

HALIFAX REGIONAL MUNICIPALITY

**HALIFAX REGIONAL COUNCIL
MINUTES
DECEMBER 16, 2003**

PRESENT:

Mayor Peter J. Kelly
Deputy Mayor Steve Streach
Councillors: Krista Snow
David Hendsbee
Ron Cooper
Harry McInroy
Brian Warshick
Condo Sarto
Bruce Hetherington
Jim Smith
John Cunningham
Dawn Sloane
Sue Uteck
Sheila Fougere
Russell Walker
Debbie Hum
Linda Mosher
Stephen Adams
Brad Johns
Len Goucher
Robert Harvey
Reg Rankin
Gary Meade

REGRETS:

Councillor Jerry Blumenthal

STAFF:

Mr. George McLellan, Chief Administrative Officer
Mr. Barry Allen, Acting Municipal Solicitor
Ms. Jan Gibson, Deputy Municipal Clerk
Ms. Patti Halliday, Legislative Assistant

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1. INVOCATION

Mayor Kelly called the meeting to order with the Invocation being led by Deputy Mayor Streach.

2. APPROVAL OF MINUTES - DECEMBER 2, 2003

MOVED by Councillor Goucher, seconded by Councillor Meade, that the minutes of December 2, 2003, be approved, as circulated. MOTION PUT AND PASSED UNANIMOUSLY.

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

The following items were added to the agenda:

- 12.1 Cancellation of January 6, 2004 Regional Council Meeting
- 12.2 Property Matter - Proposed Purchase - Reardon/Allen Property - Nine Mile River
- 12.3 Property Matter - Harbour Solutions Project - Purchase and Sales Agreement for Acquisition of Dartmouth Wastewater Treatment Plant Site
- 12.4 Property Matter - Harbour Solutions Project - Sewage Treatment Plant Negotiation Progress and Recommendation
- 12.5 Contractual Matter - Sackville Sports Stadium - Renova Lease Surrender
- 12.6 Councillor Goucher - CN Train Whistle

Item 10.1.5 Public Gardens Restoration - Update was moved to Item 9.3.2 under Presentations.

A revised staff recommendation was circulated for Item 10.1.6 By-law S-305, An Amendment to By-Law S-300, Respecting Streets.

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

4. BUSINESS ARISING OUT OF THE MINUTES

5. **MOTIONS OF RECONSIDERATION - NONE**

6. **MOTIONS OF RESCISSION - NONE**

7. **CONSIDERATION OF DEFERRED BUSINESS - NONE**

8. **PUBLIC HEARINGS**

8.1 **Case 00564: Municipal Planning Strategy and Land Use By-Law Amendments for South Lawn, Church of All Saints at University Avenue and Tower Road**

C A report from the Peninsula Community Council regarding the above, was previously circulated to Council.

C Correspondence from Mr. Blair Beed and Mr. Joel Gillis was circulated to Council for its consideration.

With the aid of overheads, Mr. Angus Shaffenburg, Planner, presented the report to Council, noting this was a joint public hearing before Regional Council and the Peninsula Community Council.

Mayor Kelly called for members of the public wishing to speak either in favour of or against the amendments or the development agreement.

Mr. Robert Power, Member, Dean and Chapter of All Saints Cathedral, Halifax

Mr. Power addressed Council providing some background information regarding the application, noting the proposed development is compatible with the neighbourhood. It is a low density development of 42 residential units with a limited height of 55 feet. There are three residential floors and one commercial as well as underground parking. Mr. Power noted the development agreement will severely restrict uses on the commercial ground floor.

Mr. Roy Willwerth, Architect, Duffus Romans Architects

With the aid of overheads, Mr. Willwerth addressed Council providing highlights of the proposal and information regarding the materials and windows.

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

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

COUNCIL DECISION

MOVED by Councillor Sloane, seconded by Councillor Fougere, that Council adopt the amendments to the Halifax Municipal Planning Strategy and the Halifax Peninsula Land Use By-Law as contained in Attachment "A" of the November 3, 2003 staff report.

