

HALIFAX REGIONAL MUNICIPALITY

HALIFAX REGIONAL COUNCIL MINUTES March 20, 2001

PRESENT:

Mayor Peter J. Kelly
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
Sheila Fougere
Russell Walker
Diana Whalen
Linda Mosher
Stephen D. Adams
Brad Johns
Bob Harvey
Len Goucher
Reg Rankin
Gary Meade

REGRETS:

Deputy Mayor Jerry Blumenthal

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 4:00 p.m.

2. **PROCLAMATIONS**

2.1 **International Day for the Elimination of Racial Discrimination**

March 21, 2001 was proclaimed to be International Day for the Elimination of Racial Discrimination.

Presentation: HRM Commendation Awards

Later in the meeting, the following three Metro Transit ferry service employees were presented with commendation awards for their role in the rescue of a person from the waters of the Halifax Harbour on February 14, 2001:

Captain Mark Brackett
First Mate Daniel Anderson
Engineer Terry Young

Mr. Brian Taylor, Director, Metro Transit, expressed appreciation to the employees for their quick and professional actions in this situation. On behalf of the ferry crew, Mr. Taylor also acknowledged the assistance provided by other passengers on the ferry at the time of the incident.

On behalf of Council, Mayor Kelly presented the awards and expressed heartfelt thanks and appreciation to the employees for their actions. Mr. Ken Meech, Chief Administrative Officer, also expressed gratitude to the Transit employees, noting similar acts of recognition of staff who have presented exceptional public service will occur in this manner in the future.

3. **APPROVAL OF MINUTES - February 20, 27 & March 6, 2001**

MOVED by Councillor Cunningham, seconded by Councillor Fougere, that the minutes of February 20, 27 & March 6, 2001, be approved, as circulated. MOTION PUT AND PASSED UNANIMOUSLY.

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

The following items were added to the agenda:

- 13.1 Councillor Meade - Condition of Road, Route 333
- 13.2 Presentation by George McLellan, Deputy Chief Administrative Officer - Equalization Formula
- 13.3 Equalization Fund Survey
- 13.4 Sale of 2156 Brunswick Street

The following item was deleted from the agenda:

11.3.3 (i) Halifax Harbour Solutions Project - Community Integration Fund Status Report

Councillor Fougere requested that Item 8.6 Public Parking Facility - Downtown Halifax be moved up on the agenda to be the first item under Item 8 - Consideration of Deferred Business, and that Ms. Kate Carmichael, Executive Director, Downtown Halifax Business Commission, be granted permission to speak on this issue.

MOVED by Councillor Fougere, seconded by Councillor Uteck, that Item 8.6 Public Parking Facility - Downtown Halifax be moved up on the agenda to be the first item under Item 8 - Consideration of Deferred Business, and that Ms. Kate Carmichael, Executive Director, Downtown Halifax Business Commission, be granted permission to speak on this issue. MOTION PUT AND PASSED UNANIMOUSLY.

MOVED by Councillor Hetherington, seconded by Councillor Cunningham, 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

As agreed to during Approval of the Order of Business, Council dealt with Item 8.6 - Public Parking Facility - Downtown Halifax next on the agenda.

8.6 Public Parking Facility - Downtown Halifax

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

Mr. George McLellan, Deputy Chief Administrative Officer, provided a brief overview of the staff report.

At this time, Ms. Kate Carmichael, Executive Director, Downtown Halifax Business Commission, made a presentation to Council with respect to the public parking facility. In her presentation, Ms. Carmichael made the following points:

- C The MPS states the space adjacent to areas of pedestrian circulation should be developed for retail activity and any such other uses that generate and encourage public interest and activity.
- C The proposal call stated that development proposals must include a substantial amount of publicly active uses, other than parking, at grade level.
- C On April 25, 2000, Council agreed that commercial/retail on Granville Street was a preferred use.
- C The list of enhancements in the staff report can be added at a later date.
- C Over the life of this project, the additional cost of retail on Granville Street, and the raising of the facade treatment one additional floor, is \$34,000 per year.
- C The proposed retail in the parking garage is 1,000 square feet. At an annual rate of rent of \$15.00 per square foot, the space would realize \$15,000 a year. Over a 25 year life time of the project, this would result in \$375,000. Ten parking spaces would be lost to the proposed retail, amounting to \$156,000 over 25 years.
- C If this proposal is approved, pedestrians will walk along the side of a parking garage, with only a 3.5 foot wall separating pedestrians from the parked cars.
- C Without the retail and raised facade on Granville Street, this parking garage will be similar to Scotia Square and Maritime Centre.
- C The impact of this parking garage will resonate for blocks in either direction.
- C The Downtown Halifax Business Commission would undertake the responsibility to lease the retail space on Granville Street.

In closing, Ms. Carmichael asked Council to understand the importance of this issue and vote to include retail on Granville Street and raise the facade.

Mr. Tom Rath, General Manager, Real Estate Services, presented the staff report to Council which recommended that Council:

- a) not approve the enhancements to the Project listed in Part A of the Discussion section of the staff report dated March 1, 2001.
- b) approve the addition of \$154,000 to the Guaranteed Maximum Price for additional work as outlined in Part B of the Discussion section of the staff report dated March 1, 2001.

- c) instruct the Hardman Group to identify \$374,000 of the Guaranteed Maximum Price as a Special Contingency Fund for Winter Work, to be used only on HRM's authorization for that purpose if and when the weather conditions warrant; and
- d) approve the amount of \$685,000 as Project Costs to HRM, for additional work directly associated with this project, as outlined in Part C of the Discussion section of the staff report dated March 1, 2001.

With respect to retail space, Mr. Rath stated the planning legislation for the downtown speaks to retail as being desirable, but not necessarily mandatory for a project of this nature to go forward. Mr. Rath noted staff have consulted with Hardman Group and asked for an indication of each of the proposed improvements, which are now before Council. With respect to additional retail space on Granville Street, the cost would be \$549,000 for 1,000 square feet. Staff does not believe it can support this cost as the economics are not justifiable, as the interest charge alone would be approximately \$50,000 per year.

