

HALIFAX REGIONAL MUNICIPALITY

HALIFAX REGIONAL COUNCIL MINUTES MAY 23, 2000

PRESENT:

His Worship Mayor Walter Fitzgerald
Deputy Mayor John Cunningham
Councillors: Stephen Streach
Gordon R. Snow
Keith Colwell
Ron Cooper
Harry McInroy
Jack Greenough
Condo Sarto
Bruce Hetherington
Clint Schofield
Jerry S. Blumenthal
Graham L. Downey
Sue Uteck
Sheila Fougere
Russell Walker
Bill Stone
Graham Read
Stephen D. Adams
David E. Merrigan
Robert P. Harvey
Peter J. Kelly
Reg Rankin
Jack Mitchell

STAFF MEMBERS:

Mr. Ken Meech, Chief Administrative Officer
Mr. Barry Allen, Municipal Solicitor
Ms. Vi Carmichael, Municipal Clerk
Ms. Barbara Moar, Asst. Municipal Clerk
Ms. Julia Horncastle, Assistant Municipal Clerk

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1. INVOCATION

Mayor Fitzgerald called the meeting to order at 2:00 PM with the Invocation.

2. PROCLAMATIONS

2.1 Cerebral Palsey Day

Mayor Fitzgerald proclaimed June 3, 2000 as Cerebral Palsy Day in Halifax Regional Municipality.

2.2 Child Care Awareness Days (June, 2000)

Mayor Fitzgerald proclaimed the month of June, 2000 as Child Care Awareness Days in Halifax Regional Municipality.

3. APPROVAL OF MINUTES - MAY 9, 2000

MOVED by Councillors Blumenthal and Greenough that the Minutes of May 9, 2000 be approved as circulated. MOTION PUT AND PASSED UNANIMOUSLY.

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

The following item was deleted from the Agenda:

11.5.12 Commuter Rail

The following items were added to the Agenda.

- 13.1 Councillor Cooper - Replacement of Graham Creighton School
- 13.2 Councillor Mitchell - Helicopter Business
- 13.3 Councillor Blumenthal - Halifax Transfer Station Property/BFI
Dumpster Service Road
- 13.4 Supplementary Education Funding
- 13.5 Legal Matter - Maritimes & Northeast Pipeline
- 13.6 Land Matter - Street Closure and Sale of Land, Braemar Drive
- 13.7 Property Matter - Sale of 2617 Sackville Drive
- 13.8 Property Matter - RCMP Housing - District 1
- 13.9 Property Matter - Release of Repurchase Agreement on Lot 23,
Washmill Lake Court, Bayers Lake Business Park
- 13.10 Councillor Adams - Request from the Citizens of Ketch Harbour

MOVED by Councillors Hetherington and Adams 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** - NONE
9. **PUBLIC HEARINGS** - Please see evening session, page
10. **CORRESPONDENCE, PETITIONS AND DELEGATIONS**
 - 10.1 **Petitions**
 - 10.1.1 **Councillor Blumenthal**

Councillor Blumenthal submitted a petition from the students and faculty of Sacred Heart School of Halifax supporting the ban of pesticides.

10.2 **Presentations**

10.2.1 **Inline Skates**

Mr. Ryan L. Jellema asked Council to recognize active transportation by people, and gave the example of roller blading. Referring to the new bicycle lane on the McDonald Bridge, Mr. Jellema asked that other modes of transportation be allowed in this lane. It was pointed out that the Bridge Commission is already considering this request.

Mayor Fitzgerald thanked Mr. Jellema for his presentation.

10.2.2 **Supplementary and Education Tax Funding (former County Areas)**

Reading from prepared text, Ms. Pam Streeter, Parent Education Action Committee, referred to the issue of \$4.3M supplementary funding that the Halifax Regional School Board put into its General Fund. This resulted in the money being used to pay for teachers in the former County and Bedford schools instead of Halifax and Dartmouth schools. Ms. Streeter urged Council to levy a one year tax to allow the School Board to pay back the \$4.3, rather than transferring teachers and program assistants out of the County and Bedford schools. Ms. Streeter closed her presentation suggesting that all

residents of HRM should pay the supplementary education tax, or no one should pay it.

Mayor Fitzgerald thanked Ms. Streeter for her presentation.

11. REPORTS

11.1 MEMBERS OF COUNCIL

11.1.1 Councillor Mitchell - Paving for Foxhollow Drive, Tantallon

This item was deferred until the next Council meeting. It will be presented in the form of a petition.

11.1.2 Councillor Rankin - Provision of Land for Cenotaph

Councillor Rankin reported that the local Royal Canadian Legion and representatives from the community have asked Council to consider allocating a portion of HRM land for a Cenotaph with the appropriate signage to commemorate war veterans. The land is located at the corner of St. Margaret's Bay Road and Greenhead Road.

MOVED by Councillors Rankin and Hetherington that staff examine the merit of this request and report back to Council. MOTION PUT AND PASSED UNANIMOUSLY.

11.1.3 Councillor Merrigan - Convenience Stores/Fast Food Outlets

Councillor Merrigan expressed his concern with the amount of garbage littering areas near convenience stores and fast food outlets throughout his District and all of HRM, and asked for a staff report to address this problem. Councillor Harvey concurred with Councillor Merrigan pointing out that one of the worst sites in District 20 is the former Acadia School Building, with all kinds of litter being thrown on the parking lot after the library closes.

Mayor Fitzgerald agreed that a policy had to be put in place to stop this littering. Councillor Stone stated the litter problem is not confined to convenience stores, it is also a major problem in shopping centres. The Councillor noted that owners clean up areas around their properties, but their garbage ends up in other areas for which they take no responsibility.

Councillor Stone asked By-Law Enforcement to determine who is responsible for picking up litter in the area near the entrance to the Bayers Lake Industrial Park, at Chain Lake Drive. This area is totally ignored by everyone.

Councillor Rankin supported all the comments that had been made, but stressed the

importance of identifying all the generators of this waste. The Councillor stated that the report should determine if there are adequate receptacles at fast food operations, and frequent pickups. Councillor Rankin suggested that HRM should look at the number of receptacles and pickups it has in the downtown area to ensure that there are enough to accommodate all the visitors expected in Halifax this year.

Councillor Sarto suggested that litter thrown on public walkways should also be addressed. The Councillor specifically referred to a walkway in his District going from Cranberry Cres. to Wildwood Blvd.

Councillor Mitchell expressed his concern with the litter that accumulates on the St. Margaret's Bay Road, in spite of several volunteer clean ups every year. The Councillor pointed out that normally about six bags of litter are picked up, but this year there were twenty-five bags of litter. Councillor Mitchell stated that DOT are doing their side of St. Margaret's Bay Road, and asked if staff could clean up the area from the Beechville lights into the Armdale Rotary.

MOVED by Councillors Merrigan and Harvey that staff be asked to prepare a report addressing the issue of litter that is found around convenience stores, shopping centres, fast food outlets, and walkways. MOTION PUT AND PASSED UNANIMOUSLY.

11.2 HARBOUR EAST COMMUNITY COUNCIL

11.2.1 Project 00095 - Downtown Dartmouth Secondary Planning Strategy and Land Use By-Law

- Report from Harbour East Community Council, dated May 18, 2000, regarding the above, was before Council for consideration.
- Staff Report, dated May 15, 2000, prepared for Dan English Deputy Chief Administrative Officer, regarding the above, was before Council for consideration.
- Staff report to Harbour East Community Council, dated January 19, 2000, prepared for Paul Dunphy, Director, Planning & Development Services, regarding the above, was before Council for consideration.

MOVED by Councillors Hetherington and Greenough that Regional Council move First Reading of Project #00095 - Downtown Dartmouth Secondary Planning Strategy and Land Use By-Law, and set a Public Hearing date for June 20, 2000. MOTION PUT AND PASSED UNANIMOUSLY.

