

HALIFAX REGIONAL MUNICIPALITY

HALIFAX REGIONAL COUNCIL MINUTES June 11, 2002

PRESENT:

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

REGRETS:

Councillor Keith Colwell

STAFF MEMBERS:

Mr. George McLellan, 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. with the Invocation being led by Councillor Streach.

2. **PROCLAMATIONS - NONE**

3. **APPROVAL OF MINUTES - May 14, 21 and 28, 2002**

The May 21, 2002 minutes were amended by changing the word "activities" in paragraph four on Page 7 to "activists".

Councillor Warshick noted a motion on Page 16 of the May 28, 2002 minutes, which asked that a letter be sent to the Casino regarding Remembrance Day, and he requested that the minutes be amended as the Casino is already closed on Remembrance Day.

MOVED by Councillor Sarto, seconded by Councillor Fougere, that the minutes of May 14, 2002 be approved, as circulated, and that the minutes of May 21 and 28, 2002 be approved, as amended. MOTION PUT AND PASSED UNANIMOUSLY.

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

The following items were added to the agenda:

- 13.1 Councillor Rankin - Placement of students from Sir John A. Macdonald High School for the 2002-2003 school year.
- 13.2 Property Matter - 2732 Sackville Drive, Upper Sackville
- 13.3 Legal Matter - Theodore Tugboat

As he had to leave early to attend a meeting in his District, Deputy Mayor Harvey requested that Item 11.3.18 Capital Grant Request: Cobequid Multi-Service Centre - Donation of Proceeds from Sale of Land be moved up to precede Item 10 Correspondence, Petitions & Delegations.

Councillor Rankin requested that Item 13.1 Placement of students from Sir John A. Macdonald High School for the 2002-2003 school year be moved up on the agenda to follow Deputy Mayor Harvey's item, as it is a time-sensitive issue.

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

5. BUSINESS ARISING FROM THE MINUTES

6. MOTIONS OF RECONSIDERATION - NONE

7. MOTIONS OF RESCISSION - NONE

8. CONSIDERATION OF DEFERRED BUSINESS - May 28, 2002

8.1 Councillor Smith - Control of Wild Cats

Councillor Smith expressed concern regarding the problem of stray cats roaming throughout the municipality, and suggested HRM consider adopting a catch and release program similar to one implemented in other areas. The Councillor stated the wild cats could be picked up by the SPCA and kept for possible adoption, or they could be neutered and released back into the wild. Councillor Smith noted he has had discussions with By-Law Enforcement and was advised that staff was working on a report for Council, and he just wanted to bring the matter to Council's attention.

Councillor McInroy requested that staff provide an interim report to Council setting out what they see as the timing for bringing back to Council what they have been working on since last year.

Councillor Blumenthal stated he hopes Council will take into consideration the people who live near the harbour who experience problems with rats, noting that the cats help to alleviate this problem.

Councillor Adams noted he requested a staff report on a spay and neutering by-law on January 22, 2002, noting this would be a more long-term solution.

Councillor Sloane suggested HRM should be providing assistance to organizations such as Bide-a-While as they take in many of these stray cats.

Mr. McLellan agreed to check with staff regarding the status of the forthcoming report and an interim report will be brought back to Council within a couple of weeks.

9. PUBLIC HEARINGS - 6:00 p.m.

9.1 Second Reading By-Law T-209, Respecting Tax Exemptions for Non-Profit Organizations (supp report)

- C By-Law T-209, Respecting Tax Exemptions for Non-Profit Organizations, passed First Reading on May 14, 2002, and was now before Council for Second Reading.
- C A supplementary staff report prepared for Dale MacLennan, Director, HRM Financial Services, regarding the above, was before Council for its consideration.

Ms. Peta-Jane Temple, Coordinator, Grants Program, presented the supplementary report to Council, noting it addressed questions raised at First Reading regarding the Chezzetcook and District Lions Club and the Coastal Communities Economic Development Co-operative Limited. Ms. Temple noted there are two corrections that need to be made to the supplementary report:

- 1) Schedule 26 - North Ship Harbour Community Club should be added at 100% tax exemption. It was omitted by error on the part of staff.
- 2) Sackville Lions Club - Staff have found out that the assessment for this property is incorrect as they do not have 9 acres. The Provincial Assessment Department is reviewing this matter.

Ms. Temple responded to questions of Council making the following points:

- C The land of the Dartmouth Boys and Girls Club is owned by Nova Scotia Power and, therefore, is currently not taxable.
- C Staff will clarify the location of the Dartmouth Clay Target Association (Eastern Passage or Cow Bay) and make any necessary correction to Schedule 29.

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

Ms. Judith Cabrita, Tourism Industry Association of Nova Scotia (TIANS)

Ms. Cabrita addressed Council regarding the By-Law stating she supports Council's objective of requesting the Province to amend the current assessment regime in order for it to be more equitable for a variety of groups, such as TIANS. Ms. Cabrita also asked Council to reconsider the staff recommendation of denying TIANS' appeal for tax relief, which she stated it based on erroneous assumptions.

