

## **HALIFAX REGIONAL MUNICIPALITY**

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### **HALIFAX REGIONAL COUNCIL MINUTES JULY 13, 1999**

**PRESENT:** His Worship Mayor Walter Fitzgerald  
Councillors: Bill Dooks  
David Hendsbee  
Ron Cooper  
Harry McInroy  
Jack Greenough  
Condo Sarto  
Bruce Hetherington  
Clint Schofield  
John Cunningham  
Jerry S. Blumenthal  
Graham L. Downey  
Sheila Fougere  
Russell Walker  
Bill Stone  
Graham Read  
Stephen D. Adams  
Barry Barnet  
Robert P. Harvey  
Peter J. Kelly  
Reg Rankin  
Jack Mitchell

**ABSENT WITH  
REGRETS:** Deputy Mayor Larry Uteck  
Councillor Gordon R. Snow

**STAFF MEMBERS:** Mr. Ken Meech, Chief Administrative Officer  
Mr. Wayne Anstey, Municipal Solicitor  
Ms. Vi Carmichael, Municipal Clerk  
Ms. Barbara Moar, Assistant Municipal Clerk (part)  
Ms. Julia Horncastle, Assistant Municipal Clerk (part)

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**1. INVOCATION**

Mayor Fitzgerald called the meeting to order at 3.10 p.m. with the Invocation.

**Acknowledgment**

At a later point in the meeting, Mayor Fitzgerald recognized Mr. Howard Epstein, MLA, who was present in the audience.

**2. PROCLAMATIONS - None**

**3. APPROVAL OF MINUTES**

**MOVED BY Councillors Blumenthal and Greenough THAT the Minutes of June 22, 1999 and July 6, 1999 be approved as circulated. MOTION PUT AND PASSED UNANIMOUSLY.**

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

*Requests were made to defer the following items:*

1. *Councillor Snow - Item 10.4.14 Health Boards*
2. *Councillor Hetherington - Item 10.4.12 Building Transition Plan - Halifax Regional Police be deferred until September*

*The following items were added to the Agenda:*

1. *Councillor Rankin - Timberlea Improvements - Capital Budget, 1999-2000*
2. *Report - Smoking By-Law Report (Request for Deferral)*
3. *Legal Matter - Lake Banook Trails Project*
4. *Property Matter - Lease of Premises in Cole Harbour Area*
5. *Legal Matter - Expropriation Settlement*

Staff asked that Item 10.4.17 Regional Visioning Process be deferred and addressed this evening for the benefit of the public. Staff has also asked that Item 10.4.7 RFP 99-031 Wireless Communications: Cellular and Paging) be deferred and addressed this evening.

Councillor Downey referred to Item 10.4.16 Permit 007070 - Permanent Encroachment to Construct a Sidewalk Café Addition - 1685 Argyle Street and asked Council to allow Ms. Kate Carmichael and Mr. Henry to speak on this item.

**MOVED BY Councillors Greenough and Blumenthal THAT the Order of Business and Approval of Additions and Deletions, be approved, as amended. MOTION PUT AND PASSED UNANIMOUSLY.**

5. **BUSINESS ARISING FROM THE MINUTES** - None

6. **MOTIONS OF RECONSIDERATION** - None

7. **MOTION OF RESCISSION** - None

8. **CONSIDERATION OF DEFERRED BUSINESS**

8.1 **Council Decision on Second Reading of By-Law E-200 Respecting Encroachments Upon, or Over a Street**

**Administrative Order No. 15 Respecting License, Permit, and Processing Fees**

- A Public Hearing was held on June 1, 1999. Second Reading was deferred pending revisions.
- A Supplementary Report dated July 7, 1999, prepared for Ken Meech, CAO, regarding the above, was before Council for consideration.

Mr. Jim Donovan, Coordinator Special Projects, Planning Services, briefly reviewed the Supplementary Report addressing four revisions requested by Council prior to the Second Reading of the Encroachment By-Law. These revisions dealt with exemptions, fee structure, agreements and Community Councils. Changes to the By-law were noted in the Supplementary Report.

**MOVED By Councillors Greenough and Hetherington THAT By-Law E-200 Respecting Encroachments Upon, or Over a Street receive Second Reading and that Administrative Order 15 Respecting License, Permit and Processing Fees be adopted.**

In response to a question from Councillor Sarto, Mr. Donovan stated that it is intended to extend this By-law to the entire municipality. It now only applies to the former City of Halifax.

**MOTION PUT AND PASSED UNANIMOUSLY.**

8.2 **Sale of Property - Ocean View Manor**

- A Supplementary Report dated July 9, 1999, prepared for Ken Meech, CAO, regarding the above, was before Council for consideration.

Councillor McInroy expressed his concern with staff's recommendation. If a motion to accept staff's recommendation is successful, he asked that Ocean View Manor Board's proposal be considered in conjunction with any responses received on the RFP.

In response to a question from Councillor Kelly, Mr. Meech responded that if Ocean View Manor was sold to a private enterprise, HRM would be looking for a long term commitment from the proponent. He pointed out the Province regulates the standards, and the successful proponent would have to request the Province to transfer the license.

Mr. Meech stated that if the facility is sold to a non-profit organization, a clause would be included in the agreement that if, at some point in time, Ocean View Manor is no longer operating as a nursing home, that it would revert back to HRM, or that HRM would have first right of refusal.

There was some concern expressed by several Councillors on staff's recommendation, pointing out that Ocean View Manor residents and their families are very concerned that the quality of service may not continue if the facility is not operated by a non-profit organization. It was pointed out that Ocean View Manor has more subsidized patients than many nursing homes in Nova Scotia and should be dealt with differently. Other Councillors stated that they would support the recommendations, on the understanding that any decision would not be based solely on a business decision.

