

HALIFAX REGIONAL MUNICIPALITY

HALIFAX REGIONAL COUNCIL MINUTES

June 5 & 6, 2001

**Members of Council Present
June 5, 2001
6:00 p.m.**

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
Sheila Fougere
Diana Whalen
Linda Mosher
Stephen D. Adams
Brad Johns
Bob Harvey
Len Goucher
Reg Rankin
Gary Meade

REGRETS:

Councillor Russell Walker

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.

2. **PROCLAMATIONS**

2.1 **National Kids Day - June 9, 2001**

June 9, 2001 was proclaimed to be National Kids Day.

2.2 **Bike to Work Week - June 4 - 8, 2001**

The week of June 4 - 8, 2001 was proclaimed to be Bike to Work Week.

Special Presentation - Governor General of Canada - Canadian Peacekeeping Medal - Maxwell Zwicker

On behalf of the Governor General of Canada, Mayor Kelly presented the Canadian Peacekeeping Medal to Maxwell Zwicker in recognition of his contributions towards world peace. Mayor Kelly stated it is important to recognize the great risk peacekeepers take on our behalf. In response, Mr. Zwicker addressed Council commenting on the importance of peace.

3. **APPROVAL OF MINUTES - May 15 & 22, 2001**

MOVED by Councillor Hetherington, seconded by Councillor Sloane, that the minutes of May 15 & 22, 2001 be approved, as circulated. MOTION PUT AND PASSED UNANIMOUSLY.

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

The following item was deleted from the agenda:

Item 11.2.1 - Councillor Hetherington - Liability and Obligation of Sewer Backup

The following item was added to the agenda:

- 13.1 Committee of the Whole Recommendation - Interim Supplementary Funding - Halifax Regional School Board

Councillor Johns requested that Item 11.1.1 By-Law Number L-102, Respecting Local Improvement Charges - Beaver Bank Servicing Phase III (supp report) be deferred until June 26, 2001, and put forth the following motion:

MOVED by Councillor Johns, seconded by Councillor Adams, that Item 11.1.1 By-Law Number L-102, Respecting Local Improvement Charges - Beaver Bank Servicing Phase III (supp report) be deferred until June 26, 2001. MOTION PUT AND PASSED UNANIMOUSLY.

MOVED by Councillor Hetherington, seconded by Deputy Mayor Blumenthal, that the Order of Business and Additions and Deletions be approved, as amended. MOTION PUT AND PASSED UNANIMOUSLY.

5. **BUSINESS ARISING OUT OF THE MINUTES**
6. **MOTIONS OF RECONSIDERATION - NONE**
7. **MOTIONS OF RESCISSION - NONE**
8. **CONSIDERATION OF DEFERRED BUSINESS - NONE**
9. **PUBLIC HEARINGS**
- 9.1 **Proposed Townhouse Development - Memorial Drive**
 - i) **Administrative Order SC-26**
 - ii) **Rezoning Lot D-3 Memorial Drive**

- A staff report prepared for Paul Dunphy, Director of Planning and Development Services, to the Chebucto Community Council, regarding the above, was previously circulated to Council.

Mayor Kelly noted that the Public Hearing will be with respect to both the street closure and the rezoning, however Council is only required to make a decision with respect to the street closure. Following a positive decision, the rezoning matter will be sent back to the Chebucto Community Council for a decision.

With the use of overheads, Mr. Mike Woods, Real Estate Services, presented the street closure issue to Council. Mr. Gary Porter, Planner, presented the rezoning aspect of the staff report.

Responding to a question of Deputy Mayor Blumenthal, Mr. Porter stated a portion of the street will be closed, making it narrower, but the affected section is west of the existing traffic way and is not currently being used. Mr. Porter stated the pavement will not be affected.

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

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

COUNCIL DECISION

MOVED by Deputy Mayor Blumenthal, seconded by Councillor Hetherington, that Council adopt Administrative Order SC-26 Respecting the Closure of a Portion of Memorial Drive. MOTION PUT AND PASSED UNANIMOUSLY.

It was noted that the re-zoning matter will now proceed to Chebucto Community Council for a decision.

9.2 Second Reading By-Law L-200 Respecting Licensing and Construction and Demolition Debris Recycling and Disposal Operations

- By-Law L-200 passed First Reading on May 15, 2001, and was now before Council for Second Reading.
- A supplementary report dated May 10, 2001, prepared for K. R. Meech, Chief Administrative Officer, regarding the above, was previously circulated to Council.

Mr. Brian Smith, Director, Solid Waste Resources, presented the staff report to Council.

In response to a question of Councillor Cooper inquiring if it would possible to change the setback distance with respect to residential buildings, Mr. Wayne Anstey, Municipal Solicitor, advised that the appropriate time to make such a change, if Council so wished, would be following the Public Hearing.

Responding to a question of Councillor Adams, Mr. Anstey stated if a property is not rezoned, the existing operation would be a legal non-conforming use and could legally stay where it is located.

In response to a question of Councillor Rankin, Mr. Kurt Pyle, Planner, stated it is not intended to zone existing businesses out of business. It is intended to work with the businesses, not against them.

Mayor Kelly called for members of the public wishing to speak either in favour of or against the By-Law.

Harold Woodworth, Armada Drive

Mr. Woodworth addressed Council with respect to the By-Law, stating to broaden the recycling market is a very fragile and long-term project. Mr. Woodworth stated the recycling business is very entrepreneurial and if Council wants to encourage growth of these entrepreneurs, it has to work with them rather than scaring them with regulations which may cause them to close.

Jennifer Lake, Harrietsfield/Williamswood Community Association

Ms. Jennifer Lake congratulated Council for its pro-active approach to waste management. However, she requested that Council consider not allowing these facilities to operate in residential areas. Ms. Lake urged Council to continue to be pro-active in the future.

Michael MacDonald, Old Sambro Road

Mr. Mike MacDonald addressed Council regarding the facility near his residence on Old Sambro Road, stating it is much better than what has been there over the years.

