

HALIFAX REGIONAL MUNICIPALITY

HALIFAX REGIONAL COUNCIL MINUTES July 14, 1998

PRESENT:

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

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1. INVOCATION

Mayor Fitzgerald called the meeting to order at 2:30 p.m. with the Invocation.

At this point in the meeting, Mayor Fitzgerald acknowledged the presence of Public Administration students from the Ukraine.

Mr. Isadora Goldberg, Councillor, Province of Quebec, was also acknowledged in the gallery.

2. PROCLAMATIONS - NONE

3. APPROVAL OF MINUTES - June 30, 1998

MOVED by Councillors Greenough and Hetherington to adopt the minutes of June 30, 1998. MOTION PUT AND PASSED UNANIMOUSLY.

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

The Municipal Clerk requested the addition of the following items to the agenda:

- 13.1 Report - Reciprocal Agreement (Pensions) with Province of Nova Scotia
- 13.2 Appointment to Committees
- 13.3 Information Item #5 (July 7 COW) - Regional Museum of Cultural History: Update.

The Municipal Clerk requested the addition of the following items to the Information Agenda:

- Memorandum from Director, Priority & Policy re Update on Proposed Terminal for Maersk/Sea-Land
- Memorandum from Director, Administrative Services dated July 6, 1998 re: Smoke Free Workplace
- Memorandum from Director of Finance dated July 14, 1998 re: Halifax Civic Hospital - Dismantling of Structure re item 10.4.6.

5. BUSINESS ARISING FROM THE MINUTES - NONE

6. PUBLIC HEARINGS (6:00 p.m.)

6.1 Second Reading - By-Law B-300 Respecting Blasting

- A Supplementary Report, prepared for Mr. George McLellan, Deputy Chief Administrative Officer, on the above-noted, was before Council.
- Copies of correspondence from K & M Inspection Consultants Ltd., Conrad Bros. Ltd.; Nova Scotia Power; Mr. Paul Miller; Ms. Aileen McCormick, and, minute excerpts from former Western Regional Community Council (August 23, 1995) and former Halifax County Municipality Council (September 5, 1995), were also before Council.

Mr. Phil Francis, Policy and Planning Engineering, addressed Council, reviewing the issue at hand.

Mayor Fitzgerald called for comments from the public.

MR. ALLAN RICHARDSON, NOVA SCOTIA POWER

Mr. Richardson expressed his concerns with the draft by-law, noting the following:

- no provision for an emergency situation nor power outage;
- nature of blasting is different from quarry or land development blasting; therefore, his organization would like to work with the municipality to establish a reasonable survey requirement.

Mr. Richardson submitted correspondence on his concerns, to the Municipal Clerk.

Mayor Fitzgerald thanked Mr. Richardson for his comments.

MR. KIM CONRAD, CONRAD BROS. LTD.

Mr. Conrad advised this draft by-law was not a workable document. Further his company has been involved with processes such as this, with the Federal and Provincial governments, through the Construction Association of Nova Scotia; the Chamber of Mineral Resources and the Nova Scotia Road Builders Association, worked with various government agencies (Occupational Health and Safety issues as well as Environmental issues), and has had an opportunity to provide input into the documents.

Reference was made to the decibel reading noting it was not reasonable. With respect to preblast surveys, Mr. Conrad suggested these would not be necessary in all instances. A preblast survey is more involved than one would think. It entails going into each house, taking pictures and documenting same (40 minutes - 1 hour time involved for an experienced individual). Mr. Conrad suggested this process would be cost prohibitive.

Reference was made to correspondence which was submitted to the Municipal Clerk, requesting a decision on Second Reading being deferred pending discussions with representatives within the industry, who would be willing to volunteer their time to work with HRM staff to develop a workable document.

Mayor Fitzgerald thanked Mr. Conrad for his comments.

MS. CAROL MCCULLOCH, PRESIDENT OF THE CONSTRUCTION ASSOCIATION OF NOVA SCOTIA (CANS)

Ms. McCulloch advised her Association represented 550 construction related firms in the province, with approximately 300 operating within HRM. Over the last 10 years, she has been involved with a number of associations and has been given an opportunity to work extensively in a number of areas, to improve regulations and procedures governing blasting and pit and quarry operations. Valuable insight has been gained into the problems and limitations experienced by both the regulators and industry.

This draft by-law covers quite a range of activity from power poles to major quarry operations which are extensively regulated at the provincial level. Ms. McCulloch requested that the industry be provided an opportunity to work with HRM staff to work through the specifics of some of the issues.

When CANS was originally invited to participate as part of the Development Advisory Group, a commitment had been made, at that time, to work with the development industry to consult on the harmonization of by-laws, as Council proceeded through the process. The Group disbanded last fall and there has been no formal attempt, as far as she knew, to reconstruct the consultative process. Accordingly, Ms. McCulloch requested a formal process be put in place that identifies stakeholder groups that have an interest in what is happening.

Ms. McCulloch advised her Association was willing to work with HRM in discussing technological and specific issues. An example of one issue is that the Province, under the Occupational Health and Safety Act, has agreed to a 6 month delay, once wording of the regulation is finalized. This allows people, if necessary, to make investments for training, and upgrading equipment - to be in compliance with the regulations upon enforcement.

Mayor Fitzgerald thanked Ms. McCulloch for her comments.

Councillor Hetherington enquired if the industry was consulted when the by-law was drafted. Mr. Phil Francis advised the industry was not consulted formally, however, discussions were held with various representatives from the industry who expressed concerns that the by-law may be restrictive. Councillor Hetherington suggested that

consultation with the industry is mandatory. Accordingly, the Councillor requested this matter be referred back to staff to meet with the industry; further, to leave the Public Hearing open.

MR. ALAN HAYMAN - BURCHELL, HAYMAN AND BARNES

Mr. Hayman addressed Council, representing the Nova Scotia Road Builders Association. This Association is comprised of most of the major highway contractors in the province as well as large quarry operators. The Association did not receive a copy of the draft by-law until the day before and have not had an opportunity to obtain input from the membership. From a brief review, however, it has been determined that this by-law would have a devastating effect on the construction industry in HRM.

Earlier in the day, Mr. Hayman met with a representative (Mr. McQuinn) from Jacques Whitford, who was a specialist in the monitoring of blasting. This representative concluded that the affect of this by-law, if passed in its current form, would require a substantial alteration to the present blasting procedures used in rock quarries and on highway projects in HRM. Concerns of the Association have been forwarded to HRM staff. Further, staff need to meet with members of the industry to understand the practical aspects of this document.

Reference was made to the following sections of the draft by-law:

Section 2(d) - defines 'blasting' to include the storage, handling, transportation, preparation and use of explosives, and 'rock drilling conducted at a blasting area.

Section 8(2) - the blaster named on the application shall be on the work site at all times while blasting is being carried out.

If these two sections are read together, it would appear that the blaster must be at the work site while rock drilling is taking place. In practice, drillers do the drilling at the site and the blaster attends after the holes have been drilled. To require a blaster to be present at a site while holes are being drilled would be a waste of time and would incur unnecessary costs.

Section 6 - dealing with duration of blasting permits. Expiry date guidelines should be set forth in this Section. For example, rock quarries now are given a yearly permit and the building inspector who is to govern this by-law should be given some guidelines on the issuance of those permits to conform with existing practice.

Section 14 (3) (a) and (b) - dealing with maximum particle velocity and the location of monitoring stations. A scenario was placed before Council - blasting is being undertaken at a rock quarry or a road project where there are no structures within 150

metres. The affect of Section 14(3) (a) is to require a monitoring station with the sensor to be located within 150 metres of the blasting area. If the air blast must be less than 120 decibels as measured in the linear scale, within 150 metres of the blast site, as required in Section 15, then all rock quarries in HRM and all rural highway projects, involving blasting, will be shut down.

Section 14(4) - this is a duplicate of Section 14(3).

Section 15 - dealing with maximum air blast. Road contractors and quarry operators conduct their blasting to meet DOE requirements for air blast vibrations which DOE has set at 128 decibels. This is the requirement of the former Halifax County Municipality under its Blasting By-Law. The new by-law requires that the air blast shall not exceed 120 decibels as measured on the linear scale. A level of vibration doubles with every six decibels. Under this proposed by-law blast vibrations are decreased by sixty -six and two thirds percent by changing the level from 128 to 120, having a great impact on blasting procedures. The net effect would be to shut down all existing quarries in HRM because they cannot meet those standards. The net effect on road construction would be to create escalating costs, all of which will be borne by the taxpayers who pay for the public roads. It is not necessary to have this reduced from 128 to 120. Mr. Hayman noted that the noon day gun, today, registered 132 decibels at 500 - 1,000 feet from the site. That explosion would have to discontinue immediately, if this by-law is passed.

Section 16 - deals with blast monitoring requirements - requires that a contractor hire an independent monitoring agent. Many times, a contractor in a rural area, does not hire an independent monitoring agent as he/she does the work himself. The requirement to employ an independent monitoring agent will also increase the cost of the project which again must be paid by the taxpayers.