Responding to questions of Council, Mr. Schaffenburg stated staff have no knowledge of any restrictions with respect to this land. He stated staff will undertake to ensure there is no encumbrance on the land prior to the approval of the development agreement.

MOTION PUT AND PASSED UNANIMOUSLY.

8.2 Case 00571: Amendments to the Sackville Municipal Planning Strategy and Land Use By-law - BP-1 (Business Park -1) Zone

- C A report from the North West Community Council regarding the above was previously circulated to Council.
- C Correspondence from Mr. Scott Laing regarding the above was circulated to Council for its consideration.

With the aid of overheads, Mr. Andrew Bone, Planner, presented the report to Council.

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

Pastor Leslie Somers, Temple Baptist Church

Pastor Somers addressed Council speaking in support of the amendments.

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

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

COUNCIL DECISION

MOVED by Councillor Harvey, seconded by Councillor Johns, that Council approve the proposed amendments to the Sackville Municipal Planning Strategy and Land Use By-Law, as contained in Attachments “B” and “C” of the staff report dated October 15, 2003. MOTION PUT AND PASSED UNANIMOUSLY.

8.3 By-Law S-413, An Amendment to By-Law S-400, Respecting Local Improvements Charges, New Paving Projects Outside the Core - 2002

C By-Law S-413, An Amendment to By-Law S-400, Respecting Local Improvements Charges, New Paving Projects Outside the Core - 2002, passed First Reading on November 18, 2003, and was now before Council for Second Reading.

Mr. Gerry Boyd, Manager, Design and Construction Services, presented the staff report to Council.

Responding to a question of Councillor Hendsbee, Mr. Rick Paynter, Director, Public Works and Transportation Services, stated the billings will be going out this fiscal year and staff will ensure the appropriate billing is sent to the property owners.

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

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

MOVED by Councillor Meade, seconded by Councillor Hendsbee, that By-Law S-413 be given Second Reading. MOTION PUT AND PASSED UNANIMOUSLY.

8.4 By-Law N-200, Respecting Noise Exemption Application - Armour Group Ltd. re: Historic Properties Privateer's Wharf

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

Mr. Ed Thornhill, Manager, Permits and Inspections, presented the staff report to Council and responded to questions of clarification.

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

Mr. A. M. McCrea, Chairman, Armour Group Limited

Mr. McCrea stated he was present to respond to any questions of Council, if necessary.

Mayor Kelly called three times for any further speakers wishing to speak either in favour of or against the application.

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

Councillor Cunningham noted he receives many noise complaints from Dartmouth Centre with respect to activities taking place on the Halifax side. Therefore, the Councillor requested that consideration be given to providing hoarding in the direction of Dartmouth as well to muffle the noise.

MOVED by Councillor Sloane, seconded by Deputy Mayor Streach, that Council approve Armour Group Limited's application for exemption from the provisions of the Noise By-Law pursuant to the contents of the December 9, 2003 staff report as detailed in Appendix D. MOTION PUT AND PASSED UNANIMOUSLY.

9. CORRESPONDENCE, PETITIONS & DELEGATIONS

9.1 Correspondence - None

9.2 Petitions

There were no petitions served at this meeting.

9.3 Presentations

9.3.1 Immigration Partnership Initiative

(i) Mr. Hugh Wright, President, Board of Directors, Metropolitan Immigrant Settlement Association

(ii) Mr. Fred Morley, Vice President, Greater Halifax Partnership

Mr. Hugh Wright and Mr. Fred Morley made a presentation to Council regarding the Immigration Partnership Initiative.

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

9.3.2 Public Gardens Restoration - Update

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

Ms. Cathie O'Toole, Member, Halifax Public Gardens Working Group, and Mr. Robert Pace, Chairman, Maritime Broadcasting Systems, made a presentation to Council regarding the Public Gardens restoration. Copies of the presentation were provided to Council.