**MOVED By Councillors Schofield and Mitchell THAT:**

- 1. Council continue the process of placing Ocean View Manor (OVM) up for sale through the process of request for proposal (RFP), such a process will set conditions that the successful proponent must meet.**
- 2. The sale of Ocean View Manor result in a complete severance of relations between the municipality and the new owner, as outlined in the body of the July 9, 1999 staff report.**
- 3. The RFP stipulate that the issues as to how the proponents will consider current staff and community concerns be addressed as specific criteria.**

A request was made for a recorded vote.

Mayor Fitzgerald called for the question on the motion, with a recorded vote.

FOR: Councillors Greenough, Schofield, Blumenthal, Fougere, Stone, Read, Barnet, Rankin, Mitchell, Mayor Fitzgerald (10).

AGAINST: Councillors Hendsbee, Cooper, McInroy, Sarto, Hetherington, Cunningham, Downey, Walker, Adams, Harvey and Kelly (11).

### **MOTION DEFEATED**

Deputy Mayor Uteck, Councillors Snow and Dooks were absent for the vote.

**MOVED By Councillors Greenough and Sarto THAT this matter be referred back to staff to initiate negotiations with the non-profit group of Ocean View Manor. MOTION PUT AND PASSED.**

## **9. CORRESPONDENCE, PETITIONS AND DELEGATIONS**

### **9.1 Presentations**

#### **9.1.1 Alderney Landing Corporation**

Councillor Hetherington introduced Board Members of the Alderney Landing Corporation and members of the Fund Raising Committee.

Mr. Tom McInnis, Chair, updated Council on the progress of the Alderney Landing Market/Events Centre, and referred to individual members that are serving on the Fund Raising Committee. He reported that RBR Development Associates was appointed to assist the Corporation with its capital fund raising campaign. Alderney Landing opened in May, 1999 and Mr. McInnis reported that the Market has met, and, in some cases, exceeded the original targets. He briefly outlined various operations that are ongoing at the site, including the Art Gallery that is now open, with solid bookings for the next year. With the opening of the Theatre, there are numerous opportunities available to groups to use this facility.

Mr. McInnis stated that having incomplete buildings has created physical, operational and fiscal barriers. The lack of landscaping affects not only the appearance of the buildings but also creates liability and accessibility issues. It is impossible to accommodate carriages and wheelchairs to the market, to the theatre, to the ferry terminal through the market area, and to the waterfront park. He said it is crucial that these issues be overcome before the winter months. Mr. McInnis stressed the importance of ordering an awning that would provide a cover for the outdoor stage, the grid system for the lighting, additional vendor space for the weekend market, and cover for the waterfront jazz fests. If the awning is ordered now, it would be in place by spring enabling the Board to confirm the planning of



six major events.

Mr. McInnis reported that the cost of completing the building, the landscaping, the outdoor stage and awnings is \$870,000. RBR, in conjunction with the Fund Raising Committee, are in process of planning a launch of the Fund Raising Campaign. But, due to the urgency of certain deficiencies with the facility and delivery dates, the Board is requesting HRM's favourable consideration to a request for a \$870,000 loan guarantee. He added that HRM has incurred additional costs associated with the project construction, amounting to \$574,000, and the Board has made this part of its fund raising goal. The overall goal is \$1.5M, and the Board is extremely optimistic that this goal will be met.

In response to Councillor Schofield, Mr. Meech stated that the \$575,000 has already been incurred and HRM will be paying this amount. Councillor Schofield asked if the request was for a loan or a loan guarantee. Mr. McInnis said he did say loan guarantee, but it is a loan that is being requested.

Concern was expressed by Mayor Fitzgerald and many of the Council members at not having a staff report, but Mr. McInnis stressed the importance of ordering the awning now to guarantee delivery by next year. He felt it would be difficult for the Board to properly plan and book acts that have to be confirmed a year in advance. They would hesitate to do this without having the awning in place and the stage built.

Discussion ensued on Council guaranteeing a loan of money without a staff report. Councillor Walker stated that this was totally unacceptable and that he would not be supporting any motion without this report. But, it was pointed out by Councillor Hetherington that there was nothing new in what Mr. McInnis had stated today. Staff have been kept informed, including that a request for a loan guarantee was coming before Council. He pointed out that HRM owns this building, and what is being asked is a way of making money. But, before doing so, the structure had to be completed. Councillor Stone expressed his concern on the amount of money that HRM had already put into the complex, and whether it should continue to do so. The possibility of not reaching the fund raising goal was also an issue that he felt should be considered. Councillor Stone said he agrees that there had to be a staff report.

**MOVED BY Councillors Greenough and Hetherington**

- 1. THAT Council authorize staff to increase the capital budget of the Alderney Landing Market/Events Centre project by \$500,000 in order to take advantage of ACOA funding. The project budget to be increased from \$5.6M to \$6.1M as this allows HRM to properly account for the federal funding in HRM's accounting system; and,**

2. **THAT Council agrees in principle with advancing a loan to the Alderney Landing Corporation, on an 'as required' basis not to exceed \$870,000, with the terms and conditions of repayment to be worked out between staff and the Alderney Landing Board, following HRM staff's examination of the Board's business plan for fund raising. The details of this Agreement will be brought back to the Council for ratification. In the interim, Council agrees with an advance of \$200,000 for the outdoor landscaping and stage, and,**
3. **THAT Council further resolve to accept the offer from Alderney Landing Corporation to include the project cost over runs of \$575,000 in its fund raising plans.**

Councillor Greenough stated that he believes this motion gives Council the kind of assurances and guarantees that they are looking for, and encouraged Council not to delay a decision on this motion.