Section 17(c) - also deals with blast monitoring requirements - this requires a sketch of observable and previously mapped geological perimeters. To comply with this Section, the contractor and/or the blaster would be required to employ a geologist. Again, this is an unnecessary increase in the cost of construction.

Section 19 - deals with hours of blasting - the time of blasting on highway projects is often determined by traffic flows. Sometimes blasting must take place early in the morning or later in the evening when traffic flows are low. Yet there is no provision in this by-law to allow for blasting other than from 8 a.m. to 6 p.m. Monday to Friday. Further, blasting does take place on Saturdays.

Section 21(d) - Notification - the applicant is required to deliver handbills to everyone within the blasting area to indicate the name of the insurance company, insuring the blasting operation of the blaster. The providing of the name of an insurance company covering the blaster is an invitation to invite false claims. An increase in insurance

premiums will be passed on by the contractor to HRM and then in turn to the tax payers. The requirement that in the application the applicant must submit his insurance details to the inspector, should be sufficient.

Staff were requested to hear from specialists in the industry and suggested a decision on Second Reading be deferred to October.

Mayor Fitzgerald thanked Mr. Hayman for his comments.

MR. PAUL MILLER, MILLER & ASSOCIATES

Mr. Miller advised over the years he has represented a number of resident groups that are concerned with quarry blasting, as a result of experiencing problems with cracks in foundations, wells going dry, damage to brick work, and window caulking that has loosened, etc. These problems have occurred even with an 800 metre separation distance from residences and quarries, under the Pit and Quarry Guidelines. Most of the damages referred to above, have taken place in excess of 800 metres.

Residents who have experienced these problems have had difficulty obtaining redress from insurance companies. Part of the problem is the lack of pre-blast surveys. Further, it is difficult to attribute damages when you can't prove what the pre-existing condition of a property is. Also, it is more difficult when a specific blast, or operator, cannot be identified. There are two quarries operating in close proximity as in Waverley (Tidewater and Rocky Lake), that can blast at the same time. This is difficult for residents to determine who is responsible - the contractor of one quarry or the other.

Mr. Miller offered two examples of extreme damage to homes:

- a) House located in Waverley - outside the 800 metre radius of the Rocky Lake Quarry. The foundation and brickwork is full of cracks. The homeowner's insurance was cancelled and the only way he could regain insurance was to include a blasting exclusion clause in the insurance policy (due to his difficulties in obtaining insurance).
- b) House located on Williams Lake. The homeowner experienced vibration problems from the air concussion of the blast loosening all of the thermal panes in the windows (approximately 40 windows, a good portion of which face the lake). No redress could be obtained to replace the windows as there was no proof what blast, or blaster, created the problem.

Quarry blasting is particularly aggravating due to the size of the blast and the frequency of the blast. Many road and construction blasting is of a very small size and of a limited duration. Quarry blasting can range from 50,000 to 100,000 tonnes of rock displacement per blast.

Mr. Miller referenced his written submission noting that the guidelines within the draft by-law are inconsistent. Further, Council was reminded that the primary jurisdiction of quarries is provincial and that the provincial guidelines have precedence over municipal by-laws and guidelines.

Mr. Miller explained how the separation distance came into being. The 800 metre separation distance was determined through a Royal Commission. The impact of the Kearney Lake Quarry on abutting residences was studied in the 1960's, as the residences were broadening and getting closer to the quarry operations. In the final report, changes were recommended for closer monitoring and controls of quarries. The DOE prepared its own study and interviewed a number of people that experienced problems with blasting. It was determined that once the 800 metre radius was reached from an active quarry area, complaints dropped off dramatically. This is how the 800 metre setback was established. The most current guidelines were developed in 1998 and still have the 800 metre separation distance.

Reference was made to two resolutions of the former Halifax County Municipality Council and Western Region Community Council, which had been distributed to the Municipal Clerk. Both recommended to the Minister of the Environment that the 800 metre distance separation be maintained.

Given this history, Mr. Miller expressed difficulty as to where the figures were derived for an active blast area defined as 150 metres, or 300 metres for wells. Mr. Miller enquired as to what happens to those residents who live between 150 and 800 metres.

Mr. Miller referenced other areas of inconsistency between the draft by-law and the Pit and Quarry Guidelines, as they affect quarry operations. This adds confusion and sends mixed messages to the industry and the public.

Section 10 of the draft by-law was referenced - the issuing of permits. Mr. Miller suggested a clause should be incorporated into the by-law stating "wherein environmental approval is required for a particular blasting activity, the applicant shall provide proof of having said environmental approval." This involves quarry matters.

In the monitoring of air blast and vibration, there should be a provision that the seismograph be set at a sufficiently low level so that an actual reading of the air blast is realized.

Section 23 of the draft by-law was referenced - there is no provision for revocation if other approvals and permits have not been obtained, and there should be.

With respect to the violation section, there is a maximum fine of \$5,000. In quarry blasting, this is a "slap on the wrist." The fine should be commensurate with the profit; therefore, this could be increased to a maximum of \$50,000, or have a provision for

forfeiture of work product.

Mr. Miller advised that consultation with all parties involved is important. Further, there should be an advisory committee established comprised of representatives of the public and the industry.

Mayor Fitzgerald thanked Mr. Miller for his comments, enquiring if he would be interested in sitting on such a committee, if formed, to which Mr. Miller advised in the affirmative. Mayor Fitzgerald advised he would chair the committee, when/if formed.

Following three calls for further speakers, there were none.

The Public Hearing was not closed.

COMMENTS FROM COUNCIL

Councillor Dooks stated this was a complicated issue and that it should go back to those interested, for discussion and input. Further, the municipality needs to determine how the by-law will be policed. The Councillor enquired as to how many blasts would there be in a one year period.

Mr. Kulvinder Dhillon, Director, Engineering and Transportation Services, advised in 1997 there were between 80 - 100 permits issued. It was noted there should not be a substantial increase in permit applications, if this by-law passes (all existing by-laws are being consolidated into one). If there does appear to be an increase, staff will then address this as part of the process. To clarify the situation, Mr. Dhillon advised that Pits and Quarry By-Laws still exist and will not be repealed until such time as they are harmonized. Today's discussion deals strictly with blasting. Further, the municipality is not over-ruling any provincial requirements by implementing this by-law. Also, setbacks from quarries applies when a new quarry is established, relative to existing development. This by-law monitors the blasting aspect.

Councillor Hendsbee referenced the definition of "blasting" and the fact that it should be clarified that it should be 'subterranean' blasting and not above-ground blasting. The Councillor enquired, however, if above-ground blasting was a part of this by-law.

In response, Mr. Dhillon advised that staff will look into this.

Councillor Hendsbee enquired if imploding of buildings or blasting for emergency situations should be clarified.

In response, Mr. Dhillon advised when an emergency occurs, same is dealt with through emergency processes. After the emergency is over, one would have to comply with the by-laws and provincial regulations.

COUNCIL DECISION

MOVED by Councillors Hetherington and Blumenthal to postpone adjournment of the public hearing; further, that a decision on Second Reading be deferred to the first meeting of Regional Council in October, 1998; further, that staff meet with interested parties (public, industry), for their input.

Councillor Walker referenced the fact that K & M Inspections would like to be consulted in the process.

Councillor Stone noted the main purpose of this by-law is to protect the public.

Councillor Greenough enquired if this by-law applies to pit and quarry operations. In response, Mr. Phil Francis advised it applies to the blasting aspect but that there are other provincial regulations in place that must be adhered to before any permit is issued.

Councillor Greenough suggested that a comparative analysis be carried out on what governs the quarries, to which Mr. Francis advised this could be done by staff.

MOTION PUT AND PASSED UNANIMOUSLY.

6.2 Second Reading - By-Law R-200 Respecting Road Improvement Taxes

- A memorandum prepared for Mr. George McLellan, Deputy Chief Administrative Officer, dated June 10, 1998, was re-distributed to Council.

Mr. Kulvinder Dhillon, Director, Engineering and Transportation Services, addressed Council, reviewing the matter at hand.

After three calls, by Mayor Fitzgerald, for comments from the public, there were none.

MOVED by Councillors Uteck and Adams to close the public hearing. MOTION PUT AND PASSED.

COUNCIL DECISION

MOVED by Deputy Mayor Rankin and Councillor Uteck to give Second Reading to By-Law R-200 Respecting Road Improvement Charges - Greenwood Heights/Maplewood Subdivision. MOTION PUT AND PASSED UNANIMOUSLY.

MOVED by Deputy Mayor Rankin and Councillor Hetherington to give Third Reading to By-Law R-200 Respecting Road Improvement Charges - Greenwood Heights/Maplewood Subdivision. MOTION PUT AND PASSED UNANIMOUSLY.

6.3 Second Reading - By-Law T-500 Respecting the Collection of Taxes

- A memorandum prepared for Mr. George McLellan, Deputy Chief Administrative Officer, dated May 22, 1998, was re-distributed to Council.