11.3 REGIONAL TAXI AND LIMOUSINE COMMITTEE

11.3.1 Taxi Vehicle Size - Amendment to By-Law T-108 Respecting the Regulation of Taxis and Limousines

- A report, dated May 18, 2000, from the Taxi & Limousine Committee regarding the above was before Council for consideration.

MOVED by Councillors Adams and Cooper that Regional Council move First Reading of Taxi Vehicle Size - Amendment to By-T-108 Respecting the Regulation of Taxis and Limousines, and set a Public Hearing date for June 27, 2000. MOTION PUT AND PASSED UNANIMOUSLY.

11.4 GRANT COMMITTEE

11.4.1 Community Grants Recommendations 2000/2001

- A report, dated May 23, 2000, from the Grant Committee, regarding the above was before Council for consideration.

MOVED by Councillors Walker and Uteck that Regional Council approve the schedule of awards for the Environment, Recreation, Arts, Culture and Heritage, and the Community Resources sectors as outlined in Attachment 1 of the May 23, 2000 report from the Grant Committee, in the amount of \$641,420.00.

Councillor Stone expressed concern that the Rockingham Community Centre did not receive the funding requested for a program worker, and asked to have this reviewed. The Councillor stated this is the only request for funding from his District, noting that the Community Centre had previously received a grant from HRDA, but this is no longer available.

MOVED by Councillors Stone and Walker that this item be referred back to the Grant Committee for reconsideration. MOTION PUT AND PASSED UNANIMOUSLY.

In response to a question from Councillor Blumenthal on why the grant for Spencer House was reduced to \$3,000, Ms. Nehiley responded that Spencer House has staff funded by a provincial grant. Staff and volunteers, operate a volunteer snow shovelling program that was established to assist disabled persons and seniors in the Halifax area. Before amalgamation, the Province provided 75% funding for this program, but with the service exchange, this is no longer funded by the Province. Ms. Nehiley stated that with the reduction in snow fall, the Committee does not feel \$5,000 is required for this program.

Councillor Blumenthal referred to the Ward 5 Community Centre that provides programs for seniors and children, and questioned why their grant was continually being reduced. Ms. Nehiley responded that this was a similar case to that of Spencer House.

Councillor Sarto referred to the application from the Abernaki Aquatic Club and asked that staff reconsider this application to see if any funding can be made to this group, even though they are entitled to a tax exemption.

Councillor Downey expressed concern that the Province is not cost-sharing on grants for Spencer House, and for community centres providing programs for children and seniors. The Councillor stated that when the Tax & Grant Committee was established by the former City of Halifax, it was agreed that all grants would be cost-shared with the Province. Councillor Downey stated that the Province should be asked to honour previous commitments because he does not believe all the Districts are being treated fairly.

As a member of the Committee, Councillor Uteck suggested that sometimes it can be very awkward for a Councillor to vote on something that happens to be in his/her district, knowing that a grant in another district would be denied. The Councillor asked staff to look at the feasibility of having no Council representation on this Committee.

Councillor Greenough stated that this is one of the most difficult jobs undertaken by a Committee of Council. The Councillor thanked the Committee Members for a job well done in bringing requests in excess of \$2.0M down to approximately \$600,000.

Deputy Mayor Cunningham took the chair.

Councillor Kelly asked for reconsideration of funding for the Bedford Light Up Parade noting that the community had not raised all the funds required for this project. The Councillor pointed out that Bedford had asked for very little over the last few years, but as this involves the whole community he believes there should be some degree of reconsideration.

MOVED by Councillors Kelly and Walker that the Committee reconsider Bedford's request for funding re the Bedford Light Up Parade. MOTION PUT AND PASSED.

In response to comments from Councillor Stone on reviewing the mandate and composition of the Committee, Ms. Nehiley stated that staff are preparing a four year review to advise Council on the impact of the grants program since amalgamation. Ms. Nehiley stated that this may include procedural and policy changes.

Councillor Mitchell stated that the Committee works hard to ensure that the screening process is done fairly, and thanked the members of the Committee for a job well done. As

a member of the Committee, Councillor Streach agreed, pointing out that no decisions were made in haste. The Councillor stated that the requests were evaluated and re-evaluated before putting the recommendations before Council. Councillor Streach suggested that if a request was turned down, staff had a very good reason for doing so. The Councillor disagreed with having no Council representation on this Committee.

Mayor Fitzgerald called for the vote on the original motion which reads:

MOVED by Councillors Walker and Uteck that Regional Council approve the schedule of awards for the Environment, Recreation, Arts, Culture and Heritage, and the Community Resources sectors as outlined in Attachment 1 of the May 23, 2000 report from the Grant Committee, in the amount of \$641.420.00.

MOTION PUT AND PASSED.

11.5 CHIEF ADMINISTRATIVE OFFICER

11.5.1 Financial Implications of 2000-2001 Nova Scotia Budget

- A staff report, dated May 18, 2000, prepared for George McLellan, Deputy Chief Administrative Officer, regarding the above, was before Council for consideration.

Ms. Dale MacLennan, Director of Financial Services, stated that this issue had been discussed by Council previously, and the final staff recommendations are contained in the May 18th report that is before Council. Ms. MacLennan gave a brief overview of staff's recommendations.

Ms. MacLennan stated there are two specific areas that had a negative impact as a result of the budget. The first resulted in a funding reduction in the Tourism Visitor Information Centres, and the other was a funding loss of \$90,000 for the Halifax Regional Library. Ms. MacLennan reported that there was an increase in the Regional Library's funding, but it was not up to the extent that had been included in the 2000/2001 budget.

Staff are recommending that Council ensure that the amounts identified in the budget are supplemented, and that funds be transferred from savings in the mandatory education funding for this year. Referring to the second recommendation, Ms. MacLennan reported that staff do not have the final results for the 1999/2000 fiscal year, and the first quarter of 2000/2001.

Ms. MacLennan stated that the third recommendation relates to correspondence received from the Province indicating that HRM has been given a twelve month notice on a number of items, specifically related to assessment and other costs. Preliminary estimates indicate

that HRM may have costs ranging between \$5.0M and \$7.0M. Ms. MacLennan stated that there is no provision in the operating stabilization reserve to offset this kind of an increase. It is staff's recommendation that the remaining funds, approximately \$1.1M, that has been identified through the mandatory education rate drop, be set aside in the operating stabilization reserve.

Councillor Uteck expressed her concern with the Province reducing funding for the Tourism Visitor Information Centres when thousands of visitors are expected to visit the Province this year. The Councillor also expressed her concern with \$500,000 being taken from the Resource Recovery Fund. In response to a question from Councillor Uteck on how the public would be affected re the issue identified in the staff report under *Machinery and Equipment*, Ms. MacLennan stated she did not have the information on the specific gross amount today, but would provide this to Councillor Uteck.

Councillor Kelly questioned whether the funding that has been identified through the mandatory education rate drop could be put back into education. Ms. MacLennan stated that allocating these funds for this purpose would have to be a decision of Council, but this would not be staff's recommendation. Mr. McLellan stated that the money HRM raised for the mandatory payment goes to the Province, and there is no legal restriction on whether this is spent in HRM. In response to a further question from Councillor Kelly on how staff are going to deal with offsetting the increased costs for 2001/2002, Ms. MacLennan described steps that would be taken.

Referring to staff's suggestion that the mandatory education funding be set aside in the operating stabilization reserve, Councillor Harvey asked Council to consider giving the School Board a one time grant of \$1.1M from the operating stabilization reserve to assist them with their shortfall.

