

HALIFAX REGIONAL MUNICIPALITY

HALIFAX REGIONAL COUNCIL MINUTES January 16, 2001

PRESENT:

Mayor Peter J. Kelly
Deputy Mayor Jerry Blumenthal
Councillors: Stephen Streach
Gary Hines
Keith Colwell
Ron Cooper
Harry McInroy
Brian Warshick
Condo Sarto
Bruce Hetherington
Jim Smith
John Cunningham
Dawn Sloane
Sue Uteck
Russell Walker
Diana Whalen
Linda Mosher
Stephen D. Adams
Bob Harvey
Len Goucher
Reg Rankin
Gary Meade

REGRETS:

Councillors Sheila Fougere
Brad Johns

STAFF MEMBERS:

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

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1. **INVOCATION**

Mayor Kelly called the meeting to order at 6:00 p.m.

ACKNOWLEDGEMENT

Mr. George McLellan, Deputy Chief Administrative Officer, introduced The Honourable Robert Thibault, Minister of State - Atlantic Canada Opportunities Agency, and Member of Parliament for West Nova. Minister Thibault briefly addressed Council stating, as the regional Minister for Nova Scotia, he looks forward to working closely with Mayor Kelly and Regional Council to provide service to the people of Nova Scotia. Mayor Kelly thanked Minister Thibault for his comments.

2. **PROCLAMATIONS - NONE**

3. **APPROVAL OF MINUTES - NONE**

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

The following items were added to the agenda:

- 12.1 Councillor Smith - Halifax Regional School Board Closing Process
- 12.2 Deputy Mayor Blumenthal - Sidewalks
- 12.3 Report from Mayor Kelly - Task Force on Supplementary Funding
- 12.4 Legal Matter - Harbour Solutions RFP Update Meeting
- 12.5 Property Matter - Sale of 2659 Sackville Drive
- 12.6 Councillor Warshick - Acquisition of Federal Housing Properties

The following information item was added to the information agenda. Later in the meeting it was moved forward to the regular agenda as Item 10.1.6.

- C Information Item - Memorandum from Director, Solid Waste Resources dated Jan. 15/01 re: RRFB Funding Agreement

Councillor Hetherington requested that Item 10.2.1 Grant Committee - Dartmouth Senior Care Society (Oakwood Terrace) (info report) be moved up on the agenda to follow Item 9 -

Correspondence, Petitions and Delegations, at which time the representatives from Oakwood Terrace will address Council.

MOVED by Councillor Hetherington, seconded by Councillor Sloane, that the Order of Business, as amended, be approved. MOTION PUT AND PASSED UNANIMOUSLY.

5. BUSINESS ARISING FROM THE MINUTES - NONE

6. MOTIONS OF RECONSIDERATION - NONE

7. MOTIONS OF RESCISSION - NONE

8. CONSIDERATION OF DEFERRED BUSINESS

8.1 Graham Creighton Junior High School Community School Enhancement - Funding Sources (supp report)

C A supplementary report prepared for Dan English, Deputy Chief Administrative Officer, regarding the above, was before Council for its consideration. The report recommended the following:

1. A transfer of \$200,000 from the previously approved capital project - Don Bayer Sportsfield Upgrade
2. A withdrawal of \$100,000 from the Cherry Brook Community Centre reserve account.
3. An application be made to the Province of Nova Scotia Sport and Recreation Commission, Education Enhancement Fund for the balance of \$100,000.

As this item was deferred from the January 9, 2000 meeting of Council, pending the receipt of a supplementary report, the following motion was now back on the floor:

MOVED by Councillor Cooper, seconded by Councillor Goucher, that Council approve accounts:

1. **#CPC00468, Don Bayer Sportsfield Upgrade. There is currently \$200,000 in this account and funds are not required until the 2002/03 fiscal year for the amount of \$200,000.**
2. **#CBR00069, Cherry Brook Community Centre. There is currently \$142,000 in this account that was reserved for future use yet to be finalized and fully funded. The Graham Creighton Project will draw \$100,000 from this account.**

3. **The remaining balance of \$100,000 will come from an expected grant from the Province of Nova Scotia Sport and Recreation Commission, Education Enhancement Fund. In the event this does not materialize, an additional source will be identified from approved capital monies.**

Mr. Blair Blakeney, Regional Coordinator, Parkland Planning and Development, responded to questions of Councillor Walker regarding the supplementary report, making the following points:

- C The anticipated capital project is in the \$300,000 range.
- C In 1996, when the court settlement was finalized, the monies were put in the Sale of Land account for Burnside, because the original funding for this field was from some of the Burnside dollars.

In response to a question of the Councillor, Mr. Meech, Chief Administrative Officer, stated he did not believe permission from the Province is required to transfer funds for capital projects. Councillor Walker requested that this be confirmed by staff.

Responding to a further question of the Councillor, Mr. Blakeney stated a temporary fix up to get the field through one year as a practice or small junior field would not exceed \$40,000. Councillor Walker noted if this was done, there would be \$100,000 remaining. The Councillor requested a staff report regarding this matter.

In response to a question of Councillor Uteck inquiring what project would come out of the budget to make room for the Don Bayer Sportsfield Upgrade, Mr. Blakeney stated it will depend on the funds approved in this Capital Budget year and what will be brought forward for the next year. He confirmed that it will eventually impact some other project down the road. Councillor Uteck questioned how Council can make a decision on this matter without knowing what project it will affect.

Councillor Uteck inquired if there is a time line to determine the costs for geotechnical problems. Mr. Blakeney responded the anticipated time line for the study would be within three to four weeks, weather permitting.

Councillor Warshick inquired if there is another area where the \$200,000 required for this project may be found. Mr. Blakeney stated he reviewed possible reallocation of funds from Parks and Recreation projects only, and had some consultation with Building Management Services as to any recreation building capital projects. Councillor Warshick inquired if it would be possible to defer this item to allow staff the opportunity look in other areas of Recreation for this funding.

Councillor Warshick suggested staff could also consider the possibility of upgrading the Don Bayer field to a Class C field for under 12 soccer only. The cost to do this would be \$20,000 - \$25,000. If HRM land is available, another Class B field could be constructed to help alleviate overcrowding problems. Mr. Blakeney responded that staff could look at an alternative program for the Don Bayer Sportsfield.

