

HALIFAX REGIONAL MUNICIPALITY

HALIFAX REGIONAL COUNCIL
April 16, 1996

PRESENT:

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

STAFF MEMBERS:

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

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Mayor Walter Fitzgerald read two Proclamations depicting Organ Donor Awareness Week - April 21 - 28 and Volunteer Spirit Day - April 22.

1. **INVOCATION**

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

2. **APPROVAL OF MINUTES**

Councillor Hetherington requested that the April 9, 1996 minutes be amended to delete the words "on civic holidays" from agenda item 11.1 - Retail Shopping Hours.

Mr. Meech advised discussions had taken place with the Chamber of Commerce as to whether they wish to become involved and provide guidance or advice in the matter of Retail Shopping Hours. A staff report could be prepared for the next Meeting of Council.

MOVED by Councillors Greenough and Harvey to approve the Minutes of March 27, April 2 and April 9, 1996, as amended. MOTION PUT AND PASSED UNANIMOUSLY.

3. **APPROVAL OF ORDER OF BUSINESS - APPROVAL OF ADDITIONS AND DELETIONS**

Councillor Rankin requested the addition of the following items:

- Community Council Request
- Burning By-Law Amendment

Councillor Barnet requested the addition of "Roads and Services Agreement"

Councillor Kelly requested the addition of "Update - Union St., Bedford, Flooding Situation"

Councillor Sarto requested the addition of "Staff Report - Regional Taxi Commission"

Councillor Hendsbee requested the addition of "Paratransit"

Councillor Mitchell requested "Water Commission Property - District 23 - Prospect Road"

Councillor Harvey requested "Transitional Report."

MOVED by Councillors Blumenthal and Snow to approve the Order of Business, as amended. MOTION PUT AND PASSED UNANIMOUSLY.

In response to an enquiry from Councillor Kelly as to when "Update - Proposed Tax Exemption" would be brought back to Council, Mr. Meech advised a report should be prepared within the next two weeks.

5. **MOTIONS OF RECONSIDERATION** - NONE

6. **MOTIONS OF RESCISSION** - NONE

7. **CONSIDERATION OF DEFERRED BUSINESS**

7.1 Appointments - Oceanview Manor Management Board

Mayor Fitzgerald advised of the following nominees:

Councillors Rankin and Sarto and Messrs. Eugene Deveaux and Brian Naugle.

MOVED by Councillors Mitchell and Hetherington to appoint Councillors Rankin and Sarto and Messrs. Eugene Deveaux and Brian Naugle to the Oceanview Manor Management Board. MOTION PUT AND PASSED UNANIMOUSLY.

7.2 UNSM Executive Alternates

Mayor Fitzgerald advised that the two Council appointments to the UNSM Executive, as alternates, were Deputy Mayor Greenough and Councillor Kelly.

7.3 Renaming Dartmouth Events Plaza

Councillor Schofield requested this matter be referred to a Community Council when formed.

MOVED by Councillor Schofield and Sarto to refer the matter of "Renaming Dartmouth Events Plaza" to a Community Council when formed. MOTION PUT AND PASSED UNANIMOUSLY.

8. **PUBLIC HEARINGS** - NONE

9. **CORRESPONDENCE, PETITIONS AND DELEGATIONS**

Petitions

Councillor Walker read from a prepared Petition respecting the Driver-Owner Taxi System and forwarded same to the Clerk.

Mayor Fitzgerald read from a prepared Petition respecting a proposed By-Law

Respecting Cats.

Both Petitions were tabled.

Presentations

9.1 Shakespeare by the Sea

Ms. Elizabeth Murphy, Project Co-Ordinator, Shakespeare by the Sea, addressed Council reviewing the organization's goals and objectives for the 1996 season. The group is an incorporated non-profit society which presents the work of William Shakespeare. Although the Board is currently active in its fundraising attempts, Council was advised that without financial support, the future of the organization, past the 1996 season, was unknown. In closing, Ms. Murphy requested Council to consider a \$25,000 grant to assist in future productions.