In responding to Councillor Harvey, Ms. MacLennan stated that the operating stabilization reserve has a business case approved by Council that determines how withdrawals are to be done. Ms. MacLennan stated that she did have a few concerns about technicalities and suggested that it be referred to staff. Mr. McLellan stated that whatever contributions may be made to the educational problem, the School Board's position for the last fiscal year needs to be clarified.

Councillor Greenough agreed that Council should think seriously about allocating any money to the School Board without knowing the School Board's year-end position. The Councillor stated that it is not Council's intent to cover any deficit that may be accruing from last year. Councillor Greenough stated that he is concerned about the impact of the financial implications of the Province's budget on HRM, and will be supporting staff's recommendations.

MOVED by Councillors Greenough and Blumenthal that:

- (1) Since HRM has lost provincial cost sharing impacting on current service to the public:
 - Allocate \$111,00 to allow Tourism Visitor Information Centres to continue operations in 2000-2001.
 - Replace lost cost sharing of \$90,000 at the Halifax Regional Library for 2000-2001.Both of these allocations should be viewed as one-time commitments with no guarantee of funding continuing into 2001-02.**
- (2) The estimated impact of changes in the 2001-2002 Budget exceeds the remaining unallocated amount from 2000-2001 and the current funding provisions for unexpected costs. Therefore, unallocated funds remaining after transfers to Tourism, the Library, and the wind-up costs for the Halifax Dartmouth Port Commission shall be placed in the Operating Stabilization Reserve.**
- (3) The 2000-01 Business Planning and Budget cycle is expected to start before September and it would be preferable to use that process to review any new initiatives. To be consistent with the Multi-year Financial Strategy all new programs shall go through a consistent planning and budget review and be evaluated alongside other program requests.**

Mr. Meech, Chief Executive Officer, reinforced staff's position, stating that HRM is facing some very substantial cost increases during the next fiscal year. Mr. Meech pointed out that education is clearly the Province's mandate, and strongly recommended that Council consider very carefully any decision to give \$1.1M to the School Board.

Councillor Blumenthal expressed his concern with the Province expecting HRM to pay full cost recovery for the Provincial assessment system, pointing out that the Province had never met with the UNSM to discuss this issue. The Councillor stated that he would not support the motion.

In supporting staff's recommendations, Councillor Cooper stated that it is very obvious that every time HRM starts to make some headway, the Province comes up with another obstacle. Referring to Information Report No. 7 re Federal Infrastructure Program, Councillor Cooper asked that this be put on the regular Agenda for Council's meeting on June 27th for discussion, and that staff advise Council when it will have the opportunity to discuss possible infrastructure projects.

Councillor Stone stated that he supported staff's recommendations, and asked Council to

be very careful about giving away funds. The Councillor questioned how the Province can withdraw \$500,000 from the Resource Recovery Fund without approval by the municipalities, suggesting this is another form of downloading.

Councillor Rankin responded that the Resource Recovery Board is a creation of the Province and is based on an agreement with the Minister that is up for review in February. The Councillor said there is a provision in the agreement that it was at the Minister's discretion if DOE wanted to use the money for general application. Councillor Rankin said at a recent meeting of the Solid Waste Co-Ordinators of the Province, it was agreed that by not giving notice, the Province has violated the spirit of the agreement. The Councillor reported that a request has been made to meet with the Minister to discuss criteria to ensure that this does not happen again. Councillor Rankin said he understands that there is an amount of \$2.5M coming to HRM from diversion.

Councillor Hetherington referred to the municipal assessment system and questioned if HRM could take it over and do it for less than the \$4.5M.

CONFLICT OF INTEREST

As an employee of the Nova Scotia Housing & Municipal Affairs, Councillor McInroy declared a Conflict of Interest on this item, and removed himself from discussions.

In response to Councillor Hetherington, Mr. Meech stated that the Province is dictating how the service is to be provided, and he suggested if HRM wanted to take on the service directly, an agreement would have to be negotiated with the Province. Mr. McLellan stated that a meeting has been scheduled with the Deputy Minister for June 15th and staff had intended to put this question on the table.

Mayor Fitzgerald took the chair.

In response to a question from Councillor Colwell for a list of the Tourist Information Centres that would receive the \$111,000, Ms. MacLennan stated that she believed the list would have been included in the assumptions of 2000/2001 HRM Budget. If it is not in the Business Plan document, Ms. MacLennan will ask Tourism to provide this list.

MOTION PUT AND PASSED.

MOVED by Councillors Harvey and Kelly that staff prepare a report on the feasibility of making a one time grant to the Regional School Board from the Operating Stabilization Reserve to be used to defray the School Board's operating difficulties this year. The report is to include the necessary financial information from the School Board. MOTION PUT AND DEFEATED.

11.5.2 Tender 00-222 Lakecrest Drive Sanitary Sewer Renewal, Westphal

- A staff report dated May 9, 2000, prepared for Dan English, Deputy Chief Administrative Officer, regarding the above, was before Council, for consideration.

MOVED by Councillors Greenough and Sarto that Council award Tender No. 00-222, Lakecrest Drive Sanitary Sewer Renewal to W. Eric Whebby Limited for materials and services listed at the unit prices quoted for a Tender Price of \$87,400.00, and a Total Project Cost of \$100,510.00, with funding authorized as per the Budget Implications section of the May 9, 2000 staff report. MOTION PUT AND PASSED UNANIMOUSLY.

11.5.3 Tender 00-232 Resurfacing, Beaver Bank Road, Pinehaven Drive to Tucker Lake Road

- A staff report, dated May 9, 2000, prepared for Dan English, Deputy Chief Administrative Officer, regarding the above, was before Council for consideration.

At Councillor Walker's request, Council agreed that all future staff reports re tenders would include the budget price for comparison with the tender price. In response to a further question from Councillor Walker, Mr. Kulvinder Dhillon, Director, Public Works and Transportation reported that roads to be resurfaced would be done in order of priority, and that staff would be providing an update in two weeks.

MOVED by Councillors Merrigan and Uteck that Council award Tender 00-232 Resurfacing, Beaver Bank Road to Dexter Construction Company Limited for materials and services listed at the unit prices quoted for a Tender Price of \$200,445.00 and a Total Project Cost of \$230,512.00, with funding authorized as per the Budget Implications section of the May 9, 2000 staff report. MOTION PUT AND PASSED UNANIMOUSLY.

11.5.4 Tender 00-224 Sidewalk Renewals, West Region

- A staff report, dated May 9, 2000, prepared for Dan English, Deputy Chief Administrative Officer, regarding the above, was before Council for consideration.

MOVED by Councillors Read and Walker that Halifax Regional Council:

- 1. Authorize the transfer of funds in the amount of \$40,163.00 from Account No. CRESPOOL, the Capital Pool to the Capital Accounts as summarized**

in the Budget Implications section of the May 9, 2000 staff report.

2. Award Tender No., 00-224, Sidewalk Renewals - West Region to Ocean Contractors Limited for materials and services listed at the unit prices quoted for a Tender Price of \$221,829.25, and a total Project Cost of \$255,105.00, with funding authorized as per the Budget Implications section of the May 9, 2000 staff report. **MOTION PUT AND PASSED UNANIMOUSLY.**

11.5.5 Tender 00-240 Meadowbrook Walkway Upgrading, Bedford

- A staff report, dated May 10, 2000, prepared for Dan English Chief Administrative Officer, regarding the above, was before Council for consideration.

MOVED by Councillors Kelly and Mitchell that Halifax Regional Council:

1. Authorize the transfer of funds in the amount of \$7,940.00 from Account No. CRESPOOL, to Capital Account No. CKR00399, Meadowbrook Walkway Upgrading.
2. Award Tender No. 00-240, Meadowbrook Walkway Upgrading to G & R Kelly Enterprises Ltd. for materials and services listed at the unit prices quoted for a Tender Price of \$17,339.70, and a Total Project Cost of \$19,940.00, with funding authorized as per the Budget Implications section of the May 10, 2000 staff report.