Tim Venoit, Wallace, MacDonald, Lively

Mr. Tim Venoit addressed Council regarding the implications of the By-Law. Mr. Venoit stated that C & D waste is clean and dry. With respect to the public meetings Mr. Venoit attended, he noted that they often became off topic to other solid waste issues. Mr. Venoit stated if this By-Law is put in place it will threaten something the private industry has set up, and the industry as it now exists will be lost.

Responding to a question of Councillor Adams, Mr. Venoit stated the materials that are of some value are saved out and stockpiled separately, processed, and then shipped away. The materials that are left that are of no use have to be disposed of in some manner. They can be

taken to the Otter Lake landfill or a disposal facility if one is put in place. Mr. Venoit noted there are no disposal facilities in HRM at the present time.

Councillor Sloane inquired if staff have looked at any other municipalities that have C & D sites. Mr. Jim Bauld responded that staff have toured other C & D facilities in Nova Scotia, and HRM does not want what was seen at these facilities. With respect to creosote materials, Mr. Bauld noted it is very difficult to find a reuse. He stated that staff also examined the separation distances from the Department of Environment of New Brunswick.

Jack Stone, Williamswood

Mr. Jake Stone addressed Council stating he supports 95 percent of the By-Law. However, he expressed concern with the separation distances to watercourses. Mr. Stone stated leachate and runoff from the stockpiles will drain into the watercourse, and if the ground water is contaminated, so will be the watercourse. In closing, Mr. Stone stated the watercourses need Council's protection.

Joan Alexander, 4 Drysdale Rd.

Ms. Joan Alexander addressed Council noting she worked with the Department of the Environment on the natural gas line project, and they experienced no environmental problems. She stated it is possible to bypass any environmental dangers if the regulations and guidelines are followed.

Darlene Stone, 53 Moody Park Drive

Ms. Darlene Stone congratulated Council for passing the Pesticide By-Law. However, she suggested moving quickly on this issue without full study is not the answer. Ms. Stone stated if the matter is not closely examined, the Municipality may have to pay millions of dollars for cleanups. She suggested these facilities will contaminate the soil and kill wildlife. In closing, Ms. Stone urged Council to delay this matter to allow it to be fully studied in order to protect what the Municipality now has and to ensure contamination of the waterways does not occur. She noted that the results of the lake testing by NSDOE have not yet been received.

Randy MacPhee, 691 Ketch Harbour Road

Mr. Randy MacPhee addressed Council stating RDM has beautified its area of the road. Mr. MacPhee suggested if dry goods are handled properly they will not create water. He asked that Council really look into the issue and not make a decision based on a few homeowners.

Jeanette (last name not given), 1269 Old Sambro Road

Jeanette addressed Council regarding this issue stating the facility in her area has not created any traffic concerns and is not visible from the road. She suggested that many residents are not concerned with the location of the facility.

Mona Drabble, 76 Moody Park Drive, Williamswood

Ms. Mona Drabble addressed Council stating she is not against the C & D business, but she expects Council to support the residents and not just the businesses. Ms. Drabble stated protection is needed when well water could be contaminated. She stated she expects Council to be pro-active in this regard as it has great importance to the residents. Ms. Drabble noted that she speaks for many seniors who want to protect their property assessments and the resale value of their homes. In closing, Ms. Drabble asked Council not to pass the By-Law until it covers every ounce of protection possible.

Greg Zwicker, Wallace, MacDonald, and Lively

Mr. Greg Zwicker submitted a petition containing approximately 110 names of people who believe the RDM facility is not detrimental. Mr. Zwicker read a portion of the petition, and then submitted it for the record.

Stephen Taylor, Lr. Sackville

Mr. Stephen Taylor addressed Council regarding the overall financial impact on HRM. Mr. Taylor stated he has many years of experience in the recycling industry. Mr. Taylor noted that he attended the last Solid Waste Resource Advisory Committee meeting, however there was no public participation permitted at that meeting. Mr. Taylor suggested that Council needs to find a balance with this By-Law. If it is too severe, costs will increase. In closing, Mr. Taylor urged Council to work with the facility owners.

Barry Zwicker, Wallace, MacDonald, Lively, representing RDM

Mr. Barry Zwicker addressed Council noting the guidelines used by RDM were those of the Department of the Environment. He stated the effect of putting this By-Law in place will put RDM out of business, as it now has three stockpiles that do not meet the By-Law requirements. Mr. Zwicker questioned what RDM is supposed to do with these materials when there are no disposal sites. He stated HRM should not be trying to put these facilities out of business, and the issue is what to do with processed C & D materials. Mr. Zwicker suggested these materials could potentially be used as landfill cover. He stated the solution to this issue is to put the By-Law on hold and get on track with the MPS and LUB amendments, and deal with the companies already in the C & D business and provide them with the opportunity to supply landfill cover under contract with MIRROR.

Mayor Kelly called three times for additional speakers. Hearing none, the following motion was put on the floor.

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

In response to a question of Councillor Rankin regarding landfill cover, Mr. Smith stated there is no structure in place with respect to requesting this material. He noted a provision was included in the MIRROR contract to look at these materials for cover using existing materials on site. Mr. Smith stated it is possible to use a mix of C & D waste. He noted there is potential to use that material and HRM can discuss this with MIRROR. The only way a cost limit would be involved would be if soil had to be imported. It would be less expensive to import materials from a C & D facility as cover material.

MOVED by Councillor Rankin, seconded by Councillor Meade, that Council give Second Reading to By-Law L-200 as attached to the staff report dated May 10, 2001.

Speaking in support of the By-Law, Councillor Rankin stated it is a balance of protecting the public interest and it provides a measure of protection that currently is not in place. The Councillor noted the By-Law can be amended in the future, if necessary.

Responding to a question of Councillor Rankin, Mr. Smith stated there is provision in the By-Law for the existing businesses to operate as they are today.

Councillor Adams stated he will be requesting a deferral of this issue for at least a month so the concerns and questions of the community and Council can be addressed. Responding to a question of the Councillor regarding using these materials for landfill cover, Mr. Smith stated any use of the C & D material can be examined in the future. In response to a further question of the Councillor, Mr. Bauld stated there are potential risks if the materials are mismanaged, particularly in Class C.

