

HALIFAX REGIONAL MUNICIPALITY

HALIFAX REGIONAL COUNCIL COUNCIL MINUTES January 13, 1998

PRESENT:

Mayor Walter Fitzgerald
Deputy Mayor Reg Rankin
Councillors: Bill Dooks
Gordon R. Snow
David Hendsbee
Ron Cooper
Harry McInroy
Jack Greenough
Condo Sarto
Bruce Hetherington
Clint Schofield
John Cunningham
Jerry Blumenthal
Graham L. Downey
Larry Uteck
Howard Epstein
Russell Walker
Bill Stone
Ron Hanson
Stephen Adams
Barry Barnet
Bob Harvey
Peter Kelly
Jack Mitchell

STAFF MEMBERS:

Mr. Ken Meech, Chief Administrative Officer
Mr. Wayne Anstey, Municipal Solicitor
Ms. Jane Nauss, Acting Municipal Clerk
Ms. Patti Halliday, Assistant Municipal Clerk

TABLE OF CONTENTS

| | | |
|-------|--|----|
| 1. | INVOCATION | 4 |
| 2. | PROCLAMATIONS | 4 |
| 2.1 | Alzheimer Awareness Month | 4 |
| | Presentation - Halifax Mexican Committee Alliance Briefing | 4 |
| 3. | APPROVAL OF MINUTES - December 9 & 16, 1997 | 5 |
| 4. | APPROVAL OF THE ORDER OF BUSINESS AND APPROVAL OF THE ADDITIONS AND DELETIONS | 5 |
| 5. | BUSINESS ARISING OUT OF THE MINUTES - None | 6 |
| 6. | MOTIONS OF RECONSIDERATION - None | 6 |
| 7. | MOTIONS OF RESCISSION - None | 6 |
| 8. | CONSIDERATION OF DEFERRED BUSINESS | 6 |
| 8.1 | Amend the MPS for Musquodoboit Valley - Dutch Settlement and the Subdivision By-Law for the former Halifax County Municipality (deferred from Jan. 6/98) | 6 |
| 8.3 | Petition for Private Way (deferred from Jan. 6) | 8 |
| 9. | REPORTS | 9 |
| 9.1 | MEMBERS OF COUNCIL | 9 |
| 9.1.1 | Councillor Schofield - Silver Property - 3 India Road | 9 |
| 9.2 | CHEBUCTO COMMUNITY COUNCIL | 10 |
| 9.2.1 | Capital Projects - Allocation of Funds to Community Councils .. | 10 |
| 9.3 | COMMITTEE OF THE WHOLE | 10 |
| 9.3.1 | Appointment - Membership School Board Committee on Education Funding | 10 |
| 9.3.2 | Establishment of the Membership Selection Committee | 11 |
| 9.3.3 | Claims Settlement Policy (Supplementary Report) | 11 |
| 9.4 | CHIEF ADMINISTRATIVE OFFICER | 11 |
| 9.4.1 | First Reading to By-Law P-304 Respecting the City of Dartmouth Employees' Retirement Pension Plan | 11 |
| 9.4.2 | Request for Proposals #97-105 - Four (4) New Fire Response Vehicles and Related Optional Equipment | 12 |
| 9.4.3 | Temporary Borrowing Resolution | 12 |
| 10. | PUBLIC HEARINGS - None | 12 |

| | | |
|------|---|----|
| 11. | CORRESPONDENCE, PETITIONS - None | 12 |
| 12. | MOTIONS | 12 |
| 12.1 | Councillor Hetherington - Sable Gas | 13 |
| 12.2 | Councillor Hendsbee - Designation of funding for Lake Echo playground | 14 |
| 13. | ADDED ITEMS | 15 |
| 13.1 | Date and Location - Workshop Session | 15 |
| 13.2 | Recommendation from Committee of the Whole meeting January 6, 1998 re: Future of the Regional Museum of Cultural History | 15 |
| 13.3 | Recommendation from Committee of the Whole meeting January 6, 1998 re: Small Lot Housing Discussion Paper | 16 |
| 13.4 | Recommendation from Committee of the Whole meeting January 9, 1998 re: 1998/99 Capital Budget for Solid Waste | 16 |
| 13.5 | Report from Smoking By-Law Work Group, dated January 12, 1998 re: Amendment to Composition of Smoking By-Law Work Group | 17 |
| 13.6 | Tender 97-273, Upper Sackville Recreation Facility Baseball Field ... | 17 |
| 13.7 | Councillor Dooks - Remarks re: Mooseland Volunteer Fire Department Donation to Red Cross | 17 |
| 14. | NOTICES OF MOTION - None | 17 |
| 15. | ADJOURNMENT | 17 |