Mr. McLellan reviewed the cost implications of the staff recommendation, noting the total cost would be \$839,000.

Responding to a question of Councillor Walker, Ms. Dale MacLennan, Director, Financial Services, stated the reason HST is fully recoverable in this case is related to the fact that HRM is fully in ownership of this facility and the Hardman Group is managing it. In response to a further question of the Councillor, Mr. Simpson McLeod, Real Estate Service, stated the additional mechanical equipment would not be required if no components of Part A in the staff report are approved. Mr. Louis Lemoine, Vice President of Development, Hardman Group, stated the original submission was predicated on a construction start of March 2, 2001; therefore, costs for winter construction need to be included in the event they are required. Mr. Rath indicated the construction start date will probably now be in early May.

Councillor Uteck expressed disappointment in the staff report, stating it ignores the MPS strategy and public input with respect to retail space. Responding to a question of the Councillor regarding the contingency, Mr. Lemoine stated there is an approximate five percent contingency built into the guaranteed price. Councillor Uteck expressed disbelief that staff did not plan for soil contamination costs or the enhancements in the original recommendation.

MOVED by Councilor Uteck, seconded by Councillor Adams, that Council:

- a) **approve the additional retail space (approx. 1,000 sq ft) on Granville Street (\$529,000)**

- b) approve the addition of \$154,000 to the Guaranteed Maximum Price for additional work as outlined in Part B of the Discussion section of the staff report dated March 1, 2001.**
- c) instruct the Hardman Group to identify \$374,000 of the Guaranteed Maximum Price as a Special Contingency Fund for Winter Work, to be used only on HRM's authorization for that purpose if and when the weather conditions warrant; and**
- d) approve the amount of \$685,000 as Project Costs to HRM, for additional work directly associated with this project, as outlined in Part C of the Discussion section of the staff report dated March 1, 2001.**

Responding to a question of Councillor Uteck, Mr. McLellan stated the issue of retail was fully discussed and there is a retail component on Salter Street.

Speaking against the motion, Councillor Streach stated he was not prepared to support additional money in light of other issues currently before Council.

Responding to a question of Councillor Johns, Mr. McLeod stated the Hardman Group is meeting the criteria for which they were awarded points during the tendering process.

In response to a question of Councillor Warshick regarding the downtown parking study, Mr. Austin French, Regional Coordinator, Planning Services, stated the report will be brought to Council in April. In response to a further question of the Councillor, Mr. McLellan stated all the enhancements of Part A in the staff report are discretionary items. Councillor Warshick suggested an alternative for Council to consider may be to only approve some of the enhancements.

Responding to a question of Councillor Smith, Mr. MacLeod stated the contaminated soil will be taken to an HRM owned site in Burnside, where it will be treated and put in a cell.

RECESS

At 5:00 p.m., Council took a one hour recess and reconvened at 6:00 p.m.

Later in the meeting, the discussion regarding the parking facility continued.

Councillor Uteck requested that she be permitted, with the agreement of the seconder, to withdraw her motion currently on the floor and put forth an alternate proposal for Council's consideration. Council agreed to the request.

MOTION WITHDRAWN.

MOVED by Councillor Uteck, seconded by Councillor Sloane, that Council:

- a) **approve the following enhancements to the Project: display windows - Granville Street (\$58,160), landscaping and benches (\$45,310), brackets for banners and hanging baskets (\$15,400), additional architectural lighting - pedestrian entrances (\$10,780), and architectural treatment - Granville Street Facade and Additional Mechanical Equipment (if needed, and at cap of \$600,000) as detailed in Part A of the staff report dated March 1, 2001.**
- b) **approve the addition of \$154,000 to the Guaranteed Maximum Price for additional work as outlined in Part B of the Discussion section of the staff report dated March 1, 2001.**
- c) **instruct the Hardman Group to identify \$374,000 of the Guaranteed Maximum Price as a Special Contingency Fund for Winter Work, to be used only on HRM's authorization for that purpose if and when the weather conditions warrant; and**
- d) **approve the amount of \$685,000 as Project Costs to HRM, for additional work directly associated with this project, as outlined in Part C of the Discussion section of the staff report dated March 1, 2001.**

Responding to a question of Councillor Smith, Mr. Rath stated the economics for the six additional parking spaces on the top level are very good. With respect to winter construction, Mr. Rath stated there is no control over this and a provision needs to be made for it in case the weather warrants it.

Councillor Sloane spoke in support of the underground wiring. With respect to retail, the Councillor noted there is potential for additional retail on the remaining site.

Councillors Hines, Colwell and Cunningham spoke against the motion stating they could not support further funding for this project.

Responding to questions of Councillor Walker, Mr. Rath stated the approximate total additional cost would be \$1.439 million. With respect to the payback period, it would be approximately 16 years. Mr. Rath noted every \$100,000 of additional cost is approximately one extra month in the payback period. Mr. McLellan cautioned Council if the costs are compressed only too reach a specific target figure, staff will be back at Council at a later date

seeking additional funding. He suggested that if enhancements are to be added that the appropriate cost be allocated now so as Council is not misled.

Speaking against the motion, Councillor Streach stated he can not support additional funding for aesthetic purposes only. With respect to project management, the Councillor expressed concern that existing staff could not provide this service. Councillor Streach also stated he could not support the additional allowance for winter work.

Councillor Mosher expressed concern regarding the longevity of the underground wiring and potential problems that may arise, such as the case with with Cowie Hill. In response, Mr. McLellan stated it is his understanding that there will be empty duct banks installed to address any service problems. He suggested this may be an improvement since the Cowie Hill situation took place. Councillor Mosher requested a staff report on this issue. The Councillor stated she could not support the motion, and noted that some of these enhancements could take place at a later date.

