

# **HALIFAX REGIONAL MUNICIPALITY**

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## **HALIFAX REGIONAL COUNCIL MINUTES June 12, 2001**

**PRESENT:**

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

**REGRETS:**

Councillors: John Cunningham  
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

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1. **INVOCATION**

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

2. **PROCLAMATIONS - NONE**

**SPECIAL PRESENTATIONS:**

1) **Mayor of Campeche, Mexico, Jorge Carlos Hurtado**

Councillor Rankin welcomed and introduced the delegation from Campeche, Mexico, and provided Council with some background information regarding Mayor Jorge Carlos Hurtado.

With the assistance of an interpreter, Mayor Jorge Carlos Hurtado, Campeche, Mexico, made a presentation to Council to reaffirm the sister city relationship between Campeche and the Halifax Regional Municipality. Mayor Hurtado presented Mayor Kelly with a gift from Campeche. On behalf of Council, Mayor Kelly expressed appreciation and thanks to the delegation from Campeche, wishing them well on their visit to Halifax Regional Municipality.

2) **Canada Millennium Scholarship Awards**

The following six HRM students were presented with the Canada Millennium Scholarship Awards by Councillors: Whalen, Mosher, Meade, Harvey and Johns, and Ms. Tracy McMichael, Canada Millennium Scholarship Foundation: Maureen Connolly, Kristopher Johnston, Sean Kew, Matthew Knox, Alexandra Malone and Jennifer Mullane. Another recipient, Danielle Desjardins, who was unable to attend the meeting, was also acknowledged.

3. **APPROVAL OF MINUTES - NONE**

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

The following items were added to the agenda:

- 13.1 Deputy Mayor Blumenthal - Grass Cutting Concerns - Western Region
- 13.2 Deputy Mayor Blumenthal - Motion to Cancel Regional Council meeting on Oct. 16, 2001 due to the UNSM annual meeting.
- 13.3 Committee of the Whole Recommendation re: Equalization
- 13.4 Property Matter - Disposal of Surplus Schools - St. Margaret's Bay School
- 13.5 Property Matter - Sale of 2673 Sackville Drive
- 13.6 Property Matter - Sale of 2683 Sackville Drive

13.7 Property Matter - Lots J1R-1 to J1R-4 Windmill Road, Burnside

An Information Report regarding assessments was also circulated to Council.

**MOVED by Councillor Hetherington, seconded by Councillor Goucher, that the Order of Business, Additions and Deletions, be approved. 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**

**8.1 Administrative Order 24 Respecting Fire and Emergency Service  
(deferred Apr 3)**

- A staff report prepared for George McLellan, Deputy Chief Administrative Officer, dated March 22, 2001, regarding the above, was previously circulated to Council.

**MOVED by Councillor Streach, seconded by Deputy Mayor Blumenthal, that Council approve Administrative Order 24 Respecting Fire and Emergency Services.**

Speaking in support of the motion, Councillor Streach stated there is a provision included in the Administrative Order, which was requested by some of the rural departments, which provides a mechanism that, if Council sees fit, some of these departments can register with the Municipality to provide service independently. The Councillor stated it is his hope that any differences could be worked out without having to take this option, but it is available.

Responding to a question of Councillor Walker, Mr. Mike Eddy, Chief Director, Fire Services, stated Council will make the ultimate decision regarding a department wishing to provide service independently. As the senior appointed person to advise on fire issues, Council would look to the Chief Officer for advice or guidance as to whether or not the criteria in the document for registration was met. Mr. Wayne Anstey, Municipal Solicitor, stated as soon as the Administrative Order is adopted, there will be one fire department in HRM, which would include the core department and all the existing volunteer departments. The Chief Officer would be the head of that department. However, if a volunteer department chose to become a separate department, and Council approved of the request, it would become an independent department and the Chief would no longer be the Chief of that department. However, Mr. Anstey stated the Chief would still be the senior fire official with the Municipality,

and, therefore, would be someone Council would look to for advice with respect to fire issues generally.

Responding to a further question of Councillor Walker regarding the cost of insurance, Mr. Anstey stated a \$5,000 deductible policy would be more expensive than a \$100,000 deductible policy. However, he noted there is no volunteer department in HRM that would have the assets to respond to a \$100,000 claim and still remain an entity.

Deputy Mayor Blumenthal commended Chief Eddy, Councillor Streach, staff and the volunteers for their efforts in creating one fire department in HRM. The Deputy Mayor noted amendments can be made to the Administrative Order in the future, if necessary.

Responding to a question of Councillor Sarto, Chief Eddy stated the registration document sets out how fire services will be provided.

With regard to the Discipline section, Councillor Cooper inquired how discipline for registered departments would be handled. Chief Eddy responded, in the rural areas, the volunteer fire chiefs would be responsible for this aspect. Responding to a further question of the Councillor regarding discipline, Chief Eddy stated in most areas of the contract that state "Chief Officer" it means "or designate." Councillor Cooper requested that Legal Services examine the discipline section to see if there is a need to tighten it up.

Speaking in support of the motion, Councillor Hines recognized the presence of Roy Hollett, Zone Chief, District 2, and congratulated him on the fire service provided at the recent Enviro Depot fire.

Responding to a question of Councillor Rankin, Chief Eddy stated fire relocation studies are done in particular areas in consultation with those areas. He noted it is not the intent, nor the plan, to do an efficiency test on every fire station in every community and close stations down. Chief Eddy stated depending on the funding for the fire service in the years to come, there may be an ability to put equipment in an area where they may never be able to afford it.

Councillor Colwell stated he would like to see that the public meeting required to be held by any registered department be properly advertised to the community. Mr. Anstey stated it is assumed that since it is a public meeting there would be in place some provisions for appropriate advertising, and not all details of such would be included in the Administrative Order. Councillor Colwell suggested that the phrase "properly advertised in the local newspaper" could be added to this section. Mr. Anstey suggested the words "duly advertised in the community served by the department" may be more appropriate. Council agreed to Mr. Anstey's suggestion.

