

HALIFAX REGIONAL MUNICIPALITY

HALIFAX REGIONAL COUNCIL MINUTES FEBRUARY 24, 1998

PRESENT:

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

STAFF MEMBERS:

Mr. Dan English, Acting Chief Administrative Officer
Mr. Wayne Anstey, Municipal Solicitor
Ms. Vi Carmichael, Municipal Clerk
Ms. Jane Nauss, Assistant Municipal Clerk

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1. **INVOCATION**

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

2. **PROCLAMATIONS** - None

3. **APPROVAL OF MINUTES** - February 3 and 10, 1998

MOVED by Councillors Mitchell and Hetherington to adopt the minutes of February 3 and 10, 1998. MOTION PUT AND PASSED UNANIMOUSLY.

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

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

13.1 Councillor Cunningham - Elimination of Ferry Concession Stands

13.2 Councillor Kelly - CN Train Whistle - Bedford

13.3 Ratify action taken In Camera - Land Matter - Sale of Lots - Burnside Park.

Mayor Fitzgerald requested the following addition to the agenda:

13.4 Gasoline Tax.

Councillor Harvey requested the following item be brought forward to the agenda from the Information Items Agenda:

13.5 Fire Protection Rate Billed to Exempt Properties (Info Item #5).

Councillor Hetherington enquired as to when a report from staff on the King Edward Inn would be before Council. Mayor Fitzgerald advised this would be looked into.

It was noted that item #9.2.7 (Role of Canadian Capital Cities Organization) was to be deferred, and item # 9.2.8 (Halifax Regional Search and Rescue) was to be deleted from the agenda.

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

5. **BUSINESS ARISING OUT OF THE MINUTES** - None

6. **MOTIONS OF RECONSIDERATION** - None

7. **MOTIONS OF RESCISSION** - None

8. CONSIDERATION OF DEFERRED BUSINESS - None

9. REPORTS

9.1 MEMBERS OF COUNCIL

9.1.1 Councillor Walker - District 15 Survey Results

Councillor Walker submitted the District 15 Survey Results, noting three main areas of concern raised by the residents:

- snow plowing, street maintenance, and sidewalk maintenance.

Further, Councillor Walker made note of residents responding to one particular question (*How the budget could be balanced?*) and requested that staff take this into consideration. The Councillor also referenced another question (*“What 3 municipal issues do you feel are important to District 15 and HRM?”*), noting that traffic in residential areas was the highest rated.

Lastly, the Councillor noted that only 12 residents felt that taxes were too high.

9.1.2 Councillor Harvey - Preparation of Conservation Plan - Fultz House

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

MOVED by Councillors Harvey and Barnett that a staff report be prepared on the preparation of a conservation plan (and costs involved) for the Fultz House property (a registered municipal heritage property) and adjoining land forming Sackville Heritage Park. MOTION PUT AND PASSED UNANIMOUSLY.

9.1.3 Councillor Schofield - Replacement of Light Standards - Wallis Heights

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

Councillor Schofield referenced a wind and rain storm on the previous Thursday (February 19, 1998) at which time a light standard toppled and landed on a vehicle, in the Wallis Heights area. This standard was located in the vicinity of a crosswalk. The Councillor requested correspondence be forwarded to Nova Scotia Power requesting the remaining light standards be replaced or reinforced, so that the aforementioned incident does not occur again.

Councillor Schofield suggested that staff offer the assistance of the municipality, should it be needed.

MOVED by Councillors Schofield and Cunningham to forward correspondence to Nova Scotia Power requesting the light standards in the Wallis Heights area be replaced or reinforced. MOTION PUT AND PASSED UNANIMOUSLY.

9.2 COMMITTEE OF THE WHOLE

9.2.1 FCM Request re Telecommunications: Access to Municipal Rights of Way

MOVED by Councillors Stone and Walker, as recommended by the Committee of the Whole, to

- (a) support the principles developed by FCM for telecommunications access to municipal rights of way;**
- (b) not provide financial support to FCM to assist in the costs of defending municipal rights before the CRTC;**
- (c) authorize staff to prepare an overall policy for municipal rights of way that incorporates telecommunications companies and other users such as electrical and gas distribution companies. MOTION PUT AND PASSED UNANIMOUSLY.**

Councillor Walker requested staff involve the industry when preparing a policy.