1. **INVOCATION**

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

At this point in the meeting, Mayor Fitzgerald acknowledged the presence in the gallery of the 36th Halifax Scout group from St. Thomas Aquinas Church.

2. **PROCLAMATIONS**

2.1 **Alzheimer Awareness Month**

Mayor Fitzgerald proclaimed the month of January 1998 as Alzheimer Awareness Month.

Presentation - Halifax Mexican Committee Alliance Briefing

Dr. John Kirk, Halifax Mexican Committee Alliance, made a presentation to Council regarding the Alliance which consisted of the following members: Deputy Mayor Rankin, Dr. Kirk, Councillor Cunningham, Mr. Dick MacLean, Mr. George Jordan, Mr. Peter MacLellan, Ms. Joanne Wood and the Mexican Honorary Consult.

The criteria used by the Committee to determine which places in Mexico to visit were as follows: a capital of a state in Mexico, a city of similar size to Halifax on or near the coast having rich historical tradition, and one that would bring about major advantages to Halifax. Two cities fit this criteria, the capital of Campeche and the capital of Yucatan. While visiting the two cities the group met with the Mayors of both cities; the deans, directors, and presidents of five universities; several high schools; the Governor of Campeche and the Deputy Governor of Yucatan; representatives of the Chambers of Commerce of both states; the leaders of the tourism sectors of both states; the Minister of Development of Yucatan; the Director General of Culture of Yucatan and Campeche; the President of the Hotel Association of Campeche; the President of the Business Centre of Campeche; and, the President of the Campeche Chamber of Commerce.

The Committee concluded there are valuable benefits for HRM if closer cultural, educational and business ties are made with the city of Campeche and recommended the Province do the same with the neighbouring state of Yucatan. The Committee also recommended that HRM encourage a trade delegation of local business representatives to travel to the region. In February, a number of leading business community members from Campeche will visit HRM.

By establishing ties with Campeche, Dr. Kirk stated there are clear potential advantages for HRM in the following areas: housing, office/hotel construction, consulting services, fishing industry, possible joint ventures in a variety of commercial spheres, oil and gas extraction and foreign investment. Campeche has also agreed to send a cultural delegation to the Nova Scotia Tattoo in 1999.

(Councillor Harvey took his place at the meeting at 6:15 p.m.)

Dr. Kirk explained there are also educational opportunities in the language and tourism fields, as well as cultural and tourism possibilities.

Mayor Fitzgerald thanked Dr. Kirk and members of the Committee for their work in this project. Councillor Cunningham thanked Dr. Kirk for his presentation and contribution to the Committee.

Moved by Councillor Cunningham and Deputy Mayor Rankin that the Mayor kindly prepare a letter to the Premier stating that Council approved a motion to establish cultural, educational and business ties with the City of Campeche, Mexico; and in addition, to urge the Province to take the appropriate steps to establish similar ties with the adjacent state of Yucatan; and further to request the Province take the lead role and assist with this joint endeavour.

Deputy Mayor Rankin expressed congratulations to the delegation who visited Mexico for all their work prior to and during the trip, as well as thanks to Mayor Fitzgerald for allowing him the opportunity to represent HRM on the visit to Mexico.

Councillor Stone requested a staff report on this matter to determine what is currently being done by HRM with respect to this issue, the direction HRM will take and what this venture means to HRM.

MOTION PUT AND PASSED UNANIMOUSLY.

3. APPROVAL OF MINUTES - December 9 & 16, 1997

MOVED by Councillors Mitchell and Blumenthal that the minutes of December 9 and 16, 1997 be approved, as circulated. MOTION PUT AND PASSED UNANIMOUSLY.