Mr. Derek Tynski, Team Leader, Cash Management, addressed Council, reviewing the matter at hand.

After three calls, by Mayor Fitzgerald, for comments from the public, there were none.

MOVED by Councillors Blumenthal and Greenough to close the public hearing. MOTION PUT AND PASSED.

COUNCIL DECISION

MOVED by Councillors Blumenthal and Sarto to give Second Reading to By-Law T-500 Respecting the Collection of Taxes. MOTION PUT AND PASSED UNANIMOUSLY.

MOVED by Councillors Blumenthal and Mitchell to give Third Reading to By-Law T-500 Respecting the Collection of Taxes. MOTION PUT AND PASSED UNANIMOUSLY.

**6.4 (i) Case 7537: 2435 Brunswick Street - Addition to Hope Cottage (Heritage Property) by Development Agreement - Polling District 11
(ii) Report from Regional Heritage Advisory Committee - 2435 Brunswick Street - Application for Substantial Alteration**

- A memorandum prepared for Mr. Robert Daley, Chairman, Peninsula Planning Advisory Committee, on the above-noted, was before Council.

Ms. Shelley A. Dickey, Planner, addressed Council, reviewing the matter at hand. Through the use of photographs, Council was provided with background material. Further, Ms. Dickey advised that Council must vote on both the Development Agreement as well as the Substantial Alteration aspects of the project.

Mayor Fitzgerald called for comments from the public.

MR. MICHAEL BURKE, DIRECTOR OF HOPE COTTAGE

Mr. Burke addressed Council noting the Cottage will now be able to accommodate 80 individuals in one sitting, as opposed to 45. Further, people will not have to wait outside on the sidewalk, waiting to access the Cottage.

After three calls, by Mayor Fitzgerald, for comments from the public, there were none.

MOVED by Councillors Downey and Uteck to close the public hearing. MOTION PUT AND PASSED UNANIMOUSLY.

COUNCIL DECISION

MOVED by Councillors Downey and Dooks to approve the development agreement attached as Appendix A to the staff report dated May 29, 1998, to permit the addition to Hope Cottage (2435 Brunswick Street) to expand its current function of providing meals. MOTION PUT AND PASSED UNANIMOUSLY.

MOVED by Councillors Downey and Dooks to approve the substantial alteration to Hope Cottage (2435 Brunswick Street) under the provisions of the Heritage Property Act, as set out in the development agreement in Appendix A of the staff report dated May 29, 1998. MOTION PUT AND PASSED UNANIMOUSLY.

**6.5 (i) Case 7628: Application by Dalhousie University to Rezone Three
Parcels of Land on Morris Street - Polling District 12
(ii) Report from Regional Heritage Advisory Committee - 5277-83
Morris Street: Application for Substantial Alteration**

- A memorandum prepared for Mr. Robert Daley, Chairman, Peninsula Planning Advisory Committee, on the above-noted, was before Council.

Ms. Thea Langille-Hanna, Planner, addressed Council, reviewing the matter at hand. Through the use of photographs, Council was provided with background information. Further, Ms. Langille-Hanna advised that Council must vote on both the rezoning as well as the Substantial Alteration aspects of the project.

After three calls, by Mayor Fitzgerald, for comments from the public, there were none.

MOVED by Councillors Downey and Greenough to close the public hearing. MOTION PUT AND PASSED UNANIMOUSLY.

COUNCIL DECISION

MOVED by Councillors Downey and Cunningham to approve the application by Dalhousie University to rezone three parcels of land on Morris Street as shown on May 4 of the staff report dated June 4, 1998, from R-3 (Multiple Dwelling Unit) Zone, to U-2 (High Density University) Zone. MOTION PUT AND PASSED UNANIMOUSLY.

MOVED by Councillors Downey and Cunningham to approve the application for substantial alteration as presented to the Heritage Advisory Committee at their meeting of April 29, 1998 and described in the submission and design drawings dated April 22, 1998 (Attachment 1 of Committee report dated July 2, 1998). MOTION PUT AND PASSED UNANIMOUSLY.

7. MOTIONS OF RECONSIDERATION - NONE

8. MOTIONS OF RESCISSION - NONE

9. CONSIDERATION OF DEFERRED BUSINESS

9.1 Supplementary Education Funding Area Rates

Councillor Greenough addressed Council noting that as a result of a meeting of the Dartmouth and Halifax Councillors and representation from the Halifax Regional School Board, general agreement was reached to continue with the existing Supplementary Education Funding Rate for this upcoming year.

MOVED by Councillors Greenough and Walker to continue with the existing level of Supplementary Education Funding, as last year, for Halifax and Dartmouth; further, that the following area rates apply:

Dartmouth	- Residential	10.7
	- Commercial	27.4

Halifax	- Residential	14.1
	- Commercial	35.9;

for a total allocation of \$16.9 million.

Councillor Greenough advised he had spoken to representatives from the School Board on the suggestion of an amount not to exceed \$200,000 be allocated to the upgrading of the Prince Andrew Audio Visual Room subject to provincial / federal cost-sharing, in concert with the municipality (one third each). The Councillor noted he has not received any confirmation from the Board as of this date.

Councillor Stone suggested a process be implemented whereby meetings would be

held with the Board, on a regular basis, at which time, discussions would take place as to where the Supplementary Education Funding would be spent. This procedure would ensure continuing dialogue between the municipality and the Board.

Councillor Blumenthal enquired if it would be possible for students to receive a discount to travel to school via Metro Transit (reference was made to the cost involved for families sending more than one child to school via Metro Transit).

Councillor Schofield advised he would be serving a Notice of Motion, later in the meeting, requesting the Province to amend the legislation that would NOT require HRM to provide Supplementary Education Funding in the areas of Halifax and Dartmouth over the next ten year period; further, that the municipality, region wide, agree to pay the equivalent funds over the next ten year period.

Council agreed to continue discussions on this aspect, during a future session of Council, once staff can review the implications of the aforementioned Notice of Motion served by Councillor Schofield.

Councillor Uteck noted that during the recent School Board / HRM meeting, a consensus was reached that inequity across the region needs to be addressed.

MOTION PUT AND PASSED.

For the record, Mayor Fitzgerald voted in the negative.

For the record, Councillor Blumenthal voted in the positive.

9.2 Fencing for Properties in MacIntosh Estates, Halifax

A memorandum prepared for Mr. George McLellan, Deputy Chief Administrative Officer, on the above-noted, was before Council.

Staff was recommending that Council NOT pursue the acquisition of land and the installation of fencing along the properties on Abrams Way, MacIntosh Estates Subdivision, as this matter, presented in the May 25 staff report, is a private civic matter between the residential property owners on Abrams Way and commercial property owners on the Herring Cove Road.

Councillor Adams did not support staff's recommendation and suggested Alternative #1, with an amendment.

MOVED by Councillors Adams and Hetherington to direct staff to negotiate the acquisition of a two foot strip of land along the rear property lines of the four affected properties for \$1.00 and approve 50/50 cost sharing of the installation of a 7 foot chain link fence between the municipality and the four affected property owners, with the citizens to maintain this fence with no responsibility to HRM.

This alternative would have budget implications of approximately \$5,500 for 1999.

Concern was raised by various Members of Council noting this Motion could set a precedent. Therefore, it was suggested Councillor Adams utilize his capital funds (\$43,000) for this project. In response, the Councillor advised that although his funds had been spent for this year, he could borrow against next year's capital allocation, if Council agreed.

Mr. Ken Meech, Chief Administrative Officer, reminded Council that staff do not feel there is any obligation on the part of HRM to become involved with this issue.

Councillor Adams agreed to amend his Motion such that the funds would come out of his capital allocation next year.

No vote was taken on the Main Motion. *A vote on the Motion, as amended, took place.*

MOVED by Adams and Hetherington to direct staff to negotiate the acquisition of a two foot strip of land along the rear property lines of the four affected properties for \$1.00 and approve 50/50 cost sharing of the installation of a 7 foot chain link fence between the municipality and the four affected property owners, with the citizens to maintain this fence with no responsibility to HRM. Further, that the required funding - \$5,500 - be borrowed against next year's discretionary capital funds for District 18. MOTION PUT AND PASSED.

10. REPORTS

10.1 MEMBER OF COUNCIL

10.1.1 Councillor Walker - Garbage Pick-Up

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

Councillor Walker expressed concern raised by the public that as result of the new garbage collection schedule, garbage is not often collected until 8:30 p.m. In response, Mr. Mark Bernard advised there had been temporary problems in that three vehicles were down mechanically; further, there were new contractors, however, it was not anticipated that the problem would continue for long.

Staff agreed to provide all Council with contact names, as well as emergency and after hours telephone numbers, regarding garbage collection.

Councillor Hendsbee suggested that information on changes to collection dates, be re-

distributed to the public.

Deputy Mayor Rankin assumed the Chair (3:35 p.m.).

10.2 AUDIT COMMITTEE

10.2.1 Financial Statements

- A memorandum prepared for Councillor Greenough on the Audited Financial Statements - March 31, 1998, was before Council.