Ms. Cabrita stated the report incorrectly highlights TIANS as an organization that represents the interests of business and is solely engaged in this activity. She clarified that TIANS delivers a variety of programs directed at youth, the environment, responsible gaming, responsible beverage service, etc. They also work with community-based groups to provide meeting space and secretariat services. One of TIANS' mandates is sustainable development involving issues such as Sheet Harbour/Long Lake trail development, coastal access, and a variety of challenges that will affect the lives of everyone in the coming years. TIANS is staffed by professionals working with volunteer groups in festivals/events,

arts, culture, and many other areas that fall under the current umbrella recognized for support by HRM with tax relief.

Ms. Cabrita noted the report also indicates that TIANS is financially able to pay commercial rates. She stated that this assumption is not factually based, as TIANS has seen its revenue decline with reduced support from government, as well as increased costs, such as rent. Ms. Cabrita stated TIANS experienced a revenue shortfall of more than \$80,000 in this past financial year, and the tax liability represents one-quarter of this shortfall. She invited members of Council to drop by TIANS' office at any time to meet the staff and learn about the many activities and programs they deliver which improve the quality of life of HRM. In closing, Ms. Cabrita asked that Council reconsider their request for tax relief so TIANS can continue to be a valuable resource for HRM and its citizens.

Mayor Kelly called three times for any further speakers either in favour of or against the proposed by-law. Hearing none, the following motion was put on the floor:

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

COUNCIL DECISION

MOVED by Councillor Walker, seconded by Councillor Hetherington, that Council give Second Reading to By-Law T-209, Respecting Tax Exemptions for Non-Profit Organizations as presented in the supplementary staff report, dated May 15, 2002, and with the two corrections noted by staff regarding North Ship Harbour Community Club and the Sackville Lions Club.

Council agreed that the comments made by Ms. Judith Cabrita regarding TIANS be referred to the Grant Committee for review.

MOTION PUT AND PASSED UNANIMOUSLY.

9.2 Second Reading By-Law L-104, Respecting Local Improvement Charges - Cow Bay Sewer & Water

- C By-Law L-104, Respecting Local Improvement Charges - Cow Bay Sewer & Water, Passed First Reading on May 14, 2002, and was now before Council for Second Reading.
- C A staff report prepared for George McLellan, Chief Administrative Officer, regarding the above, was before Council for its consideration.

Ms. Cathie Osborne, Team Leader, Business Systems and Control, 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 proposed By-Law. Hearing none, the following motion was put on the floor:

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

COUNCIL DECISION

MOVED by Councillor McInroy, seconded by Councillor Cooper, that By-Law L-104, Respecting Local Improvement Charges - Cow Bay Sewer & Water be given Second Reading. MOTION PUT AND PASSED UNANIMOUSLY.

9.3 Second Reading By-Law L-108, Respecting Local Improvement Charges - Beaver Bank Sewer & Water

C By-Law L-108, Respecting Local Improvement Charges - Beaver Bank Sewer & Water passed First Reading on May 14, 2002, and was now before Council for Second Reading.

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

Mr. John Sheppard, Manager, Environmental and Right-of-Way Services, presented the staff report to Council.

Responding to questions of clarification of Council, Mr. Sheppard and Mr. Reg Ridgley, Manager, Strategic Capital Project Support, made the following points:

C If the tenders come in higher than anticipated, or funding from the infrastructure program is not forthcoming, staff will be required to come back to Council for an amendment to the rate.

C If Council approves this proposed by-law there will be no area rate for Phase III and Phase IV properties.

C The Phase III charge was \$102 (\$70 frontage charge for Phase III plus an area rate). It is anticipated that the whole community will be looking at a \$67 charge, and an interim rate of \$70 has been set.

C If the rate comes back over \$70, the matter will need to return to the community before coming back to Council.

C There is no bulk land that would be affected by the by-law.

C The serviceable boundary is fixed.

Councillor Johns noted approximately 34 homes in two small areas are being left out and inquired if something could be done to have them included. In response, Mr. Sheppard stated these two areas are currently outside the serviceable boundary which was set by Council. He noted the project is generally intended to resolve and deal with problems relating to malfunctioning on-site systems, contaminated wells, etc., and staff is not aware of any such problems in those two areas identified by Councillor Johns. He also noted there may be capacity problems if they were added.

Responding to a question of Councillor Cooper inquiring what have been the costs of this project, Mr. McLellan, Chief Administrative Officer, stated it is over \$200,000 but staff can get back to the Councillor with the exact amount.

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

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

COUNCIL DECISION

MOVED by Councillor Johns, seconded by Councillor Adams, that Council give Second Reading to By-Law L-108, Respecting Local Improvement Charges - Beaver Bank Sewer & Water. MOTION PUT AND PASSED UNANIMOUSLY.

As agreed to during Approval of the Order of Business, Council dealt with Items 11.3.18 Capital Grant Request: Cobequid Multi-Service Centre - Donation of Proceeds from Sale of Land and Item 13.1 Councillor Rankin - Placement of students from Sir John A. Macdonald High School for the 2002-2003 school year, at this time.

11.3.18 Capital Grant Request: Cobequid Multi-Service Centre - Donation of Proceeds from Sale of Land

C Correspondence from Mr. John MacLeod, Dartmouth, regarding the above, was before Council for its consideration.