Councillor Adams noted there was a community meeting held on May 23, and he would like clarification on some issues that were raised. The Councillor requested a staff report on how a clay liner can be used, as well as information on compensation for communities hosting sites. With respect to the \$1 million liability coverage, Councillor Adams stated he was not sure if it would be sufficient in the event of a major environmental problem. The Councillor noted a resolution was passed at the community meeting which stated there were numerous concerns about the C & D business in Harrietsfield that remain unanswered. Councillor Adams agreed to provide staff with the contact names of the residents' association to obtain these concerns.

MOVED by Councillor Adams, seconded by Deputy Mayor Blumenthal, that this matter be deferred for one month so staff can come forward with answers to the questions raised and allow protection for the communities where these facilities will be located.

Councillor Cooper inquired if it would be appropriate to ask staff to look at separation distances as part of the deferral. The Councillor stated there is not a lot of protection for residential buildings that are close to the property line. Councillor Cooper requested that a minimum separation distance from residential buildings be set at 90m and that anything closer would be required to provide a screening from the residences.

Councillor Fougere inquired what would happen if a landowner built a home on their property after an adjacent C & D facility was constructed. Mr. Jim Donovan stated the onus would be on the property owner to meet the setback requirements. Responding to a question of the Councillor regarding the separation distance from the stockpile, Mr. Smith stated the distance is measured from the side of the stockpile, not the center. Councillor Fougere stated it is important to clarify this in the By-Law so there is no room for misinterpretation. Mr. Smith agreed this could be taken into consideration if the deferral passes.

Councillor Fougere inquired if there were any operational plans to rotate the stockpiles, noting the materials at the bottom may remain there longer than the permitted time frame. Mr. Smith responded that one fundamental requirement of the by-law is record keeping of materials coming in and going out of the facilities. One of the first things staff will look at when reviewing an operational plan is how facilities will achieve the removal of material.

In response to a question of Councillor Uteck, Mr. Donovan stated the current operating businesses have permits and are legal businesses. The licensing By-Law will impose additional requirements. Responding to a further question of the Councillor, Mr. Smith stated the existing sites are not zoned for disposal. If this takes place in the future, the Department of Environment C & D disposal guidelines will come into place.

Councillor Uteck stated the main outstanding issue appears to be setback requirements, and each facility needs to be treated differently based on the community. The Councillor suggested deferring the By-Law for a month is not the answer. Mayor Kelly inquired if it would be possible for a staff report to come back to Council in less time. In response, Mr. Smith stated he believed most of the questions could be answered quickly. Councillor Adams stated he would still prefer a one month deferral.

Deputy Mayor Blumenthal stated HRM has spent a lot of money on solid waste issues and the possibility of a landfill cover needs to be examined as a possible way to save money.

Mayor Kelly stated, if the deferral passes, the issue will be brought back to a Committee of the Whole meeting on July 3, 2001, and he encouraged any Councillors to contact staff if they have other issues they would like addressed before that time.

The vote was then taken on the deferral.

MOTION PUT AND PASSED.

RECESS

A 15 minute recess was taken at 8:05 p.m. The meeting reconvened at 8:20 p.m.

10. CORRESPONDENCE, PETITIONS & DELEGATIONS

10.1 Petitions

10.1.1 Councillor Mosher - Renaming of Joseph Howe Drive

Councillor Mosher served a petition containing approximately 56 signatures of residents expressing safety concerns with respect to Dutch Village Road, and requesting that HRM rename Joseph Howe Drive to Dutch Village Road (to extend from Armdale Rotary to Fairview Overpass - in a relative straight line) and to change the remaining Dutch Village Road(s) to another name, to be determined by HRM, and that HRM absorb any costs associated with this renaming. The Councillor noted that staff are aware of this situation and are working on it.

10.1.2 Councillor Goucher

i) Speed Limit, Rockmanor Drive

Councillor Goucher tabled a petition for Council's information from residents requesting that the speed limit be lowered to 30 kpm on a portion of Rockmanor Drive. The Councillor noted this petition has already been forwarded to the appropriate persons.

ii) Sidewalks - Bedford Highway

Councillor Goucher served a petition from residents regarding sidewalks for the stretch of Bedford Highway between Nelson's Landing and Millview Avenue.

10.1.3 Councillor Colwell - Supplementary Funding

Councillor Colwell served a petition from residents of Lawrencetown requesting that Council respect the public's vote on the subject of supplementary funding for the School Board.

10.1.4 Councillor Streach - HRDA

Councillor Streach referenced correspondence he received from Elaine MacFaden, HRDA. The Councillor requested a staff report regarding the ramifications of attaching a rider clause to the \$275,000 being forwarded by HRM to the RDA, stating that the money will not be granted until voting status for the Councillor representatives for the RDA is put in place.

11. REPORTS

11.1 CHIEF ADMINISTRATIVE OFFICER

11.1.1 By-Law Number L-102, Respecting Local Improvement Charges - Beaver Bank Servicing Phase III (supp report)

During Approval of the Order of Business, this item was deferred to June 26th.

11.1.2 Graham Creighton - Enhancement Funding (supp report)

- A supplementary 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 Colwell, that Council approve \$300,000 from the CRESPOOL Account towards the funding for the Graham Creighton Junior High School Enhancement as per the Budget Implications Section of the supplementary report dated May 30, 2001. MOTION PUT AND PASSED UNANIMOUSLY.

