

HALIFAX REGIONAL MUNICIPALITY

HALIFAX REGIONAL COUNCIL MINUTES June 26, 2001

PRESENT:

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

STAFF MEMBERS:

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

Table of Contents

1.	INVOCATION	4
2.	PROCLAMATIONS - NONE	4
3.	APPROVAL OF MINUTES - JUNE 5 & 6, 2001	4
4.	APPROVAL OF THE ORDER OF BUSINESS AND APPROVAL OF ADDITIONS AND DELETIONS	4
5.	BUSINESS ARISING OUT OF THE MINUTES	4
6.	MOTIONS OF RECONSIDERATION - NONE	4
7.	MOTIONS OF RESCISSION - NONE	4
8.	CONSIDERATION OF DEFERRED BUSINESS	4
8.1	By-Law Number L-102, Respecting Local Improvement Charges - Beaver Bank Servicing Phase III (Deferred from June 5)(supp report)	5
9.	PUBLIC HEARINGS	5
9.1	Interest Rate Amendment to Local Improvement Charges	
(i)	Second Reading - By-Law L-106 Respecting Charges for Local Improvement Charges	
(ii)	Second Reading - By-Law S-408 Respecting Charges for Street Improvements	5
10.	CORRESPONDENCE, PETITIONS & DELEGATIONS	6
10.1	Correspondence	6
10.1.1	Supplementary Education Funding - Halifax Regional School Board	6
10.1.2	Canadian Labour Congress - No Sweat Model Procurement Ordinance	6
10.2	Petitions	7
10.2.1	Deputy Mayor Blumenthal - Mulgrave Park	7
10.3	Presentation	7
10.3.1	Canada Day - Carol Dobson	7
10.3.2	Concerns re: Circuses - W. Hugh Chisholm	7
11.	REPORTS	7
11.1	CHEBUCTO COMMUNITY COUNCIL	8

11.1.1	Case 00213 - Plan Amendment and Development Agreement, Petro Canada Lands, North End Halifax - to set Public Hearing Date of July 17, 2001	8
11.2	CHIEF ADMINISTRATIVE OFFICER	8
11.2.1	Paving of Gravel Roads Outside the Core	8
11.2.2	Bayers Lake Business Park - Lacewood Drive Entrance	13
11.2.3	Tender 01-230 Resurfacing - Western Region	14
11.2.4	Propellor Parts - Refit of Harbour Ferry - Dartmouth III	15
11.2.5	Haliburton Highbury Homeowners Association Area Rate Increase	15
11.2.6	First Reading By-Law W-101 Respecting Discharge of Wastewater into Public Sewers (supp report)	15
11.3	MEMBERS OF COUNCIL	16
11.3.1	Councillor Cooper - Protection from Pesticides - Medical Offices ..	16
12.	MOTIONS	16
12.1	Councillor Cunningham	16
12.2	Councillor Hetherington	18
12.3	Councillor Uteck First Reading By-Law S-303 Respecting an amendment to the former City of Halifax Ordinance 180 Motion - Councillor Uteck - Move First Reading	18
13.	ADDED ITEMS	18
13.1	Councillor Hetherington - By-Law on Time Limit that a Building Can Be Boarded Up	19
13.2	Councillor Johns - Request to have Information Item # 2 re: Judy Avenue - Parking Restrictions moved to Regular Council Agenda	19
13.3	Property Matter - Conveyance of 3279-85 Dutch Village Road to Province of NS	20
13.4	Resolution Respecting Maintenance of Local Roads Outside the Core Area	20
14.	NOTICES OF MOTION	20
14.1	Councillor Hetherington - Notice of Motion of Reconsideration	20
14.2	Councillor Johns - First Reading By-Law Number L-102, Respecting Local Improvement Charges - Beaver Bank Servicing Phase III	21
15.	ADJOURNMENT	21

1. **INVOCATION**

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

2. **PROCLAMATIONS - NONE**

3. **APPROVAL OF MINUTES - JUNE 5 & 6, 2001**

MOVED by Councillor Hetherington, seconded by Deputy Mayor Blumenthal, that the June 5&6, 2001 Council minutes 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 deferred at the request of Councillor Uteck:

12.3 First Reading of By-Law S-303

The following items were added to the agenda:

13.1 Councillor Hetherington - By-Law on Time Limit that a Building Can Be Boarded Up

13.2 Councillor Johns - Request to have Information Item # 2 re: Judy Avenue - Parking Restrictions moved to Regular Council Agenda

13.3 Property Matter - Conveyance of 3279-85 Dutch Village Road to Province of NS

13.4 Resolution Respecting Maintenance of Local Roads Outside the Core Area

MOVED by Councillor McInroy, seconded by Deputy Mayor Blumenthal, that the Order of Business and 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 By-Law Number L-102, Respecting Local Improvement Charges - Beaver Bank Servicing Phase III (Deferred from June 5)(supp report)

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

Councillor Johns stated he has consulted with staff, and the version of the By-Law that he would like to put forth for approval is the one attached to the February 15, 2000 staff report.