C A staff report prepared for Dan English, Deputy Chief Administrative Officer, regarding the above, was before Council for its consideration. The report recommended the following: *that Regional Council decline the requested donation in the value of \$152,500 to the Cobequid Multi-Service Centre Foundation on the basis of the following rationale:*

- *the direct provision of medical facilities is the responsibility of the Nova Scotia Department of Health: Capital District Health Authority;*
- *the request is inconsistent with the approved reserve business case for the Sale of Land Reserve Account and established policies governing the assignment and use of such funds.*

Deputy Mayor Harvey stated that any contribution suggested from the net sale of land for the new Cobequid Multi-Service Centre would be to the community portion that has to be raised for this facility and would not be on the side of the ledger supporting the Province's commitment to this project. Also, the Deputy Mayor stated this is a unique circumstance where HRM actually owns the site that will be used for this community facility.

MOVED by Deputy Mayor Harvey, seconded by Councillor Johns, that Council reject the staff recommendation and donate to the Cobequid Multi-Service Centre capital fund the net revenue from the sale of this site to the Province of Nova Scotia in the amount of \$152,500.

Councillor Hetherington stated he could support the motion if the funding was split evenly between the Cobequid Multi-Service Centre and the Dartmouth General Hospital, as they also applied for funding from HRM.

MOVED by Councillor Hetherington, seconded by Councillor Blumenthal, that the motion be amended to split the \$152,500 evenly between the Cobequid Multi-Service Centre and the Dartmouth General Hospital. MOTION PUT AND PASSED.

The amended motion now read as follows:

MOVED by Deputy Mayor Harvey, seconded by Councillor Johns, that Council reject the staff recommendation and donate to the Cobequid Multi-Service Centre capital fund and the Dartmouth General Hospital capital fund the net revenue from the sale of this site to the Province of Nova Scotia in the amount of \$152,500 split evenly between the two facilities.

Mr. McLellan advised Council that this motion was not consistent with the Sale of Land Reserve business case.

Councillors speaking in favour of the motion made the following points:

- C These are community facilities and this is community money and many people in the community want HRM to contribute some portion of funding to these hospitals.
- C Council has addressed other provincial matters in the past.

- C HRM provides in excess of \$20 million for supplementary education funding, which is a provincial responsibility.
- C Council participates in federal and provincial issues because the community needs help.
- C This is a small amount of money compared to what has been spent on other issues.

Councillors speaking against the motion made the following points:

- C This is a health care issue and should be the responsibility of the provincial government.
- C Council has adopted financial principles which need to be followed.
- C The \$152,500 could go towards many other projects.
- C Both projects will still go ahead without municipal funding.
- C Supplementary funding is an area rate that was agreed to by the previous Councils and was specifically allocated for that purpose.
- C If this funding is granted, many other similar requests will come forward from other health care facilities.
- C HRM needs to fulfill its own responsibilities within its mandate rather than funding provincial responsibilities.
- C Council's previous involvement in other federal and provincial issues did not generally cost money. Those that did, were funded by area rates.
- C If this is approved, it will end up hurting HRM in the end when the budget becomes tight.
- C If the Cobequid Multi-Service Centre had been located on a different site, it would have cost \$800,000 less.
- C The motion goes against the Multi-Year Financial Strategy and the double-entry accounting system.

Responding to questions of Council, staff made the following points:

- C The revenue from this sale has already been budgeted in to cover expenditures in other areas, and, principally, in this case, it would be the Highfield Park Fire Station.
- C Un-forecasted withdrawals from the Sale of Land Reserve could put certain projects at risk with respect to being delivered on schedule.
- C If this is approved, Council will need to provide staff will direction as to from where the money will come to offset the cost of the funding.
- C Also, if this motion is adopted, two Council policies will have been violated.

Councillor Hetherington stated he would like to see a staff report regarding what is in the Sale of Land Reserve and what expenses are allocated towards it.

MOTION DEFEATED.

(Deputy Mayor Harvey left the meeting at this time.)

13.1 Councillor Rankin - Placement of students from Sir John A. Macdonald High School for the 2002-2003 school year

Councillor Rankin noted that the students of Sir John A. Macdonald High School were relocated to C. P. Allen School in February 2002 due to environmental problems at the school. The Councillor stated that the Department of Education has recently raised the possibility of a general dispersal of the Sir John A. students to several schools. In response, the parents and students gathered and protested that notion. Councillor Rankin noted a meeting was held last night, at which over 500 people attended, including the Deputy Minister of Education. The Deputy Minister advised those in attendance that this matter could be discussed as early as tomorrow at a Cabinet meeting, or, perhaps the following Wednesday. Councillor Rankin stated the notion of a general dispersal is unacceptable and unprecedented for a high school. However, the Deputy Minister advised that the idea is still on the table for consideration, which concerns the community greatly.

Councillor Rankin stated the community deserves a school and the long-term solution needs to be known. The Councillor stated the school has a catchment area of over 20,000 people. The Councillor further stated that the community deserves an immediate response to a solution: renovation or replacement. Councillor Rankin referred to an evaluation of the school which does not mention site relocation and, in recent years, \$500,000 was spent on ventilation at the school, \$200,000 on roofing, \$200,000 on windows and \$150,000 on miscellaneous repairs. The Councillor stated this community, nor any other community, is not interested in any proposal to disperse the students. Councillor Rankin stated the placement of students is the responsibility of the School Board and they should be permitted to carry out this responsibility.

