

HALIFAX REGIONAL MUNICIPALITY

HALIFAX REGIONAL COUNCIL

July 16, 1996

PRESENT:

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

REGRETS:

Councillor: Jerry Blumenthal

STAFF MEMBERS:

Ken Meech, Chief Administrative Officer
Wayne Anstey, Municipal Solicitor
Vi Carmichael, Municipal Clerk
Julia Horncastle, Assistant Municipal Clerk

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1. **INVOCATION**

The meeting was called to order at 6:30 p.m. with an invocation.

2. **APPROVAL OF MINUTES**

MOVED by Councillor Mitchell and Sarto that the Minutes of the July 2, 1996 Council session be approved. MOTION PUT AND PASSED.

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

The Municipal Clerk requested the following changes to the Order of Business:

1. Request from CAO's office to move item 10.3.17 "Access-A-Bus Request for Proposals" up on the Agenda.

Additions

The Municipal Clerk requested the following additions to the Agenda:

1. Report from Municipal Solicitor dated July 14, 1996 re: Area P - Sale to ITT Sheraton.
2. Report from the Chair of the Halifax Taxi & Limousine Commission dated July 16, 1996 re:
 - (a) Limousine Driver's Course
 - (b) Taxi & Limousine By-Law
3. Councillor Hendsbee:
 - (a) Infrastructure Application - Porter's Lake and North Preston Fire Department Sub-Station (request for \$70,000.00 pro-rated over this and next year's Capital Budget)
 - (b) Membership - Solid Waste/Resource Advisory Committee

4. Councillor Kelly requested Information Item #14 - Memorandum from Commissioner of Regional Operations dated July 11, 1996 re: "Composting Alternatives" be brought forward to the Council agenda.
5. Councillor Harvey requested "Fences - Cost Sharing" be added.
6. Councillor Barnet requested Information Item #17 - Correspondence from Councillor Rankin dated July 12, 1996 re: "Revised Solid Waste/Resource Management Implementation Schedule" be brought forward to the Council agenda.
7. Councillor Stone requested the following items be added:
 - Invocation
 - Taxation Status - Soccer Nova Scotia
 - FCM Communique
8. Councillor Walker requested "Rebate on Taxes" be added.
9. Councillor Dooks requested Information Item #12 - Memorandum from Commissioner of Corporate Services dated July 11, 1996 re: "HRM Non Union Salary Policy and Structure" be brought forward to the Council agenda.

MOVED by Councillor Adams and Stone that the Order of Business and Approval of Additions and Deletions be approved. MOTION PUT AND PASSED.

At a later point in the meeting, Council agreed to add:

- ! **Capital Budget - Betterment Charges (Item #12.10)**
- ! **Appointments - Regional Taxi and Limousine Commission (Item #12.11)**

MOVED by Councillor Hendsbee and Dooks that the Council session be extended, if necessary, past 11:00 p.m. MOTION PUT AND PASSED.

4. **BUSINESS ARISING OUT OF THE MINUTES - NONE**
5. **MOTIONS OF RECONSIDERATION - NONE**
6. **MOTIONS OF RESCISSION - NONE**
7. **CONSIDERATION OF DEFERRED BUSINESS - NONE**

At this point in the meeting, Council agreed to consider the following report:

10.3.17 Request for Proposals 96-108 - Access-A-Bus Service

A report, from George McLellan, Commissioner of Regional Operations, dated July 11, 1996, entitled "Request for Proposals 96-108 - Access-A-Bus" was before Council for consideration.

MOVED by Councillor Stone and Walker that Regional Council authorize the award of the request for proposal for the Access-A-Bus Service to the successful proponent, Transportation Services Division, Regional Operations, Halifax Regional Municipality, for a one year contract renewable annually, subject to acceptable terms, to a maximum of five years. MOTION PUT AND PASSED UNANIMOUSLY.

8. PUBLIC HEARINGS

**8.0 By-law C-100 - Regulating Cats - Second Reading
(Staff Report - Proposed Ordinance Regulating Cats)**

By-Law C-100 , the Cat By-Law, was before Council for Second Reading, First Reading having taken place on July 2, 1996. A copy of the proposed By-law and a staff report from Dan English, Commissioner of Community Services, dated July 10, 1996, entitled "Proposed Ordinance Regulating Cats" was before Council for consideration.

Councillor Rankin suggested individual public presentations be limited to three minutes with Council members speaking once.

Mayor Fitzgerald reviewed the text of the proposed By-law, with the following residents making representation either in favour of, or opposition to the By-law:

Tony Rodgers, Armdale Crescent, Halifax, spoke in favour informing Council that cats are responsible for many wildlife deaths each year and the natural wildlife food chain is being interrupted by these attacks.

Mike Larade, Nuisance Wildlife Association, spoke in favour, noting that cats do have an effect on wildlife numbers and, as a result of cat attacks, bats are now protected as an endangered species. He stated cats are not effectively controlling the rodent population, and the Association was in favour of a by-law which would effectively control cats.

Resident of 210 Elmsdale spoke in opposition. The speaker informed Council many senior citizens own cats that mean a great deal to them. The speaker asked if there are cat by-laws in other cities. She stated police officers should not be involved in the

enforcement of the by-law, as sections of the by-law would be impossible to enforce.

Malcolm Bayne, 12 Cross Road, Dartmouth, spoke in favour. He informed Council he is not opposed to the ownership of cats but rather the control of them, noting cats do not recognize property and will destroy flower beds and vegetable gardens, etc.

Angela Miller, Sackville, representing TAPA addressed Council, commending the Municipality on addressing the issue of a Cat By-law but noted she does have concerns with regards to the contents and direction of the by-law. She informed Council TAPA feels the purpose of the by-law should be to ensure cats are licensed and permanently identified and to implement a strategy to reduce the numbers of unaltered cats being at large. It was noted by Mrs. Miller the proposed by-law does not address the issue of cat identification which could pose problems if they are impounded.