Mr. Meech reminded Council that on November 28, 2000, Council agreed that this commitment would be made to the community school project, and requested that staff find something in the current Capital Budget that could be substituted for this project. Mr. Meech noted it was Council itself that committed to the \$400,000, and staff is trying to locate some opportunities as to where this money might be found, based on the double entry financial system. Mr. Meech stated this commitment is required now so it can be incorporated in the tender for the design of the school.

Deputy Mayor Blumenthal stated he would like to know if Parks and Recreation has a 4-5 year plan for major projects that Council could review in advance. Blair Blakeney indicated this would be addressed during the upcoming Capital Budget discussion.

Councillor Cunningham inquired if Council can be guaranteed that the money will be reallocated in two years as stated in the report. Mr. Blakeney responded that staff can guarantee that would be their recommendation, but it would be Council who would approve the Capital Budget.

Mr. Meech advised Council that under the present financial guidelines, if a project is replaced, Council has to be prepared to remove something from the capital list. Staff cannot guarantee, at this point, that this project will be reinstated. In the end, it will be Council who will have to guarantee that. Mr. Meech suggested, if there are concerns, Council should not approve it on that basis, and send it back to staff.

Mr. Dan English, Deputy Chief Administrative Officer, reiterated that Council has already approved the \$400,000 commitment, and is now dealing with how that will be funded. Although staff cannot pre-commit the Don Bayer Sportsfield project for a future year, Mr. English stated they can recommend it as a top priority project.

Councillor Cunningham expressed concern with the number of times Recreation has been cut in the past, and stated the soccer fields are in worse shape than ever and are far behind standards.

MOVED by Councillor Cunningham, seconded by Councillor Warshick, that this matter be referred back to staff to find other sources of funding for the Graham Creighton Junior High School Community School Enhancement other than from sportsfields. MOTION PUT AND PASSED.

Mr. English advised Council a recommendation could be brought back within two weeks.

8.2 Greenvale School Building (supp report)

C A supplementary report prepared for Dan English, Deputy Chief Administrative Officer, regarding the above, was before Council for its consideration. The report recommended the following:

1. Halifax Regional Council approve an expenditure of \$20,000 for the HRM owned heritage school, known as Greenvale School, located in the community of Dartmouth to improve the condition of and access to this HRM heritage property;
2. Halifax Regional Council approve the withdrawal of funds from the Heritage and Cultural Tourism Reserve, Account Number Q312 in the amount of \$20,000.

As this item was deferred from the January 9, 2000 meeting of Council, pending the receipt of a supplementary report, the following motion was now back on the floor:

MOVED by Councillor Hetherington, seconded by Councillor Cunningham, that Halifax Regional Council approve the expenditure of up to \$20,000 from the Culture & Heritage Capital Reserve to make repairs to the roof, boiler system and drainage system, to assist the Greenvale Arts and Culture Association to begin operations in Greenvale School in January 2001.

Responding to a question of Councillor Walker, Mr. Meech stated the Dartmouth Heritage Museum site is currently being considered to house the police detachment for that area. In response to a question of Councillor Uteck regarding a statement in the supplementary report, Mr. Dan Norris, Manager, Culture and Heritage, stated a capital project will not be brought forward this coming year. Staff is looking at another withdrawal from the Reserve, that would be matched through the infrastructure program.

MOTION PUT AND PASSED UNANIMOUSLY.

9. CORRESPONDENCE, PETITIONS & DELEGATIONS

9.1 Petitions

9.1.1 Councillor Whalen - Basketball Net, Cambria Park

Councillor Whalen served a petition from residents sympathetic to the removal of the basketball net(s) from Cambria Park to an alternate location (ie. schoolyard) to preserve the

tranquillity of life for those residents of Cambria Park. The Councillor asked that the petition be referred to staff for a report.

9.1.2 Councillor Whalen - Winter Parking

Councillor Whalen submitted correspondence from a resident expressing concerns regarding winter parking. The Councillor asked that the correspondence be referred to staff in conjunction with the report requested at the Jan. 9th Council meeting regarding this same issue.

9.2 Delegations

9.2.1 Dartmouth Senior Care Society - Oakwood Terrace

Mr. John Young, Boyne Clarke Barristers and Solicitors, representing Oakwood Terrace, acknowledged the Members of the Board, Oakwood Terrace, and Mr. Tim Olive, MLA, Dartmouth South, who were present in the gallery.

In his presentation, Mr. Young made the following points:

- C Oakwood Terrace was created as a result of an initiative by the former City of Dartmouth and the Province, to create a home for special care for the residents of Dartmouth, which would complement the services being offered by the Dartmouth General Hospital, located across the street.
- C The former City of Dartmouth and the Province created a unique bargain that provided for the following:
 - C The Province would donate land from the Woodside Industrial Park, and the City of Dartmouth would make the land tax exempt, and the community representatives would create an organization to operate the facility. Canada Mortgage and Housing would provide a long-term mortgage at two percent.
- C This is a stand-alone facility created as a result of this initiative for a specific purpose with the Municipality, with the full cooperation and financial support of both the Municipality and the Province.
- C Today, Oakwood Terrace is a non-profit facility which operates on a breakeven basis. Its sole source of revenue is the 111 residents, or those who pay for them.
- C Oakwood Terrace was tax exempt from 1980 -1997.
- C Council has a moral obligation to continue with the bargain that the former City of Dartmouth made in good faith.

In closing, Mr. Young asked Council to give this matter very serious consideration and fulfill the promise made by the former City of Dartmouth to those who have worked so hard to create Oakwood Terrace.

As agreed upon during the Approval of the Order of Business, Council dealt with Item 10.2.1 Dartmouth Senior Care Society (Oakwood Terrace), at this time.

10.2.1 Dartmouth Senior Care Society (Oakwood Terrace) (info report)

- C An Information Report prepared by Barbara Nehiley, Special Projects Advisor, Office of the Deputy Chief Administrative Officer, was before Council for its information.
- C Correspondence from John A. Young, Boyne Clarke Barristers and Solicitors, regarding the above, was circulated to Council.

