

HALIFAX REGIONAL MUNICIPALITY

HALIFAX REGIONAL COUNCIL MINUTES October 27, 1998

PRESENT:

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

ABSENT WITH REGRETS:

Deputy Mayor Reg Rankin
Councillors Jack Greenough
Bruce Hetherington
Ron Hanson

STAFF MEMBERS:

Mr. Ken Meech, Chief Administrative Officer
Mr. Wayne Anstey, Municipal Solicitor
Ms. Vi Carmichael, Municipal Clerk
Ms. Patti Halliday, Assistant Municipal Clerk

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1. **INVOCATION**

Mayor Fitzgerald called the meeting to order at 6:00 p.m. with the Invocation.

2. **PROCLAMATIONS - NONE**

3. **APPROVAL OF MINUTES - October 13 and 19, 1998**

MOVED by Councillors Blumenthal and Cunningham that the minutes of October 13 and 19, 1998 be approved, as circulated. **MOTION PUT AND PASSED UNANIMOUSLY.**

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

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

- 12.1 Councillor McInroy - Cat By-Law Update
- 12.2 Legal Matter - Claim Settlement
- 12.3 Land Matter - Walkway in MacIntosh Estates, Spryfield
- 12.4 Appointments - Regional Heritage Advisory Committee - Paul Erickson and Terry Eyland
- 12.5 Councillor Adams - Request for staff report on UNSM's Position on Offshore Gas

MOVED by Councillors Stone and Hendsbee that the Order of Business and Additions and Deletions be approved. **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 **Council Decision on Second Reading of Blasting By-Law B-300 (public hearing portion closed) (supp report)**

- A supplementary report prepared for Dan English, Deputy Chief Administrative Officer, recommending that Council approve Second Reading of Blasting By-Law B-300, was before Council for consideration.
- A submission from the Nova Scotia Road Builders Association, recommending amendments to the By-Law, was circulated to Council for its consideration.

MOVED by Councillors Hendsbee and Snow that By-Law B-300 be amended as follows:

s.15 The noise created by an air blast shall not exceed 128 (one hundred twenty-eight decibels.

s.19 No blasting shall be carried out except between 8:00 a.m. and dusk Monday to Saturday inclusive.

Responding to a question from Councillor Kelly regarding cost factors of the amendment, Mr. Phil Francis, Policy and Planning Engineer, stated the By-Law does not contain clauses that would require an additional cost if the terms were changed to allow blasting on Saturday. Further, he noted it is not yet clear if staff would be required to be on call on Saturdays. If these amendments are passed, and it is determined it would be required, staff would have to come back to Council with a further amendment to impose a charge for this.

Mr. Kulvinder Dhillon, Director, Engineering and Transportation, noted if it is determined that staff frequently needs to be called in, some arrangements will need to be made to have the by-law enforcement officer available. These arrangements will depend on the number of the complaints received. Mr. Dhillon further noted there is a 24 hour telephone number for residents to call if there are complaints. Councillor Kelly stated if staff are required to be called in, the company performing the blasting should be charged a fee for this service.

In response to a question from Councillor Kelly regarding proof of delivery with regard to the preblast survey, Mr. Francis stated this would be an administrative process. It is the applicant's responsibility to provide accurate information at the permit application stage. If the applicant provides inaccurate information, then this would be considered a violation of the permit, and the matter would be dealt with on that basis.

Councillor Walker spoke against the amendments, stating the residents are not being taking into consideration.

Councillor Sarto spoke against the amendment, noting if it does pass, a fee should be charged to the company doing the blasting if staff are required to appear on site.

Councillor Barnet suggested the two amendments should be voted on separately. The Councillor stated his main concern is in the area of dual jurisdiction with respect to the Municipality and the Province having two different sets of standards. Councillor Barnet expressed concern that this will cause confusion and imbalance in the industry which is unfair and inappropriate. As the Province has amended its standards to 128 decibels, Councillor Barnet stated he could support this amendment.