Copies of the Financial Statements and overheads entitled "Financial Statements for the period ending March 31, 1998" were distributed to Council.

The Audit Committee was recommending that:

- a) the audited financial statements for the year ended March 31, 1998 be approved, and that the Mayor and Municipal Clerk be authorized to sign the financial statements on behalf of Council;
- b) funding of the amalgamation transition costs commence in the 1998/99 fiscal year in the amount of \$2.3 million (one tenth of total transition costs).

Mr. George McLellan, Deputy Chief Administrative Officer, advised that a multi-year financial plan is to be brought to Council at a later date. In the meantime, staff is to develop a menu of suggested alterations to impact against anticipated results of the greater deficit (\$14.3 million).

Councillor Kelly referenced the 12.125 percent interest on obligations under capital leases, and requested staff take this high percentage figure into consideration, should an opportunity arise to renegotiate any long term leases.

Councillor Kelly referenced contingencies and enquired as to the total number of claims that are outstanding (and what are the total values); as well as the dollar value of legal proceedings in which the municipality is involved. Staff advised they would determine these figures.

Councillor Kelly further referenced miscellaneous trust funds enquiring if it would be more appropriate to charge a marginal amount for managing those funds that are not under HRM's direct control. Staff advised they would determine these figures.

With respect to payments in lieu, Councillor Kelly suggested staff be more aggressive in its bid to obtain full value for properties.

Councillor Adams referenced the pollution control charge enquiring as to why the fund is sinking. Councillor Greenough noted the Expanded Audit Committee (Program and Service Review) would take this enquiry into consideration when determining areas of savings to the budget.

As a result of Councillor Greenough's last comment, the Mover and Seconder agreed to amend the Motion so that it now reads:

MOVED by Councillors Greenough and Hetherington that:

- a) **The audited financial statements for the year ended March 31, 1998 be approved, and that the Mayor and Municipal Clerk be authorized to sign the financial statements on behalf of Council;**
- b) **Funding of the amalgamation transition costs commence in the 1997/98 fiscal year in the amount of \$2.3 million (one tenth of total transition costs);**
- c) **Further, that the Expanded Audit Committee will serve as the body (working with staff), to scrutinize areas of savings and bring back to Council suggested savings to the budget. MOTION PUT AND PASSED UNANIMOUSLY.**

10.3 COMMITTEE OF THE WHOLE - Meeting of July 7, 1998

10.3.1 Report from the Grant Committee - 1998/99 Grant Recommendations

- Information pertaining to the Parker Street Furniture Bank was distributed to Council, as well as a Supplementary Report from the Grants Committee.

The following recommendation was submitted to Council from the Committee of the Whole meeting of July 7, 1998:

"...to approve the Committee's recommendations for community grants for fiscal year 1998-99 in the amount of \$862,105 as listed in Appendix 1 of the Committee report dated June 30, 1998; further, that the allocation for the Atlantic Fringe Festival be reconsidered by the Committee; further, that correspondence from the Metro Drug Prevention Network be referred to the Committee."

MOVED by Councillors Hendsbee and Walker that:

- a) **Council approve the Grant Committee's amended recommendations for community grants for fiscal year 1998-99 in the amount of \$864,105 to include a grant of \$2,000 to the Eastern Shore Family Resource Centre as**

listed in Modified Appendix 1 attached to the Committee Report dated July 9, 1998;

- b) the \$5,000 grant to the Fringe Festival remain unchanged.

Prior to voting on the Motion, another Motion was put on the floor.

MOVED by Councillors Cooper and Hetherington to refer the Cole Harbour Rural Heritage Society, and Kiwanis Club of Cole Harbour-Westphal allocations back to the Grant Committee for a supplementary report. MOTION PUT AND PASSED.

Councillor Walker referenced the Parker Street Furniture Bank noting the organization was requesting \$25,000 and that staff and Committee was each recommending \$5,000

MOVED by Councillors Walker and Fougere to include an additional \$15,000 to the allocation for Parker Street Furniture Bank, and that \$10,000 come from General Revenue. MOTION DEFEATED.

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

MOTION OF RECONSIDERATION

Councillor Walker served a **MOTION OF RECONSIDERATION** on the allocation being suggested for the Parker Street Furniture Bank, for the August 18, 1998 Council Session.

10.3.2 Smoking By-Law Work Group

MOVED by Councillors Uteck and Hetherington, as recommended by the Committee of the Whole, that the recommendations in the report which lend themselves to amendments to By-law S-200 be prepared by staff for consideration of Council and that the other recommendations be pursued as recommended by the members of Committee; further, that this come back in the form of a report in due course. The staff report is to take the following matters into consideration:

- 1. Concern that the incremental approach will stop with no further increments;**
- 2. Inclusion of a timetable for implementation and when 100% will be reached - Goals and objectives could be included in the time frame.**
- 3. Legal ramifications of private clubs and the province's involvement;**
- 4. Consideration for the application of a percentage over the long term would be much more beneficial than hour restrictions re bowling alleys;**
- 5. The taxi recommendations should be referred to the Taxi Committee;**

6. HRM, as a government body, dictate to private enterprise what they can do in an environment where patrons have the option of choice (this is a public health issue);
7. Research into the value of ventilation and whether or not it is a safe alternative. **MOTION PUT AND PASSED UNANIMOUSLY.**

10.3.3 Tender 98-216, Wyse Road/Nantucket Avenue Intersection

MOVED by Councillors Uteck and Hetherington, as recommended by the Committee of the Whole, to:

- **Award Tender 98-216, Wyse Road/Nantucket Avenue Intersection Upgrade for materials and services listed at the unit prices quoted for a Total Tender Price of \$572,700 and a Total Project Cost of \$658,605, to Ocean Contractors Limited;**
- **Approve the appointment of O'Halloran Campbell Consultants Limited to provide project management and site inspection services at an estimated cost of \$30,000 plus HST;**
- **Authorize funding for this project as noted in the Budget Implications section of the staff report dated June 24, 1998. MOTION PUT AND PASSED UNANIMOUSLY.**

10.3.4 Tender 98-331, Resurfacing, Various Locations - East Region

MOVED by Councillors Uteck and Hetherington, as recommended by the Committee of the Whole, to award Tender No. 98-331, Resurfacing, East Region to Basin Contracting Ltd. for materials and services specified at the unit prices quoted for a Total Tender Price of \$444,290.98 and a Total Project Cost of \$510,866.00 with funding from the Capital Account number noted in the Budget Implications section of the staff report dated June 24, 1998. MOTION PUT AND PASSED UNANIMOUSLY.

10.3.5 Tender 98-305, Resurfacing Part III, Various Locations - West Region

MOVED by Councillors Uteck and Hetherington, as recommended by the Committee of the Whole, to award Tender No.98-305, Resurfacing Part III, West Region to Basin Contracting Ltd. for materials and services specified at the unit prices quoted for a Total Tender Price of \$432,092.95 and a Total Project Cost of \$496,907.00 with funding from the Capital Account number noted in the Budget

Implications section of the staff report dated June 24, 1998. MOTION PUT AND PASSED UNANIMOUSLY.

10.3.6 Tender 98-223, Lot 7H Clean-Up, Evergreen Place, Halifax

MOVED by Councillors Uteck and Hetherington, as recommended by the Committee of the Whole, to authorize the approval of an increase in funds from \$73,000 to \$160,485 from the Municipality's Sale of Land Reserve Account to Capital Account No. 22-80232, Clean-up of Dumpsites; further, to award Tender 98-223, Lot 7H Clean-Up, Evergreen Place to Maritime Excavators (1994) Limited for materials and services specified at the unit prices quoted for a Total Tender Price of \$139,552.50 and a Total Project Cost of \$160,485. MOTION PUT AND PASSED UNANIMOUSLY.

10.3.7 Tender 98-067, Asphalt Patching - East Region
Tender 98-068, Asphalt Patching - Central Region

MOVED by Councillors Uteck and Hetherington, as recommended by the Committee of the Whole, to award Tender 98-068 to Ocean Contractors Ltd. for the bid amount of \$139,759.50 and the award of Tender 98-067 to Dexter Construction for the bid amount of \$139,092.50. MOTION PUT AND PASSED UNANIMOUSLY.

10.3.8 Tender 98-214, Contract #1, Camden Street Storm Drainage System

MOVED by Councillors Uteck and Hetherington, as recommended by the Committee of the Whole, to award Tender No. 98-214, Contract #1, Camden Street Storm Drainage System to Ocean Contractors Limited for materials and services specified at the unit prices quoted for a Total Tender Price of \$193,198.85 and a Total Project Cost of \$222,179 with funding from the Capital Account Number noted in the Budget Implications section of the staff report dated June 25, 1998. MOTION PUT AND PASSED UNANIMOUSLY.