MOVED by Councillor Sloane, seconded by Councillor Fougere:

- 1. That Council accept recommendations from the Halifax Public Gardens Restoration Foundation working group regarding how the proceeds of the MBS radiothon should be expended to restore the Public Gardens.**
- 2. That Council empower the Director of Real Property and Asset Management or his designate to authorize expenditures as recommended by the Halifax Public Gardens Restoration Foundation in accordance with HRM Procurement policies and procedures.**
- 3. That Council approve the scope (attached to the December 16, 2003 staff report) for issuance of two Requests for Proposals; one for short term projects, and one for longer term issues regarding maintenance and sustainability that will eventually form a Master Plan for the Public Gardens.**

Several Councillors expressed appreciation and thanks to those involved in this initiative. Following a brief discussion recognizing the need for similar maintenance for all HRM parks, the vote was taken.

MOTION PUT AND PASSED UNANIMOUSLY.

10. REPORTS

10.1 CHIEF ADMINISTRATIVE OFFICER

10.1.1 Tender 03-149, One (1) 2004 Highway Tractor

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 Sarto, that Regional Council

authorize the award of Tender #03-149 to Lockhart Truck Centre at a cost of \$94,653.70 (net HST incl) with funding from Capital Account No. CVJ00252, Rehab Unit for Fire Services Fleet, as outlined in the Budget Implications section of the staff report dated November 27, 2003.

Responding to a question of Councillor Hendsbee regarding the disposition plans for the current vehicle, Mr. David Smith, Divisional Chief, Logistics, Fire Services, stated there are no specific plans at this time and the vehicle will be turned over to surplus for disposal. The Councillor inquired if the ground search and rescue volunteer organizations could be advised of the availability of this vehicle. Mr. Paul Beauchamp, General Manager, Fleet Services, stated those organizations will have an opportunity to obtain the vehicle and they can be advised when it becomes available.

MOTION PUT AND PASSED UNANIMOUSLY.

10.1.2 Tender 03-138, One (1) 2004 4x4 Crewcab, 4-door, Dual Rear Wheel Truck, 11,500 GVWR

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 Meade, that:

1. Council authorize an increase in the 2003/04 Capital Budget in the amount of \$52,179.79, through the creation of a new Capital Project, Rescue Unit - Hammonds Plains Fire, with funding from operating account number F793-6801.
2. Council award Tender #03-138 to Taylor Ford Lincoln Sales at a cost of \$52,159.79 (net HST incl) with funding as outlined in the Budget Implications section of the November 27, 2003 staff report. **MOTION PUT AND PASSED UNANIMOUSLY.**

10.1.3 Tender 03-170, Chebucto Landing Wharf Repair

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

MOVED by Councillor Sloane, seconded by Councillor Hetherington, that Regional Council:

1. Approve an increase in the gross capital budget for Capital Account No. CDG00494, Halifax Waterfront Development - WDCL Partnership, in the amount of \$22,967.00 with funds from CRESPOOL.
2. The award of Tender 03-170 to the low bid from Walter Construction Corporation from materials and services for the quoted lump sum tender price of \$110,500.00 plus net HST, for a total project cost of \$117,604.05 from Capital Account No. CDG00494 - Halifax Waterfront - WDCL Partnership with funding authorized as per the Budget Implications Section of the December 10, 2003 staff report. MOTION PUT AND PASSED UNANIMOUSLY.

10.1.4 Compensation - Mayor and Council

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

MOVED by Councillor Sarto, seconded by Councillor Uteck, that the out-going Council appoint a Citizens' Commission, prior to the end of their elected term, to review, develop and establish a Policy on Council Remuneration for the next elected Council and for successive elected Councils. The Commission will also specifically outline a remuneration structure for the next elected Council and for each year of that term.