Mayor Fitzgerald thanked Ms. Murphy for taking the time to address Council this evening.

9.2 Proposed Expansion to Community Gymnasium (Porter's Lake) - Nova Learning Futures Inc.

Councillor David Hendsbee introduced Mr. Kirk MacCulloch, Nova Learning Incorporated and Mr. Bill Lydon, Lydon Lynch Architects Ltd.

Mr. MacCulloch addressed Council advising he was Project Co-ordinator for Nova Learning Futures Inc. Construction of the school is to commence this Spring with a gymnasium built to Provincial standards, however, should Council agree to the expansion of the gymnasium to serve the entire community, a decision will have to be made immediately as the size has to double. The cost of the expansion would approximate \$700,000 - \$750,000.

Mr. Lydon addressed Council noting his firm will be designing the project. Council was advised this was the second project of this type in the Province and that the other school was located in Sydney, Cape Breton. Community gymnasiums provide a facility which is available for students, residents and businesses, on a year round basis. He apologized for this "11th hour" request for a decision from Council to expand the gymnasium, however, he reiterated Mr. MacCulloch's comments in that construction is to commence within two to three weeks.

A lengthy discussion ensued between Messrs. MacCulloch and Lydon and Council with Messrs. MacCulloch and Lydon offering the following comments:

- it is anticipated that the school will be closed in by November;
- the enhanced project will provide a gymnasium twice the size (from 4,000 square feet to 8,000 square feet), higher ceiling, ancillary facilities (locker rooms, etc.);

- upgraded floors, divider to separate the gym into two separate rooms; bleachers, etc.
- this is not a profit making proposal - this is a revenue neutral proposal.

Councillor Blumenthal enquired if the Province would be willing to assist in the cost at which time Mr. Lydon advised in the negative. There are two venues by which to obtain the funding, either through a capital contribution from the municipality up front, or financed over a twenty year period.

In response to an enquiry from Councillor Sarto if the contractors could commence a portion of the construction now, Mr. MacCulloch advised in the negative.

Mr. Meech advised that Council needs to determine what the revenue recovery level would be and that time is required to make projections in this regard.

Councillor Hendsbee offered the following comments:

- he made reference to a survey he previously circulated to Council
- over twenty subdivisions in the area
- public meeting held April 25, 1995
- residents at that meeting expressed the desire for a full-sized gymnasium
- this is a growing populated area
- the community needs a facility of this size and will be a revenue generating facility for this municipality.

Councillor Hendsbee requested that Mr. Dan English, Commissioner of Community Services, and Mr. Blair Blakney, Superintendent of Policy and Planning, Parks and Recreation, address Council.

Mr. Blakney addressed Council noting that although the community desires this enhanced gymnasium, he was not in a position to state there was a market due to the fact that revenues are not great with these types of facilities. Further, he cautioned that some form of subsidy would be required.

Deputy Mayor Greenough advised this is an opportunity to obtain a needed facility, however, some outstanding issues need to be addressed such as annual rent and ongoing operating costs. Further, he would not be comfortable in agreeing with this proposal at this point in time. He enquired if a business plan could be developed by mid May.

Mr. Dan English referred this question to Mr. MacCulloch who advised this time extension would put Nova Learning Futures Incorporated in an awkward situation, however, he could give Council an additional two week time frame in which to make a decision.

In response, Mr. English felt that two weeks would not provide ample time for a full staff

review of the matter at hand.

Mr. English noted this is a great opportunity to take advantage of this proposal at this point in time as the costs would increase greatly - from \$750,000 - in the future. Should Council agree, staff could prepare a recommendation, however, it would take one month.

Councillor Kelly advised this was a good approach to take and requested that "area rates" be included in the staff report.

With regard to the twenty-year time frame, Councillor Kelly enquired if any thought had been given to constructing the facility on a modular approach whereby portions of the building could be increased and decreased as required. He suggested that "at the end of the day" - if a modular approach was utilized, classrooms could be used by the community and other portions of the facility by other communities.

