

HALIFAX REGIONAL MUNICIPALITY

HALIFAX REGIONAL COUNCIL MINUTES May 20, 2003

PRESENT:

Mayor Peter J. Kelly
Deputy Mayor Harry McInroy
Councillors: Steve Streach
Gary Hines
Keith Colwell
Ron Cooper
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 Adams
Brad Johns
Robert Harvey
Len Goucher
Reg Rankin

ABSENT
WITH REGRETS:

Councillor Gary Meade

STAFF:

Mr. George McLellan, Chief Administrative Officer
Mr. Wayne Anstey, Municipal Solicitor
Ms. Vi Carmichael, Municipal Clerk
Ms. Julia Horncastle, Legislative Assistant

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1. INVOCATION

The meeting was called to order at 6:00 p.m. with Councillor Rankin leading the Invocation.

Council observed a moment of silence on the passing of Chief David MacKinnon.

At a later point in the meeting Deputy Mayor McInroy commended all those involved in the control and containment of the fire in Eastern Passage.

2. APPROVAL OF MINUTES - May 6, 2003

MOVED by Councillor Hetherington, seconded by Councillor Sarto, that the minutes of May 6, 2003 be approved with the following amendments:

It was noted that on page 19, the figure should be \$0.0295 rather than dollars.

MOTION PUT AND PASSED UNANIMOUSLY.

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

Additions

- 12.1 Councillor Adams - Captain William Spry Lodge Elevator
- 12.2 Membership Selection Committee Recommendation
- 12.3 Property Matter - 409 Herring Cove Road
- 12.4 Legal Matter - Settlement of Claim

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

4. BUSINESS ARISING OUT OF THE MINUTES - NONE

5. MOTIONS OF RECONSIDERATION - NONE

6. MOTIONS OF RESCISSION - NONE

7. CONSIDERATION OF DEFERRED BUSINESS

7.1 Councillor Smith - Information Item #5 (May 6/03), Vacant and Boarded Up Buildings

- An information report prepared for Brad Anguish, Director of Environmental Management Services, dated April 10, 2003, on the above noted, was before Council.

Councillor Smith expressed concern with number of apartment buildings in District 9 and throughout HRM that have been boarded up, noting the time and effort involved by By-Law Enforcement in policing these buildings is costly. The Councillor suggested staff examine ways of encouraging the owners to either repair these buildings, sell them or tear them down. The Councillor suggested staff examine the Winnipeg By-law and, if there needs to be an amendment to the Municipal Government Act, bring forward a report with further information.

MOVED by Councillor Smith, seconded by Councillor Hetherington, that a staff report be requested.

Mr. McLellan advised that there are limitations as to the authority HRM has under the Municipal Government Act. He advised staff will examine this matter and come back to Council with an indication of what abilities and inabilities HRM has in this regard.

Councillor Hetherington noted some of these buildings have been vacant for more than ten years and, as a result, there is no tax revenue to HRM. The Councillor noted these buildings detract from a neighbourhood and provide an opportunity for vandalism and fire as the doors and windows are only covered with plywood.

Councillor Mosher noted there is a problem with graffiti and garbage on and around the businesses that have closed down on Herring Cove Road. The Councillor requested the report include what can be included under the MGA to include graffiti eradication on vacant buildings as well as the possibility of allowing for these buildings to be rented on a square footage basis.

Councillor Adams suggested staff examine the possibility of changing the zoning on these properties to allow other uses as well as examine the possibility of youth groups taking over these buildings for use.

Mr. Anstey advised the landscaping amendment is in the amendments to the MGA currently before the legislature. He advised he had drafted a definition of graffiti for Police Services for inclusion in the MGA under the definitions for Dangerous and Unsightly Premises.

Councillor Sarto suggested the report examine giving a greater mandate and authority to the By-law Enforcement officers to shorten the time frame from thirty days so that action can be

taken to address situations sooner.

MOTION PUT AND PASSED UNANIMOUSLY.