Councillor Cooper expressed concern with the inclusion of "other demographic and district issues, as appropriate" in the Terms of Reference. Mr. Louis Coutinho, Director, Human Resources, responded that it is included to provide scope to the Commission. The Councillor expressed concern that it might mislead the Commission into making its decision based on demographics and put forth the following amendment:

MOVED by Councillor Cooper, seconded by Councillor McInroy, that the motion be amended in that the third item under Accountabilities in the Terms of Reference (other demographic and district issues, as appropriate) be struck.

Mr. McLellan stated he understood the context of the phrase to be guidance to the Commission that these factors would be taken into consideration between HRM and other municipalities and not district against district.

MOTION PUT AND DEFEATED.

Councillor Goucher stated part of the Terms of Reference links to electoral size and suggested the Nova Scotia Utility and Review Board boundary review should also be taken

into consideration. In response, Mr. Coutinho stated it could be included in the Terms of Reference if that is the wish of Council. Councillor Fougere noted the number of districts will have budgetary implications on the 2004-05 budget.

MOVED by Councillor Fougere, seconded by Councillor Goucher, that the motion be amended to add the words “as they relate to HRM as a whole” after the phrase “give consideration to the following issues” under Accountabilities in the Terms of Reference. MOTION PUT AND PASSED UNANIMOUSLY.

Speaking against the motion, Councillor Adams stated he would be more comfortable with tying Council compensation to the lowest increase given to any of HRM working groups with a set maximum. The Councillor suggested if Council is involved in this process any way whatsoever, there is a perception of conflict.

Councillor Hendsbee suggested other reference documents, such as the initial amalgamation report and the URB boundary review report, as well as provincial procedures should also be utilized in the review.

Councillor Johns suggested the three appointees to the Commission should be from three different geographical areas of HRM.

MOVED by Councillor Uteck, seconded by Councillor Sloane, that the three members of the Commission be selected by the Chief Administrative Officer and the Deputy Chief Administrative Officer. MOTION PUT AND PASSED UNANIMOUSLY.

Following a brief debate, the vote was then taken on the main motion, as amended, which read as follows:

MOVED by Councillor Sarto, seconded by Councillor Uteck, that the Chief Administrative Officer and the Deputy Chief Administrative Officer appoint a Citizens' Commission, prior to the end of the out-going Council's elected term, to review, develop and establish a Policy on Council Remuneration for the next elected Council and for successive elected Councils. The Commission will also specifically outline a remuneration structure for the next elected Council and for each year of that term. Further, that the Terms of Reference be amended to add the words “as they relate to HRM as a whole” after the phrase “give consideration to the following issues” under Accountabilities. MOTION PUT AND PASSED.

10.1.5 Public Gardens Restoration - Update (staff presentation)

This item was addressed under Item 9.3.2.

10.1.6 By-law S-305, An Amendment to By-Law S-300, Respecting Streets

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

Ms. Denise Schofield, Acting Manager, Development Engineering, presented the staff report to Council.

MOVED by Councillor Fougere, seconded by Councillor Uteck, that Council approve, in principle, By-Law S-305 as outlined in the staff report dated December 9, 2003, and direct staff to arrange for the formal adoption by Council. MOTION PUT AND PASSED UNANIMOUSLY.

10.1.7 Case 00625: Service Boundary Amendments for Sackville

- 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 Goucher, that Regional Council authorize staff to initiate a process to amend the Municipal Planning Strategy for Sackville, and the Subdivision By-Law, to amend the Service Boundary for Sackville as shown on Map 1 of the November 21, 2003 staff report pursuant to the public participation program approved by Council in February 1997. MOTION PUT AND PASSED UNANIMOUSLY.

10.1.8 By-Law D-101, An Amendment to By-Law D-100, Respecting Off Leash Dog Walking on Sports Fields (Temporary)

- 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 Goucher, that Regional Council approve, in principle, the amendments to By-Law D-100, the Dog By-Law, appended as Attachment A to the December 8, 2003 staff report and direct staff to arrange for their formal introduction for First Reading.