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

The Acting Municipal Clerk requested the following additions to the agenda:

- 13.1 Date and Location - Workshop Session (Mayor)
- 13.2 Recommendation from Committee of the Whole meeting January 6, 1998 re: Future of the Regional Museum of Cultural History
- 13.3 Recommendation from Committee of the Whole meeting January 6, 1998 re: Small Lot Housing Discussion Paper
- 13.4 Recommendation from Committee of the Whole meeting January 9, 1998 re: 1998/99 Capital Budget for Solid Waste

- 13.5 Report from Smoking By-Law Work Group, dated January 12, 1998 re: Amendment to Composition of Smoking by-Law Work Group
- 13.6 Tender 97-273, Upper Sackville Recreation Facility Baseball Field
- 13.7 Councillor Dooks - Remarks re: Mooseland Volunteer Fire Department Donation to Red Cross

MOVED by Councillors Stone and Sarto that the Order of Business be approved, as amended. MOTION PUT AND PASSED UNANIMOUSLY.

5. BUSINESS ARISING OUT OF THE MINUTES - None

6. MOTIONS OF RECONSIDERATION - None

7. MOTIONS OF RESCISSION - None

8. CONSIDERATION OF DEFERRED BUSINESS

8.1 Amend the MPS for Musquodoboit Valley - Dutch Settlement and the Subdivision By-Law for the former Halifax County Municipality (deferred from Jan. 6/98)

- A supplementary report prepared for Dan English, Commissioner of Community Services, regarding the above was circulated to Council. The report recommended that Council reject the requested amendments to the MPS for Musquodoboit Valley - Dutch Settlement Area and the Subdivision By-Law to permit an increase in the number of lots that can be created without road frontage.

Mr. Kurt Pyle, Planner, presented the supplementary report, stating staff is recommending Alternative #1 in the report, which recommends that the proposed amendments not be approved.

In response to a question from Councillor Dooks, Mr. Pyle stated the Municipality has design standards for private roads.

Councillor Dooks noted the concern that arose from the debate of this matter at the Public Hearing was with the right-of-way issue. Therefore, the Councillor asked for Council's support in approving Alternative #3 of the supplementary report.

MOVED by Councillors Dooks and Schofield that Regional Council amend the MPS for the Musquodoboit Valley - Dutch Settlement Area and the Subdivision By-Law to change the "Area of Land" date for the Plan Area and require a deeded right-of-way for those lots created without road frontage from lots affected by the proposed change in the "Area of Land" date.

In response to a question from Councillor Cooper, Mr. Pyle stated a private road and a right-of way are different things. A private road needs to meet a certain standard where the easement for a deeded right-of-way does not have to meet any standard.

Deputy Mayor Rankin expressed concern with the long term implications of the motion. Ownership of the properties can change and so can the expectations of such services as snow removal, garbage collection, street lights, emergency services, etc. The Councillor also expressed concern with similar applications coming from other areas and the additional responsibilities that could result for HRM.

Councillor Hendsbee stated the issue being considered is a right-of-way of access over land to provide driveway access, and it is incumbent upon the property owner to ensure there is clear and accessible access for emergency vehicles. The Councillor noted the Assessment Act requires that any right-of-way granted to a property must carry forward to any new property owners so they cannot be lost. Councillor Hendsbee asked that Council support Councillor Dooks and the Marine Drive Valley and Canal Community Council in this matter.

Councillor Cunningham stated it is incumbent upon Council to make some serious regulations concerning such rights-of-way as there are a lot of potential problems such as access for emergency vehicles.

Councillor Hetherington stated what is being considered is a twenty foot driveway, and HRM does not monitor access for driveways in other areas of HRM.

In response to a question from Councillor Greenough, Mr. Pyle stated the deeded right-of-way will be to a public road. With respect to the number of lots, Mr. Pyle clarified the motion on the floor will only create two lots, the original lot plus one more lot. Councillor Dooks stated it was his intention that there would be the original lot fronting the public road, plus two more lots both having a separate twenty foot deeded right-of-way. Mr. Pyle clarified Alternative #3 in the supplementary staff report refers to creating two lots from one lot, and is not the original recommendation which was the creation of three lots. Councillor Dooks agreed if the creation of only two lots will resolve the situation of Mr. John Purcell, who spoke at the Public Hearing, than he can be satisfied with the motion as it stands. Mr. Pyle noted Mr. Purcell's lot was created in 1989, so it was after the Area of Land Date, which was August 1, 1987. Therefore, he could not use Section 14.1. By only changing the Area of Land Date, the application of Section 14.1 is minimized to an additional 400 lots. Councillor Greenough stated he could support the motion as it appeared to be a reasonable compromise.