The Mover and the Seconder agreed to split the motion.

Councillor Stone expressed concern with the increase in the maximum decibel level, noting he received many complaints in the former City of Halifax when the maximum was 125 decibels. The Councillor suggested the decibel level should remain as proposed by staff for at least one year to see if there are any problems.

Councillor Blumenthal advised he could not support the amendments, stating staff has reviewed the issue, input has been received, and Council should accept staff's recommendation.

Councillor Schofield stated he could support the decibel amendment if it is consistent with Provincial standards. With respect to blasting on Saturday, the Councillor expressed concern with dusk in the summer months as it is much later and he did not believe it was reasonable to permit blasting at that time of day.

Councillor Cunningham noted problems arise with the By-Law due to the diversity of areas represented in the Municipality. The Councillor noted contractors will not use a larger blast than required; and, therefore, he could support the change to 128 decibels.

Councillor Snow stated better monitoring is the solution for blasting problems.

Councillor Hendsbee suggested the official sunset time can be used to define dusk to avoid misinterpretation.

The vote was taken on the first amendment which read as follows:

MOVED by Councillors Hendsbee and Snow that By-Law B-300 be amended as follows:

s.15 The noise created by an air blast shall not exceed 128 (one hundred twenty-eight decibels).

MOTION PUT AND PASSED.

The vote was then taken on the second amendment which read as follows:

MOVED by Councillors Hendsbee and Snow that By-Law B-300 be amended as follows:

s.19 No blasting shall be carried out except between 8:00 a.m. and dusk Monday to Saturday inclusive.

MOTION DEFEATED.

The vote on Second and Third Readings was then taken.

MOVED by Councillors Hendsbee and Barnet that By-Law B-300, as amended, be given Second Reading. MOTION PUT AND PASSED.

MOVED by Councillors Hendsbee and Mitchell that By-Law B-300, as amended, be given Third Reading. MOTION PUT AND PASSED.

9. CORRESPONDENCE, PETITIONS AND DELEGATIONS

9.1 Petitions - None

10. REPORTS

10.1 CHIEF ADMINISTRATIVE OFFICER

10.1.1 Tender 98-110, Bennets Field Site Improvements

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

MOVED by Councillors Dooks and Snow that Council award Tender 98-110, Bennets Field Site Improvements to the lowest bidder Turf Masters Landscaping for materials and services specified at unit prices quoted for a total tender price

of \$58,900.12 with a total project cost of \$65,000.00 with funding from Capital Account number 02-91237-6718. **MOTION PUT AND PASSED UNANIMOUSLY.**

10.1.2 Tender No. 98-099R, Tender for Delivery of Organic Green Carts and/or Kitchen Bins to Properties in the Halifax Regional Municipality

- A staff report prepared for Ken Meech, Chief Administrative Officer, regarding the above, was before Council for consideration.

MOVED by Councillors Sarto and Stone that Halifax Regional Municipality award contracts for delivery of organic green carts and/or kitchen bins to properties in the Halifax Regional Municipality to the firms recommended for Areas 1 to 5 as outlined in Table A of the staff report dated October 21, 1998.

In response to a question from Councillor Kelly, Mr. Mark Bernard, Manager, Waste Resources, stated the contract is for three years and the prices are based on 2100 new units in the complete HRM area the first year, 2200 units the second year, and 2200 units the third year. The per unit price for storage, delivery and tracking the serial number to the property is approximately \$100. At the November 3, 1998 Council meeting, it was clarified that the correct price per unit is approximately \$10.

MOTION PUT AND PASSED.

At a later point in the meeting Councillor Walker served a **NOTICE OF MOTION OF RECONSIDERATION** on this item, for the November 3, 1998 Regional Council meeting.

10.1.3 By-Law Respecting Trees on Public Lands

- A staff report prepared for Dan English, Deputy Chief Administrative Officer, regarding the above, was before Council for consideration. The report recommended that Regional Council authorize and implement the approval process for Municipal By-Laws for the proposed "By-Law Respecting Trees on Public Lands."