In responding to the motion, Councillor Adams said he could not support a motion that is against an HRM policy that requires a staff report before advancing money. He pointed out that following today's meeting, Council has a four week summer break. Mr. English said this is the policy, but Council had to decide whether or not to comply with this policy or to authorize an interim advance. Mr. English suggested that the hard and soft landscaping would cost approximately \$110,000. The major cost factor with the loan amount is the awning which is approximately \$600,000.

Councillor Harvey stated that this is a loan with the opportunity of getting not only the \$575,000 already spent on the project back, but also the \$870,000, and he is prepared to see this as an exception. It is a loan guarantee, and not a grant of money. Councillors Blumenthal, Read and Mitchell expressed concern at not having a staff report and stated they cannot support the motion without it. Councillor Sarto suggested passing the first part of the motion, and leaving the other two parts until a staff report has been received. Councillor Cooper stated that before proceeding with the motion, Council would have to waive Rules that have been set by Council.

Following clarification from Messrs. English and Meech, Councillor Greenough made a separate motion on the first part of the original motion, which reads:

**MOVED By Councillors Greenough and Hetherington**

1. **THAT Council authorize staff to increase the capital budget of the Alderney Landing Market/Events Centre project by \$500,000 in order to take advantage of ACOA funding. The project budget to be increased from \$5.6M to \$6.1M as this allows HRM to properly account for the federal funding in HRM's**

**accounting system**

**MOTION PUT AND PASSED.**

Councillor Greenough suggested that the other two parts of the original motion could be approved, in principle, subject to a favourable staff report coming back on these two items. The report could be circulated to Council within one week, and not hold up the process for four weeks.

Referring to Rules that have been set by Council, Mr. Anstey confirmed that Council cannot pass a motion authorizing the spending of money without a written report from the CAO, unless two-thirds of the members agree to the motion. It was suggested that Council approve the expenditure for the \$110,000 for landscaping, if Mr. Meech was agreeable to this expenditure. Mr. Meech responded that he had not received an analysis of the fund raising plan, and he is not prepared to recommend any additional expenditures. But, if the appropriate number of members of Council are willing to authorize some additional funds, the \$110,000 for landscaping is something that he would agree has to be done.

**MOVED By Councillors Greenough and Hetherington THAT on the basis of the CAO's recommendation THAT Council advance the \$110,000 for landscaping, and that the balance of the motion be referred back to staff for the appropriate report.**

**MOTION DEFEATED.**

It was agreed that staff would be directed to prepare a report on this item for the next Council meeting.

Councillor Rankin asked for clarification on what should be addressed in the staff report. He stated he is concerned about the over expenditure and staff's observations concerning this relative to legal and financial implications.

Mayor Fitzgerald thanked Mr. McInnis for his presentation.

**9.1.2 Process for HRM By-Law Enforcement**

- A letter from Cathy Hunt, Vice President, Portland Estates Residents Association, dated June 24, 1999, regarding the above, was before Council for consideration.
- Also a PERA Position Paper was circulated.

Mr. Noel Lewis and Ms. Heather Drysdale, residents of Portland Estates and members of the Portland Estates Residents Association, expressed their concern to Council on By-laws

and intentions of Council not being implemented. They referred specifically to the absence of an adequate process for the implementation of ML-16 of a By-law to Amend the Municipal Planning Strategy for Dartmouth. This By-law was passed unanimously by HRM Council on January 12, 1999.

They reported that on May 29 and 30, in spite of the By-law amendments and policies of Council, the settling pond in Portland Estates was decommissioned and partially filled. This was done with the authorization of HRM's Planning and Development Services. Members of the Association met with Councillors and HRM staff on June 21 in an attempt to identify the causes for failure to observe Council policy, but before the issue could be resolved, further in-filling of the settling pond was carried out on June 24.

Mr. Lewis noted that it took 6 months after Council passed the By-law, for HRM planning staff to send the documents to the Province for approval. He stated that Portland Estates residents are concerned that the process of decision making is not being properly followed.

Ms. Drysdale spoke to Council of the need for residents to be assured that the remainder of the policies in the January 12, 1999 document will be adhered to, and questioned why staff is not moving forward with solutions for future growth and development in the Master Plan developed for Dartmouth.

Mr. Lewis referred to a Position Paper that has been prepared by the Portland Estates Residents Association and asked Council to refer this Paper to staff for a response.

Council expressed concern with the problem of communicating Council's decisions to staff, emphasizing possible implications of actions that may occur similar to that of the settling pond in Portland Estates. Councillor McInroy emphasized the importance of ensuring a mechanism is put in place whereby all planning staff is made aware of Council's decisions.

Mayor Fitzgerald thanked Mr. Lewis and Ms. Drysdale for their presentations to Council.

**MOVED By Councillors Hetherington and Mitchell THAT the Position Paper from PERA be referred to staff for a response. MOTION PUT AND PASSED UNANIMOUSLY.**

### **9.1.3 Retaining Wall**

- A letter from Andrew and Linda Lovasi, Bedford, N.S., dated July 8, 1999, regarding the above was before Council for consideration.

Mr. Lovasi addressed Council on problems with a retaining wall that had not been built to

the specifications of the original building permit taken out by Cresco Homes two years ago. He described the erosion of the slope underneath the retaining wall at the back of his property. Referring to the Grade Alteration Permit issued by HRM to Cresco Group Home Construction, one of the conditions of the issuance of this permit was that the lot grading conform to the plan showing the cross-section of the proposed retaining wall. The plan indicated a three-tier retaining wall, Cresco Group Home Construction built only one tier.

Mr. Lovasi questioned why HRM has a process in place for building permits if the builder cannot be held accountable. He asked Council to review this problem with Cresco Homes and advise him who is responsible for resolving it.

