

# **HALIFAX REGIONAL MUNICIPALITY**

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## **HALIFAX REGIONAL COUNCIL MINUTES December 17, 2002**

**PRESENT:**

Mayor Peter J. Kelly  
Deputy Mayor Harry McInroy  
Councillors: Stephen Streach  
Gary Hines  
Keith Colwell (3:30 p.m.)  
Ron Cooper  
Brian Warshick (1:30 p.m.)  
Condo Sarto  
Bruce Hetherington  
Jim Smith  
John Cunningham  
Dawn Sloane  
Sue Uteck (1:30 p.m.)  
Sheila Fougere  
Russell Walker  
Diana Whalen  
Linda Mosher (2:10 p.m.)  
Stephen D. Adams  
Brad Johns  
Robert P. Harvey  
Len Goucher  
Reg Rankin  
Gary Meade

**ABSENT WITH  
REGRETS:**

Councillor Jerry Blumenthal

**STAFF MEMBERS:**

Mr. George McLellan, Chief Administrative Officer  
Mr. Wayne Anstey, Municipal Solicitor  
Ms. Jan Gibson, Deputy Municipal Clerk  
Ms. Sherryll Murphy, Assistant Municipal Clerk  
Ms. Patti Halliday, Assistant Municipal Clerk

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1. **INVOCATION**

Mayor Kelly called the meeting to order at 1:00 p.m. with the Invocation being led by Councillor Cooper.

Mayor Kelly expressed appreciation to all those involved in the 2010 Commonwealth Games Bid including the Bid Committee; HRM staff; the Province of Nova Scotia; the World Trade Centre and, in particular, Mr. Fred MacGillivray; Destination Halifax; Sport Nova Scotia; and a variety of other sports groups. He went on to note that although the loss of the bid has been a setback, HRM will continue look for opportunities to enhance its ability to host national and international events.

**MOVED by Councillor Hetherington, seconded by Councillor Goucher that the Mayor forward a letter of congratulations to Hamilton on their winning of the bid and wishing them success in the future. MOTION PUT AND PASSED UNANIMOUSLY.**

2. **APPROVAL OF MINUTES - December 3, 2002**

**MOVED by Councillor Deputy Mayor McInroy, seconded by Councillor Sloane that the minutes of December 3, 2002, be approved, as circulated. MOTION PUT AND PASSED UNANIMOUSLY.**

**MOVED by Deputy Mayor McInroy, seconded by Councillor Hetherington that Regional Council move into In Camera Council.**

By way of explanation, Deputy Mayor McInroy noted that Council had been of the understanding that a number of deferred items were to be considered today and, in fact, the agenda was lighter than expected. The Deputy went on to indicate the intent was to complete the agenda this afternoon and not reconvene at 6:00 p.m. In order to ensure all added items are before Council, it was necessary to deal with the In Camera items at this time.

**MOTION PUT AND PASSED UNANIMOUSLY.**

At this time, Council recessed to In Camera and reconvened in Regular Session at 2:10 p.m.

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

The following items were added to the agenda:

12.1 Ratification of NSUPE Local 13 Contract

- 12.2 Property Matter - Sale of East Preston Business Centre
- 12.3 Property Matter - Leased Premises - Dartmouth
- 12.4 Tender 02-118, Two (2) New Rescue Pumpers for the Halifax Regional Fire and Emergency Service

The following item was deleted from the agenda at the request of the Councillor:

10.1.2 Councillor Warshick - Nova Scotia Power and Responsibility to HRM.

Councillor Warshick advised Council that since the time he requested this item to be placed on the agenda, his concerns have been addressed by Nova Scotia Power. The Councillor noted Nova Scotia Power has hired additional linemen to address the backlog of work.