Councillor Hendsbee advised that a public meeting is scheduled for April 21, 1996 and that an area rate will be discussed at that time. Further, he would make available two surveys to staff for their information. Also, Councillor Hendsbee stressed the urgency of this matter and urged staff to make a recommendation as soon as possible. He further agreed that an area rate would be the approach to take.

MOVED by Councillors Hendsbee and Dooks to request a staff report, including the concept of an area rate, with said report to be brought back to Council no later than May 14, 1996. MOTION PUT AND PASSED UNANIMOUSLY.

9.3 Moratorium re: Issuance of Taxi Driver Licenses

Councillor Adams sought clarification as to whether individuals representing the taxi industry would be speaking this evening. He expressed concern that Council would be considering First Reading for an amendment to the former City of Halifax Ordinance Number 116, the Taxi and Limousine Ordinance, under agenda item # 11.1. As this matter had not been advertised, there may be other individuals who wish to address the matter at hand.

In response, Mr. Wayne Anstey, Solicitor, advised that under the Administrative Order, presentations are at the discretion of Council. Although there is a provision that no more than two speakers may speak, Council can waive this by majority vote.

MOVED by Councillors Adams and Blumenthal to not hear presentations from the Taxi Industry this evening. MOTION CARRIED.

10. **REPORTS**

10.1 **Chief Administrative Officer**

10.1.1

Tourism Information

Mr. Lew Rogers, Director of Tourism, addressed Council noting that tourism information packages had been distributed earlier. Should additional information be required, Council was invited to contact his office.

Councillor Mitchell advised he had distributed the 1996 Tourism Guide to Council.

Mayor Fitzgerald thanked Mr. Rogers for attending the meeting this evening.

10.1.2

Lease of Lot 1-L1 - 639 Windmill Road, Burnside Business Park - to Farmer's Garden Limited

MOVED by Councillor Sarto and Deputy Mayor Greenough, to adopt the lease agreement as recommended by staff.

Councillor Schofield expressed concern this was the first time he had been made aware of this proposal. Further, he enquired if there was any way in which information of this type could be made available to the respective District Councillor earlier. Mr. Tom Rath, Manager, Business Parks, advised this would be dealt with.

Council was offered the following comments by Mr. Rath:

- property costs in the Burnside area (serviced land) approximate \$3/square foot
- lease rates would escalate if paid on a month to month basis
- no permanent structure will be permitted on this piece of property.

In response to an enquiry from Councillor Kelly if within the Lease Agreement - Clause 22 - if "may" should be replaced with "will," Mr. Rath respectfully requested a bit of discretion as this is included to provide a bit of pressure on the part of the tenant.

In response to another enquiry from Councillor Kelly as to who pays for the removal of a structure from the property, Mr. Rath advised this is the responsibility of the tenant.

MOTION PUT AND PASSED UNANIMOUSLY.

10.2 **Commissioner of Regional Operations**

10.2.1

Dartmouth School Bus Operation

This matter was previously discussed by Council on March 21, 1996 at which time representatives of the Nova Scotia Union of Public Employees appeared before Council. Council support of integrating the current Dartmouth School Bus Service with other Halifax Regional Municipality public transportation services was requested at that time.

MOVED by Councillor Peter Kelly to refer this matter to the amalgamated School Board for recommendation.

At the request of Mayor Fitzgerald, **Councillor Kelly agreed to withdraw the Motion** pending comments from various Councillors.

Councillor Schofield enquired if Council would correspond with the Dartmouth District School Board requesting their commitment to maintaining their existing transportation staff.

Deputy Mayor Greenough enquired if Council received a full report in this regard as he was concerned the staff report included in the Council package was not decisive. Further, the Deputy Mayor enquired if the municipality was interested in getting involved in this matter.

In response, Mr. Meech advised that school bus transportation is not a core activity of the municipality (the School Board has been advised of staff's comments), but one for the School Board and when amalgamated, the School Board will need to deal with this issue. He further advised it is not staff's intent to open this contract beyond June, 1996.