Dale Gladman, Millwood Subdivision, Sackville, stated she is in favour of a registration fee for cats.

Isabel MacDonald, spoke in opposition stating there are seniors who cannot afford to pay fees or fines.

Alexander Frank, Halifax, stated he does not feel the by-law is workable or enforceable.

Bev Ketchum, Dartmouth, said there has to be something done and is in favour of some form of control.

Susan Doyle, Timberlea, stated, although she is in favour of a law that will control strays and unneutered cats and not penalize the responsible cat owner, she does not feel this By-Law is a good one.

Judith Gasse spoke in opposition of the By-Law as presented. She indicated she would be in favour of having cats registered and a by-law such that cats would have to be neutered and spayed if they were not being kept for breeding purposes.

Beth Slaunwhite, Bedford, stated cats do kill birds and wildlife but she is not in favour of this by-law as it would not be enforceable.

Peter Whelan, Clayton Park, stated he was not in favour of the by-law. He noted people don't have the funds to pay the fees for registration or any fines as a result of their pets being impounded.

Bill Mont said the by-law would be expensive to implement and enforce, noting the number of rodents would increase with the control of cats.

Jerry Solomon, Harbour Cities Veterinary Hospital, stated the by-law is not enforceable or practical as it is very difficult to catch cats. He suggested that people be encouraged to identify their cats.

Graham Hicks, Halifax, spoke in opposition of the by-law but is in favour of a form of registration and identification.

Dianne Wingo stated she has many concerns and is not in favour of the by-law.

Peter Woodyear, Waverley, said there should be some form of legislation with a form of identification necessary and suggested the word "kill" be removed where it appears in the by-law.

Correspondence was circulated from the following:

- ! Marion Wiseman, Halifax
- ! Leona M. Russell, Porter's Lake
- ! Various newspaper clippings and pieces of correspondence relating to this issue submitted by Dianne Wingo.
- ! Harold Garrison
- ! Glen and Dale Mosher, Armdale
- ! Malcolm H. Bayne, Dartmouth
- ! The Perry's, Halifax

After all representations were made, the following motion was placed before Council:

MOVED by Councillor Hetherington and Deputy Mayor Greenough that the public hearing be closed. MOTION PUT AND PASSED.

Councillors made the following representations:

Councillor Walker stated the problems caused by cats is one that should be addressed as residents are dealing with cat problems by such methods as poisoning and the use of pellet guns. He informed Council this is just a standard by-law, which can be amended, to be used as a starting point in addressing the issue.

MOVED by Councillor Walker and Hendsbee that Second Reading be given to By-law C-100 Respecting the Regulation of Cats.

Councillor Dooks expressed concern with regards to how the by-law would be enforced in his District. He noted that the by-law would be difficult to enforce in rural areas and suggested it be applicable to urban rather than rural areas.

Councillor Hendsbee noted a by-law is necessary but it may not be applicable in all areas. He also noted owners should be registered and resources available to deal with cats that are a nuisance.

Councillor Cooper stated he was in favour of some form of control, and noted that urban and rural areas differ such that the ability to opt out of the by-law should be provided.

Deputy Mayor Greenough indicated the by-law needs some reworking and definition. He suggested a citizens committee be formed to address the issues and concerns, and further noted enforcement costs could escalate.

Councillor Sarto indicated there should be a way to provide protection and safeguard for responsible owners while dealing with those who are not responsible. He, however, felt the by-law was not enforceable.

Councillor Hetherington stated he is not in favour of cages and does not feel the by-law is enforceable.

Councillor Schofield said he does not believe the By-law will address the problems.

Councillor Mitchell added there is a need for a policy to provide cat control.

Councillor Rankin said he would like to have the issue of practicality as well as costs provided.

At this point in the meeting, Councillor Kelly suggested the By-law be referred back to staff.

Councillor Harvey noted there are public health concerns reacting to disease and parasites which cats carry. He suggested a by-law that would act only on complaints with a written warning before action is taken, and noted the By-law could be designed to address only certain areas.

Councillor Barnet noted there is a need for further study and that the issue should be addressed on a cat by cat basis. He indicated this would create more problems than solutions and suggested that neighbours work together to find a solution to problems.

Councillor Adams stated there is a need to have something in place to protect cats, owners and citizens. He suggested staff contact agencies such as SPCA, Nova Scotia

Wildlife, veterinarians and citizens for input as well as obtaining information from other municipalities that may already have legislation in place to deal with this issue.

Councillor Hanson stated he did not feel the by-law was enforceable.

Councillor Stone said he did not feel the by-law was enforceable and the responsibility should be with cat owners. He suggested Halifax Regional Municipality address the issue by providing some form of education program, adding the By-law will have the effect of pitting neighbour against neighbour, and residents should be left to deal with the problems amongst themselves. He stated he is not in favour of providing traps and suggested some form of cat identification should be explored.

Councillor Epstein suggested the by-law, if passed, should apply to all areas of the municipality, noting problems could be experienced with penalties and holding time. He stated there is a need for a by-law, as cats can be a nuisance as well as cause health problems. He was in agreement with sending the by-law back to staff who, in conjunction with citizens, could work out a more appropriate by-law.

Councillors Uteck and Downey spoke in opposition to the by-law.

Councillor Cunningham spoke in opposition to the by-law and noted he supported the recommended exploration of a public education program.

Councillor Snow expressed concern that the word "kill" was referenced in the By-law and suggested a by-law that is more humane.

Councillor Walker suggested the by-law be referred to staff for consideration of concerns expressed by Councillors and public.

No vote was taken on the motion on the floor.

The following motion was then put on the floor:

MOVED by Councillor Walker and Hendsbee that the proposed by-law (C-100) be referred to staff and a Committee comprising of representation from Animal Control, Nova Scotia Wildlife and citizens to be established to formulate a revised by-law to be brought back to Council no later than December. MOTION PUT AND PASSED. 12 in Favour, 11 Against.