MOTION PUT AND PASSED UNANIMOUSLY.

11.5.6 Tender 00-241 Resurfacing Projects - East Region

- A staff report, dated May 9, 2000, prepared for Dan English, Deputy Chief Administrative Officer, regarding the above, was before Council for consideration.

MOVED by Councillors Cunningham and Sarto that Council award Tender No. 00-241, Resurfacing Projects - East Region to Dexter Construction Limited for materials and services listed at the unit prices quoted for a Tender Price of \$211,600.00, and a Total Project Cost of \$243,340.00, with funding authorized as per the Budget Implications section of this report. **MOTION PUT AND PASSED UNANIMOUSLY.**

11.5.7 Tender 00-243 Paving Renewal, Resurfacing, Various Locations, East Region

- A staff report, dated May 16, 2000, prepared for Dan English, Deputy Chief Administrative Officer, regarding the above, was before Council for consideration.

MOVED by Councillors Schofield and Hetherington that Halifax Regional Council award Tender No. 00-243, Paving Renewal, Resurfacing, Various Locations - East Region, to Dexter Construction Company Limited for materials and services listed at the unit prices quoted for a Tender Price of \$308,200.00, and a Total Project Cost of \$354,430.00, with funding authorized as per the Budget Implications section of the May 16, 2000 staff report. MOTION PUT AND PASSED UNANIMOUSLY.

11.5.8 Tender 00-246 Street Upgrading, Resurfacing, Part III, Western Region

- A staff report, dated May 9, 2000, prepared for Dan English, Deputy Chief Administrative Officer, regarding the above, was before Council for consideration.

Councillor Stone pointed out an error in the staff report re the limits for Lincoln Cross. It should read from Chartwell to *Meadow Lark*, not *Lacewood*. Mr. Dhillon, Director Public Works and Transportation Services agreed, and the report will be corrected.

MOVED by Councillors Walker and Fougere that Halifax Regional Council award Tender No. 00-246, Street Upgrading, Resurfacing Part III, Western Region to Dillman Enterprises (1995) Ltd. for materials and services listed at the unit prices quoted for a Tender Price of \$276,552.00, and a total Project Cost of \$318,035.00, with funding authorized as per the Budget Implications section of the May 9, 2000 staff report. MOTION PUT AND PASSED UNANIMOUSLY.

11.5.9 Award of Proposal 00-019 Burnside Industrial Park Major Access Routes Traffic Study

- A staff report, dated May 15, 2000, prepared for George McLellan, Deputy Chief Administrative Officer, regarding the above, was before Council for consideration.

MOVED by Councillors Schofield and Greenough that Halifax Regional Council:

- 1. Award Proposal No. 00-019, Burnside Industrial Park Major Access Routes**

Traffic Study, to DS-Lea Associates Ltd., for services listed, for an estimated price of \$38,952.00, plus HST, with funding authorized as per the Budget Implications section of the May 15, 2000 staff report.

- 2. Council authorize the Mayor and Municipal Clerk to sign an agreement with the Province of Nova Scotia to share the costs of carrying out a traffic study in Burnside Industrial Park, based on the terms as set out in the staff report, dated May 15, 2000.**

MOTION PUT AND PASSED UNANIMOUSLY.

11.5.10 Municipal and School Board Elections

- A staff report, dated May 17, 2000, prepared for Ken Meech, Chief Administrative Officer, regarding the above, was before Council for consideration.**

MOVED by Councillors Hetherington and Blumenthal that Halifax Regional Council:

- 1. Approve the appointment of Vi Carmichael, Municipal Clerk, as Returning Officer to conduct the municipal and school board elections on October 21, 2000, and approve the appointment of Vivian Boomer to act as Assistant Returning Officer.**
- 2. Set the date of Saturday October 14, 2000, as the first Advance Poll Day (the second Advance Poll Day of October 17, 2000 is set as mandatory under the Municipal Elections Act).**

MOTION PUT AND PASSED UNANIMOUSLY.

11.5.11 Downtown Destination Sign Proposal

- A staff report, dated May 10, 2000, prepared for Dan English, Chief Administrative Officer, regarding the above, was before Council for consideration.**

MOVED by Councillors Greenough and Hetherington that Regional Council approve the installation of downtown destination signs and instruct staff to recover the full implementation cost, a fifteen percent future maintenance fee, and the standard encroachment fee for commercial signs from the co-sponsors of the program, Casino Nova Scotia and the World Trade and Convention Centre.

Councillor Uteck stated that she supported the installation of the signage, but expressed a concern with the funding formula that the businesses are expected to pay for the signs. The Councillor stated that the signs are intended to promote HRM and tourism, and questioned why these businesses that already pay a business tax, should have to pay for the signs. Councillor Uteck stated that these are tourist destinations, and this should be part of HRM's strategy to promote the revitalization of the downtown. The Councillor stated she wanted the signs but HRM should pay for them.

Councillor Blumenthal stated that as he is totally against having a casino in HRM, he would vote against any method of promoting it.

In voting against the motion, Councillor McInroy expressed his concern with a public right-of-way being used to provide directions to a commercial business. The Councillor referred to a decision by the Bridge Commission that it would not support the installation of signage for a number of reasons, including the commercial element associated with the signage.

Councillor Greenough stated the signs are not about promoting the Casino, but rather a means of assisting people travelling in the downtown area to find their way. The Councillor pointed out that the Convention Centre, Metro Centre, and the Casino are destination points for residents and visitors to HRM, and the signage will assist in the flow of traffic.

Deputy Mayor Cunningham suggested that if signs are going to be placed on HRM's roads, he would recommend that they point people to locations such as Pt. Pleasant Park, Historic Properties, and Citadel Hill. The Deputy Mayor also had a concern with these signs pointing people to commercial establishments, and would not be supporting the motion.

Councillor Cooper had a concern with the possibility of the increased number of signs that HRM may be asked to approve. But, the Councillor felt that as the Casino and the World Trade & Convention Centre are willing to pay all the costs, that Council should approve staff's recommendations and see what happens.

Councillor Fougere stated she had no objection to signage for the publicly funded Convention Centre and Metro Centre, but she did have a problem with supporting signage for the Casino which is a privately run operation. The Councillor's concern was based on wording in the staff report that *the placement of similar signs identifying other commercial downtown destinations will not be permitted within the public right-of-way.*

Councillor Downey stated that he would support the recommendation, pointing out that the federal government supports signage coming in from the main highways. The Councillor had no problem with signage pointing to areas of interest for visitors to HRM.

Mr. Dhillon, Director, Public Works and Transportation, stated that staff did have some concern about including the Casino on the signs, but there is a need to have proper signage for tourists, traffic and long term planning for HRM. Mr. Dhillon pointed out that this had been discussed previously, but because of budget cuts had been removed. Staff feel this would be an opportunity to bring people to downtown Halifax and Dartmouth, and to look at the traffic pattern.

Councillor Stone suggested this should be looked at as a partnership in providing direction to the downtown. HRM is not paying for this signage or the maintenance, and he believes Council should look at the advantages of this offer in promoting the downtown area, including the Convention Centre and Metro Centre.

In response to a question from Councillor Hetherington, Mr. Dhillon stated the signs would be put in place in about two weeks. Councillor Hetherington asked Council to consider the number of visitors expected in HRM this summer, and stressed the need to provide signage for them to get to the downtown. The Councillor also suggested that Members of Council should not impose their displeasure with the Casino on everyone that is travelling into HRM.

Councillor Uteck stated that staff are currently working towards tourism signage of a more historical nature, but had looked at the three most popular destinations.

In supporting the motion, Councillor Rankin agreed with Councillor Hetherington's comments stressing that this is not a moral question, it is simply a way of helping people to get downtown. The Councillor felt this was a way to help the downtown businesses.