MOVED by Councillor Johns, seconded by Councillor Harvey, that Council adopt, in principle, By-Law L-102 Respecting Local Improvement Charges, as attached to the staff report dated February 15, 2000.

Responding to a question of Councillor Cooper, Mr. Ted Tam, Manager, Design and Construction Services, stated at the time the February 2000 report was prepared for Council's consideration, it was proposed that the recovery would be based on two components: a foot frontage charge and an area rate. When the report was presented to Council, the By-Law did not receive First Reading, and is now before Council for reconsideration.

In response to a question of Councillor Hetherington, Mr. Tam stated the version of the By-Law referred to in the motion is the one originally proposed by staff in February 2000.

MOTION PUT AND PASSED UNANIMOUSLY.

Later in the meeting, a Notice of Motion was served for First Reading for July 3, 2001.

9. PUBLIC HEARINGS

9.1 Interest Rate Amendment to Local Improvement Charges

- (i) Second Reading - By-Law L-106 Respecting Charges for Local Improvement Charges**
- (ii) Second 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.

Ms. Cathie Osborne, Team Leader, Revenue and Process Audit, presented the staff report to Council.

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

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

COUNCIL DECISION

MOVED by Councillor Walker, seconded by Councillor Hetherington, that interest on all billings issued after May 11, 1999 for Local Improvements be adjusted to 2% above the prime rate of interest as of billing date with the interest adjustments being the date of Council approval of this amendment. MOTION PUT AND PASSED UNANIMOUSLY.

MOVED by Councillor Walker, seconded by Councillor Hetherington, that Council give Second Reading to By-Law L-106 Respecting Charges for Local Improvement Charges and By-Law S-408 Respecting Charges for Street Improvements. MOTION PUT AND PASSED UNANIMOUSLY.

10. CORRESPONDENCE, PETITIONS & DELEGATIONS

10.1 Correspondence

10.1.1 Supplementary Education Funding - Halifax Regional School Board

As the School Board requested an extension to the end of the week to provide the requested information, it was agreed to put this item on next week's agenda.

Councillor Uteck stated she would like Council to inquire about the \$650,000 of supplementary funding taken from the former cities of Halifax and Dartmouth that was to be paid back, and put forth the following motion:

MOVED by Councillor Uteck, seconded by Councillor Sloane, that a letter be sent to the Halifax Regional School Board inquiring about the \$650,000 of supplementary funding taken from the former cities of Halifax and Dartmouth to cover teachers' salaries and other administrative costs in the former Town of Bedford and Halifax County area. The letter is to inquire if this money has been repaid, and, if not, when will it be repaid. Further, if the money is not going to be repaid that HRM withhold its next payment of supplementary funding until such funds are returned to the Halifax/Dartmouth area. MOTION PUT AND PASSED UNANIMOUSLY.

10.1.2 Canadian Labour Congress - No Sweat Model Procurement Ordinance

- Correspondence from Paulette Sadoway, Representative, Canadian Labour Congress, dated May 29, 2001, was before Council for its consideration.

Councillor Hetherington noted the proposed ordinance would require some legal changes before it could be adopted by Council. He suggested that the matter be referred to staff to come up with an appropriate procedure or policy to put in place with respect to the proposed no sweat model procurement ordinance.

MOVED by Councillor Hetherington, seconded by Deputy Mayor Blumenthal, that the correspondence from the Canadian Labour Congress be referred to staff for a report.

Councillor Warshick requested the report also address whether or not fireworks purchased by HRM are actually made in Canada.

MOTION PUT AND PASSED UNANIMOUSLY.

10.2 Petitions

10.2.1 Deputy Mayor Blumenthal - Mulgrave Park

Deputy Mayor Blumenthal served a petition from the Mulgrave Park Tenants Association regarding the lack of proper crosswalks on Barrington Street. The Deputy Mayor stated it is his understanding that a committee has already be set up to address this matter.