Speaking in support of Oakwood Terrace's request, Councillor Hetherington stated Oakwood Terrace was built under the protection and guarantee of a tax exempt status. During the retyping of by-laws a month prior to amalgamation, Oakwood Terrace was inadvertently left off the list of tax exempt properties in Dartmouth. The Councillor noted the percentage of private pay residents in Oakwood Terrace is 50 percent, so 55 residents will be paying more out of their own pockets if the tax exemption is not granted. Councillor Hetherington stated this matter has been inherited by HRM from the former City of Dartmouth through amalgamation. The Councillor noted other laws were inherited, and accepted, through amalgamation. Councillor Hetherington recommended that Council grant Oakwood Terrace the tax exemption that was due to them at amalgamation.

MOVED by Councillor Hetherington, seconded by Councillor Cunningham, that Dartmouth Senior Care Society (Oakwood Terrace) return to its tax status as prior to amalgamation.

Councillor Cunningham stated Council recognized the uniqueness throughout HRM when amalgamation occurred, and agreed to honour agreements that were made by former municipalities. The Councillor stated the Oakwood Terrace situation arose due to an error in documentation forwarded to Council from the former City of Dartmouth. Councillor Cunningham stated the mistake should be corrected and tax exemption granted to this facility.

Speaking in support of the motion, Councillor Goucher expressed great concern with this issue, stating Oakwood Terrace was a victim of the transition that occurred at amalgamation. The Councillor stated he realizes there will be far reaching repercussions if the tax exempt status is granted, but he believes the exemption is critical for the survival of Oakwood Terrace.

Speaking against the motion, Councillor Walker stated this issue really involves five senior care complexes, and if one is granted tax exemption, then all should given the same consideration. The Councillor noted Council made a decision in 1998 that all senior care facilities would be treated the same, and this action was phased in to help the facilities deal

with the adjustment. With regards to the Information Report, Councillor Walker noted the Sisters of Charity is located in Rockingham and not Bedford.

Councillor Walker stated if tax exemption is granted to all five facilities, it will be at a cost of \$800,000 unless assistance is provided from the Province. The Councillor noted the Grants Committee voted in favour of staff's recommendation that the status quo remain in place.

Speaking against the motion, Deputy Mayor Blumenthal stated if the tax exemption was granted to all five facilities, the \$800,000 would be shared by all residents of HRM, whether or not one of the facilities is in their area.

Speaking in support of the motion, Councillor Sarto stated a moral principle is involved in this issue and it must be honoured by Council. The Councillor further stated that if the tax status of other similar facilities needs to be reviewed, then so be it. Councillor Sarto noted that reinstating Oakwood Terrace's tax exemption would be a starting point.

Councillor Smith noted that he was a newly appointed member of the Grants Committee at the time the Committee approved the staff recommendation. However, the Councillor stated the more he examines this issue, the more he agrees with the motion. Councillor Smith stated this facility was the only one of its kind that was 100 percent tax exempt before amalgamation. The Councillor noted the \$800,000 figure would be applicable if all the facilities were equal and they are not. Councillor Smith agreed with Councillor Sarto that this is a starting point, and Council should support the motion on the floor.

Speaking against the motion, Councillor Uteck stated providing Oakwood Terrace with a tax exemption would use up 55 percent of the entire Grant Program Budget. The Councillor suggested the matter could be referred to the Capital Budget process to allow staff the opportunity to examine this effect on the Grant Program Budget. Councillor Uteck suggested another alternative would be to area rate the residents who support the facility. Mayor Kelly noted that this is an Operating Budget issue.

Speaking against the motion, Councillor Rankin stated the agreement made by the former City of Dartmouth was based on the rules of the time. At that time, the municipalities had jurisdiction for nursing homes, but that changed in 1995 with the Service Exchange Agreement with the Province of Nova Scotia. The Councillor stated that even if Oakwood Terrace had been tax exempt after amalgamation, the decision to make it taxable would still have been made to treat all the senior home care facilities in the same manner.

Councillor Mosher spoke against the motion, stating it is not fiscally responsible. The Councillor questioned what would have to come out of the Grants Budget to accommodate this tax exemption.

Responding to a question of Councillor Cooper, Mr. Wayne Anstey, Municipal Solicitor, advised Council that if the motion on the floor was adopted, the matter would still have to go through the formal process to amend the By-Law. Councillor Cooper stated he would support a deferral of this matter to provide the opportunity for a serious look at amending the policy.

Speaking against the motion, Councillor Whalen stated care and consideration was given to this matter in 1998. The Councillor took exception to the comment that the five facilities were not the same, noting the Sisters of Charity could also make a strong case for tax exemption. Councillor Whalen stated the motion on the floor is not fair or equitable.

Councillor Hetherington stated the issue is about seniors, and not the Service Exchange Agreement with the Province. The Councillor clarified that granting a tax exemption to Oakwood Terrace would cost \$263,000, not \$800,000. Councillor Hetherington suggested, to treat the five facilities equally, a 50 percent exemption could be granted to all five, at a cost of approximately \$130,000.

MOVED by Councillor Hetherington, seconded by Deputy Mayor Blumenthal that this matter be referred back to staff to come up with a policy change to make the five nursing care facilities 50 percent tax exempt.

Speaking in support of the motion, Councillor Uteck noted the matter would go back to the Grants Committee for review.

Deputy Mayor Blumenthal questioned if the 50 percent exemption was granted, would the Province give more assistance as well.

Councillor Walker questioned if the quoted costs for tax exemption included the Sisters of Charity. Mayor Kelly stated this could be clarified in the report.

MOTION PUT AND DEFEATED.

The vote was then taken on the Main Motion which read as follows:

MOVED by Councillor Hetherington, seconded by Councillor Cunningham, that Dartmouth Senior Care Society (Oakwood Terrace) goes back to its tax status as prior to amalgamation. MOTION PUT AND DEFEATED.

10. REPORTS

10.1 MEMBERS OF COUNCIL

10.1.1 Councillor Streach - Proposed Movement of Municipal Facility in District 1

Councillor Streach requested that senior recreation staff look into the matter of a petition that is being circulated in the Musquodoboit Harbour area, from outside the community, regarding the proposed movement of the Musquodoboit Harbour recreation facility. Councillor Streach stated some residents in Porter's Lake have been requesting that this facility be moved from one community to another. The Councillor asked that the report address his concerns, as well as those of the community, and to elaborate on the origin and merit of this petition and its initiative. Also, Councillor Streach asked that the report offer a reaffirmation of staff's commitment to the recreational facilities in the rural area in general, and, more specifically, the location in Musquodoboit Harbour.