Mr. Meech noted, from experience, the outcome of some of the problems that will be associated with this amendment will probably not be seen until some time in the future.

Councillor Mitchell expressed concern with this issue noting people who live on a private road or driveway pay the same taxes as someone living on a main road, and, therefore, expect the same services. The Councillor predicted there will be lots of complaints in the future if this is approved.

Councillor McInroy noted there are lots in Cole Harbour and Eastern Passage not unlike what is being sought in this amendment. The Councillor assured Council, from his perspective, the amendment being dealt with is not the problem some fear it will be.

Councillor Epstein suggested Council should proceed cautiously with this issue based on the comments and experience expressed by Mr. Meech.

In closing the debate, Councillor Dooks stated the proper process has been followed, and the residents of Musquodoboit Valley have requested this amendment.

MOTION PUT AND PASSED.

8.3 Petition for Private Way (deferred from Jan. 6)

- A supplementary report prepared by Wayne Anstey, Municipal Solicitor, regarding the above, was circulated to Council.
- Copies of a petition containing approximately 165 names in support of the Petition for Private Way, were circulated to Council.
- Correspondence from Mr. William Jordan, Q.C., opposing the Petition for Private Way, was circulated to Council.

Mr. Anstey stated if Council is of the opinion that this matter should proceed, he has drafted a motion that parrots the words of the Act in that it states: that Council resolves that it is satisfied that the application of the Estate of Harold Sutherland pursuant to the Private Ways Act presently before Council should be granted, and that the Council defer the appointment of a Commissioner to the Special Council Meeting to be held on January 20, 1998.

MOVED by Councillors Hanson and Greenough that Council resolves that it is satisfied that the application of the Estate of Harold Sutherland pursuant to the Private Ways Act presently before Council should be granted, and that the Council defer the appointment of a Commissioner to the Special Council Meeting to be held on January 20, 1998.

Councillor Epstein expressed concern that the petition restricts the possibilities of where a right of access may be created. The Councillor suggested one other site, which may involve passing over in whole, or in part, the Findlay property on the other side of the Sutherland property. Councillor Epstein suggested Council could request that the petition be amended to permit all options to be explored. Mr. Anstey stated if the application was amended or varied, it would certainly prevent the possibility of having to repeat the process.

Councillor Epstein also raised the issue of protecting the Municipality's own interest in the foot path. Mr. Anstey stated he did not see any reason why Council could not

accept a recommendation from Commissioner subject to the condition that the legal relationship with respect to the public right-of-way would be preserved.

Councillor Uteck inquired if Council can give direction to the Commissioner with respect to other options, or does this need to come from the petition. Mr. Anstey noted the wording of the Act, in addressing the duties of the Commissioner, refers to the right-of-way requested. Therefore, it appears the Commissioner is charged with dealing only with the right-of-way requested.

In response to a question from Councillor Uteck requesting clarity on the Municipality's claim to the right-of-way, Mr. Anstey replied staff was unable to get much information on the right-of-way in the short period of time since the last meeting. The only thing that could be determined was that most people were satisfied it was not a vehicular right-of-way. Councillor Uteck stated he hoped this question could be answered if this matter is deferred. Mr. Anstey stated a deferral would grant additional time to do more extensive research on the issue.

Councillor Hendsbee agreed with exploring all options.

Councillor Hetherington expressed concern with requiring the family and friends to attend yet another meeting waiting for a decision. He suggested the petitioner could amend the petition at this meeting, so the only decision left would be the appointment of the Commissioner.

Ms. Susan Sheehan, the petitioner, stated she would like to amend her application to explore all options, specifically with respect to the Findlay property.

MOTION PUT AND PASSED UNANIMOUSLY.

9. REPORTS

9.1 MEMBERS OF COUNCIL

9.1.1 Councillor Schofield - Silver Property - 3 India Road

- A memo from Councillor Schofield requesting that this item be placed on the agenda, was before Council.