10.3 Presentation

10.3.1 Canada Day - Carol Dobson

Ms. Carol Dobson made a presentation to Council regarding the upcoming Canada Day events. Copies of the Canada Day program were circulated to Council.

On behalf of Council, Mayor Kelly thanked Ms. Dobson and the Canada Day Committee for a job well done.

10.3.2 Concerns re: Circuses - W. Hugh Chisholm

Mr. Hugh Chisholm made a presentation to Council opposing the use of exotic and wild animals in circuses. Copies of his presentation were circulated to Council.

Mayor Kelly thanked Mr. Chisholm for his presentation.

MOVED by Councillor Adams, seconded by Councillor Sloane, that the presentation be referred to staff for a report regarding HRM's jurisdiction in this matter. **MOTION PUT AND PASSED UNANIMOUSLY.**

11. REPORTS

11.1 CHEBUCTO COMMUNITY COUNCIL

11.1.1 Case 00213 - Plan Amendment and Development Agreement, Petro Canada Lands, North End Halifax - to set Public Hearing Date of July 17, 2001

- A report from the Chebucto Community Council, dated June 19, 2001, regarding the above, was before Council for its consideration.

MOVED by Deputy Mayor Blumenthal, seconded by Councillor Sloane, that:

- 1. Council give First Reading to the amendments to the Halifax Municipal Planning Strategy and Peninsula Halifax Land Use By-law, presented as Attachments II and III to the staff report dated June 7, 2001, and schedule a Public Hearing for July 17, 2001;**
- 2. Regional Council move Notice of Motion to consider approval of the proposed development agreement, presented as Attachment VII to the staff report dated June 7, 2001, and schedule a Joint Public Hearing with Chebucto Community Council for July 17, 2001. MOTION PUT AND PASSED UNANIMOUSLY.**

11.2 CHIEF ADMINISTRATIVE OFFICER

As Items 11.2.1 and 13.4 were with respect to the same issue, Council dealt with both items together.

11.2.1 Paving of Gravel Roads Outside the Core

- A staff report prepared for Dan English, Deputy Chief Administrative Officer, regarding the above, was before Council for its consideration. The report recommended that Council authorize staff to negotiate a new service agreement with the Province that would encompass a better balancing of service provision for road maintenance inside and outside the Core including specific service standards and a definitive ongoing capital paving program for gravel roads.

13.4 Resolution Respecting Maintenance of Local Roads Outside the Core Area

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

MOVED by Councillor Rankin, seconded by Councillor Meade, that:

WHEREAS in 1995, as a result of Service Exchange all of the local roads in Halifax County Municipality were to have been transferred from the Province of Nova Scotia to Halifax County Municipality;

AND WHEREAS between April 1, 1995 and April 1, 1996, the County and the Province had an interim arrangement whereby the Province agreed to maintain municipal roads outside the Central Urban Core in exchange for the County maintaining Provincial roads inside the Core;

AND WHEREAS during the months leading up to amalgamation, negotiations took place between the Amalgamation Coordinator and the Province to rationalize the road inventory holdings, which negotiations culminated in Agreement HRM-01 approved by Halifax Regional Council on June 18, 1996, whereby all provincial roads (with the exception of 100 Series Highways) within the Central Urban Core of Halifax Regional Municipality were transferred to Halifax Regional Municipality by the Province and roads outside the Core remained in the ownership of the Province;

AND WHEREAS notwithstanding the Agreement HRM-01 was silent as to the respective responsibilities of the Municipality and the Province to maintain the roads owned by them, nevertheless, at law, the governmental body owning and having jurisdiction over a road has a responsibility to the public to maintain such road to a state and condition reasonably sufficient for the requirements of the traffic using it and such that a traveller might use it in safety; and the Halifax Regional Municipality reasonably anticipated that both the Province and the Municipality would maintain and upgrade the respective roads owned by them to this standard;

AND WHEREAS the Halifax Regional Municipality has upgraded and maintained the roads transferred to it inside the Central Urban Core to the standard required by law;

AND WHEREAS in the opinion of the Halifax Regional Council and the citizens residing on local roads outside the Central Urban Core, the Province has failed to maintain and upgrade the local roads retained in the ownership of the Province, and in fact has allowed the said roads to deteriorate to the extent that many of the roads are often unpassable and will require extensive expenditure of public funds to be returned to a reasonable condition;

AND WHEREAS for the last three years the Province has failed to fund the Aid To Municipalities Agreement which in the past assisted in facilitating the paving of local roads in rural areas of municipalities;