Responding to a question of Councillor Walker regarding the plebiscite, Mr. Anstey stated the purpose of the plebiscite is to give Council an indication if there is support within the community, and Council makes the decision as to whether or not the department will be registered.

Councillor Walker questioned the fairness of expecting a registered fire department to have a quarterly audited financial statement, stating four times a year is a little excessive and would be expensive for the departments. Mr. Anstey suggested the clause should be amended to read “shall *annually* provide audited statements.” Council agreed to this change.

Responding to a further question of Councillor Walker, Chief Eddy stated Appendix C provides a guide to select the type of service the departments are delivering and where they fit within that service, and all nine terms do not need to be met. Mr. Anstey added there is also a fairly detailed section in the Municipal Government Act that covers the registration, and it is clear in this section that a registered department can specify those particular services that it wishes to register.

In response to a question of Councillor Johns, Mr. Anstey stated amendments can be proposed to be made to the Administrative Order by Notice of Motion.

Closing the debate, Councillor Streach stated it is important to recognize that the Fire Service is under increasing pressure from the Province of Nova Scotia to absorb downloading responsibilities. The Councillor asked for Council’s support to approve the Administrative Order as it is a good move for both HRM and Fire Services.

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

**MOVED by Councillor Streach, seconded by Deputy Mayor Blumenthal, that Council approve Administrative Order 24 Respecting Fire and Emergency Services, with the following amendments:**

**Page 5 - Subsection (7) shall read as follows: A fire department registered pursuant to this Administrative Order shall hold an annual meeting open to the public and duly advertised in the community served by the department to report to and receive feedback from the community respecting fire and emergency services within the community.**

**Page 5 - Subsection (6) - the word “annually” is to be added following “the complete operation of the department and shall”.**

**MOTION PUT AND PASSED.**

9. **PUBLIC HEARINGS**

9.1 **Second Reading By-Law R-104 Respecting By-Law and Ordinance Repeal (M-200 -Mobile Park Licensing By-Law Amendment)**

- By-Law R-104 passed First Reading on May 22, 2001, and was now before Council for Second Reading.
- A staff report prepared for Dan English, Deputy Chief Administrative Officer, regarding the above, was previously circulated to Council.

Ms. Maureen Ryan, Planner, presented the staff report and reminded Council that the By-Law will take effect retroactively to April 1, 2000.

Responding to a question of Councillor Uteck, Ms. Ryan stated staff will be continually looking at the idea of harmonizing by-laws. However, at the present time, Planning and Development Services is waiting to look at the regional planning challenge that will be presented in the near future.

In response to a question of Councillor Johns, Ms. Ryan stated the only guarantee the Municipality can give is that the fee will be returned to the mobile home park owner and cannot ensure that a rebate or a rent reduction will be given to the mobile home owners.

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

**Mr. Stanley Havill, Mobile Home Park Owner**

Mr. Havill addressed Council regarding the By-Law, stating the mobile home parks are under rent control. The mobile home park owners believe the \$40 charge is a double form of taxation. The park owners pay for all the roads and services and pay taxes on the property. The mobile home owners pay the tax on their mobile home. Mr. Havill stated the mobile home park industry provides an excellent housing alternative for certain individuals. Mr. Havill noted the fee is only charged in Dartmouth, and he asked Council to provide a level playing field across the Municipality.

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

**MOVED by Deputy Mayor Blumenthal, seconded by Councillor Walker, that the Public Hearing be closed. MOTION PUT AND PASSED UNANIMOUSLY.**

### **COUNCIL DECISION**

**MOVED by Councillor Hetherington, seconded by Councillor Sarto, that Council give Second Reading to By-Law R-104 Respecting the Repeal of By-Laws passed Second Reading effective April 1, 2000.**

Speaking in support of the motion, Councillor Hetherington stated staff thoroughly researched this matter and could not come up with any concrete reason why the fee was being charged.

Councillor Johns expressed concern with the rebate not being given to the mobile home owners. The Councillor questioned why the lot rents would not be decreased by \$40. Mr. Anstey stated it is a complicated issue, as other information about the park, such as expenses and profit margin, are not known. It was suggested that, if the residents have concerns, they should raise them with the Residential Tenancy Board.

Speaking in support of the By-Law, Councillor Sarto asked the park owner to give serious consideration to rebating the home owners or to putting the money towards a tot lot.

Also speaking in support of the By-Law, Councillor Smith stated the lower costs to the park owner will eventually trickle down to the residents, and it will be a benefit in the long run. Councillor Fougere noted the onus of the administration of collecting and submitting the fee rests with the park owner, so a portion of the \$40 probably covers what they do in terms of their operations. The Councillor stated how the rebate is dealt with is a business decision by the park owners. Councillor Fougere stated she will support the By-Law as it will result in a level playing field.

Councillor Colwell noted the Tenancy Board has the structure to reduce rents if it so wishes, and he suggested this would be the proper avenue for the residents to follow with respect to this issue.

Councillor Johns suggested HRM should send a notice to the Tenancy Board advising it that this fee is being removed so they can perhaps adjust rents accordingly.

Closing the debate, Councillor Hetherington noted there are only two mobile home parks that have paid \$4,200 in total.

### **MOTION PUT AND PASSED.**

#### **10. CORRESPONDENCE, PETITIONS & DELEGATIONS**

##### **10.1 Petitions**

**10.1.1 Councillor Mosher - Halifax Chebucto Ringette**

Councillor Mosher served a petition from residents requesting that HRM create more ice facilities to support the sport of ringette in Halifax. The Councillor asked that the petition be forwarded to staff for a report.

**10.1.2 Deputy Mayor Blumenthal - 2700 Northwood Terrace**

Deputy Mayor Blumenthal served a petition from residents demanding that HRM take any steps required to immediately clean up the property of 2700 Northwood Terrace as it is a safety, fire and public health hazard. The Deputy Mayor noted that the CAO has already set up a committee to immediately investigate this situation and report on it.