MOVED by Councillor Streach, seconded by Councillor Hines, that this matter be referred to staff for a report.

Councillor Colwell asked that the report also include information regarding the number of people from the Porter's Lake area and surrounding area that use the facility, and how many from the Musquodoboit area use the facility. Also, the Councillor asked the report include information regarding the cost of rent HRM pays to use this facility.

Both Councillors expressed concern with one community being pitted against another in this matter.

MOTION PUT AND PASSED UNANIMOUSLY.

10.1.2 Councillor Goucher - By-Law Enforcement

Councillor Goucher expressed concern with the Municipal Government Act with regards to HRM's ability to deal with violations that are incurred under the contract development agreement process. The Councillor stated that Section 264, sub-items 1-3, of the Municipal Government Act describe the Municipality's ability to react and deal with breaches of contract development agreements. This section, as it now reads, only applies to positive requirements of the contract development agreement, such as a requirement for a retaining wall. However, in a situation where the contract development agreement contains a site disturbance zone, and that zone is infringed upon, such as building a wall, the Municipality cannot take correction action and remove that wall. Councillor Goucher stated this renders HRM ineffective in its use of the Municipal Government Act to enforce many clauses of the contract development agreements. With the use of photographs, the Councillor illustrated a situation that is currently taking place in his District that is experiencing these problems. Councillor Goucher stated the Municipal Government Act needs to be amended to correct this situation.

MOVED by Councillor Goucher, seconded by Councillor Walker, that a letter be sent as soon as possible to the Nova Scotia Department of Housing and Municipal Affairs, requesting an amendment to Section 264 of the Municipal Government Act, and any relation provisions of the Municipal Government Act, such that HRM be given the power to take corrective action on any breach, either positive or negative, of the terms of a contract development agreement.

Councillor Goucher noted this suggestion concurs with the provincial government's housekeeping changes to the Municipal Government Act, which are on-going. The Councillor stated there is some urgency to this motion, because if this window of opportunity is missed, it could take years to achieve this necessary amendment.

Councillor Adams requested a report from Legal Services to determine if, in instances where sidewalks have not be cleared, HRM can issue a ticket and within 24 hours have HRM plow the sidewalk and bill the homeowner.

Councillor Cooper requested a staff report regarding the status of the development agreement registry and whether or not it can be put in place.

Councillors Colwell and Sloane spoke in support of the motion.

Councillor Hines requested that the request also consider making inspection teams by-law enforcement officers.

At this time Council agreed to deal with Item 12.2 in conjunction with this item, as it relates to a similar issue.

12.2 Deputy Mayor Blumenthal - Sidewalks

Deputy Mayor Blumenthal stressed the importance of enforcement of by-laws, in particular, with respect to sidewalk snow clearing. The Deputy Mayor stated they are not enforced, taxpayers' money and staff's time are both being wasted. Deputy Mayor Blumenthal stated the snow removal by-law is complaint oriented, as are other by-laws. In closing, the Deputy Mayor stated by-laws need to be enforced, or they should be eliminated.

Closing the debate, Councillor Goucher stated his motion does not reflect the work of the by-law officers, rather the power that they have. The Councillor stated that without the ability to take corrective action with respect to contract development agreements, the Municipality is disadvantaged and ignored.

MOTION PUT AND PASSED UNANIMOUSLY.

10.1.3 Land Erosion and Flooding

Councillor Sarto expressed concern regarding a section of the Ellenvale Run as it relates to an issue of ongoing land erosion, backyard surface flooding and basement flooding of several properties on Christopher Avenue and Wanda Lane during periods of rainstorms.

MOVED by Councillor Sarto, seconded by Councillor Hetherington, that this matter be referred to staff for a report.

Councillor Hetherington requested that the impact of the Ellenvale Run on Morris Lake also be taken into consideration in the report.

MOTION PUT AND PASSED UNANIMOUSLY.

RECESS

A ten minute recess was taken at 7:40 p.m. The meeting reconvened at 7:50 p.m.

10.1.4 Councillor Hetherington - Closure of Woodside Royal Bank

Councillor Hetherington expressed concern with the closure of the Woodside Royal Bank, effective May 11, 2001, and its effect on the community. The Councillor advised Council that he received a letter from the Vice President of the Royal Bank on George Street, Halifax, which stated that with the expiry of the bank's lease in May 2001, it seems appropriate to re-evaluate the branch requirements in the Dartmouth area. Councillor Hetherington stated this statement is misleading as the Royal Bank made the conscious decision one or two years ago that it only wanted a one year lease on the Woodside building.

With regards to the effect of the closure on the customers of the Woodside bank, Councillor Hetherington stated most account transfers will be to the downtown Portland Street branch, which has limited parking, creating access difficulties for seniors. The safety deposit boxes will be transferred to a branch three miles away. The Councillor stated he does not believe the Royal Bank has much sympathy or feeling for its customers. Councillor Hetherington stated the Woodside branch is in a great location for seniors, as there is a pharmacy, grocery store and restaurant in the adjacent strip mall, making it easier for the seniors to do all their errands in one trip.

Councillor Hetherington noted this situation could occur in any other area of the Municipality. The Councillor stated he believes there may also be job losses incurred with this closure, particularly with respect to part-time staff.

Councillor Hetherington asked that a letter be sent by the Mayor, on behalf of Council and the citizens who use the Woodside Royal Bank, to the Office of the Superintendent of Financial Institutions inquiring the following regarding the closure of the Woodside Royal Bank:

- C Was enough notice of the closure given to the community, given the bank was aware of it in excess of a year?
- C Are the procedures being followed just and serviceable to the community?
- C Have all the regulations been carried out?
- C Is the closing down of community branches the price the residents have to pay for the federal government turning down the mega-merger of the banks?

MOVED by Councillor Hetherington, seconded by Deputy Mayor Blumenthal, that the Mayor, on behalf of Council and the citizens who use the Woodside Royal Bank, write a letter to the Office of the Superintendent of Financial Institutions regarding the closure of the Woodside Royal Bank and asking for responses to the questions raised by Councillor Hetherington.