AND WHEREAS the Council of the Halifax Regional Municipality is prepared to commit funding to the paving of such local roads on condition that the Province negotiate and enter into a fair and reasonable service exchange agreement in respect of such expenditures by the Municipality;

NOW THEREFORE BE IT RESOLVED by the Council of the Halifax Regional Municipality, that Halifax Regional Municipality requests

- 1. The Minister of Transportation and Public Works to approve the expenditure of \$300,000 of municipal funds on the paving of local roads owned by the Province outside the Central Core Area pursuant to Section 66(4) of the Municipal Government Act; and**
- 2. The Premier and such Ministers of the Crown as may be affected to negotiate with the Halifax Regional Municipality a service exchange agreement to provide for the assumption by the Province of expenditures otherwise required by the Municipality equal to the \$300,000 committed by the Municipality pursuant to clause 1);**

AND BE IT FURTHER RESOLVED by the Council of the Halifax Regional Municipality, that failing permission by the Minister of Transportation and Public Works and the negotiation of an equitable service exchange agreement within 30 days, the Halifax Regional Municipality proceed with the expenditure of municipal funds on the paving of local roads as outlined herein and unilaterally deduct the \$300,000 from funds owing to the Province in respect of the cost of assessments which was unilaterally and arbitrarily imposed on the Municipality by the Province.

Councillor Rankin noted all other municipalities are responsible for their subdivision roads except HRM, who has made a contract with the Province which is not working. The Councillor stated there has not been any paving done by the Province since the end of 1998. Councillor Rankin further stated that Council has the responsibility to ensure the paving is done, one way or another, so as another paving season is not lost. The Councillor suggested, if the resolution is adopted, a letter should be sent to all the petitioners of the 74 streets involved advising them of what Council is requesting of the Province.

Councillor Hetherington expressed concern with the last clause of the resolution, and questioned if the Municipality can legally withhold money from the Province. The Councillor referenced correspondence received by Council from Mr. Ken Meech, Chief Administrative Officer, to the Deputy Minister of Transportation and Public Works, requesting the paving of gravel roads outside the core area. Councillor Hetherington noted the Province's response was there are no funds committed to the paving program for the fiscal year 2001-2002 due to budget constraints. However, the Department is willing to consider paving at 100 percent municipal cost, should HRM wish to proceed in this fashion. Councillor Hetherington stated this is downloading on the residents of HRM. Even if the residents pay 50 percent, the Councillor noted it will still cost HRM \$300,000, and he questioned what will come out of the budget to cover this amount. Councillor Hetherington stated if the last clause was deleted from the motion, he could support it.

MOVED by Councillor Hetherington, seconded by Deputy Mayor Blumenthal, that the motion be amended to delete the following: *AND BE IT FURTHER RESOLVED by the Council of the Halifax Regional Municipality, that failing permission by the Minister of Transportation and Public Works and the negotiation of an equitable service exchange agreement within 30 days, the Halifax Regional Municipality proceed with the expenditure of municipal funds on the paving of local roads as outlined herein and unilaterally deduct the \$300,000 from funds owing to the Province in respect of the cost of assessments which was unilaterally and arbitrarily imposed on the Municipality by the Province.*

Responding to a question of Councillor Hetherington, Mr. Wayne Anstey, Municipal Solicitor, stated the Municipality could withhold the money from the Province, but the question would be what would happen following that. He suggested the Province could ultimately sue the Municipality for the money and then the whole issue of the legality of the contract would come into effect.

Speaking against the amendment, Councillor Colwell stated this issue is a serious concern for the residents, and the Municipality needs to do anything it can to get the Province's attention in the hope that an agreement can be reached.

Councillor Cunningham stated Council also needs to look at its own responsibility for the roads inside the core, noting the streets and roads within the core are in deplorable condition.

Councillor Harvey stated, without the amendment, the resolution will result in HRM losing \$300,000 to pave roads that are the responsibility of the Province.

Councillor Uteck stated the taxpayers should be informed, through advertisements in the newspapers, of what the Municipality has had to pick up from the Province, and the residents can make an informed decision at the polls.

Councillor Goucher stated if the amendment passes, it will take the teeth out of the motion. The Councillor noted HRM is living up to its part of the service exchange agreement, but the Province is not. Councillor Goucher suggested the motion might put political pressure back on the Province, such as was the case with equalization.

Councillor Johns questioned if \$300,000 is enough money for 74 roads, and suggested Council should look at doing something that will have more power behind it.