10.3.9 Tender 98-256, Walker Connector - Paving Renewal

MOVED by Councillors Uteck and Hetherington, as recommended by the Committee of the Whole, to award Tender No. 98-256, Walker Connector - Paving Renewal to Tidewater Construction Co. Ltd. for materials and services specified at the unit prices quoted for a Total Tender Price of \$93,288 and a Total Project Cost of \$107,281 with funding from the Capital Account Number noted in the Budget Implications section of the staff report dated June 26, 1998. MOTION PUT AND PASSED UNANIMOUSLY.

10.3.10 Tender #98-181 - LeBrun Centre Renovations - Phase I

It has been recommended to Council by the Committee of the Whole, to approve the award of Tender 98-180 Lebrun Centre Renovations Phase 1 to Provincial Electric Limited for the Lump Sum Price of \$125,925.00.

Councillor Kelly enquired if the sprinkler issue had been resolved. In response, Mr. Phil Townsend, Capital Projects Co-ordinator, advised that comments from the Building Inspector on same, were forthcoming.

MOVED by Councillors Kelly and Barnet to approve the funds for Tender #98-181 - LeBrun Centre Renovations - Phase 1, pending approval of the plans by HRM staff. MOTION PUT AND PASSED UNANIMOUSLY.

10.3.11 Expression of Interest #98-055 - Relocation of 5220 North Street, 5224-26 North Street

- Copies of correspondence from Ms. Kelly Atkins, Ms. Ruth Carmody, and Mr. Simpson McLeod, Manager, Transition Team, on the above-noted, were before Council.

MOVED by Councillors Downey and Greenough, as recommended by the Committee of the Whole, to award the Expressions of Interest #98-055 to Mr. Walker A. Drolet, for the relocation of the two municipally owned buildings located at 5220 and 5224-26 North Street. This includes the sale of Lot AM 21, Barrington Street, for \$45,000, plus any additional taxes or closing adjustments that may be applicable. Balance of funds to be deposited in the Sale of Land Account. MOTION PUT AND PASSED UNANIMOUSLY.

It was understood that staff would discuss this matter with the neighbouring property owners.

10.3.12 Concrete Curb and Sidewalk Repairs - Central Region

MOVED by Councillors Uteck and Hetherington, as recommended by the Committee of the Whole, to award Tender 98-069 to Ocean Contractors Ltd. for the bid amount of \$55,683.00. MOTION PUT AND PASSED UNANIMOUSLY.

10.3.13 Interim Award Policy

MOVED by Councillors Uteck and Hetherington, as recommended by the Committee of the Whole, to approve an interim policy to facilitate the award of tenders during the summer break. The proposed award policy would allow the

Chief Administrative Officer to award tenders on the following basis during the period of July 15,1998 to August 17, 1998:

- The tender is awarded to the lowest responsible bidder meeting specifications;
- The award is not to a sole source;
- Award of Call for Proposals where a standard procurement process has been followed and the contract is awarded to the best overall submission;
- Where the funds and program have been approved by Council.

Further, it is recommended that the Chief Administrative Officer approve purchase and sale of property under the following criteria:

- The purchase and/or sale is within 15 percent of the appraised value of the property;
- The purchase of property is required for Capital Projects and does not exceed \$250,000;
- Any sale of property must have been previously declared surplus by Council.

MOTION PUT AND PASSED UNANIMOUSLY.

10.3.14 Area-Rated Loan to Finance Replacement of Septic Field for Herring Cove Fire Hall

MOVED by Councillors Uteck and Hetherington, as recommended by the Committee of the Whole, to authorize the issuing of an area-rated loan for \$30,000 at 5.96 percent to be amortized over 5 years. MOTION PUT AND PASSED UNANIMOUSLY.

10.3.15 Records Schedule for Pre-Amalgamation Administrative Records

MOVED by Councillors Uteck and Hetherington, as recommended by the Committee of the Whole, to adopt Administrative Order No. 13 - Records Schedule for Pre-amalgamation Administrative Records. MOTION PUT AND PASSED UNANIMOUSLY.

10.3.16 Removal of Tariff on Imported Autos Entering Canada

MOVED by Councillors Uteck and Hetherington, as recommended by the Committee of the Whole to approve the following resolution which reflects a minor change from the resolution proposed by the CAW:

“WHEREAS the auto industry, largely due to the Auto Pact, is critical to the economic health of Canada and its communities. This important industry has been described as the engine of the Canadian economy; and

WHEREAS trade policy has always been central to Canadian auto policy, Auto provides 150,000 direct jobs (assembly and components) and some 175,000 spinoff jobs (steel, plastics, glass, rubber, etc.); and

WHEREAS the federal government is contemplating an end to the Auto Pact by eliminating tariffs on all vehicles and components coming from overseas; and

WHEREAS overseas auto companies have demonstrated a markedly lower commitment to investment and jobs than Auto Pact member companies; and

WHEREAS the elimination of tariffs facing non Auto Pact companies would inevitably lead to significant job losses in the many communities in Canada that depend on the auto industry, either directly or indirectly through related activities such as parts, production and spinoff economic activity;

THEREFORE, BE IT RESOLVED that the federal government cease any action, legislative, or otherwise, that would lead to the elimination of auto tariffs on vehicle assembly. In addition, the federal government must fully commit to protect the principles of the auto pact; and

BE IT FURTHER RESOLVED that this Council go on record with federal and provincial governments in supporting the immediate withdrawal of any intention to implement such tariff removal and ensure the protection of the Auto Pact, specifically as it applies to Volvo Canada. MOTION PUT AND PASSED UNANIMOUSLY.

10.3.17 Department of Transportation and Public Works Cost Sharing

MOVED by Councillors Uteck and Hetherington, as recommended by the Committee of the Whole to approve cost sharing with the Province for the following projects:

- a) Design of Bi-Hi Ramps to Joseph Howe Drive on a 50/50 basis with the Nova Scotia Department of Transportation and Public Works’ share at \$40,000;**
- b) Highway 102 and Lacewood Drive Traffic Study, on a 50/50 basis with HRM share at \$12,000;**

Further; to authorize the Mayor and Municipal Clerk to sign an agreement with the Province on behalf of HRM; further, that funds for these projects are available as per the Budget Implications section of the staff report dated June 30,1998.

MOTION PUT AND PASSED UNANIMOUSLY.

10.3.18 Real Property Management Program

MOVED by Councillors Uteck and Hetherington, as recommended by the Committee of the Whole, that the 20 properties listed in Appendix B of the staff report dated June 25, 1998 be declared surplus and offered for sale in the disposal categories indicated and further, that any properties which are tendered without attracting an acceptable offer be moved into the listing agent category;

Further, to authorize an expenditure not to exceed \$20,000 from the Sale of Land Capital Reserve account for the installation of sewer and water laterals on lots TB-1, TB-2 and TB-4 Doyle Street, Appendix B. MOTION PUT AND PASSED UNANIMOUSLY.

10.3.19 Fire Protection Rate on Exempt Properties

MOVED by Councillors Walker and Hendsbee, as recommended by the Committee of the Whole, to reconfirm the following policy for Fire Protection billings on property classified as exempt under the Assessment Act of the Province of Nova Scotia:

- 1) Churches normally classified as exempt commercial under the Assessment Act of the Province of Nova Scotia will be charged the residential rate of \$.038 per hundred dollars of assessment for the 1997/98 and 1998/99 taxation years.**
- 2) Sports fields, non-profit recreation facilities and graveyards will be provided a grant sufficient to offset the annual Fire Protection charge for the 1997/98 and 1998/99 taxation years (see Schedule A attached to staff report dated June 26, 1998).**
- 3) The due date for the new 1997/98 billings of Fire Protection on properties classified as exempt billed in January of 1998 will be extended to February 28,1999 and will have no interest charged until that date.**
- 4) Legions will be charged in accordance with the rate applicable for their assessment classifications under the Assessment Act of the Province of Nova Scotia (see Schedule B attached to staff report dated June 26, 1998).**

- 5) All other exempt properties within 1200 feet of a fire hydrant shall be charged the residential rate of \$.038 or the commercial rate of \$.096 in accordance with their respective assessment classification for the 1997/98 and 1998/99 taxation years.

Councillor Cunningham expressed concern with churches being taxed.

MOVED by Councillors Cunningham and Greenough that recommendation #1 be deleted such that churches be exempted from paying the fire protection charge.

Deputy Mayor Rankin assumed the Chair (5:05 p.m.).

Another Motion was put on the floor.

MOVED by Councillors Greenough and Hetherington to refer the matter of exempting churches from paying the fire protection charge, to staff, to determine cost implications.

A vote on the Motion to refer the matter of exempting churches to staff took place.

MOTION DEFEATED.

A vote on the Motion to delete recommendation #1, such that churches be exempted from paying the fire protection charge, took place. **MOTION DEFEATED.**

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

10.3.20 Les Collins Avenue - Private Road

MOVED by Councillors Uteck and Hetherington, as recommended by the Committee of the Whole, to authorize staff to start the process to take ownership and assume responsibility for the maintenance of Les Collins Avenue as per the approved Procedure for Acceptance of Private Streets. MOTION PUT AND PASSED UNANIMOUSLY.