MOVED by Councillors Cunningham and Schofield that Council authorize and implement the approval process for Municipal By-Laws for the proposed By-Law Respecting Trees on Public Lands. MOTION PUT AND PASSED UNANIMOUSLY.

Councillor Cunningham proceeded to give a Notice of Motion on this matter as outlined under Item 13 - Notices of Motion.

10.1.4 Building Management Study - Stage Two: Implementation

- A staff report prepared for Ken Meech, Chief Administrative Officer, regarding the above, was before Council for consideration.

MOVED by Councillors Sarto and Stone that Council authorize the Mayor and Municipal Clerk to execute a Management Contract with Rose Facility Management, to introduce improved operating, maintenance and management practices for all HRM-owned and leased buildings, subject to the successful negotiation of the detailed terms of the Contract, the general provisions of which are summarized in Appendix "A" of the staff report dated October 15, 1998.

Responding to questions from Councillor Kelly, Mr. Simpson McLeod, Manager, Building Transition Program, stated this work could be done in-house, but it would take longer to reach an effective savings threshold, and additional staff would need to be hired as the Municipality does not currently have the in-house expertise required. There would also be an additional cost for hardware and training. Mr. McLeod stated the most effective way to get this project up and running more quickly is to proceed with a management contract.

Councillor Kelly inquired what would be the amounts of the additional costs to do this in-house. Mr. McLeod stated there would be at least three additional staff positions required at a cost of approximately \$150,000 including benefits. Training would be over a two year period, or longer. Mr. McLeod stated he was not in a position at this time to provide a cost figure for this training. With regards to equipment, Mr. McLeod advised HRM would be purchasing its own equipment at a cost of approximately \$150,000. Mr. McLeod noted another recommendation was to have a call service centre, but he did not have cost estimates at this time.

Councillor Kelly referred to Section 6.0 Costs, in the staff report, and asked what will be HRM's costs associated with this Contract. Mr. McLeod advised there will be some initial set up costs for HRM in terms of space, computer terminals and phone linkages. Also, a computer aided facilities management system would be installed at the cost to HRM of about \$150,000. The total direct and indirect costs for HRM would be about \$250,000 with some additional interest charges in the first two years that would be factored into the total cost.

Councillor Kelly suggested this matter should be deferred to obtain further information with respect to what is being asked of HRM and the approach that is being taken.

Mr. Brian Smith, Director, Business Operations, stated the figures quoted in response to Councillor Kelly's questions were an attempt by staff to provide an immediate estimate to an alternative. He noted staff is prepared to make a presentation, and tables are included in the report, to illustrate what is being proposed, which is an arms length separately financed operation. Mr. Smith stated Page 6 of the staff report contains a list of total project costs and savings by year and how these savings will build over time to the \$3 million. Mr. Smith further stated the report is complete in terms of staff's recommendation. He suggested if Council would like to have more background on alternatives, that would be another issue.

Councillor McInroy stated the staff report does not give enough information for Council to make a judgement as to whether or not this can be done by in-house HRM staff and what the costs would be to do so. The Councillor stated the report implies that the Municipality will be spending \$2.3 million to save \$3 million on an annual basis. Councillor McInroy questioned why, in the last year of the contract, HRM would spend \$395,000 on a consultant to increase HRM annual savings by \$88,000. The Councillor expressed concern with using outside resources and not using HRM staff.

Councillor Blumenthal agreed with Councillors Kelly and McInroy and questioned the amount of use of consultants. The Councillor suggested if the expertise required is not available in-house, there should be some changeover in staff to obtain the required expertise.

Mr. Meech, Chief Administrative Officer, stated staff is trying to obtain a centralized management system for HRM facilities. He stated, based on the initial assessment, this is an area where there appears to be an opportunity for some very substantial annualized savings. Mr. Meech noted the fees for the consultant will come from these savings. If the savings are not achieved, the consultant fees will not be paid. Mr. Meech stated Rose Facility Management has a lot of experience and expertise in facilities management. He further stated that trying to achieve some of this type of savings in-house has proven to be very difficult. Mr. Meech clarified what is being discussed is the management of the facilities and not the employees doing the actual maintenance, caretaking, etc.