Responding to a question of Deputy Mayor Blumenthal regarding the Municipality withholding money from the Province, Mr. Ken Meech, Chief Administrative Officer, stated based on past experience, he did not believe the Province will allow the Municipality to do so. Speaking in support of the amendment, the Deputy Mayor stated if the clause is not removed, the Municipality will be going after something that it cannot achieve. Deputy Mayor Blumenthal suggested the residents should be writing to their MLAs regarding this issue.

Councillor Sarto stated the Province did not hold up its end of the agreement, and, as a result, there is another form of downloading to the residents of HRM.

Speaking against the amendment, Councillor Streach stated the issue has reached a point where the work needs to be done regardless of who pays for it. The Councillor suggested it is time for Council to move away from the "Province bashing" tone.

Councillor Rankin noted HRM freely entered into the service exchange contract with the Province, and it is HRM's responsibility to ensure the roads are paved, one way or another. The Councillor stated the agreement is a bad contract and should not be considered as downloading from the Province. Councillor Rankin stated the residents want redress of the agreement so as another paving season is not lost. The Councillor noted the resolution may get the Province's attention to this bad contract. In closing, the Councillor asked Council to reject the amendment.

Speaking in support of the amendment, Councillor Cooper stated the ramifications of the proposed resolution could, in the long run, result in many years of not getting the charter HRM

needs in order to carry out its business. The Councillor also noted, if the resolution passes, the Province will say HRM wants something that is not available to any other municipality in Nova Scotia, and HRM would suffer in the long run.

Closing the debate on the amendment, Councillor Hetherington stated the amendment does not take way from the intent of the original motion.

A **Recorded Vote** was requested.

Members of Council voting **in favour** of the amendment: Deputy Mayor Blumenthal, Councillors: Cooper, Sarto, Hetherington, Smith, Cunningham, Sloane, Fougere, Mosher, Adams and Harvey.

Members of Council voting **against** the amendment: Mayor Kelly, Councillors: Streach, Hines, Colwell, Warshick, Uteck, Walker, Whalen, Goucher, Rankin and Meade.

MOTION DEFEATED. (11 in favour, 11 against) (Councillors McInroy and Johns were absent for the vote.)

Speaking on the main motion, Councillor Colwell stated it is outrageous that the Province will not do this paving, nor will it do it on the basis of real costs. The Councillor noted the Province would recover its costs for the paving on savings in road maintenance costs over the years. In closing, Councillor Colwell stated HRM needs to put pressure on the Province with respect to this issue to ensure proper roads are put in place for the residents.

Mr. Meech clarified that if HRM is not successful in getting the Province to agree to providing the \$300,000, HRM will have to pick it up. The assumption is that this would come from HRM deducting it from its share of the assessment costs.

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

Members of Council voting **in favour** of the motion: Mayor Kelly, Councillors: Streach, Hines, Colwell, Uteck, Fougere, Walker, Whalen, Johns, Goucher, Rankin and Meade.

Members of Council voting **against** the motion: Deputy Mayor Blumenthal, Councillors: Cooper, Warshick, Sarto, Hetherington, Smith, Cunningham, Sloane, Mosher, Adams and Harvey.

MOTION PASSED. (12 in favour, 11 against) (Councillor McInroy was absent for the vote.)

At this time, a **Notice of Motion of Reconsideration** was served by Councillor Hetherington, seconded by Deputy Mayor Blumenthal, regarding this matter.

11.2.2 Bayers Lake Business Park - Lacewood Drive Entrance

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

MOVED by Councillor Whalen, seconded by Councillor Walker, that Halifax Regional Council:

- 1. Approve the implementation of the short-term upgrading plan for the Lacewood Drive entrance to the Bayers Lake Business Park as described in the staff report dated June 21, 2001, with funding as described in the Budget Implications Section of the staff report dated June 21, 2001.**
- 2. Approve the initiation of interim area rate guidelines as per the approved Council policy leading to an area rate of \$0.05 per \$100 of assessment on properties within the Bayers Lake Business park, including all non-residential properties on Lacewood Drive to, and including, Regency Park Drive, for fiscal years 2002-03 and 2003-04.**
- 3. Authorize the Mayor and Municipal Clerk to sign an agreement with the Province of Nova Scotia to share the cost of the project as described in the Budget Implications Section of the staff report dated June 21, 2001.**

Councillor Uteck stated this is a Provincial responsibility, and suggested the public should be advised that this is another item the Municipality is picking up, so they can make an informed decision at the polls.