Mr. Rudy Vodicka, Coordinator, Real Property Policy, responded to questions of Councillor Sloane regarding the proposed By-Law amendment. The Councillor expressed concern with the number of dogs in unauthorized areas such as the Halifax Commons. Councillor Sloane suggested designated off-leash parks need to be explored for HRM.

RECESS

A recess was taken at 8:00 p.m. Council reconvened at 8:10 p.m.

Deputy Mayor Streach expressed concern about potential damage to the sports fields. Mr. Dennis Huck, Manager, Facility Operations, responded that this would be minimized during the winter months due to the frost conditions. The Deputy Mayor also inquired about costs. Mr. Huck responded that the major cost will be labour costs which will be absorbed internally.

Councillor Hum expressed concern with the inclusion of Sheffield on the Park Field and Tremont Sport Field and put forth the following motion:

MOVED by Councillor Hum, seconded by Councillor Walker, that the motion be amended by removing Sheffield on the Park Field and Tremont Sport Field from the list and adding Glenbourne.

Councillor Hum also supported the consideration of designated dog parks.

MOTION PUT AND PASSED UNANIMOUSLY.

Councillor Hendsbee stated he would support the by-law only on a temporary basis, stating HRM needs to consider implementing permanent dog parks.

MOVED by Councillor Cooper, seconded by Councillor Warshick, that B. J. Higgins Diamond be removed from the list. MOTION PUT AND PASSED UNANIMOUSLY.

Councillor Mosher noted Hurricane Juan has heightened the need for off-leash parks and this by-law does not resolve the issue. The Councillor suggested the next capital budget should include at least three off-leash dog parks. Councillor Mosher also expressed concern with the time frame in the by-law and put forth the following amendment.

MOVED by Councillor Mosher, seconded by Councillor Hendsbee, that the By-Law be amended by changing the effective hours from 6:00 a.m. and 9:00 p.m. to 6:00 a.m. and dusk.

In response, Mr. Peter Bigelow, Manager, Real Property Planning, stated that Legal Services has always advised that the term "dusk" term is unenforceable and it is preferential to set prescribed times.

MOTION PUT AND PASSED.

MOVED by Councillor McInroy, seconded by Councillor Cooper, that Dennis Naugle

Diamond be removed from the list. MOTION PUT AND PASSED UNANIMOUSLY.

Councillor McInroy expressed concern with safety issues related to off leash dogs and put forth the following amendment.

MOVED by Councillor McInroy, seconded by Deputy Mayor Streach, that the By-Law be amended to require dogs in off-leash areas to be muzzled.

At this time, Councillor Uteck expressed concern with the direction the debate was going and requested that the main motion be withdrawn.

MOVED by Councillor Uteck, seconded by Councillor Fougere, that the main motion be withdrawn. MOTION PUT AND PASSED.

10.1.9 By-Law T-212, An Amendment to By-Law T-201, Respecting Tax Exemption for Non-Profit Organizations: 2003-04, New Applications

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

MOVED by Councillor Walker, seconded by Councillor Sarto, that Regional Council:

- 1. Approve, in principle, By-Law T-212, An Amendment to By-Law T-201, Respecting Tax Exemption for Non-Profit Organizations**
- 2. Approve the decline of applications as recommended in Section B of the November 26, 2003 Committee report.**
- 3. Approve the deferral of applications as recommended in Section C of the November 26, 2003 Committee report.**

In response to a question of Deputy Mayor Streach regarding the Ostrea Lake Wharf Preservation Society, Ms. P. J. Temple advised Council that full documentation on this application has now be received and staff are recommending that it be added to the By-Law at 100 percent tax exempt.

MOVED by Deputy Mayor Streach, seconded by Councillor Walker, that the Ostrea Lake Wharf Preservation Society, Wharf Road, Musquodoboit Harbour, be added to the By-Law at 100 percent tax exempt. MOTION PUT AND PASSED UNANIMOUSLY.