MOVED by Councillor Rankin, seconded by Councillor Meade, that the Mayor write a letter to the Minister of Education regarding Sir John A. Macdonald High School requesting the following:

- 1) **That the Halifax Regional School Board be permitted to carry out its responsibility for the placement of students.**
- 2) **That the option of a general dispersal of students be removed from consideration as it was never raised at the local level and is objectionable to any community.**
- 3) **That an announcement be made in the next day or two as to renovation (to allow for the students to return on January 1, 2003) or, replacement of the school.**

Speaking in support of the motion, Councillor Meade stated a school advisory board had been put in place in March 2002 to meet and come up with a solution to house 1,100 students. However, the Councillor noted that a June 7, 2002 newspaper article indicated that the Minister of Education was not aware of the school advisory board. Councillor Meade submitted a petition containing approximately 883 signatures of students of Sir John A. Macdonald High School who strongly object to the option of splitting up Sir John A. Macdonald High School.

Councillor Goucher stated he supported the motion but noted that split shifts are not an appropriate option either as they greatly affect the student's life after school in terms of part-time jobs, sporting events and social activities.

Councillor Smith, also speaking in support of the motion, expressed concern with the amount of money spent on repairs to Sir John A. Macdonald High School and stated proper maintenance has to be carried out on all schools to prevent these problems from reaching this magnitude.

Councillor Adams noted the students of J. L. Ilsley School experienced split shifts which negatively impacted on the students. The Councillor urged the School Board to not consider this as an option.

Closing the debate, Councillor Rankin requested that, if the motion passes, the correspondence be sent to the Minister tomorrow with copies to the following MLAs: John Chattaway, Barry Barnet and Bill Estabrooks.

MOTION PUT AND PASSED UNANIMOUSLY.

RECESS

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

10. CORRESPONDENCE, PETITIONS & DELEGATIONS

10.1 Correspondence - None

10.2 Petitions

10.2.1 Councillor Meade - Sir John A. Macdonald High School

Councillor Meade submitted a petition containing approximately 883 signatures of students of Sir John A. Macdonald High School who strongly object to the option of splitting up Sir John A. Macdonald High School (see Item 13.1).

10.2.2 Councillor Sloane - Lack of Taxi Services

Councillor Sloane served a petition containing approximately 334 signatures from HRM restaurant and bar operators expressing concern regarding the lack of taxi services in the downtown area. The Councillor asked that the petition be referred to staff for a report.

10.2.3 Councillor Adams - Dumping of Fill on Old Sambro Road

Councillor Adams served a petition from residents of Linden Lane expressing concern regarding the heavy concentration of dust and noise pollution generated by the ongoing dumping of fill in an area of land adjacent to Linden Lane. The Councillor noted that this has already been forwarded to By-Law Enforcement and asked that the correspondence be copied and circulated to members of Council.

10.2.4 Councillor Cooper - Subdivision of Lot 41 Ritcey Crescent

Councillor Cooper served a petition from residents of Ritcey Crescent who are strongly opposed to the subdividing and subsequent development of Lot 41 Ritcey Crescent. The Councillor asked that staff keep him advised as they investigate this matter, and that staff take into consideration whether, in fact, there is a conflict created through the Sub-division By-Law and the municipal development plans and by-laws, one being opposed to the other. The Councillor asked that staff prepare a report to the Harbour East Community Council regarding this issue.

10.2.5 Councillor Cunningham - On-Street Parking Policy for Residential Streets

Councillor Cunningham served two petitions from residents requesting that HRM consider Dundas Street and Queen Street for Residential Parking Exemption within the On-Street Parking Policy for Residential Streets.

10.3 Presentation

10.3.1 Lack of Taxi Services -. Danny Hewitt, President, NS Restaurant & Foodservices Association

Mr. Danny Hewitt, President, NS Restaurant and Foodservices Association, made a presentation to Council regarding the lack of taxi services. A copy of his presentation was provided for the record.

Mr. Hewitt responded to questions of Council and Councillor Adams invited him to the next Taxi and Limousine Committee meeting to discuss his concerns.

11. REPORTS

11.1 SOLID WASTE ADVISORY COMMITTEE

11.1.1 Biodegradable Bags (supp report)

C A supplementary report from the Solid Waste Resources Advisory Committee, regarding the above, was before Council for its consideration.

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

- 1. Biodegradable bags not be used in HRM's residential organics system subject to staff continuing to monitor the development and testing of the product.**
- 2. The 2003-08 Waste Collection Tenders include an optional price for weekly green cart collection during July and August.**

Councillor Fougere expressed concern that the residential organics system is not being made any easier for people to follow, and some people are putting away their green bins for the summer due to problems with odour, insects, etc. The Councillor stated there will not be growth in buy-in of the program unless Council looks at alternatives to make it better and easier for people to participate. Councillor Fougere stated education can only go so far and other methods need to be taken into consideration. The Councillor suggested that bags that decompose should be examined. Councillor Fougere inquired what happens to the excess yard waste that is put in clear and orange bags. In response, Mr. Brian Smith, Director, Solid Waste Resources, stated those bags are opened by hand, but noted there is a difference in the quantity and size of these bags compared to small bags for the kitchen containers.

Councillor Fougere stated there needs to be room left for growth and change, and there is an opportunity in the renewal of the contracts to look at different things. The Councillor noted if information is not requested, Council will not be prepared to make a good decision. Councillor Fougere expressed disappointment that the report only outlined why something cannot be done as opposed to how it might be done.