**11. REPORTS**

**11.1 GRANT COMMITTEE**

**11.1.1 HRM Community Grants Program: Awards 2001-2002**

- A report from the HRM Grants Committee, dated May 30, 2001, regarding the above, was before Council for its consideration.

**MOVED by Councillor Walker, seconded by Councillor Sloane, that Regional Council approve the Community Grants, as detailed in Attachment 1 of the Committee report, dated May 30, 2001, for a total of 100 awards with a total value of \$540,115 for 2001-2002.**

Councillor Smith spoke in support of the Dartmouth Boys and Girls Club, noting it is a unique facility. The Councillor stated a \$4,000 cut in its funding will mean programs will be cut. One of the programs likely to be cut is the Teen After Hours Program which services 40 teens. Councillor Smith stated this cut is another of many hits to the area. The Councillor noted this Club is not a supplement to Parks and Recreation, as the waiting list for the Club's day camps overflows into the Recreation Department. Councillor Smith stated it was his understanding that staff of both the Grants Program and Recreation were going to get together with the Boys and Girls Clubs to discuss funding, however this has not yet happened. The Councillor stated the funding level should remain the same until after this meeting has taken place.

**MOVED by Councillor Smith, seconded by Councillor Sarto, that the Dartmouth Boys and Girls Club be referred back to the Grant Committee.**

Councillor Johns inquired if the Dartmouth Boys and Girls Club runs a bingo at the Dartmouth Sportsplex. Ms. Barbara Nehiley, Staff Advisor, Special Projects, stated it may have a fund raising program that involves bingo. Councillor Johns stated he would support the referral back to the Committee and asked that the issue of the bingo fund raising be clarified.

**MOTION PUT AND PASSED.**

Responding to a question of Councillor Uteck, Ms. Nehiley stated the issue of HRM buildings being turned over to the community has been an issue for HRM and Council, and this past year, Council approved a surplus school policy that included a community evaluation process that allows staff to look at whether or not a community organization has the resources to sustain the lease or purchase of a community facility.

Responding to a question of Deputy Mayor Blumenthal, Ms. Nehiley stated there was a slight decrease in the number grant applications this year, but the grant budget has been slightly diminished over the last number of years. In response to a further question of the Deputy Mayor, Ms. Nehiley stated following amalgamation, provincial funding to some organizations was reduced and HRM made up for it in those grants that were cost-shared. Deputy Mayor Blumenthal stated this is another form of downloading from the province.

Councillor Warshick expressed concern regarding the East Dartmouth Boys and Girls Club, noting there are very few facilities for the children in that area. The Councillor noted the Club did not ask for an increase in funding, only the status quo. Councillor Warshick requested that this matter go back to the Grant Committee to see if East Dartmouth could get the additional \$2,000 to bring them up to last year's funding.

**MOVED by Councillor Warshick, seconded by Councillor Sarto, that the East Dartmouth Boys and Girls Club be referred back to the Grants Committee.**

In response to a question of Councillor Johns, Ms. Nehiley clarified groups are not penalized for receiving money from other sources. She noted some of these groups have fairly large programs and budgets, and the fact they may gain money through fund raising is not necessarily something that would be looked at as a way to penalize them. Rather, staff looks at the cost of the program and the relevance of it to the Grant Program. Councillor Johns expressed concern with giving money to groups that have substantial fund raising opportunities while others may not receive anything.

Councillor Goucher stated the Grant Committee meticulously reviewed every one of the grant applications and a lot of background research was done by staff. The Councillor stated there is very little money left in the grant budget, so if one group is going to receive more, funding for another group will need to be reduced.

Councillor Smith stated there are many places on the grant list that he believes where extra funding for the Boys and Girls Clubs can be found. The Councillor stated the children in HRM should be a priority. Councillor Smith congratulated any Club that performs fund raising activities, such as bingo, to support themselves.

Speaking against the deferral, Councillor Sloane stated it is not fair to take from some groups to give to others. Councillor Warshick clarified they are only asking that the Boys and Girls Clubs be reconsidered. Ms. Nehiley stated she has no difficulty with the deferral, but noted a lot of the groups are waiting for their cheques. She suggested Council could approve the funds already earmarked, subject to further review by the Committee, so no one is delayed in receiving what has been recommended to this point. Mayor Kelly noted the Dartmouth Boys and Girls Club issue has already been referred back to the Committee, so they will not receive any funding until the Committee has dealt with the matter, as will the East Dartmouth Boys and Girls Club if the motion passes.

Based on staff's comments, Deputy Mayor Blumenthal asked if reconsideration can be given to the motion of referral regarding the Dartmouth Boys and Girls Club. Mayor Kelly stated this would be possible with two-thirds majority support of Council.

**MOVED by Deputy Mayor Blumenthal, seconded by Councillor Warshick, that the Rules of Order be suspended to allow reconsideration of the motion of referral respecting the Dartmouth Boys and Girls Club. MOTION PUT AND DEFEATED.**

Responding to a question of Councillor Streach, Mayor Kelly stated only the applications referred back to the Committee will be held up, and all others will be paid out as approved by Council. In response to a further question of the Councillor, Ms. Nehiley stated the grant recommendations currently before Council represents almost all of the community grant budget, and there is a substantial outstanding grant application from last year that is being considered which would have precedence over reconsideration of any other applications.

In response to a question of Councillor Uteck, Ms. Nehiley agreed the Committee could come back with a recommendation for less funding than what is currently being recommended.

Based on the information about how the process works from staff, Councillor Warshick stated that he did not want to hold up any monies to the Dartmouth East Boys and Girls Club. Therefore, he asked that he be permitted to withdraw the motion of deferral on the total budget.

**MOVED by Councillor Warshick, seconded by Councillor Sarto, that the motion of referral be withdrawn.**

However, Councillor Warshick asked that the East Dartmouth Boys and Girls Club item go back to the Grant Committee to see if it can receive the full funding request. The Councillor stated by withdrawing the motion, the funds for East Dartmouth Boys and Girls Club will not be jeopardized.