Deputy Mayor Greenough advised that although staff feel that student transportation is not a function of the municipality, he represents the Dartmouth region and is concerned over job security. Accordingly, he suggested existing employees be provided job security and preference.

In response, Mayor Fitzgerald suggested this matter be referred to staff in consultation with the Dartmouth District School Board.

**MOVED by Deputy Mayor Greenough and Councillor Hetherington to permit a representative from NSUPE (Mr. Ron Stockton) to address Council on this matter.
MOTION PUT AND PASSED UNANIMOUSLY.**

Councillor Epstein expressed concern in that the material distributed to Council did not accurately reflect the history of what has occurred to date. He understood that Council

advised Metro Transit to submit a bid to the Dartmouth District School Board, on the student transportation system. However, the bid did not essentially meet the needs of the Dartmouth School Board. Further, there appears to be a philosophy that student transportation is a business that this municipality does not want to be in. Council needs to re-affirm that it is in the business of offering transit services, including to the School Boards if they so desire.

MOVED by Councillors Kelly and Epstein that correspondence be forwarded to the Dartmouth School Board requesting current employees be provided employment security and preference, and that some guarantee be negotiated to the workers in this regard; and

that Metro Transit staff prepare a bid for the School Board's consideration for continued operations of the existing service; and

that Halifax Regional Municipality staff request clarification from the new amalgamated School Board as to how they will be dealing with the matter of student transportation.

Councillor Hendsbee concurred with the comments. Further, he suggested an integrated transportation system for the general public and school children.

In response to an enquiry from Councillor Hetherington as to why the earlier directions of Council were amended in such a variance, Mr. Meech advised he had not understood that staff had been instructed to submit a bid, however, he would check the records.

Mr. George McLellan, Commissioner of Regional Operations, addressed Council on a point of clarification in that staff had numerous discussions with Mr. Brian Smith, Director of Transit, but only as it pertained to Access-A-Bus.

Mayor Fitzgerald invited Mr. Ron Stockton, NSUPE, to address Council.

Mr. Stockton addressed Council advising that Halifax Regional Municipality should become involved in the business of transporting students as Council represents the people. He also made reference to possible cost savings in the student transportation budget.

Mayor Fitzgerald thanked Mr. Stockton for his presentation.

MOTION CARRIED.

10.2.2

Water Utility Assets (Supplementary Report)

In response to several enquiries from Councillor Kelly, Mr. Meech advised of the following points:

- that the present water and sewer systems in the AeroTech Business Park are not regulated under the Nova Scotia Utility and Review Board but operated as a private system.
- that the systems could be regulated under the Nova Scotia Utility and Review Board. Further, staff could determine if it is in Halifax Regional Municipality's long term interest - if so, could be wrapped into the existing water operations.
- that staff need to examine the rate structure of AeroTech Business Park as it is not consistent with the rates in place for the existing Water Utility that serves Bedford and Sackville.
- there are other systems other than AeroTech Business Park that are not necessarily part of the Water Utility.

In response to several enquiries from Councillor Kelly, Mr. George McLellan, Commissioner of Regional Operations, offered the following comments:

- this system has been managed by individuals involved in Waste Water at Halifax County. Since there was a supply relationship with the airport and the people who dwell along the airport road - staff have tried to manage the costs efficiently so that the cost of waste water can be balanced.
- to his knowledge, only AeroTech Business Park was being excluded. Further, this matter will be brought back to Council in three to six months time with a resolve on this issue.
- the law firm of Palmer Hunt Murphy (formerly Patterson Kitz) had been engaged as legal counsel.

Mr. Meech advised there will be a report prepared for Council, taking advantage of joint utilization of resources.

In response to a request from Councillor Hetherington regarding a staff report outlining all utilities that deal with subdivisions, Mr. McLellan advised he would forward this request on to Mr. Carl Yates, Halifax Regional Water Commission.

Mayor Fitzgerald offered the following responses to Councillor Coopers comments:

- the Water Commission does have the ability to decide not to go with the Dartmouth Water Treatment Plant
- the Commission will deliver quality water and address any concerns as they pertain to water quality and quantity.