Councillor Sloane stated it was her understanding that the two recommendations were to be voted on separately and requested that be done so. The Councillor suggested that staff look into European cities to find out about the systems they are using. Councillor Sloane stated she agrees with the second recommendation regarding weekly summer pick-up but questioned the logic of it if people are not using the carts.

Councillor McInroy stated Council needs to remain flexible and continue to have a vision and to look ahead with respect to this issue. The Councillor stated biodegradable bags will be the new direction, and Council should not ignore the potential to plan for them now. Responding to a question of the Councillor regarding Recommendation #2, Mr. Smith clarified staff will be asking for an optional price for weekly green cart collection, and then

staff will look at building it into the budget for next year and Council could approve it as a new level of service.

Responding to a question of Councillor Goucher, Mr. Smith stated the large leaf and yard waste paper bags are opened by hand and sorted, but the small ones are often discarded if the contents cannot be seen, as they are too small and difficult to handle in large quantities. Councillor Smith stated that he has been assured by the operator of the compost plant in Dartmouth that all bags are put through as compost. Mr. Smith stated there have been presentations by the plants at the Solid Waste Resource Advisory Committee, and it is his recollection that if there is a question of what is in a bag, it is set aside.

Councillor Smith stated the plastic biodegradable bags do not decompose fast enough for the current plants, and modifications to the equipment would be required to accommodate the use of these bags.

Councillor Blumenthal suggested the resources of the Greater Halifax Partnership should be utilized to find out what is being done in Europe with respect to this issue.

Councillor Cooper inquired if staff have looked into Far East manufacturers of biodegradable bags. In response, Mr. Smith stated three or four different companies have come forth trying to sell their products, and staff read North American literature regarding these kinds of bags and experiences with them. The Councillor suggested the Solid Waste Resource Advisory Committee should look at a more comprehensive process to find a bag that would be more suitable.

Councillor Rankin stated the Committee relied on expertise from the partners involved in the industry who came forward and gave information how their operations would be impacted and what the costs would be. The Councillor suggested that this matter should be discussed at Committee of the Whole where the operators could be brought in to discuss this issue further with Council.

MOVED by Councillor Rankin, seconded by Councillor Uteck, that this matter be referred to Committee of the Whole.

As requested earlier by Councillor Sloane, Council agreed to split the motion.

MOVED by Councillor Rankin, seconded by Councillor Uteck, that the issue of biodegradable bags be referred to Committee of the Whole. MOTION PUT AND PASSED.

MOVED by Councillor Rankin, seconded by Councillor Uteck, that the issue of the 2003-08 Waste Collection Tenders be referred to Committee of the Whole. MOTION DEFEATED.

MOVED by Councillor Rankin, seconded by Councillor Smith, that the 2003-08 Waste Collection Tenders include an optional price for weekly green cart collection during July and August. MOTION PUT AND PASSED.

11.2 HERITAGE ADVISORY COMMITTEE

11.2.1 Case H00084 - Proposed Addition to 8502 St. Margaret's Bay Road

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

MOVED by Councillor Meade, seconded by Councillor Uteck, that Regional Council approve the addition to 8502 St. Margaret's Bay Road, as proposed in the staff report dated May 2, 2002. MOTION PUT AND PASSED UNANIMOUSLY.

11.2.2 Case H00085 - Proposed Addition to 1105 Tower Road, Halifax

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

MOVED by Councillor Uteck, seconded by Councillor Meade, that Regional Council approve the addition to 1105 Tower Road, as proposed in the staff report dated May 10, 2002. MOTION PUT AND PASSED UNANIMOUSLY.

11.3 CHIEF ADMINISTRATIVE OFFICER

11.3.1 Tender 2002M711, Metro Transit Ventilation Improvements

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

MOVED by Councillor Uteck, seconded by Councillor Johns, that Council award Tender 2000M711 Metro Transit Ventilation Improvements to Western Plumbing and Heating for a Tender Price of \$116,391.00 plus net HST with funding authorized as per the Budget Implications Section of the staff report dated May 22, 2002, from account number CBR00748 (200 Ilsley Avenue - Air Quality Improvements). MOTION PUT AND PASSED UNANIMOUSLY.

11.3.2 Tender 02-030 Western Region, Tender 02-050 Eastern Region, and Tender 02 -035 Central Region, Asphalt Patching of Streets

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

MOVED by Sarto, seconded by Councillor Warshick, that Council award Tender No. 02-030 Asphalt Patching, West Region, to Dexter Construction Co. Ltd. for materials and services listed at the unit prices quoted for a Tender Price of \$285,640.00 plus net HST for a total of \$304,004 from Operating Account R731-6399, Patching, Contract Services, with funding authorized as per the Budget Implications Section of the staff report dated May 27, 2002. MOTION PUT AND PASSED UNANIMOUSLY.

11.3.3 Tender 02-031 Western Region, Tender 02-051 Eastern Region and Tender 02-036 Central Region, Concrete Sidewalk & Curb Repairs

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

MOVED by Councillor Uteck, seconded by Councillor Fougere, that Council award Tender No. 02-031, Concrete Sidewalk and Curb Repair, West Region, to G & R Kelly Ent. Ltd. for materials and services listed at the unit prices quoted for a Tender Price of \$159,203.00 plus net HST for a total of \$169,438.00 from Operating Account R740-6399, Concrete Sidewalks, Contract Services, with funding authorized as per the Budget Implications section of the staff report dated May 27, 2002. MOTION PUT AND PASSED UNANIMOUSLY.