NOTICE OF RECONSIDERATION WAS GIVEN BY COUNCILLOR HETHERINGTON FOR THE AUGUST 20, 1996 COUNCIL SESSION.

9. CORRESPONDENCE, PETITIONS AND DELEGATIONS/PRESENTATIONS

Councillor Sarto passed the Municipal Clerk a **petition** regarding duplexes falling below standards and requested a staff report after an inspection of the properties.

Councillor Cunningham passed the Municipal Clerk a **petition** from 250 patrons of Portland Street businesses regarding panhandlers and drunks frequenting the area which is affecting businesses. He requested the Chief of Police look into this matter.

10. REPORTS

10.1 City of Halifax Retirement Committee

10.1.1 Amalgamation Costs - Pensions

A report entitled "Amalgamation Costs - Pensions" from the Chairman of the City of Halifax Retirement Committee, was before Council for consideration.

Councillor Epstein informed Council this report was for information purposes. He requested clarification as to whether, as a member of the plan and a member of the Committee, he would be in a conflict of interest. Mr. Anstey informed Council he would bring forward a report with respect to this.

Councillor Cooper said, when the plan comes forward for recommendation he would request it also include a report outlining the benefits of the plan, i.e the rule of 85 and how the costs would be dealt with.

Council agreed that Mr. Meech would bring forward a report with regards to costs and the Solicitor would provide a report with regards to any conflict of interest.

10.2 Grant Committee

A report dated July 11, 1996, entitled "Grant Committee Recommendations Report 2", was before Council for consideration.

In response to a question from Councillor Kelly regarding the amount of the grant to the Dartmouth Downtown Business Association, Ms. Nehiley informed Council this grant would not be forthcoming in future years as costs would be recovered by an area rate.

MOVED by Councillor Kelly and Uteck that the Grant to the Dartmouth Downtown

Business Association be capped at \$50,000.00.

Councillor Hetherington informed Council the grant would be used for start up costs and in future years the monies would be raised through an area rate.

Mr. Richard Neima of the Downtown Dartmouth Business Association informed Council businesses have agreed to an area rate but a decision on what those rates should be has not yet been finalized. He informed Council that area rates will be in place by the fall. Council was further advised by Mr. Neima that the grant was not required to cover administration costs.

In response to a question from Councillor Barnet, Mr. Anstey, Municipal Solicitor, clarified that legislation does permit Council to authorize area rates.

Mr. Neima clarified that Downtown Dartmouth Business Association is a full time organization with staff and a Board of Directors.

Deputy Mayor Greenough informed Council the second \$50,000.00 was included to help in the establishment of an area rate and, if that is accomplished, it is cancelled.

Mayor Fitzgerald suggested \$50,000.00 be guaranteed with the remaining \$50,000.00 being conditional and set aside.

MOTION PUT AND DEFEATED.

The following motion was then placed before Council:

MOVED by Deputy Mayor Greenough and Councillor Hetherington that Council approve \$50,000.00 with the second \$50,000.00 being conditional upon the area rate being implemented by the Downtown Business Association. MOTION PUT AND PASSED.

Councillor Barnet noted there are expenditure increases.

MOVED by Councillor Barnet that the report be referred to the Operating Budget. NO SECONDER, MOTION LOST.

Councillor Hendsbee said he will be recommending the three Sheet Harbour and Area Board of Trade and the Petpeswick Yacht Club back to the Grants Committee.

Councillor Uteck stated if a grant is to be provided to Powerfest '96, it would be to cover

the cost of services, and then placed the following motion before Council:

MOVED by Councillor Uteck and Epstein that the amount of the grant provided for Powerfest '96 be in the amount of \$13,000.00 to cover cost of services.

Mayor Fitzgerald clarified that all monies that have been committed for an outstanding period of time, by resolution of former Councils, is money for which Halifax Regional Municipality has assumed an obligation. Council agreed.

MOTION PUT AND DEFEATED

The following motion was then put on the floor:

MOVED by Councillor Hendsbee and Hetherington that the Grants Committee Report 2 in the amount of \$218,500.00 be approved.

Councillor Cooper requested a report come forward showing what terms and conditions are being applied to groups requesting grants.

MOTION PUT AND PASSED

10.3 Chief Administrative Officer

10.3.1 Funding for Special Events Supplementary Report

A supplementary report from Dan English, Commissioner of Community Services, dated July 10, 1996, entitled "Funding for Special Events Supplementary Report", was before Council for consideration.

MOVED by Councillor Mitchell and Rankin that the \$70,000.00 allocated for "Septemberfest" be provided to the community of Musquodoboit - Marine Drive.

Councillor Epstein expressed concern with regards to what the monies would be used for as there is not enough detailed information.

Council agreed a report on where monies are being spent would come forward at the August 20, 1996 Council session.

MOTION PUT AND PASSED

MOVED by Councillor Adams and Hendsbee that Council approve a \$5,000.00

repayable note for the Sambro Sou'wester Days Fireworks. **MOTION PUT AND PASSED.**

10.3.2 Union Street Flooding Situation

A report dated July 5, 1996, entitled "Union Street Flooding", from George McLellan, Commissioner of Regional Operations was before Council for consideration.

MOVED by Councillor Harvey and Barnet that Council approve the additional cost-sharing by Redden Brothers Development Limited, and increase the amount of additional funding from Halifax Regional Municipality to complete the Union Street Storm Water Project up to a maximum amount of \$170,000. MOTION PUT AND PASSED.

10.3.3 Acadia School (Supplementary Report)

A supplementary report, dated July 11, 1996, entitled "Acadia School", from Dan English, Commissioner of Community Services, and George McLellan, Commissioner of Regional Operations, was before Council for consideration.

MOVED by Councillor Harvey and Barnet that Council increase the budget for the Acadia School Project by \$700,000, for a total budget of \$3.2 million, with the additional funding to come from a debenture issue.