**MOTION PUT AND PASSED.**

Councillor Hetherington stated if Councillors wanted more money for grants, this debate should have taken place during budget time. With respect to buildings leased to community groups for \$1, the Councillor stated the groups are obligated to maintain the operation of the building, but the capital expenditure is still the responsibility of HRM. Mr. Ken Meech, Chief Administrative Officer, stated in many cases the agreements were written with the understanding that the community group would be responsible to maintain the facility. In some cases, some of the capital expenditures are quite high and beyond the means of the organization. On the other hand, Mr. Meech stated that raises the issue of these projects competing with other infrastructure projects. He further stated if the community groups are unable to finance the on-going repairs, replacements, or capital expenditures, then there is no point in having an agreement in print which in practice will not be honoured. Councillor Uteck suggested this issue should be a future in-house discussion with Building Management Services.

Responding to a question of Councillor Uteck regarding a performing arts and theatre policy, Ms. Nehiley stated Tourism, Culture and Heritage will begin the development of this policy in its Business Plan this year. Councillor Uteck expressed concern with the low level of funding for live performing arts theatre.

In response to a question of Councillor Smith, Mr. Anstey stated the Councillor has the right to ask that the Rules of Order be suspended. He noted the motion would require a two-thirds majority support to pass.

**MOVED by Councillor Smith, seconded by Councillor Hetherington, that the Rules of Order be suspended to allow reconsideration of the Dartmouth Boys and Girls Club. MOTION PUT AND DEFEATED.**

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

**MOVED by Councillor Walker, seconded by Councillor Sloane, that Regional Council approve the Community Grants, as detailed in Attachment 1 of the Committee report, dated May 30, 2001, with the exception of the Dartmouth Boys and Girls Club which was referred back to the Grants Committee. MOTION PUT AND PASSED.**

**11.2 HERITAGE ADVISORY COMMITTEE**

**11.2.1 Application to Consider the Bengal Lancers Property at 1690 Bell Road as a Registered Heritage Property - to set date of Heritage Hearing July 17, 2001**

- A report from the Heritage Advisory Committee regarding the above, was before Council for its consideration.

**MOVED by Councillor Sloane, seconded by Councillor Meade, that Council set the date of July 17, 2001 to consider the heritage registration of the Bengal Lancers property at 1690 Bell Road as per the requirements of the Heritage Property Act.**

Councillor Hines inquired what grant monies would be available to enable the renovation. In response, Councillor Uteck stated this grant program was before Council during budget deliberations, and the total amount available for heritage buildings is \$50,000 and a group can apply for up to a maximum of \$5,000 for a renovation. The Councillor noted a separate program will be brought forward for heritage property owners.

**MOTION PUT AND PASSED UNANIMOUSLY.**

**11.3 CHIEF ADMINISTRATIVE OFFICER**

- A summary report prepared for Ken Meech, Chief Administrative Officer, regarding Items 11.3.1 - 11.3.8, was before Council for its consideration.

Mr. Meech reviewed the staff recommendations for the tenders included in Item 11.3.1 - 11.3.8. Responding to a question of Councillor Walker, Mr. Meech stated it is his understanding that the details of each item will be part of the record.

**11.3.1 Tender 01-200 Eaglewood Drive New Sidewalk, Bedford**

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

**MOVED by Councillor Hetherington, seconded by Councillor Goucher, that Halifax Regional Council:**

- 1. Approve the recovery of Local Improvement Charges for the new concrete sidewalk on Eaglewood Drive in Bedford, by an amount of \$12,620.00 to be applied to the general area rate of District 21.**
- 2. Award Tender No. 01-200, Eaglewood Drive New Sidewalk, Bedford, to Lafarge Canada Inc. for materials and services specified at the unit prices**

quoted for a Tender Price of \$30,600.00 plus net HST plus 10% for quality control/quality assurance and unforeseen works for a Total Project Cost of \$35,824.00 with funding provided as outlined in the Budget Implications Section of the staff report dated June 4, 2001. MOTION PUT AND PASSED.

**11.3.2 Tender 01-201 Lockview Road Resurfacing and New Sidewalk, Fall River**

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

**MOVED by Councillor Hetherington, seconded by Councillor Goucher, that Halifax Regional Council:**

1. Approve the recovery of Local Improvement Charges for the installation of new concrete curb and gutter, and concrete sidewalk on the west side of Lockview Road in Fall River, from the High Road to Civic #353 from the Fall River Reserve Account.
2. Award Tender No. 01-201, Lockview Road Resurfacing and New Sidewalk, Fall River to Dexter Construction Company Limited for materials and services listed at the unit prices quoted for a Tender Price of \$277,290.00 plus net HST and 10% for quality control/quality assurance and unforeseen works for Total Project Cost of \$324,630.00 with funding authorized as per the Budget Implications Section of the staff report dated May 29, 2001. MOTION PUT AND PASSED.

**11.3.3 Tender 01-218 Portland Street Road Reconstruction, Watermain and Sewer Renewal Lakefront Road to Gaston Road**

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

**MOVED by Councillor Hetherington, seconded by Councillor Goucher, that Halifax Regional Council:**

1. Approve an increase in the Gross Budget for Account No. CYR00992, Portland Street (Lakefront Rd. to Gaston Rd.) by \$123,340.00, with no change in the Net Budget to cover the cost of watermain renewal.
2. Award Tender No. 01-218, Portland Street Road Reconstruction, Watermain and Sewer Renewal - Lakefront Road to Gaston Road to Ocean Contractors

Limited for materials and services listed at the unit prices quoted for a Tender Price of \$430,836.00 plus net HST and 10% for quality control/quality assurance and unforeseen works for a Total Project Cost of \$504,388.00 with funding authorized as per the Budget Implications section of the staff report dated June 1, 2001. MOTION PUT AND PASSED.