11.3.4 Tender 02-220, Tucker Lake Road, Sanitary, Storm and Water Services - Central Region

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

MOVED by Councillor Johns, seconded by Councillor Warshick, that Council, upon approval of By-Law Number L-108, award Tender No. 02-220, Tucker Lake Road - Sanitary, Storm and Water Services Central Region to A.C.L. Construction Limited for materials and services listed at the unit prices quoted for a Tender Price of \$1,033,713.00, plus net HST for a total of \$1,100,170.00 from Account No. CGU00235 Beaver Bank Area Servicing, Tucker Lake Road, with funding authorized as per the Budget Implications section of the staff report dated June 5, 2002. MOTION PUT AND PASSED UNANIMOUSLY.

11.3.5 Tender 02-224, New Paving of Gravel Roads

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

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

1. waive the right to petition for the new paving for Ritcey Crescent and MacLaughlin Road.
2. approve the recovery of Local Improvement Charges for the new paving at the rate of \$11.30 per lineal foot for Coleridge Court, Kenora Drive, Ritcey Crescent, MacLaughlin Road, Henry Avenue and Short Lane in accordance with By-Law Number S-411 approved by Council on May 14, 2002.
3. award Tender No. 02-224, New Paving of Gravel Roads to Ocean Contractors Limited for materials and services listed at the unit prices quoted for a Tender Price of \$778,180. plus net HST for a total of \$828,210. from Account No. CXR00332, New Paving of Subdivision Streets Inside the Core Area, with funding authorized as per the Budget Implications section of the staff report dated June 5, 2002. MOTION PUT AND PASSED UNANIMOUSLY.

11.3.6 Tender 02-230, Sidewalk Renewals - Western Region

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

MOVED by Councillor Fougere, seconded by Councillor Goucher, that Council award Tender No. 02-230, Sidewalk Renewals - West Region to Ocean Contractors Limited for materials and services listed at the unit prices quoted for a Tender Price of \$118,980., plus net HST for a total of \$126,629. from Account No. CKU00141, Sidewalk Renewals, with funding authorized as per the Budget Implications section off the staff report dated June 5, 2002. MOTION PUT AND PASSED UNANIMOUSLY.

11.3.7 Tender 02-245, Sidewalk Renewals - Eastern Region

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

MOVED by Councillor Cunningham, seconded by Councillor Sarto, that Council award Tender No. 02-245, Sidewalk Renewals - East Region to B & L Contracting Limited for materials and services listed at the unit prices quoted for a Tender Price of \$222,692.50 plus net HST for a total of \$237,010. from Account No. CKU00141, Sidewalk Renewals, with finding authorized as per the Budget Implications section of the staff report dated June 5, 2002. MOTION PUT AND PASSED UNANIMOUSLY.

11.3.8 Tender 02-247, Paving Projects - Eastern Region

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

MOVED by Councillor Warshick, seconded by Councillor Blumenthal, that Council award Tender No. 02-247, Paving Projects - East Region to Ocean Contractors Limited for materials and services listed at the unit prices quoted for a Tender Price of \$376,315., plus net HST for a total of \$400,508. with funding from Account Nos. CYR00991, Paving Renewal Program and CZR00357, Resurfacing with funding authorized as per the Budget Implications section of the staff report dated June 5, 2002. MOTION PUT AND PASSED UNANIMOUSLY.

11.3.9 Tender 02-251, Paving Resurfacing - Eastern Region

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

MOVED by Councillor McInroy, seconded by Councillor Warshick, that Council award Tender No. 02-251, Paving Resurfacing - East Region to Ocean Contractors Limited for materials and services listed at the unit prices quoted for a Tender Price of \$322,015., plus net HST for a total of \$342,717. with funding from Account No. CZR00357, Resurfacing with funding authorized as per the Budget Implications section of the staff report dated June 5, 2002. MOTION PUT AND PASSED UNANIMOUSLY.

11.3.10 Tender 2002M723, Recoating of pontoons - Halifax and Dartmouth Ferry Terminals

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

MOVED by Councillor Blumenthal, seconded by Councillor Sloane, that Council award Tender 2000M723 Recoating of Pontoons - Halifax and Dartmouth Ferry Terminals to Duron Atlantic Limited for a Tender price of \$59,000.00 plus net HST for a total project cost of \$62,793.11 with funding authorized as per the Budget Implications section of the staff report dated June 5, 2002, from account number CBR00724 (Ferry Terminals Pontoon Protection). MOTION PUT AND PASSED UNANIMOUSLY.

11.3.11 Tender 02-P455, Deadman's Island Public Access Pathway Improvements

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

MOVED by Councillor Mosher, seconded by Councillor Adams, that Council approve the award of Tender #02-P455 - Deadman's Island Public Access Pathway

Improvements to TurfMasters Landscaping for materials and services specified at the unit prices quoted for a tender price of \$79,500.00 plus net HST, for a total project cost of \$84,611.06 from Capital Accounts CDG00305 and CCV00192 as outlined in the Budget Implications section of the staff report dated May 29, 2002. MOTION PUT AND PASSED UNANIMOUSLY.