Councillor Kelly stated that the community was promised the level of service in the community would be maintained after amalgamation, and requested that before any services are removed from the community it come back to Council for debate and discussion. He stated the Water Utility had indicated they would be leasing space in Acadia School but have now decided to remain in a rented facility. He inquired as to why they were not leasing space and what the cost implications may be.

Mr. Meech responded to Councillor Kelly stating as a result of the Water Commission becoming a Regional Water Commission there is not sufficient space in Acadia School for their needs. He indicated that a staff report could be provided regarding cost implications but he clarified that the decision to house the Water Utility at that location was decided before amalgamation had been announced.

MOTION PUT AND PASSED.

10.3.4 Procurement Policy

A report, dated July 11, 1996, entitled "Procurement Policy", from Larry Corrigan, Commissioner of Corporate Services, was before Council for consideration.

MOVED by Councillor Adams and Uteck that Council approve an interim policy to facilitate the award of tenders. The proposed interim policy is that the Chief Administrative Officer may award tenders on the following basis until the final policy has been approved by Council:

- < **The tender is awarded to the lowest responsible bidder meeting specifications**
- < **The award is not to a sole source**
- < **Award of Call for Proposals were a standard process has been followed**
- < **Where the funds and program have been approved by Council**

After clarification was given that the former City of Halifax Policy was being used, a request was made that a copy of the Policy be provided to all Councillors.

MOTION PUT AND PASSED.

10.3.5 Former Dartmouth City Hall - Future Use

A supplementary report, dated July 12, 1996, entitled "Former City Hall - Future Use" from George McLellan, Commissioner of Regional Operations, was before Council for consideration.

MOVED by Deputy Mayor Greenough and Councillor Hetherington that Council authorize minor alterations to the former Dartmouth City Hall, to provide accommodation for Councillors serving the Dartmouth Area. Cost for the necessary alterations anticipated to be in the range of \$2,500.00 to \$3,000.00. A further report is to be forthcoming from staff regarding the remaining utilization of the property as directed by Council on July 2, 1996. MOTION PUT AND PASSED.

10.3.6 Overhead Sign - Bedford Highway & Kearney Lake Road (Supplementary Report)

A supplementary report, dated July 11, 1996, entitled "Overhead Sign - Bedford Highway & Kearney Lake Road" from George McLellan, Commissioner of Regional Operations, was before Council recommending that the overhead directional sign on the Bedford Highway and Kearney Lake Road be maintained in its existing location.

MOVED by Councillor Walker and Stone that the overhead directional sign on the Bedford Highway & Kearney Lake Road be taken down and not be relocated. Further that staff obtain three prices on the cost of taking the sign down, choosing the lowest price quoted.

Mr. Meech informed Council the removal of the sign would require the approval of the Traffic Authority.

Mr. Brian Smith confirmed Council can recommend and advise but final decision would have to be made by the Traffic Authority.

MOTION PUT AND DEFEATED

10.3.7 Birch Cove Lakes Environmental Study

A report, dated July 10, 1996, entitled "Birch Cove Lakes Area Environmental Study" from Dan English, Commissioner of Community Services, was before Council for consideration recommending that Council accept the Birch Cove Lakes Area Environmental Study report - Tasks 1, 2 and 3 (June 1996) as a guide for future planning and development for the study area.

MOVED by Councillor Stone and Hendsbee that Council 1) accept the Birch Cove Lakes Area Environmental Study report - Tasks 1, 2 and 3 as a guide for future planning and development for the study area; 2) staff continue to monitor the possible effect of the quarry on the lakes and have the quarry operator plan a program of rehabilitation and restoration of the quarry site and set a reasonable time limit for implementation and 3) refer this report to the Lakes and Waterways Committee for their comments and recommendation.

Without a vote being taken on the motion as put forward by Councillor Stone, the following motion was placed on the floor:

MOVED by Deputy Mayor Greenough and Councillor Hetherington that the report be referred to the Lakes and Waterways Committee for comment. MOTION PUT AND PASSED.

Council recessed at 12:00 a.m. to reconvene Wednesday, July 17, 1996 at 3:30 p.m

Council reconvened at 3:30 p.m., Wednesday, July 17, 1996 with the following

members of Council being present:

Mayor Walter Fitzgerald

Councillors: Bill Dooks
David Hendsbee
Ron Cooper
Jack Greenough
Condo Sarto
Bruce Hetherington
Clint Schofield
Graham L. Downey
Larry Uteck
Howard Epstein
Bill Stone
Ron Hanson
Stephen Adams
Barry Barnet
Robert Harvey
Peter J. Kelly
Reg Rankin
Jack Mitchell

Continuation of Item 10.3.7 from the July 16, 1996 Council Agenda

Mr. Bill Campbell, Manager, Planning Services, and Mr. Bernard Moe, Planner 2, were in attendance to answer questions and provide clarification for members of Council.

Councillor Stone informed Council he is very concerned with regards to run off into the lakes from the quarry. He indicated the second part of his motion was to address what was going to be done with regards to restoration and rehabilitation of the quarry site by the owner.

After having referred the report to the Lakes and Waterways Committee for comment, the following motion was put before Council:

MOVED by Councillor Stone and Hendsbee that Council 1) accept the Birch Cove Lakes Area Environmental Study report - Tasks 1, 2 and 3 (June, 1996) and; 2) staff continue to monitor the possible effect of the quarry on the lakes, have the quarry operator plan a program of rehabilitation and restoration of the quarry site and set a reasonable time limit for implementation. MOTION PUT AND PASSED.

10.3.8 Appointment of Building Inspector

A report, dated July 9, 1996, from Dan English, Commissioner of Community Services, entitled "Appointment of Building Inspector" was before Council for consideration.

MOVED by Councillor Hetherington and Deputy Mayor Greenough that Richard Brown be appointed as a building inspector under the Building Code Act. MOTION PUT AND PASSED.

10.3.9 1260 Blenheim Terrace, Halifax

A report, dated July 9, 1996, from Dan English, Commissioner of Community Services, entitled "1260 Blenheim Terrace, Halifax", was before Council for consideration.