Councillor Hetherington inquired about a report previously requested by Council regarding

non-profit housing. The Councillor stated it is his understanding that this report has been completed and is with senior staff of Planning. Councillor Hetherington requested that this be brought forward to Council as soon as possible. Mr. McLellan responded that he would follow up on this with staff and advise Council when it will be brought forward.

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

MOTION PUT AND PASSED UNANIMOUSLY.

10.1.10 First Reading By-Law L-114, An Amendment to By-Law L-100, Respecting Charges for Local Improvement Projects, Point Pleasant Drive Sanitary Sewer

MOVED by Councillor Uteck, seconded by Councillor Fougere, that Council approve, in principle, and begin the formal process for the adoption of By-Law L-114, Respecting Charges for Local Improvement Projects, Point Pleasant Drive Sanitary Sewer. MOTION PUT AND PASSED UNANIMOUSLY.

11. MOTIONS

11.1 Councillor Uteck

“To request staff to bring forward a report addressing the possibility of off-leash dogs being permitted in municipal public parks, which are sports and athletic fields, between the hours of 6:00 a.m. and 9:00 p.m. until May 1, 2004 as a temporary measure to provide an alternative to dog owners who are not able to access Point Pleasant Park because of damages there resulting from Hurricane Juan. The report should deal with any legislative changes that might be required.”

At this time, Councillor Uteck withdrew the above motion.

12. ADDED ITEMS

12.1 Cancellation of January 6, 2004 Regional Council Meeting

MOVED by Councillor Hetherington, seconded by Councillor Sarto, that the January 6, 2004, Regional Council meeting be cancelled. MOTION PUT AND PASSED UNANIMOUSLY.

12.2 Property Matter - Proposed Purchase - Reardon/Allen Property - Nine Mile River

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 Rankin, seconded by Councillor Goucher, That Halifax Regional Council:

1. Approve an increase in the gross budget of Capital Account No. CWR00408, Residual Disposal Facility Site Prep Access, by \$196,894 from the Parkland Reserve, Q07, with no change in the net budget.
2. Authorize the Mayor and Municipal Clerk to execute a Purchase and Sale Agreement for the purchase of the lands of Reardon, Reardon and Allen, containing 370 acres at Nine Mile River, for the price of \$370,000 plus net HST for a total project cost of \$393,788.00 and applicable legal expenses to be funded from Capital Account No. CWR00408, Residual Disposal Facility Site Prep Access.
3. This report not be released to the public until the transaction has closed. **MOTION PUT AND PASSED UNANIMOUSLY.**

12.3 Property Matter - Harbour Solutions Project - Purchase and Sales Agreement for Acquisition of Dartmouth Wastewater Treatment Plant Site

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 Smith, that:

1. Halifax Regional Council authorize the Mayor and Municipal Clerk to execute the Purchase & Sales Agreement (Appendix #1 of the December 10, 2003 Private and Confidential staff report) for the acquisition of Parcel 2003-1 and Parcel 2003-2 (being a portion of the Dartmouth Canadian Coast Guard Base as shown on Appendix #2 of the December 10, 2003 Private and Confidential staff report) for the purpose of construction of the Dartmouth wastewater treatment plant and provision of an adjacent buffer for \$1,682,136.92 plus net HST, for a total of \$ 1,790,281.50, from Capital Account #CSE00386-CSE00399, Pollution Control - Halifax Harbour Project. This is exclusive of adjustments, legal fees and closing fees, which will be extra.
2. This report not be released to the public. **MOTION PUT AND PASSED**

UNANIMOUSLY.