10.3.21 Request for Expression of Interest, Harbour Solutions Project

MOVED by Councillors Uteck and Hetherington, as recommended by the Committee of the Whole, to authorize staff to proceed to issue a Request for Qualifications (RFQ) which will identify companies qualified to undertake projects of the type and scale of the harbour solutions project, and which will be used to identify a short list of candidates who may be invited to respond to a later Request for Proposals;

Further, the scope of the RFQ should encompass a public-private partnership approach to the project. The preferred approach will involve a build-own-operate partnership, including design, construction, financing, and eventual transfer to the municipality, of sewage treatment facilities, collection infrastructure and biosolids facilities, for the Halifax Harbour Solutions project. Prospective partners will be expected to participate in identifying sites and to take the lead in obtaining required approvals and permits. MOTION PUT AND PASSED UNANIMOUSLY.

10.3.22 Haliburton Heights Subdivision - Parkland

MOVED by Councillors Uteck and Hetherington, as recommended by the Committee of the Whole, to accept the proposal for a combination of land and development for parkland dedication required in Haliburton Heights Subdivision, Stillwater Lake. MOTION PUT AND PASSED UNANIMOUSLY.

**10.3.23 African Canadian Education Project - Harvey H. Millar Ph.D, P. Eng.,
Founding Member and Co-Chair**

MOVED by Councillors Uteck and Hetherington, as recommended by the Committee of the Whole that a staff report be prepared on a proposal for long term use of 5557 Cunard Street to run a Saturday School at that location, as well as for other uses during the week. MOTION PUT AND PASSED UNANIMOUSLY.

**10.3.24 Growth in Bayers Lake Business Park - John Bregante/Ann Phelan,
Bayers Lake Business Park Association**

MOVED by Councillors Uteck and Hetherington, as recommended by the Committee of the Whole, that a staff report be prepared providing an action plan, taking into consideration the following:

- How many people are taking buses to and from Bayers Lake Business Park;
- Impact on other businesses in the area if the Bayers Lake Business Park is promoted;
- Suggestion that the sole source of funding not be the capital budget; a partnership process could evolve;
- The former City of Dartmouth obtained funds for improvements such as this from their Sale of Land account. MOTION PUT AND PASSED UNANIMOUSLY.

10.3.25 Land Matter - Walker Avenue

MOVED by Councillors Uteck and Hetherington that the decision adopted In Camera on Land Matter - Walker Avenue, be ratified. MOTION PUT AND PASSED UNANIMOUSLY.

10.3.26 Councillor Stone - Resolution to FCM Regarding Airports

MOVED by Councillors Uteck and Hetherington, as recommended by the Committee of the Whole, to forward the following Resolution to FCM which reflects a minor change from the resolution proposed by the CAW:

“WHEREAS the auto industry, largely due to the Auto Pact, is critical to the economic health of Canada and its communities. This important industry has been described as the engine of the Canadian economy; and

WHEREAS trade policy has always been central to Canadian auto policy, Auto provides 150,000 direct jobs (assembly and components) and some 175,000 spinoff jobs (steel, plastics, glass, rubber, etc.); and

WHEREAS the federal government is contemplating an end to the Auto Pact by eliminating tariffs on all vehicles and components coming from overseas; and

WHEREAS overseas auto companies have demonstrated a markedly lower commitment to investment and jobs than Auto Pact member companies; and

WHEREAS the elimination of tariffs facing non Auto Pact companies would inevitably lead to significant job losses in the many communities in Canada that depend on the auto industry, either directly or indirectly through related activities such as parts, production and spinoff economic activity;

THEREFORE, BE IT RESOLVED that the federal government cease any action, legislative, or otherwise, that would lead to the elimination of auto tariffs on vehicle assembly. In addition, the federal government must fully commit to protect the principles of the auto pact; and

BE IT FURTHER RESOLVED that this Council go on record with federal and provincial governments in supporting the immediate withdrawal of any intention to implement such tariff removal and ensure the protection of the Auto Pact, specifically as it applies to Volvo Canada. MOTION PUT AND PASSED UNANIMOUSLY.

10.3.27 Councillor Adams - Committee of the Whole/Council Structure

Legal staff had been requested, during the July 7, 1998 Committee of the Whole, to prepare a report on amending Administrative Order No. One, to change the Regional Council Meeting structure to that of Regular Council Sessions every Tuesday, as opposed to the Committee of the Whole / Regular Session structure. The report was before Council for discussion.

MOVED by Councillors Uteck and Hetherington to approve the amendments to Administrative Order Number One, as per Appendix A of the staff report dated July 9, 1998. MOTION PUT AND PASSED UNANIMOUSLY.

The amendments will remove all regularly scheduled Committee of the Whole meetings and replace them with regular Council meetings each Tuesday, commencing at 6:00 p.m. with the exception of those recesses scheduled by Council.

10.3.28 Councillor Cunningham - Metro Centre Brine Chiller

Council had requested staff to prepare a report, during the July 7, 1998 Committee of the Whole meeting, on the above-noted. Accordingly, an Information Report, prepared for Mr. Dale Carman, Team Leader, Procurement, was distributed to Council for this meeting.

Within the Information Report, Staff advised that HRM's consultant has received correspondence from Cimco on the same issues raised by Council on July 7, 1998. A copy of the response to the correspondence, once prepared, will be provided to Council for information purposes. Further, it is understood the response will also be reviewed by senior Metro Centre staff, to be discussed by the Centre's Board of Directors.

10.3.29 Councillor Uteck - Area Plan - South Barrington

An Information Report, prepared for Mr. Angus Schaffenburg, Planner III, on the above-noted, was before Council. This matter had been referred to staff, for a report on the requirement of a comprehensive plan for the South Barrington area.

Councillor Uteck supported alternative #2 noted within the staff report - "to approve, in general terms, the undertaking of the waterfront area with staff to provide a detailed project outline and the results of their discussions with the Waterfront Development Corporation in the Fall of 1998."

The Councillor noted, however, that he wished to have the geographical boundary defined to include the entire southern sub-section (those properties purchased by the WDC recently). Further, the Councillor wanted to ensure the sewage treatment plant be considered; and that he was not so concerned with the South Barrington lands in

this motion. Councillor Uteck stated this implies that staff will meet with the WDC, determine the scope, and go forward with a public process.

MOVED by Councillors Uteck and Downey to approve, in general terms, the undertaking of a review of the waterfront area with staff to provide a detailed project outline and the results of their discussions with the Waterfront Development Corporation (WDC) in the Fall of 1998; further, that the geographical boundary be defined to include the entire southern sub-section (those properties purchased recently by the WDC); further, that the sewage treatment plant be considered. MOTION PUT AND PASSED UNANIMOUSLY.

10.3.30 EXPANDED AUDIT COMMITTEE - PROGRAM AND SERVICE REVIEW

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

- 1. The Expanded Audit Committee to work closely with staff to review opportunities identified during Phase 1 of the Program & Service Review (which focused on Police Services, Recreation Programming, Recreation Facilities and parts of Works and Natural Services). This work should proceed immediately and continue through to December 1998. It is expected that the Expanded Audit Committee will bring forward several recommendations to Council for debate and approval;**
- 2. Staff implement an Activity-Based Costing (ABC) work plan such that all HRM services will be costed (and analysed) based on the approved 1999/2000 Capital and Operating Budgets. It is expected that a fully developed, configured and costed ABC model would be available by the end of the first quarter of the 1999/2000 fiscal year;**
- 3. In the 9 months leading up to the 1999/2000 fiscal year, staff will focus on developing a comprehensive database of HRM programs, services, activities and resources. This database will be used to configure the "HyperABC" software (that supports the ABC initiative) during the 1998/99 fiscal year;**
- 4. Staff will develop the above-noted comprehensive database such that it will, in the short term, also support the operational requirements of the Y2K Project, Project Genesis and the Multi-Year Financial Strategy.**

In addition to the specific recommendations noted above, the Expanded Audit Committee has provided the following direction to staff to support the Program &

Service Review process:

staff are to develop and implement a procedure by which changes in service levels and/or service delivery can be documented and communicated as they occur. Similarly, a process and procedure to ensure communication to the public regarding the results of the review process is to be developed and implemented;

- the Review will utilize the results of the annual Citizen Survey and, where appropriate and necessary, obtain additional survey information on a targeted basis to support the Program & Service Review process;
- the Committee, as a matter of policy, will both recognize and encourage legitimate diversity in service levels and service delivery models;
- the Committee will work closely and collaboratively with departmental resources throughout the Review process. Also, information generated by the Review process will be made available to support the upcoming budget cycle.

Finally, the Committee would like to report that the review process has already commenced with discussion and debate pertaining to Intrusion Alarms - a service provided by the Halifax Regional Police Service, and the RCMP. **MOTION PUT AND PASSED UNANIMOUSLY.**

10.3.31 Report - Preston Boundaries

MOVED by Councillors Uteck and Hetherington, as recommended by the Committee of the Whole, to extend the period for reporting back on the Preston boundary matter until the fall sessions of Council commence, after Labour Day. MOTION PUT AND PASSED UNANIMOUSLY.