Councillor Hetherington stated he could support the staff recommendation, but not the motion on the floor for the additional enhancements.

Councillor Goucher suggested the issue of the parking facility should have been taken to the public for input before coming to Council. The Councillor expressed concern with the additional winter work funding and the \$685,000 for site remediation, underground wiring and project management.

Also speaking against the motion, Councillor Smith stated the initial \$10 million approved for this project should be sufficient.

Speaking in support of the motion, Councillor Cooper stated the project needs to be properly completed and be appropriate for the downtown area.

Councillor Whalen spoke in support of the staff recommendation and suggested that the parking facility could be moved back a couple of feet and have benches, or temporary cafes, installed during the summer months.

Speaking against the motion, Councillor Sarto stated he could support the staff recommendation as those items are necessary for the project.

Responding to a question of Councillor Warshick, Mr. McLellan confirmed that, if it is decided to build another parking garage on the Tex-Park site, there will be an opportunity to do some exterior changes to match both buildings. The Councillor suggested that Council look at this as a long range plan, and, for the time being, do the minimum required to move this project forward.

Speaking in support of the motion, Councillor Harvey stated the additional cost for the proposed enhancements will be spread over the life of the building and the project could be done properly to improve the downtown area.

Also speaking in support of the motion, Councillor Fougere stated Council has the opportunity to do something positive for the downtown area and to draw pedestrian traffic there on a regular basis.

Speaking against the motion, Councillor Johns stated he could not support the additional funding for items that should have been included in the original proposal.

Councillor Sloane suggested the minimum required could be done at this time, and additional enhancements can be added in the future.

Closing the debate, Councillor Uteck stated when Council approved this facility in December, the aesthetically pleasing items that the public pointed out were not considered. The Councillor stated the MPS calls for the enhancements that she is requesting. Councillor Uteck stated the residents of HRM should not be penalized because Council did not have the foresight to look at this item, and requested that Council correct this oversight and move forward.

The vote was then taken on the motion. A **Recorded Vote** was requested.

Members of Council voting **in favour** of the motion: Mayor Kelly, Councillors: Cooper, Sloane, Uteck, Fougere, Walker, Adams, Harvey, and Rankin.

Members of Council voting **against** the motion: Councillors: Streach, Hines, Colwell, McInroy, Warshick, Sarto, Hetherington, Smith, Cunningham, Whalen, Mosher, Johns, Goucher, and Meade.

MOTION DEFEATED (9 in favour, 14 against) (Deputy Mayor Blumenthal was absent.)

MOVED by Councillor Hetherington, seconded by Councillor Sloane, that Council:

- a) **not approve the enhancements to the Project listed in Part A of the Discussion section of the staff report dated March 1, 2001.**
- b) **approve the addition of \$154,000 to the Guaranteed Maximum Price for additional work as outlined in Part B of the Discussion section of the staff report dated March 1, 2001.**

- c) instruct the Hardman Group to identify \$374,000 of the Guaranteed Maximum Price as a Special Contingency Fund for Winter Work, to be used only on HRM's authorization for that purpose if and when the weather conditions warrant; and
- d) approve the amount of \$685,000 as Project Costs to HRM, for additional work directly associated with this project, as outlined in Part C of the Discussion section of the staff report dated March 1, 2001.

A **Recorded Vote** was requested.

Members of Council voting **in favour** of the motion: Mayor Kelly, Councillors: Streach, Cooper, McInroy, Warshick, Sarto, Hetherington, Cunningham, Sloane, Uteck, Fougere, Walker, Whalen, Mosher, Adams, Harvey, Goucher, and Rankin.

Members of Council voting **against** the motion: Councillors: Hines, Colwell, Smith, Johns, and Meade.

MOTION PUT AND PASSED (18 in favour, 5 against) Deputy Mayor Blumenthal was absent.

When Council reconvened at 6:00 p.m., Councillor Fougere requested that Council suspend the proceedings and allow Item 10.2.2 Presentation: Kate Carmichael - Cogswell Street Interchange Project to be moved up on the agenda to be dealt with prior to the Public Hearings scheduled for 6:00 p.m. Council agreed to the request.

10.2.2 Kate Carmichael - Cogswell Street Interchange Project

Ms. Kate Carmichael, Executive Director, Downtown Halifax Business Commission, made a presentation to Council with respect to the Cogswell Street Interchange Project, stating abutting property owners asked the Commission to take a lead role in determining what the land use and traffic patterns for this site should be. The Commission hired a consultant to speak to various interested parties on this issue, and create a set of criteria for re-development which was excitedly approved by the Commission. Ms. Carmichael circulated, and briefly reviewed, copies of *Criteria for Possible Adoption by Downtown Halifax Business Commission with respect to Cogswell Interchange Re-development* to members of Council.

Mayor Kelly thanked Ms. Carmichael for her comments.

At this time, Council proceeded with Item 9 - Public Hearings.

9. **PUBLIC HEARINGS**

9.1 **Second Reading By-Law S-102, An Amendment to By-Law S-100 Respecting Sewer**

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

Ms. Dale MacLennan, Director, Financial Services, gave an overview of the staff report.

Mayor Kelly called three times for members of the public wishing to speak either in favour of or against the By-Law. Hearing none, the following motion was put on the floor:

MOVED by Councillor Hetherington, seconded by Councillor Sarto, that the Public Hearing be closed. MOTION PUT AND PASSED UNANIMOUSLY.

COUNCIL DECISION

MOVED by Councillor Uteck, seconded by Councillor Hetherington, that Council give Second Reading to By-Law S-102, an amendment to By-Law S-100, reducing the late payment charge from 10% to 3.9% of the unpaid bill for outstanding Pollution Control Charges that are not paid within the 30 day due date to comply with the Supreme Court of Canada Ruling of Garland v. Consumers Gas Co. [1998] 3.S.C.R. 112. MOTION PUT AND PASSED UNANIMOUSLY.