8. PUBLIC HEARINGS

8.1 Case 00435 - Amendment to Halifax Municipal Planning Strategy and Land Use By-Law for 7, 9, 11 & 13 Springvale Avenue

- An extract from the April 22, 2003 Regional Council minutes regarding the above noted was before Council, stating First Reading took place on April 22, 2003.
- A report from Councillor Linda Mosher, Chair, Chebucto Community Council, dated April 15, 2003, was circulated to Council on April 22, 2003.
- Correspondence from Mr. Jim Bowden, dated April 30, 2003, was circulated to Council.

Ms. Rhanda James, Planner, presented the staff report.

Mayor Kelly called for those wishing to speak either in favour of or in opposition to the proposed amendments.

A resident received clarification that the proposal was for a condominium and not an apartment building.

Mr. Roberto Menendez

Mr. Roberto Menendez, representing the developer, advised a public information meeting had been held and issues and concerns expressed at that time have been addressed. He stated the architecture fits into the neighbourhood and the neighbourhood is in favour of the development. He noted they have compressed the building at the front so that there can be a bigger landscaped area.

Mayor Kelly called for any additional speakers. Hearing none, the following motion was placed.

MOVED by Councillor Blumenthal, seconded by Councillor Hetherington, that the public hearing close. MOTION PUT AND PASSED UNANIMOUSLY.

MOVED by Councillor Mosher, seconded by Councillor Hetherington, that Halifax Regional Council adopt the amendments to the Halifax Municipal Planning Strategy and the Halifax Mainland Land Use By-law, presented in Attachment IV of the staff

report dated April 8, 2003.

Councillor Mosher noted the recommendation is that the building be constructed with low flow fixtures and made the following amendment.

MOVED by Councillor Mosher, seconded by Councillor Whalen, that Section 2.3.10 of the development agreement dealing with low flow fixtures be amended to include the wording “and such low flow fixtures shall be maintained in the building until such time as increased sewer capacity is provided to the service area in which the building is located such that the low flow fixtures are no longer required”.

In response to Councillor Hetherington, Ms. James advised the reason the low flow was put in the development agreement was because the density for this project exceeds the allowable density in the area. There was a concern that the sewage capacity would not be able to accommodate additional people and these low flow fixtures would reduce the amount of outflow into the sewer system.

Without a vote being taken on the amendment, the following motion was placed.

MOVED by Councillor Hetherington, seconded by Councillor Blumenthal, that this item be deferred for one week to determine whether the clause is necessary. MOTION DEFEATED.

Those voting **in favour** of the motion were: Mayor Kelly and Councillors Cooper, Warshick, Sarto, Hetherington, Smith, Cunningham, Blumenthal and Goucher.

Those voting **against** the motion were: Deputy Mayor McInroy and Councillors Streach, Hines, Colwell, Sloane, Uteck, Fougere, Walker, Whalen, Mosher, Adams, Harvey and Rankin.

Councillor Johns was out of the room during the vote.

Councillor Meade was absent.

Following further discussion, the mover and seconder agreed to amend the wording of the amendment. The amendment now reads.

MOVED by Councillor Mosher, seconded by Councillor Whalen, that Section 2.3.10 of the development agreement dealing with low flow fixtures be amended to include the wording “and such low flow fixtures shall be maintained in the building” MOTION PUT AND PASSED.

Those voting **in favour** of the motion were: Mayor Kelly, Deputy Mayor McInroy and Councillors Streach, Hines, Colwell, Cooper, Warshick, Sarto, Fougere, Walker Whalen, Mosher, Adams, Harvey, Goucher and Rankin.

Those voting **against** the motion were: Councillors Hetherington, Smith, Cunningham, Blumenthal, Sloane and Uteck.

Councillor Johns was out of the room during the vote.

Councillor Meade was absent.

MOTION AS AMENDED

MOVED by Councillor Mosher, seconded by Councillor Hetherington, that Halifax Regional Council adopt the amendments to the Halifax Municipal Planning Strategy and the Halifax Mainland Land Use By-law, presented in Attachment IV of the staff report dated April 8, 2003. Further, that Section 2.3.10 of the development agreement dealing with low flow fixtures be amended to include the wording “and such low flow fixtures shall be maintained in the building”. MOTION PUT AND PASSED UNANIMOUSLY.