Councillor Fougere stated her concern is not against the Casino, but rather with the staff report stating that the placement of similar signs for other commercial ventures would not be allowed. Mr. Dhillon responded that it was staff's intention to look at any future proposed signage, but not to necessarily recommend them to Council. Councillor Fougere suggested that HRM needs a clear policy put in place to address any future requests. Mr. Dhillon stated staff are working on a detailed policy and it will be presented to Council in four to six weeks.

MOTION PUT AND PASSED.

Councillor Blumenthal asked to have it recorded that he voted against the motion.

11.5.12 Commuter Rail

This item was deferred.

11.5.13 Dartmouth Museum - Heritage Tourism Agreement

MOVED by Councillors Greenough and Schofield that Regional Council approve a Heritage Tourism agreement with the Dartmouth Heritage Museum Society to assign daily operation of the Museum to the Society, this action will meet the February 1999 directive of Regional Council to “return of the museum to the community”. The proposed agreement incorporates a lease and a fee-for-service to enable the Society to operate the main Museum Building, Quaker House and Evergreen House. The key features of the agreement are summarized in the May 17, 2000 staff report. An agreement will be presented to the Mayor and Municipal Clerk for signature at a later date. **MOTION PUT AND PASSED UNANIMOUSLY.**

12. MOTIONS - None

13. ADDED ITEMS

13.1 Councillor Cooper - Replacement of Graham Creighton School

Councillor Cooper expressed the concern of communities in his District on the replacement of Graham Creighton Junior High School. The Councillor expressed the concern of the communities if the School is not rebuilt on the existing site including the potential disruption of the school population from a number of local communities. Councillor Cooper stated there would also be the loss of an asset of historical significance which is recognized by these communities.

MOVED by Councillors Cooper and Colwell that Council approve the communities’ request to write letters to the Minister of Education and the Halifax Regional School Board asking for assistance in rebuilding Graham Creighton Junior High School on the existing site. **MOTION PUT AND PASSED UNANIMOUSLY.**

13.2 Councillor Mitchell - Helicopter Business

Councillor Mitchell asked for a staff report to respond to concerns from the public on the possibility of someone starting a helicopter business in the area of the Swiss Air plane crash. The Councillor did not have all the details, but he understands the intent of the business would be to take passengers to view the site. Council agreed that staff would look into this and report back to Council.

**13.3 Councillor Blumenthal - Halifax Transfer Station Property/BFI
Dumpster Service Road**

Councillor Blumenthal reported that the transfer station was finally closed today when he and Councillor Rankin put on the padlock. The Councillor asked for a staff report on the future use of this property. Councillor Stone noted that this is very valuable land and he would hope that staff would look at the possibility of selling this property.

Councillor Blumenthal stated that he had observed a service truck that had picked up waste from garbage cans in front of grocery stores going down the service road and dumping this waste into a BFI dumpster that was not covered. The Councillor questioned why this was being done when Otter Lake was now in operation.

13.4 Supplementary Education Funding

Councillor Hetherington referred to Council's many discussions on supplementary funding, and the question had been raised on whether an area rate should be charged in the former County and Bedford areas. The Councillor suggested that, at this point in time, the consensus seems to be that there should be no charge for supplementary funding in the former County and Bedford areas, based on an overall area rate.

Councillor Hetherington stated that there had been a request for a plebiscite to be held in October, in conjunction with the HRM municipal and school board elections, and the results of this plebiscite will be binding on Council. If the citizens of HRM approve supplementary funding, all areas of the former Halifax, Dartmouth, County and Bedford will pay supplementary funding, no matter where the votes came from, but as pointed out by Councillor Hetherington the reverse could also happen.

MOVED by Councillors Hetherington and Mitchell that supplementary funding not take place in the former County and Bedford areas until after the plebiscite is held in October.

Councillor Adams stated that this motion was made at the March 21st Committee of the Whole meeting but was not formally brought to Council until today. The Councillor said he did not support a plebiscite because he does not believe enough information can be put into one question for the public to know exactly what it is they are voting for. Councillor Adams said Council Members are elected to do a job, and they should do it.

Councillor Kelly said he believes there is a need for a plebiscite but in depth information must be provided to the voters, including what use is made of the funds. Referring to the loss of teaching jobs in Bedford, Councillor Kelly said this is under review, and there will be some funds forthcoming with regards to an area rate in Bedford.

Deputy Mayor Cunningham disagreed with a plebiscite, stating that it is Council that should decide on its priorities and the direction it should go. The Deputy Mayor suggested

that if Council feels education is a priority then it should make the decision now to put supplementary funding in place for the start of the school year, and impose the tax on all HRM taxpayers.

Councillor Cooper stated that when supplementary funding was initially put in place, the municipalities and school boards were involved. Since that time, the Province has said the school boards are on their own. Everyone acknowledges that education is a provincial responsibility, but it is also acknowledged that the Halifax Regional School Board is having difficulties due to underfunding by the provincial government. Councillor Cooper stated that the County had a form of supplementary funding previously but discontinued this funding because the municipality was unable to get satisfactory answers from school boards with regards to how this money was spent.

Councillor Cooper pointed out that if it was mandated in the Municipal Government Act that HRM is responsible for education, the decision would have been made by Council. But, the mandate is elsewhere and if HRM wants to get involved, the residents should decide whether they want their tax dollars spent on supplementary funding.

If supplementary funding is to be put in place in the former County and Bedford Areas, Councillor Cooper stated that the School Board would have to redefine services throughout HRM. The Councillor suggested that Halifax and Dartmouth residents may have to accept changes in the services they currently receive.

Councillor Snow stated this is something far outside the mandate of Council, and should be taken to the people to decide. The Councillor said Council Members were not elected to represent the Halifax Regional School Board.

Councillor Mitchell said he would not vote for supplementary funding without direction from the residents of his District. The Councillor stated the direction he had received from residents was to vote against supplementary funding, and he would not support a supplementary funding without a plebiscite.

Councillor Streach suggested that it should be the school board's responsibility to ensure that the public is educated on the reason for the plebiscite, it should not be Council. Councillor Streach stated that education is a provincial responsibility and he would certainly support a plebiscite on this issue.

Councillor Harvey stated that it is easy to say this is a provincial responsibility, but he believes education is important enough that it is everyone's responsibility. The Councillor stated that HRM cannot continue with a two tier educational system, and Council can solve this by addressing the issue without a plebiscite.

In response to a question from Councillor Adams on how the results of a plebiscite would be measured, it was agreed that it would be 50%, plus 1. Councillor Adams stated that there are 23 Districts in HRM, and, as an example, pointed out that if 22 Districts supported supplementary funding by a vote of, say, 10, and one District was against supplementary funding by a vote of 2000, this would mean that there would be no supplementary funding in HRM. The Councillor suggested that this would not reflect what the majority of the people want on a District by District basis. The Councillor stated that based on discussions with the school board and residents of his district in the former County, he is implementing an area rate of four cents for supplementary funding, and this will proceed without a plebiscite.

Councillor Greenough referred to the \$4.3M that the HRSB had collected in the Halifax and Dartmouth areas, but used to provide supplementary funding for former County and Bedford schools, pointing out that this has created a major crisis. Councillor Greenough said he would agree to some of these monies continuing to be used in the County for this year only, but he would not support this unless there is some will on the part of the former County and Bedford Councillors to adding two or three cents to their tax rate.

Councillor Colwell stated that his position had not changed and residents in the rural areas had some very serious problems with any tax increases for supplementary funding. The Councillor also addressed his concern that the school board had lied to Council when it had stated emphatically that none of the money collected in Halifax and Dartmouth was being used in either the former County or Bedford. Councillor Colwell supports a plebiscite.