9.2 **Second Reading Amendment to By-Law T-108 (permit accessible taxis to operate without rooflights)**

C By-Law T-116, an Amendment to By-Law T-108, permitting accessible taxis to operate without rooflights, passed First Reading on February 27, 2001, and was now before Council for Second Reading.

Councillor Adams, Chair, Taxi and Limousine Committee, presented the Committee's report.

Mayor Kelly called for members of the public wishing to speak on this matter.

Mr. Derek Mathers, St. Margaret's Bay

Speaking in support of the By-Law, Mr. Mathers stated it is often difficult for the accessible vans to enter underground parking facilities due to the height of the vehicles and the rooflights.

Mr. Mathers stated the vehicles will be clearly marked on the sides and the rear so they will be easily identifiable as taxis.

Mayor Kelly called three times for additional members of the public wishing to speak either in favour of or against the By-Law. Hearing none, the following motion was put on the floor:

MOVED by Councillor Cunningham, seconded by Councillor Hetherington, that the Public Hearing be closed. MOTION PUT AND PASSED UNANIMOUSLY.

COUNCIL DECISION

MOVED by Councillor Adams, seconded by Councillor Cooper, that Council give Second Reading to By-Law T-116, an amendment to By-Law T-108, the Halifax Regional Municipality Taxi and Limousine By-Law, permitting accessible taxis to operate without rooflights.

Responding to a question of Councillor Walker, Mr. Wayne Anstey, Municipal Solicitor, advised Council that the physical roof light belongs to the taxi owner, and HRM only owns the roof light number. Once removed, the roof light belonging to an accessible taxi cannot legally be used on another vehicle. The Councillor inquired if Mr. Mathers would be willing to allow the light to be held by the Taxi Inspector, to which Mr. Mathers responded in the negative. Mr. Anstey noted the removed roof light could be used as a replacement for a broken light with only the panel number being replaced.

MOTION PUT AND PASSED UNANIMOUSLY.

10. CORRESPONDENCE, PETITIONS & DELEGATIONS

10.1 Petitions

10.1.1 Councillor Sarto - By-Law Enforcement and Library Board Concerns

Councillor Sarto served correspondence from a resident expressing concerns relating to By-Law Enforcement and the Library Board. The Councillor asked that the correspondence be referred to the appropriate staff for a response to Council.

10.1.2 Councillor Hetherington - Long-term Care Facilities, Request for Residential Tax Exemption

Councillor Hetherington submitted five letters from long term care facilities requesting 50% percent tax exemption. The Councillor asked that the letters be forwarded to staff for a report back to Council with a recommendation.

10.1.3 Councillor Adams - Provincial Equalization

Councillor Adams served 32 letters from residents requesting an opportunity for the taxpayers of HRM to be given an opportunity to discuss the provincial equalization funding in a fair and just manner.

10.2 Presentations

10.2.1 Sandra Cober-Stasiulis - Offensive Odours, New Era Farm Compost Facility

Ms. Sandra Cober-Stasiulis made a presentation to Council regarding the New Era Farm Compost Facility requesting that the facility be closed. A copy of Ms. Cober-Stasiulis' presentation, as well as a petition signed by over 260 residents, were submitted for the record.

MOVED by Councillor Meade, seconded by Councillor Rankin, that the presentation and petition be forwarded to the Solid Waste Resource Advisory Committee for review and comments. MOTION PUT AND PASSED UNANIMOUSLY.

10.2.2 Kate Carmichael - Cogswell Street Interchange Project

This item was addressed earlier in the meeting.

10.2.3 Walter Nolan - Halifax Homeowners - Concerns re: Proposed Provincial Equalization Program

On behalf of the Halifax Regional Homeowners Association, Mr. Walter Nolan made a presentation to Council regarding the proposed provincial equalization program. In his presentation, Mr. Nolan made the following points:

- C A petition is currently being circulated to be signed by the members of the Association regarding this issue.
- C The provincial equalization program is an unfair and regressive tax grab.
- C Taxes should only be collected to the extent required to pay the bills, and there should never be a surplus.
- C HRM will be required to pay an amount of approximately \$6 million, which is the amount Sydney lost through the grant in lieu of taxes from Sydney Steel.
- C The loss of tax revenue from the decrease in business taxes will be passed on to the homeowners.

- C Halifax Regional Homeowners Association agrees with what Council is trying to accomplish, and HRM should not be singled out every time the Province needs money.

In closing, Mr. Nolan stated it is the Association's opinion that municipalities, such as Sydney, do need assistance, but some form of income tax would be a better way to share the cost equally across the Province and would be acceptable to everyone.

Mayor Kelly thanked Mr. Nolan for his comments.

At this time, it was agreed to deal with Items 13.2 Presentation by George McLellan, Deputy Chief Administrative Officer - Equalization Formula and 13.3 Equalization Fund Survey.

13.2 Presentation by George McLellan, Deputy Chief Administrative Officer - Equalization Formula

Mr. George McLellan, Deputy Chief Administrative Officer, made a presentation to Council with respect to the equalization formula. A copy of his presentation was submitted for the record. Mr. McLellan stated the options for Council with respect to this matter are:

- C Not accept the proposal as presented, but reconcile to it.
- C Not accept the proposal as presented, and demand an open independent review
- C Propose alternative scheme in recognition of the Province's unassailable legislative position

In closing, Mr. McLellan stated support and dialogue is needed in order to create the possibility of a more even playing field than what the Municipal Government Act allows.

Mayor Kelly thanked Mr. McLellan for his presentation.