Speaking against the motion, Councillor Sloane stated this park was supposed to be industrial and not retail.

Also speaking against the motion, Deputy Mayor Blumenthal stated the occupants of the park are not paying for services received. The Deputy Mayor stated he could support the project if the cost was shared 50/50 between HRM and the Bayers Lake Business Park.

Councillor Whalen stated traffic improvements are urgently needed to access Bayers Lake Business Park. The Councillor noted that residents from all over HRM use the Park, and the community has been demanding that both HRM and the Province take responsibility for a solution. Councillor Whalen noted this is a negotiated solution between the parties.

Speaking in support of the motion, Councillor Streach stated this is one municipality, one region, and this is a matter that needs to be addressed.

Responding to a question of Councillor Warshick, Mr. David McCusker, Manager, Traffic and Transportation, stated it is his understanding that there has been good responsiveness from the Province with respect to its \$85,000 portion of the project. Written commitment is expected in the near future. Councillor Warshick suggested Council should wait until that commitment is received before approving this motion. Mr. McCusker stated it was his understanding that the commitment would have been finalized before this meeting, but that did not happen. Councillor Warshick stated he could not support the motion at this time without a final commitment from the Province.

Councillor Hetherington suggested the motion could be approved on the provision that if the commitment from the Province is not received in the next week, that the matter be brought back to Council.

Closing the debate, Councillor Whalen stated the timing for this project is urgent, and everyone is tired of two levels of government that cannot work together. The solution before Council is an indication that this impasse has been broken and an agreement has been reached.

MOTION PUT AND PASSED.

11.2.3 Tender 01-230 Resurfacing - 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 Mosher, seconded by Councillor Sloane, that Council:

- 1. Approve the recovery of Local Improvement Charges for new concrete curb and gutter on Randolph Street at a rate of \$12.22 per lineal foot applied to both sides of the street in accordance with By-Law Number S-407, approved by Council on April 24, 2001.**
- 2. Award Tender No. 01-230, Resurfacing - Western Region to Ocean Contractors Limited for materials and services listed at the unit prices quoted for a Tender Price of \$212,900.00 plus net HST and 10% for quality control/quality assurance and unforeseen works for a Total Project Cost of \$249,246.00, with funding authorized as per the Budget Implications Section of the staff report dated June 18, 2001. MOTION PUT AND PASSED UNANIMOUSLY.**

11.2.4 Propellor Parts - Refit of Harbour Ferry - Dartmouth III

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

MOVED by Councillor Cunningham, seconded by Councillor Hetherington, that Council authorize the purchase of propeller parts from Voith Schiffstechnik in the amount of \$175,598 DEM (estimated at \$115,754.20) plus H.S.T., and shipping charges not to exceed an additional \$6,500 plus H.S.T. for a total estimated cost of \$130,113.93 (including H.S.T.) Funds are available in the Capital Account CVD 00054, Mid Life Refit.

Mr. Paul Beauchamp, General Manager, Fleet Services, responded to questions of Councillors Colwell and Hetherington.

MOTION PUT AND PASSED UNANIMOUSLY.

11.2.5 Haliburton Highbury Homeowners Association Area Rate Increase

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

MOVED by Councillor Rankin, seconded by Councillor Meade, that Council approve the area rate increase from \$0.015 to \$0.025 for the Haliburton Highbury Homeowner's Association as per the approved motion at Association's Annual General Meeting. MOTION PUT AND PASSED UNANIMOUSLY.

**11.2.6 First Reading By-Law W-101 Respecting Discharge of Wastewater into Public Sewers (supp report)
Motion - Councillor Hetherington - Move First Reading**

- A supplementary 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 Sarto, that Council give First Reading to By-Law W-101 Respecting Discharge of Wastewater into Public Sewers.

It was noted that Second Reading will be held on July 17, 2001.

MOTION PUT AND PASSED UNANIMOUSLY.

11.3 MEMBERS OF COUNCIL

11.3.1 Councillor Cooper - Protection from Pesticides - Medical Offices

Councillor Cooper noted there are many medical offices and clinics in commercial properties. The Councillor stated the intent of the By-Law is to protect residents who are at danger from pesticides, and suggested this protection should be extended to medical clinics on private property.

MOVED by Councillor Cooper, seconded by Councillor Smith, that this matter be referred to staff for a report with a strategy to go to the Province to have medical offices included in the Pesticide By-Law.