With the use of slides, Councillor Schofield explained the situation involving the Silver Property at 3 India Road in Dartmouth.

Councillor Schofield reviewed the history of this property making the following points:

- Mr. and Mrs. Silver purchased this property in 1969. At that time, the road was gravel and the surveying was not complete in some ways.
- During the next ten years, the Silvers received permits from the former City of Dartmouth to build a porch and a garage on their property.

- Ten years after the purchase of the property, the former City of Dartmouth paved the street and surveyed the area. It was determined by the City that the street easement went through the garage and the house. There are two other smaller houses on that street in the same situation.
- Last year, HRM installed a sidewalk on the other side of the street.
- The Silvers received many letters of comfort from the former City of Dartmouth stating it would not tear down their house, even though the City owned half of the property.
- Mr. Silver has since passed away and Mrs. Silver wants to sell the house, but has been told by realtors it is not saleable with the Municipality owning land going through the property.

Councillor Schofield stated it was wrong for the former City of Dartmouth not to do anything to resolve this matter. If the easement problem was corrected, the value of the house would double. The Councillor suggested either the Municipality should purchase the property, or the street line on one side of the street should be amended to clear the three houses. Councillor Schofield requested that this matter be referred to staff for a report to explore possible resolutions to the problem.

MOVED by Councillors Schofield and Hetherington that this matter be referred to staff for a report. MOTION PUT AND PASSED UNANIMOUSLY.

9.2 CHEBUCTO COMMUNITY COUNCIL

9.2.1 Capital Projects - Allocation of Funds to Community Councils

- Correspondence from the Chebucto Community Council requesting an extension to February 3, 1998 for submission of Capital Projects by Community Councils, was before Council for consideration.

MOVED by Councillors Stone and Walker that Council approve an extension to February 3, 1998 for submission of Capital Projects by Community Councils.

Councillor Hetherington noted the original motion passed stated the Community Council Capital Projects would not have to be submitted until both the Capital and Operating Budgets were tabled. He suggested the extension should be until the second week in February. Both the Mover and Secunder agreed with this amendment. The motion now read as follows:

MOVED by Councillors Stone and Walker that Council approve an extension to February 10, 1998 for submission of Capital Projects by Community Councils. MOTION PUT AND PASSED UNANIMOUSLY.

9.3 COMMITTEE OF THE WHOLE

9.3.1 Appointment - Membership School Board Committee on Education Funding

- This matter was discussed at the January 6, 1998 Committee of the Whole meeting and was now before Council for ratification.

MOVED by Councillors Hetherington and Schofield that Council adopt the Committee of the Whole recommendation that Councillors Cunningham, Blumenthal and Harvey serve on the School Board Committee, whose mandate would be to lobby the provincial government in regards to funding levels for education. MOTION PUT AND PASSED UNANIMOUSLY.

9.3.2 Establishment of the Membership Selection Committee

- This matter was discussed at the January 6, 1998 Committee of the Whole meeting and was now before Council for ratification.

MOVED by Councillors Sarto and Greenough that Council adopt the Committee of the Whole recommendation that one representative from each of the five Community Councils be appointed to the Membership Selection Committee and that Mayor Fitzgerald be appointed Chair of this Committee. MOTION PUT AND PASSED UNANIMOUSLY.

9.3.3 Claims Settlement Policy (Supplementary Report)

- This matter was discussed at the January 6, 1998 Committee of the Whole meeting and was now before Council for ratification.
- A supplementary report prepared by Wayne Anstey, Municipal Solicitor, regarding the Claims Settlement Policy, was before Council for consideration.

MOVED by Councillors Hetherington and Sarto that Council adopt the Committee of the Whole recommendation that the Claims Settlement Policy, as outlined in the January 6, 1998 staff report, be approved and that staff provide a quarterly report to Council detailing the claims paid and the reasons. MOTION PUT AND PASSED UNANIMOUSLY.

9.4 CHIEF ADMINISTRATIVE OFFICER

9.4.1 First Reading to By-Law P-304 Respecting the City of Dartmouth Employees' Retirement Pension Plan

- A staff report prepared for Larry Corrigan, Commissioner, Corporate Services, recommending that Council approve By-Law P-304 which will provide that the "Best Average Earnings" used in the calculation of pension benefits for members of the Fire and Police bargaining units will be based on the average earnings

over 36 consecutive months, rather than the current 60 month average, was before Council for consideration.