9.2.2 By-Law S-400, Respecting Charges for Street Improvements

MOVED by Councillors Stone and Greenough, as recommended by the Committee of the Whole, that it be recommended that By-Law S-400 be advertised for Second Reading. MOTION PUT AND PASSED.

9.2.3 Street Lights

MOVED by Councillors Blumenthal and Cunningham, as recommended by the Committee of the Whole, to develop an agreement to include those streets that serve condominiums and co-ops on restricted residential roads; further, that this issue be revisited at the next Committee of the Whole, scheduled for March 3, 1998. MOTION PUT AND PASSED.

9.2.4 Report from Harbour East Community Council re Cole Harbour Expansion

MOVED by Councillors Cooper and McInroy , as recommended by the Committee of the Whole, to:

- (a) endorse the proposed expansion of Cole Harbour Place which will incorporate a lifestyle and preventive medicine centre; and**
- (b) approve a temporary borrowing resolution for \$1.5 million, which will be used to finance the Cole Harbour Place Board's expansion to Cole Harbour Place, at no cost to HRM. MOTION PUT AND PASSED UNANIMOUSLY.**

9.2.5 Report from Community Councils re Capital Projects - Allocation of Funds to Community Councils

MOVED by Councillors Greenough and Mitchell, as recommended by the Committee of the Whole, to approve the Community Councils' allocation of funds up to \$43,500 per District. MOTION PUT AND PASSED.

Councillor Hetherington requested the flashing amber light project at the Galaxy and Gaston Roads intersection **remain** in the Capital Budget as it was a safety factor, to which Council agreed.

9.2.6 Tabling of the 1998/99 Operating Budget

MOVED by Councillors Greenough and Rankin, as recommended by the Committee of the Whole, to table the proposed 1998/99 Operating Budget. MOTION PUT AND PASSED UNANIMOUSLY.

It was noted that Operating Budget deliberations would take place, March 2, 9 and 11, from 9:30 a.m. - 3:30 p.m., each day.

9.2.7 Role of the Region in the Canadian Capital Cities Organization

This item was deferred at the commencement of the Session.

9.2.8 Halifax Regional & Rescue

This item was deleted from the agenda at the commencement of the Session.

9.2.9 Land Matter - Burnside Business Park

MOVED by Councillors Schofield and Sarto, as recommended by the Committee of the Whole, to ratify the decision made In Camera (Land Matter - Burnside Business Park). MOTION PUT AND PASSED UNANIMOUSLY.

THE FOLLOWING ITEMS WERE BROUGHT FORWARD FROM COMMITTEE OF THE WHOLE WITHOUT RECOMMENDATION

9.2.10 Report from the Membership Selection Committee re Appointments to Boards and Committees (revised report)

MOVED by Councillors Adams and Schofield that:

- **Council approve the Councillors, citizen and organization representation appointments to boards/committees and commissions, as outlined in Appendix 'A' of the February 13, 1998 report;**
- **Halifax Lakes & Waterways Committee be referred to the Peninsula and Chebucto Community Councils;**
- **By-Law H-200, that sets forth the membership composition of the Regional Heritage Advisory Committee be amended to provide for the addition of a third Councillor;**
- **Bedford Waters Advisory Committee be referred to the North West Community Council;**
- **The Healthy Dartmouth Committee be referred to the Harbour East Community Council;**
- **The Advisory Committee for Accessible Taxis be included under the mandate of the Advisory Committee for Persons with Disabilities;**
- **Councillor representation on the Grants Committee be reduced to five, with one representative from each of the five Community Councils;**
- **Councillor representation on the Solid Waste Resource Advisory Committee be reduced from eight to six;**
- **The Public Transportation Advisory Committee be dissolved;**
- **The Committee Advisory Committee be dissolved;**
- **Membership composition on Council's ad hoc committees remain as is until such time as their mandates are complete;**
- **Membership on existing pension committees remain in place until such time as a Regional Pension Plan and Governance Structure is in place;**
- **The Membership Selection Committee be maintained to recommend to Council membership replacements for vacancies that may occur throughout the year;**
- **Letters be written to citizens retiring from boards and committees, recognizing their service to the Halifax Regional Municipality.**

MOTION PUT AND PASSED.