MOVED by Councillor Uteck and Epstein that Council: (1) enter into a Heritage Agreement with the owner of 1260 Blenheim Terrace, a registered heritage property, to substantially alter the property in accordance with the Agreement; and (2) require that the Heritage Agreement shall be signed within 120 days, or any extension thereof granted by Council on the request of the applicant, from the date of this approval by Halifax Regional Council and any other bodies as necessary whichever approval is later, including any applicable appeal periods; otherwise this approval will be void and obligations arising hereunder shall be at an end. MOTION PUT AND PASSED.

10.3.10 981 Winwick Road, Halifax

A report, dated July 9, 1996, from Dan English, Commissioner of Community Services, entitled "981 Winwick Road, Halifax" was before Council for consideration.

MOVED by Councillor Uteck and Hanson that Council approve: (1) the substantial alteration of 981 Winwick Road to allow the subdivision of the property for the creation of one new lot (herein after called Lot 2B) and; (2) as a condition of approval, the new single family dwelling on Lot 2B shall be constructed substantially in compliance with the plans submitted to the Halifax Heritage Advisory Committee on June 18, 1996. MOTION PUT AND PASSED.

10.3.11 Municipal Identity

A report, dated July 11, 1996, from Ken Meech, Chief Administrative Officer, entitled

“Municipal Identity” was before Council for Consideration.

MOVED by Councillor Hetherington and Schofield that Council approve the formation of a Logo Selection Committee to develop a criteria and process for a Region wide logo competition as one component of the Municipal Identity strategy. The Logo Selection Committee would be responsible for managing all components of the competition and would appear before Council with final recommendation for the Municipal Logo. MOTION PUT AND PASSED.

10.3.12 1996/97 Operating Budget Calendar

A report, dated July 11, 1996, from Larry Corrigan, Commissioner of Corporate Services, entitled “1996/97 Operating Budget Calendar” was before Council for consideration.

MOVED by Deputy Mayor Greenough and Councillor Hetherington that the Operating Budget Calendar, adjusted to exclude August 31, 1996, be approved as the working schedule to complete the budget deliberations. Further, the Briefing Session scheduled for Tuesday, August 13, 1996 be rescheduled to Monday, August 19, 1996. MOTION PUT AND PASSED.

10.3.13 Lease - Community Police Office - Woodlawn Mall

A report, dated July 9, 1996, from George McLellan, Commissioner of Regional Operations, entitled “Lease - Community Police Office - Woodlawn Mall” was before Council for consideration.

MOVED by Councillor Sarto and Hetherington that the Mayor and Municipal Clerk be authorized to execute a lease on behalf of the Halifax Regional Municipality for a Community Police Office (subdivision “D”) at the Woodlawn Mall containing terms and conditions as discussed in the staff report. MOTION PUT AND PASSED.

10.3.14 Request for Lease Extension From Kidston Glass

A report, dated July 9, 1996, from George McLellan, Commissioner of Regional Operations, entitled “Request for Lease Extension From Kidston Glass”, was before Council for consideration.

MOVED by Councillor Downey and Stone that the Mayor and Municipal Clerk be authorized to execute an amendment to the lease with Kidston Glass 1993 Inc.,

providing for a five year extension beyond 31 August 1996, for the rents as stated and incorporating the additional terms and conditions contained in the noted staff report. **MOTION PUT AND PASSED.**

10.3.15 Settlement of Expropriation - Easement SE-T4 459 Herring Cove Road

A report, dated July 8, 1996, from George McLellan, Commissioner of Regional Operations, entitled "Settlement of Expropriation - Easement SE-T4 459 Herring Cove Road", was before Council for consideration.

MOVED by Councillor Adams and Hetherington that:

- (1) Mr. Gordon and Mrs. Therese Brown be paid \$10,451.00 as settlement in full for the expropriation of Easement SE-T4 and associated temporary working easement as shown on Plan No. TT-45-31025, Civic No. 459 Herring Cove Road, in addition to a claim for appraisal fees previously paid, plus interest in accordance with the Expropriation Act. Funds to be made available from Capital Account, 95415-6712.**
- (2) Council authorize the execution of the easement document giving the Browns permission to locate a garage structure within easement SE-T4 and undertaking an obligation to effect any repairs necessary arising out of municipal works within the easement at a future date.**

Councillor Rankin said he would like to see what the total costs were for the expropriation of this land.

MOTION PUT AND PASSED.

10.3.16 Sanitary Sewer Upgrade - St. Michael's Avenue - Theakston Avenue

A report, dated July 10, 1996, from George McLellan, Commissioner of Regional Operations, entitled "Sanitary Sewer Upgrade - St. Michael's Avenue - Theakston Avenue", was before Council for consideration.

MOVED by Councillor Adams and Kelly that Halifax Regional Council approve the construction of a trunk sanitary sewer by the developer (Longwave Enterprises Ltd.) At a total cost not to exceed \$120,000.00 including contingencies and all

applicable taxes, and authorize staff for payment to the developer from Capital Account No. 83052-6140 under Sewers. MOTION PUT AND PASSED.

10.3.17 Request for Proposals 96-108 - Access-A-Bus

This item had been brought forward and dealt with earlier.

10.3.18 Plumbing Permits

CONFLICT OF INTEREST

Councillor Adams stated he was part owner in a plumbing company, declared "A Conflict of Interest" and left the Council Chambers.

A report, dated July 10, 1996, from Dan English, Commissioner of Community Services, entitled "Plumbing Permits", was before Council for consideration.

MOVED by Councillor Rankin and Hetherington that Council direct staff to prepare a plumbing permit bylaw to allow for the issuance of plumbing permits and inspections of plumbing work in the Halifax Regional Municipality. MOTION PUT AND PASSED.

Councillor Adams resumed his place at the meeting.