Councillor Hines stated it is his understanding that the By-Law is to exempt agricultural and commercial properties, and in many instances these clinics and offices would be located in commercial properties. The Councillor request that this be addressed in the staff report.

Councillor Adams suggested if the physicians who own these offices believed that the spraying of pesticides caused great harm to people, they would be the first ones to put up “no pesticide spraying” signs. The Councillor noted that most clinics in Nova Scotia have a “no scent” policy and suggested the same would be done with respect to pesticides if they believed it was necessary. Therefore, Councillor Adams stated he could not support the motion.

MOTION PUT AND PASSED.

12. MOTIONS

12.1 Councillor Cunningham

“To have the Halifax Regional School Board submit a budget for supplementary funding to this Council on an annual basis. Further, that such budget submissions meet the time frame, guidelines, format, and process required of HRM departments.”

MOVED by Councillor Cunningham, seconded by Councillor Hetherington, that the Halifax Regional School Board submit a budget for supplementary funding to this Council on an annual basis. Further, that such budget submissions meet the time frame, guidelines, format, and process required of HRM departments.

Councillor Cunningham stated the purpose of his motion was to make the process less painful for Regional Council, Halifax Regional School Board and the public. The Councillor stated Council has been struggling with how best to deal with this budget, and each year there has been an improvement. This year, the Supplementary Funding Task Force improved the process immensely. However, Councillor Cunningham stated he was still left with questions and saw the need for change. The Councillor further stated the motion will ensure that information regarding the budget for supplementary funding will be forthcoming on the same time schedule as all HRM departments, thus providing Council with the information up front, resulting in a more productive and positive role for the Task Force as well as Council.

Speaking in support of the motion, Councillor Sloane stated more teachers and programs are needed for the children.

Responding to a question of Councillor Walker, Mr. Meech, Chief Administrative Officer, stated the School Board should be able to put forward its request similar to other departments going through the budget process.

Councillor Cooper questioned if it would be possible for the School Board to submit a budget, the monies of which would only be allowed to be spent during the actual school year.

Councillor Hines stated it is his understanding the upcoming cuts in teaching staff will gravely affect the former Town of Bedford and the former County of Halifax. The Councillor suggested this type of information should also be brought forward to Council.

Speaking in support of the motion, Councillor Colwell stated this accountability from the School Board is long overdue and it is important that Council knows where this money is being spent.

Although he supported the motion, Councillor Smith expressed concern that Council may be setting itself up for getting an inflated budget from the School Board each year.

Speaking against the motion, Councillor Warshick stated, in reality, the School Board will not be able to fulfill it. The Councillor supported the need for better accounting but was not sure this motion will provide it. Councillor Warshick suggested better results may be achieved through the Supplementary Education Funding Task Force.

Councillor Harvey requested that clarification be sought from the School Board with respect to information he received that teacher librarians are being replaced by library techs.

Councillor Uteck stated she would like the repayment of the \$650,000 vigorously pursued.

Speaking in support of the motion, Councillor Streach stated it is incumbent upon Council to obtain as much accountability as possible.

Councillor Sarto also spoke in support of the motion.

Responding to a question of Councillor Warshick, Mr. Wayne Anstey, Municipal Solicitor, stated the Task Force is looking at broader issues and this is just a process issue.

Closing the debate, Councillor Cunningham stated having a budget from the School Board in advance will help the Supplementary Education Funding Task Force.

MOTION PUT AND PASSED.

12.2 Councillor Hetherington

"To adopt by Council as a policy pursuant to the Municipal Government Act, an amendment to Administrative Order One the purpose of which is to amend subsection (3A) of Section 9 thereof by deleting the words "Halifax Hall" and by substituting therefore the words "the Council Chamber".

MOVED by Councillor Hetherington, seconded by Councillor Sarto, that Council adopt as a policy pursuant to the Municipal Government Act, an amendment to Administrative Order One the purpose of which is to amend subsection (3A) of Section 9 thereof by deleting the words "Halifax Hall" and by substituting therefore the words "the Council Chamber." MOTION PUT AND PASSED UNANIMOUSLY.

12.3 Councillor Uteck

First Reading By-Law S-303 Respecting an amendment to the former City of Halifax Ordinance 180

Motion - Councillor Uteck - Move First Reading

During Approval of the Order of Business, this item was deferred.