In supporting the plebiscite, Councillor Blumenthal stated the importance of ensuring that the question re supplementary funding is done properly. The Councillor suggested that HRM is going to have more serious problems as the Province downloads its responsibility.

Councillor Sarto agreed that education is the Province's responsibility, but it only provides for core services. The Councillor stated that there are many children in the school system that need the services that are offered by supplementary funding, and expressed his concern that the County and Bedford Councillors will not support it.

Councillor McInroy stated that he wanted to see an end to the two tier educational system created at amalgamation, and would like to see the funding collected and distributed from Ecum Secum to Hubbards. The Councillor stated that Council should be looking for changes in the provincial legislation to consider changes in two different rates in the former Halifax and Dartmouth, areas, and that any funds raised must be spent in the area in which they were collected.

The Mayor referred to cuts that would be happening in the former County and Bedford this year, and expressed his concern with the children that will be hurt. The Mayor strongly

recommended that an area rate should be put in place before the plebiscite vote is taken so the programs can be carried out next year, and after that he believes there will be supplementary funding in all of HRM.

It was suggested and agreed that the motion would be split into two parts as follows with recorded votes:

MOVED by Councillors Hetherington and Mitchell that supplementary funding not take place in Bedford and County areas this year.

The following members of Council voted **in favour** of the motion: Councillors Streach, Snow, Colwell, Cooper, Hetherington, Blumenthal, Fougere, Stone and Mitchell.

The following members of Council vote **against** the motion: Mayor Fitzgerald, Deputy Mayor Cunningham, Councillors McInroy, Sarto, Schofield, Greenough, Downey, Uteck, Walker, Read, Adams, Merrigan, Harvey, Kelly, and Rankin.

MOTION DEFEATED (9 In Favour, 15 Against).

MOVED by Councillors Hetherington and Mitchell that a plebiscite be held with municipal and School Board elections on October 21, 2000.

The following members of Council voted **in favour** of the motion: Mayor Fitzgerald, Councillors Streach, Snow, Colwell, Cooper, McInroy, Greenough, Sarto, Hetherington, Schofield, Blumenthal, Downey, Uteck, Fougere, Walker, Stone, Merrigan, Kelly, Rankin and Mitchell.

The following members of Council voted **against** the motion: Deputy Mayor John Cunningham, Councillors Read, Adams and Harvey.

MOTION CARRIED (20 In Favour, 4 Against).

Councillor Fougere questioned how a supplementary funding tax rate can be set for the former County and Bedford when the tax rate has already been set for this year. Mr. Meech, Chief Administrative Officer, stated that it was understanding that if Council initiated this as an area rate in those areas not paying supplementary funding, it could be added on for this year.

Councillor Streach asked that the Halifax Regional School Board provide a list of the programs that are going to be lost, and the names of the 57 teachers that are going to lose their jobs in the former County and Bedford because the school board put supplementary funding collected in Halifax and Dartmouth in their general fund.

Referring to the implications of an area rate, Councillor Rankin stated that traditionally area rates were approved by Council, but these increases had the support of the local Councillor. The Councillor questioned if Council was going to break tradition and impose area rates on a district without the Councillor's support. Mayor Fitzgerald responded that an area rate is decided by Council, but Councillor Rankin had a concern with breaking tradition.

Councillor Cooper stated that if an area rate is put in place for his District, he does not want this money turned over to the school board because he does not trust them. The Councillor stated if it is turned over to the school board, he believes the same situation will arise as in Halifax and Dartmouth, and stated emphatically that he wanted to know where the money was going and exactly how it was being spent.

Councillor Cooper stated that there had to be an agreement, as in the terms of previous area rates, that the money was only spent with the consent of the Councillor and for specific reasons that would be upheld. The Councillor stated that he wanted a procedure put in place to ensure that the money is spent 'in the classroom', and not for building fixes as the school board has done in the past with money collected from the former Halifax and Dartmouth residents. Mayor Fitzgerald agreed totally, stating that this has been a major problem with the school board not providing the former Halifax and Dartmouth Councils with an accounting of where the money went.

It was agreed that any further discussion on this issue would be deferred, until a Council meeting scheduled for the afternoon of June 13th.

The following In Camera Items were ratified by Council.

13.5. Encroachment Agreement - Maritime & Northeast Pipeline

MOVED by Councillors Greenough and Hetherington that Halifax Regional Council agree to enter into an Encroachment Agreement granting Maritimes & Northeast Pipeline the right to occupy certain streets, as listed in the agreement and in accordance with the terms of the agreement, for the purpose of the Halifax Lateral natural gas transmission pipeline.

It is further recommended that this report may be released to the public.

MOTION PUT AND PASSED UNANIMOUSLY.

13.6 Street Closure and Sale of Land - Braemar Drive

MOVED by Councillors Greenough and Hetherington that:

1. Halifax Regional Council authorize staff to set a date of June 20, 2000 for a public hearing for consideration of HRM Administrative Order SC-22, concerning the closure of Braemar Drive, identified as the cross-hatched area on Attachment "A" of the May 16, 2000 staff report.
2. Approve the sale of Braemar Drive, subject to approval of the street closure, to Loblaw Properties Limited, comprising 48,643 square feet (exact area subject to final survey), at a price of \$145,929.

It is further recommended that this report not be released to the public.

MOTION PUT AND PASSED UNANIMOUSLY.

13.7. Sale of 2617 Sackville Drive to Gerry & Carol McLellan

MOVED by Councillors Harvey and Merrigan that Halifax Regional Council authorize the Mayor and Municipal Clerk to enter into an agreement of purchase and sale for 2617 Sackville Drive to Gerry & Carol McLellan; as shown on Attachment "A" of the staff report dated May 11, 2000, for \$79,000 as settlement in full, plus any additional taxes and adjustments that may be applicable.

It is further recommended that this report not be released to the public.

MOTION PUT AND PASSED UNANIMOUSLY.

13.8 RCMP Housing - District 1

MOVED by Councillors Harvey and Snow that Council:

1. authorize the Mayor and Municipal Clerk to enter into a Lease Agreement with the RCMP based on the key terms and conditions outlined in the staff report dated May 10, 2000
2. authorize the Mayor and Municipal Clerk to enter into an Agreement of Purchase and Sale for the purchase of PID #00564104 Main Road, Upper Musquodoboit; and,
3. authorize staff to tender for the delivery of a turnkey manufactured residential home to the site, which value shall not exceed \$80,000 including delivery, set-up and taxes.

It is further recommended that this report not be released to the public.

MOTION PUT AND PASSED.

13.9 Release of Repurchase Agreement on Lot 23, Washmill Lake Court, Bayers Lake Business Park

MOVED by Councillors Greenough and Hetherington that Council release its rights to repurchase lot 23 on Washmill Lake Court in the Bayers Lake Business Park upon payment from Plastics Maritime Limited to the Municipality of a payment of \$50,000.

It is further recommended that this report not be released to the public.

MOTION PUT AND PASSED UNANIMOUSLY.

The afternoon session of Council adjourned at 5:30 PM.

The meeting was reconvened at 6:00 p.m. with all members present.

MOVED by Councillors Blumenthal and Greenough that the discussion on Supplementary Education Funding be deferred to the next meeting. Further, those members of Council who had indicated they wished to address the issue, be the first to speak at that time. MOTION PUT AND PASSED UNANIMOUSLY.

14. NOTICES OF MOTION

14.1 COUNCILLOR COOPER

Take notice that at the next regular Regional Council meeting to be held on Tuesday, June 13, 2000, I propose to introduce as a policy pursuant to Section 315 of the Municipal Government Act, Administrative Order SC-16, the purpose of which is to effect closure of a portion of Forest Hills Parkway, Highway #7 and Panavista Drive.