13.3 Equalization Fund Survey

With the use of overheads, Ms. Karen Blotnick, President, The Marketing Clinic, presented the results of the equalization fund survey to Council. In her presentation, Ms. Blotnick made the following points:

- C 386 randomly drawn residents of HRM were surveyed.
- C 71.8 percent of those surveyed were familiar with the equalization proposal.
- C 66.6 percent of those surveyed were not in favour of having property tax dollars put into an equalization fund. Alternate funding sources favoured were federal transfer payments, provincial sales tax, and provincial income tax.
- C If the equalization program is approved, over 76 percent were not in favour of an increase in property taxes nor a reduction in service to cover the costs of the program.

- C 85.5 percent of those surveyed strongly supported the position taken by Mayor Kelly and Council respecting this issue.
- C 94.6 percent of those surveyed have not called their MLA with respect to this issue.
- C 91.8 percent of those surveyed supported Mayor Kelly and Council continuing to fight for a better solution towards the equalization program.

Mayor Kelly thanked Ms. Blotnicky for her presentation, and noted Council will be setting up a meeting to review the direction it wishes to take on this matter.

8.6 Public Parking Facility - Downtown Halifax (continued)

At this time, the discussion regarding the public parking facility continued (see Page 9.)

RECESS

A ten minute recess was taken at 8:10 p.m. The meeting reconvened at 8:20 p.m.

8.1 Project 00102 Re-allocation of Funds (deferred Feb. 20)

- C A staff report prepared for Dan English, Deputy Chief Administrative Officer, regarding the above, was previously circulated to Council.

Ms. Jacqueline Hamilton, Planner, presented the staff report.

The following February 20, 2001 motion regarding this item was back on the floor:

MOVED by Councillor Uteck, seconded by Councillor Goucher, that Council reallocate a portion of the funds previously disbursed to the Downtown Halifax Business Commission under the 1999/2000 & 2000/01 Capital Budgets for Downtown/Commercial Areas Streetscape Program to the following projects:

- 1. \$80,000 for consulting assistance in the preparation of a Barrington Street Special District Plan;**
- 2. \$10,000 for consulting assistance to develop Sidewalk Café Design Standards (terms of reference attached to the staff report dated February 6, 2001)**

Councillor Cooper expressed concern with having another plan for the downtown area. Ms. Hamilton stated the intent of this plan is to focus more on implementation and arises from a study done several years ago. One of the recommendations of this study was to create design guidelines for development on Barrington Street. Councillor Cooper stated none of

the downtown plans appear to be connected, and suggested the EMT initiative for Capital District Area should be covering this. If this initiative is moving forward, the Councillor stated this work should not be done piecemeal. In response, Councillor Uteck stated there is a common thread with the Downtown BIDC. The Councillor noted in the context of the overall plan, the money is there and it is just a reallocation of funds at this point.

MOTION PUT AND PASSED.

8.2 Correspondence from Superintendent, Financial Institutions Canada dated Feb. 15, 2001 re: Bank Closures

- C Correspondence from John Palmer, Superintendent, Financial Institutions Canada, dated February 15, 2001, in response to a letter from Mayor Kelly dated January 22, 2001, was before Council.

Councillor Hetherington reviewed the correspondence from the Superintendent, Financial Institutions Canada, regarding bank closures.

MOVED by Councillor Hetherington, seconded by Smith, that the Mayor write a letter to the Hon. Paul Martin, Minister of Finance (attaching a copy of the letter from the Superintendent, Financial Institutions Canada) reinforcing Council's disappointment with the Woodside Royal Bank closure and expressing Council's hope that Bill C-8 will provide the necessary regulation to help the residents. MOTION PUT AND PASSED UNANIMOUSLY.

8.3 Councillor Colwell - Dartmouth Shipyards Union

Councillor Colwell introduced three members of the Dartmouth Shipyards Union who were present in the gallery. The Councillor noted that the Dartmouth Marine Slips was closed down in June 2000, putting over 100 people out of work. Councillor Colwell stated there has been no severance package offered by Irving, and, due to the nature of ship repair business, these employees have endured a lot of financial difficulty over the years. The Union has written to Irving in the past asking to purchase the yard, and no response was received. Jobs in the same union in Halifax were advertised in the *Mail Star* in October 2000, but none of those who applied from Dartmouth were hired. A copy of the job advertisement was submitted for the record.

Councillor Colwell stated it is his understanding that all the equipment and management have moved out of the Dartmouth Marine Slips, and there is a rumour of a possible supply base changeover. The Councillor submitted documents from Secunda Marine indicating they have five major projects that they would like to have done in Dartmouth, as well as documents

respecting additional major contracts that could put these people back to work. Councillor Colwell stated the Provincial and Federal governments have not done anything to assist these people, and Irving appears to be reluctant to negotiate a severance package, or anything else, that would assist these people to return to work either in Dartmouth or Halifax.

Councillor Colwell asked that the Mayor write a letter to the Premier of Nova Scotia, on behalf of the members of the Union, to the Federal Minister responsible for Transportation and the Prime Minister, regarding this issue, as well as the Irving family, to see if some closure or movement forward can be achieved to get these people back to work.

MOVED by Councillor Colwell, seconded by Councillor Hetherington, that the Mayor write a letter to the Premier, the Federal Minister of Transportation, the Prime Minister, and the Irving Family, on behalf of the Dartmouth Shipyards Union, in an attempt to get some closure to this problem, and, hopefully, move this issue forward so the union members can go back to work. MOTION PUT AND PASSED UNANIMOUSLY.

8.4 Case 00071 Amendment to the MPS for Beaver Bank, Hammonds Plains and Upper Sackville, within the Glen Arbour Golf and Residential Community

- C A staff report prepared for Dan English, Deputy Chief Administrative Officer, regarding the above was before Council for its consideration. The report recommended that this matter be deferred until April 3, 2001.

Councillor Rankin reported there has been a good level of resolution to the concerns raised regarding this issue, and staff is requesting a further deferral to prepare a supplementary report and an amended development agreement.

MOVED by Councillor Rankin, seconded by Councillor Meade, that this matter be deferred to April 3, 2001. MOTION PUT AND PASSED UNANIMOUSLY.