8.2 Case 00540 - Amendment to the Halifax Municipal Planning Strategy and Land Use By-law for Corner of Connolly Street and Chester Avenue

- An extract from the April 22, 2003 Regional Council minutes regarding the above noted was before Council, stating First Reading took place on April 22, 2003.
- A report from Councillor Dawn Sloane, Acting Chair, Peninsula Community Council, dated April 15, 2003, was circulated to Council on April 22, 2003.

Mr. Angus Schaffenburg, Planner, presented the staff report.

Mayor Kelly called for those wishing to speak either in favour of or in opposition to the proposed amendments.

Mr. Austin Park

Mr. Austin Park, 5513 Atlantic Street, stated an institutional use would be inconsistent with the rest of Chester Avenue which is currently comprised of R-2 homes. He advised they will be using underground wiring and services and will be installing, at their own expense, approximately 250 feet of sidewalk and gutters on a portion of Chester Avenue where none currently exists. The townhouses will cover 38% of the lots and 10 foot side clearance will be

kept. He stated it is not feasible to build stand alone homes of a size that is in keeping with the existing homes on the street. He requested Council endorse the application.

Mayor Kelly called three times for any additional speakers. Hearing none, the following motion was placed.

MOVED by Councillor Hetherington, seconded by Councillor Blumenthal, that the public hearing close. MOTION PUT AND PASSED UNANIMOUSLY.

MOVED by Councillor Blumenthal, seconded by Councillor Sloane, that Halifax Regional Council approve the amendments to redesignate the lands at Chester Avenue and Connolly Street, as set out in Attachment "A" of the staff report dated April 2, 2003 to "Residential Environments" and to rezone to R-2T (Townhouse) Zone. MOTION PUT AND PASSED UNANIMOUSLY.

9. CORRESPONDENCE, PETITIONS AND DELEGATIONS

9.1 Correspondence

9.1.1 UNSM - Twelve Month Notice Clause, Municipal Government Act

- Correspondence from Councillor Don Zwicker, President, UNSM, dated May 9, 2003, on the above noted, was before Council.

Councillor Hetherington noted the original agreement regarding equalization was for a two year period. The Councillor stated the Minister has now sent UNSM a notification, dated April 28th, which misses the deadline of April 1st, stating that the current term will be up in the fiscal year 2003/04. The Councillor stated this letter does not meet the one year notification as it is dated April 28th and there is no dollar value in the letter. The Councillor stated HRM residents need to be protected from having to pay for equalization throughout the province.

Deputy Mayor McInroy stated HRM should make every effort to be involved early in discussions so that HRM can influence the outcomes.

Councillor Uteck suggested HRM look at what services it is not going to continue to pay for such as Supplementary Funding. Council should act in a timely fashion on some of those issues where HRM should not be having the responsibility to pay.

MOVED by Councillor Blumenthal, seconded by Councillor Hetherington, that the Mayor write to Minister Christie stating that HRM does not intend to pay any higher

fees with respect to education. That HRM does not recognize the notice to UNSM regarding Equalization payments, in the correspondence from the Minister dated April 28, 2003, as meeting the one year notification requirement. That the current Equalization commitment remain in effect for 2004/05 fiscal year. Further, if there is more downloading to HRM, then legal action could be taken to protect HRM citizens.

Councillor Rankin stated the Mayor indicate to the Province that HRM does not receive this correspondence as formal undertaking to impact HRM revenues.

MOTION PUT AND PASSED.

Those voting **in favour** of the motion were: Mayor Kelly and Councillors Colwell, Cooper, Sarto, Hetherington, Smith, Blumenthal, Sloane, Uteck, Fougere, Walker and Whalen.

Those voting **against** the motion were: Deputy Mayor McInroy and Councillors Streach, Hines, Warshick, Cunningham, Mosher, Adams, Johns, Harvey, Goucher and Rankin.