Speaking in support of the motion, Deputy Mayor Blumenthal stated similar situations have been occurring in other areas of HRM. The Deputy Mayor stated he hopes the Municipality will seek a change in banks when the current contract expires. In response, Mayor Kelly stated an RFP will be issued for banking services.

Also speaking in support of the motion, Councillor Sloane noted Gottingen Street has lost several banks and is now only serviced by an ATM which is only open during the daytime hours. The Councillor stated it is time the banks start to think about their customers.

Councillor Walker stated it is not just the Royal Bank that is closing branches, noting there are three banks being closed in his area.

MOTION PUT AND PASSED UNANIMOUSLY.

Council agreed to deal with Item 12.3 in conjunction with the next item as it was related to the same issue.

10.1.5 Councillor Rankin - Level of Education Funding from the Province
12.3 Report from Mayor Kelly - Task Force on Supplementary Funding

- C A report prepared for Mayor Kelly regarding the Task Force on Supplementary Funding, was circulated to Council for its consideration.

MOVED by Councillor Rankin, seconded by Cunningham, that Council approve the Terms of Reference for a Task Force on Education Funding, as outlined in the Mayor's report dated January 15, 2000, with the following composition:

**A total of ten (10) members
Regional Council Reps (3)
Citizens at large (3)
Halifax Regional School Board (2)
Conseil scolaire acadien provincial (1)
Chair: Mayor/Deputy Mayor**

Councillor Rankin also addressed Council with regard to the issue of increased assessments and the agreement made last year by the Province that the percentage for mandatory education funding would not increase. The Councillor suggested a presentation should be made to the Minister of Education by HRM, in consort with the Halifax Regional School Board regarding the negative impact experienced with the inequity created by the provincial education funding formula.

MOVED by Councillor Rankin, seconded by Deputy Mayor Blumenthal that Halifax Regional Municipality, led by the Mayor and the Chief Administrative Officer, and in consort with the Superintendent of School and staff of the Halifax Regional School Board, to prepare a direct presentation as soon as possible to the Minister and Deputy Minister of Education, copied to the MLAs, describing the tremendous impact that HRM has experienced with imbalance and inequity with respect to provincial education funding formula. This presentation would also provide an opportunity to address the issue of increased assessments and the agreement made last year by the Province that the percentage for mandatory education funding would not increase.

Councillor Walker expressed concern with just receiving the report, stating it does not provide sufficient time for review and consideration. The Councillor suggested the matter may need to be deferred for one week to allow for this to take place.

Councillor Cooper also expressed concerns with the short time frame to discuss this matter. With respect to the task force composition, the Councillor stated he would prefer the larger composition of fourteen, with five Community Council reps and five Citizens at Large. Councillor Cooper also expressed concern with agreeing to make a presentation to the Minister of Education without knowing what the presentation will be, stating he is not in complete agreement with the School Board on the issue of supplementary funding. Councillor Rankin clarified that the presentation would be with respect to the provincial funding inequity. Councillor Cooper stated education is a provincial responsibility, and HRM's stand should be

on issues Council has discussed to date. The Councillor stated he would not support the presentation, as more consideration needs to be given to it.

With regards to Councillor Cooper's suggestion that the larger composition should be chosen for the Task Force, the mover and seconder of the motion agreed to amend the motion to reflect this. The amended motion now read as follows:

MOVED by Councillor Rankin, seconded by Cunningham, that Council approve the Terms of Reference for a Task Force on Education Funding, as outlined in the Mayor's report dated January 15, 2000, with the following composition:

fourteen (14) members
Community Council Reps (5)
Citizens at large (5)
Halifax Regional School Board (2)
Conseil scolaire acadien provincial (1)
Chair: Mayor/Deputy Mayor

Councillor Cooper expressed concern with the bulleted item under Mandate in the report which read "Province assuming full responsibility for education in return for municipal assistance on other shared services", and put for the following amendment:

MOVED by Councillor Cooper, seconded by Councillor Hetherington, that the bulleted item under Mandate in the report which read "Province assuming full responsibility for education in return for municipal assistance on other shared services" be amended to read "Province assuming full responsibility for education." MOTION PUT AND PASSED.

The motion as amended now read as follows:

MOVED by Councillor Rankin, seconded by Cunningham, that Council approve the Terms of Reference for a Task Force on Education Funding, as outlined in the Mayor's report dated January 15, 2000, with the following amendment: that the bulleted item under Mandate in the report which read "*Province assuming full responsibility for education in return for municipal assistance on other shared services*" be changed to "*Province assuming full responsibility for education*", and with the following Task Force Composition:

fourteen (14) members
Community Council Reps (5)
Citizens at large (5)

**Halifax Regional School Board (2)
Conseil scolaire acadien provincial (1)
Chair: Mayor/Deputy Mayor**

Councillors Streach and Colwell spoke in support of the amended motion.

Councillor Goucher stated this issue is too important to make a rushed decision, and suggested the matter should be deferred to give Council time to digest the information.

Councillor Hetherington stated he would not support a deferral as the time frame is too short. The Councillor advised Council that the Harbour East Community Council representative would be Councillor McInroy.

Councillor Harvey expressed concern that the Task Force may be too large to work effectively and efficiently, noting there are many aspects to this issue. The Councillor noted the matter will come back to Council in the end for a decision, and this is only delaying reality.

Councillor Smith spoke in support of the motion regarding the Task Force.

Councillor Hines stated he would not support a deferral as time is of the essence in this matter. The Councillor stated education should not be supplemented by the Municipality, as there are many other uses for this funding.

With regards to the citizens at large positions, Councillor Warshick suggested they could be chosen from the membership of the School Advisory Councils. Mayor Kelly responded this option could be reviewed, but noted the intent is to make the Task Force broad based.

Councillor Uteck stated this Task Force should have been formed last year. The Councillor suggested if Council does not make a decision regarding supplementary funding, the Province will increase the mandatory rate and eliminate the supplementary funding. In response, Councillor McInroy stated if this happens, the Municipality could then continue to fight for equality for all School Boards across the Province.

