasonable numbers in terms of return on MIRROR's activity during the acceptance test period. Staff then suggested that a certain percentage of funds be turned over to MIRROR if they complete the project by the specified times. It was determined this is something that is in HRM's interest rather than it being considered a bonus as such for MIRROR.

Mr. Crooks further stated if MIRROR does not complete the project by the end of 1998, thereby moving into an extension period, and they can find a less expensive way of disposing of the region's waste, the municipality does not get the benefit of the cost savings. The agreement is that HRM will pay MIRROR what it would have been contractually obligated to pay, had they completed the facilities on time.

Councillor Epstein advised he could not support the Motion on the floor. This is a significant contract for a twenty-five year operation at a cost of \$7.7 million per year. Due to the size of the contract, the Councillor felt this should have gone through the public tender process; further, the public should have an opportunity to review the document. Councillor Epstein suggested that the municipality can hire those with expertise rather than undertake a partnership arrangement. Further, the reality is that the municipality is politically responsible for this project and the suggestion that there is a shared risk is incorrect.

Councillor Hendsbee stated he will be supporting the Motion. Council must move ahead as this project has been discussed at length. The Councillor gave accolades to Councillors Rankin and Cooper, and the Community Stakeholders Committee for their leadership. Reference was also made to correspondence received from Ogden Waste to Energy, Inc. dated July 15, 1997 regarding ongoing legal action against the former Metropolitan Authority on a perceived wrongful termination of their contract to design, construct and operate the Burnside waste-to-energy project.

Councillor Downey stated he could not support the Motion as Site A is in the vicinity of the black community of Beechville.

Councillor Hanson expressed his appreciation to Councillors Rankin and Mitchell for their input into this project. The Councillor urged Council to support the Motion and go on record as making a difficult decision. Any delay at this point in time would be

imprudent.

Councillor Barnet advised he would be supporting the Motion, noting this is a reasonable solution to a difficult problem. The Councillor also thanked Councillors Rankin and Mitchell for their work in this regard. Further, the public must continue to scrutinize the operation of the facilities.

Councillor Cooper stated this has been a long process. There had been an open process in seeking a partnership and that Council cannot revisit the entire process at this late date. The Councillor also stated that residents need to continue monitoring the operation.

Councillor Blumenthal stated this project cannot be delayed any longer and that he will support the Motion.

Deputy Mayor Greenough expressed appreciation to Councillors Rankin and Mitchell for their consistency in representing this issue from the very beginning. The Deputy Mayor advised he will be supporting the Motion.

Councillor Rankin, in closing the debate, advised that following a call for proposals, ten companies competed, with MIRROR being the successful company. This process, rather than a tender process, allowed the municipality to have the flexibility to respond to the Strategy as opposed to undertaking a traditional tendering process. The public process has been the most extensive public exercise in the province relative to the selection for a site garbage. The contract does reflect continual community monitoring and staff input. Also, the contract is not specific to Site A; these principles can be applied to any location. With respect to the community of Beechville, one resident from this community is currently a member of the Community Monitoring Committee (referenced Schedule "D"). (At this point, Councillor Rankin recognized Mr. Don Wright from the Community Monitoring Committee who was in the gallery). Given the perception that this is a negative investment, the Councillor requested, on behalf of the Western Region, that Council respond positively to future requests (i.e. library, multi-purpose facilities) by the Western Region; thereby signalling to the community that Council is attempting to provide a positive investment to the community.

Councillor Rankin respectively requested support for the Motion.

Mayor Fitzgerald asked that a member of PROBE be appointed to the Community Monitoring Committee.

Councillor Epstein requested a recorded vote on the Motion.

MOTION PUT AND PASSED. (21 supported the Motion and 2 voted against).

Those who **supported** the Motion were Mayor Fitzgerald, Deputy Mayor Greenough

and Councillors Snow, Hendsbee, Cooper, McInroy, Sarto, Hetherington, Schofield, Cunningham, Blumenthal, Uteck, Walker, Stone, Hanson, Adams, Barnet, Harvey, Kelly, Rankin and Mitchell.

Those who voted **against** the Motion were Councillors Downey and Epstein.

Councillor Dooks was absent for the vote.

Following a ten minute recess, the meeting resumed at 4:20 p.m.

Councillor Dooks took his place at the meeting at 4:20 p.m.

Upon Councillor Dooks' arrival, it was agreed that item 8.2 - 1997/98 Operating Budget - Clause (d) of Resolution would now be discussed.

8.2 1997/98 Operating Budget - Clause (D) of Resolution

This matter had been deferred from the June 24, 1997 Regional Council meeting.

- A report, dated July 11, 1997, from Larry Corrigan, Acting Chief Administrative Officer, entitled "1997-98 Operating Budget - Area Rates", was before Council for consideration.

The report recommended:

That Regional Council approve the schedule of area rates attached to the staff report. There is no charge to the general tax rates.

In accordance with the HRM Act, any deficit which occurs in 1997-98 shall be recovered in full from the 1998-99 area rate.

That the debt service charges associated with capital projects for enhanced services that occur outside of the normal capital budget (such as area service loans) shall be paid for through area rates.

That the Business Improvement District rates be approved as attached to the staff report. Their budgets will be revised to reflect these rates.

Councillor Dooks advised the Fire Department in Ostrea Lake was experiencing a deficit of \$14,126, as a result of repairs to the roof of this municipally-owned building. The community was currently looking at a 100% increase in the fire rate from 11¢ to 22¢ to cover the deficit. Should the increase be approved, the Fire Department could not continue to operate, and the community would feel the loss. Accordingly, the Councillor respectfully requested Council to remove \$14,126 from the Fire Services General Funds to cover the deficit of the Ostrea Lake Fire Department, and that the fire rate remain at 11¢. Alternatives have been suggested by staff i.e. remove the Fire

Department and have the service delivered through a fire district, however, the Councillor expressed concern with response times, should this occur. Staff advised that the 11¢ rate was not possible and that it would take an 18¢ rate to finance the deficit.

MOVED by Councillor Dooks and Deputy Mayor Greenough to take \$14,126 from the Fire Services General Funds to cover the deficit of the Ostrea Lake Fire Department, and that the fire rate be set at the 18¢ level.

In response to enquiries from Council, Mr. Bruce Fisher, Budget Co-ordinator, advised that certain recreation facilities inside the urban core were previously funded through an area rate. In the rural areas same would be paid for through a rural area rate.

With respect to the amortization of fire department deficits, staff have recommended that deficits be amortized over three years. With respect to the Ostrea Lake Fire Department, it is being suggested they pay \$500 down in the first year and amortize the remainder over a five year period. Last year, Council agreed that tax rates would be equal to the sum of the former area rates, but technically, area rates did not exist. This latter aspect gives Council some latitude in dealing with this issue.

In response to an enquiry from Councillor Epstein if the Lucasville Community Centre could be moved to the urban core, Mr. Fisher advised the line goes down the Lucasville Road, but the centre is on the Halifax side of the line which is inside the urban core. Mr. Fisher noted this is the problem as there can be split users and a split tax base.

Deputy Mayor Greenough assumed the chair - 4:45 p.m.