**11.3.4 Tender 01-222 Sidewalk Renewals, Eastern Region**

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

**MOVED by Councillor Hetherington, seconded by Councillor Goucher, that Halifax Regional Council:**

1. **Waive the right to petition for the replacement of asphalt curb with new concrete curb and gutter on Hershey Road (S) between Milverton Road and Esson Road.**
2. **Approve the recovery of Local Improvement Charges for new concrete curb and gutter on Hershey road at a rate of \$6.11 per lineal foot applied to both sides of the street in accordance with By-Law S-407, approved by Council on April 24, 2001.**
3. **Award Tender No. 01-222 Sidewalk Renewals - Eastern Region to Ocean Contractors Limited for materials and services listed at the unit prices quoted for a Tender Price of \$216,500.00 plus net HST and 10% for quality control/quality assurance and unforeseen works for a Total Project Cost of \$253,461.00 with funding authorized as per the Budget Implications Section of the staff report dated May 30, 2001. MOTION PUT AND PASSED.**

**11.3.5 Tender 01-226 Paving, Eastern Region**

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

**MOVED by Councillor Hetherington, seconded by Councillor Goucher, that Halifax Regional Council award Tender No. 01-226, Paving - East Region, to Ocean Contractors Limited for materials and services listed at the unit prices quoted for a Tender Price of \$835,366.00 plus net HST and 10% for quality control/quality assurance and unforeseen works for a Total Project Cost of \$977,979.00 with funding**

authorized as per the Budget Implications section of the staff report dated June 1, 2001.

Councillor Smith questioned the location of the resurfacing on Windmill Road, and staff agreed to clarify this.

**MOTION PUT AND PASSED.**

**11.3.6 Tender 01-228 Sewer Lining, Western Region**

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

**MOVED by Councillor Hetherington, seconded by Councillor Goucher, that Halifax Regional Council:**

- 1. Authorize the transfer of funds in the amount of \$9,181.00 from Account No. CRESPOOL, to the Capital Account No. CGU00124, Bayers Road - Combined Sewer Renewal.**
- 2. Award Tender No. 01-228, Sewer Lining - Western Region to Inliner Canada Inc. for materials and services listed at the unit prices quoted for a Tender Price of \$427,884.00 plus net HST and 10% for quality control/quality assurance and unforeseen works for a Total Project Cost of \$500,932.00 with funding authorized as per the Budget Implications Section of the staff report dated May 28, 2001.**
- 3. Approve the extension of Tender No. 01-228, Sewer Lining - Western Region, to the low tenderer, Inliner Canada Inc., to include the relining of three additional Hydrostone lanes, with a cost not to exceed \$100,000.00. MOTION PUT AND PASSED.**

**11.3.7 Tender 01-249 Resurfacing Projects, Eastern Region**

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

**MOVED by Councillor Hetherington, seconded by Councillor Goucher, that Halifax Regional Council award Tender No. 01-249, Resurfacing Projects - Eastern Region to Basin Contracting Limited for materials and services listed at the unit prices quoted for a Tender Price of \$438,619.00 plus net HST and 10% for quality**

control/quality assurance and unforeseen works for a Total Project Cost of \$513,500.00, with funding authorized as per the Budget Implications Section of the staff report dated June 4, 2001. **MOTION PUT AND PASSED.**

**11.3.8 Tender 01-254 Resurfacing Projects, Central Region**

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

**MOVED by Councillor Hetherington, seconded by Councillor Goucher, that Halifax Regional Council award Tender No. 01-254, Resurfacing Projects - Central Region to Dexter Construction Company Limited for materials and services listed at the unit prices quoted for a Tender Price of \$631,330.00 plus net HST and 10% for quality control/quality assurance and unforeseen works for a Total Project Cost of \$739,111.00 with funding authorized as per the Budget Implications Section of the staff report dated May 31, 2001. **MOTION PUT AND PASSED.****

**11.3.9 Area Rated Capital Projects**

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

Councillor Rankin stated the thermal imager camera (\$35,000) was not part of the original budget submission. On behalf of the community of Hammonds Plains, the Councillor stated he was not in a position to support it.

**MOVED by Councillor Rankin, seconded by Councillor Goucher, that the Thermal Imager Camera item be referred to staff for a report. **MOTION PUT AND PASSED UNANIMOUSLY.****

**MOVED by Councillor Rankin, seconded by Councillor Streach, that Regional Council approve the capital projects, as attached to the June 7, 2001 Council report, for area rated organizations, with the exception of the Thermal Imager Camera which was referred to staff for a report.**

Responding to a question of Councillor Streach, Deputy Chief Mosher, Fire Services, stated the locations of the dry fire hydrants have not yet been identified.

**MOTION PUT AND PASSED UNANIMOUSLY.**

**11.3.10 Request for Proposal 01-028 Printing / Mailing of Tax Bills and Parking Tickets**

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

**MOVED by Councillor Uteck, seconded by Councillor Sloane, that Tender No. 01-028, Printing/Mailing of Tax Bills be awarded to Canada Post Corporation for a five (5) year period at 2001 unit prices of \$.152285 plus HST with negotiated prices for the remainder of the contract based on annual paper costs. MOTION PUT AND PASSED UNANIMOUSLY.**

**11.3.11 Update on Police Station Renovations - 1975 Gottingen Street**

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

Mr. Mike Labrecque, General Manager, Building Management Services, presented the staff report.

**MOVED by Councillor Hetherington, seconded by Councillor Sloane, that Council approve the following changes to Capital Project #CBP00072 Relocation of Police Services to Headquarters Facility:**

1. **An increase in project scope to incorporate the lead dust remediation program and the associated costs; and,**
2. **Approve the transfer of funding in the amount of \$1,500,000 from Capital Project No. CB100076, Dartmouth Patrol Office, to Capital Project CBP00072 Relocation of Police Services to Headquarters Facility. MOTION PUT AND PASSED UNANIMOUSLY.**

**11.4 MEMBERS OF COUNCIL**

**11.4.1 Councillor Sloane - Sub-Standard Rooming Houses in HRM**

Councillor Sloane noted rooming and boarding houses in Dartmouth are registered, and she stated she would like to see the same thing happen in Halifax.