11.3.12 Tender 01-302 Point Pleasant Drive Sanitary Sewer and Street Reconstruction Project

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

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

1. **approve the recovery of Local Improvement Charges applicable to the new sanitary sewer and pumping station on Point Pleasant Drive, in the amount of \$129,929.12, based on a Local Improvement Charge of \$99.95 per foot of frontage.**
2. **authorize an increase to Account No. CYR00340, Point Pleasant Drive Sanitary Sewer in the amount of \$65,561.14 with funding provided from Account No. CRESPOOL as indicated in the Budget Implication section of the staff report dated June 7, 2002.**
3. **approve an increase in the Gross Budget for Account No. CZR00357, Paving Resurfacing by \$20,539., with no net impact to the capital budget as this represents funding from HRWC associated with the watermain renewal as indicated in the attached memorandum dated April 24, 2002 to the Halifax Regional Water Commission.**
4. **award Tender No. 01-302, Point Pleasant Drive Sanitary Sewer and Pumping Station to Eisener Contracting Limited for materials and services listed at the unit prices quoted, including the upgrading of Point Pleasant Drive, for a total price of \$387,000., plus net HST for a total of \$411,880.23, with funding authorized from Capital Account Nos. CYR00340 and CZR00357 as per the Budget Implications section of the staff report dated June 7, 2002.**
5. **approve the appointment of KVM Consultants for project management and inspection services applicable to the pumping station component of the project, for a fee of \$10,000. plus net HST. MOTION PUT AND PASSED UNANIMOUSLY.**

11.3.13 First Reading By-Law O-102, Respecting Open Air Burning

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

MOVED by Councillor McInroy, seconded by Councillor Sarto, that Council give First Reading to By-Law O-102, Respecting Open Air Burning. MOTION PUT AND PASSED UNANIMOUSLY.

11.3.14 First Reading By-Law H-401, Respecting Marketing Levy

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

MOVED by Councillor Warshick, seconded by Councillor Blumenthal, that Council give First Reading of Amendment H-401 to By-Law H-400 - Marketing Levy (Attachment #1) and further, that Council set the date of July 9, 2002 for the public hearing and Second Reading.

Councillor Smith expressed concern that the request for exemption of the By-Law from the Future Inn were not mentioned in the staff report, and stated he would like to put forth an amendment that the Future Inn and the Park Place Ramada be exempted from the By-Law as they are geographically separated, there will be an unfair competitive advantage, and they do not receive an advantage from the levy. Mayor Kelly advised the Councillor that specific properties cannot be exempted and suggested the amendment would have to state that any hotels in an industrial park should be exempt. Mr. Wayne Anstey, Municipal Solicitor, added that Council can exempt properties based on size, location, or some other criteria, but not just by name.

Responding to a question of Mr. Anstey, Mr. Lew Rogers, Director, Tourism Culture and Heritage, stated the Park Place Ramada is in a unique situation as it is a full-service property that is adjacent to other properties that it feels would receive a competitive advantage by not being included in the 1.5% tax. Mr. Rogers stated staff does not have any information to quantify what the impact of the levy would be on that particular property. He noted that it was anticipated that the arguments for this could be heard at the Public Hearing. Mr. Rogers noted the financial implications of exempting them have not yet been considered. Mr. McLellan suggested the Destination Marketing group would be just as well to consider this request.

MOVED by Councillor Smith, seconded by Councillor Sarto, that industrial park hotels be included with other hotels that have been proposed for an exemption from this by-law. MOTION DEFEATED.

The vote was then taken on First Reading.

MOTION PUT AND PASSED UNANIMOUSLY.

11.3.15 First Reading By-Law L-110, Respecting Water Servicing - Mohawk St., Mic Mac Dr., Maplewood, Hammonds Plains

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

MOVED by Councillor Rankin, seconded by Councillor Goucher, that Council give First Reading to By-Law L-110, Respecting Water Servicing - Mohawk St., Mic Mac Drive, Maplewood, Hammonds Plains. MOTION PUT AND PASSED UNANIMOUSLY.

11.3.16 Project 00423, HRM Capital Cost Contribution Policy

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

MOVED by Councillor Whalen, seconded by Councillor Goucher, that:

- (1) **Halifax Regional Council give First Reading and set a Public Hearing date of July 2, 2002 to consider adoption of:**
- (a) **the proposed amendments to all of HRM's Municipal Planning Strategies and Land Use By-laws as presented in Attachment 1 of the staff report dated May 23, 2002;**
 - (b) **the proposed amendments to all of HRM's Subdivision By-laws as presented in Attachment 2 of the staff report dated May 23, 2002;**
- (2) **Halifax Regional Council adopt a policy establishing the Infrastructure Charges Best Practices Guide - A Capital Cost Contribution Policy (Attachment 3 of the staff report dated May 23, 2002) as the HRM methodology for implementation of the Capital Cost Contribution Policy. MOTION PUT AND PASSED UNANIMOUSLY.**

11.3.17 Administrative Order #30 Respecting Dangerous & Unsightly Premises

- C A staff report prepared for Wayne Anstey, Municipal Solicitor, regarding the above, was before Council for its consideration.

MOVED by Councillor Hetherington, seconded by Councillor Sloane, that Regional Council approve, in principle, Administrative Order Number 30, as attached to the staff report dated June 3, 2002, and direct staff to arrange for the introduction of the

Administrative Order before Council for formal adoption. MOTION PUT AND PASSED UNANIMOUSLY.