Council agreed to deal with the following items first on the agenda:

- 9.1.1 Case H00061 Application for Registration of the Musquodoboit Railway Museum (to set Heritage Hearing date - Jan. 21/03)
- 8.3.2 Halifax International Airport Authority
- 8.3.1 Sackville Sports Stadium
- 7.1 Tax Structure Committee - Tax Structure Recommendations

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

**9.1.1 Case H00061 Application for Registration of the Musquodoboit Railway Museum (to set Heritage Hearing date - Jan. 21/03)**

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

**MOVED by Councillor Uteck, seconded by Councillor Streach, that Council set the date of January 21, 2003 to for a heritage hearing to consider the application for heritage registration of the Musquodoboit Railway Museum. MOTION PUT AND PASSED UNANIMOUSLY.**

**8.3.2 Halifax International Airport Authority  
(i) Bernie Miller, Chair**

**(ii) Reg Milley, President & CEO**

Mr. Bernie Miller, Chair, and Mr. Reg Milley, President and CEO, Halifax International Airport Authority made a presentation to Council regarding the Halifax International Airport improvement program. Copies of their presentation were circulated to Council.

Councillors Hines and Goucher expressed congratulations to the Airport Authority on this project.

Mayor Kelly thanked the representatives for their presentation.

**8.3.1 Sackville Sports Stadium**

- (i) Betty Lou Killen, Executive Director**
- (ii) Steve Craig, President**

C An information report dated December 2, 2002, prepared for S. Dale MacLennan, Director, Financial Services, regarding this matter was previously circulated to Council.

Mr. Steve Craig, President, and Ms. Betty Lou Killen, Executive Director, Sackville Sports Stadium, made a presentation to Council regarding the Sackville Sports Stadium's 2002 Financial Results. Copies of the presentation were circulated to Council. The year-ended accumulated deficit for March 31, 2002 was \$663,000.

In response to questions of Council, Ms. Dale MacLennan, Director, Financial Services, noted that staff expect to be back to Council in February 2003 with recommendations regarding this issue.

Mayor Kelly thanked the representatives for their presentation.

**7.1 Tax Structure Committee - Tax Structure Recommendations**

C A report from Councillor Ron Cooper, Chair, Tax Structure Committee, regarding the above, was before Council for its consideration.

Mr. Bruce Fisher, Manager, Financial Planning, presented the Committee's report to Council.

**MOVED by Councillor Cooper, seconded by Councillor Walker, that Regional Council approve the following course of action:**

- 1. That the following services be included in the Base or General Tax Rate:**
  - volunteer and core fire departments**

- street lighting
  - Cost sharing on capital upgrades for existing Recreational Facilities
  - Cost sharing on the construction and acquisition of new Local and Regional Recreational Facilities
  - Capital repairs for existing recreation and community facilities (on a go forward basis)
  - the HRM call centre
2. That Local Improvement Charges on curb and gutter be eliminated and the service included in the Urban General Tax Rate.
  3. That Council accept in principle that all areas of HRM with access to Metro Transit should share equally in the cost of Metro Transit. Staff would return with a final list of such areas in the 2003/2004 Proposed Budget.
  4. That the \$0.05 transfer from Urban/Suburban to Rural general tax rates be eliminated.
  5. That volunteer fire departments retain any balance in current surplus accounts after having been used to pay down any existing area rated debt. The HRM General Tax Rate will absorb any remaining fire debt including that for projects which have been approved but are uncompleted. Any existing fire capital project funded through area rated debt will become eligible for Crespool. Any future fire operating surpluses or deficits will be placed against the HRM general tax rate.
  6. That the above changes become effective January 1, 2003.

Some concern was expressed regarding the effective date of the recommendation regarding the volunteer fire departments, and it was suggested that it be changed to April 1, 2003. The remaining recommendations would be effective January 1, 2003. Both the Mover and Seconder agreed to this amendment. The motion now read as follows:

**MOVED by Councillor Cooper, seconded by Councillor Walker, that Regional Council approve the following course of action:**

1. That the following services be included in the Base or General Tax Rate:
  - volunteer and core fire departments
  - street lighting
  - Cost sharing on capital upgrades for existing Recreational Facilities