Councillor Meade was absent.

9.2 Petitions

9.2.1 Councillor Cunningham

Councillor Cunningham served a petition on behalf of the residents of Oathill Crescent requesting replacement of curbs, gutters and pavement on the street. The Councillor requested a staff report and recommendation.

9.2.2 Councillor Colwell

Councillor Colwell served a petition on behalf of the residents of Lawrencetown requesting Metro Transit provide bus service to their community.

10. REPORTS

10.1 NORTH WEST COMMUNITY COUNCIL

10.1.1 Case 00543 - Amendments to the Bedford Municipal Planning Strategy and Land Use By-law

- A report from Councillor Len Goucher, Chair, North West Community Council, dated

May 6, 2003, on the above noted, was before Council.

MOVED by Councillor Goucher, seconded by Councillor Harvey, that Regional Council not initiate the amendment process at this time. MOTION PUT AND PASSED UNANIMOUSLY.

10.2 CHIEF ADMINISTRATIVE OFFICER

10.2.1 Tender 03-222, Street Improvements - Elmwood Avenue, East Region

- A report prepared for Mr. George McLellan, Chief Administrative Officer, dated May 12, 2003, on the above noted, was before Council.

MOVED by Councillor Smith, seconded by Councillor Cunningham, that Regional Council award Tender No 03-222, Street Improvements - Elmwood Avenue - East Region to Lafarge Canada Inc. for materials and services listed at the unit prices quoted for a Tender Price of \$181,820 plus net HST for a total of \$193,510 from Capital Account No. CKU00141, Sidewalk Renewal, Capital Account No. CZR00357, Resurfacing and Capital Account No. CJR00956, New Sidewalk, with funding authorized as per the Budget Implications section of the report dated May 12, 2003. MOTION PUT AND PASSED UNANIMOUSLY.

10.2.2 Tender 03-226, Sidewalk Renewals, East Region

- A report prepared for Mr. George McLellan, Chief Administrative Officer, dated May 9, 2003, on the above noted, was before Council.

MOVED by Councillor Cunningham, seconded by Councillor Sarto, that Regional Council award Tender No. 03-226, Sidewalk Renewals, Garden Drive, George Street, Hillside Avenue, Slayter Street, Dartmouth to Ocean Contractors Limited for materials and services listed at the unit prices quoted for a Tender Price of \$147,650, plus net HST for a total of \$157,142 from Account No. CKU00141, Sidewalk Renewals, with funding authorized as per the Budget Implication section of the report dated May 9, 2003. MOTION PUT AND PASSED UNANIMOUSLY.

10.2.3 Tender 03-234, Paving Resurfacing, Gourok Ave. and Tupper St., East Region

- A report prepared for Mr. George McLellan, Chief Administrative Officer, dated May 12, 2003, on the above noted, was before Council.

MOVED by Councillor Warshick, seconded by Councillor Hetherington, that Council award Tender No. 03-234, Paving Resurfacing, Gourok Avenue and Tupper Street, East Region to Ocean Contractors Limited for materials and services listed at the unit prices quoted for a Tender Price of \$357,320, plus net HST for a total of \$380,292 from Account No. CZR00357, Resurfacing, with funding authorized as per the Budget Implications section of the report dated May 12, 2003. MOTION PUT AND PASSED UNANIMOUSLY.

10.2.4 Tender 03-235, Paving Resurfacing, Eastwood Court, Ross Road and Ashgrove Avenue, East Region

- A report prepared for Mr. George McLellan, Chief Administrative Officer, dated May 8, 2003, on the above noted, was before Council.

MOVED by Councillor Cooper, seconded by Councillor Colwell, that Council award Tender No. 03-235, Paving Resurfacing - East Region to Dexter Construction Company Limited for materials and services listed at the unit prices quoted for a Tender Price of \$359,640, plus net HST for a total of \$382,762 from Account No. CZR00357, Resurfacing, with funding authorized as per the Budget Implications section of the report dated May 8, 2003. MOTION PUT AND PASSED UNANIMOUSLY.