10.3.32 Report - HRM Pension Plan and Governance Structure (see Sept. 8/98 minutes - pg. 5 - copy attached)

The July 3, 1998 staff report, prepared by Mr. George McLellan, had been re-distributed to Council.

MOVED by Councillors Greenough and Blumenthal, as recommended by the Committee of the Whole, to approve the HRM Pension Plan Design Committee's recommendations:

It is further recommended that a funding policy be established which addresses the need of both employees and the Municipality for the consolidated Plan to be managed within a structure which balances the goals of minimizing contribution volatility and the possibility of contribution increases. This funding policy is to include a guideline regarding the requirement and frequency for review of a comprehensive asset strategy specifically linked to the liabilities of the

consolidated Plan. The policy shall include as well, a provision dealing with future surplus allocation. Specifically, consistent with the policy regarding allocation of amalgamation surpluses, surplus arising after April 1, 1998 (or such later date as the new consolidated Plan is effective) may be allocated only after the lesser of 10 percent of liabilities, or the Revenue Canada surplus limit is reached;

It is further recommended, in the interest of maintaining a common plan for all employees which is managed and administered by the HRM Pension Committee, that all recommendations for amendments to the Plan be initiated by the HRM Pension Committee.

Councillor Cooper enquired as to why there is no direct representation from agencies, boards, and commissions, on the Committee. In response, Mr. George McLellan, Deputy Chief Administrative Officer, advised that staff was currently examining this issue.

MOTION PUT AND PASSED UNANIMOUSLY.

10.4 CHIEF ADMINISTRATIVE OFFICER

10.4.1 Tender 98-074 - Sale of Various Surplus Municipal Lands

- A memorandum prepared for Mr. George McLellan, Deputy Chief Administrative Officer, on the above-noted, was before Council.

MOVED by Councillors Dooks and Blumenthal to award the sale of 7486 Highway #7 Musquodoboit Harbour, former School Bus Garage to Darr Welding & Fabricating Ltd. at the tender price of \$102,500. MOTION PUT AND PASSED UNANIMOUSLY.

10.4.2 Tender 98-235, Purcell's Cove Road Wall Replacement

- A memorandum prepared for Mr. George McLellan, Deputy Chief Administrative Officer, on the above-noted, was before Council.

MOVED by Councillors Hanson and Stone that:

- a) Council award Tender No. 98-235, Purcell's Cove Road Replacement, to Ocean Contractors Limited for materials and services listed at the unit prices quoted for a Total Tender Price of \$66,073.25 and a Total Project Cost of \$75,984 with funding authorized as per the Budget Implications section of this report;**
- b) Council authorize the transfer of funds in the amount of \$2,500 from Capital**

Account No. 95512, Booth Street Paving Renewal to Capital Account No. 97448, Purcell's Cove Road and Parkhill Road Retaining Wall. MOTION PUT AND PASSED UNANIMOUSLY.

10.4.3 Tender 98-236, Ross Street Retaining Wall

- A memorandum prepared for Mr. George McLellan, Deputy Chief Administrative Officer, on the above-noted, was before Council.

MOVED by Councillors Cunningham and Schofield that:

- a) **Council award Tender No. 98-236, Rose Street Retaining Wall, to Ocean Contractors Limited for materials and services listed at the unit prices quoted for a Total Tender Price of \$32,064.30 and a Total Project Cost of \$36,874 with funding authorized as per the Budget Implications section of this report;**
- b) **Council authorize the transfer of funds in the amount of \$9,900 from Capital Account Number 95512, Booth Street Paving Renewal to Capital Account Number 97447, Rose Street Retaining Wall. MOTION PUT AND PASSED UNANIMOUSLY.**

10.4.4 Third Reading - Amendment to By-Law P-304 (City of Dartmouth Employees' Retirement Pension Plan) Regarding Benefits for Members of the Fire and Police Bargaining Units

- A memorandum prepared for Mr. George McLellan, Deputy Chief Administrative Officer, dated June 26, 1998, had been re-distributed to Council.

MOVED by Councillors Greenough and Sarto to give Third Reading to By-Law P-304 which will provide that the "Best Average Earnings" used in the calculation of pension benefits for members of the Fire and Police Bargaining units will be based on the average earnings over 36 consecutive months rather than the current provision of average earnings over 60 consecutive months. MOTION PUT AND PASSED UNANIMOUSLY.

10.4.5 Appointment of Development Officer

- A memorandum prepared for Mr. Dan English, Deputy Chief Administrative Officer, on the above-noted, was before Council.

MOVED by Councillors Greenough and Hetherington to appoint Mr. Steven Higgins as a Development Officer for Halifax Regional Municipality as required by Sections 84 and 104 of the Planning Act. MOTION PUT AND PASSED UNANIMOUSLY.

10.4.6 Dismantling of Former Civic Hospital Building at 5970 University Avenue

- A memorandum prepared for Mr. George McLellan, Deputy Chief Administrative Officer, and an Information Report from Mr. Peter Ross, Manager of Procurement, on the above-noted, were before Council. Correspondence from Philip Services; the Nova Scotia Construction Safety Association, and the Nova Scotia Road Builders Association, was also distributed to Council.

MOVED by Councillors Downey and Uteck that the Contract for the demolition of the former Civic Hospital Building at 5970 University Avenue be awarded to Bulldog Demolition at the lowest bid price of \$225,975 and that the funds required for the contract be drawn from the Sale of Land Capital Reserve Account and further that Council authorize funding not to exceed \$250,000 to be drawn from the account to allow for a 10 percent contingency for unforeseen costs.

Mr. Ken Meech, Chief Administrative Officer, noted an issue has been raised that the second lowest bidder, in response to a tender call for demolition of the Former Civic Hospital, is suggesting that the top bidder should have been able to satisfy qualification requirements *at the time of* submitting the bid. Staff, however, feel the top bidder did meet all requirements, *subsequent* to the opening of the tenders, - in two ways - (a) the top bidder received their Letter of Good Standing from the Construction Safety Association; and (b) the top bidder has a consultant they could bring on-site who had the qualifications to provide on-site safety consulting.

Councillor Kelly enquired if staff would recommend a clause being entrenched in the tender documentation that bidders must provide proof of their qualifications at the time of submitting their bid. Mr. Peter Ross referenced an information report which suggested a new clause:

“Post Bid Submissions

1. Provide after close of bid period but before award of contract a copy of the following documents - Valid Letter of Good Standing of the Certificate of Recognition Program issued to the tenderer by the N.S. Construction Safety Association, and indication the Tenderers current standing falls into one of the following categories (a) Certificate of Recognition; (b) Audit Pending; (c) In the Process. Further, submit post bid submissions document within 48 hours after tender closing to be eligible to receive award of contract.”

Councillor Hetherington suggested a clause should be included in the tender documentation that states a Certificate should be provided “.. at the time of the tender closing.” Mr. Peter Ross advised that the Construction Association feel this should not be a mandatory requirement. Further, the Province shares this opinion.

MOTION PUT AND PASSED.**10.4.7 Community Services - Area Rated - District 3 Capital Fund**

- A memorandum prepared for Mr. George McLellan, Deputy Chief Administrative Officer, on the above-noted, was before Council.

MOVED by Councillors Hendsbee and Snow that the three (3) Capital Projects for District 3 contained in the Schedules attached to the staff report dated July 9, 1998, be approved. MOTION PUT AND PASSED UNANIMOUSLY.

10.4.8 ICI Waste Collection - Rural Areas

- Correspondence from Mr. George McLellan, Deputy Chief Administrative Officer, on the above-noted, was before Council.

MOVED by Councillors Hetherington and Schofield that ICI waste generators in collection areas 4, 7, 8 and portions of area 5, including Waverley, Fall River, Windsor Junction, and from Wellington to Carrols Corner, who are serviced under the HRM customer definition, be permitted to enter into an agreement with HRM's contracted residential hauler in their respective area, to haul curbside waste that exceeds the HRM bag limit.

Councillor Dooks expressed concern noting that any rural commercial business should not pay additional costs for garbage collection. As a result of the rural nature of various areas within the region, there would be a high cost involved should businesses within these rural areas wish to hire a private contractor to collect their waste. The Councillor noted that most businesses in the rural areas are a great distance from the transfer station.

Further, the Councillor suggested the staff report was incomplete and that he would like additional information on the following:

- a) referenced 6 limit bag permitted and the fact that should the number of bags increase, individuals would have to pay an additional cost to have same removed;
- b) referenced 25 bag limit, noting that even if a business attempted to make arrangements with a private hauler to remove excess bags, the hauler will not remove same above the 25 bag limit. Various businesses within District One have more than 25 bags to be collected per week (campgrounds, resorts, golf courses). If the hauler is not instructed to pick up same, there is no place for the business person to place the garbage;
- c) staff report references a hauler coming to an agreement with a business for

removal of extra waste at an additional cost. The Councillor enquired if staff had contacted haulers in this regard.