Mr. McLeod noted the President of Rose Facility Management, Ms. Cathy Milsom, was present and she provided Council with some background on the company.

Councillor Stone suggested the matter should be deferred to the next Council meeting and that a presentation be made at that time focusing on the questions raised at this meeting.

MOVED by Councillors Kelly and Barnet that this matter be deferred to the next Council meeting.

MOTION PUT AND PASSED UNANIMOUSLY.

Councillor Hendsbee questioned why this matter was not brought before the Program and Service Review Committee before coming to Council. The Councillor requested a copy of the initial Stage 1 report. Councillor Kelly also requested a copy of the report.

10.1.5 Central Library Status Report and Presentation

- A report prepared for Judith Hare, Chief Executive Officer, Halifax Regional Library Board, regarding the Central Library Project, was circulated to Council for its consideration.
- Copies of the Halifax Regional Library Branch Profiles 1997/98 were circulated to Members of Council for information purposes.

Ms. Judith Hare, Chief Executive Officer, Halifax Regional Library Board, presented the report which recommended that Halifax Regional Council defer the Central Library project to the year 2001/2002, or sooner if circumstances change, with the understanding that the Halifax Regional Library Board meet with the Keshen Trust to determine if an extension of the \$5 million trust can be achieved for the Central Library; further, that HRM Council approve \$500,000 (from the approved Capital Budget) to be redirected for repairs to the existing Spring Garden Road Library, collections and equipment.

Councillor Harvey spoke in support of the recommendation stating it is the prudent thing to do at this time. The Councillor suggested the deferral time can be used to secure Provincial funding as well as a site.

MOVED by Councillors Harvey and Stone that Council defer the Central Library project to the year 2001/2002, or sooner if circumstances change, with the understanding that the Halifax Regional Library Board meet with the Keshen Trust to determine if an extension of the \$5 million trust can be achieved for the Central Library; further, that HRM Council approve \$500,000 (from the approved Capital Budget) to be redirected for repairs to the existing Spring Garden Road Library, collections and equipment.

Responding to questions from Councillor Hendsbee, Ms. Hare stated the Library Board's fund raising program will continue, but the focus will change. With respect to repairs to the building, Ms. Hare stated some are necessary no matter what future use the building will have.

In response to questions from Councillor Kelly, Ms. Hare stated if an extension of the trust cannot be obtained, the Board will seek an opinion from the trustee with respect to redirecting the trust itself for other library projects. Ms. Hare noted all options, including redirecting the trust to the existing building, will be explored.

Councillor Schofield inquired if any of the \$500,000 has been spent for architectural fees to which Ms. Hare responded in the negative. Councillor Schofield suggested it would be wise for the Municipality to make repair funds available for the Spring Garden Road Branch as it would be a good investment.

Responding to a question of Councillor Fougere, Ms. Hare confirmed the \$500,000 is funding that is being redirected and there will be no savings this year.

Councillor Downey stated his preference for the site of the proposed Central Library would be the present location on Spring Garden Road.

Councillor Harvey, for clarification, noted the \$500,000 requested to be redirected is from the Capital Budget and the deficit problem is primarily with the Operating Budget.

MOTION PUT AND PASSED UNANIMOUSLY.

10.1.6 Local Improvement Charges - Waverley Road Curb, Sidewalk, Paving, Sanitary Sewer & Watermain Upgrading

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

MOVED by Councillors Sarto and Uteck that:

- 1. Council waive the abutters' right to petition against the replacement of asphalt curb with concrete curb and approve the recovery of Local Improvement Charges (LIC) for concrete curb via frontage charges.**
- 2. Council waive the abutters right to petition against the replacement of asphalt sidewalk with concrete sidewalk, and approve the recovery of LIC for concrete sidewalk via an area rate for District 6. MOTION PUT AND PASSED UNANIMOUSLY.**

10.1.7 Service Standards - Street and Sidewalk Snow and Ice Control

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

MOVED by Councillors Snow and Dooks that the proposed Snow and Ice Control Program Service Standards, as attached to the staff report dated October 21, 1998, be approved.