10.3.19 Unightly Premises - 33 Coronation Avenue

A report, dated July 12, 1996, entitled "Unightly Premises", from Wayne Anstey, Municipal Solicitor and a report, dated July 9, 1996, entitled "Unightly Premises - 33 Coronation Avenue, Halifax" from Dan English, Commissioner of Community Services, were before Council for consideration.

MOVED by Councillor Epstein and Hanson that Council set August 22, 1996 as the date where it will hear representations from the owner of 33 Coronation Avenue and consider the issuance of an order requiring that the unsightly conditions on the property be remedied.

Referring to the Unightly Premises report from Mr. Anstey recommending the establishment of a Standing Committee to deal with Unightly Premises, Councillor Barnet suggested issues dealing with unsightly premises could be dealt with, on an interim basis, by the existing Planning Advisory Committees.

Mr. Anstey informed Council there are provisions in the HRM Act which give the ability to such a body to issue legal orders.

In response to Councillor Cooper with regards to reporting procedure, Mr. Anstey stated Council could request the Committee report to Council on a regular basis.

Councillor Mitchell noted the present structure does not give enough authority to the By-law Officer.

Mayor Fitzgerald suggested the HRM Act be amended and a standing Committee established. Council agreed.

No vote was taken on the motion on the floor. The following motion was then placed before Council for consideration:

MOVED by Councillor Epstein and Adams that Council adopt the Administrative Order establishing the Standing Committee to deal with issues involving unsightly premises and that the Province be asked to amend the Halifax Regional Municipality Act to enable the Municipality to respond more effectively to unsightly premises problems. MOTION PUT AND PASSED.

MOVED by Councillor Stone and Deputy Mayor Greenough that the following Councillors be appointed to the Standing Committee:

**! Councillor Mitchell
Councillor Hendsbee
Councillor Barnet
Councillor Sarto
Councillor Epstein**

MOTION PUT AND PASSED.

Councillor Hanson left the meeting at 5:30 p.m.

10.3.20 Rural Transit/Paratransit Services (Supplemental Report)

A report, dated July 8, 1996, from George McLellan, Commissioner of Regional Operations, entitled "Rural Transit/Paratransit Services". The recommendation was before Council for consideration that Council refer applications for special transit funding, over and above the approved level of Metro Transit service, to the Grants Committee for review

and recommendation following the principles outlined in this report. In cases where Community Council exists for the area to be served by a special transit service, the requests for funding would be considered there instead, for recommendation to Council.

MOVED by Councillor Rankin and Kelly that funding requests go through Community Councils or, in areas where there is no Community Council, they would come forward to Municipal Council where, if approved, they would be supported by an area rate in those areas not covered by a present transit service. After questions of clarification and discussion between Councillors and the Commissioner of Regional Operations the following amendment to the motion was placed:

MOVED by Councillor Dooks and Adams that an \$8,300.00 one time grant be recommended to the Grants Committee for consideration for Coverall Home Services. MOTION PUT AND DEFEATED.

MAIN MOTION PUT AND PASSED.

Councillor Dooks requested that Coverall Home Services be advised of the outcome of the request to Council.

Councillor Adams asked if staff could provide a report on estimate of costs to residents in areas served in the form of an area rate.

10.3.21 Merkel House: 2445 Brunswick Street

A report, dated July 11, 1996, from Dan English, Commissioner of Community Services, entitled "Merkel House: 2445 Brunswick Street", was before Council for consideration.

Councillor Downey requested the item be deferred pending a further update from staff listing all ten properties with the estimate cost, square acreage, plans, etc.

MOVED by Councillor Epstein and Hendsbee that Council accept the staff recommendation:

! that staff be authorized to enter into a land exchange agreement with NPI Property Group Inc. whereby the Municipality receives title to the Merkel House Property at 2445 Brunswick Street, and conveys title to the portion of the vacant lands known as the Alexandra Centre Site, measuring approximately 25,000 square feet , subject to the terms and conditions of the report and;

! discharge the following 16 December 1993, motion of the former City of Halifax Council:

Moved by Alderman Downey, seconded by Alderman O'Malley that approval be granted for the entering into of one or more development agreements to permit construction of residential buildings on the former Alexandra Centre site, and that there be public input after the designs are received from the call for proposals.

MOVED by Councillor Downey and Kelly that this item be deferred to August 20, 1996 pending a staff report on appraisals, plans and proposals for this site.
MOTION PUT AND PASSED.

10.4 COUNCILLOR RANKIN - RESOLUTION OF SUPPORT - SABLE ISLAND OFFSHORE NATURAL GAS PROJECT

MOVED by Councillor Rankin and Hetherington that Council send a letter, with a copy to the MP's, to the Minister of Energy stating that Halifax Regional Municipality supports the position of the Province on this matter.

Councillor Epstein stated at this point in time there is not enough information available as to whether or not this project will benefit the Province of Nova Scotia.

MOVED by Councillor Uteck and Epstein that this motion be deferred pending more information being provided. MOTION PUT AND PASSED.

10.5 COUNCILLOR SCHOFIELD - MUNICIPAL LEGISLATION REVIEW COMMITTEE

MOVED by Councillor Schofield and Sarto that the Mayor request UNSM include two members from Halifax Regional Municipality on this Committee. MOTION PUT AND PASSED.

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

MOVED by Councillor Rankin and Sarto that Councillor Schofield and Mr. Anstey be recommended as the representatives of Halifax Regional Municipality.
MOTION PUT AND PASSED.

10.6 DOWNTOWN PARKING LOT - COUNCILLOR EPSTEIN

Councillor Epstein informed Council this item was with regards to the purchase and sale of Parcel 11 of the lot. He informed Council this entailed large sums of money and he wanted the record to state that staff should not sign an agreement of purchase and sale without the matter coming before Council

MOVED by Councillor Epstein and Stone that Halifax Regional Municipality not enter into any Agreement of Purchase and Sale respecting Parcel Number 11 of the Halifax CBD land assembly (Hollis, Salter, Granville and Sackville Streets) without the matter coming before Council for approval.