**MOVED by Councillor Sloane, seconded by Councillor Hetherington, that Council ask EMT to make this issue a priority and to direct staff of Special Projects to convene an**

**inter-departmental staff team to work in collaboration with the Homelessness Action Committee and other government agencies on a pilot project to address this issue.**

Responding to a question of Mayor Kelly regarding the minimum standards by-law, Mr. Paul Dunphy, Director, Planning and Development Services, stated staff have been working with the Department of Housing and it is anticipated the by-law will be brought to Council in the fall.

**MOTION PUT AND PASSED UNANIMOUSLY.**

**11.4.2 Councillor Rankin - Paving of HRM Gravel Roads**

Councillor Rankin noted he has received a number of calls inquiring about the status of Council's directive with respect to the paving of roads as per the following March 27, 2001 motion adopted by Council:

MOVED by Councillor Rankin, seconded by Councillor Streach, that HRM negotiate further with the Province in time to mount a paving program subject to their matching the \$300,000 that the Municipality has provided in the Capital Budget. Further, HRM allow several weeks to negotiate with the Province and, failing that, the Municipality give notice to the Province that HRM will terminate the agreement in time such that HRM can mount an effective paving program and restore the funding that is necessary to do the program this summer. MOTION PUT AND PASSED UNANIMOUSLY.

Councillor Rankin stated time is of the essence as another season of paving could be lost. **MOVED by Councillor Rankin, seconded by Councillor Meade, that Council reaffirm that staff and the Mayor's Office come back with an action plan, on or before the end of June 2001, to get on with a paving program, be it from the Province or HRM.**

Speaking in support of the motion, Councillor Colwell stated there are approximately 43 kilometres of road in his District ready to be paved now and the residents are prepared to pay 100 percent of the paving cost, but not the regular maintenance which the Province is supposed to provide, but currently is not.

Deputy Mayor Blumenthal spoke in support of the motion stating the people in the rural area deserve to have their roads paved and the Province needs to pay its share.

**MOTION PUT AND PASSED UNANIMOUSLY.**

**12. MOTIONS - NONE**

**13. ADDED ITEMS**

**13.1 Deputy Mayor Blumenthal - Grass Cutting Concerns - Western Region**

Deputy Mayor Blumenthal expressed concern regarding grass cutting in his District, noting he has received more calls on this issue than snow removal. In particular, the Deputy Mayor noted problems in Needham Park, on Agricola Street and in front of Purdy's Wharf. Deputy Mayor Blumenthal stated there are problems with this contract in other areas as well, and something needs to be done to ensure the proper work is done.

Councillor Walker noted there are many areas in his District that have not been mowed yet this year. The Councillor requested a schedule of when fields will be mowed and how often.

Councillor Fougere stated she has had numerous complaints regarding grass cutting and the matter needs to be seriously examined.

Councillor Mosher also noted she has received numerous complaints, particularly with respect to the Armdale Rotary. The Councillor stated there needs to be a regular mowing schedule.

Closing the debate, the Deputy Mayor noted the problem is not just areas not being mowed, as when the mowing has been done in some areas, there has been much damage.

**MOVED by Deputy Mayor Blumenthal, seconded by Councillor Fougere, that this matter be referred to staff for a report regarding the grass cutting contract with Humphrey's Landscape and Construction Ltd. MOTION PUT AND PASSED UNANIMOUSLY.**

**13.2 Deputy Mayor Blumenthal - Motion to Cancel Regional Council meeting on Oct. 16, 2001 due to the UNSM annual meeting**

Deputy Mayor Blumenthal noted the annual UNSM conference will be held in Cape Breton this year, and put forth the following motion:

**MOVED by Deputy Mayor Blumenthal, seconded by Councillor Warshick, that the October 16, 2001 Regional Council meeting be cancelled due to the UNSM conference, and that a meeting be held on October 30, 2001, if necessary. MOTION PUT AND PASSED UNANIMOUSLY.**

**13.3 Committee of the Whole Recommendation re: Equalization**

- This matter was discussed during a Committee of the Whole meeting held earlier in the day and was now before Council for ratification.

Mr. Ken Meech, Chief Administrative Officer, provided a brief overview of the UNSM proposal regarding equalization which was discussed by Council earlier in the day at a Committee of the Whole meeting. Mr. Meech noted the proposal meets the principle that the money will not come from property tax and the deed transfer tax provides assurance to HRM as to what its contributions will be. For the benefit of the public, Mr. Meech read the ten points of the UNSM proposal contained in the correspondence from President Anna Allen, UNSM, dated May 10, 2001, previously circulated to Council.

**MOVED by Deputy Mayor Blumenthal, seconded by Councillor Hetherington, that Council adopt the Committee of the Whole recommendation that the Halifax Regional Council endorse the UNSM proposal regarding equalization and request that surplus/residual funds be utilized to reinstate the Capital Grant program.**

Speaking in support of the motion, Deputy Mayor Blumenthal made the following points:

- This proposal is the best of a bad deal.
- The Province has made many mistakes, and the Premier has made his biggest mistake in his political career by making this type of deal.
- The Province should have raised income tax but Premier Hamm made an election promise not to raise taxes. That promise is being kept, but the municipalities are paying for it.
- HRM is currently not a form of government accepted by the Province.
- There are many pros and cons of this proposal to take into consideration.
- A benefit of this proposal is that if it is accepted, everyone will be paying deed transfer tax, which is not the case now.
- Another benefit is HRM will know exactly how much money the Province will be taking, as this is a contract, and HRM's budgets can be prepared accordingly.
- The proposal is not something the people of HRM will reasonably accept, but HRM has to do the best it can for its residents.
- In three years, HRM will not be paying anything over and above the education costs of 2001.
- Nova Scotia Power will be involved in this deal coming up with its full share of assessment costs.
- If this proposal is carried out properly, some of the "have nots" in the Province will be able to get extra money.
- The most important thing about the contract is that for the first time in the history of Nova Scotia, within three years HRM will have either a protocol or a charter and will be a recognized form of government and be treated as such. The only Province that has such a deal is British Columbia.