Councillors Blumenthal, Kelly, Walker, Cooper and Stone speaking against the motion, made the following comments:

- Snow removal staff should have been more involved in the process of creating the new standards.
- Weather conditions can change within 24 hours and the snow can turn to ice before removal operations begin.
- Residents of Class 2 roads will have difficulty getting to work and school.
- Concern was expressed with regards to garbage collection on uncleared roads.
- Many complaints last year were received from areas that were plowed too often, while others were not plowed enough.
- Councillors may be able to provide further pertinent information to staff regarding streets in their own Districts.
- Packing of snow may create additional problems.
- Last winter was light in terms of snow, and this winter is predicted to be more severe.
- 40% of residents of District 15 were unhappy with the old standards.
- Residents do not mind paying taxes as long as they receive the service in return. The snow plowing service is being decreased but taxes are increasing.
- The proposed \$1 million savings will be spread over all of HRM while it is the core area that is getting a decreased service.
- The 24 hour time frame for cleared streets is unacceptable.
- Some consideration should be given to at least providing a “cut” through to the entrances of the side streets.
- Children will be forced to walk on the streets if the sidewalks are not clear.
- Concern was expressed for persons with disabilities and how this will affect them.
- Some areas are paying for the previous level of service directly through an area rate. There is no proposal for a decrease in this area rate to correspond with the decrease in service.
- It has been the practice in the past to start clean up before the storm is over.

Councillors Hendsbee and Adams suggested this matter should go before the Program and Service Review Committee.

Councillor Kelly inquired if staff could provide Councillors with a breakdown of street classification in their respective Districts. Mr. John MacKay, Director, Works and Natural Services, responded in the affirmative.

Councillor Barnet, McInroy, Snow, Harvey and Dooks speaking in favour of the motion, made the following comments:

- There is a need to bring this type of standard forward as there does not appear to have been any level of consistency in the past with some streets being plowed too much and others not enough.
- Almost half of the snow removal labour is overtime.
- Complaints have been received regarding the type of equipment used in some areas, ie. 1/2 ton trucks.
- The staff initiative to monitor salt and sand usage was commended.
- The same operator/same route system will provide a more efficient service.
- The policy needs some work, but the basic concept is worth supporting.
- Last year there were complaints that too much plowing occurred in some areas.
- Some concern was expressed with the method of sidewalk clearing as an area rate is paid in some areas for this service.
- The status quo cannot remain in place due to the deficit problem. Some changes need to be accepted.

Responding to Councillors' comments and questions, staff made the following points:

- The process of developing these standards was a very lengthy process and involved various levels of staff.
- A Toronto-based consultant with expertise working with municipalities was also utilized at a cost of about \$50,000.
- Staff had to develop a set of standards that met the budget approved by Council.
- Approximately 75 percent of the streets covered by these standards are considered to be Class 1 streets.
- Most Class 2 streets do not have sidewalks.
- The time frames stated in the standards are the maximum times, and streets may be cleared earlier.
- The standards can be readjusted this year to address problems that may occur.
- With the changes in some of the roads, more appropriate equipment can now be used.
- It is staff's intent to plow sidewalks after the roads are clear.
- All HRM bus routes will be designated as Class 1 streets.
- Training will be reinforced, performance will be monitored and routes will be balanced out.
- As soon as the snow starts, salt trucks, equipped with blades, are sent out. Once there is a sufficient snowfall, the blades are dropped and clearing commences. In response to emergency situations, equipment is relocated as necessary.

MOTION PUT AND PASSED.

The following Members of Council requested that their vote against the motion be recorded: Mayor Fitzgerald, Councillors Blumenthal, Kelly, Stone and Walker.