Councillor Kelly requested information on the possibility of the stipend paid to representatives on the Trade Centre Board, being directed to the municipality instead.

It was noted that the responsibilities of the Committee Advisory Committee will be taken over by the Selection Committee.

Councillor Hanson took his place at the meeting (6:45 p.m.)

9.2.11 Real Property Management Program

- An Information Report prepared for Mr. Wayne Anstey, Acting Commissioner, Corporate Services, on the above-noted, was before Council.

Mr. Ron Singer, Director of Finance, made a presentation to Council, noting that staff had recommended there be a withdrawal from the Sale of Land Account in the amount of \$1.2 million, to pay down the existing debt.

Through the use of overheads (copies of which would be provided to Council by Mr. Peter Ross, Manager, Procurement), staff reviewed the status of the Real Property Management Program:

- \$9.7 million is currently in the Sale of Land Account, however, \$7.8 is committed (leaving \$1.9 uncommitted).
- Councillor Schofield referenced Gloria McCluskey Avenue (\$875,000), and the fact these funds are to cover the costs for the access road to the Composting Facility from which the municipality will obtain an annual rent. The Councillor enquired if these funds (rent) will go into this Account? Mr. Ross advised he was not aware of where these funds would be directed;
- Councillor Schofield referenced the Civic Hospital (\$270,000) and enquired when the parking area is completed, will the revenue be directed to the municipality, and if so, will these funds go into the Sale of Land Account? In response, Mr. Austin French, Team Leader, Real Estate Services, advised these types of funds do not normally go into this Account, however, Council could so direct if it wished;
- Councillor Sarto enquired if Penhorn Park School (District 7) was included in the inventory list, and if not, what was the status. In response, Mr. French advised he would review the matter;

- For the record, Councillor McInroy referenced property located at 1823 Caldwell Road (Robb Engineering site), noting they are vacating the premises and that the property forms part of the Eastern Passage Commons Area which was acquired as lands A-23 originally. The intention was that once the buildings became vacant, the site would be redeveloped for recreational uses. The Councillor anticipated this parcel being removed from the inventory list, and that he would pursue this further with staff;
- Councillor Barnet was pleased that staff was considering selling 24 properties in Upper Sackville that were purchased as a result of the landfill closure. With the majority of these properties currently being leased, the Councillor enquired as they are vacated, will the properties be put on the market. In response, Mr. French advised staff is “circling” some of the properties that are fairly close to the former landfill site, as there may be ongoing issues as a result of the former landfill site. Therefore, staff wish to sell them as they become vacant, providing they are re outside of the “circle.”
- Councillor Mitchell stated there were 12-15 parkland properties in District 23 that are available to be sold. The Councillor requested action in this regard within this year;
- Councillor Sarto referenced a parcel of land on the corner of Brigadoon and Langdon and that he felt the size of the property could accommodate 3 - R-1 dwellings. The Councillor enquired if this property was included on the inventory list and what were the immediate plans for same. In response, Mr. French advised this would be addressed in a report (Councillor Schofield suggested this property was owned by the Department of Housing and Municipal Affairs);
- Councillor Blumenthal requested staff address the land locked property in the vicinity of Albert Street. Apparently the land had been offered to the residents in the area but they did not want to purchase it at that time due to high costs.

MOVED by Councillors Uteck and Greenough to accept the staff report; further, that staff respond to Councillor queries through a separate report. MOTION PUT AND PASSED UNANIMOUSLY.

9.2.12 Tender #97-132 One (1) 1998 Pumper/Tanker for Musquodoboit Harbour Fire Department

- A memorandum prepared for Mr. Gary Greene, Commissioner, Fire Services, on the above-noted, was before Council.

MOVED by Councillors Dooks and Hendsbee to authorize the award of Tender #97-132 to the lowest bidder, Superior Emergency Ltd. at a cost of \$256,738 plus

HST. MOTION PUT AND PASSED UNANIMOUSLY.