11.1.3 Tender 01-100 - Two(2) Model 2002 4-Wheel Drive Pick-up Trucks

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

MOVED by Councillor Sarto, seconded by Deputy Mayor Blumenthal, that Council authorize the award of Tender #01-100 to Carroll Pontiac Buick Ltd. at a price of \$29,630.90 (HST included) per unit for a total project cost of \$59,261.80 (HST included) with funding outlined in the Budget Implications Section of the staff report dated May 24, 2001. These trucks will be utilized for towing trailers and rescue boats

as well as delivering firefighting equipment to Volunteer Departments outside the core. **MOTION PUT AND PASSED UNANIMOUSLY.**

11.1.4 Tender 01-073 - Renovations to Lakeside Fire Station # 58

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

MOVED by Councillor Rankin, seconded by Councillor Meade, that Council authorize the award of Tender #01-073 to Blunden Construction (1995) Limited at a price of \$67,160.00 (HST included) plus a 10% contingency for a total project cost of \$73,876.00 (HST included) with funding outlined in the Budget Implications Section of the staff report dated May 24, 2001. Contingency to cover costs of replacing rotten wood on roof if necessary. **MOTION PUT AND PASSED UNANIMOUSLY.**

11.1.5 Tender 01-092 - Seven (7) Model 2002 4-Door Sedans

- 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 Council authorize the award of Tender #01-092 for the purchase of ten (10) Model 2002 4-Door Sedans to Carroll South Shore at a price of \$22,489.40 (HST included) per unit for a total project cost of \$224,894.00 (HST included) with funding outlined in the Budget Implications Section of the staff report dated May 24, 2001. Seven (7) units will be utilized by the Halifax Regional Police in their unmarked fleet. The remaining three (3) units will be utilized in Shared Services for transit operations inspectors. **MOTION PUT AND PASSED UNANIMOUSLY.**

11.1.6 Tender 01-209 - Cobequid Road Ballfield - Storm Sewer Replacement

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

MOVED by Councillor Harvey, seconded by Councillor Johns, that Council award Tender No. 01-209, Cobequid Road Ballfield - Storm Sewer Replacement to Sackville Trenching (1995) Limited for materials and services listed at the unit prices quoted for a Tender Price of \$68,550.00 plus net HST and 10% for quality control/quality assurance and unforeseen works for a Total Project Cost of \$80,253.00 with funding authorized as per the Budget Implications Section of the staff report dated May 18, 2001. MOTION PUT AND PASSED UNANIMOUSLY.

11.1.7 Tender 01-233 - Resurfacing Project 1 Dartmouth East - Colby Drive, Cow Bay Road, Otago Drive, Ross Road and Trunk 7

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

MOVED by Councillor McInroy, seconded by Councillor Cooper, that Council award Tender No. 01-233, Resurfacing Project 1 Dartmouth East - Colby Drive, Cow Bay Road, Otago Drive, Ross Road and Trunk 7 to Ocean Contractors Limited for materials and services listed at the unit prices quoted for a Tender Price of \$461,452.00 plus net HST and 10% for quality control/quality assurance and unforeseen works for a Total Project Cost of \$540,231.00 with funding authorized as per the Budget Implications Section of the staff report dated May 23, 2001.

Responding to a question of Councillor Hetherington, Mr. Rick Paynter, Manager, Design and Construction Services, stated all of these tenders will have work underway in two to three weeks. The time frame for completion of the work is approximately 60 days.

MOTION PUT AND PASSED UNANIMOUSLY.

11.1.8 Tender 01-214 - Fish Hatchery Park Pumping Station Reconstruction

- 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 Fougere, that Halifax Regional Council:

- 1) **Award Tender No. 01-214, Fish Hatchery Park Pumping Station Reconstruction, to Ainsworth Atlantic for materials and services listed at the unit prices quoted for a Tender Price of \$80,554.00 plus net HST and 10% for quality control/quality assurance and unforeseen works for a Total Project Cost of \$94,306.00 with funding authorized as per the Budget Implications Section of the staff report dated May 29, 2001.**

2. **Approve the continued services of SNC Lavalin to oversee and supervise this repair program at an estimated upset cost of \$20,800.00 plus applicable taxes as per the Discussion section of the staff report dated May 29, 2001.**

Responding to a question of Councillor Hines, Mr. Paynter stated SNC Lavalin would be responsible for quality control, but the 10 percent allowance is also for any unforeseen work.

In response to a question of Mayor Kelly, Mr. Paynter stated all contracts have warranty provisions and it is the responsibility of the contractor for deficiencies or damages. Mayor Kelly stated he hopes tender documents clearly outline responsibilities and time lines in the future. Mr. Paynter responded that this can be looked into but noted it is not uncommon for general contractors to deny liability.

Some concern was raised as to whether or not SNC Lavalin would be in a conflict of interest as they were the original designer of this project. In response, Mr. Kulvinder Dhillon, Director, Public Works and Transportation Services, stated this issue was discussed with HRM's insurer and it was decided to retain SNC Lavalin due to their previous knowledge of the issue. Responding to a question of Councillor Hetherington, Mr. Dhillon stated this decision was based on the advice of HRM's insurer and was not tendered out. Mr. Dhillon noted HRM has not been advised that SNC Lavalin was liable. Mayor Kelly inquired if it is determined that they are liable, will the costs be recouped from them. Mr. Wayne Anstey, Municipal Solicitor, stated HRM has not given SNC Lavalin any indication that they are released from liability. If things proceed as anticipated, they will be a witness in the litigation and that is the reason for the continuity.

Councillor Hetherington inquired if it would be possible for Council to get a staff report regarding the amount of money paid to SNC Lavalin for supervisory and consultant work on these projects. It was agreed that this could be provided.

MOTION PUT AND PASSED UNANIMOUSLY.

11.1.9 Tender 01- 229 - Fish Hatchery Park Pumping Station Odour Control Modifications

- 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 Sarto, that Council:

- 1. Award Tender No. 01-229, Fish Hatchery Park Pumping Station Odour Control Modifications, to Western Plumbing & Heating Ltd. for materials and services listed at the unit prices quoted for a Tender Price of \$70,877.00 plus net HST and 10 percent contingencies for quality control/quality assurance and unforeseen works for a Total Project Cost of \$82,977.00 with funding authorized as per the Budget Implications Section of the staff report dated May 28, 2001.**
- 2. Approve the continuance of the services of SNC-Lavalin for project management and inspection services during this construction, for an estimated fee of \$9,940.00 plus applicable taxes with funding as outlined in the Budget Implications Section of the staff report dated May 28, 2001.**

Mr. Paynter responded to questions of Council regarding the cost of this project.

MOTION PUT AND PASSED.

11.1.10 Rail Warning Device Upgrading - Level Crossing Hwy. # 2, Waverley

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

MOVED by Councillor Hines, seconded by Councillor Goucher, that the Mayor and Municipal Clerk be authorized to sign the cost sharing agreement (attached to the staff report dated May 24, 2001), which would commit HRM to funding 12.5% of the \$58,600.00 cost of the Rain Warning Device Upgrading - Level Crossing Highway #2, Waverley, at a cost of \$7,325.00. MOTION PUT AND PASSED UNANIMOUSLY.