In response to the enquiry raised under "c" above, Mr. Mark Bernard, Manager, Waste Resources, advised that contact has been made with various haulers, although not formally. Councillor Dooks suggested that staff contact the haulers to enquire if they are willing to enter into an agreement with businesses to haul excess waste. The Councillor further enquired as to how businesses can be protected from haulers who may overcharge for collection.

Mr. Bernard advised that haulers are to collect ICI waste in the same vehicles in which residential waste is collected. Staff would like the individual haulers and businesses to deal privately beyond that. In terms of the 25 bag limit, there are very few businesses that have greater than this limit.

Councillor Dooks reminded Council there is no way in which residents/businesses in District One can handle organics at this point in time; further, the Councillor reiterated the fact there is no transfer station, within 100 kms., to which businesses can transport those bags that exceed the 25 bag limit.

MOVED by Councillors Dooks and Adams to refer this matter back to staff to respond to questions raised.

Mr. Bernard advised this ICI collection report deals with existing small business customers that cannot get private collection and that larger businesses (producing 50 - 100 bags per week) should be able to make arrangements for waste to be transferred to the transfer station. New small businesses would be included also. Further, Mr. Bernard reminded Council there is no tipping fee charged at the transfer station in the rural area. In referencing golf courses, Mr. Bernard advised that although they may generate 100 bags of waste, most is organics waste that will soon be banned from the system. It was noted this is a waste that these types of businesses will have to handle on their own.

Councillor Dooks advised he would like to fax his questions on this issue, directly to staff.

A vote on the Motion to refer this matter to staff, took place. MOTION DEFEATED.

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

10.4.9 Metro Turning Point Emergency Relocation

- A memorandum prepared for Mr. Ken Meech, Chief Administrative Officer, on the above-noted, was before Council.

MOVED by Councillors Hetherington and Downey to support the staff strategy to

provide a short term solution to housing the clients of Metro Turning Point.

Councillor Harvey requested an amendment to the Motion such that an updated report come back to Council by the end of August as to how successful the remedial work has been and whether any relocation is required. The Mover and Seconder agreed to amend the Motion.

The amended Motion now reads:

MOVED by Councillors Hetherington and Downey to support the staff strategy to provide a short term solution to housing the clients of Metro Turning Point; further, that an update report come back to Council by the end of August as to how successful the remedial work has been and whether any relocation is required. MOTION PUT AND PASSED.

10.4.10 Proposed Paving Projects for Subdivision Streets (NSDTP&PW / HRM) - 50/50 Cost Sharing

- A memorandum prepared for Mr. George McLellan, Deputy Chief Administrative Officer, on the above-noted, was before Council.

MOVED by Councillors Hendsbee and Uteck to:

- a) approve the list of paving projects for subdivision streets as proposed by NSDTPW, letter dated June 18, 1998 attached to staff report dated July 7, 1998;**
- b) enter into an agreement with NSDTPW for 50/50 cost sharing to proceed with the paving projects;**
- c) approve an expenditure of \$316,300 to carry out the paving projects as noted in the Budget Implications section of the staff report dated July 7, 1998;**
- d) approve betterment charges to abutting property owners on these streets on a frontage basis to recover the HRM share.**

Councillor Hendsbee enquired if there was an opportunity for supplementary paving i.e. Two Rivers Drive. The Councillor suggested the DOT&PW feel it is in the municipality's best interest to pave the road all the way through (an additional .5 km). Staff advised if the Province wishes to be more involved, this issue could be brought back to Council.

MOTION PUT AND PASSED UNANIMOUSLY.

10.4.11 Paving of Streets - Montague Estates Subdivision

- A memorandum prepared for Mr. George McLellan, Deputy Chief Administrative Officer, on the above-noted, was before Council.

MOVED by Councillors Cooper and Walker to approve the paving of the four streets noted in the staff report dated July 13, 1998, in partnership with Loon Lake Developments Ltd. without any betterment charges to the property owners. MOTION PUT AND PASSED UNANIMOUSLY.

11. CORRESPONDENCE, PETITIONS**11.1 Correspondence****11.1.1 Request for Support, Canadian Forces Day, Mr. David Pratt, MP, Nepean-Carlton**

- Correspondence from Mr. David Pratt, MP, Nepean-Carlton, seeking support for the designation of a Canadian Forces Day, was before Council.

MOVED by Councillors Sarto and Cunningham to support a private members motion, introduced in the House of Commons on March 16, 1998, designating an annual Canadian Forces Day. MOTION PUT AND PASSED UNANIMOUSLY.

11.2 Petitions**11.2.1 Councillor Mitchell - Paving of Old School Road, Tantallon**

Councillor Mitchell submitted a copy of a petition which had been submitted to DOT&PW, on "Paving of Old School Road, Tantallon" requesting it be forwarded to staff.

11.2.2 Councillor Hanson - Greek Summer Fest - Burden on Neighbourhood

Councillor Hanson submitted a petition on concerns raised by residents in the neighbourhood where the Greek Summer Fest is held. The Councillor requested that staff review these concerns as soon as possible.

12. MOTIONS - None**13. ADDED ITEMS****13.1 Report - Reciprocal Agreement (Pensions) with Province of Nova Scotia**

A memorandum prepared for Mr. George McLellan, on the above-noted, was before Council.

MOVED by Councillors Hetherington and Greenough to enter into the Reciprocal Transfer Agreement attached as Appendix "A" of the staff report dated July 13, 1998, between the province of Nova Scotia and other signing bodies and the City of Dartmouth Employee's Retirement Pension Plan, the City of Halifax Superannuation Plan, the Halifax County Municipality Full Time Retirement Pension Plan and the Metropolitan Authority Employee's Pension Plan. MOTION PUT AND PASSED.

13.2 Appointments - Various Committees

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

MOVED by Councillors Hetherington and Greenough to approve the following appointments:

Investment Policy Advisory Committee - Dr. Thomas Cheng, Mr. Michael Conde, Mr. Mark Bursey, Councillor Stephen Adams and Mr. Ron Singer (alternate Mr. Derek Tynski).

Halifax Regional Development Agency - Councillors David Hendsbee and Jack Mitchell.

Halifax-Dartmouth Canada Day Committee - Ms. Susan Carroll.

Halifax-Dartmouth Bridge Commission - Councillor Jerry Blumenthal

Committees to which Councillor Sheila Fougere has been appointed:

- Grant Committee
 - CAO Review Committee
 - Commuter Rail Committee
 - Halifax Regional Municipality Pension Committee
 - Halifax Retirement Committee
 - Interim Pension Committee
 - Regional Heritage Advisory Committee
 - Standing Committee on Unsightly or Dangerous Premises
- Solid Waste Resource Advisory Committee. MOTION PUT AND PASSED UNANIMOUSLY.**

13.3 Information Report (dated July 7/98) - Regional Museum of Cultural History: Update

Councillor Hetherington requested a copy of the above-noted memorandum be referred to the Regional Museum of Cultural History Ad Hoc Committee.

14. NOTICES OF MOTION

14.1 Councillor Barnet served the following Notice of Motion:

TAKE NOTICE that at the meeting of Halifax Regional Council to be held on Tuesday, August 25, 1998, I intend to introduce a Motion for First Reading of a by-law to amend By-Law L-100, respecting Local Improvement Charges and By-Law 58 of the former Halifax County Municipality, respecting the charge for water services.

14.2 Deputy Mayor Rankin served the following Notice of Motion:

TAKE NOTICE that at the meeting of Halifax Regional Council to be held on Tuesday, August 18, 1998, I propose to place before Council the following Motion: "Given the historical and international recognition of the name HALIFAX as the most common and well known collective designation of the region, Halifax Regional Council formally recognizes the name HALIFAX as an appropriate designation for the Halifax Regional Municipality, when used in conversation, correspondence, documentation, speeches, and the like, other than in a legal context.

14.3 Councillor Cooper served the following Notice of Motion:

TAKE NOTICE that at the meeting of Halifax Regional Council to be held on August 18, 1998, I intend to introduce a Motion to amend Administrative Order #1, Section 38(1) in that the word "once" be changed to "twice."

14.4 Councillor McInroy served the following Notice of Motion:

TAKE NOTICE that at the meeting of Halifax Regional Council to be held on August 18, 1998, I intend to introduce a Motion to amend former Halifax County By-Law 46 which involves the operation of the Halifax County Rehabilitation Centre.

14.5 Councillor Schofield served the following Notice of Motion:

TAKE NOTICE that at the meeting of Halifax Regional Council to be held on August 18, 1998, I intend to introduce a Motion requesting the Province to amend the legislation that would not require HRM to provide supplementary education funding in the areas of Halifax and Dartmouth over the next 10 year period; further, that the municipality, region wide, agree to pay the equivalent funds over the next 10 year period.

15. ADJOURNMENT

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

Vi Carmichael
MUNICIPAL CLERK