9.2.13 Award of Tender #98-211 - Evergreen Place, Halifax

- A memorandum prepared jointly by Mr. George McLellan, Commissioner, Regional Operations, and Mr. Tom Rath, General Manager, Business Parks, on the above-noted, was before Council.

MOVED by Councillors Mitchell and Schofield to:

- a) Award Tender No. 98-211; Evergreen Place, Halifax, for materials and services listed at the tender price of \$318,009.50 plus 15% for contingencies and a Project Cost of \$365,710; to Tidewater Construction Company Limited;**
- b) Approve an additional \$24,290 for the cost of electrical transmission lines, street lighting and other project expenses;**
- c) Approve a withdrawal from the Sale of Land Reserve Account in the amount of \$390,000 to fund the project. MOTION PUT AND PASSED UNANIMOUSLY.**

9.2.14 Scheduling of Public Hearings

- A memorandum prepared for Mr. Wayne Anstey, Acting Commissioner, Corporate Services, on the above-noted, was before Council.

MOVED by Councillors Uteck and Cooper that commencing with the March 24, 1998 Regular Council Meeting, Public Hearings be scheduled for 6:00 p.m. on the 2nd and 4th Tuesdays of the month, when Council meets in Regular Session. MOTION PUT AND PASSED UNANIMOUSLY.

9.2.15 Crosswalk Guard Contract Performance Review

- A memorandum prepared for Deputy Chief McKinnon, Police Services, on the above-noted, was before Council.

Councillor Blumenthal advised he would like to get out of the current contract at the end of this school year. The Councillor expressed concern with the clause within the staff report that states the municipality has no say in Eagle Security staff relation matters. Councillor Blumenthal passed a copy of correspondence to the Clerk from Mr. Ron Appleton who expressed concern with the crosswalk guard situation in his area. The Councillor suggested the municipality take on crosswalk guard service in-house.

Councillor Barnet requested staff analyse the ability of the municipality to take over the running of this service.

For the record, Councillor Walker advised he had received telephone calls advising of good crosswalk guard service. The Councillor was more concerned with security checks on replacements; accordingly, Councillor Walker requested a report on this aspect.

Councillor Adams suggested the problems lie within Eagle Security itself and that Council should not have awarded this contract to this company. Reference was made to the fact that either crossing guard absence was not a problem (as only once was police personnel required) or, police are not being notified as to when they are needed. The Councillor requested information on the number of breaches to the contract to date.

Councillor Adams further enquired as to why the Regional School Board was not administering this service and requested staff look into this.

Councillor Hetherington suggested when elementary schools are closed due to an In Service, that crosswalk guard service NOT be provided for Junior High students.

MOVED by Councillors Kelly and Barnet to terminate the contract as of June 30, 1998 and to go either through the tendering process or provide the service in-house.

Councillor Greenough noted the value of the contract for this year is \$671,000. Crosswalk guard wages (when UIC, CPP, and Vacation Pay are included) are in excess of \$550,000 (approximately). In other words, the margin of profit is not significant in this contract. The Councillor requested this be clarified through a report.

With respect to the School Board taking over this service, Councillor Greenough advised this was attempted in the former City of Dartmouth, and the School Board was simply not interested (the Board felt the streets and roads were the responsibility of the municipality - with the school and school grounds being the responsibility of the School Board).

The Councillor suggested Council should not be dealing with Councillor Kelly's Motion at this time as it was premature. The Councillor reminded those in attendance that this service was tendered in Halifax and Dartmouth and worked reasonably well in both areas. In Dartmouth, it was determined to be unreasonable to have highly paid Police Personnel in charge of administering a crosswalk guard program, therefore one of the reasons for tendering out the service.

Councillor Hanson suggested that follow-up meetings on this issue should be held early March, April and May rather than early May alone.

Councillor Cooper suggested a parent organization, through the schools, assist the municipality in dealing with this problem.

In response to an enquiry from Councillor Hendsbee on clauses within the contract to terminate same, Mr. Christie, Executive Assistant, Police Services, advised there were two termination clauses: upon annual budget review, and on 24 hours notice.