The following Community Council representatives were chosen to be on the Task Force:

North West Community Council - Councillor Goucher.
Harbour East Community Council - Councillor McInroy
Marine Drive Valley and Canal Community Council - Councillor Colwell.
Chebucto Community Council - Councillor Walker
Halifax Peninsula and Western Region Community Council - Councillor Uteck

The vote was then taken on the motion regarding the presentation to the Minister of Education.

MOTION PUT AND PASSED.

The vote was then taken on the amended motion regarding the formation of a Task Force.
MOTION PUT AND PASSED UNANIMOUSLY.

10.2 GRANT COMMITTEE

**10.2.1 Dartmouth Senior Care Society (Oakwood Terrace) (info report)
(representatives from Oakwood Terrace to speak)**

This item was addressed earlier in the meeting.

10.2.2 By-Law T-205, An Amendment to By-Law T-200, Tax Exemption for Non-Profit Organizations (2000-2001)

C A report from the Grants Committee regarding the above was before Council for its consideration.

MOVED by Councillor Streach, seconded by Councillor Walker, that Council approve, in principle, By-Law B-205, an amendment to By-Law T-200, respecting Tax Exemption for Non-Profit Organizations where:

- 1. The addition of new organizations is recommended.**
- 2. Short term deferral of taxes is recommended.**
- 3. The deletion of organizations is recommended.**
- 4. The approval of administrative corrections is recommended. MOTION PUT AND PASSED UNANIMOUSLY.**

Later in the meeting, a Notice of Motion for January 23, 2001 for First Reading of By-Law B-205, an amendment to By-Law T-200, respecting Tax Exemption for Non-Profit Organizations, was served by Councillor Streach.

At this time, Councillor Rankin requested that the Added Information Item regarding Memorandum from Director, Solid Waste Resources dated Jan. 15/01 re: RRFB Funding Agreement, be added to the regular agenda.

MOVED by Councillor Hetherington, seconded by Councillor Uteck, that the added Information Item regarding Memorandum from Director, Solid Waste Resources dated Jan. 15/01 re: RRFB Funding Agreement, be added to the regular agenda as Item 10.1.6 and be dealt with at this time. MOTION PUT AND PASSED UNANIMOUSLY.

10.1.6 Councillor Rankin - Added Information Item regarding Memorandum from Director, Solid Waste Resources dated Jan. 15/01 re: RRFB Funding Agreement, be added to the regular agenda.

- C** An Information Report prepared for Brian Smith, Director of Solid Waste Resources, regarding Changes in Resource Recovery Funding, was circulated to Council.

Councillor Rankin expressed concern with the proposed change in the Resource Recovery Funding, stating he believes it goes against the spirit of Provincial/Municipal relations, and put forth the following motion:

MOVED by Councillor Rankin, seconded by Councillor Hetherington, that a letter be sent to the Minister of the Department of Environment and Labour protesting the notice of 10 percent of the net revenues of the RRFB being retained by the Department without any consultation with the municipalities, copied to the UNSM, and requesting that the Department engage in consultation with the UNSM in this matter. MOTION PUT AND PASSED UNANIMOUSLY.

10.3 CHIEF ADMINISTRATIVE OFFICER

**10.3.1 Administrative Order #19
Motion - Councillor Hetherington**

Councillor Hetherington noted a caveat should have been added to the Administrative Order, stating Clause 5 does not apply to the Mayor and Council.

MOVED by Councillor Hetherington, seconded by Councillor Sarto, that:

BE IT RESOLVED as a policy pursuant to Section 62 of the Municipal Government Act that Administrative Order 19 of the Council of the Halifax Regional Municipality be amended as follows:

- 1. The title of the Administrative Order 19 is amended by adding immediately following the word "Arms" a comma and the word "Logo."**
- 2. Section 1 of said Administrative Order 19 is amended by adding immediately following the word "Arms" a comma and the word "Logo."**
- 3. Section 2 of said Administrative Order 19 is amended by adding immediately following subsection (4) thereof the following subsection:**

- (5) There shall be an official logo of the Halifax Regional Municipality which shall be
4. (1) Subsection (1) of Section 3 of said Administrative Order 19 is amended by adding immediately following the word “Arms” a comma and the word “Logo.”
- (2) Subsection (2) of Section 3 of said Administrative Order 19 is repealed and the following substituted therefor:
- (2) The Coat of Arms, badge and flag are reserved for official use by the Mayor and members of the Halifax Regional Council.
- (2A) The Coat of Arms shall be used on  all official municipal documents, including, but not limited to, contracts and agreements signed by the Mayor and Municipal Clerk on behalf of the Municipality, correspondence from the Mayor and Councillors, official commendations, Mayor’s Certificates, Councillor’s Certificates and other similar documents.
- (2B) The Logo shall be used by the Chief Administrative Officer business units and employees on stationery, notices, buildings, signage, vehicle markings, badges, uniforms and other similar uses for the purpose of indicating the authority, property or officials of the Municipality.
- (2C) The flag shall be hung in the Council Chamber and shall be flown at City Hall. The flag shall be reserved for official or ceremonial purposes such as presentation to community groups, use at commemorative parks or use at traditional sites such as the Public Gardens and Point Pleasant Park, with its availability and distribution to be in the discretion of the Mayor and Councillors.

- (2D) A flag bearing the Logo may be flown at all municipal buildings and facilities other than City Hall.
- (3) Subsection (3) of Section 3 of said Administrative Order 19 is amended by adding immediately following the word “Arms” a comma and the word “Logo.”
- (4) Subsection (4) of Section 3 of said Administrative Order 19 is amended by adding immediately following the word “arms” a comma and the word “Logo.”
5. Said Administrative Order 19 is further amended by adding at the end of Schedule “A” thereof, the following:
- C The Heritage division of Tourism, Culture and Heritage shall be the official purchasing unit for all Coat of Arms and Logo promotional items.
 - C Tourism, Culture and Heritage Department shall be tasked with developing and implementing a wholesale/retail sales program of HRM branded products to the various corporate business units and to the general public.
6. Clause 5 is amended by adding “provided that this clause does not apply to the Mayor and Council. MOTION PUT AND PASSED UNANIMOUSLY.