MOVED by Councillors Greenough and Sarto that First Reading be approved for By-Law P-304 Respecting the City of Dartmouth Employees Retirement Pension Plan. MOTION PUT AND PASSED UNANIMOUSLY.

9.4.2 Request for Proposals #97-105 - Four (4) New Fire Response Vehicles and Related Optional Equipment

- A staff report prepared for Gary Greene, Commissioner of Fire Services, regarding the above was before Council for its consideration.

MOVED by Councillors Hendsbee and Hetherington that Council authorize the award of the Request for Proposal for four (4) Fire Response Vehicles to the successful proponents as follows:

| <u>Fire Department</u> | <u>Successful Proponent</u> | <u>Cost (Plus Applicable taxes)</u> |
|------------------------|----------------------------------|-------------------------------------|
| Seabright & District 3 | Fort Garry Fire Trucks | \$212,315.00 |
| Black Point | Fort Garry Fire Trucks | \$197,051.00 |
| Prospect Road | Superior Emergency Vehicles Ltd. | \$207,574.46 |
| Chezzetcook | Superior Emergency Vehicles Ltd. | \$207,647.73 |

MOTION PUT AND PASSED UNANIMOUSLY.

9.4.3 Temporary Borrowing Resolution

- A staff report prepared for Larry Corrigan, Commissioner of Corporate Services, regarding the above, was before Council for consideration.

MOVED by Councillors Greenough and Mitchell that Council approve the temporary borrowing resolution in the amount of \$51,547,000.

Councillor Blumenthal expressed concern with the amount of debt, and stated he would be voting against the motion in principle. Mayor Fitzgerald stated this if for money already borrowed and spent.

In response to a question from Councillor Kelly, Mr. Corrigan stated HRM will be redeeming about \$25 million worth of debentures during the year. The Operating Budget for debt charges will be increasing by about \$7 million.

Councillor Greenough reiterated this resolution does not increase debt, it merely funds the debt that has already been created in past Capital Budgets.

MOTION PUT AND PASSED.

10. PUBLIC HEARINGS - None

11. CORRESPONDENCE, PETITIONS - None

12. MOTIONS

12.1 Councillor Hetherington

- An information report from the Sable Gas Committee regarding this motion was circulated to Council.
- Correspondence from the Allergy & Environmental Health Association - Sable Gas Intervention Coalition, regarding the above, was circulated to Council

MOVED by Councillors Hetherington and Sarto:

WHEREAS it appears that Sable Offshore Energy Project is clearing the final hurdles in the environmental and national energy board approval process, and

WHEREAS it appears likely that natural gas will be available in selected communities throughout Nova Scotia; and

WHEREAS the government has established a Gas Distribution Act for the Province which will pave the way for local natural gas utilities to be created; and

WHEREAS Halifax Regional Municipality has a long and credible track record as a utility in the area of water supply and distribution; and

WHEREAS the Provincial Department of Natural Resources is poised to call for expressions of interest for companies or organizations wishing to engage;

BE IT RESOLVED that the staff of Halifax Regional Municipality examine the issue associated with HRM becoming a natural gas utility with the defined purpose of submitting an application under the Gas Distribution Act; and

FURTHER, BE IT RESOLVED that in conducting its review, staff contact their counterparts in other municipalities in Nova Scotia, in other Canadian Provinces and in the United States, to learn from their previous experiences; and

BE IT RESOLVED in the event that the Provincial Government expression of interest being called, while HRM is investigating, has yet to be completed, HRM will automatically express its interest in becoming a distributor for natural gas within the boundaries of HRM;

BE IT FURTHER RESOLVED that in the course of this investigation, staff seek out and identify potential partners who are interested in aligning with HRM in this service opportunity.

Councillor Hetherington stated there have been deadlines that have come and gone, and HRM has to show an expression. The Committee has done a tremendous amount of work, but now it is a public matter. The Councillor stated Council should take a lead role with natural gas in HRM. Council has the responsibility to the residents to gather as much revenue as possible. This is another way to do so without taxing the residents.