Councillor Hendsbee expressed concern with the suggested June 30 termination date included in the Motion and suggested Eagle Security be given an opportunity for a rebuttal. The Councillor requested the mover and seconder of the motion consider this.

Councillor Kelly suggested this matter be referred back to staff for a future Committee of the Whole meeting.

Councillor Epstein noted the June 30 date was sufficient notice. Further, the company will have an opportunity to respond to any tender call.

Mayor Fitzgerald advised this matter will be brought back to a future Committee of the Whole Meeting, but not the March 3 meeting.

Councillor Hendsbee reiterated his comment that Eagle Security should be in attendance at the Committee of the Whole meeting when this is next discussed.

No vote was taken on the Motion. Another Motion was put on the floor.

MOVED by Councillors Kelly and Barnet to refer this matter to staff to prepare a report for a future Committee of the Whole meeting. MOTION PUT AND PASSED UNANIMOUSLY.

9.2.16 Case 7437: MPS and LUB Amendments for the Brunswick Comprehensive Development District

- Reports from Mr. Dan English, Commissioner, Community Services; Mr. Robert Kaley, Chair, Peninsula Planning Advisory Committee; and Mr. Turney Manzer, Chair, Heritage Advisory Committee, on the above, were before Council.

MOVED by Councillors Downey and Epstein to hold a Public Hearing and adopt the amendments to the Peninsula North Secondary Planning Strategy (Section X1 of the Halifax Municipal Planning Strategy) and to the Peninsula Land Use By-Law, as recommended in the staff report of 25 November, 1997, and as further detailed in legal resolution form in Appendix A of the staff report dated 10

February, 1997. MOTION PUT AND PASSED UNANIMOUSLY.

9.2.17 Payment to Roman Catholic Episcopal Corporation

- A memorandum prepared for Mr. Wayne Anstey, Acting Commissioner of Corporate Services, on the above-noted, was before Council.

MOVED by Councillors Uteck and Sarto that funding for the final installment paid to the Roman Catholic Episcopal Corporation in the amount of \$1,600,000 be provided by the Sale of Land Account.

In response to an enquiry from Councillor Kelly on the property in question, Mr. Austin French, Team Leader, Real Estate, advised approximately one year ago, a portion of the property was leased to the Waegwoltic Club.

In response to a further enquiry from Councillor Kelly if the Archbishop will remain in the premises at no cost, or if there was a plan in place to charge a fair rental fee, Mr. French advised there was no such plan. The Councillor requested a staff report on the potential of charging a rental fee. Councillor Uteck suggested a report prepared by the former City of Halifax, addressing this issue, should be available. Councillor Kelly suggested this report be distributed to Council with the requested staff report.

MOTION PUT AND PASSED UNANIMOUSLY.

9.2.18 Acquisition of Spry Harbour Atoms Athletic Club, Spry Harbour

- A memorandum prepared for Mr. Dan English, Commissioner, Community Services, and Mr. Wayne Anstey, Acting Commissioner, Corporate Services, on the above-noted, was before Council.

MOVED by Councillors Dooks and Snow to approve the acquisition of the Spry Harbour Atoms Athletic Association facility and lands for \$25,000 as settlement in full, plus any additional taxes and adjustments that may be applicable; further

to approve funding in the amount of \$2,500 to complete roof repairs to prevent water damage to the structure. MOTION PUT AND PASSED UNANIMOUSLY.

9.2.19 Pollution Control Charges as defined in By-Law S-100

- A memorandum prepared for Mr. Wayne Anstey, Acting Commissioner, Corporate Services, and Mr. George McLellan, Commissioner, Regional Operations, on the above-noted, was before Council.

MOVED by Councillors Greenough and Barnet that the Pollution Control Charge be set in accordance with Section 3, Subsection (1) Sewer Charges By-Law S-100, that all metered water users of the Commission shall pay an Environmental Protection rate of \$0.87 per 1000 gallons of water; further, that a Wastewater and Stormwater Management rate of \$0.87 per 1000 gallons of water be charged, for a combined rate of \$1.74 per 1000 gallons of water.