10.2.5 Tender 03-242, Paving Resurfacing, Regal Road and Guysborough Ave., East Region

- A report prepared for Mr. George McLellan, Chief Administrative Officer, dated May 12, 2003, on the above noted, was before Council.

MOVED by Councillor Sarto, seconded by Councillor Hetherington, that Council award Tender No. 03-242, Paving Resurfacing, Regal Road and Guysborough Avenue - East Region to Dexter Construction Company Limited for materials and services listed at the unit prices quoted for a Tender Price of \$514,490, plus net HST for a total of \$547,567 from Account No. CZR00357, Resurfacing, and CGU00461 Sewer Laterals Replacement (Paving Projects) with funding authorized as per the Budget Implications section of the report dated May 12, 2003. MOTION PUT AND PASSED UNANIMOUSLY.

10.2.6 Request for Proposal 03-317, Consultant Award - Aerotech STP Upgrade/Biosolids Dewatering Facility

- A report prepared for Mr. George McLellan, Chief Administrative Officer, dated May 13, 2003, on the above noted, was before Council.

MOVED by Councillor Hines, seconded by Councillor Streach, that RFP 03-317 consultant design and engineering services, Aerotech STP Upgrade/Biosolids Dewatering Facility be awarded to the highest ranking proponent, ABL Environmental/Dillon Consulting Limited, for a cost of \$293,206, plus net HST for a total of \$312,056 with funding from Capital Account No. CSU00138, Aerotech Sewage Treatment Plant - Upgrade, as per the Budget Implications section of the report dated May 13, 2003. MOTION PUT AND PASSED UNANIMOUSLY.

10.2.7 Tender 03-065, Three (3) Model 2003, 15 Passenger Vans, Tender 03-066, Three (3) Model 2004, 4 Door Sedans, Police Pursuit Vehicles with Front Wheel Drive Tender 03-067, Two (2) Model 2004, 8 Passenger Vans

- A report prepared for Mr. George McLellan, Chief Administrative Officer, dated May 9, 2003, on the above noted, was before Council.

MOVED by Councillor Walker, seconded by Councillor Warshick, that:

1. Council authorize the award of Tender #03-065 to Taylor Ford Lincoln Sales at a unit price of \$30,337.59 (net HST incl) for a total project cost of \$91,012.77 (net HST incl) with funding from Account CVK00416(Police) and Account CVJ00224(Fire) as outlined in the Budget Implications section of this report.
2. Council authorize the award of Tender #03-066 to Steele Chrysler at a unit price of \$24,010.38 (net HST incl) for a total project cost of \$72,031.14 (net HST incl) with funding from Account CVK00417 as outlined in the Budget Implications section of this report.
3. Council authorize the award of Tender #03-067 to MacPhee Pontiac Buick GMC Ltd. at a unit price of \$27,544.66 (net HST incl) for a total project cost of \$55,089.32 with funding from Account CVK00417 as outlined in the Budget Implications section of the report dated May 9, 2003.

MOTION PUT AND PASSED UNANIMOUSLY.

RECESS

At this time Council recessed for ten minutes. Council reconvened at 8:15 p.m.

10.2.8 Request for Proposal 01-119, Integrated Computer Aided Dispatch and Records Management Solution

- A report prepared for Mr. George McLellan, Chief Administrative Officer, dated May 14, 2003, on the above noted, was before Council.

MOVED by Councillor Adams, seconded by Councillor Blumenthal, that RFP 01-119, Integrated Computer Aided Dispatch and Records Management Solution, be awarded to the highest ranking evaluated proposal, Versaterm Inc. for a cost of \$4,220,000 including net taxes from Capital Account CIP00763, with funding authorized as per the Budget Implications section of the report dated May 14, 2003. MOTION PUT AND PASSED UNANIMOUSLY.

10.2.9 All Terrain Vehicles (ATV)

- A report prepared for Mr. George McLellan, Chief Administrative Officer, dated May 1, 2003, on the above noted, was before Council.