10.3.2 Bedford Days Committee - Updated Terms of Reference

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

MOVED by Councillor Goucher, seconded by Councillor Sloane, that Council approve the Terms of Reference for the Bedford Days Committee, as presented in the staff report dated January 4, 2001. MOTION PUT AND PASSED UNANIMOUSLY.

10.3.3 Municipal Rewards for Major Unsolved Crimes

- C A staff report prepared for George McLellan, Deputy Chief Administrative Officer, regarding the above, was before Council for its consideration.

MOVED by Councillor Hetherington, seconded by Councillor Sarto, that no dedicated program be established for a municipal rewards for major unsolved crimes program, and that each case be reviewed on a case by case basis.

Police Chief David McKinnon responded to a question of Councillor Smith, stating reviewing each case on a case by case basis is not a new practice. The Chief noted this recommendation is also consistent with the national RCMP policy. Responding to a further question of the Councillor, Chief McKinnon stated Crime Stoppers have a maximum limit of \$2,000 on any reward, and the program is generally based on anonymity. Cases that would be involved in any type of municipal reward program would likely involve homicide cases where a witness is needed to come forward and offer evidence for a conviction. Crime Stoppers indicated if HRM set up a separate program and asked for its assistance in administering it, it would not be in keeping with their mission or objectives, and, therefore, it would not be interested in participating.

Councillor Smith stated a reward program could assist with crime prevention, which is an allowable use for the proceeds from crime funding. The Councillor stated he would like staff to see if there are municipal funds available outside of Police Services that could be used for a municipal reward program or a topping up of a community funds. Chief McKinnon responded there is nothing in the current HRM Operating Budget that would cover any kind of reward program. The only thing that would come close is the Informant's Fee Fund in Police Services, which has a very modest amount in this fund.

Chief McKinnon explained that, for prosecution purposes, Police Services cannot appear to be too much in a direct relationship of a reward or it may be construed as an enticement to indicate information, which may, in fact, not be reliable in the end. Also, if there is an automatic reward program, people may wait until the reward is posted before coming forward with the information.

Councillor Smith expressed appreciation for the additional information provided by the Chief. However, the Councillor stated he would still like staff to examine whether or not there would be funds available for the Municipality to assist in a reward program, and to look at some of its positive effects. With respect to the use of funding from the proceeds of crime, Chief McKinnon stated there is Memorandum of Understanding in place dealing with this issue. Initially, the arrangement is between the federal and provincial governments. In order for the money to trickle down to the municipal government, there must be an Understanding between the Municipality and the provincial government. Staff approached the Province to interpret whether or not this particular circumstance would fit into the definition of use of these funds, and it indicated that it did not. Representatives from the federal government provided the same interpretation.

Councillor Warshick stated he had a lot of concerns and questions regarding this issue, but is satisfied the report as it stands now is probably the best action to take.

MOTION PUT AND PASSED UNANIMOUSLY.

10.3.4 Use of Coat of Arms by Halifax Regional Police

C A staff report prepared for George McLellan, Deputy Chief Administrative Officer, regarding the above, was before Council for its consideration.

MOVED by Councillor Hetherington, seconded by Councillor Sloane, that the Halifax Regional Police be granted blanket permission to use the HRM official Coat of Arms for internal, departmental use only, such as police badges, cap badges, dog collars, tunic belts, and other ceremonial uses.

Councillor Hetherington noted that, as per Administrative Order 19, the Police Services can fly the corporate flag outside of police headquarters, but not the Coat of Arms flag. However, the official flag can be used for ceremonial purposes.

MOTION PUT AND PASSED UNANIMOUSLY.

11. MOTIONS

12. ADDED ITEMS

12.1. Councillor Smith - Halifax Regional School Board School Closing Process

Councillor Smith expressed concern with the Halifax Regional School Board School Closing process. For the benefit of Council, Councillor Smith outlined some of the problems with the process that the School Board decided to use. A copy of his comments was submitted for the record. The Councillor stated the scenario is flawed and consideration must be given to the impact on areas when schools are closed, as every area is unique. Councillor Smith stated a process is needed that fosters community involvement, spirit and quality of life. The Councillor stated the people and communities involved want this flawed process stopped and a re-evaluation started based on a more comprehensive and fair basis, and this is the message that needs to be sent to the School Board and the Minister of Education.

MOVED by Councillor Smith, seconded by Councillor Adams, that the Mayor write a letter to the Minister of Education, copied to the Superintendent of Schools and the Halifax Regional School Board, regarding the school closure process.

Councillor Adams suggested the following should be added to Councillor Smith's list of problems with the process:

9. Don't allow any members of the community, including the Councillor for the area, to attend the voluntary board meetings because the School Board will not permit it.

With regard to inaccurate information, Councillor Adams stated that at the meeting held in Spryfield to consider the closure of B. C. Silver Junior High School, a prediction was made that in the Spryfield area there would be 221 less students over the next five years. And, that according to someone the committee met with, whose name or department they did not know, suggested there were a number of small pockets of development which would have no impact on enrollment in the future in the Mainland South/Spryfield area. Councillor Adams stated there is a proposal for 512 units on each side of the Lions Rink. Another 650 homes will be opened up, when sewer and water are delivered to Herring Cove. The Councillor noted this does not include the on-going development in Stanley Park, nor does it include small subdivisions throughout Spryfield/Harrietsfield/ Williamswood. Councillor Adams stated this committee was asked to make a decision based on untrue information.

Based on just the Herring Cove area and the Spryfield development, Councillor Adams stated this would result in the addition of approximately 1153 housing units. Using the School Board's formula to determine the number of children, the Councillor stated there would be approximately 690 children living in these two developments. Comparing this to the prediction, there will be a 221 student loss, Councillor Adams stated there is something not right.

Councillor Adams noted two options were offered at the meeting in Spryfield, but both included the closure of B. C. Silver Junior High School. Another option was to tear down two smaller schools, and build one larger one. The Councillor questioned the fiscal responsibility in this option.

Councillor Adams stated one of the options put forth should have been to do nothing, which is standard practice in any business case, or development of a process.

Councillor Adams asked that the letter inquire as to who gave the School Board the information regarding the 221 student loss and from where this information was derived. The Councillor noted the next meeting will be held on January 24th and he would like to have this information before that meeting.