- Cost sharing on the construction and acquisition of new Local and Regional Recreational Facilities
  - Capital repairs for existing recreation and community facilities (on a go forward basis)
  - the HRM call centre
2. That Local Improvement Charges on curb and gutter be eliminated and the service included in the Urban General Tax Rate.
  3. That Council accept in principle that all areas of HRM with access to Metro Transit should share equally in the cost of Metro Transit. Staff would return with a final list of such areas in the 2003/2004 Proposed Budget.
  4. That the \$0.05 transfer from Urban/Suburban to Rural general tax rates be eliminated.
  5. That volunteer fire departments retain any balance in current surplus accounts after having been used to pay down any existing area rated debt. The HRM General Tax Rate will absorb any remaining fire debt including that for projects which have been approved but are uncompleted. Any existing fire capital project funded through area rated debt will become eligible for Crespool. Any future fire operating surpluses or deficits will be placed against the HRM general tax rate. And, that this change become effective April 1, 2003, and that all the remaining changes above become effective January 1, 2003.

A discussed ensued and Mr. Fisher responded to questions of Council.

(Councillor Colwell took his place at the meeting at 3:30 p.m.)

The issue of the transfer from Urban/Suburban to Rural general tax rates was raised. Several Councillors spoke in support of its elimination stating it would help create a more unified municipality and establish a more even playing field. Councillor Rankin proposed that the transfer be reduced by 50 percent rather than eliminated and put forth the following amendment:

**MOVED by Councillor Rankin, seconded by Councillor Harvey, that the transfer from Urban/Suburban to Rural general tax rates be reduced by 50 percent to \$.025.**

In discussing the amendment, those Councillors speaking against it made the following points:

- C It was stated at every public meeting that residents wanted to pay for the services they receive.
- C It is time to eliminate the subsidy as the municipality is now one.

Those speaking in favour of the amendment made the following points:

- C The transfer assists those areas that need a little boost.
- C The additional funds would go a long way for the rural areas to make the tax structure more palatable.

Members of Council voting **in favour** of the amendment: Councillors: Colwell, Adams, Johns, Harvey, Goucher, Rankin and Meade.

Members of Council voting **against** the amendment: Mayor Kelly, Deputy Mayor McInroy, Councillors: Streach, Hines, Cooper, Warshick, Sarto, Smith, Cunningham, Sloane, Uteck, Fougere, Walker, Whalen and Mosher.

(Councillor Hetherington was not present for the vote.)

**MOTION DEFEATED.**

The vote was then taken on the Main Motion.

**MOTION PUT AND PASSED.** (Councillors Rankin and Meade voted against the motion. Councillor Hetherington was not present for the vote.)

4. **BUSINESS ARISING OUT OF THE MINUTES**
5. **MOTIONS OF RECONSIDERATION - NONE**
6. **MOTIONS OF RESCISSION - NONE**
7. **CONSIDERATION OF DEFERRED BUSINESS - NONE**
- 7.1 **Tax Structure Committee - Tax Structure Recommendations**

This item was addressed earlier in the meeting.

8. **CORRESPONDENCE, PETITIONS & DELEGATIONS**
- 8.1 **Correspondence - None**

**8.2 Petitions**

There were no petitions served at this meeting.

**8.3 Presentation**

**8.3.1 Sackville Sports Stadium**

This item was addressed earlier in the meeting.

**8.3.2 Halifax International Airport Authority**

This item was addressed earlier in the meeting.

**9. REPORTS**

**9.1 HERITAGE ADVISORY COMMITTEE**

**9.1.1 Case H00061 Application for Registration of the Musquodoboit Railway Museum (to set Heritage Hearing date - Jan. 21/03)**

This item was addressed earlier in the meeting.

**9.2 CHIEF ADMINISTRATIVE OFFICER**

**9.2.1 Quotation 2002M860 for Retaining Wall and Excavation Work 38-44 Peter Buckley Drive, Lower Sackville**

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

**MOVED by Councillor Harvey, seconded by Councillor Walker, that Regional Council authorize the award of the work tendered in Quotation #2002M860 for the retaining wall and excavation work on the four properties identified as 38, 40, 42 and 44 Peter Buckley Drive, Lower Sackville, Nova Scotia, to the lowest bidder meeting the specifications, W. Eric Whebby Ltd., at a cost of \$55,130.22 (tax included) with funding as outlined in the Budget Implications section of the staff report dated December 10, 2002.**

Councillor Harvey stated he was not certain due diligence was done in this matter and that he hoped some way to alleviate the burden on the residents will be found.