MOVED by Councillor Hines, seconded by Councillor Johns, that Council endorse the East Hants Stakeholders pamphlet on ATV safety/etiquette as attached to the report dated May 1, 2003. MOTION PUT AND PASSED UNANIMOUSLY.

10.2.10 Administrative Order SC29 - Street Closure, Portion of Former South or Boggs Street, Dartmouth

- A report prepared for Mr. George McLellan, Chief Administrative Officer, dated May 6, 2003, on the above noted, was before Council.

MOVED by Councillor Cunningham, seconded by Councillor Hetherington, that Halifax Regional Council authorize staff to set a date of June 10, 2003 for a public hearing for consideration of HRM Administrative Order SC-29 concerning the closure of a portion of the former South or Boggs Street, Dartmouth, as shown on Attachment "A" of the staff report dated May 6, 2003, based on the key terms and conditions outlined in the report. MOTION PUT AND PASSED UNANIMOUSLY.

10.2.11 Infilling Moirs Pond, Bedford - Easement and Right of Way

- A report from Councillor Len Goucher, Chair, North West Community Council, dated

May 6, 2003, was before Council.

MOVED by Councillor Goucher, seconded by Councillor Rankin, that Regional Council reaffirm its commitment not to extinguish, relocate or vary its right of way contained in the Grant of Easement and Right of Way dated May 26, 1989 between Sobey Leased Properties Limited and the Town of Bedford.

Without a vote being taken on the motion, the following motion was placed.

MOVED by Councillor Walker, seconded by Councillor Uteck, that the motion be tabled until such time as Sobey Leased Properties makes application to relocate the easement. MOTION PUT AND PASSED.

10.2.12 LIS Corporate Project

- A copy of the project outline was before Council.

Mr Paul Dunphy, Director, Planning and Development and Mr. Ed Thornhill, Manager, Permits and Inspections, with the aid of a PowerPoint presentation, provided an overview of the implementation of the Land Information System.

In response to Councillor Uteck as to the security of the system, Mr. Dunphy advised that if the system crashes the only data lost will be current data. He advised security on the system is in compliance with FOIPOP requirements. He advised this system addresses as-of-right applications for subdivisions and permits.

Mr. McLellan stated this is an improvement with regards to turnaround time which results in a higher level in service.

Mayor Kelly thanked Mr. Dunphy and Mr. Thornhill for their presentation.

10.2.13 Regional Planning Overview

- A copy of the project outline was before Council.

Ms. Carol Macomber, Regional Planning Project Manager, provided Council with an overview of the background and context for the next stage of Regional Planning, advising staff will be coming to Council on a regular basis with information and updates. Ms. Macomber advised the Regional Plan will provide policy, mapping, financial planning, governance recommendations and implementation plans. In summary, Ms. Macomber advised the Regional Planning Committee will recommend principles to Council in June, 2003, the project

office will open in June, 2003 and phase two communication and public participation will be initiated in June, 2003.

Mayor Kelly thanked staff for the presentation.

10.3.1(i) Councillor Fougere - Information Item #6 (May 13/03) Parking Improvements - Grand Parade

Councillor Fougere advised her intention is to recognize the fact that the parking in Grand Parade is a convenience and benefit to Council; however, to restrict that by erecting a gate at a cost of \$12,000.00 to the taxpayer is not acceptable.

MOVED by Councillor Fougere, seconded by Councillor Sloane, that staff be directed not to install a gate and electronic card reader at Grand Parade. MOTION PUT AND PASSED.

Those voting **in favour** of the motion were: Mayor Kelly and Councillors Colwell, Sarto, Smith, Sloane, Uteck, Fougere, Whalen, Johns, Harvey, Goucher and Rankin.

Those voting **against** the motion were: Deputy Mayor McInroy and Councillors Streach, Hines, Cooper, Warshick, Cunningham, Blumenthal, Walker, and Mosher.

Councillors Hetherington, Adams and Meade were absent.