11.1.11 Investment Policy

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

MOVED by Councillor Adams, seconded by Councillor Goucher, that Council adopt the Halifax Regional Municipality Investment Policy, as attached to the May 22, 2001 staff report. MOTION PUT AND PASSED UNANIMOUSLY.

11.1.12 Pesticide By-Law - Administrative Order # 23

- A staff report prepared for Dan English, Deputy Chief Administrative Officer, regarding the above, was before Council for its consideration. The staff report recommended that: 1) Halifax Regional Council approve the staff policy entitled, "Procedures to amend the Permitted Pesticides List in Administrative Order Number 23" and 2) Halifax Regional Council approve the addition of diatomaceous earth to the Permitted Pesticides List in Administrative Order Number 23.
- Correspondence dated June 4, 2001, from several members of the Pesticide Advisory Committee, regarding the above, was before Council for its consideration.

Councillor Mosher addressed comments made recently by the media stating she may be in a Conflict of Interest with respect to this matter. The Councillor stated her comments on this issue have been inaccurately reflected by some members of the media. **For the record**, Councillor Mosher stated she does not want to eliminate the pesticide ban. The Councillor requested that the staff recommendations be voted on separately, and that the first recommendation be deferred for two weeks as Council has received some new information that needs to be addressed. Councillor Mosher also noted that this recommendation was not part of her original motion. The Councillor stated that the OMRI agency has no knowledge of trees, shrubs and turf and only know US products. Councillor Mosher suggested Canadian products should be examined.

Council agreed to Councillor Mosher's request to vote on the recommendations separately.

MOVED by Councillor Mosher, seconded by Councillor Adams, that Council refer the following recommendation to staff for a report in two weeks: That Halifax Regional Council approve the staff policy entitled, "Procedures to amend the Permitted Pesticides List in Administrative Order Number 23."

Mr. Stephen King, Manager-Senior Advisor, Parks and Natural Services, stated the second staff recommendation is not a stand alone recommendation, and it would be approved through the process of the policy in the first recommendation.

Councillors Cunningham and Harvey spoke against the deferral stating it was not necessary.

Speaking in support of the deferral, Councillor Streach stated he would like to see the staff report also address the possibility of reappointing the Pesticide By-Law Committee to bring back a recommendation for a procedure to add items to the By-Law.

Responding to a question of Councillor Goucher, Mr. King stated staff did not use the OMRI list for reference of banned products in the By-Law. Councillor Goucher expressed concern

with using information from OMRI as it has nothing to do with the products in the By-Law. He suggested a Canadian Government web site would provide more appropriate information.

MOTION PUT AND PASSED.

MOVED by Councillor Mosher, seconded by Councillor Streach, that Halifax Regional Council approve the addition of diatomaceous earth to the Permitted Pesticides List in Administrative Order Number 23.

Councillor Mosher described the product, diatomaceous earth, noting it is a safe natural product.

Responding to a question of Councillor Cooper, Mr. King stated diatomaceous earth comes in different formulations and he could not comment if it is used in a natural formation. Councillor Cooper stated if there are other products used with diatomaceous earth, Council should be aware of what is in the product.

MOVED by Councillor Cooper, seconded by Councillor Fougere, that the motion on the floor be deferred for three weeks until the recommendation regarding the policy is taken care of.

Councillor Harvey stated he would not support the additional of any products until a protocol to do so is put in place.

Councillor Fougere stated there is no basis to add this product, noting moving forward without a process in place is the reason the matter was originally deferred.

The vote was taken on the deferral.

MOTION PUT AND DEFEATED.

The main motion was now back on the floor.

Councillor Fougere questioned if diatomaceous earth is used in food processing, what does that have to do with using it on lawns. The Councillor stated she would not support including diatomaceous earth and a protocol to add products needs to be developed.

Councillor Mosher noted that the information she previously provided regarding diatomaceous earth explained its use on insects, and the reference made to other uses of the product were to stress the safety of it.

Speaking in support of the motion, Councillor Streach stated this is a non-toxic product that is used every day. Councillor Goucher also spoke in favour of the motion.

Although he did not believe there were any problems with diatomaceous earth, Councillor Cunningham stated he could not support the motion until there is a procedure in place to add products. Councillor Smith also spoke against the motion.

Councillor Harvey stated he could not support adding any products without following a defined protocol to do so.

Responding to a question of Councillor Hetherington, Mr. King stated the By-Law requires staff to notify those property owners within 50m of a registered property. With respect to the other restricted areas for pesticide use, Mr. King stated staff believed a better approach would be a mass mail-out to all residences, advertisements, etc. Councillor Hetherington stated he believed individual notifications should be sent to the affected property owners, and by not doing so, a disservice to the public is taking place.

In response to a question of Councillor Streach, Mr. King stated he is comfortable with diatomaceous earth. Therefore, the Councillor stated he would support the motion.

Councillors Johns and Whalen spoke in support of the need for a process before adding products.

Closing the debate, Councillor Mosher stated diatomaceous earth is as safe as any of the other products on the permitted list. The Councillor stated adding this product will provide an alternative for residents and should be approved.

MOTION PUT AND PASSED.

Councillor Uteck stated she will not support adding another pesticide product to the permitted list until a process is put in place.

Responding to a question of Councillor Hetherington inquiring if all properties within 50m of registered properties have been notified, Mr. King stated it is his understanding that staff is on track with this process. Councillor Warshick expressed concern that some residences are not being informed within the ten day requirement.

Councillor Streach inquired if the Province can take away the Municipality's authority with respect to the restriction of the use of pesticides, and Mr. Anstey responded in the affirmative.