MOVED by Councillor Hetherington and Deputy Mayor Greenough that the Halifax Regional Municipality take all necessary steps at the earliest time to transfer all assets vested in it, which relate to the operations of the supply of water to the residents of the Halifax Regional Municipality (except those assets relating to the AeroTech Business Park) to the Halifax Regional Water Commission; and

that the Halifax Regional Water Commission be at liberty to treat those assets as its own and as of April 1, 1996, be seen to have full authority and control over all aspects of the supply of water to the residents of Halifax Regional Municipality.

In response to an enquiry from Deputy Mayor Greenough if the Commission is now entering into detailed discussions leading towards development of an agreement to construct a water treatment facility in Dartmouth, Councillor Hetherington advised the first meeting of the Commission is scheduled for this Friday.

In response to an enquiry from Councillor Epstein as to what is the impact of this Motion on the \$40 million fund that residents of Halifax and Dartmouth have paid towards a Harbour Treatment system, Mr. Meech advised that the funds accumulated for waste water treatment will remain with the municipality.

On a point of Clarification, Mr. Meech advised that whether Halifax Regional Municipality moves forward with a water treatment facility in Dartmouth is strictly a Water Commission decision.

MOTION CARRIED.

The following Motion was then placed on the floor.

MOVED by Councillors Cooper and Hendsbee to correspond with the Halifax Regional Water Commission requesting they take into consideration the established policies of the former Halifax County Municipality, to address the quality and quantity problems of its present residents, on a priority basis. This will include the areas of Lakeside, and the areas that have the uranium/arsenic/quantity problems.

No vote was taken on the Motion.

The following Motion was then placed on the floor.

MOVED by Councillors Cooper and Hendsbee to request a staff report reviewing the water intentions of the previous four municipal units and indicating policy direction for this municipality. MOTION PUT AND PASSED UNANIMOUSLY.

11. **MOTIONS**

11.1 Councillor Stephen Adams

Councillor Stephen Adams read an amendment and the Motion which was included on the agenda for this evening's meeting:

“TAKE NOTICE that at the meeting of the Halifax Regional Council to be held on Tuesday, April 16, 1996, I propose to introduce for First Reading an amendment to the former City of Halifax Ordinance Number 116, the Taxi and Limousine Ordinance.

The purpose of this amendment is to temporarily lift the moratorium on the issuance of taxi drivers' licenses in order to permit the holding of a single occasion taxi school limited to 40 applicants, and to then permit the licensing of the successful participants as licensed taxi drivers pursuant to the Ordinance.”

In response to a concern expressed by Councillor Cooper in that the full Ordinance was not distributed to Council, Councillor Adams agreed it was a reasonable request to provide Council with a copy of the Ordinance.

MOVED by Councillors Adams and Mitchell, to pass First Reading to an amendment to the former City of Halifax Ordinance Number 116, the Taxi and Limousine Ordinance. MOTION PUT AND PASSED UNANIMOUSLY.

12. **ADDED ITEMS**

12.1 Community Council Request - Councillor Rankin

Councillor Rankin requested that a Community Council be established for Districts 19, 20, 21, 22 and 23.

MOVED by Councillors Rankin and Mitchell to establish a Community Council for Districts 19, 20, 21, 22 and 23.

Mr. Ken Meech, requested this Motion be put on hold pending a staff report on the committee structure of Halifax Regional Municipality. **No vote was taken on the**

Motion.

The following Motion was placed on the floor.

MOVED by Councillors Rankin and Mitchell for a staff report to be prepared on an enabling Administrative Order for Community Councils, for the next meeting of Council. MOTION CARRIED.

12.2 Burning By-Law Amendment - Councillor Rankin

Councillor Rankin requested a staff report pertaining to enabling provisions for burning in the Hammonds Plains Area. He noted that staff was aware of this request. Also, Councillor Rankin requested a report to review amendments to the existing Burning By-Law in District 2.