**MOVED By Councillors Kelly and Rankin THAT Council request a staff report from staff, including recommendations, to be brought back to Council as quickly as possible. Also, that staff meet with Cresco Group Home Construction re the Grade Alteration Permit. MOTION PUT AND PASSED UNANIMOUSLY.**

#### **9.1.4 Update on Natal Day Activities**

Mr. Peter Majeau, Chair, showed a video of the Natal Day Activities. It was agreed that the video would be shown again during the evening Council session. Mayor Fitzgerald thanked Mr. Majeau and his Committee for the fantastic series of events that they have scheduled for Natal Day.

**MOVED By Councillors Greenough and Sarto THAT Council recess until the evening session reconvenes at 6:00 p.m. MOTION PUT AND PASSED UNANIMOUSLY.**

Council reconvened at 6:00 p.m.

## **9.2 Petitions**

Councillor Downey submitted a petition, containing 361 names, on behalf of the employees of the QEII hospital requesting a bus shelter at the Summer Street bus stop.

Councillor Adams submitted a petition, containing 57 names, on behalf of Michael Supple representing the youth of Williamswood requesting a skateboard park at the Williamswood recreation facility. The Councillor requested a staff report addressing costing and time lines.

Councillor Fougere submitted a petition, containing 38 names, on behalf of the residents of Brenton Subdivision who are petitioning against changes to a Lane that abuts their properties. The Councillor requested it be referred to staff for a report.

**10.           REPORTS**

**10.1          COMMITTEE OF THE WHOLE**

**10.1.1       Illegal Dumping**

!       Recommendation from the Committee of the Whole and a staff report prepared for Mr. Ken Meech, Chief Administrative Officer, regarding this item was before Council for consideration.

**MOVED by Councillors Barnet and Adams that Council direct staff:**

- (1)    Adopt the Illegal Dumping Needs Analysis document as the basis for implementing immediate and long term strategies to address illegal dumping;**
- (2)    Under the direction of an Interim Task Force consisting of HRM staff and interested stakeholders, prepare an action plan and immediately implement appropriate solutions to illegal dumping which are within the means of existing resources of HRM and the stakeholders;**
- (3)    Develop an Action Plan Report for Council's review in October which addresses long term solutions to illegal dumping.**

**MOTION PUT AND PASSED.**

**11.           PUBLIC HEARINGS**

**11.1          Deregistration of 5536 Sackville Street (Irving Oil Station)**

**Conflict of Interest**

Councillor Rankin declared a conflict of interest on this item as he is the owner of an Irving franchise.

!       A report from the Regional Heritage Advisory Committee, regarding this item was before Council for consideration.

!       A staff report prepared for Ms. Donna Davis-Lohnes, General Manager, Planning Services, regarding this item was before Council for consideration.

!       Correspondence from Geomarine Associates Ltd. was circulated to Council for

consideration.

Ms. Donna Davis-Lohnes, General Manager, Planning Services, advised the public hearing is being held in accordance with Section 16 of the Heritage Property Act which enables Council to consider deregistration of a registered heritage property under two conditions: where either the property has been destroyed or damaged or, the continued registration is deemed to be inappropriate.

Mayor Fitzgerald called for members of the public wishing to speak either in favour of or against the application.

**Mr. Paul MacCulloch**, with the aid of an overhead, stated he is of the opinion that it would be inappropriate to deregister this property expressing concern that the heritage aspect of the area will not be respected in new developments.

**Mr. Tom Boyne**, representing the property owners, Westwood Developments, noted there is no longer a building on the site and designation of the site as a heritage property was related to the building. Mr. Boyne noted there are no provisions in the by-laws or guidelines for designation of a site based on the land itself.

In response to a query from Councillor Hendsbee, Council was advised the proposed height of the building is less than that permitted under the Land Use By-law.

**Mr. Peter Greer**, 2054 Creighton Street, representing the Carpenters Union, stated he was in favour of this project proceeding as it would provide employment. Speaking as a citizen of the downtown, he was in favour as this is an initiative that would create more housing downtown.

**Mr. Terry Smith-Lamothe**, Vice Chair, Halifax Heritage Advisory Committee, speaking as a member of the public, stated he is of the opinion that the site has heritage value.

**Mr. Graham Duffus**, 1110 Barrington Street, stated retaining the heritage status gives HRM the possibility of having some input into the design of this building as it is adjacent to heritage properties and is an historic site. Mr. Duffus stated, in his opinion, having heritage property does no harm to the developer while allowing HRM to have a second look at any development.

**Ms. Joyce MacCulloch** reminded Council of the forty foot height restriction that protects Brunswick Street that was never extended to Sackville Street. She indicated the additions to the top of the proposed building is a detriment and suggested planning take another look at the design.

**Ms. Brenda Shannon**, speaking on behalf of Dr. Legere, Heritage Trust of Nova Scotia, stated this is a registered site and encouraged Council to retain as much control as it can over this situation.

**Ms. Nancy O'Brien**, 5633 Morris Street, speaking in favour of maintaining the heritage designation of the property, noted the proposed building is too large and too tall. She suggested the building rises towards Spring Garden Road. She further suggested this site be protected by having control over the size and design on the type of development located at this site.

**MOVED by Councillors Hetherington and Greenough that the Public Hearing close. MOTION PUT AND PASSED.**

**MOVED by Councillors Hetherington and Stone that Council approve the deregistration of 5536 Sackville Street as a heritage property.**

Councillors Harvey and Downey spoke in opposition to the deregistration of the property.

**MOTION PUT AND PASSED.**

**11.2            Case 00142 - Lot Modification Development Agreement at 2335-3441 Hunter Street, Halifax**

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

Mr. Roger Wells, Planning Services, with the aid of overheads, presented the staff report.

Councillor Fougere referenced the landscaping provisions of the development agreement and asked if this referred to the frontage on Hunter Street or the front doors of the building. In response, Council was advised 100% of the yard facing Hunter Street will be landscaped with the exception of a walkway and 67% of the actual front facade of the building will also be landscaped.