Councillors Blumenthal and Walker stated they could not support the Motion as it was a hidden tax.

Councillor Walker referenced a clause in the staff report which stated the municipality is collecting an additional \$3 million for the Harbour Cleanup but that it is not known what the actual costs will be. The Councillor enquired if the municipality did not require the additional \$3 million after this year, will staff assure it will be removed from the water bill.

In response, Mr. Mike Weagle, Financial Consultant, on a Point of Clarification, advised, that although reference is often made to a Harbour Cleanup Reserve, it is actually a Pollution Control Reserve. This year, \$2.4 million in capital projects will be funded from this account.

Mr. Kulvinder Dhillon, Director, Engineering & Transportation Services, advised that although \$2.4 million was currently in the budget, Council has already committed \$1.2 million of the \$2.4 million for Fish Hatchery Pumping Station upgrading, as well as approximately \$.5 million for the North Street Outfall in Dartmouth, plus a few other minor projects.

Councillor Walker referenced the Waste Water Charge and the fact that the municipality has picked up the sewer replacements for the former City of Halifax (approximately \$6 million). The Councillor noted this charge was not removed from the former City of Halifax tax bills, therefore, the Councillor requested this charge be included on the general tax rate.

Councillor Sarto suggested further discussion on this report be deferred pending Operating Budget deliberations, to which Mayor Fitzgerald agreed.

Mr. Ron Singer, Director of Finance, advised that although debate on this matter could be continued during Operating Budget deliberations, the proposed Operating budget has assumed the \$1.74 rate. If this charge is not implemented by April 1, 1998, the Operating Budget will have to be adjusted.

Another Motion was put on the floor.

MOVED by Councillors Sarto and Cunningham to defer further discussion on Pollution Control Charges pending Operating Budget deliberations. MOTION DEFEATED.

Another Motion was put on the floor.

MOVED by Councillors Stone and Greenough that the Pollution Control Charge be changed to \$1.58.

Councillor Greenough advised he had seconded the aforementioned Motion in order to bring the matter forward for discussion. Having said that, the Councillor stated that Council is committed to this and that the bill must be paid. Mr. Dhillon reminded Council that approval is required at least two weeks prior to April 1, 1998.

Another Motion was put on the floor.

MOVED by Councillors Greenough and Hetherington to defer further discussion on the Pollution Control Charge to March 10, 1998. MOTION DEFEATED.

Mr. Dan English, Acting Chief Administrative Officer, stated if the rate is reduced to \$1.58 there will be major implications in terms of what the proposed Operating Budget is suggesting in terms of tax rate increases. It was suggested that staff prepare a report on these implications, indicating how the tax rate will be affected.

A vote on the Motion to amend the Pollution Control Rate to \$1.58 took place.

MOTION DEFEATED.

A vote on the Main Motion (staff recommendation) took place.

MOTION PUT AND PASSED. For the record, the following Councillors voted in the negative: Councillors Walker, Stone, Schofield, Hetherington, Sarto, and Blumenthal.

9.3 CHIEF ADMINISTRATIVE OFFICER

9.3.1 First Reading By-Law B-201 - Respecting the Building

- A memorandum prepared for Mr. Dan English, Commissioner, Community Services, on the above-noted, was before Council.

CONFLICT OF INTEREST

Councillor Dooks declared a Conflict of Interest as he was involved in the construction industry

MOVED by Councillors Stone and Hanson to give First Reading to By-Law-201 Respecting the Building Code.

Councillor Kelly referenced Appendix "C" - item #4 - and requested staff clarify under what basis this charge would apply ("replace 2[10] with "where a reinspection is required as per Section 13 of the Building By-Law B-200, a fee of \$100.00 shall apply").

Councillor Cooper, on a **Point of Order**, enquired if this would go to Committee of the Whole for further discussion.

Councillor Stone stated this matter should now be advertised for Second Reading.

Councillor Cooper understood a policy or agreement had been established that these by-laws would be forwarded to Committee of the Whole to provide an opportunity for proper debate at the Committee level, prior to Second Reading.