At this time, Councillor Hetherington put forth the following Notice of Motion:

14.2 Councillor Hetherington - Administrative Order 30

TAKE NOTICE that at the next regular Regional Council meeting, to be held on Tuesday, the 18th day of June, 2002, I propose to introduce for adoption by Council as a policy pursuant to Section 345 of the Municipal Government Act Administrative Order 30 the purpose of which is to establish the Dangerous and Unsightly Premises Committee and delegate authority under the MGA to the Committee and the Administrator pursuant to the procedures set forth in the Act.

11.3.18 Capital Grant Request: Cobequid Multi-Service Centre - Donation of Proceeds from Sale of Land

This item was addressed earlier in the meeting.

As it was now 10:00 p.m., Council agreed to extend the meeting to 10:15 p.m.

11.3.19 By-Law L-201 Respecting Construction & Demolition (C&D) Licensing

C 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 Hetherington, that Council approve, in principle, the proposed By-Law L-201 to amend the C&D Licensing By-Law L-200, and direct staff to proceed with the approval process.

Councillor Smith suggested a definition of the word "inert" should be included in the Definitions Section of the By-Law.

MOVED by Councillor Smith, seconded by Councillor Hetherington, that the By-Law be amended to include a definition of the word "inert" in the Definitions Section of the By-Law. MOTION PUT AND PASSED UNANIMOUSLY.

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

MOTION PUT AND PASSED.

11.4 MEMBERS OF COUNCIL

11.4.1 Councillor Adams

(i) Amnesty for Junk Removal

Councillor Adams requested a staff report examining the feasibility of holding a couple of amnesty days per year so people can drop off garbage without having to pay the tipping fee.

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

(ii) Spencer Ave and Lewis Street Area Request for Plan Amendment

MOVED by Councillor Adams, seconded by Councillor Goucher, that Council instruct staff to initiate a process to amend the Halifax Municipal Planning Strategy and Land Use By-Law to re-designate the area generally bounded by the Old Sambro Road, Dentith Road, the Dentith Road/Herring Cove Road commercial area and Catamaran Pond, which is now designated Medium Density Residential, to Low Density Residential and to rezone it from R-2P to R-2 to better reflect the land use in this area; and, request that public participation be undertaken in accordance with the Public Participation Resolution adopted by Regional Council on February 25, 1997. MOTION PUT AND PASSED UNANIMOUSLY.

11.4.2 Councillor Warshick - Non-recyclable Beverage Container Caps

Councillor Warshick expressed concern with the numerous non-recyclable container caps that are used on numerous types of beverages and other consumer products, including the new milk containers. The Councillor noted that there is confusion regarding whether or not the new milk containers are recyclable, and requested a staff report clarifying if they are being recycled and, if so, where is it being done. The report is also to respond to the following questions: Was the Solid Waste Resource Advisory Committee consulted when the dairies made the switch? How much of the 5 cent increase will come back to HRM for recycling? Is any of this increase a profit?

Councillor Warshick also requested that Solid Waste Resources prepare a staff report with respect to sending correspondence to the manufacturers and industries involved in the use of non-recyclable caps, as well as the Department of Environment, inquiring what can be done with these caps.

MOVED by Councillor Warshick, seconded by Councillor Sloane, that this matter be referred to Solid Waste Resources staff for a report. MOTION PUT AND PASSED.

12. MOTIONS

13. ADDED ITEMS

13.1 Councillor Rankin - Placement of students from Sir John A. Macdonald High School for the 2002-2003 school year

This item was addressed earlier in the meeting.

13.2 Property Matter - 2732 Sackville Drive, Upper Sackville

- C 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 Adams, that Halifax Regional Council authorize the Mayor and Municipal Clerk to enter into an Agreement of Purchase and Sale for the sale of 2732 Sackville Drive based upon the terms and conditions as contained in the May 27, 2002 Private and Confidential staff report; and that this report not be released to the public until this transaction has been completed. MOTION PUT AND PASSED UNANIMOUSLY.

13.3 Legal Matter - Theodore Tugboat

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

Councillor Goucher noted that the motion he was putting forth was slightly amended from the In Camera recommendation in that the staff report from Tourism Culture and Heritage should be made public.

MOVED by Councillor Goucher, seconded by Councillor Sloane, that Council establish a Foundation/Not-For-Profit Society to undertake the complexities of the bankruptcy process and to address the issue of intellectual property rights, as well as, ownership, home and use; and that HRM, the Port and the Province support the activities of this group; and further that the Foundation seek and be the recipient of existing and future bequests from contributing citizens and businesses, and that the staff report from Tourism Culture and Heritage be made public. MOTION PUT AND PASSED UNANIMOUSLY.

14. NOTICES OF MOTION

14.1 Councillor Hines - First Reading, By-Law L-201, Amendments to By-Law L-200 Respecting Licensing of Construction and Demolition Debris Recycling and Disposal Operations

TAKE NOTICE that at the regular Regional Council meeting to be held on Tuesday, June 18, 2002, I propose to introduce for First Reading, By-Law L-201, Amendments to By-Law L-200 Respecting Licensing of Construction and Demolition Debris Recycling and Disposal Operations.

14.2 Councillor Hetherington - Administrative Order 30

This item was addressed earlier in the meeting.

15. ADJOURNMENT

There being no further business, the meeting adjourned at 10:15 p.m.

Vi Carmichael
Municipal Clerk