Councillor Mitchell advised his District had experienced the same deficit problem at one time and had brought in a comptroller, who looked after all the budgets for each community in his District. As a result, deficits were eliminated and surpluses realized. The Councillor offered Councillor Dooks assistance in this regard.

Councillor Walker advised he would support the Motion as long as this type of request did not become routine.

Commissioner Gary Greene addressed Council expressing concern with the Motion on the floor noting it could set a precedent. The Commissioner referenced other options and that the deficit problem could be eliminated over a period of time.

MOTION PUT AND PASSED.

Councillor Cooper addressed Council noting the Cole Harbour Heritage Farm Museum, is considered inside the urban rate, however, other items included in the urban core listing were transferred with the *exception* of the Museum. The Councillor enquired if this was an error.

MOVED by Councillors Cooper and McInroy that the Cole Harbour Heritage Farm Museum be *included* under the urban core rate.

In response, Mr. Bruce Fisher, Budget Co-ordinator, understood this item had been budgeted last year under two sections of the budget (a) Grants, and (b) area rate services. As the facility is inside the urban core area, it should be funded through the urban tax base and not an area rate.

Mr. Ken Meech, Chief Administrative Officer, suggested there was no need for a Motion and that the facility would be dealt with through the urban rate. In response, Councillor McInroy suggested, as there appears to be confusion as to which portion of the budget this facility should be categorized, perhaps a vote on the motion to include it in under the urban core rate would be feasible.

MOTION PUT AND PASSED UNANIMOUSLY.

Councillor Hendsbee expressed concern with the lack of public consultation in the setting of area rates. He noted that street lighting would be acquired rather than leased from the Power Corporation and questioned if these would be financed through an area rate or as a capital project. In response, Mr. Fisher advised there are no additional lights built into the operating budget for this year, and that area rates would cover the cost of existing lights.

In conclusion, the following motion was placed before Council, incorporating the two previously adopted motions as amendments to the recommendation:

MOVED by Deputy Mayor Greenough and Councillor Hetherington that Regional Council approve the schedule of area rates, incorporating the approved amendments of taking \$14,126 from the Fire Services General Funds to cover the deficit of the Ostrea Lake Fire Department with the fire rate remaining at the 18¢ level and the Cole Harbour Heritage Farm Museum being included under the urban core rate. There is no charge to the general tax rates. In accordance with the HRM Act, any deficit which occurs in 1997-98 shall be recovered in full from the 1988-89 area rate. The debt charges associated with capital projects for enhanced services that occur outside of the normal capital budget (such as area service loans) shall be paid for through area rates. The Business Improvement District rates be approved as attached. Their budgets will be revised to reflect these rates. MOTION PUT AND PASSED.

Following a one hour recess, the meeting resumed at 6:00 p.m.

9.5 AUDIT COMMITTEE

9.5.1 Recommendation of 1996/97 Audited Financial Statement

- A report, dated July 9, 1997, from Deputy Mayor Greenough, Chair, Audit Committee, entitled "Audited Financial Statements - March 31, 1997", was before Council for consideration.

Deputy Mayor Greenough introduced Mr. Doug Reid, CA, Engagement Partner, KPMG; Ms. Michelle Fletcher, CA, Audit Manager, KPMG, and Ms. Dawn McKay, Manager of Accounting, HRM.

MOVED by Deputy Mayor Greenough and Councillor Hetherington that : (i) consolidated financial statements not be required for the year ended March 31, 1997 nor for subsequent years; (ii) comparative figures not be prepared for the year ended March 31, 1996; (iii) the audited financial statements for the year ended March 31, 1997 be approved, and that the Mayor and Municipal Clerk be authorized to sign the financial statements on behalf of Council.

Commissioner Larry Corrigan, with the aid of overheads, addressed Council advising that for the year end, there was a small deficit of \$941,000 which equates to 2/10 of 1%; \$301 million was received in taxes and \$21 million in payments in lieu. Mr. Corrigan advised that \$69 million had been budgeted for departmental revenue with the actual amount being \$63 million. He advised the total revenues for the year was \$406 million with total expenditures being \$407 million. Each of the operating departments came in with a surplus.

At the end of the presentation, Deputy Mayor Greenough thanked the members of the Audit Committee, KPMG and HRM staff.

MOTION PUT AND PASSED.

9.3.1 COMPREHENSIVE AUDIT AND PROGRAM AND SERVICE REVIEW - RECOMMENDATION

- A recommendation from the July 8, 1997 Committee of the Whole regarding a Comprehensive Audit, was before Council for consideration.

MOVED by Deputy Mayor Greenough and Councillor Hetherington that a Comprehensive Audit be carried out on Transit and Fleet Management; further, that a Program and Service Review be undertaken as recommended by the Chief Administrative Officer; also, that the Committee Advisory Committee's Report on a Committee Structure be delayed, pending completion of the Program and Service Review.

Councillor Adams suggested an alternative would be the provision of the services of an Auditor General, accountable to Council to ensure independence, including a budget if necessary, to draw upon expertise in areas where such services may be required. He also stated that if Council does approve the motion, any recommendations that come

back must be followed through.

Deputy Mayor Greenough advised the audits would be tendered in terms of specific criteria and cautioned the setting up of another department.

MOTION PUT AND PASSED.

MOVED by Councillors Adams and Harvey that the matter of establishing an auditor general department for the upcoming fiscal year, be referred to staff for costing and feasibility. MOTION PUT AND PASSED.

9.6 BEDFORD WATERS ADVISORY COMMITTEE

9.6.1 Water Quality - Paper Mill Lake

- A report dated July 10, 1997, from Marvin Silver, Chair, Bedford Waters Advisory Committee, entitled "Paper Mill Lake Water Quality," was before Council for consideration.

The Bedford Waters Advisory Committee (BWAC) was concerned with the level of faecal readings taken from Paper Mill Lake in the summer of 1996. It was understood that no further tests had been undertaken since then, therefore; BWAC expressed the view that a health hazard could exist. A Motion pertaining to the Committee's recommendation was placed on the floor.

MOVED by Councillors Kelly and Mitchell that Halifax Regional Municipality take action to have the beach, influx and outlet of Paper Mill Lake tested for fecal coliforms on a regular basis but more importantly, to commence such testing immediately and if a hazard does exist, post the area appropriately until the danger has been dealt with.

Councillor Barnet enquired if this was a Provincial matter, and if so, suggested this be forwarded to the Province. Councillor Hetherington suggested prior to voting on the Motion, the matter of preparing a cost analysis of undertaking water quality testing at Paper Mill Lake, be referred to staff.

No vote was taken on the Motion. Another Motion was put on the floor.

MOVED by Councillors Hetherington and Blumenthal that the matter of preparing a cost analysis of undertaking water quality testing on Paper Mill Lake, be referred to staff. MOTION PUT AND PASSED.

9.7 LOGO SELECTION COMMITTEE

9.7.1 Logo Selection Committee Wrap-Up Report and Recommendation re: Establishment of the Coat-of Arms Committee

A report, dated July 9, 1997, from Paul Pettipas, Chairman, Logo Selection Committee, entitled "Logo Selection Committee Wrap-Up Report and Recommendation re Establishment of the Coat-of-Arms Committee," was before Council for consideration.

Mayor Fitzgerald praised the Logo Selection Committee on its work in developing a Logo for the new municipality.