As it was now 10:00 p.m., Council agreed to recess until following the In Camera Session scheduled for Wednesday, June 6th, at 1:00 p.m. The following remaining agenda were carried forward:

11.1.13 Dartmouth Ferry Terminal Park Rejuvenation Project Phase II

11.1.14 Interest Rate Amendment to Local Improvement Charges

i) First Reading By-Law L-106 Respecting Charges for Local Improvements

Motion - Councillor Walker - Move First Reading

ii) First Reading By-Law S-408 Respecting Charges for Street Improvements

Motion - Councillor Walker - Move First Reading

12. MOTIONS

13. ADDED ITEMS

13.1 Committee of the Whole Recommendation - Interim Supplementary Funding - Halifax
Regional School Board

14. NOTICES OF MOTION

15. ADJOURNMENT

The meeting recessed at 10:00 p.m. and reconvened at 3:30 p.m. on June 6, 2001 to address the remaining agenda items.

**HALIFAX REGIONAL COUNCIL
MINUTES
June 5 & 6, 2001**

**Members of Council Present
June 6, 2001
3:30 p.m.**

PRESENT:

Mayor Peter J. Kelly
Deputy Mayor Jerry Blumenthal
Councillors: Stephen Streach
Gary Hines
Keith Colwell
Ron Cooper
Harry McInroy
Brian Warshick
Bruce Hetherington
Jim Smith
John Cunningham
Dawn Sloane
Sue Uteck
Sheila Fougere
Brad Johns (declared a Conflict of Interest on Item 13.1)
Bob Harvey
Len Goucher
Reg Rankin
Gary Meade

ABSENT:

Councillors: Condo Sarto (Regrets)
Russell Walker (Regrets)
Diana Whalen
Linda Mosher
Stephen D. Adams

STAFF MEMBERS:

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

The meeting reconvened at 3:30 p.m.

As a result of the In Camera session held earlier in the day, the following items were added to the agenda along with the remaining items from June 5th:

- 13.2 Property Matter - Land Lease - Lot "R", Upper Water Street
- 13.3 Legal Matter - Municipal Access Agreement - GT Group Telecom Services Corp.
- 13.4 Legal Matter - Settlement of Claim against Halifax Regional Municipality
- 13.5 Harbour Solutions Project

11.1.13 Dartmouth Ferry Terminal Park Rejuvenation Project Phase II

- 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 Hetherington, that:

1. **Council award Tender #01-076 Dartmouth Ferry Terminal Park Rejuvenation Project Phase II to Worr Construction Inc. for materials and services specified at the unit prices quoted for \$126,625.00, plus 5% contingency, plus applicable HST for a total of \$141,505.01 as presented in the Budget Implications Section of the staff report dated May 29, 2001.**
2. **Council authorize Financial Services to increase the Park Upgrades Account #CPC00680 by \$57,000 in acceptance of the donations by the NS Sport and Recreation Commission through the Downtown Dartmouth Development Corporation, the Community ACCESS-ability Program through the Kiwanis Club of Dartmouth, and the Royal Bank of Canada Portland Street Branch. MOTION PUT AND PASSED UNANIMOUSLY.**

11.1.14 Interest Rate Amendment to Local Improvement Charges

- i) **First Reading By-Law L-106 Respecting Charges for Local Improvements**
 - ii) **First Reading By-Law S-408 Respecting Charges for Street Improvements**
- A staff report prepared for George McLellan, Deputy Chief Administrative Officer, regarding the above, was before Council for its consideration.

MOVED by Deputy Mayor Blumenthal, seconded by Councillor Goucher, that Council give First Reading to By-Law L-106 Respecting Charges for Local Improvements and By-Law S-408 Respecting Charges for Street Improvements. MOTION PUT AND PASSED UNANIMOUSLY.

11.2 MEMBERS OF COUNCIL

11.2.1 Councillor Hetherington - Liability and Obligation of Sewer Backup

During Approval of the Order of Business, this item was deleted from the agenda.

12. MOTIONS - NONE

13. ADDED ITEMS

13.1 Committee of the Whole Recommendation - Interim Supplementary Funding - Halifax Regional School Board

- This item was discussed during a Committee of the Whole session held on June 5, 2001, and was now before Council for ratification.
- Correspondence from Sharon Beasley, Chair, Chebucto Heights School, dated June 5, 2001, regarding the above, was before Council for its consideration.

CONFLICT OF INTEREST

As he is a Library Technician on leave of absence from the Halifax Regional School Board, Councillor Johns declared a Conflict of Interest and removed himself from the discussion and vote of this matter.

It was agreed to vote on the three Committee of the Whole recommendations separately.

MOVED by Councillor Hetherington, seconded by Deputy Mayor Blumenthal, that, as recommended by Committee of the Whole, that Halifax Regional Council:

- 1. Maintain supplementary funding for Halifax at \$11.9 million for the 2001-2002 budget year which would require a 12.3 cent area rate.**

Speaking against the motion, Councillor Uteck proposed the following amendment to maintain the current level of service:

MOVED by Councillor Uteck, seconded by Councillor Fougere, that the rate be amended to 12.9 cent area rate to ensure existing programs are maintained.

Councillors Fougere and Harvey spoke in support of the amendment, noting the tax will still be reduced but the level of service will not.

Speaking in support of the amendment, Councillor Sloane stressed the importance of accountability.

Speaking against the motion, Deputy Mayor Blumenthal stated it will widen the gap between all areas with respect to supplementary funding.

Also speaking against the amendment, Councillor McInroy stated the Committee recommendation is a compromise and reduces the equity gap, and this amendment will take this in the wrong direction. Therefore, the Councillor stated he will support the Committee of the Whole recommendation.

Councillor Uteck stated Halifax is in full support of equity but not at the expense of its students in that they will lose programs. The Councillor noted the plebiscite question did not ask residents if they support levying taxes so children will receive reduced programs, which she stated the Committee of the Whole recommendation will do. Councillor Uteck stated she did not believe there were any residents in her District that would not support her on this issue. The Councillor stated what Council is doing to the children is immoral.

Speaking against the amendment, Councillor Streach stated the Committee recommendation is an act of good faith towards equity.

Speaking in favour of the amendment, Councillor Warshick stated the plebiscite vote gave a clear indication that the majority of residents are in favour of supplementary funding.

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

Members of Council voting **in favour** of the amendment: Councillors: Warshick, Sloane, Uteck, Fougere and Harvey.