**MOTION PUT AND PASSED.** (Councillor Johns voted against the motion. Councillor Cooper was not present for the vote.)

**9.2.2 Consultant Engineering Services Award RFP02-102, Wastewater Pumping Stations and Force mains Study**

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

**MOVED by Councillor Hetherington, seconded by Councillor McInroy, that RFP 02-102, Consultant Engineering Services, Wastewater Pumping Stations and Force mains Study be awarded to the highest ranking proponent, SNC Lavalin Inc., for a cost of \$96,175 plus net HST, for a sub total of \$102,358, and that an additional amount of \$62,000 plus net HST, for a sub total of \$65,986, be set aside for the unit prices items, for a Total of \$168,344 with funding from Account No. CGR00371 as per the Budget Implications section of the staff report dated December 10, 2002.**

Several Councillors expressed concern with the large price gap between the first and second place bids. In response, Mr. John Sheppard, Manager, Environmental & Right of Way Services, stated the highest ranking proponent has a clear understanding of the work required and staff are confident they can do the work at the quoted price.

**MOTION PUT AND PASSED UNANIMOUSLY.** (Councillor Whalen was not present for the vote.)

**9.2.3 Evergreen House Renovations**

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

**MOVED by Councillor Cunningham, seconded by Councillor Hetherington, that Halifax Regional Council approve an increase in the 02/03 Capital Project, CBG00306, Evergreen House - heating upgrade, in the amount of \$13,000 with funding as a withdrawal from the Heritage & Cultural Reserve, Q312. MOTION PUT AND PASSED UNANIMOUSLY.** (Councillor Whalen was not present for the vote.)

**9.2.4 Rescind Appointment of Development Officer**

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

**MOVED by Councillor Adams, seconded by Councillor Mosher, that Regional Council rescind the appointment of Gary Porter as a Development Officer for the Halifax Regional Municipality. MOTION PUT AND PASSED UNANIMOUSLY.**

**9.2.5 Proposed Highway 111/MicMac Boulevard Improvements**

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

**MOVED by Councillor Cunningham, seconded by Councillor Warshick, that Halifax Regional Council:**

- 1. Approve funding in the amount of \$75,000 from the 2002/03 Capital Budget, Account CTR00529 for the purposes of implementing the design of Phase 1 of the subject project and as outlined within this report.**

**And subject to the project approval in the 2003/04 Capital Budget,**

- 2. Authorize the Clerk and the Mayor to execute the required cost sharing agreement (Attachment "C") between the Nova Scotia Department of Transportation & Public Works and the Halifax Regional Municipality as pertains to the Provincial/Municipal project cost sharing as outlined in this report.**
- 3. Approve in principle and authorize staff to initiate the formal process for the adoption of attached By-Law Number L-113(Attachment "D") respecting Charges for Road Improvements to be recovered from the owners of properties subject to a Local Improvement Charge and as depicted on the attached schematic plan "A" (Attachment "E").**

Ms. Susan Corser, Planner, presented the staff report to Council. Ms. Corser, Mr. Rick Paynter, Director, Public Works and Transportation Services, and Mr. Austin French, Planning and Development Services, responded to questions of Council.

Councillor Fougere stated she could not support the motion in principle as it is not a good solution to a continuous problem. Councillor Sloane echoed Councillor Fougere's comments.

In response to a suggestion of Councillor Cooper that Clause 11 in the agreement should be amended to include one-third of the overrun, Mr. George McLellan, Chief Administrative Officer, stated staff can re-examine the wording. Councillor Cooper also suggested that staff

consider removing Clause (g) of the draft By-Law L-113 Respecting Charges for Road Improvements.