Councillor Blumenthal, referencing the Greater Halifax Partnership's contribution of \$5,000 towards the Logo project, enquired as to why an agency who receives funding from the Regional Municipality would have provided sponsorship for the Logo. In response, Mr. Meech advised he would ask Dr. Michael MacDonald to provide Council with information on the matter.

Councillor Uteck suggested the Coat of Arms from the former City of Halifax be considered as the official Coat of Arms for the new Regional Municipality.

Councillor Harvey noted that each of the former municipal units had their own Coat of Arms and suggested these be considered in the development of the new Coat of Arms for the Regional Municipality.

MOVED by Councillors Hetherington and Dooks that a Coat-of-Arms Committee be appointed over the summer. MOTION PUT AND PASSED.

MOVED by Councillor Hetherington and Deputy Mayor Greenough that Councillor Harvey be appointed as Chair of the Coat-of-Arms Committee. MOTION PUT AND PASSED.

9.8 NORTH WEST COMMUNITY COUNCIL

9.8.1 Review of MPS for Beaver Bank, Upper Sackville and Hammonds Plains - Public Participation Program

- A report, dated July 7, 1997, from Councillor Robert Harvey, Chairman, North West Community Council, entitled "Review of Municipal Planning Strategy for Beaver Bank, Upper Sackville and Hammonds Plains - Public Participation Program," was before Council for consideration.

MOVED by Councillors Barnet and Rankin that the Plan Review process for the Beaver Bank, Upper Sackville, Hammonds Plains (Planning Districts 15, 18 and 19) Plan area as outlined in the report and Terms of Reference for the Plan Review Committee be approved. MOTION PUT AND PASSED.

9.9 HALIFAX PENINSULA COMMUNITY COUNCIL

9.9.1 Case 7467 - Development Agreement Application - 2730 Gottingen Street (Heritage Property)

- A report, dated July 7, 1997, from Councillor Howard Epstein, Chairman, Halifax Peninsula Community Council, entitled "Case 7467 - Development Agreement Application to allow for a change of use on a registered heritage property at 2730 Gottingen Street" was before Council for consideration.

MOVED by Councillors Epstein and Mitchell that Regional Council approve the development agreement to allow for a change of use on a registered property at 2730 Gottingen Street, inclusive of the amended preamble to the agreement noted in the addendum report dated June 6, 1997. Further, that the applicant be given one hundred and twenty (120) days to sign the development agreement from the date of approval by Regional Council, or the date of any other approvals required to sign the agreement as the case may be, unless an extension thereof is granted by the Community Council at the request of the applicant, failing which this approval will be void and obligations hereunder shall be at an end. MOTION PUT AND PASSED.

9.10 CHIEF ADMINISTRATIVE OFFICER

9.10.1 First Reading to Amend By-Law P-408 (City of Dartmouth Employees Retirement Pension Plan)

- A report, dated July 11, 1997, from Commissioner Larry Corrigan, Acting Chief Administrative Officer, entitled "Amendment to By-law P-408 (the City of Dartmouth Employees' Retirement Pension Plan) regarding "Rule of 80," was before Council for consideration.

MOVED by Deputy Mayor Greenough and Councillor Schofield that First Reading be given to By-Law P-302 which provides that any member of the City of Dartmouth Employees' Retirement Pension Plan who were previously eligible to retire under a "Rule of 85" may now retire when they have a "Rule of 80" (minimum age 50). MOTION PUT AND PASSED.

Second Reading to take place August 19, 1997.

9.10.2 Argyle Street Design Study - Final Report

- A report, dated June 19, 1997, from Dan English, Commissioner of Community

Services, entitled "Argyle Street Design Study: Final Report," was before Council for consideration.

- Correspondence was circulated to members of Council from the following: Bob Switzer, Owner, Tax Records; David Henry, Economy Shoe Shop; Debbie Mclsaac, Vice President, Sonco Property Development and Services Co. Inc.; Hudson Shotwell, Co-Owner, Trident Booksellers Cafe Ltd., and Kate Carmichael, Executive Director, Downtown Halifax Business Commission.

Mr. Bill B. Campbell, Manager, Planning Services, Western Region, addressed Council advising the recommendation was to approve, in principle, the Design Study with the design work and implementation subject to approval in future Capital Budgets. He advised the study recommends and conceptualizes various capital improvements such as sidewalk widening, surface treatments, improvements to security, lighting and landscaping, reorganization of loading areas and parking, to create a vibrant pedestrian oriented environment that accommodates the business and the automobile.

In response to Councillor Downey, Council was advised this Study was specific to Argyle Street.

In response to Councillor Cooper, Council was advised the direction in the Municipal Development Plan supports this type of proposal particularly in respect to safe and vibrant pedestrian environments.

Council agreed to hear five presenters on this item.

Mr. Bob Switzer, Taz Records - Mr. Switzer stated he has watched parking diminishing over the years and stated that without available parking, the businesses will go under.

Mr. David Henry, Economy Shoe Shop - Mr. Henry noted that the importance of parking should not be diminished as a result of making the street more accessible and vibrant. He noted that as most business do not close until 2:00 a.m., Mr. Henry suggested that outdoor cafes be allowed to stay open until that time as well.

Ms. Debbie Mclsaac, Vice President, SONCA Properties - Ms. Mclsaac addressed Council stating the following suggestions:

- a greater police presence in the area
- remove the no parking signs and replace with metered parking
- provision for handicapped parking.

Ms. Mclsaac also expressed the concern that trees in front of the Canada Trust obstruct the building and could impede visibility.

Ms. Mclsaac, read into the record, a letter from Lynn Campbell, Branch Manager,

Canada Trust.

Mr. Hudson Shotwell, Trident Booksellers Cafe Ltd. - Mr. Shotwell stated that one of the flaws in the study is parking and the lack of input by the public into the Study. He stated his biggest concern is with the widening of the sidewalks on Argyle Street and suggested caution in making any permanent changes.

Ms. Kate Carmichael, Executive Director, Downtown Halifax Business Commission - Ms. Carmichael advised she was asking Council to accept, in principle, the Study as this would provide an opportunity to build a street that is compatible for all uses. She advised there are many areas of downtown that are being looked at in order to provide additional parking, including the three car taxi stand on the west side of Argyle between Blower and Sackville Street. Ms. Carmichael advised that approval in principle will allow the opportunity and the latitude for the Business Commission to work with the municipality to create an Argyle Street that serves all.

MOVED by Councillors Downey and Mitchell that Council approve, in principle, the Argyle Street Design Study and that detailed design work and implementation be subject to approval in future capital budgets.

Councillor Blumenthal expressed concern with the removal of the disabled parking spaces. He stated before Council accepts this Study in principle, there is a need for more input from the people and businesses of Argyle Street and suggested a public hearing.

Another motion was placed before Council:

MOVED by Councillors Hetherington and Blumenthal this item be referred to staff to enter into dialogue with the property owners and business operators on the street.

Mayor Fitzgerald stated he would like to have the business community review the study carefully to ensure each business has an opportunity for input. In response, Mr. Campbell advised two extensive public sessions had been held and meetings with the designer had been held with various businesses on a one to one basis.