LETTER OF CONGRATULATIONS - MOOSEHEADS HOCKEY TEAM - COUNCILLOR COOPER

MOVED by Councillors Cooper and Blumenthal that a letter be written to the Mooseheads Hockey Team with congratulations on the games to date in the Memorial Cup and offer best wishes and confidence for the remainder of the Memorial Cup quest. MOTION PUT AND PASSED UNANIMOUSLY.

13.10 WORLD WIDE FIBRE CABLE - KETCH HARBOUR - COUNCILLOR ADAMS

Councillor Adams advised Worldwide Fibre may be landing a cable in Ketch Harbour. The residents are concerned that the harbour may be closed down if the cable shows up on navigation charts and prevents visitors from using the harbour for anchorage. The Councillor requested the Mayor write to Mr. Ernie Fage, Minister of Natural Resources, asking him to explore all opportunities for landing the cable in another area so as to not shut down the harbour. If this is not possible, request that he provide assurances that the cables that are laid will not have a negative effect on that particular area.

MOVED by Councillors Adams and Mitchell that a letter be written to the Minister of Natural Resources outlining the concerns and requesting his assistance in ensuring that any cable laid in Ketch Harbour by Worldwide Fibre will not have a detrimental effect on the harbour. MOTION PUT AND PASSED UNANIMOUSLY.

9. PUBLIC HEARINGS

MOVED by Councillors Blumenthal and Hetherington that the public hearing session be adjourned at 9:00 p.m.

With no vote being taken on the motion on the floor the following motion was placed for consideration:

MOVED by Councillors Read and Walker that the public hearing be adjourned at 10:00 p.m. MOTION PUT AND PASSED.

9.1 CASE 00177 - REQUEST BY BARWIL DEV. LTD. TO AMEND THE MPS FOR THE COLE HARBOUR/WESTPHAL AND HALIFAX CO. SUBDIVISION

- A report from Councillor Harry McInroy, Chair of the Harbour East Community Council was circulated on April 25, 2000 at which time the public hearing date was set for May 23, 2000.
- An extract from the April 25, 2000 Regional Council minutes was before Council.

Mr. Kurt Pyle, Planner, with the aid of overheads, presented the staff report outlining the subject property and the proposal. He advised staff is recommending approval of the requested amendments.

Mayor Fitzgerald called for members of the public wishing to speak either in favour of or against the amendments. Hearing none, the following motion was placed before Council.

MOVED by Councillors Hetherington and Greenough that the public hearing close.

MOTION PUT AND PASSED UNANIMOUSLY.

DECISION OF COUNCIL

MOVED by Councillors Cooper and Snow that Halifax Regional Council approve the amendments to the Municipal Planning Strategy for Cole Harbour/Westphal and the Subdivision By-Law for the former Halifax County Municipality (Attachments I and II of the staff report dated February 24, 2000) to permit the removal of five lots located on Sapphire Street from the Service Boundary in exchange for the inclusion of five lots located on Pearl Drive and Carlisle Drive extension within the Service Boundary. MOTION PUT AND PASSED UNANIMOUSLY.

9.2 STREET CLOSURE - PORTION OF DOUGLAS AVENUE, PARCEL D - ADMINISTRATIVE ORDER SC-21 RESPECTING THE CLOSURE OF A PORTION OF DOUGLAS AVENUE

- A copy of the staff report dated April 19, 2000 was circulated at the May 2, 2000 Council Session.
- A copy of Administrative Order SC-21 respecting the closure of a portion of Douglas Avenue, Parcel D, Halifax was before Council.
- An extract from the May 2, 2000 Regional Council minutes was before Council.

Mayor Fitzgerald called for members of the public wishing to speak either in favour of or against the street closure. Hearing none, the following motion was placed before Council.

MOVED by Councillors Blumenthal and Sarto that the public hearing close. MOTION PUT AND PASSED UNANIMOUSLY.

DECISION OF COUNCIL

MOVED by Councillors Stone and Walker that Halifax Regional Council approve Administrative Order SC-21, respecting the closure of a portion of Douglas Avenue as shown on Attachment "A" of the staff report dated April 19, 2000. Further, subject to the approval of the street closure, Parcel D, comprising of approximately 108 square feet be sold to the owner of Lot D-4, Douglas Avenue. MOTION PUT AND PASSED UNANIMOUSLY.

9.3 SALE OF FORMER SCHOOL BOARD SUB-SYSTEM BUILDING - JEDDORE

- A copy of the staff report prepared for Mr. K.R. Meech, Chief Administrative Officer, dated April 11, 2000 was before Council.

- A copy of correspondence from Greg Brown, General Manager, Halifax Regional Development Agency, dated May 10, 2000 was before Council.
- A copy of correspondence from Janet Crowell, Director of Community Health, dated May 23, 2000 was before Council.
- A copy of correspondence from Alexis Allen and Gail Allen, dated May 23, 2000 was before Council.
- An extract from the April 25, 2000 Regional Council minutes was before Council.

Mayor Fitzgerald called for members of the public wishing to speak either in favour of or against the sale of the building.

Ms. Shirley Carroll, Chair, Marine Drive Community Association, reading from prepared text, spoke in favour of the proposed sale.

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

MOVED by Councillor Hetherington and Deputy Mayor Cunningham that the public hearing close. MOTION PUT AND PASSED UNANIMOUSLY.

DECISION OF COUNCIL

MOVED by Councillors Streach and Schofield that Council authorize the Mayor and Municipal Clerk to enter into an agreement of purchase and sale with the Marine Drive Community Centre Association for the purchase of the subject property based on the key business terms and conditions outlined in the staff report dated April 11, 2000. MOTION PUT AND PASSED UNANIMOUSLY.

9.4 SECOND READING BY- LAW P-800 RESPECTING THE REGULATION OF PESTICIDES, HERBICIDES AND INSECTICIDES

CONFLICT OF INTEREST

Councillor Snow declared a conflict of interest as he is the owner of a gardening business and left the meeting.

The following information and correspondence was circulated to Council:

- A copy of an extract from the May 2, 2000 Regional Council minutes was before Council.
- Supplementary Staff Report #3, prepared for Mr. Ken Meech, Chief Administrative Officer, dated May 18, 2000 was before Council.

- A copy of the staff slide presentation was circulated to Council.
- Correspondence from Gwendolyn Coleman, St. Margarets Bay; Anne Cornwall, Halifax; Doug Conrad, President of Landscape Nova Scotia; Ian S. MacDonald, 4 Shady Lane, Halifax; Dr. Adam C. Bell, Dartmouth; Ray Folkins, Canadian Youth Business Foundation; Michael Moss, Department of Pathology, Faculty of Medicine; Peggy Hope-Simpson, East Kings Community Health Association; Alexis Allen, Dartmouth; Helen Jones; Dr. Marek Roland; Alfred Neiforth, Milford Station; Rachel Finn on behalf of Dalhousie University students; Grant Mosher, Hammonds Plains; Linda Mosher, Milsom Avenue; Jan Connors, Safety Administrator, Edmonds Landscape and Construction Services Ltd.; George L. Fox, Deputy Minister, Department of the Environment; V. & E. Wagner, Bedford; Residents of Elliott Street, Dartmouth; and, Vincent H. Dieras, Halifax.

Mr. Tony Blouin, Manager of Environmental Policy, Planning and Development Services, with the aid of powerpoint, presented the proposed By-Law advising the basis for this By-Law is enabling legislation provided by the Municipal Government Act which allows Municipalities to regulate certain aspects of pesticide use on residential and municipal properties. He advised the By-Law is based on the recommendations of the majority report of the Pesticide By-Law Advisory Committee and the existing By-Law in Chelsea, Quebec.

Mr. Blouin advised the By-Law involves a phased-in approach which will provide a partial ban on certain aspects of pesticide use. In year one it would create a registration system with provisions for advance notification prior to the use of pesticides as well as the posting of signs. In the second and third years the ban would expand to include additional types of properties, residential and municipal. In the fourth year the ban would incorporate all residential properties.