13. ADDED ITEMS

13.1 Councillor Hetherington - By-Law on Time Limit that a Building Can Be Boarded Up

Councillor Hetherington stated that at the last meeting of the Dangerous and Unightly Premises Committee, it was noted there are boarded up apartment buildings throughout HRM which have been vacated, and taxes are only received on the land. The Councillor stated these boarded up buildings create eyesores in communities. Councillor Hetherington inquired if HRM has a time frame for which a building can be boarded up. If not, the Councillor asked if a by-law could be implemented to enforce something to be done with a boarded up building. The Councillor asked that the matter be referred to staff for a report following the summer break.

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

Speaking in support of the motion, Councillor Sloane stated there is a building in her District that has been boarded up for the last twenty years, and residents constantly ask what can be done about it. The Councillor noted there are also several businesses in the downtown area that have been boarded up.

Also speaking in support of the motion, Councillor Smith stated this issue is particularly important in areas that have mixed use. The Councillor suggested something needs to be put in place to have these buildings renovated and put back into use or torn down.

Councillor Colwell, speaking in support of the motion, stated there are a number of boarded up buildings throughout HRM and anything that can be done to improve the situation is important. The Councillor suggested that perhaps staff could look at taxing or charging the property owners of boarded up buildings in an amount equivalent to full taxes of the property.

MOTION PUT AND PASSED UNANIMOUSLY.

13.2 Councillor Johns - Request to have Information Item # 2 re: Judy Avenue - Parking Restrictions moved to Regular Council Agenda

- An Information Report prepared for K. S. Dhillon, Director, Public Works and Transportation Services, was before Council for its information.

Councillor Johns expressed concern with parking on Judy Avenue, noting it is not an individual car being parked on the street for a couple of hours. The Councillor stated it is 15 cars lined down the street for lengthy periods of time. Councillor Johns inquired why “no parking” signs cannot be put on this street to address the concern of the residents. Mr. David McCusker, Manager, Traffic and Transportation Services, responded that the issue of parking control on residential streets is typically a balancing act between the needs of the residents and the needs of the people who require the parking on the street. Staff try to judge the capability of the street in handling on-street parking and to provide that as a service to those who need it. Staff is currently working on a policy whereby additional restrictions may be added in residential areas where there is high demand. Currently, staff is taking the stance that where parking can be done safely, it will be provided as a service, in this case to the church.

Councillor Johns noted that prior to this building becoming a church, it was a fire hall and one side of the street was designated as no parking. The Councillor inquired why the signs cannot be put back up to meet this reasonable request of the 134 residents of the area who are concerned about this issue. Councillor Johns stated there is suitable parking in the area without having parking on each side of Judy Avenue. The Councillor suggested one solution to the problem could be to remove the curb that is adjacent to the fire hall. Staff agreed to provide a supplementary report to address Councillor Johns’ concerns regarding parking restrictions on Judy Avenue.

In an unrelated issue, Councillor Johns also requested a staff report regarding Stokil Drive.

Mayor Kelly reminded Council that local matters should be addressed through the respective Community Council.

13.3 Property Matter - Conveyance of 3279-85 Dutch Village Road to Province of NS

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

MOVED by Councillor Walker, seconded by Councillor Sloane, that Halifax Regional Council authorize the Mayor and Municipal Clerk to enter into an Agreement of Purchase and Sale with the Nova Scotia Department of Transportation and Public Works for the conveyance of 3279-85 Dutch Village Road to the Province for nominal consideration of \$1.00 subject to the terms and conditions set out in the staff report dated June 13, 2001. Further, that the report be released to the public. MOTION PUT AND PASSED UNANIMOUSLY.

13.4 Resolution Respecting Maintenance of Local Roads Outside the Core Area

This item was addressed under Item 11.2.1.

14. NOTICES OF MOTION

14.1 Councillor Hetherington - Notice of Motion of Reconsideration

Councillor Hetherington served a Notice of Motion of Reconsideration regarding the Resolution Respecting Maintenance of Local Roads Outside the Core Area (see Item 11.2.1)

14.2 Councillor Johns - First Reading By-Law Number L-102, Respecting Local Improvement Charges - Beaver Bank Servicing Phase III

TAKE NOTICE that at the next regularly scheduled meeting of Halifax Regional Council to be held on Tuesday, July 3, 2001, I intend to introduce a motion for First Reading of By-Law Number L-102, Respecting Local Improvement Charges - Beaver Bank Servicing Phase III.

15. ADJOURNMENT

MOVED by Councillor Hetherington, seconded by Deputy Mayor Blumenthal, that the meeting adjourn at 8:15 p.m. MOTION PUT AND PASSED UNANIMOUSLY.

Vi Carmichael
Municipal Clerk