Members of Council voting **against** the amendment: Mayor Kelly, Deputy Mayor Blumenthal, Councillors: Streach, Hines, Colwell, Cooper, McInroy, Hetherington, Smith, Cunningham, Goucher, Rankin and Meade.

MOTION DEFEATED. (5 in favour, 13 against) (Councillors: Sarto, Walker, Whalen, Mosher, Adams and Johns were absent.)

The vote was then taken on the main motion, which read as follows:

MOVED by Councillor Hetherington, seconded by Deputy Mayor Blumenthal, that, as recommended by Committee of the Whole, that Halifax Regional Council:

1. **Maintain supplementary funding for Halifax at \$11.9 million for the 2001-2002 budget year which would require a 12.3 cent area rate. MOTION PUT AND PASSED.**

MOVED by Councillor Hetherington, seconded by Councillor Smith, as recommended by Committee of the Whole, that Halifax Regional Council:

2. **Maintain supplementary funding for Dartmouth at \$5.1 million for the 2001-2002 budget year which would require a 9.7 cent area rate.**

Councillor Warshick proposed the following amendment:

MOVED by Councillor Warshick, seconded by Councillor Cunningham, that the amount be \$5.202 million for Dartmouth to maintain the same level as last year.

A **Recorded Vote** was requested:

Members of Council voting **in favour** of the amendment: Councillors: Warshick, Cunningham, Sloane, Uteck, Fougere and Harvey.

Members of Council voting **against** the amendment: Mayor Kelly, Deputy Mayor Blumenthal, Councillors: Streach, Hines, Colwell, Cooper, McInroy, Hetherington, Smith, Goucher, Rankin and Meade.

MOTION DEFEATED. (6 in favour, 12 against) (Councillors: Sarto, Walker, Whalen, Mosher, Adams and Johns were absent.)

The vote was then taken on the main motion, which read as follows:

MOVED by Councillor Hetherington, seconded by Councillor Smith, as recommended by Committee of the Whole, that Halifax Regional Council:

2. **Maintain supplementary funding for Dartmouth at \$5.1 million for the 2001-2002 budget year which would require a 9.7 cent area rate. MOTION PUT AND PASSED.**

MOVED by Councillor Harvey, seconded by Councillor Goucher, as recommended by Committee of the Whole, that Halifax Regional Council:

3. **The area rate levied in 2001-2002 for supplementary funding in the former County of Halifax and Bedford be 4.5 cents which equates to \$3.2 million.**

Councillor Colwell suggested this matter should be deferred until such time that the School Board comes forward with a detailed plan as to how this funding will be spent.

MOVED by Councillor Colwell, seconded by Councillor Cooper, that this matter be deferred until such time that the School Board comes forward with a detailed plan as to how the supplementary funding will be spent.

Speaking against the deferral, Councillor Goucher apologized to the Councillors of Halifax and Dartmouth, stating he finds it morally reprehensible to have to vote on this whole issue. However, the Councillor stated, at this stage, he has no choice other than to go with what is on the table. Councillor Goucher stated over the period of time of this whole process, the School Board has been forthcoming with how the funds have been spent. Although, at the beginning of the process, there were some serious questions as to where funds went, the Councillor stated he now feels comfortable with information provided and that the School Board will inform Council where these funds will be spent in the future.

Also speaking against the deferral, Councillor Warshick stated the School Board needs to make long-range plans, and in order to do so, they need to know how much money they will be receiving. With regards to Councillor Colwell's concerns with accountability, Councillor Warshick stated Council can look for a detailed analysis next year when they come back for further funding.

Responding to a question of Councillor Streach, Mr. David Reid, Superintendent of Schools, stated the money spent in the former County last year was allocated on a per pupil basis to the families of schools. These families of schools determined how the money would be spent.

The School Board's policy requires that there be a detailed audited financial statement on this funding and that the report be tabled with Council. With respect to accountability, Mr. Reid stated he finds the suggestion that the School Board is not accountable very unfair. Mr. Reid stated the issue is about the children and serious things have to be done with the programs and services in the various communities and resources are needed to do so.

Councillor Hetherington noted, without some firm commitment from Council, the School Board will not know how much money they will be receiving. The Councillor suggested that Council approve the 4.5 cents, but add a rider clause that the family of schools provide information to its respective Councillor regarding the use of the funding. Councillor Hetherington stated the School Board needs to know what the bottom line figure is going to be.

Speaking in support of the deferral, Councillor Hines stated that last week he requested some documentation regarding comparative analysis across the country and has not yet received it. Therefore, he stated he would support the deferral.

Speaking against the deferral, Councillor McInroy stated the responsible thing for Council to do is to finalize this matter today. The Councillor stated he supports the Committee of the Whole recommendation.

Councillor Uteck stated she would not support the deferral noting there were many opportunities to receive the information being requested by Councillor Colwell.

Councillor Sloane stated she could support the rider clause suggested by Councillor Hetherington.

Councillor Colwell stated he requested twice in Council that information be provided from the School Board regarding administrative costs of the supplementary funding and was refused the information. The Councillor stressed the importance of accountability stating he wants to be assured the money is spent in the classroom. Councillor Colwell stated he supports supplementary funding but it needs to be spent in the proper areas and for helping the children. The Councillor stated if he can receive this assurance, he will likely support the 4.5 cents. In closing, Councillor Colwell stated if the School Board does not know where it will spend the money, it does not need it.

Speaking in support of the deferral, Councillor Cooper stated Council has every right to ask where this money will be spent as it is raised through an area rate. The Councillor questioned why the criteria for the funding should be changed this year from last year, and suggested the criteria should remain the same until equity is achieved.

Speaking against the deferral, Deputy Mayor Blumenthal stated the schools need to know how much money they will be receiving to put into programs.

Responding to a question of Councillor Hetherington, Mr. Reid stated the only caveat on the families of schools on the use of the funding is it must be spent in the classrooms. With respect to the deferral, Mr. Reid stated it would pose a serious problem as summer holidays are approaching and staffing for the fall needs to be finalized in the next three weeks.