**8.5 Amendments to Administrative Order Number One Respecting the Procedures of Council
Motion - Councillor Hetherington**

Councillor Hetherington noted there were three proposed amendments to Administrative Order Number One Respecting the Procedures of Council and requested that they be addressed separately. Council agreed to the request.

MOVED by Councillor Hetherington, seconded by Councillor Cunningham, that Council approve the following amendment to Administrative Order Number One:

Clause (j) of subsection (1) of Section 22 of said Administrative Order Number One is repealed and the following substituted therefor:

- (j) reports from:**
 - i Standing Committees of Council;**
 - ii committees other than standing committees;**
 - iii staff; and**
 - iv members of Council**

MOTION PUT AND PASSED UNANIMOUSLY.

MOVED by Councillor Hetherington, seconded by Councillor Sloane, that Council approve the following amendment to Administrative Order Number One: Subsection (5) of said Section 22 is amended by deleting the words “day of” from the third line thereof and by substituting therefor the words “Monday immediately preceding.”

Speaking against the motion, Councillor Johns stated this amendment would restrict Council's ability to add items to the agenda.

Councillor Walker also expressed concern with this amendment and suggested the deadline be changed to 3:00 p.m. on Monday rather than noon.

Councillor Uteck stated the majority of added items should be rejected as they can be dealt with at the Community Council level. The Councillor also noted that Council is often not prepared to deal with items being added at the last minute.

Speaking against the motion, Councillor Mosher stated Council should have the flexibility of adding emergency items to the agenda.

Speaking in support of the motion, Councillor Goucher agreed with Councillor Uteck that many of the added items can be dealt with through another venue, such as Community Council.

Also speaking in support of the motion, Councillor Fougere noted this amendment refers to late added items only, and not regular added items, which have a deadline of the previous Thursday, so the proper information can be included in the agenda package. The Councillor noted there is another provision in the Administrative Order to add emergency items, so this amendment would not affect those items.

Councillor Cooper suggested the Monday deadline may be not be going far enough, but it is a good start.

Councillor Streach, speaking in support of the motion, stated he would prefer that Thursday be the deadline for all added items.

Councillor Smith also spoke in support of the motion and stated with proper planning the new deadline should be easy to meet.

Councillor Walker raised concerns with requests for staff reports coming back as Information Items, and stated to have these items addressed, they have to be added to the regular agenda.

MOTION PUT AND PASSED.

MOVED by Councillor Hetherington, seconded by Councillor Sloane, that Council approve the following amendment to Administrative Order Number One: Said Section 22 is further amended by adding immediately following subsection (7) thereof, the following subsection:

- (8) Where a member of Council has an issue concerning staff, either individually or collectively, the issue shall not be added to the agenda of a Regular Council meeting until the Council member has discussed the issue with the Chief Administrative Officer and the matter has been discussed at an In Camera Session of Council.**

Speaking against the motion, Councillor Johns stated the reference to “collectively” will restrict Council from raising issues respecting departments. Mr. Wayne Anstey, Municipal Solicitor, stating there is a difference between commenting on a service and commenting on an individual whether or not they are named. Mr. Anstey suggested if the word “collectively” is a problem, it could be removed and the words “individual staff” be used. Both the Mover and Secunder of the motion agreed to this suggestion. The amended motion now read as follows:

MOVED by Councillor Hetherington, seconded by Councillor Sloane, that Council approve the following amendment to Administrative Order Number One: Said Section 22 is further amended by adding immediately following subsection (7) thereof, the following subsection:

- (8) Where a member of Council has an issue concerning individual staff, the issue shall not be added to the agenda of a Regular Council meeting until the Council member has discussed the issue with the Chief Administrative Officer and the matter has been discussed at an In Camera Session of Council.**

Speaking against the motion, Councillor Fougere stated the term "issue" is very broad. Also, the Councillor suggested a policy that Council could agree upon to deal with staff issues could be developed, and it should not be necessary to write this into the Administrative Order. Councillor Fougere stated the rules for personal decorum are already included in the Administrative Order under the role of the Chair.

Speaking in support of the motion, Councillor Streach stated the Chief Administrative Officer is the appropriate channel to go through when it comes to personnel issues.

Also speaking in support of the motion, Councillor Goucher stated it is a matter of respect for staff.

Speaking against the motion, Councillor Cooper stated every member of Council is aware that a certain amount of respect is expected; therefore, there is probably no need for the amendment.

Speaking in support of the motion, Councillor Adams stated everyone, staff and Council, deserves respect and dignity.

Councillor Rankin spoke in support of the motion stating this is a public forum and staff do not have the opportunity to respond. The Councillor stated the amendment will provide a protocol for staff, or their representative, to present their side of the situation.

Councillor Walker spoke against the amendments, stating it is a duplication and is not necessary.

MOTION PUT AND PASSED.

8.6 Public Parking Facility - Downtown Halifax

This item was addressed earlier in the meeting.

9. PUBLIC HEARINGS

9.1 Second Reading By-Law S-102, An Amendment to By-Law S-100 Respecting Sewer

This item was addressed earlier in the meeting.

9.2 Second Reading Amendment to By-Law T-108 (permit accessible taxis to operate without rooflights)

This item was addressed earlier in the meeting.

10. CORRESPONDENCE, PETITIONS & DELEGATIONS

10.1 Petitions

This item was addressed earlier in the meeting.

10.2 Presentations

This item was addressed earlier in the meeting.

10.2.1 Sandra Cober-Stasiulis - Offensive Odours, New Era Farm Compost Facility

This item was addressed earlier in the meeting.

10.2.2 Kate Carmichael - Cogswell Street Interchange Project

This item was addressed earlier in the meeting.

10.2.3 Walter Nolan - Halifax Homeowners - Concerns re: Proposed Provincial Equalization Program

This item was addressed earlier in the meeting.