Councillor Uteck noted if the money is held in the Sale of Land account from that sale, then that money should not be spent without formal approval of Council.

MOTION PUT AND PASSED.

11. MOTIONS

11.1 Councillor Mitchell

Councillor Mitchell, having given Notice of Motion on July 9, 1996 placed the following motion on the floor:

MOVED by Councillor Mitchell and Sarto that the Route 333 Senior's Association ask the Halifax Regional Municipality to include in the Municipal "Permit to Operate" the provision by the applicant of safe and adequate entry and egress to the applicable premises by means of a ramp, handrails, wide doorways, proper door handles, and aisle widths. This requirement to better serve our physically disable, arthritic and unsteady adults and children. This provision, for the serving of the public, to apply to both existing and new establishments and to be based on the latest architectural standards, the National Building Code, the Canadian Paraplegic Association requirements or better, and to be enforced.

Councillor Mitchell informed Council this was for the area from the Atlantic Winter Fair to West Dover.

MOVED by Councillor Hetherington and Stone that this item be referred to staff not only for discussion on existing buildings but for information on the costs associated if this is implemented. MOTION PUT AND PASSED.

12. ADDED ITEMS

12.1 Report from Municipal Solicitor dated July 14, 1996 re: Area P - Sale to ITT Sheraton

A report dated July 14, 1996 from the Municipal Solicitor re: Area P - Sale to ITT Sheraton was before Council for consideration.

MOVED by Councillor Downey and Adams that staff be authorized to close the sale of Area P to ITT Sheraton or its nominee on the basis of the undertaking contained in the letter dated July 11, 1996 from W. L. MacInnes, Q.C.

In response to a question from Councillor Cooper with respect to compliance to safety regulations etc., Mr. Anstey said even though they were not required to pay for the permits or subject themselves to Municipal inspection, they did. Further, they did comply with the various laws and applied for permits and paid for the inspections. They are prepared to comply with policies within the planning strategy and submit their plans to staff for comment as to whether or not they met the policies; but, they are not prepared to go through the public hearing process or subject themselves to any appeals to the NSURB. He said under the Casino legislation they are exempt from those types of provisions.

MOTION PUT AND PASSED

12.2 Report from the Chair of the Halifax Taxi & Limousine Commission dated July 16, 1996 re: 1) Limousine Drivers Course and 2) Taxi & Limousine By-law

A report, dated July 16, 1996, entitled "Limousine Drivers' Course" was before Council for consideration.

MOVED by Councillor Adams and Kelly that the Halifax Taxi & Limousine Commission recommends to Halifax Regional Municipal Council that the Municipality offer a limousine drivers' course necessary to license drivers in the Halifax jurisdiction; and that effective immediately the By-law Enforcement Officer will strictly enforce Section 14(c) of Ordinance #116, namely "No person shall operate a limousine unless he first obtains a limousine driver's license which shall be as set out in Form III". MOTION PUT AND PASSED.

A report dated July 16, 1996, entitled "Taxi & Limousine By-law", was before Council for consideration.

MOVED by Councillor Adams and Mitchell that the Halifax Taxi & Limousine

Commission recommends to Halifax Regional Municipal Council that staff be directed to form a committee to work towards a draft Taxi and Limousine By-law which would encompass the entire municipality. In addition, it is recommended that this include a commitment of resources to accomplish this task as well as specify a realistic date for completion of the proposed by-law. **MOTION PUT AND PASSED.**

12.3 Infrastructure Application - Porter's Lake and North Preston Fire Department Sub-Station (request for \$70,000.00 pro-rated over this and next year's Capital Budget)

Councillor Hendsbee gave a brief presentation providing background information regarding the above noted items. He informed Council the North Preston Fire Department Sub-Station has been approved by the Federal and Provincial governments for funding under the Infrastructure Program.

MOVED by Councillor Hendsbee and Cooper that Council approve the North Preston Fire Department Sub-Station as a capital project on the basis of being approved under the Infrastructure Program, with the Capital Cost component being recovered through an area rate. MOTION PUT AND PASSED.

MOVED by Councillor Hendsbee and Cooper that an application (\$210,000.00) for consideration to the Infrastructure Program conditional upon the approvals of Federal and Provincial cost sharing; and also that the Fire Services Commission would have an opportunity to comment on the position and location of this Sub-Station in the Porter's Lake area, with \$60,000 being collected through an area rate next year, with \$10,000 being collected this year. MOTION PUT AND PASSED.

12.3.2 Membership - Solid Waste/Resource Advisory Committee

Councillor Hendsbee indicated, should a vacancy arise, he would like to have his name put forward as a member of the Solid Waste/Resource Advisory Committee.

12.4 Item #14 - Information Item - Memorandum from Commissioner of Regional Operations dated July 11, 1996 re: Composting Alternatives

Councillor Kelly noted studies had been carried out on garbeurators and requested that when staff are requested to provide a staff report they look at all information available.

12.5 Fences - Cost Sharing

Councillor Harvey placed the following motion on the floor for consideration:

MOVED by Councillor Harvey and Barnet:

WHEREAS Council approved \$100,000.00 of Capital Budget for cost shared fencing,

AND WHEREAS there are several such fencing projects pending,

AND WHEREAS there is not a policy in place to allow these to proceed;

BE IT THEREFORE RESOLVED that staff be permitted to adopt a policy of cost sharing 50/50 of fence construction to Municipal/Private property.

Councillor Cooper asked if this cost sharing could be accomplished with the use of area rate funds.

In response, Mr. McLellan stated if specifically for a municipal purpose and identified in planning or recreation as a project that is separately budgeted, the amount identified in the Capital Budget would be for circumstances where there is a recognized joint responsibility with the home owner.

MOVED by Deputy Mayor Greenough and Councillor Sarto that this item be referred to staff for a report. MOTION PUT AND PASSED.