**MOTION PUT AND PASSED (20 in favour, 3 against).** (Councillors Sloane, Uteck and Fougere voted against the motion.)

### **RECESS**

A recess was taken at 4:45 p.m. and the meeting reconvened at 5:00 p.m.

#### **9.2.6 Halifax Regional Municipality Pension Plan**

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

**MOVED by Councillor Hetherington, seconded by Councillor Cunningham, that:**

1. **The employer portion of pension plan contributions be increased by .45% from 6.3% to 6.75 effective July 1, 2203.**
2. **The Province of Nova Scotia be requested to amend the Pension Benefits Act of Nova Scotia by: deleting subsections 79(1), (2), (3), (4) and (9); and amend or adjust any internal references in the Pension Benefits Act and Regulations thereunder to reflect these deletions”; and,**
3. **That the Mayor send a letter to the Union of Nova Scotia Municipalities requesting support for this amendment.**
4. **That the amendment being proposed by the HRM Pension Committee to change the termination benefit under the Halifax Regional Municipality Pension Plan (Plan) be approved in principle (see Attachment A of the staff report dated December 12, 2002). MOTION PUT AND PASSED UNANIMOUSLY. (Councillors Streach, Whalen and Rankin were not present for the vote.)**

#### **9.2.7 First Reading By-Law M-100, Standards for Residential Occupancies**

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

**MOVED by Councillor Sloane, seconded by Councillor Hetherington, that Regional Council give First Reading to By-Law M-100 “Standards for Residential Occupancies” and set a Public Hearing date to adopt the By-law and repeal the provisions of existing Municipal by-laws which deal with minimum standards and rooming/lodging houses. MOTION PUT AND PASSED UNANIMOUSLY.** (Councillors Whalen and Sarto were not present for the vote.)

## **10.1 MEMBERS OF COUNCIL**

### **10.1.1 Councillor Goucher - Green House Gas Emissions**

Councillor Goucher suggested that the issue of green house gas emissions be referred to FCM and that a challenge be issued to other Canadian municipalities with respect to decreasing green house gas emissions.

**MOVED by Councillor Goucher, seconded by Councillor Sloane, that the issue of green house gas emissions be forwarded to FCM and that a challenge be issued to all Canadian municipalities and all levels of government, relative to the issue of green house gas emissions.**

Councillor Hetherington stated it was his understanding that this issue has already been forwarded to FCM several times in the past and questioned the need to do it again.

Deputy Mayor McInroy questioned putting forth a challenge based on information that Council has not yet received or endorsed. The Deputy Mayor suggested this matter should be referred to staff for a recommendation. Mr. McLellan suggested staff could look at approaching this issue through an educational effort with the residents and staff in terms of reinforcing best practices.

**MOVED by Deputy Mayor McInroy, seconded by Councillor Hetherington, that this matter be referred to staff for a report. MOTION PUT AND PASSED UNANIMOUSLY.**

### **10.1.2 Councillor Warshick - Nova Scotia Power and Responsibility to HRM**

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

## **11. MOTIONS**

### **11.1 Councillor Fougere - Amendment to Administrative Order Number 15 Respecting License, Permit and Processing Fees**

**MOVED by Councillor Fougere, seconded by Councillor Sloane, that this matter be deferred to January 7, 2003.**

Councillor Fougere stated Council could forward its feedback and questions to staff in the interim.

**MOTION PUT AND PASSED.** (Due to technical problems with the electronic voting system, the individual voting breakdown was not available.)

**11.2 Councillor Rankin - Establishment of an Intergovernmental Affairs Coordinator Mayor's Office**

Councillor Rankin noted that Council has received correspondence from staff regarding this issue since the time of his Notice of Motion stating the reporting relationship of this position will be to the Chief Administrative Officer and the position will be changed to a Special Projects Coordinator and serve both the Mayor's Office and the Councillors' Office. The Councillor stated this information has responded to the concerns and suggested that this information be provided in a report to Council.