MOVED by Councillor Fougere, seconded by Councillor Sloane, that staff examine options and alternatives to parking in Grand Parade so that it can be turned to public use. MOTION DEFEATED.

Those voting in favour of the motion were: Mayor Kelly and Councillors Cooper, Warshick, Sloane, Uteck, Fougere and Harvey.

Those voting against the motion were: Deputy Mayor McInroy and Councillors Streach, Hines, Colwell, Sarto, Smith, Cunningham, Blumenthal, Walker, Whalen, Mosher, Adams, Johns, Goucher and Rankin.

Councillors Hetherington and Meade were absent.

10.3.1(ii) Councillor Fougere - Street Cleaning and Parking Enforcement

MOVED by Councillor Fougere, seconded by Councillor Blumenthal, that a staff report be requested addressing the issue of how HRM can better deal with street

cleaning and signage so that the public is aware when a street is going to be cleaned and whether or not they can park on a specific street. **MOTION PUT AND PASSED.**

11. MOTIONS

11.1 Councillor Mosher - Administrative Order Number One

MOVED by Councillor Mosher, seconded by Councillor Adams, that Council approve the amendment to Section 22 of Administrative Order Number One to provide that reports from the Chief Administrative Officer be scheduled immediately following Correspondence, Petitions and Delegations. **MOTION PUT AND PASSED UNANIMOUSLY.**

11.2 Councillor Rankin - By-Law O-104, Amendment to By-Law O-103, Open Air Burning By-Law

MOVED by Councillor Rankin, seconded by Councillor Johns, that Council give First Reading to By-Law O-104, the purpose of which is to amend Section 4(e) of By-Law O-103, Open Air Burning By-Law to amend the distance parameters under which burning may be conducted outside the No Burn Zone. The proposed amendment states *“1. (1) Clause (e) of Section 4 of said By-law o-103 is amended by deleting the numbers, words and symbols “225 feet (68 meters)” and by substituting therefor the numbers, words and symbols “100 feet (30.5 meters)”*. Further, it is recommended that the word “adjacent” be inserted before the word dwelling in Section 4(e). **MOTION PUT AND PASSED.**

Those voting **in favour** of the motion were: Councillors Streach, Hines, Colwell, Cooper, Sarto, Fougere, Mosher, Adams, Johns, Goucher and Rankin.

Those voting **against** the motion were: Mayor Kelly, Deputy Mayor McInroy and Councillors Warshick, Smith, Cunningham Blumenthal, Sloane, Walker, Whalen and Harvey.

Councillors Hetherington, Uteck and Meade were absent.

11.3 Councillor Blumenthal

MOVED by Councillor Blumenthal, seconded by Councillor Adams, that Council approve Acetic Acid to be added as a permitted substance to the Permitted Pesticides List in Administrative Order #23. **MOTION DEFEATED.**

Those voting **in favour** of the motion were: Mayor Kelly and Councillors Streach, Colwell, Warshick, Sarto, Cunningham, Blumenthal, Sloane, Mosher and Adams.

Those voting **against** the motion were: Deputy Mayor McInroy and Councillors Hines, Cooper, Smith, Fougere, Walker, Whalen, Johns, Harvey, Goucher and Rankin.

Councillors Hetherington, Uteck and Meade were absent.

12. ADDED ITEMS

12.1 Councillor Adams - Captain William Spry Lodge Elevator

MOVED by Councillor Adams, seconded by Councillor Mosher that the Mayor request a status update from the Province. Further, staff provide a report on options regarding possible financing from HRM sources to ensure completion of this project. MOTION PUT PASSED.

12.2 Membership Selection Committee Recommendation

This item was deferred to May 27, 2003.

12.3 Property Matter - 409 Herring Cove Road

This item was deferred to May 27, 2003.

12.4 Legal Matter - Settlement of Claim

This item was deferred to May 27, 2003.

13. NOTICE OF MOTION - NONE

14. ADJOURNMENT

The meeting was adjourned at 10:00 p.m.

Vi Carmichael
Municipal Clerk