Councillor Cooper noted there are no dimensions provided on the submitted drawings and suggested the drawings be redistributed showing same. The Councillor also noted the noise aspect may be further strengthened as a result of the outside cafes. The Councillor further stated there should be an opportunity for cost sharing and that the report should be brought back to Council at some future date with recommendations addressing concerns.

Councillor Epstein noted that if Council accepts this report in principle, it would be for permanent alterations, and widening of the sidewalks. The Councillor suggested a solution would be temporary seasonal widenings, not permanent.

Deputy Mayor Greenough advised that by approving the matter in principle, Council is saying it agrees with the proposal subject to working out the details of the report.

MOTION OF REFERRAL PUT AND PASSED.

Councillor Downey requested the time limit for the closure of street cafes be extended from 1:00 a.m. to 2:00 a.m. to coincide with regular hours of business.

In response to Councillor Blumenthal regarding the need for police protection, Deputy Police Chief Dave MacKinnon stated they are examining the presence of these cafes and bar groups and at the present time there are no problems being experienced and would not anticipate any if the hours were extended to two o'clock.

MOVED by Councillors Downey and Uteck that the restaurants be allowed to keep their sidewalk cafes open until 2:00 a.m. MOTION PUT AND PASSED.

9.10.3 School Board Election - Plebiscite and North West Community Council Recommendation - Plebiscite Question on Supplementary Education Funding

A report prepared for Mr. Wayne Anstey, Municipal Solicitor, entitled "School Board Elections" and a report from the North West Community Council entitled "Possible Referendum on Supplementary Education Funding," were before Council for discussion.

Councillor Hendsbee noted supplementary education funding is provided by the former Cities of Halifax and Dartmouth, but not Bedford and Halifax County. The Councillor suggested a plebiscite be held in conjunction with the upcoming Regional School Board election to obtain information as to whether or not residents in Bedford and Halifax County would support supplementary education funding through an additional tax rate.

Councillor Cunningham expressed concern with the history of low voter turnout for these elections and suggested an alternative might be to have community based meetings in those areas affected.

Councillor Harvey noted that provision could be made, in conjunction with the Regional School Board election, for an additional ballot. He stated that the purpose of the recommendation from the North West Community Council was to ascertain whether the residents of the former Town of Bedford and Halifax County Municipality would be in favour of an amount for supplementary education funding being placed on the tax bill. The Councillor stated that staff should be directed to formulate proposed questions for Council to review on August 19, 1997. The following motion was then placed on the floor:

MOVED by Councillors Harvey and Hendsbee that a referendum question which would test the proposition of Supplementary Education funding in the former

County of Halifax and Bedford be placed on the ballot for the School Board elections to establish a mandate and, should there be agreement in principle, that Council be involved in the formulation of the questions.

Councillor Barnet indicated the plebiscite would not be binding but would provide information to Council that would aid in the setting of the 1998-99 area rates.

Councillor Dooks cautioned this may send a message to the Province indicating the Municipality is willing to take additional responsibility for educational funding.

Councillor Uteck suggested that supplementary funding be explained fully to the public before the question goes to the voters. He also advised that Dr. Don Trider, Chief Executive Officer, Halifax Regional School Board, had indicated the possibility of providing information as to what supplementary funding represents, and how and where it would be delivered.

Councillor Rankin expressed concerns with what is being suggested and stated he felt it is premature with so many unanswered questions such as (a) if a district does not want the funding, will it be imposed if there is a majority vote in favour; (b) will there be different rates in different areas; and, (c) what will the implications be if the funding is approved at the same level across the board.

Councillor Cooper stated the issue of how does Council achieve and ensure that adequate public input is received, needs to be addressed. He suggested a number of public meetings be arranged for residents of the Bedford and Halifax County areas. The Councillor further stated he would like to see the questions determined and circulated as soon as possible.

Councillor Harvey suggested the question on the ballot ask residents for input on supplementary education funding being extended to the areas where it currently now does not exist.

**MOVED by Councillors Rankin and Cunningham that this issue be deferred.
MOTION DEFEATED.**

Councillor Hetherington raised the question as to how voting would be carried out for those areas of his district, and Councillors Adams' district, that were a part of the former County of Halifax.

Councillor Blumenthal spoke in favour of the motion noting if there was equality in supplementary funding throughout Halifax Regional Municipality, there would be no costs or difficulties associated with students transferring to a school of their choice anywhere within the HRM boundaries.

MOTION PUT AND PASSED.

Councillor Walker referenced question 2 and 3 of the staff report dated July 15, 1997, from Wayne Anstey, Director of Administration and Legal Services, entitled "School Board Elections." The Councillor questioned how the Nova Scotia Utility and Review Board determined the district boundaries. The Councillor also expressed concern with the inequality of voters in these districts noting the wide variance in the number of electors - from 12,000 to 40,000 and proposed that Council challenge the decision through the courts.

Mr. Anstey cautioned Council regarding the time frame involved and advised an appeal of the decision may not take place before the election in October.

MOVED by Councillors Walker and Epstein that the order of the NSURB, dated June 3, 1997, to establish the number of members of the Halifax Regional School Board and boundaries of electoral districts, be appealed and that the solicitor prepare a case and make representation to the court of appeal. MOTION PUT AND PASSED.

Council recessed for 10 minutes.

(Councillor Hetherington left the meeting)

MOVED by Deputy Mayor Greenough and Councillor Blumenthal that the meeting be adjourned to Wednesday, July 16, 1997, at 1:00 p.m. MOTION DEFEATED.

9.10.4(a) Halifax Harbour Solutions - Consulting Services Selection

- A report, dated July 10, 1997, from Dan Gautreau, Acting Commissioner, Priority and Policy, entitled "Halifax Harbour Solutions - Consulting Services Selection," was before Council for consideration.

MOVED by Deputy Mayor Greenough and Councillor Epstein that Council instruct staff to conclude negotiations with Jacques Whitford Environment Limited and that Council authorize the Chief Administrative Officer to approve the contract while Council is on summer break.

Councillor Rankin referenced #6 of the staff report, "value per dollar" and questioned how much weighting was given to the cost that was submitted as compared to other costs and what was the actual cost. Council was advised 15% was allocated to considerations of cost. Councillor Rankin requested that the weighting given to these criteria be provided.

Councillor Kelly expressed concern that all detailed information is not being provided and noted that previously Council requested that when proposals come forward, the evaluation matrix be provided to Council.

Mr. Meech advised the fee for service is not a set fee but based on the scope of

activities.

In response to Councillor Sarto, Mr. Meech advised the amount would be charged back to the pollution control account.

MOTION PUT AND PASSED.

9.10.4 (b) Stakeholder Advisory Committee - Membership Appointments

- A report, dated July 7, 1997, from Mayor Fitzgerald, entitled "Halifax Harbour Solutions Stakeholder Advisory Committee - Membership Appointments," was before Council for consideration.