- There will be benchmarks set up by the Province and, therefore, the municipalities who receive money will have to show how it is being spent.

Speaking against the motion, Councillor Colwell made the following points:

- This proposal will add another tax burden on the residents as the Municipality will be losing tax revenue.
- It will be more difficult to complete projects and a lot of community groups will no longer get funding.
- The whole process is flawed and the Province is increasing taxes in a roundabout way.
- He has not spoken to any resident who supports equalization, and HRM will take the blame for it if it is accepted.
- He cannot support a tax increase for the taxpayers of HRM.

Speaking in favour of the motion, Councillor Hetherington stated the following:

- HRM is building towards a governance so the Municipality can stand up for itself in future years. But, at the moment, HRM is a child of the Province.
- The Province has said this program will go into effect April 1, 2002.
- With amalgamation, the municipalities fought it right up to the time it took place and were not prepared for it. In this instance, HRM is trying to be prepared so certain things will not happen in the future.
- Staff provided a long term outlook scenario, and the plan that came through in January/February was to cost HRM \$14.2 million. The worst case scenario by 2005/2006 could be \$30 million. The UNSM proposal would cost HRM \$7.7 at this point in time and at the end of the three years there should be some protection in place.
- This is not just an equalization scenario as there are a number of contractual agreements included that the Province needs to adhere to.
- The deed transfer tax will be paid equally by every municipality in Nova Scotia, and no one will be exempt which is the current case.
- If there is a surplus, he suggested it could be used to pay for the costs of assessments. Staff have also suggested reinstating the capital grant program, which would be \$4.6 million for HRM.
- The three years will provide a 100 percent HST rebate to municipalities.
- The proposal will provide clearly defined roles and responsibilities for the Province and the municipalities.

Responding to a question of Councillor Cooper, Mayor Kelly stated, if this proposal is passed by UNSM and the Province, HRM will be giving up authority for the deed tax transfer tax as of April 1, 2002. With respect to the discussion earlier today regarding the possible use of the

surplus, Councillor Cooper expressed concern with the word “request” in the motion with reference to the capital grant program. The Councillor stated this may cause the Province to draw more money from the municipalities to reinstate this program. Mayor Kelly clarified that the current approach of UNSM is for the surplus funds remain in the account and allocation of these funds to be determined by UNSM. The Mayor noted this discussion is not yet complete and at some point in time it will come back to UNSM for further discussion. Mr. Meech agreed the intent was that the Capital Grant program not be tied into the proposal and that it only be a suggestion. Both the Mover and Seconder of the motion agreed to change the word “request” to “suggest”. The amended motion now read as follows:

**MOVED by Deputy Mayor Blumenthal, seconded by Councillor Hetherington, that Council adopt the Committee of the Whole recommendation that the Halifax Regional Council endorse the UNSM proposal regarding equalization and suggest that surplus/residual funds be utilized to reinstate the Capital Grant program.**

Speaking against the motion, Councillor Harvey stated the following:

- He cannot accept this proposal because it accepts certain principles that he does not support, such as downloading.
- Municipalities are the responsibility of the Province, not other municipalities.
- Equalization for municipalities is needed but the funding for equalization should come from the General Revenues of the Province, and everyone would pay according to their ability to pay to help the municipalities who need help.
- The proposal also gives up a traditional source of municipal revenue: deed transfer tax.
- By HRM becoming involved in this proposal, HRM becomes collaborators with the Province and the taxpayers of HRM will not see any difference between HRM and the provincial government. No matter how the proposal is massaged, it still comes down to the Province manipulating HRM’s revenue.

Also speaking against the motion, Councillor Warshick stated the following:

- He would prefer a two year agreement rather than three years due to the timing of the next provincial election so the Province can face the electorate based on this decision.
- He expects the Province will not accept this proposal and HRM should have asked the Province to come up with alternatives before providing its own.
- It has been shown that the residents are behind the Municipality on this issue and expressed concern that they are not aware of this new proposal.
- The proposal is not equalization, but rather penalization.

Councillor Smith, also speaking against the motion, stated the following:

- The proposal is a bad deal and the Province should make the decision regarding equalization and be forced to live with it.
- Programs and services in HRM will be lost and, therefore, he will not support the proposal.
- The Province has the ability to fund this equalization through income tax so it is spread out equally based on ability to pay.

Speaking in support of the motion, Councillor Fougere made the following points:

- In the original proposal HRM had the most to lose.
- HRM's only hope of not having the original plan shoved down its throat was to collaborate with other municipalities who agreed in principle that property tax was not the way to go.
- There is strength in groups, and the UNSM proposal is a well-reasoned, logical alternate approach.
- If HRM accepts the UNSM proposal, a united body will be created with respect to taking this proposal to the Province.
- It is much better for HRM to come up with something it can live with rather than choking on something that is shoved down its throat, and, therefore, she will support this proposal.

Speaking against the motion, Councillor Johns stated the following:

- What the Province is proposing is wrong, and this proposal is only offering another way to do it.
- There is no guarantee that the Province will accept this proposal or that HRM will end up with a worse deal than what was originally proposed.
- By putting this proposal forward, HRM is accepting what the Province is doing in terms of equalization.
- There are over 50 municipalities in Nova Scotia, and HRM represents 40 percent of the Province, and deserves a better say in what is going on.

Councillor Sarto stated the reality is that the Province has set up an equalization program and it will receive the money from property taxes, as it now stands. The UNSM proposal provides an option. If the Province accepts it, there will be some fairness and equity. On the other hand, any surplus may come back to the municipalities in the form of capital grants.