Councillor Fougere requested the development agreement provide clarification that both yards be landscaped.

In response to Councillor Sarto, Mr. Wells advised the property is zoned R-2 which allows for up to four units noting, this neighborhood is a mix of single detached two unit dwellings and apartment buildings.

Mayor Fitzgerald called for members of the public wishing to speak either in favour of or



against the application. Hearing none the following motion was placed on the floor:

**MOVED by Councillors Greenough and Sarto that the public hearing close. MOTION PUT AND PASSED.**

**Decision of Council**

**MOVED by Councillors Fougere and Blumenthal that:**

- (1) Council approve the modification development agreement attached as Appendix "A" of the staff report dated June 15, 1999, to permit construction of a four unit apartment building at 2335-2341 Hunter Street, Halifax.**
- (2) Council requires that the development agreement shall be signed within 120 days, or any extension thereof granted by Council on request of the applicant, from the date of final approval by Council and any other bodies as necessary, whichever is later; otherwise, this approval will be void and obligations arising hereunder shall be at an end.**

**MOTION PUT AND PASSED.**

**11.3 Case 00060 - Development Agreement Application, Brunswick Street, Polling District 12, Peninsula Halifax**

- !** A staff report prepared for Mr. Ken Meech, Chief Administrative Officer, regarding the above was before Council for consideration.
- !** Report from Regional Heritage Advisory Committee regarding the above was before Council for consideration.
- !** Correspondence from Cox Hanson O'Reilly Matheson regarding the above was circulated to Council.

Mr. Roger Wells, Planning Services, with the aid of an overheads, presented the staff report.

Mayor Fitzgerald called for members of the public wishing to speak either in favour of or against the application.

**Mr. Greg Taylor**, Vice Chair, Halifax Downtown Business Commission, spoke in support

of the proposal stating it will increase the number of people who live in the downtown. He advised the Downtown Halifax Business Commission supports the development provided there are no material changes to the proposed design. Mr. Taylor stated each new development in the downtown creates a positive impact on the economy both during the construction phase and the ensuing operation phase of the property. He advised people downtown will create a demand for increased goods and services and people on the streets twenty four hours a day creates a safer more user friendly environment.

**Mr. Danny Chedrawe**, Westwood Developments, noted one of the issues was building height, advising the height on Brunswick Street is 49 feet which does not exceed the view plane restrictions. The second issue was whether it would fit with the heritage aspect of the neighborhood and, in his opinion, the proposed design will fit into the neighborhood. The third issue was one of the downtown location and advised with the existing conditions and neighborhood they do not foresee a problem.

**Mr. Dan Goodspeed**, architect, with the aid of a schematic drawing, presented the proposal to Council. Mr. Goodspeed advised the building is under the view plane and height restrictions of the Land Use By-law.

Mayor Fitzgerald called for members of the public wishing to speak either in favour of or against the application. Hearing none the following motion was placed on the floor:

**MOVED by Councillors Greenough and Downey that the public hearing close.  
MOTION PUT AND PASSED.**

**Decision of Council**

**MOVED by Councillors Downey and Fourgere that:**

- (1) Council approve the development agreement presented as Attachment II to the staff report dated June 15, 1999;**
- (2) The application be given one hundred and twenty (120) days to sign the development agreement from the date of approval by Council, or the date of any other approvals required to sign the agreement as the case may be, unless an extension thereof is granted by Council at the request of the applicant, otherwise this approval will be void and obligations arising hereunder shall be at an end.**

**MOTION PUT AND PASSED UNANIMOUSLY.**

**9.1            Presentations - continued**

**9.1.1        Leader, The Nova Scotia Party - Mr. Jack Friis**

Mayor Fitzgerald welcomed Mr. Friis, Leader of the Nova Scotia Party, who addressed Council providing background on the Party and its platform of people, investment in people financially, protection of the environment and sustainable development.

**10.4.11     Snow and Ice Control Variable Operating Reserve**

Council agreed to address this report prior to item 12.1.1 - Audited Financial Statements.

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

Mr. George McLellan, Deputy Chief Administrative Officer, presented the staff report.

**MOVED by Councillors Greenough and Blumenthal that Council approve the establishment of the Snow and Ice Control Variable Operating Reserve, in accordance with the approved Reserves Policy, as per the Business Case attached to the staff report dated July 7, 1999.**

In response to Councillor Kelly, Council was advised the capped amount would be approximately two and a quarter million dollars.

Councillor Greenough noted that in setting up this reserve, HRM would guard against those winter seasons when there is an excessive snow fall resulting in excessive expenditures.

In response to Councillor Stone, Council was advised HRM has the ability to establish this reserve this year which would be capped at 25%. If next year the ability was not there to add to the reserve and, it was a year that did not affect the reserve nor had there been a need to draw on it, it would be up to Council if it wished to add to the reserve.

**MOTION PUT AND PASSED.**

**12.            REPORTS**

**12.1         AUDIT COMMITTEE**

**12.1.1       Audited Financial Statements, March 31, 1999**

- ! A staff report from the Audit Committee, regarding the above was before Council for consideration.

Mr. Larry Hood, KPMG, introduced the auditors' report.

Ms. Dawn MacKay, Acting Director of Finance, reviewed the financial statements advising HRM ended the year with a \$9.2 million deficit.