MOVED by Councillors Epstein and Adams that the following citizens be appointed to the Halifax Harbour Solutions Stakeholder Advisory Committee:

1. Peter Underwood (NSDOE)
2. Paul Klaamas (Environment Canada)
3. Gordon Fader (Geological Survey of Canada)
4. John Major (DFO)
5. Hari Samant (Public Works)
6. Patricia Manuel (NSCAD, Environmental Planning)
7. Marvin Silver (Coalition for Responsible Environmental and Economic Development)
8. Rosalee Grette Lydon (Ecology Action Centre)
9. Walter Regan (Sackville Rivers Association)
10. Alan Ruffman (Metro Coalition for Harbour Clean Up)
11. Heather Brown (Herring Cove Ratepayers Association)
12. Don Lawrence (Dartmouth Cove Area Residents Association)
13. Rick Orlando (Chamber of Commerce)

Councillor Epstein moved the recommendation and noted there is room for 15 persons on the Committee stating that if Councillors are aware of other qualified persons who might want to put their names forward, they would be examined.

MOTION PUT AND PASSED.

9.10.4 (c) Information Report - Correspondence from Environment Canada re: Harbour Solutions

- A report, dated July 15, 1997, from Dan Gautreau, Acting Commissioner, Priority and Policy, entitled "Correspondence from Environment Canada re Harbour Solutions," was before Council for consideration.

Council agreed to receive the correspondence for information.

(Councillor Hanson left the meeting)

9.10.5 Local Improvement Policy - Costs

- A report, dated July 8, 1997, from George McLellan, Commissioner of Regional Operations, entitled "Local Improvement Policy - Costs" was before Council for consideration.

Staff was recommending that the standard costs to abutters as per Schedule 1 attached to the July 8, 1997 staff report, be applied to the 1997/98 capital projects and that the standard costs for future years be adjusted yearly according to the construction index of the Engineering News Record.

Councillor Hendsbee expressed concern with the cost per linear foot as it pertains to new paving and asked if the quoted price was all inclusive. In response, Mr. Kulvinder Dhillon, Director of Engineering Services, advised the price includes the paving, shoulders and ditching on the streets. Further, he noted this price pertains to the core area. Outside the core area, the costs are based on the DOT price.

Councillor Cooper noted that the report includes a cost for chip sealing which is a maintenance item.

MOVED by Councillors Cooper and Hendsbee that chip sealing be removed from the policy.

Mr. Kulvinder Dhillon advised the cost to chip seal on new infrastructure, and after initial installation, all maintenance costs, including chip sealing, when and if required, would not be a local improvement charge.

In response to Councillor Snow, Mr. Dhillon advised if the policy is approved then the residents will be advised of the cost and they will have the right to petition against the work to be carried out.

MOTION DEFEATED.

In response to Councillor Walker, Mr. Dhillon advised if there is existing asphalt pavement on the street and existing asphalt curb, and Council approves concrete curb and gutter, there will be a charge for concrete curb and gutter as outlined in the table, but not for the paving.

MOVED by Deputy Mayor Greenough and Councillor Sarto that any replacement of curb and sidewalk, whether asphalt or concrete, be considered a renewal rather than a service. MOTION DEFEATED.

The following motion was then placed on the floor for consideration:

MOVED by Deputy Mayor Greenough and Councillor Kelly that where there is existing asphalt sidewalk and curb, a credit of 1/3 be applied towards the new concrete curb, gutter and sidewalk rates. MOTION PUT AND PASSED.

Mr. Meech, Chief Administrative Officer, advised that Mr. Dhillon is organizing a meeting with DOT officials for the Council members who represent those areas outside the core area.

MOVED by Councillors Rankin and Mitchell that the standard costs to abutters as per Schedule 1, attached to the July 8, 1997 staff report, be applied to the 1997/98 capital projects and that the standard costs for future years be adjusted yearly according to the construction index of the Engineering News Record; further, where there is existing asphalt sidewalk and curb, a credit of 1/3 is to be applied towards the new concrete curb, gutter and sidewalk rates only. MOTION PUT AND PASSED.

9.10.6 Fee for Tax Certificates

- A report, dated July 8, 1997, from Larry Corrigan, Commissioner of Corporate Services, entitled "Fee for Tax Certificates," was before Council for consideration.

MOVED by Deputy Mayor Greenough and Councillor Schofield that the charge for tax certificates be set at \$75.00 effective July 1, 1997. MOTION PUT AND PASSED.

9.10.7 Policy Statement - Occupational Health and Safety

- A report, dated July 7, 1997, from Larry Corrigan, Commissioner of Corporate Services, entitled "Policy Statement - Occupational Health and Safety," was before Council for consideration.

Council agreed to receive the Policy Statement for information.

9.10.8 Secure Network Access Solution

- A report, dated July 9, 1997, from Commissioner Larry Corrigan, Acting Chief Administrative Officer, entitled "Secure Network Access Solution," was before Council for consideration.

MOVED by Councillors Walker and Stone that the bid of \$285,605 from SIDUS Systems Inc. be accepted.

Councillor Hendsbee stated he would prefer the project be awarded to a local company and made the following motion:

MOVED by Councillor Hendsbee that the contract be awarded to MT&T.

As there was no seconder, the Motion was lost. A vote was then taken on the main motion.

MOTION PUT AND PASSED.

9. 10.9 Municipal Real Property Management Program (supplementary report)

- A report, dated July 9, 1997, from George McLellan, Commissioner of Regional Operations, entitled "Municipal Real Property Management Program," was before Council for consideration.

MOVED by Councillors Sarto and Uteck that Council approve the recommendation defined in the report concerning the Real Property Management Program submitted to the July 8, 1997, Committee of the Whole meeting, subject to the amendments discussed in the report dated July 9, 1997.

Councillor Kelly noted that staff was still recommending 15% under 2(b) and 3 as recommended in the original recommendation of July 2, 1997. Accordingly, Councillor Kelly put the following motion on the floor:

MOVED by Councillors Kelly and Hendsbee that section 2(b) and 3 of the staff report dated July 2, 1997 be amended to reflect 10%. MOTION DEFEATED.

Councillor Barnet indicated he had requested information regarding three properties on Waddell Drive. In response, Council was advised the property in question exists as one parcel at the present time. When the property becomes surplus then staff would discuss with the Councillor the potential subdivision of the site.

MAIN MOTION PUT AND PASSED.

9.10.10 Lease Proposal - Captain William Spry Community Centre

- A report, dated July 9, 1997, from Dan English, Commissioner of Community Services, was before Council for consideration.

MOVED by Deputy Mayor Greenough and Councillor Adams that Halifax Regional Council authorize the Mayor and Clerk to execute a lease agreement with the Member of Parliament for Halifax West, Gordon Earle, to occupy 849 square feet of space in the Captain William Spry Community Centre, incorporating terms as discussed on page two of the staff report dated July 9, 1997. MOTION PUT AND PASSED.

9.10.11 Eastern Halifax County Crime Prevention Association's Request for Public Transportation to Rainbow Haven Provincial Park

- A report, dated June 26, 1997, from George McLellan, Commissioner of Regional Operations, entitled "Eastern Halifax County Crime Prevention Association's Request for Public Transportation to Rainbow Haven Provincial Park," was before Council for consideration.

MOVED by Councillors Cunningham and Blumenthal that the request for a summer bus service to Rainbow Haven Provincial Park be tabled for 1997, but that staff contact the Eastern Halifax Crime Prevention Association early in 1998, to see if it is possible to arrange something for the summer of that year. MOTION PUT AND PASSED.