11. REPORTS

11.1 MEMBERS OF COUNCIL

11.1.1 Councillor Warshick - Special Olympics Winter Games

Councillor Warshick requested that, on behalf of Council, the Mayor write a congratulatory letter to Julie Lynn Stanhope and Alexander Morrison on their recent success at the Special Olympics Winter Games. Council agreed with the request.

11.1.2 Councillor Colwell:

i) **Condition of Roads - Carters & Romans Subdivision**

Councillor Colwell requested that the Mayor send a letter to the Nova Scotia Department of Transportation and Public Works requesting that the roads in the Carters & Romans Subdivision, Lawrencetown, be properly fixed and that the paving project, which has been petitioned for by the residents, proceed. Council agreed to the request.

Councillor Colwell noted he will be forwarding photographs to the Mayor's Office to be included in the letter in the Minister.

ii) **Paving of Terry Court**

Councillor Colwell reviewed the history of the paving request for this street. The Councillor stated the residents of the area want to pursue this further with the Department of Transportation to see if they can receive a 20/80 cost sharing. Councillor Colwell inquired if the residents are successful in achieving this, can the savings be applied back to the residents. Mr. Meech replied that a credit would be applied back to those respective accounts.

MOVED by Councillor Colwell, seconded by Councillor Streach, that the residents of Terry Court be invoiced for paving charges as petitioned on a 50/50 cost sharing basis with the assumption that if the Province comes through with a more equitable cost sharing, it will be passed on the residents of the street. MOTION PUT AND PASSED UNANIMOUSLY.

11.1.3 **Councillor Cooper - Paving Petitioning Process - MacLaughlin Road and Ritchie Crescent**

Councillor Cooper noted these two streets are currently partially paved. With respect to MacLaughlin Road, the Councillor stated is not likely that it will ever be developed as residential. Councillor Cooper also stated that development on Ritchie Crescent is slow as the lots are quite large. Therefore, he requested that in the case of these two roads, when they are put on the list for paving, that it be done by waiving the petitioning process.

MOVED by Councillor Cooper, seconded by Councillor Cunningham, that the petitioning process be waived for MacLaughlin Road and Ritchie Crescent when they are put on the list for paving. MOTION PUT AND PASSED UNANIMOUSLY.

11.2 **REGIONAL HERITAGE ADVISORY COMMITTEE**

11.2.1 **Case H00039 - Review of Proposed Alterations to 1872 Upper Water Street**

- C A report from the Regional Heritage Advisory Committee, regarding the above, was before Council for its consideration. The report recommended that Council reject the request for vinyl windows and a steel door for 1872 Upper Water Street (Sweet Basil).
- C A staff report prepared for Dan English, Deputy Chief Administrative Officer, regarding the above, was before Council for its consideration. The report recommended that Council approve the alterations to 1872 Upper Water Street, as proposed in the staff report dated January 16, 2001.

Councillor Uteck stated the Heritage Advisory Committee rejected this alteration due to the materials proposed to be used. However, the Councillor noted the Committee has been inconsistent in what it has been approving in terms of materials, and similar materials have been approved in the past. Therefore, Councillor Uteck stated she would move to accept the staff recommendation.

MOVED by Councillor Uteck, seconded by Councillor Walker, that Council approve the alterations to 1872 Upper Water Street, as proposed in the staff report dated January 16, 2001. MOTION PUT AND PASSED UNANIMOUSLY.

11.2.2 Case H00043 - 1820 & 1824 Hollis Street, Permits to replace existing windows

- C A report from the Regional Heritage Advisory Committee, regarding the above, was before Council for its consideration. The report recommended that Council reject the request for vinyl windows for 1820 Hollis Street and 5162 Duke Street, as the Committee is concerned with the effect vinyl windows will have on the integrity of the heritage property.
- C A staff report prepared for Dan English, Deputy Chief Administrative Officer, regarding the above, was before Council for its consideration. The report recommended that Council approve the alterations to 1820 Hollis Street and 5162 Duke Street, as proposed in the staff report dated February 2, 2001.

Councillor Uteck stated this proposal was also rejected by the Heritage Advisory Committee, as the members were concerned with the aesthetics and the heritage integrity of the building. The Councillor noted the vinyl windows will be on the upper levels, and they are in keeping with the Heritage Conservation Standards. Councillor Uteck noted the Committee will be holding a facilitation session to develop principles to avoid sending mixed messages to heritage property owners as to what the Committee will and will not approve.

MOVED by Councillor Uteck, seconded by Councillor Walker, that Council approve the alterations to 1820 Hollis Street and 5162 Duke Street, as proposed in the staff report dated February 2, 2001. MOTION PUT AND PASSED UNANIMOUSLY.

11.3 CHIEF ADMINISTRATIVE OFFICER

11.3.1 First Reading By-Law S-407 Respecting Charges for Street Improvements

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

MOVED by Councillor Cooper, seconded by Councillor Fougere, that Council give First Reading to By-Law S-407, an amendment to By-Law S-400 Respecting Charges for Street Improvements. MOTION PUT AND PASSED UNANIMOUSLY.

11.3.2 Amendment to Administrative Order Number 16 Respecting Fees for the Use of Solid Waste Management Facilities

MOVED by Councillor Rankin, seconded by Councillor Goucher, that Administrative Order Number 16 be amended to provide for an increase in fees for disposal of commercial materials received at its waste resource management facilities, effective May 1, 2001, from \$110/tonne to \$115/tonne for refuse, and from \$68/tonne to \$70/tonne for compostable organics, by adopting the amended Administrative Order Number 16 attached to the staff report dated March 14, 2001.

Councillor Walker expressed concern with dealing with this item before the budget debate is completed, and noted that Council may want to increase the fee to cover other items. In response, Mr. Anstey stated Council can always amend the Administrative Order again in the future, if a new fee structure is necessary.

MOTION PUT AND PASSED.