10.1.8 Continuation of Winter Maintenance - Private Roads

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

MOVED by Councillors Dooks and Hendsbee that snow and ice control and related winter services continue to be provided on the twenty-two (22) private roads previously serviced under agreement between Halifax County and The Department of Transportation until such time as Council directs that the services be ended.

Councillor Cunningham inquired about the status of Sunnybrae Avenue in District 10. Mr. MacKay replied staff is looking at private road issues and this will be covered in that upcoming report.

Councillor Dooks inquired if staff has written confirmation that the Nova Scotia Department of Transportation plans to continue to provide winter services for private roads outside the core area. Mr. MacKay replied he will confirm this and report back to the Councillor directly.

Councillor Mitchell requested a list of District 23 roads for which DOT is responsible.

Councillor Hendsbee requested an updated list of roads that are under municipal jurisdiction.

MOTION PUT AND PASSED UNANIMOUSLY.

11. MOTIONS - NONE

12. ADDED ITEMS

12.1 Councillor McInroy - Cat By-Law Update

Councillor McInroy requested a staff report for next week advising Council of the current status of the Cat By-Law and when Council can anticipate it coming forward for debate. On a point of information, Councillor Hendsbee stated the two draft by-laws are about to come to Council pending some clarification on a few points. The Councillor stated the Animal Registration Committee would like to have the Dog By-

Law public information brochure completed and circulated first. Councillor McInroy reiterated his request that a staff report be provided regarding the status of the Cat By-Law.

12.2 Legal Matter - Claim Settlement - Dowe v. HRM

- This matter was discussed during an In Camera Session held prior to the public session.

MOVED by Councillors Walker and Mitchell that the recommendation adopted In Camera be ratified by Council. MOTION PUT AND PASSED.

12.3 Land Matter - Walkway in MacIntosh Estates, Spryfield

- This matter was discussed during an In Camera Session held prior to the public session.

MOVED by Councillors Adams and Stone that the recommendation adopted In Camera be ratified by Council. MOTION PUT AND PASSED UNANIMOUSLY.

12.4 Appointments - Regional Heritage Advisory Committee - Paul Erickson and Terry Eyland

- This matter was discussed during an In Camera Session held prior to the public session.

MOVED by Councillors Cunningham and Blumenthal that the recommendation adopted In Camera be ratified by Council. MOTION PUT AND PASSED UNANIMOUSLY.

12.5 Councillor Adams - Request for staff report on UNSM's Position on Offshore Gas

- This matter was discussed during an In Camera Session held prior to the public session.

Councillor Adams requested a staff report with regard to the recent development of the Nova Scotia Petroleum Directorate having a position on its Board for a UNSM representative. The Councillor stated he would like the report to determine the intent of this position as well as the effects this position could have on distribution of gas through HRM.

MOVED by Councillors Adams and Blumenthal that the recommendation adopted In Camera to request a staff report on UNSM's position on offshore gas be ratified by Council. **MOTION PUT AND PASSED UNANIMOUSLY.**

13. NOTICES OF MOTION

13.1 Councillor Cunningham - First Reading By-Law T-600 Respecting Trees on Public Lands

TAKE NOTICE that at the next regular meeting of the Halifax Regional Council to be held on November 3, 1998, I intend to introduce a motion to proceed with First Reading of By-Law T-600 Respecting Trees on Public Lands.

13.2 Councillor Adams - Amendment to Administrative Order Number One

TAKE NOTICE that at the next regular meeting of the Halifax Regional Council to be held on November 3, 1998, I intend to introduce a motion to amend Administrative Order Number One, such that a deferral not be heard until such time that all members listed to speak have had the opportunity to do so. The purpose of this amendment is to prevent Council members from deferring items before all concerns have been raised.

14. ADJOURNMENT

MOVED by Councillors McInroy and Blumenthal that the meeting adjourn at 9:15 p.m. **MOTION PUT AND PASSED UNANIMOUSLY.**

Vi Carmichael
Municipal Clerk