9.10.12 Design of the Angus L. Macdonald Bridge Approaches - Phase 1

- A report, dated July 9, 1997, from George McLellan, Commissioner of Regional Operations, entitled "Design of Angus L. Macdonald Bridge Approaches - Phase 1," was before Council for consideration.

MOVED by Councillors Downey and Stone that Halifax Regional Council approve the appointment of O'Halloran Campbell Consultants Limited to prepare engineering drawings and tender documents for the Macdonald Bridge Approaches Project at an estimated cost of \$250,000 plus HST and Servant, Dunbrack, McKenzie and MacDonald Ltd. to prepare legal plans and descriptions at an estimated cost of \$35,000 plus HST. MOTION PUT AND PASSED.

9.10.13 Expropriation Settlement - Parcel X-7, 31 Alma Crescent

- A report, dated July 7, 1997, from Commissioner Larry Corrigan, Acting Chief Administrative Officer, entitled "Settlement of Expropriation - Parcel X-7, 31 Alma Crescent," was before Council for consideration.

MOVED by Councillors Walker and Stone that the expropriation of Parcel X-7, 31 Alma Crescent as shown on Plan No. TT- 52- 32825 and comprising of 36.2 square metres (389.7 square feet) be settled for \$8,514.60, as settlement in full plus any additional taxes or closing adjustments that may be applicable. Funds are available for the project, Titus Street Upgrading, Account No. 02- 97921. MOTION PUT AND PASSED.

9.10.14 Street Closure and Sale - Lands Abutting Lot M, Rockhaven Drive

- A report, dated July 9, 1997, from Commissioner Larry Corrigan, Acting Chief

Administrative Officer, entitled "Street Closure and Sale - Lands Abutting Lot M, Rockhaven Drive," was before Council for consideration.

MOVED by Councillors Stone and Blumenthal that Council authorize staff to set a date for a public hearing (August 19, 1997) for consideration of Halifax Regional Administrative Order Number SC4, concerning the closure of Parcel C, Rockhaven Drive. It is further recommended that subject to approval of Administrative Order SC4, Halifax Regional Council approve the sale of lands identified as Parcel C for \$937.20, as settlement in full, plus any additional taxes and adjustments that may be applicable. MOTION PUT AND PASSED.

9.10.15 1588 Barrington Street, Halifax: Proposed Lease Agreement

- A report, dated July 9, 1997, from George McLellan, Commissioner of Regional Operations, and Dan English, Commissioner of Community Services, entitled "1588 Barrington Street, Halifax: Proposed Lease Agreement," was before Council for consideration.

Ms. Monica Tapp, Chair, Kyber Arts Society, addressed Council seeking support of the proposed lease agreement.

MOVED by Councillors Downey and Blumenthal that Regional Council authorize the Mayor and Municipal Clerk to execute a Lease Agreement with the Kyber Arts Society (a not-for-profit association), within 120 days, for the Kyber Building located at Civic Number 1588 Barrington Street, in the community of Halifax, that incorporates the Terms and Conditions set out in this report. MOTION PUT AND PASSED.

9.10.16 Application - Amendments to the MPS for Dartmouth and Cole Harbour/Westphal

- A report, dated July 9, 1997, from Dan English, Commissioner of Community Services, entitled "PA-DAR/CHW-03-97: Application by Clayton Developments Ltd. to amend the municipal planning strategies for Dartmouth and Cole Harbour/Westphal to create a residential CDD for approximately 270 acres of land on the east side of Morris Lake," was before Council for consideration.

MOVED by Deputy Mayor Greenough and Councillor Sarto that staff initiate a process for: (i) amendments to the Dartmouth and Cole Harbour/Westphal Municipal Planning Strategies (MPS) for the purpose of designating the 270 acres of land owned by Clayton Developments Ltd. on the east side of Morris Lake to Residential and zoning the lands to CDD zone; (ii) inclusion of Clayton's lands within the Dartmouth Service Boundary; and (iii) review of the CDD plan policies within the Dartmouth Planning Strategy to address the impact of development on watercourses and watersheds. MOTION PUT AND PASSED.

9.10.17 Interim Award Policy

- A report, dated July 7, 1997, from Larry Corrigan, Commissioner of Corporate Services, entitled "Interim Award Policy," was before Council for consideration.

MOVED by Councillors Sarto and Cooper that an interim policy (effective for the period July 22 - August 18, 1997), the Chief Administrative Officer be authorized by Council to award tenders under the following conditions:

- (a) the tender is awarded to the lowest responsible bidder meeting specifications;**
- (b) the award is not to a sole source;**
- (c) the standard process has been followed for an award of a "Call for Proposals";**
- (d) both the program and its funding have previously been approved by Council.**

MOTION PUT AND PASSED

9.10.18 Request for Proposal #96-444R: Integrated Information Management Model Office - Pilot Project (Records Management System)

- A report, dated July 10, 1997, from Commissioner Larry Corrigan, Acting Chief Administrative Officer, entitled "Request for Proposal #96-444R: Integrated Information Management Model Office - Pilot Project (Records Management System)," was before Council for consideration.

MOVED by Councillors Barnet and Hanson that Halifax Regional Council authorize the award of Request for Proposals Number #96-444R for a Records Management System Model Office Pilot Project to the successful proponent, CGI Information Systems and Management Consultants, in the amount of \$102,825 plus HST. MOTION PUT AND PASSED.

9.10.19 Sidewalk Construction - Glendale Avenue

- A report, dated July 4, 1997, from George McLellan, Commissioner of Regional Operations, entitled "Sidewalk Construction - Glendale Avenue," was before Council for consideration.

MOVED by Councillors Uteck and Harvey that Council:

- 1. Approve new sidewalk construction on Glendale Avenue from Cobequid Road easterly, past the cul-de-sac on Glendale Avenue, to the Glendale Avenue/Estated Road intersection, at an estimated cost of \$35,000 as a local improvement project, 50% of the construction costs to be recovered as local improvement charges.**

2. **Enter into an agreement with the Nova Scotia Department of Transportation and Public Works (NSDOT&PW) for the sidewalk construction and to fund the construction costs.**
3. **Approve \$35,000 from Account No. 95465, Parking Lot (Point Pleasant Park) for the sidewalk construction.**

MOTION PUT AND PASSED.

9.10.20 Upgrading of Gravel/Chip Seal Roads Within the Core Area

- A report, dated July 11, 1997, from George McLellan, Commissioner of Regional Operations, entitled "Upgrading of Gravel/Chip Seal Roads Within the Core Area," was before Council for consideration.

MOVED by Councillors Barnet and Adams that (1) Council approve Schedule "A" (attached to the July 11, 1997 staff report) of roads to be paved in the Core Area; (2) Council approve Schedule "B" (attached to the July 11, 1997 staff report) of proposed roads to be chip sealed in the Core Area.

Councillor Harvey indicated Bridgeview Avenue was listed on the paving schedule and noted this is a dead end street. Further, as there was approximately 1/10 of a km. left to be paved, the Councillor suggested the option of chip sealing be offered instead of paving.

Councillor Stone stated he would like a more equitable distribution in the various districts giving consideration to the long standing streets that have never had the opportunity to be paved.

Mr. Dhillon advised most of the streets on the list have been petitioned for, or people have expressed an interest in having the streets paved. He suggested if any of the streets are removed from the list, additional streets can be listed and brought back to Council for approval.