**MOVED by Councillors Greenough and Hetherington that the Halifax Regional Municipality's audited financial statements for the year ended March 31, 1999 be approved, and that the Mayor and Municipal Clerk be authorized to sign financial statements on behalf of Council. MOTION PUT AND PASSED UNANIMOUSLY.**

**10.2            MARINE DRIVE, VALLEY AND CANAL COMMUNITY COUNCIL**

**10.2.1        PA-ES(E)-10-97 - Application by William Crooker, on behalf of Maritime Shores Limited and Private Dream Estates Limited, to amend the Municipal Planning Strategy and Land Use By-law for Eastern Shore (East)**

- ! A Community Council report prepared for Councillor David Hendsbee, Chair, Marine Drive, Valley and Canal Community Council regarding the above was before Council for consideration.
- ! Supplementary staff report prepared for Donna Davis-Lohnes, General Manager of Planning Services, dated June 28, 1999 was before Council for consideration.
- ! Staff report prepared for Roger Wells, Acting General Manager of Planning Services, dated June 9, 1999 was before Council for consideration.

**MOVED by Councillors Dooks and Hendsbee that Halifax Regional Council give First Reading to the proposed amendments to the Municipal Planning Strategy and Land Use By-law for Eastern Shore (East) and to schedule a public hearing for August 17, 1999. MOTION PUT AND PASSED.**

**MOVED by Councillors Hendsbee and Dooks that Halifax Regional Council give Notice of Motion to consider the development agreement and to schedule the public hearing for August 17, 1999. MOTION PUT AND PASSED.**

**10.3            REGIONAL HERITAGE ADVISORY COMMITTEE**

**10.3.1        Permit Application 007993 - Application for the Demolition of 150 Ochterloney Street**

!        A Heritage Advisory Committee report prepared for Terry Smith-Lamothe, Vice Chairperson, Regional Heritage Advisory Committee regarding the above was before Council for consideration.

**MOVED by Councillors Greenough and Sarto that Council reject the permit application by Marinus Verhagen (on behalf of Sobeys Land Holdings Limited) requesting approval to demolish a registered heritage property at 150 Ochterloney Street, Dartmouth, N.S. Further, the Heritage Advisory Committee recommends that when Council approves the Demolition of Municipally Registered Heritage Properties: A Procedure for Public Participation, that this procedure be implemented immediately and applied to the situation at 150 Ochterloney Street.**

Councillor Cunningham spoke in favour of granting a permit to demolish the property.

In response to Councillor Greenough, Council was advised Sobeys have agreed to look at design options that may not necessitate the actual demolition of this particular property.

Councillor Hetherington suggested that Council follow staff direction on condition that this item comes back to Council for review, with a staff report, November 1, 1999.

**MOTION PUT AND PASSED.**

**10.4            CHIEF ADMINISTRATIVE OFFICER**

**10.4.1        Tender 99-306 Resurfacing Part 2, West Region**

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

**MOVED by Councillors Hetherington and Greenough that:**

- 1.        Halifax Regional Council approve local improvement charges in the amount of \$6.66 per foot per side for asphalt curb upgrading to concrete on Shaw Crescent in accordance with By-Law S-400 and as outlined in the staff report dated June 23, 1999.**

2. **Halifax Regional Council award Tender No, 99-306, Streets Upgrading, Resurfacing Part II, West Region, to Dexter Construction Company Limited for materials and services specified at the unit prices quoted for a Total Tender Price of \$399,050.00 and a Total Project Cost of \$458,908.00 with funding availability as noted in the Budget Implications section of the staff report.**

**MOTION PUT AND PASSED.**

**10.4.2 Award of Tender No. 99-239, Cow Bay Road New Curb and Sidewalk**

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

**MOVED by Councillors Greenough and Hetherington that:**

1. **Council waive the abutters' rights to petition against the installation of concrete curb and gutter and concrete sidewalk on one side of Cow Bay Road from Caldwell Road to Heritage Hills Drive.**
2. **Council approve the recovery of Local Improvement Charges, by a general area rate applied to District #5.**
3. **Tender No. 99-239, Cow Bay Road New Curb and Sidewalk be awarded to Ocean Contracting Limited for materials and services listed at the unit prices quoted for a Total Tender Price of \$66,556.25, and a Total Project Cost of \$76,540.00, with funding authorized as per the Budget Implications section of the staff report dated June 29, 1999.**

**MOTION PUT AND PASSED.**

**10.4.3 Award of Tender No. 99-233 - Lockview Road Sidewalk, Curb and Drainage, Fall River**

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

**MOVED by Councillors Hetherington and Greenough that:**

1. **Council approve this project as a Local Improvement Project with the full cost of construction to be recovered as outlined in the Discussion section of the staff report dated July 6, 1999.**

2. Council award Tender No. 99-233, Lockview Road Sidewalk, Curb and Drainage, Fall River to Amber Contracting Limited for materials and services listed at the unit prices quoted for a Tender Price of \$287,367.75, and a Total Project Cost of \$330,473.00, with funding authorized as per the Budget Implications section of the staff report.

**MOTION PUT AND PASSED.**

**10.4.4 Award of Tender No. 98-238, Road Improvements, Chain Lake Drive, Phase 2**

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

**MOVED by Councillors Hetherington and Greenough that Council:**

1. Award Tender No. 98-238, Road Improvement Chain Lake Drive, Phase 2 to Dexter Construction Company Limited for materials and services specified at the unit prices quoted for a Total Tender Price of \$964,247.40 and a Total Project Cost of \$1,108,885.00, with funding authorized as per the Budget Implications section of the staff report dated July 7, 1999.
2. Authorize \$82,110.00 including HST to Nova Scotia Power Inc. for the relocation of existing poles, anchors and associated services.