12.4 Property Matter - Harbour Solutions Project - Sewage Treatment Plant Negotiation Progress and Recommendation

- 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 Rankin, seconded by Councillor Hetherington, that:

WHEREAS:

- 1. HRM and the Dexter/Degremont Company have agreed in principle on the significant technical terms and requirements for the design and construction of advance primary Sewage Treatment Plants for Halifax, Dartmouth and Herring Cove. The terms of the proposed agreement will require compliance with effluent, odour and noise parameter that should, in conjunction with HRM's P2 Program, enable HRM to meet the requirements of the NSDEL and should enable HRM to design and construct the entire Project within HRM's original budget.**
- 2. HRM, the Dexter/Degremont Company and its advisors are working to resolve the remaining insurance, bonding and other security requirements for the project as well as the final form of the legal agreements.**
- 3. HRM is not aware of any insurmountable issues that would necessitate significant changes to the terms of the agreement as they are presently contemplated or that would prevent the parties from finalizing the agreements to be in a position to commence construction in February of 2004.**

That HRM staff continue its negotiations with Dexter/Degremont Company with a view to finalizing the outstanding business issues within the parameters disclosed to Council on December 16, 2003 and with a view to presenting draft agreements for Council's approval in January 2004. MOTION PUT AND PASSED.

12.5 Contractual Matter - Sackville Sports Stadium - Renova Lease Surrender

- 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 Harvey, seconded by Councillor Goucher, that Halifax Regional Council ratify the surrender of the Renova Management Limited lease dated January 15, 2001, effective October 15, 2003. **MOTION PUT AND PASSED UNANIMOUSLY.**

12.6 Councillor Goucher - CN Whistle

Councillor Goucher noted that for more than 20 years the residents of Isleview Lane have been trying to have the CN whistle ceased. Therefore, the Councillor put forth the following motion:

MOVED by Councillor Goucher, seconded by Councillor Hetherington, that Council request a letter be sent to the Minister of Transport, copied to the Hon. Geoff Regan, Minister of Fisheries and Oceans; E. Hunter Harrison, CEO, CN; Ms. Diane Demers, Vice-President, Public and Government Affairs (Canada), CN; and Mr. John Dalzell, Vice-President, Risk Management, CN, regarding the cessation of the Isleview Lane train whistle.

Councillor Snow requested that the train whistle at Windsor Junction also be included in the letter. It was suggested that the Municipal Clerk's Office check to see if, in fact, a motion was previously adopted by Council regarding the elimination of this whistle to allow this to happen before this is included in the letter.

MOTION PUT AND PASSED UNANIMOUSLY.

13. NOTICES OF MOTION

13.1 Councillor Sloane - First Reading of By-Law S-305

TAKE NOTICE that at the next regular meeting of Halifax Regional Council, to be held on Tuesday, January 13, 2004, I propose to move First Reading of By-Law S-305, the Streets By-Law, the purpose of which is to amend By-Law S-300 to allow flexibility with respect to driveway design and to extend the time which HRM holds Performance Security, posted by private contractors, for work within the street right-of-way.

13.2 Councillor Walker - First Reading of By-Law T-212

TAKE NOTICE that at the next regular meeting of Halifax Regional Council to be held on Tuesday, the 13th day of January 2004, I propose to move First Reading of By-Law T-212, the purpose of which is to approve an Amendment to By-Law T-201 Respecting Tax Exemption

for Non-Profit Organizations regarding appeals, additions, deletions and corrections to By-Law T-201.

13.3 Councillor Walker - An Amendment to By-Law S-600

TAKE NOTICE that at the next regular meeting of Halifax Regional Council to be held on Tuesday, January 13, 2004, I intend to introduce a motion to move First Reading of an amendment to By-Law S-600, the Solid Waste Resource Collection and Disposal By-Law, to remove:

Section 16.1 - No person shall:

- (a) pick over, remove, disturb or otherwise interfere with any waste material that has been set out for municipal collection
- (b) collect waste material placed for municipal collection; or
- (c) remove a container or organics collection cart placed at curbside.

Section 16.2 - The prohibitions in Section 16.1 do not apply to the person who placed the waste material for collection or the municipality, its contractors or authorized municipal collection contractors.

14. ADJOURNMENT

There being no further business, the meeting adjourned at 9:00 p.m.

Jan Gibson
Deputy Municipal Clerk