Councillor Harvey stated it is his understanding that the process being used by the School Board is set out for them by the Province. The Councillor stated it is a review of the facilities, and suggested it does not necessarily mean that any schools will be closed at any particular time. Councillor Harvey noted that part of the education funding goes towards keeping schools open and useable. If buildings are under-utilized, other uses for the space need to

be found, and someone needs to pay for the use of that space. Councillor Harvey noted Council could vote money to the School Board to keep the schools open, in the interest of the community. The Councillor advised Council to be cautious in this matter, as the responsibility for the schools may be turned over to the Municipality.

Councillor Warshick also expressed concern with the process of these community meetings, noting people were only given the information as they walked in the door, and the scope of the plans was too limited. The Councillor suggested other options should be explored such as obtaining recommendations from former educators, extending the primary registration date to December 31, moving the spring break from March to February to save in heating costs and a four day school week during the winter months. Councillor Warshick stated the School Board has neglected maintenance in its own budget in the last number of years, and are now faced with major maintenance bills for these schools, and have decided to close them instead of performing the necessary repairs.

Councillor Mosher referred to a fax she received from a constituent in her area regarding the proposed transfer of French Immersion students from John W. MacLeod School to Rockingstone, as well as the closure of B. C. Silver Junior High. The Councillor stated the report regarding the proposed closures is ten pages long, and she agreed to provide copies if desired by Council. Councillor Mosher noted some of the criteria from the committee recommendations were:

- C Students to be considered first.
- C Healthy environment
- C Good facilities
- C Limited transportation of students
- C Community based school

The Councillor briefly reviewed one the proposals with regards to Rockingstone Heights School, stating it does not reflect the above criteria.

Councillor Smith encouraged the residents to attend the meeting on January 24th to let the School Board know the process is flawed and more time is needed to consider this issue. The Councillor noted he will be forwarding copies of the letters he has received to the School Board.

Councillor Adams asked that the letter to the Minister examine the Education Act, Clause 82 (3) which states "If a school closure results in the compromising of a child's education, then that decision can be overturned."

Closing the debate, Councillor Warshick stated the potential costs, such as busing, playgrounds, renovations, etc., that would be incurred with all the moves outlined in the various

school closure scenarios. The Councillor stated no information was provided regarding the effect on existing programs, which needs to be available for people to make an informed decision on this matter.

MOTION PUT AND PASSED UNANIMOUSLY.

12.2 Deputy Mayor Blumenthal - Sidewalks

This item was addressed under Item 10.1.2.

12.3 Report from Mayor Kelly - Task Force on Supplementary Funding

This item was addressed under Item 10.1.5.

12.4 Legal Matter - Harbour Solutions RFP Update Meeting

Council agreed to hold a two hour In Camera Harbour Solutions RFP Update meeting on Tuesday, January 23, 2000, prior to the Committee of the Whole meeting also scheduled for that date.

12.5 Property Matter - Sale of 2659 Sackville Drive

C This matter was discussed at an In Camera Session held prior to the Regular Session and was now before Council for its consideration.

MOVED by Councillor Rankin, seconded by Councillor Harvey, that Halifax Regional Council authorize the Mayor and Municipal Clerk to enter into an Agreement of Purchase and Sale for the sale of 2659 Sackville Drive to Allan Hyland; as shown on Attachment "A" of January 12, 2001 staff report for \$80,000 as settlement in full, plus any additional taxes and adjustments that may be applicable. FURTHER, that this report not be released to the public until, and if, the recommended transaction is fully concluded. MOTION PUT AND PASSED UNANIMOUSLY.

12.6 Councillor Warshick - Acquisition of Federal Housing Properties

Councillor Warshick requested that this matter be referred to investigate the possibility of acquiring recently declared federal surplus properties. The intent is that HRM approach the Province of Nova Scotia about jointly purchasing these properties for low income housing, if feasible. Because of the time constraints in the disposal of these properties, Councillor Warshick requested that staff proceed with this initiative as soon as possible.

MOVED by Councillor Warshick, seconded by Councillor Sarto, that this matter be referred to staff for a report. MOTION PUT AND PASSED UNANIMOUSLY.

13. NOTICES OF MOTION

13.1 Councillor Hines - Tidewater Quarry

TAKE NOTICE that at the next regular Regional Council meeting, to be held on Tuesday, the 23rd day of January 2001, I propose to introduce the following motion:

WHEREAS Tidewater Quarry has forwarded a proposal to the Minister of Environment asking for removal of all restrictions of production limits;

WHEREAS the Quarry currently operates at a limited output and is monitored to ensure that the operating conditions recommended by the Environment Control Council, and agreed to by Tidewater Quarry are met.

WHEREAS the residents of the Community of Waverley have expressed genuine concern over the proposed removal of these restrictions. The residents have not supported the expansion of the Quarry in the past, and they do not support the expansion now. The expansion of the Quarry could place the lakes, forests, and environment in a state of peril. The increased truck traffic and extra weight loads will have a significant impact on our road system.

WHEREAS the residents of the Community of Waverley believe that a full environmental assessment and an opportunity for public participation are needed before the Minister of the Environment considers exceeding the limits currently in place.

WHEREAS I would ask Halifax Regional Council to support the residents of the community of Waverley by asking the Minister of the Environment to provide an opportunity for public input and proceed with a full environmental assessment.

13.2 Councillor Adams - First Reading, By-Law T-115

TAKE NOTICE that, at a regular Regional Council meeting, to be held on Tuesday, the 30th day of January 2001, I propose to introduce for First Reading, By-Law T-115, the purpose of which is to make various amendments to By-Law T-108, the Taxi and Limousine By-Law.

13.3 Councillor Streach - By-Law T-205

TAKE NOTICE that at the next regular meeting of the Halifax Regional Council to be held on Tuesday, January 23, 2001, I intend to introduce a motion to give First Reading of By-Law T-

205, An Amendment to By-Law T-200, Tax Exemption for Non-Profit Organizations (2000-2001).

14. ADJOURNMENT

MOVED by Deputy Mayor Blumenthal, seconded by Councillor Sloane, that the meeting adjourn at 9:50 p.m. **MOTION PUT AND PASSED UNANIMOUSLY.**

Vi Carmichael
Municipal Clerk