Councillor Adams reviewed the information report and work completed to date by the Sable Gas Committee respecting the distribution of gas within the municipality. With respect to the motion, Councillor Adams stated it is important that information like this comes through the Committee to allow it the opportunity for review and to come back to Council with a recommendation. He suggested the Committee could report monthly to Council if it wishes. Councillor Adams requested that Council reaffirm its position that the Sable Gas Committee will direct the course with respect to natural gas and come back with recommendations and options for Council.

Deputy Mayor Rankin spoke in support of Councillor Adams' comments stating the Committee has been given a mandate and is in the process of delivering it. The Councillor stated it is unseemly to be dealing with this resolution as the process has already been set up through the Committee.

Councillor Sarto stated he is in agreement with the intent and principle of the motion, but if it appears to override the mandate of the Sable Gas Committee, he suggested it should be referred to the Sable Gas Committee for review.

MOVED by Councillors Sarto and Greenough that this motion be referred to the Sable Gas Committee. MOTION PUT AND PASSED UNANIMOUSLY.

12.2 Councillor Hendsbee

- An information report prepared for Larry Corrigan, Commissioner of Corporate Services, regarding the land acquisition, Lake Echo, was circulated to Council.
- A Chronological Order of Events with respect to the Acquisition of Playground Site, Lot Block GF-IX - Circle Drive, Lake Echo, was before Council for consideration.

With the use of overheads, Councillor Hendsbee make a presentation to Council regarding the directive of acquiring a parcel of property for the purposes of establishing a playground adjacent to the municipal ballfields on Circle Drive in the community of Lake Echo, Nova Scotia.

MOVED by Councillors Hendsbee and Dooks that Halifax Regional Council reaffirm a previously approved motion of the Halifax County Municipality for the designation of \$20,000 (now to be derived from the Special Reserve Fund) to fulfill the directive of acquiring a parcel of property for the purposes of establishing a playground adjacent to the municipal ballfields on Circle Drive in the community of Lake Echo, NS.”

In response to a question from Councillor Walker, Mr. Corrigan stated the \$20,000 will purchase the land and it will cost another \$100,000 to develop it into a playground.

Councillor Walker asked where this playground fits on the priority list, to which Mr. Blair Blakeney, Regional Coordinator, Recreation Facilities, responded with respect to new facilities, it would rank among the top ten and it is certainly a deficiency in the community.

Councillor Hendsbee stated the development of this land will be dealt with later and some of the Community Council capital project allocation will be used to assist with development costs.

Councillor Harvey asked if district landfill interest money is included in the \$300,000 figure. Mr. Corrigan replied that figure does include this money. The question of whether or not it should be included is still be examined by staff and is being referred to Legal Services for an opinion. Councillor Harvey stated the Landfill Compensation Act and the HRM Act states those monies are under the jurisdiction of the two Councillors ratified by the North West Community Council. Mr. Corrigan stated if it is determined that it should not be included, it will be transferred.

In response to a question from Councillor Epstein regarding the future of this fund, Mr. Corrigan stated the fund no longer exists and the funds have been rolled into the Special Reserve Fund which is available to the Regional Council. The fund can only be used for capital expenditures for which there is authority to borrow under the Municipal Affairs Act, or for repayment of the principal portion of outstanding debt that was originally approved by the Minister of Housing and Municipal Affairs. Mr. Corrigan stated it is mandatory to have the fund because the sources of the funding came from areas that required it to be in a special reserve fund. If Council wanted to collapse the fund, permission would need be obtained from the Minister and capital debt would have to be paid. Councillor Epstein agreed to pursue this matter with the Commissioner at a later time. Mr. Meech noted another possible use of the fund could be part of HRM's contribution towards the Capital Budget.

Councillor Cooper suggested a topic for a future Committee of the Whole meeting should be how to address the matter of funds from previous units.

MOTION PUT AND PASSED UNANIMOUSLY.

13. ADDED ITEMS

13.1 Date and Location - Workshop Session

Council agreed to hold the upcoming workshop, being lead by the CAO for Councillors to get together to focus on issues faced through amalgamation and issues to be faced in the near future, on Friday, January 23 and Saturday, January 24, 1998 in Halifax.