Councillor Hetherington suggested the motion be amended to approve the 4.5 cents with a clause that the money not be released until Council receives the plans for the use of the funding from the Bedford and County schools. In response, Mr. Anstey stated the practical problem in this will be the matter will have to come back to Council to see if they applied the funds to those plans, and the School Board will never know if they are getting the money. Councillor Hetherington stated Council only wants to know where the funding will be spent. Mr. Anstey suggested that rather than putting a caveat on the receipt of the funding, Council could approve the funding and ask that the information be provided within a reasonable period of time. Councillor Hetherington stated that this information should be provided before the end

of June 2001. Mr. Reid stated he had no difficulty with providing the information in that time period.

Based on the discussion, Councillor Colwell stated he would be prepared to go ahead with the Committee of the Whole recommendation *on the condition that the School Board comes back to Council before the end of June 2001, with a detailed report on where the supplementary funding will be spent in the former County and Town of Bedford.*

The motion of deferral was withdrawn.

The main motion was now back on the floor, which read as follows:

MOVED by Councillor Harvey, seconded by Councillor Goucher, as recommended by Committee of the Whole, that Halifax Regional Council:

- 3. The area rate levied in 2001-2002 for supplementary funding in the former County of Halifax and Bedford be 4.5 cents which equates to \$3.2 million.**

Speaking against the motion, Councillor Rankin stated he supports the status quo. The Councillor noted that 10 of 11 Districts in the former County voted "no" to supplementary funding during the plebiscite based on the information provided to them by the School Board.

Speaking in favour of the motion, Councillor Fougere stated it is interesting that one group is being taken from while another is being given to, yet neither is receiving what they want.

Councillor Cooper stated equity comes down to Council and the School Board making a moral decision to say that supplementary funding will provide programs across all of HRM. The Councillor stated this is a premise that has to be embraced, and he suggested that the School Board has to declare there is one system with programs available to all. Until that happens, Councillor Cooper stated he will continue to raise this issue.

Speaking against the motion, Councillor Meade stated he could support 3.5 cents. The Councillor questioned if a further increase will be sought next year. Mayor Kelly responded the Committee has not yet discussed this, but will do so in the future. Councillor Meade noted the plebiscite did not make any reference to increases in funding, and if it did, there probably would have been more negative votes.

Deputy Mayor Blumenthal stated HRM is supposed to be one education system. The Deputy Mayor suggested the School Board should work with HRM to ensure the Province pays its share toward education.

Councillor Goucher stated a protocol and process is needed and Council has charged the Committee to provide a recommendation on this next year.

Councillor Rankin took exception to the inference that if an area does not have supplementary funding it is deprived, noting there are many areas in the Province that do not have supplementary funding that have excellent schools.

Councillor Streach noted people who voted against supplementary funding during the plebiscite may have changed their opinions.

In response to a question of Councillor Colwell regarding a possible perceived Conflict of Interest for those members of Council with family members employed in the school system, Mr. Anstey stated it would come down to a decision of the individual Council member.

Closing the debate, Councillor Harvey asked for Council's support in this matter.

A **Recorded Vote** was requested.

Members of Council voting **in favour** of the motion: Mayor Kelly, Deputy Mayor Blumenthal, Councillors: Streach, Cooper, McInroy, Warshick, Hetherington, Smith, Cunningham, Sloane, Uteck, Fougere, Harvey and Goucher.

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

MOTION PASSED. (14 in favour, 4 against) (Councillors: Sarto, Walker, Whalen, Mosher, Adams and Johns were absent.)

13.2 Property Matter - Land Lease - Lot "R", Upper Water Street

- This matter was discussed during an In Camera Session held earlier in the day and was now before Council for ratification:

MOVED by Councillor Sloane, seconded by Councillor Uteck, that Halifax Regional Municipality authorize the Mayor and Municipal Clerk to enter into a Lease Agreement whereby the land portion of Lot "R", Upper Water Street, Halifax, is leased to Atlantic Tours Gray Line, to install and use a boat ramp for the amphibious tour boat operation in Halifax Harbour, as per the terms and conditions as set out in the report dated May 14, 2001. Further, that the staff report not be released to the public until the negotiations with AT&T Canada regarding this property have been completed. MOTION PUT AND PASSED UNANIMOUSLY.

13.3 Legal Matter - Municipal Access Agreement - GT Group Telecom Services Corp.

- This matter was discussed during an In Camera Session held earlier in the day and was now before Council for ratification:

MOVED by Councillor Uteck, seconded by Councillor Fougere, that the interim Municipal Access Agreement, attached to the staff report dated May 30, 2001, be approved by Halifax Regional Council. Further, that this report not be released to the public due to the confidential financial information. MOTION PUT AND PASSED UNANIMOUSLY.

13.4 Legal Matter - Settlement of Claim against Halifax Regional Municipality

- This matter was discussed during an In Camera Session held earlier in the day and was now before Council for ratification:

MOVED by Councillor Smith, seconded by Councillor Hetherington, that Halifax Regional Council settle this claim brought by the Plaintiff in the amount of \$15,996.25 as settlement in full upon obtaining a full release from the Plaintiff from any further claims arising out of the misrepresentation by the Municipality of the size of the manhole. MOTION PUT AND PASSED UNANIMOUSLY.

13.5 Harbour Solutions Project

- This matter was discussed during an In Camera Session held earlier in the day and was now before Council for ratification:

MOVED by Councillor Hetherington, seconded by Councillor Rankin, that Halifax Regional Council:

- 1. Discontinue the court application for a Declaration;**
- 2. Terminate the RFP process to meet the requirements for minimum of two proponents;**
- 3. Advise Halifax Waterworks Group of Termination and Breach of Confidentiality clause;**
- 4. Advise Halifax Regional Environmental Partnership of Termination and non-complete proposal effective February 19, 2001;**

5. Invite both proponents to resubmit their existing proposals in our possession for evaluation consistent with the revised terms. **MOTION PUT AND PASSED UNANIMOUSLY.**

14. **NOTICES OF MOTION - NONE**

15. **ADJOURNMENT**

MOVED by Councillor Hetherington, seconded by Deputy Mayor Blumenthal, that the meeting adjourn at 5:00 p.m. **MOTION PUT AND PASSED UNANIMOUSLY.**

Vi Carmichael
Municipal Clerk