Councillor Hendsbee, to clarify, advised that By-Law D-100, the Dog Control By-Law, had gone for First Reading and then Committee of the Whole for thorough debate.

Mayor Fitzgerald agreed and therefore suggested this matter be discussed in further detail during the March 3, 1998 Committee of the Whole, to which Council agreed.

MOTION PUT AND PASSED.

Councillor Dooks resumed his place at the meeting.

10. PUBLIC HEARINGS - None

11. CORRESPONDENCE, PETITIONS

11.1 Petitions

11.1.1 Councillor Adams - Petition - Colpitt Lake - McIntosh Run

Councillor Adams submitted a petition opposing the development that has been suggested for the Colpitt Lake - McIntosh Run area.

11.1.2 Councillor Cunningham - Petition - Concession Stands - Ferry Terminals

Councillor Cunningham submitted a petition supporting the concession stands at the ferry terminals remaining open.

12. MOTION

12.1 Restoration Project - Seaview Baptist Church - Africville

- Two pieces of correspondence from Ms. Ann Duffy and Mr. Harold Flint, on the above-noted, had been distributed to Council.

MOVED by Councillors Hendsbee and Cooper to table the following Motion, due to the fact this matter is currently before the Courts:

WHEREAS 1998 will be the 150th year anniversary of the founding of the Seaview Baptist Church in Africville;

AND WHEREAS 1999 will be the 250th year anniversary of the founding of Halifax;

AND WHEREAS Halifax Regional Municipality has policies and initiatives to promote our cultural diversities of all our citizens;

AND WHEREAS there are several outstanding legal issues and disputes lingering from the Africville Relocation claims;

BE IT RESOLVED that Halifax Regional Municipality make every and all appropriate efforts to remove any and all obstacles that are inhibiting the restoration project of the Seaview Baptist Church alone from the other issues to move forward as a separate initiative; and

BE IT FURTHER RESOLVED that an agreement can be ratified this year and that the Church can be re-erected and rededicated in time for Halifax Regional Municipality 1999 celebrations.

MOTION TO TABLE PUT AND PASSED UNANIMOUSLY.

13. ADDED ITEMS

13.1 Concession Stands

Councillor Cunningham referenced the fact that effective March 2, 1998, exact fare only service would be implemented at the concession stands at the ferry terminals and that the stands themselves would be closed. The Councillor did not agree with this time frame. It was suggested the affected employees provide a service to the public, especially tourists to the area. Councillor Cunningham suggested these employees could represent the municipality through its Tourism Department and that there should be an alternative to closing the stands.

Councillor Cunningham advised that the Dartmouth Downtown Development Corporation was also concerned.

The Councillor suggested the time frame be extended to March 31, 1998 to provide an opportunity for him to meet with staff to discuss this further.

Mayor Fitzgerald advised this issue could be dealt with on March 3, 1998 during the Committee of the Whole, with the proposal to extend the March 2 date, to be determined after the discussions.

MOVED by Councillors Cunningham and Dooks to continue discussions on this matter during the March 3, 1998 Committee of the Whole meeting, with the proposal to extend the March 2 date to be determined after those discussions. MOTION PUT AND PASSED UNANIMOUSLY.

13.2 CN Whistle Blowing

Councillor Kelly expressed concern with train whistling late at night, in the community of Bedford. The Councillor requested a report as to how this issue could be dealt with.

Councillor Hetherington understood the former City of Dartmouth had an agreement with CN that when the trains travel through the community, they would not blow their whistles at night.

Councillor Barnet suggested that the Kinsac crossing also be looked at.

It was agreed that staff prepare a report for a future meeting of the Committee of the Whole.

13.3 In Camera - Land Matter - Burnside Industrial Park

MOVED by Councillors Stone and Mitchell to ratify a decision made In Camera on "Land Matter - Burnside Industrial Park." MOTION PUT AND PASSED UNANIMOUSLY.

13.4 Gasoline Tax

Mayor Fitzgerald requested staff determine the total gasoline tax collected by the Province, for last year, within HRM.

MOVED by Councillors Greenough and Schofield that staff forward correspondence to the Province to determine the total gasoline tax collected, for last year, within HRM.