MOTION PUT AND PASSED.

9.10.21 Tender 97-070 - Crosswalk Guards for the Halifax Regional Municipality

- A report, dated July 9, 1997, from Vincent MacDonald, Commissioner of Police Services, entitled "Tender 97-070 - Crosswalk Guards for the Halifax Regional Municipality," and, a report dated July 11, 1997, from Councillor Harvey, Chairman, North West Community Council, entitled "Tender for Crosswalk Guards for Halifax Regional Municipality," were before Council for consideration.

- Correspondence from Roger B. Miller, Operations Manager, Pinkerton of Canada, dated July 14, 1997 re: Crosswalk Guards, was circulated with this item.

MOVED by Councillors Mitchell and Uteck that Regional Council authorize the award to the lowest bidder, Eagle Security Limited at a cost of \$671,413.47 plus HST per year for a three (3) year period.

Councillor Cooper asked what consideration was given to existing crosswalk guards and what consideration will be given as to the need for new crosswalk guards. In response, Inspector David Murphy, Police Services, advised that the recommendation to consider those presently employed in those positions will be passed on to the successful bidder. He advised if additional guards are needed outside the core area any recommendation would have to come to Council for funding approval for that position.

Mr. Phil Bandon, Eagle Security, addressed Council advising if awarded the contract, an advertisement will be placed in the paper indicating that all existing personnel, in those positions, will receive first opportunity for the new positions.

In response to an enquiry from Councillor Schofield, Mr. Bandon confirmed that the Dartmouth crosswalk guards will have a salary reduction of approximately fifty percent.

In response to an enquiry from Councillor Hendsbee, Mr. Bandon advised the benefits do not include Workers Compensation.

Councillor Barnet expressed concern that there are no employment guarantees for those crosswalk guards employed in the former County of Halifax.

Councillor Hendsbee requested a copy of the locations where the crosswalk guards would be located in the upcoming school year.

The following amendment to the Main Motion was placed on the floor:

MOVED by Councillors Kelly and Cooper that the Main Motion be amended to include Workers Compensation as part of the contract. MOTION PUT AND PASSED.

The vote was then taken on the main motion, as amended. The amended Motion now reads:

MOVED by Councillors Mitchell and Uteck that Regional Council authorize the award to the lowest bidder, Eagle Security Limited at a cost of \$671,413.47 plus HST per year for a three (3) year period, with the additional requirement that Worker's Compensation coverage be arranged for the crossing guards. MOTION

PUT AND PASSED.

9.10.22 Tender 97-221 - Sidewalk Renewals

- A report, dated July 9, 1997, from George McLellan, Commissioner of Regional Operations, entitled "Award of Tender No. 97-221 - Sidewalk Renewals," was before Council for consideration.

MOVED by Councillors Walker and Snow that Council award Tender No. 97-221 - Sidewalk Renewals, to Ocean Contractors Limited for materials and services listed at the unit prices quoted for a total tender price of \$84,438.75 and a total project cost of \$97,105 with funding authorized from Capital Account Numbers as noted in the report. MOTION PUT AND PASSED.

9.10.23 Tender 97-222 - Sidewalk Renewals

- A report, dated July 8, 1997, from George McLellan, Commissioner of Regional Operations, entitled "Award of Tender No. 92-222 - Sidewalk Renewals," was before Council for consideration.

MOVED by Councillor Cunningham and Deputy Mayor Greenough that Council award Tender No. 97-222 - Sidewalk Renewals to Ocean Contractors Limited for materials and services listed at the unit prices quoted for a total tender price of \$87,926.70 and a total project cost of \$101,116 with funding authorized from Capital Account Numbers as noted in the report. MOTION PUT AND PASSED.

9.10.24 Tender 97-026 - Aerotech Lagoon Clean Out

- A report, dated June 27, 1997, from George McLellan, Commissioner of Regional Operations, entitled "Award of Tender No. 97-026 (Aerotech Lagoon Clean Out)," was before Council for consideration.

MOVED by Councillors Snow and Hendsbee that:

- 1. Council approve the low tender bid of \$679,194.00 including HST, to Encotec Environmental Technology systems for the Aerotech Biosoids Lagoon Clean Out Project - subject to approval from the Nova Scotia Department of the Environment.**
- 2. Council authorize the transfer of \$169,194.00 from Capital Account #83049, Sewer Rehabilitation, to Capital Account #02-83029 Aerotech Lagoon Clean Out.**
- 3. Council authorize the sum of \$15,000.00 for engineering inspection to ABL Environmental Consultants from Capital Account #02-83029.**

4. Council authorize funding from the Capital Account #02-83029, Aerotech Lagoon Clean Out tender project. MOTION PUT AND PASSED.

9.10.25 Tender 97-223 - Clayton Park Jr. High - Proposed Basketball Courts

- A report, dated June 30, 1997, from George McLellan, Commissioner of Regional Operations, entitled "Award of Tender No. 97-223, Clayton Park Jr. High Proposed Basketball Courts," was before Council for consideration.

MOVED by Councillors Adams and Stone that Tender No. 97-223, Clayton Park Jr. High Proposed Basketball Courts, be awarded to Dexter Construction Company Ltd., for materials and services listed and the unit price quoted for a total tender price of \$67,142.75 and a total project cost of \$77,214. MOTION PUT AND PASSED.

9.10.26 Tender 97-340 - Patching of Streets - Eastern District

- A report, dated June 25, 1997, from George McLellan, Commissioner of Regional Operations, entitled "Tender No. 97-340 - Patching of Streets - Eastern District," was before Council for consideration.

MOVED by Councillors Hendsbee and Sarto that Halifax Regional Council award Tender 97-340, Patching of Streets, Eastern District to Ocean Contractors Ltd at a Tender Price of \$328,882.75 and a Total Project Cost of \$378,215.00 utilizing funding as outlined within this report. MOTION PUT AND PASSED.

9.10.27 Tender 97-355 - Streets Resurfacing - Central District

- A report, dated July 11, 1997, from George McLellan, Commissioner of Regional Operations, entitled "Award of Tender No. 97-355, Streets Resurfacing, Central District," was before Council for consideration.

MOVED by Councillors Barnet and Harvey that Halifax Regional Council award Tender 97-355, Streets Upgrading, Resurfacing, Central District, to Dexter Construction Co. Ltd, at a Tender Price of \$794,707.50 and a Total Project Cost of \$913,914.00 and with funding authorized from Capital Account No.95470, Resurfacing, Various Locations and to recover betterment charges as outlined in this report in the form of a general area rate within Districts 19 and 21 as approved by the North West Community Council at the meeting held on July 10, 1997 in the total amount of \$83,000. MOTION PUT AND PASSED.

9.10.28 Tender 97-356 - Micropaving, Various Locations, Central District

- A report, dated July 10, 1997, from George McLellan, Commissioner of Regional Operations, entitled "Award of Tender No. 97-356, Micropaving, Various

Locations, Central District," was before Council for consideration.