**MOTION PUT AND PASSED.**

**10.4.5 Award of Tender No. 99-305, Main Artery Patching - Various Locations - East, West and Central Region**

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

**MOVED by Councillors Hetherington and Greenough that Halifax Regional Council award Tender No. 99-305, Main Artery Patching - Various Locations - East, West and Central Regions to Basin Contracting Ltd. for materials and services specified at the unit prices quoted for a Total Tender Price of \$201,230.98 and a Total Project Cost of \$231,416.00 with funding availability as noted in the Budget Implications section of the staff report dated June 24, 1999. MOTION PUT AND PASSED.**

**10.4.6 Award of Tender No. 99-353, Resurfacing - Beaver Bank Road -**

**Millwood Drive - Majestic Avenue, Central Region**

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

**MOVED by Councillors Barnet and Harvey that Halifax Regional Council award Tender No. 99-353, Resurfacing - Beaver Bank Road, Millwood Drive - Majestic Avenue, Central Region to Dillman Enterprises Ltd. for materials and services specified at the unit prices quoted for a Total Tender Price of \$163,047.00 and a Total Project Cost of \$187,504.00 Gross and \$93,752.00 Net, with funding availability as noted in the Budget Implications section of the staff report dated June 29, 1999. MOTION PUT AND PASSED.**

**10.4.7 Request For Proposal #99-031 Wireless Communications; Cellular and Paging**

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

Mr. Peter Ross, Manager, Procurement, outlined the staff report and recommendations contained therein.

**MOVED by Councillors Hetherington and Greenough that Regional Council award Request for Proposal #99-031 to Rogers Cantel AT&T as the primary provider of cellular air time at an annual cost of \$260,000.00 plus HST for a one year term with the option of a renewal annually for a period of up to five years. MOTION PUT AND PASSED.**

**10.4.8 Project 98-272 - Timberlea West Collector Additional Costs**

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

**MOVED by Councillors Rankin and Downey that Halifax Regional Council:**

- 1. Increase the Total Project Cost of Contract 98-272, Timberlea West Collector, by \$379,656 (Gross) to \$1,320,753.00.**
- 2. Authorize funding from Capital Account Number CWR00409 with no increase in the net Capital Budget.**



**MOTION PUT AND PASSED.**

**10.4.9      Approval To Accept Optional Third Year Pricing for the Purchase of Low Floor Transit Buses**

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

**MOVED by Councillors Hetherington and Schofield that Regional Council authorize the purchase of four buses from Novabus Inc. at the tendered price of \$318,000.00 per unit plus tax, with funding available as per the Budget Implication section of the staff report dated June 30,1999. MOTION PUT AND PASSED.**

**10.4.10      Mobile Data Terminal (MDT) Replacement**

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

**MOVED by Councillors Greenough and Sarto that Halifax Regional Council approve:**

1.      **Replacing the aging MDTs with new laptop computers that make use of Cellular Digital Packet Data (CDPD) technology - a new data transmission protocol that offers significantly improved performance and flexibility when compared to the existing MDT technology.**
2.      **Procuring the new laptop/CDPD solution via a sole-source agreement with MTT Mobility who can provide a fully integrated, fully proven “turnkey” solution that meets the operational need of HRP.**
3.      **Financing the initial capital investment (estimated at \$872,138.00) by way of a 36-month loan from HRM Reserve accounts. Loan payments should be from the Year 2000 Project operating budget until March 31, 2000 (six months) and from the HRP operating budget thereafter (30 months).**

**MOTION PUT AND PASSED.**

**10.4.12      Building Transition Plan - Halifax Regional Police**

This item was deferred until September under the approval of the Order of Business.

**10.4.13      Administrative Order Number Five Respecting Dangerous and**

**Unightly Premises Committee**

- ! A copy of Administrative Order Number Five respecting the above noted committee was before Council for consideration.

**MOVED by Councillors Greenough and Mitchell that Council approve the amendment to Administrative Order Number Five respecting the Dangerous and Unightly Premises Committee. MOTION PUT AND PASSED.**

**10.4.14 Health Boards**

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

**10.4.15 Review of Proposed Addition to 5419 & 5425 Portland Place (Walden Square), Halifax, NS**

- ! A report prepared for the Vice Chair of the Heritage Advisory Committee regarding the above was before Council for consideration.
- ! A supplementary staff report prepared for Donna Davis-Lohnes, Manager of Planning Services, regarding the above was before Council for consideration.

**MOVED by Councillors Downey and Stone that Regional Council approve the addition to Walden Square, as proposed in the supplementary staff report dated June 28, 1999. MOTION PUT AND PASSED.**

**10.4.16 Permit 007070 - Application for Permanent Encroachment to Construct a Sidewalk Café Addition to 1685 Argyle Street (Carleton House), Halifax**

- ! A supplementary staff report prepared for Mr. Ken Meech, Chief Administrative Officer, regarding the above was before Council for consideration.
- ! A staff report prepared for Donna Davis-Lohnes, Manager of Planning Services, regarding the above was before Council for consideration. Staff was recommending: *That Halifax Regional Council not approve the application for a permanent encroachment to permit construction of a sidewalk café addition at 1685 Argyle Street.*
- ! A report from the Regional Heritage Advisory Committee regarding the above was

before Council for consideration. The Committee was recommending staff not approve the proposal.

Ms. Kate Carmichael, Executive Director Downtown Halifax Business Commission, addressed Council requesting Council approve the proposal for the sidewalk café.

**MOVED by Councillors Downey and Mitchell that Council request a staff report with respect to supporting a temporary encroachment to permit construction of a sidewalk café addition at 1685 Argyle Street.**

Councillor Blumenthal expressed concern that this encroachment would impede the flow of pedestrian traffic and pose a problem of mobility for physically challenged individuals.

**MOTION PUT AND PASSED.**

#### **10.4.17      Regional Visioning Process**

!      A staff report prepared for the Executive Management Team regarding the above was before Council for consideration.

Ms. Donna Davis-Lohnes, Manager of Development Services, introduced the staff report advising staff is recommending a partnership with the Metro Chamber of Commerce to undertake a citizen based/community based visioning exercise. She advised this regional vision will set some clear strategic directions for where the Region is going as well as help with the business, regional and development planning in HRM. Ms. Davis-Lohnes advised the thrust of the recommendation is for Council to consider the process outlined in the staff report that sees a partnership with the Metro Chamber of Commerce.