**MOVED by Councillor Rankin, seconded by Councillor Cooper, that Council be provided with an Information report regarding the establishment of a Special Projects Coordinator, Mayor's Office.**

Mayor Kelly noted this position will be report to the Mayor on a day-to-day basis and overall to the Chief Administrative Officer as other staff positions. Mr. Louis Coutinho, Director, Human Resources, confirmed that the immediate supervisor for this position would be the Mayor and stated this would be clarified in the staff report.

Councillor Uteck requested that the report also address the relationship of this position to Council, the Mayor, and the Chief Administrative Officer. Councillor Cooper requested the report also address the relationship between this position and community councils. Councillor Rankin requested the report also include a revised position description.

**MOTION PUT AND PASSED.** (15 in favour, 7 against. Due to technical problems with the electronic voting system, the individual voting breakdown was not available.)

**12. ADDED ITEMS**

**12.1 Ratification of NSUPE Local 13 Contract**

- 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 Streach, that Council ratify the Collective Agreement with the Nova Scotia Union of Public Employees, Local 13, for the period October 31, 2001 to November 1, 2004, as outlined by Mr. David Reid, Chief Negotiator. MOTION PUT AND PASSED UNANIMOUSLY.**

**12.2 Property Matter - Sale of East Preston Business Centre**

- 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 Hetherington, seconded by Councillor Sarto, that Council approve the extension of the closing date to November 30, 2003, and the terms of payment under Option 2 of the December 10, 2002 Private and Confidential staff report as settlement in full for the sale of this subject property, and further that this report not be released until the transaction is closed. MOTION PUT AND PASSED UNANIMOUSLY.**

**12.3 Property Matter - Leased Premises - Dartmouth**

- 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 Colwell, seconded by Councillor Hetherington, that Council:**

- 1. Authorize the Mayor and Municipal Clerk to enter into a Lease Agreement with Clarica Life Insurance Company for additional leased premises at 40 Alderney Drive, subject to the terms and conditions set out in the December 10, 2002 Private and Confidential staff report.**
- 2. Increase the 2002/03 Capital Budget in the amount of \$353,930 at no net cost to the Municipality as outlined in the report.**
- 3. Not release the report until the Agreement has been duly executed. MOTION PUT AND PASSED UNANIMOUSLY.**

**12.4 Tender 02-118, Two (2) New Rescue Pumpers for the Halifax Regional Fire and Emergency Service**

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

**MOVED by Councillor Cunningham, seconded by Councillor Warshick, that Council authorize the award of Tender #02-118, two (2) Rescue Pumpers for the Halifax Regional Fire and Emergency Service from the lowest bidder, Superior Emergency Vehicles at a per unit cost of \$506,588.20 (tax included) for a total project cost of \$1,013,176.40 with funding from Capital Account CVJ00223 Apparatus Replacement as outlined in the Budget Implications section of the staff report dated December 11, 2002. MOTION PUT AND PASSED. (Councillor Sloane voted against the motion.)**

**13. NOTICES OF MOTION**

**13.1 Councillor Cooper - Administrative Order Number 32, the By-Law Development Administrative Order**

**TAKE NOTICE** that at the next regular meeting of Halifax Regional Council to be held on Tuesday, the 7th day of January 2003, I propose to place before Council for adoption as a policy pursuant to the Municipal Government Act, Administrative Order Number 32, the By-Law Development Administrative Order, the purpose of which is to establish a procedure to be followed by HRM staff in the development of new and the consolidation and amending of current by-laws.

**13.2 Councillor Smith - Amendment to By-Law P-1000 Respecting On Street Parking**

**TAKE NOTICE** that at the next regular meeting of the Halifax Regional Council to be held on Tuesday, the 7th day of January 2003, I intend to introduce a motion to amend By-Law P-1000 Respecting On Street Parking to provide for a fee exemption of the residential parking exemption fee to those residents who have existing exemption permits in Areas C and D.

**14. ADJOURNMENT**

There being no further business, the meeting adjourned at 5:40 p.m.

Jan Gibson  
Deputy Municipal Clerk