MOVED by Councillors Rankin and Barnet that Halifax Regional Council award Tender 97-356, Micropaving, Various Locations, Central District, to Industrial Cold Milling Ltd., at a Tender Price of \$311,227.95 and a Total Project Cost of \$357,912.00 with funding authorized from Capital Account No. 95480, Surface Sealing, Various Locations. MOTION PUT AND PASSED.

10. PUBLIC HEARINGS

10.1 Case 7404: Child Care Centres in Residential Areas by Development Agreement

- A report, dated June 6, 1997, from Councillor Epstein, Chair, Halifax Peninsula Community Council, and Councillor Stone, Chair, Chebucto Community Council, entitled "Case 7404: Child Care Centres in Residential Areas by Development Agreement," was before Council for consideration.

Ms. Shelly Dickey, Planner, presented the staff report outlining the staff recommendations.

In response to Councillor Schofield, Ms. Dickey advised that those child care centres that are licensed by the Province will also be covered under the Land Use By-Law and noted that it does reduce the number of children permitted in the low and medium density residential zones.

Councillor Blumenthal questioned whether the day cares pay commercial or residential tax and asked if this could be investigated.

Mayor Fitzgerald called three times for speakers to come forward. There were none.

MOVED by Deputy Mayor Greenough and Councillor Schofield that the public hearing close. MOTION PUT AND PASSED.

MOVED by Councillors Walker and Uteck that the amendments to the Municipal Planning Strategy and Land Use By-Law for Halifax concerning child care centres as contained in Appendix A of the supplementary staff report dated May 22, 1997, be approved.

Councillor Stone advised this applies to the areas covered by the Chebucto and Peninsula Community Councils, as well as District 12.

Councillor Cunningham expressed concern that this was not a region wide amendment.

MOTION PUT AND PASSED.

11. CORRESPONDENCE, PETITIONS AND DELEGATIONS

11.1 Presentations

11.1.1 The Changing Face of AIDS - Janet Connors

Ms. Janet Connors, AIDS Coalition of Nova Scotia, addressed Council advising AIDS Awareness Week begins September 28, 1997 with the AIDS walk. She advised the majority of those being infected are young women and youth with the average of age infection dropping from 35 to 23. Ms. Connors informed Council of the expense related to drug needs. An invitation was extended for members of Council to meet with the members of the Aids Coalition to see the work being done as well to participate in the walk in September.

Mayor Fitzgerald thanked Ms. Connors for her presentation.

11.1.2 Airport Privatization - Bernard Miller, Chair and Neil Raynor, Executive Director (oral)

- Copies of the slide presentation were circulated to members of Council.

Mr. Bernard Miller, Chair, addressed Council advising the purpose of the presentation was to bring Council up to date on the status of negotiations and to review the economic impact and obstacles being encountered in negotiations with the Federal Government regarding the Halifax International Airport.

Mr. Neil Raynor, Executive Director, with the aid of overheads, advised the Halifax International Airport generates over \$1 billion dollars per year. He stated the lease offered by the Federal Government is unacceptable and outlined the conditions put forward by the Board before it will take over the management and operation of the airport.

Mayor Fitzgerald thanked Messrs. Miller and Raynor for their presentations.

11.1.3 Concerns of Independent Food Store Owners - Assad J. Chedrawe, Chair, Board of Directors, Independent Food Stores Association

Mr. Assad Chedrawe, Chair, Board of Directors, Independent Food Stores Association, reading from prepared text, addressed Council regarding the safety and security of convenience store owners.

Mayor Fitzgerald thanked Mr. Chedrawe for his presentation and advised that the concerns he expressed on behalf of the Independent Food Store Owners, will be given serious consideration.

MOVED by Councillors Hendsbee and Adams that the meeting be extended

beyond 10:00 p.m. MOTION PUT AND PASSED.

11.2 Petitions

11.2.1 Councillor Hetherington - Gaston Road re: Traffic Concerns

Councillor Cunningham, on behalf of Councillor Hetherington, presented a petition from residents of Gaston Road and Galaxy Avenue regarding traffic concerns.

11.2.2 Councillor Sarto - Sidewalk Betterment Charge

Councillor Sarto presented a petition from the residents of Dorothea Drive regarding sidewalk betterment charges.

11.2.3 Councillor Stone - Bedford Basin Clean-up

Councillor Stone presented a petition from Sonya Gilroy to Mayor Fitzgerald regarding the clean up of the Bedford Basin.

12. MOTIONS - NONE

13. ADDED ITEMS

13.1 Greater Halifax Partnership - Councillor Blumenthal

Councillor Blumenthal stated he has requested a financial statement on numerous occasions as to where the Partnership spent \$900,000.00. The Councillor said to give that amount of money, with no accountability, is bothersome, and requested that a financial statement be provided, by August 26, 1997 identifying source of funding and where it was spent.

Mr. Meech advised the Partnership tabled financial statements at its last board meeting and they will be provided to Council. He advised he would make the partnership aware of the concerns expressed.

At the request of Mayor Fitzgerald, Council agreed to Mr. Meech advising the Partnership regarding a presentation of their financial statements to Council.

13.2 Recognition of Mr. Chester MacKenzie - Councillor Rankin

At an earlier point in the meeting, Councillor Rankin recognized Mr. Chester MacKenzie of Lakeside, who will be competing for Canada in the World Cup Darts Championship in Perth, Australia, and to London, England for the World Masters. The Councillor presented Mr. MacKenzie with a contribution and extended best wishes in the competition.

13.3 Paving - Councillor Dooks

Councillor Dooks requested this item be deferred to the August 19, 1997 meeting.

13.4 In Camera Ratification - Expropriation of Lands - Residual Disposal Facility and Front End Processor

MOVED by Councillors Rankin and Mitchell that Council ratify the In Camera decision regarding the Expropriation of Lands - Residual Disposal Facility and Front End Processor. MOTION PUT AND PASSED.

13.5 In Camera Ratification - Appointment - Halifax-Dartmouth Port Development Commission

MOVED by Councillors Sarto and Cunningham that Council ratify the In Camera decision nominating Mr. S. Paul Zine for reappointment to the Halifax-Dartmouth Port Development Commission for a three year term. MOTION PUT AND PASSED.

14. NOTICES OF MOTION

Councillor Hendsbee served the following Notices of Motion:

1. Take notice at the meeting of the Halifax Regional Council to be held on August 19, 1997, I intend to introduce a motion to repeal By-laws 21243 and 21244 for the Former Town of Bedford and By-law T-403 for the Former City of Dartmouth and By-law 51 of the Former County of Halifax for the purpose of establishing a uniform system for tax relief throughout the Municipality under By-law T-200.
2. Take notice at the meeting of the Halifax Regional Council to be held on August 19, 1997, I intend to introduce a motion to request an Administrative Order respecting tax exemption for low income residents.
3. Take notice at the meeting of the Halifax Regional Council to be held on August 19, 1997, I intend to introduce a motion to amend By-law T-200 in order to add further properties to the existing By-law.
4. Take notice at the meeting of the Halifax Regional Council to be held on August 19, 1997, I intend to introduce a motion to give First Reading to a By-law providing for the deferral of tax payments to low

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15. **ADJOURNMENT**

MOVED by Councillors Uteck and Schofield that the meeting be adjourned at 1:30 a.m. **MOTION PUT AND PASSED.**

**Vi Carmichael
MUNICIPAL CLERK**