13.2 Recommendation from Committee of the Whole meeting January 6, 1998 re: Future of the Regional Museum of Cultural History

- This matter was discussed at the January 6, 1998 Committee of the Whole meeting and was now before Council for ratification.
- Correspondence from The Nova Scotia Union of Public Employees, regarding the above, was circulated to Council.

MOVED by Councillors Sarto and Blumenthal that Council adopt the Committee of the Whole recommendation that this matter be moved to the current Operating Budget. MOTION PUT AND PASSED UNANIMOUSLY.

13.3 Recommendation from Committee of the Whole meeting January 6, 1998 re: Small Lot Housing Discussion Paper

- This matter was discussed at the January 6, 1998 Committee of the Whole meeting and was now before Council for ratification. The recommendation was that the staff report and the Small Lot Housing Discussion Paper be forwarded to all Planning Advisory Committees for review and recommendation.

Councillor Walker stated the intent was to include the staff recommendation with the referral to the Planning Advisory Committees. Councillor Kelly clarified the referral was to the Planning Advisory Committees was be added to the staff recommendation.

MOVED by Councillors Walker and Kelly that Council adopt the following public participation program to consider the recommendations in the Small Lot Housing Discussion Paper:

- 1. A stakeholder focus group comprising representatives of the Development Advisory Group and of each Community Planning Advisory Committee. For areas not served by a Planning Advisory Committee, representation will be drawn from the Community Council.**
- 2. Three open houses, one in each of the three administrative regions.**
- 3. The discussion paper is to be forwarded to all Planning Advisory Committees for their review and recommendations.**

Staff will then report back to Regional Council with recommended policy changes. **MOTION PUT AND PASSED UNANIMOUSLY.**

13.4 Recommendation from Committee of the Whole meeting January 9, 1998 re: 1998/99 Capital Budget for Solid Waste

- This matter was discussed at the January 9, 1998 Committee of the Whole meeting and was now before Council for ratification.

MOVED by Deputy Mayor Rankin and Councillor Uteck that the Council adopt the Committee of the Whole recommendation that the 1998/99 Capital Budget for Solid Waste be approved. MOTION PUT AND PASSED UNANIMOUSLY.

13.5 Report from Smoking By-Law Work Group, dated January 12, 1998 re: Amendment to Composition of Smoking By-Law Work Group

- Correspondence from Mr. Todd Leader, Chair, Smoking By-Law Work Group, requesting an amendment in the composition of the work group, was before Council for consideration.

MOVED by Councillors Hetherington and Blumenthal that Council amend the composition of the Smoking By-Law Work Group such that a new, permanent, voting position be established for a representative of the Nova Scotia Department of Labour. MOTION PUT AND PASSED UNANIMOUSLY.

13.6 Tender 97-273, Upper Sackville Recreation Facility Baseball Field

- A staff report prepared for George McLellan, Commissioner of Regional Operations, regarding the above, was before Council for consideration.

MOVED by Councillors Barnet and Harvey that Council award Tender No. 97-273, Upper Sackville Recreation Facility Baseball Field to Elmsdale Landscaping Limited for materials and services specified at the unit prices quoted for a Total Tender Price of \$545,426.00 and a Total Project Cost of \$627,240.00 with funding authorized from Capital Account Number as noted in the Budget Implications section of the staff report. MOTION PUT AND PASSED UNANIMOUSLY.

13.7 Councillor Dooks - Remarks re: Mooseland Volunteer Fire Department Donation to Red Cross

Councillor Dooks stated he has been asked by the Mooseland Volunteer Fire Department to inform Council that they have made a donation to the Red Cross to assist in the efforts of aiding residents of Ontario and Quebec who have suffered through the recent storms. Furthermore, the Mooseland Volunteer Fire Department is of the opinion that other fire departments within the Regional Municipality may wish to join them in this endeavour and as such, would appreciate if each Councillor would

inform the fire departments within their districts of the Mooseland Volunteer Fire Department's actions in aiding our fellow Canadians in need.

Council agreed that this notice should be forwarded to all fire departments in HRM.

14. NOTICES OF MOTION - None

15. ADJOURNMENT

MOVED by Councillors Blumenthal and Uteck that the meeting adjourn at 8:20 p.m. MOTION PUT AND PASSED UNANIMOUSLY.

Jane Naus
Acting Municipal Clerk