Closing the debate, Deputy Mayor Blumenthal stated if HRM does not accept the UNSM proposal, it risks the possibility that the Province will implement something worse. The Deputy Mayor stated this program will be implemented no matter what, and if Council accepts the proposal it will be a contractual deal.

With regards to the overall process, Mayor Kelly noted the Province has indicated the equalization plan will come into effect on April 1, 2002. The Province has not said how the dollars will be allocated, but if HRM does not find an answer for the Province, one will be mandated. In the original plan, Mayor Kelly noted only 14 of the 55 municipalities would be required to pay. In the UNSM plan, all 55 municipalities will be required to contribute. With regards to the other aspects of the deal, Mayor Kelly noted it is also important that Nova Scotia Power pay its fair share of taxes, which will also give HRM benefit for when it comes time for distribution of the equalization formula, then the need may not be as great as without them paying their fair share. In business, when there is a threat of take over, the business community takes a "poison pill" to try to thwart off any uncontrollable operations of an outside force. Today, Council is being forced to take that so we can control the way we want to go. And, although this proposal may not be what everyone wants or supports, Mayor Kelly stated it is a way to get to the next step, and over the next three years negotiate with the Province on governance. Mayor Kelly stated if HRM is not treated fairly and openly by the Province over the next three years, when the agreement comes back for renewal, HRM will not be sitting at the negotiating table in good faith as it is today. If the Province treats HRM in good faith, HRM will respond in good faith. If not, the Province will pay the consequence.

A **Recorded Vote** was requested.

Members of Council voting **in favour** of the motion: Mayor Kelly, Deputy Mayor Blumenthal, Councillors: Streach, Hines, Cooper, McInroy, Sarto, Hetherington, Sloane, Uteck, Fougere, Walker, Whalen, Mosher, Goucher and Meade.

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

**MOTION PASSED. (16 in favour, 5 against) (Councillors Cunningham, Adams and Rankin were absent.)**

#### **13.4 Property Matter - Disposal of Surplus Schools - St. Margaret's Bay School**

- This matter was discussed during an In Camera session held prior to the Regular Session, and was now before Council for ratification.

**MOVED by Councillor Meade, seconded by Councillor Sarto, that Council approve retaining ownership of the property, and authorize the Mayor and Municipal Clerk to enter into a lease/facility management agreement with St. Margaret's Bay/Boutilier's Point Recreation Association based on the key terms and conditions outlined in the June 12, 2001 Private and Confidential staff report. MOTION PUT AND PASSED UNANIMOUSLY.**

**13.5 Property Matter - Sale of 2673 Sackville Drive**

- This matter was discussed during an In Camera session held prior to the Regular Session, and was now before Council for ratification.

**MOVED by Councillor Johns, seconded by Councillor Goucher, that Halifax Regional Council authorize the Mayor and Municipal Clerk to enter into an Agreement of Purchase and Sale for the sale of 2673 Sackville Drive to John Hugh Kennedy; as shown on Attachment "A" of the June 4, 2001 Private and Confidential staff report for \$82,500 as settlement in full, plus any additional rates and adjustments that may be applicable; and that the staff report not be released to the public until, and if, the recommended transaction is finally concluded. MOTION PUT AND PASSED UNANIMOUSLY.**

**13.6 Property Matter - Sale of 2683 Sackville Drive**

- This matter was discussed during an In Camera session held prior to the Regular Session, and was now before Council for ratification.

**MOVED by Councillor Johns, seconded by Councillor Sloane, that Halifax Regional Council authorize the Mayor and Municipal Clerk to enter into an Agreement of Purchase and Sale for the sale of 2683 Sackville Drive to John and Brenda Tanner, as shown on Attachment "A" of the June 4, 2001 Private and Confidential Staff report for \$115,000 as settlement in full, plus any additional taxes and adjustments that may be applicable; and that the staff report not be released to the public until, and if, the recommended transaction is finally concluded. MOTION PUT AND PASSED UNANIMOUSLY.**

**13.7 Property Matter - Lots J1R-1 to J1R-4 Windmill Road, Burnside**

- This matter was discussed during an In Camera session held prior to the Regular Session, and was now before Council for ratification.

**MOVED by Councillor Smith, seconded by Councillor Sloane, that:**

1. **Council authorize the Mayor and Municipal Clerk to enter into an Agreement of Purchase and Sale for the conveyance of Parcel "Z" consisting of 56,450 square feet and Parcel "X" consisting of 33,070 square feet to be consolidated with the lands of C&T Investments Limited to form Lot J1R-1 on Windmill Road**

to C&T Investments Limited according to the terms and conditions set out in the May 24, 2001 Private and Confidential staff report.

2. Council authorize the Mayor and Municipal Clerk to enter into an Agreement of Purchase and Sale for the conveyance of Parcel "A" to be consolidated with Parcel "B-1" to form Lot J1R-2, and Parcel "C" to be consolidated with Parcel "B-3" to form Lot J1R-3 to Roycom Inc. according to the terms and conditions set out in the May 24, 2001 Private and Confidential staff report.
3. That Council reduce the 1999-2000 capital budget commitment for Burnside expansion: Bancroft Court Development from \$950,000 to \$475,000.
4. That the contents of this report not be released until all terms and conditions of the conveyances have been satisfied. MOTION PUT AND PASSED UNANIMOUSLY.

14. NOTICES OF MOTION

14.1 Councillor Hetherington - By-Law D-200

TAKE NOTICE that at the next regular meeting of Halifax Regional Council to be held on Tuesday, the 19th day of June 2001, I propose to move First Reading of By-Law D-200, the Deed Transfer Tax By-Law, the purpose of which is to adopt a consolidated HRM wide by-law respecting deed transfer tax.

15. ADJOURNMENT

**MOVED** by Deputy Mayor Blumenthal, seconded by Councillor Hetherington, that the meeting adjourn at 10:00 p.m. MOTION PUT AND PASSED UNANIMOUSLY.

Vi Carmichael  
Municipal Clerk