(Councillor Rankin assumed the chair at 9:50 p.m.)

Mr. Jim Donovan outlined the process and advised the vision document would be completed by June, 2000. He advised the project planning was anticipated to be complete by the end of September with consultation planned for the fall and winter and the drafting and further consultation planned for next spring.

Councillor Cooper queried when a report would be forthcoming on the framework and how will it delineate how the outside communities will be consulted. In response, Mr. Donovan advised the aim is for the detailed work planning and scheduling to be completed by the end of September.

**MOVED by Councillors Cooper and Fougere that Council endorse the process outlined in the staff report dated July 6, 1999 which would see the Metropolitan**

**Halifax Chamber of Commerce, in collaboration with HRM, champion a citizen-based process to achieve an overall regional vision and series of strategic directions to guide long range decision making and planning. MOTION PUT AND PASSED.**

**Extension of Council Meeting**

**MOVED by Councillors Mitchell and Greenough that the Council session be extended until such time as the business on the agenda is complete. MOTION PUT AND PASSED.**

**10.4.18      Demolition of Municipally Registered Heritage Properties: A Procedure for Public Participation**

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

**!**      A report from the Regional Heritage Advisory Committee regarding the above was before Council for consideration.

**MOVED by Councillors Fougere and Sarto that Regional Council adopt the procedures and recommendations submitted by staff in the staff report dated June 28, 1999 respecting demolition applications for municipally registered heritage properties, including the process chart attached as Attachment B. MOTION PUT AND PASSED.**

**10.4.19      R-2A Zone Housekeeping Amendments (Peninsula Halifax Land Use By-law)**

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

**MOVED by Councillors Stone and Downey that Regional Council give First Reading and set public hearing date for August 24, 1999 to consider amendments to the Peninsula Halifax Land Use By-law as set forth in Appendices A and B of the staff report dated July 6, 1999. MOTION PUT AND PASSED.**

**10.4 20      Interim Award Policy**

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

**MOVED by Councillors Hetherington and Kelly that:**

1. **Council approve an interim policy to facilitate the award of tenders during the summer months. The proposed award policy would allow the CAO to award tenders on the following basis during the period of July 14, 1999 to August 17, 1999.**
  - **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.**
  
2. **It is recommended that the CAO approve purchase, lease and sale of property under the following criteria.**
  - **The purchase and/or sale is within 15% 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.**

**13. MOTIONS - NONE**

(Mayor Fitzgerald resumed his place at the meeting)

**14. ADDED ITEMS**

**14.1 Councillor Rankin - Timberlea Improvements - Capital Budget, 1999-2000**

Councillor Rankin noted an amount of \$150,000.00 had been approved in the 1999/2000 Capital Budget for a Storage Lane on the St. Margaret's Bay Road. The Councillor advised a more important need to be addressed at this time is that of pedestrian traffic as a result of the siting of a new school in Beechville.

**MOVED by Councillors Rankin and Mitchell that an amount of \$150,000.00 be transferred from the Storage Lane account to sidewalk improvements to address**

**safety concerns along the St. Margaret's Bay Road. Further, if a positive recommendation is received from staff, this project proceed immediately.**

In response to Councillor Stone, it was clarified that the request was for a staff report and that the report would contain information on whether there was a policy in place with regards to the transfer of funds between accounts.

**MOTION PUT AND PASSED.**

**14.2            Report - Smoking By-law Report (request for deferral)**

**MOVED by Councillors Hetherington and Greenough that the staff report regarding proposed amendments to By-law S-200 be deferred until after the summer break, to a September Council session. MOTION PUT AND PASSED.**

**14.3            Legal Matter - Lake Banook Trails Project**

**MOVED by Councillors Greenough and Hetherington that:**

- 1.     Council approve staff revising the contract agreement with TAG Enterprises Ltd., increasing the unit cost pricing of the original contract by 10 percent.**
- 2.     Any further negotiated changes to unit pricing be considered only if there are changes to labour, material or supplier items.**
- 3.     If TAG's prices are guaranteed for a specific period of time, and funding for Phases 2 and 3 of the project is obtained, TAG will be awarded the contract. Otherwise, the project will be re-tendered.**

In response to Councillor Walker, Mr. Meech advised the \$650,000.00 recognizes a larger scoped project noting, at this point in time, what Council is authorizing is an expenditure up to \$200,000.00. The additional phases are not to be committed to until such time as we have the source of funds to proceed.

Councillor Walker noted that Phases 2 and 3 would only take place if additional funding could be obtained. He further noted that it had been agreed that agreement would be reached with the contractor for Phase 1 only.

**MOTION PUT AND PASSED.**

**14.4            Property Matter - Lease of Premises in Cole Harbor Area**

**MOVED** by Councillors Cooper and Hendsbee that Council authorize the Mayor and Municipal Clerk to execute leases for:

- a)     2,000 sq ft of space at 1216 Cole Harbour Road, and
- b)     575 sq ft of space at Cole Harbour Place,

both for an initial term of five (5) years, renewable at the Tenant's option for a further five (5) years, subject to the terms and conditions set out in the staff report and subject to the environmental concerns being addressed. **MOTION PUT AND PASSED.**

**14.5            Legal Matter - Expropriation Settlement - 492-494 Herring Cove Road**

**MOVED** by Councillors Hetherington and Mitchell that the Irving Oil Company be paid the sum of \$20,601.74 plus interest at 6% from June 30, 1999. **MOTION PUT AND PASSED.**

**15.            NOTICE OF MOTION - NONE**

**16.            ADJOURNMENT**

**MOVED** by Councillors Hetherington and Blumenthal that the meeting be adjourned at 10:20 p.m. **MOTION PUT AND PASSED.**

Vi Carmichael  
Municipal Clerk