In response, Councillor Kelly advised that North West Community Council had forwarded correspondence to the Province on this issue and that once a response was received, same would be distributed to Council.

No vote was taken on the Motion.

13.5 INFORMATION ITEM #5 - FIRE PROTECTION RATE

Councillor Harvey advised he had received telephone calls from organizations expressing concern with the lateness in the arrival of the bills (due February 28).

MOVED by Councillors Harvey and Barnet that for the 1997/98 tax year, the municipality waive this charge; further, that in future years, the rate to all taxable properties that were exempt, be charged at the residential rate rather than at the commercial rate.

Mr. Wayne Anstey, Municipal Solicitor, advised that Council does not have the authority to waive this charge, however, the municipality could provide a longer time frame for the affected organizations to pay the bill (and waive the interest charges), or deal with this through the Grant Committee (\$650,000).

Councillor Sarto requested a breakdown of groups that are church operated, and those that are non profit organizations; further, to pursue this through the Grant Committee.

Councillor Hendsbee advised there may be an opportunity to not impose a tax exemption on churches for the upcoming fiscal year as there is a stipulation that a by-law must be filed with the Minister of Municipal Affairs and Housing by March 1, 1998. The Councillor expressed concern with the municipality's by-law receiving Second and Third Reading within this time frame. Therefore, it would appear that the affected organizations will receive a reprieve from any proposed taxation by-law.

**MOVED by Councillors Walker and Dooks to recess at 8:50 p.m. for ten minutes.
MOTION DEFEATED.**

Councillor Barnet expressed concern that ballfields, beaches, and parking lots were being charged this tax. The Councillor suggested volunteerism in each community will be negatively affected if those associations that maintain these properties are taxed with this charge.

Councillor Kelly expressed concern with graveyards also being taxed.

Mr. Derek Tynski, Team Leader, Cash Management, advised this tax was previously in place in the former City of Halifax.

Councillor Walker enquired if staff could look at this tax being area rated or applied to the general tax rate.

Councillor Stone suggested this matter be referred back to staff.

To clarify the situation, Mr. Dan English, Acting Chief Administrative Officer, advised that the Fire Protection Rate is actually a misnomer and that it is not for fire protection per se. It is actually a rate, set by the Utility and Review Board, that is collected by the municipality and then transferred to the Halifax Regional Water Commission. If the municipality does not collect the tax, it is still responsible for transferring the funds.

No vote was taken on the Motion. Another Motion was put on the floor.

MOVED by Councillors Greenough and Stone to refer back to staff, with staff to identify parking lots and beaches. Further, that there be a sixty day grace period on due bills. MOTION PUT AND PASSED UNANIMOUSLY.

14. NOTICES OF MOTION

14.1 Councillor Hendsbee

Councillor Hendsbee served the following Motion:

TAKE NOTICE that at the next Regular Meeting of the Halifax Regional Council, I intend to introduce the following Motion:

WHEREAS the next Provincial Election is 4 weeks away on March 24;

AND WHEREAS HRM should be setting forth issues that ought to set the agenda for all the political parties to address in each of their respective campaign platforms;

AND WHEREAS political campaigns ought to be conducted on the basis of electoral fairness and equal opportunity for all;

AND WHEREAS, so far to date, we have two Councillors nominated as candidates to seek election to the Provincial Legislature;

AND WHEREAS publicity from HRM Council meetings should not be misconstrued as an unfair advantage to portray and promote anyone or all candidates from any of the political parties or as an independent candidate,

BE IT RESOLVED that the HRM Council grant a leave of absence, with pay, to any and all Councillors who are provincial candidates, for the duration of the writ period up to its end on Election Day; and

THAT IT BE FURTHER RESOLVED that no candidates or political parties be permitted to make presentations or be acknowledged to any future HRM Council Meetings or Committee of the Whole Meetings or Public Hearings, until this provincial election is over.

15. **ADJOURNMENT**

MOVED by Councillors Uteck and Cunningham to adjourn at 9:15 p.m. MOTION PUT AND PASSED UNANIMOUSLY.

**Vi Carmichael
MUNICIPAL CLERK**