11.3.3 (i) Halifax Harbour Solutions Project - Community Integration Fund Status Report

This item was deleted from the agenda during Approval of the Order of Business.

(ii) Ratification - Harbour Solutions

C This item was discussed at an In Camera session held on March 13, 2001, and was now before Council for ratification.

MOVED by Councillor Sarto, seconded by Councillor Fougere, that be it resolved that the Chief Administrative Officer be instructed:

- a) to determine whether the appropriate consents can be obtained in order to proceed with the evaluation of the proposals submitted by both Halifax Regional Environmental Partnership and Halifax Water Works Group.
- b) if the consents are not immediately forthcoming, to make application to the Supreme Court of Nova Scotia for a declaration with respect to the issues raised at this stage of the RFP process. **MOTION PUT AND PASSED.**

11.3.4 RFP 00-077 - Fleet - 40 Foot Transit Buses

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

MOVED by Councillor Fougere, seconded by Councillor Uteck, that:

1. Council authorize the award of RFP 00-077, a three year purchase agreement for the supply of up to thirty (30) forty-foot transit buses to New Flyer Industries Limited.
2. The total award is for \$11,419,460.00 plus taxes and contingency. New Flyer Industries Limited is recommended as the highest scoring proponent.
3. This award covers budget years 2000-2001, 2001-2002 and 2002-2003 and is contingent on Council approving funds through the Capital Budget process for each of the stated years.

Mr. Paul Beauchamp, General Manager, Fleet Services, responded to questions of Councillor Meade. The Councillor stated the amount of the contingency should be included in the motion.

MOVED by Councillor Meade, seconded by Councillor Hetherington, that the motion be amended to add the words "5 percent" before contingency. MOTION PUT AND PASSED UNANIMOUSLY.

The vote was then taken on the main motion, as amended.

MOTION PUT AND PASSED UNANIMOUSLY.

11.3.5 Hotel Room Tax - Legislation

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

MOVED by Councillor Cunningham, seconded by Councillor Fougere, that Council approve the form of the legislation, attached to the staff report dated March 5, 2001 as Appendix "B", to establish the enabling authority from Halifax Regional Municipality to levy a hotel room tax and support its adoption by the Nova Scotia Legislature.

Mr. Wayne Anstey, Municipal Solicitor, noted that since the staff report was drafted, a meeting was held between staff and the Hotel Association, and an agreement has been reached to amend Section 3 (2) to read as follows: "*The tax shall be at such rate as may be set by the Council but shall not be more than two percent of the purchase price of the accommodation.*"

Both the Mover and Secunder of the motion agreed to the change, and the motion now read as follows:

MOVED by Councillor Cunningham, seconded by Councillor Fougere, that Council approve the form of the legislation, attached to the staff report dated March 5, 2001 as Appendix "B", to establish the enabling authority from Halifax Regional Municipality to levy a hotel room tax and support its adoption by the Nova Scotia Legislature, with an amendment that Section 3 (2) be changed to the following: "The tax shall be at such rate as may be set by the Council but shall not be more than two percent of the purchase price of the accommodation."

Responding to a question of Councillor Cooper, Mr. Anstey stated a by-law would be passed with respect to some of the collection and administration issues; however, the actual tax itself would just be adopted by a resolution of Council. In response to an additional question of the Councillor regarding accountability, Mr. Anstey stated the purpose of the money is to be used to market the Municipality as a tourist destination. Under Section 3 (5) it states the Municipality may pay the money over to agencies to carry out this function. Mr. Anstey stated it is intended that the Municipality would set goals, objectives and standards, in an agreement with the agency when the money is passed over. Mr. Ken Meech, Chief Administrative Officer, added that it would be expected the Municipality would enter into a service agreement so it would be able to examine, on an annual basis, the agency's projected budget and objectives. Mr. Meech stated HRM will need to be satisfied that the agency is intending to expend the funds in an acceptable manner.

Councillor Cooper suggested a requirement to submit annual business plans to Council should be written into the By-Law. In response, Mr. Meech stated this type of detail can be

covered in an agreement, and it does not necessarily have to be stated in the legislation. Mr. Meech noted, at this time, Council is only being asked to support the introduction of the provincial legislation. If this is approved, staff will come back with a proposal that will provide further detail.

Mr. Anstey stated the By-Law will be adopted for the purpose of putting in place a taxation process to achieve the revenue. The Municipality will then enter into an agreement with a marketing agency, at which time the issues raised by Councillor Cooper will be addressed. The agreement will come before Council for approval before any money is granted to the agency.

Councillor Warshick expressed concern with how it can be guaranteed that this money will be put towards marketing the entire destination rather than just the individual hotels/motels. Mr. Meech stated a business plan will be developed, and it would not necessarily only include representation of the hotel industry, as it would include other agencies, such as TIANS. In the end, Mr. Meech stated Council will have the benefit of endorsing the model itself before it is established, including the stakeholders and the representation.

As it was now 10:00 p.m., the following motion was placed on the floor:

MOVED by Councillor Walker, seconded by Councillor Adams, that the meeting extend beyond 10:00 p.m. until the agenda is completed. MOTION PUT AND DEFEATED.

The remaining agenda items were not addressed:

- 11.3.6 Maintenance Agreement HRM-08: Maintenance of Bridges on Former Cost Shared Streets, Halifax Regional Municipality
- 11.3.7 Water Service Extension Upper Hammonds Plains
- 11.3.8 Debenture Issue
- 11.3.9 CN Lease Agreement - Rosemount Avenue Storm Sewer
- 11.3.10 Municipal Government Act - Cost of Living Increases to Pensions
- 12. Motions - None
- 13. Added Items
- 13.1 Councillor Meade - Condition of Road, Route 333
- 13.4 Sale of 2156 Brunswick Street
- 14. Notices of Motion

15. ADJOURNMENT

The meeting adjourned at 10:00 p.m.

Vi Carmichael
Municipal Clerk