It was agreed where there is 50/50 cost sharing on projects, they will proceed but those without identified cost sharing will come back to Council for debate.

12.6 Councillor Barnet - Item #17 - Information Item - Correspondence from Councillor Rankin dated July 12, 1996 re: Revised Solid Waste/Resource Management Implementation Schedule

Councillor Barnet indicated that according to the schedule, there are critical time frames to be adhered to over the next number of weeks. He said he would like to indicate to staff that it is important that these dates be adhered to based on the resolutions that have been passed to date. Councillor Barnet requested staff move forward with contract negotiations and report back to Council after the summer break.

MOVED by Councillor Barnet and Rankin that staff be directed to proceed to negotiate the contracts with the preferred partner as has been indicated by motion

of Council and come back to Council after break, informing Council that this has been done, so there will be no delays this fall.

Councillor Barnet indicated he was referring to the contract to design and build the FEP and RDF identified in line items #90 and #109 of the schedule.

MOTION PUT AND PASSED.

12.7.1 Invocation - Councillor Stone

Councillor Stone requested an update on the Invocation to come forward August 20, 1996.

12.7.2 Taxation Status - Soccer Nova Scotia

Councillor Stone requested an update with regards to taxes on the land leased to Soccer Nova Scotia to come forward August 20, 1996 (requested May 14, 1996).

12.7.3 FCM Communique

Councillor Stone referred to the FCM Communique on the Information Items and brought this forward to the attention of Council pointing out FCM is dealing with the issue of taxes and the importance of grants in lieu of taxes.

12.8 Rebate on Taxes - Councillor Walker

As Councillor Walker was not in attendance, Council agreed to defer this item to the August 20, 1996 Council session.

MOVED by Councillor Hetherington and Kelly that what was in place as a policy last year remain in place this year.

MOVED by Councillor Hendsbee and Harvey that this item be deferred pending a staff report. MOTION PUT AND PASSED.

12.9 Councillor Dooks: Item #12 - Information Item - Memorandum from Commissioner of Corporate Services dated July 11, 1996 re: HRM Non Union Salary Policy and Structure

Councillor Dooks stated his concerns for those employees of the Halifax Regional Municipality who are non union. He requested the report be deferred to the next Council

session for a staff report clarifying the points of reference to see how they comply with the Public Sector Compensation Act. He said he would like to have more information that will guarantee this Council a level of support that the non union employees will be protected.

MOVED by Councillor Dooks and Hendsbee that this report be deferred to the August 20, 1996 Council meeting pending an in-depth report on the non unionized worker and also enquire if it is the wish of the non union sector of the Municipality to have a representative speak on their behalf when this report comes to Council. MOTION PUT AND PASSED.

12.10 CAPITAL BUDGET - BETTERMENT CHARGES

A report, dated July 16, 1996, from George McLellan, Commissioner of Regional Operations, entitled "Capital Budget - Betterment Charges" was before Council for consideration as a result of an Area Rate Information Session held with Council on July 15, 1996.

Councillor Sarto expressed concern that betterment charges are not imposed on projects in the former City of Dartmouth and, under this scenario, an area rate would be imposed.

In response, Mr. McLellan indicated that the Capital Budget did make the assumption that there would be a 50/50 share.

Councillor Dooks left the meeting at 7:10 p.m.

Councillor Cooper received clarification with respect to sewer tax, charges for trunk sewers and storm sewers.

Mr. Dhillon informed Council that in late August a Trunk Sewer by-law would be coming forward.

In conclusion, Deputy Mayor Greenough and Councillors from the area of the former City of Dartmouth agreed to organize a meeting with staff to discuss potential financial implications with respect to betterment charges.

12.11 APPOINTMENTS - REGIONAL TAXI & LIMOUSINE COMMISSION

MOVED by Deputy Mayor Greenough and Councillor Rankin that the appointments as outlined in the report dated July 16, 1996 from Mayor Fitzgerald be approved. MOTION PUT AND PASSED.

The following is the listing of appointments:

Councillors

Councillor Stephen Adams
Councillor Bruce Hetherington
Councillor Ron Cooper

Citizens:

Mr. Ronald Doucet
Mr. Ernie Hawes
Mr Michael J. Barter

Limousine

Rev. Wayne Campagna

Brokers

Mr. Robert Naugle (Dartmouth)
Mr. Lorne Baccardax (Halifax)
Mr. Robert G. Richards (Halifax)

Representative from County Not Appointed Yet.

Drivers

Mr. John Swinimar (Halifax)
Mr. Frank O'Brien (County)
Mr. Leo Greenwood (Dartmouth)
Representative from UCDA not appointed yet

13. NOTICES OF MOTION

13.1 Councillor Stephen Adams for Councillor Epstein

Take Notice that at the next regular meeting of Halifax Regional Municipality to be held on August 20, 1996, I intend to introduce a new bylaw respecting Wastewater Discharge for First Reading.

13.2 Councillor Clint Schofield

Take Notice that at the next regular meeting of the Council of the Halifax Regional Municipality to be held on Tuesday, August 20, 1996, I propose to move First Reading of a by law which will:

- (1) amend former City of Halifax Ordinance 121, the Retail Shop Closing Ordinance to gradually phase in extended store hours in the former City of Halifax, specifically, effective on the adoption of the amendments and thereafter, to permit retail stores to remain open on Tuesday evenings and effective January 1, 1997 and thereafter, to permit stores to remain open on Saturday evenings; and
- (2) effective July 1, 1997 to repeal said Ordinance.

IN CAMERA ITEM (Personnel matter)

At 7:30 p.m. Council went In Camera on motion of Councillor Hetherington and Deputy Mayor Greenough. MOTION PUT AND PASSED.

14. ADJOURNMENT

At 8:00 p.m. Council reconvened in open meeting and on motion of Deputy Mayor Greenough and Councillor Sarto, Council adjourned. MOTION PUT AND PASSED.

Vi Carmichael
MUNICIPAL CLERK