MOVED by Councillors Rankin and Hetherington to request a staff report on enabling provisions for burning in the Hammonds Plains Area and amendments to the existing Burning By-Law in District 2. MOTION PUT AND PASSED UNANIMOUSLY.

12.3 Roads and Services Agreement - Councillor Barnet

Councillor Barnet expressed concern that the residents of District 19 are not getting value for their snow removal tax dollars.

MOVED by Councillors Barnet and Hendsbee to correspond with the Department of Transportation and Communication expressing Council's extreme displeasure in the condition of roads in Halifax Regional Municipality. Further, that this letter be copied to Mr. Doug Quinn, Regional Operations.

In speaking to the Motion, Mayor Fitzgerald agreed that the Province has not maintained the roads and that they are in the worst condition ever. He has already requested a report from Mr. Meech on road conditions and associated costs. Accordingly, no correspondence to the Province is required at this point in time.

No vote was taken on the Motion.

12.4 Update - Union St. (Bedford) Flooding Situation - Councillor Kelly

Councillor Kelly requested a staff report providing an update on the Union St. Flooding Situation in Bedford.

12.5 Staff Report - Regional Taxi Commission - Councillor Sarto

Councillor Sarto requested a staff report on the establishment of either a Regional Tax Commission or one for zones.

12.6 Paratransit - Councillor Hendsbee

Councillor Hendsbee requested a staff report on Paratransit.

12.7 Water Commission Property - District 23 - Prospect Road

Councillor Mitchell requested a staff report on Water Commission Property - District 23 - Prospect Road recreational land. Further, he noted he would make available a map to assist staff.

12.8 Transition Costs - Councillor Harvey

Councillor Harvey expressed displeasure with the growing transition costs for Halifax Regional Municipality; further, it was his opinion that the Amalgamation Co-Ordinator was incorrect with his figures. As a result, any perceived savings will not be as anticipated.

Councillor Harvey stated this Council is not responsible for the transition costs, however, is accountable as to the manner in which the transition costs will be paid for. In his opinion, as the Province appointed the Amalgamation Co-Ordinator, the Province should be responsible for these transition costs.

MOVED by Councillors Harvey and Epstein to correspond with the Province expressing concern with the accumulated transition costs as a result of amalgamation; and

further, that although this Council is not responsible for these costs, it is accountable as to how these transition costs will be dealt with. Accordingly, it is this Council's opinion the Province take responsibility for those costs which have accumulated as a result of the amalgamation of the four metropolitan municipalities. MOTION PUT AND PASSED UNANIMOUSLY.

Mr. Meech advised that another report is being prepared as it pertains to the Employment Adjustment Program. This may have a somewhat positive impact on this aspect of transition costs.

MOVED by Deputy Mayor Greenough to seek an amendment to the legislation to reflect a longer amortization period for the transition costs for Halifax Regional Municipality. There was no seconder.

Mr. Meech noted he understood that the Regional Municipality of Cape Breton has expressed a desire for a longer amortization period for its initial start up costs.

With respect to funds paid out for the enhanced pension plan (early retirement), staff have been advised that monies are to be provided on an annual basis which means a portion could be spread out over a period of years as it becomes due. This can be examined, however, and brought back to Council with a suggestion as to whether Halifax Regional Municipality should request the Province to amend the legislation.

12.9 Council Name Plates

On a point of information, Councillor Hendsbee advised that Council had been provided with a memorandum from the Municipal Clerk respecting name plates for the Council Chambers. He noted that should each Councillor not be satisfied with the name of their District, it can be changed.

13. NOTICES OF MOTION

13.1 Councillor Schofield - Notice of Motion.

TAKE NOTICE that at the meeting of the Halifax Regional Council to be held on Tuesday, the 30th day of April, 1996, I propose to introduce for First Reading, By-Law E-100, The Emergency Measures By-Law, the purpose of which is to provide for a prompt and co-ordinated response to an emergency.

14. ADJOURNMENT

MOVED by Councillors Sarto and Hetherington to adjourn the meeting at 9:15 p.m.

Vi Carmichael
MUNICIPAL CLERK