Mr. Blouin advised there will be, by Administrative Order, the provision of a list of products which would be permitted for use under the By-Law and which would not be subject to the restrictions of the By-Law. He noted the By-Law provides for a system whereby a permit could be obtained to use products that would otherwise be banned in instances where the pests would pose a danger to human health or where there would be a serious property infestation.

Mr. Blouin advised the By-Law does not apply to any form of indoor use of pesticides nor the use of pesticides on lands which are used for resource, institutional, agriculture, commercial purposes or golf courses. It would not apply to the use of pesticides to control pests such as mosquitoes, stinging insects, fleas or rodents.

In response to Deputy Mayor Cunningham, Mr. Blouin advised permits for special cases of infestation would be on an individual basis.

In response to Councillor Streach, Mr. Blouin advised that the Pest Management Regulatory Agency was not consulted officially with regards the structure of the By-Law.

In response to Councillor Stone, Mr. Blouin advised that it was agreed, by the committee, that 100 metres was a compromise limit beyond which off site effects of pesticides would not be likely to occur. On further question, he advised it would encompass approximately 100 or more properties in a densely populated area.

Councillor Rankin asked what criteria was to be used in formulating sufficient evidence with regards to medical risk. In response, Mr. Blouin advised the committee had recommended evidence would be in the form of either a letter from one specialist or two general practitioners. He noted that there is no recognized speciality in environmental medicine.

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

Ms. Dorothy Jackson, Jollimore

Ms. Jackson referenced the newspaper advertisement regarding resulting infestation of pests if this By-Law is put into effect and noted there are alternate options available for the control of these pests.

Ms. Linda Mosher, 10 Milson Avenue, Halifax

Ms. Mosher stated she was not in favour of the By-Law and made the following presentation:

- she will be spraying her trees if they become infested;
- if it becomes necessary to apply for a permit to control an infestation the time lapse between the application and the granting of the permit would result in a greater problem as it may then be necessary to spray an entire yard rather than a small area;
- she expressed concern with a decrease in property values;
- she queried the control of rats, mice and ants in restaurants and in homes;
- she questioned what would happen with those people who are allergic to ragweed as compared to sensitivities which may merely be an association but not a cause of pesticides;
- who has the knowledge to determine what pesticides are harmful or not harmful;
- she suggested this be examined from a scientific point of view and not to please a vocal group of extremists;
- she advised HRM does not have the expertise nor the money to do a thorough

- analysis;
- she suggested proper education;
- if this is enacted, the development of a pesticide free subdivision be considered.

Ms. Ashley Miller

Ms. Miller spoke in favour of Council adopting the proposed By-Law.

Mr. Grant Mosher, Environmental Engineer

Mr. Mosher spoke in opposition to the By-Law making the following points:

- he does not feel that the Municipality can do what the Province has decided not to do;
- he does not agree with the list of pesticide products on the permissible list;
- the permitting process is a long one and in that time period a problem could be out of control;
- he expressed concern with the devastation that may be caused to such things as lawn bowling greens if problems cannot be addressed in a timely manner;
- biological controls can also be harmful as there are diseases caused by bacteria.
- pesticides are only harmful if not applied properly;
- public education needs to be addressed.

Mr. Dan Britton, Dartmouth

Mr. Britton spoke in opposition, noting:

- there is a level of hysteria about the level of effects of pesticide spraying;
- there are two sprays per year and some companies do only spot spraying where necessary;
- why if there was such a health risk all members of the medical society did not issue a joint statement;
- Landscape Nova Scotia and the Urban Pest Management Council of Canada support the responsible use of government approved pesticide products;
- the products available to the public in stores be controlled.

Dr. Mark Roland, Biophysicist

Mr. Roland referenced a report by the Standing Committee on Environment and Sustainable Development, May, 2000. Speaking in favour of the By-Law he made the following statements:

- what would have been used prior to the use of pesticides;
- medical costs will escalate if the pesticides are not discontinued;
- products are poisonous and toxic and health implications are numerous and well documented;
- the poisons accumulate in the environment and in tissues and are both short and long term pollutants of air, water and ground;
- scientific evidence to support pesticide use is inadequate and testing is done in isolation;
- license to use these chemicals is a license to kill;
- nobody should have the right to affect the health and environment of another person.;
- total ban is the only safe and logical solution;

Ms. Connie Eaton, Halifax

Ms. Eaton stated she was representing two Bedford residents and read from a letter from Ms. Joyce Lang who outlined an experience with a neighbouring property being sprayed on a windy day and the resulting drift. Ms. Eaton stated that spraying on a windy day does not show responsibility. With the aid of an overhead, she presented a time line of spraying having taken place over a season. Quoting from a letter from Mary Anne Morton she stated lawn care applicators do not take common sense precautions. Sprayers do not hesitate to spray even if pets are in nearby enclosures. She questioned why lawn care companies are spraying 2-3 thousand feet of lawn when companies say the area around a chinch bug infestation is the only area that needs to be sprayed.

Ms. Kelly Lyons, Anchor Drive, Halifax

Ms. Lyons stated she was speaking in support of the By-Law making the following comments:

- there are literally millions of chronically ill people in Canada;
- there is evidence that shows that these illnesses are preventable and one of the main causes of these illnesses are the man made environmental toxins that are being dumped into the air, ground and water;
- it is critically important that we work hard to remove man made toxins from the local environment;
- the By-Law be amended to compress the time under which it is implemented in Halifax;
- the people who do lawn care should not bear the entire burden;
- the Federal and Provincial Governments and the Municipality should put something in place to allow the lawn care companies to switch over to environmentally friendly products;

- there is the science, technology and intelligence to do this the right way sustainably so that twenty five years down the road we are not told the growing illness in our society was caused by the toxins we were dumping on our lawns.

Mr. Josh Fagan,

Mr. Fagan reading from the Executive Summary Key Direction for Change, stated he was in favour of the implementation of a Pesticide By-Law. Councillor Adams requested a copy the report be provided for Council's information.

Mr. Don McCarthy, Braemar Pest Control Services

Mr. McCarthy stated he had been a member of the Pesticide By-Law Advisory Committee and made the following points:

- the recommendations in the staff report are not the consensus of the full committee but the majority which outnumbered the industry representatives;
- the industry agreed by consensus to a registry, notification and signage which was based on information obtained from the United States where the same things are happening;
- bans were not talked about;
- there was no consensus on 100 metres;
- the committee did come up with notification process;
- industry does not have the expertise but relies on the Federal Government and Health Canada who make the decisions and make the law;
- the industry is willing be responsible for costs involved with notification and making changes to signage so that it is better for the people;
- Council come up with good solid recommendations from consensus issues of the report.

Ms. Daisy Kidston

Ms. Kitston quoted from the report on Executive Summary Key Directions for Change stating education is key to understanding environmental issues. She stated she is against pesticides but realizes there are people who are affected by such things as ragweed and pollen; therefore, a consensus has to be reached.

Mr. Bruce Lyons, Regatta Point

Mr. Lyons spoke in favour of the By-Law, stating:

- people are becoming chronically ill;

- vigilance has to be the most important aspect as development is increasing and properties are contiguous with each other with one property connecting to another by the lawn;
- no one knows how to interpret the data of the human genetic system and there is no way of interpreting how these chemicals are affecting the bodies immune systems;
- he is against the ban and regulation and a common sense approach should be used.

Mr. Darcy Olds

Mr. Olds advised he has worked in the turf grass industry for over ten years. He is currently the national technical manager for Weed Man Canada. Speaking in opposition to the By-Law he made the following points:

- he is strongly opposed to a By-Law that would prohibit the use of pesticides on privately owned property;
- a By-Law would infringe on the rights of homeowners and their ability to adequately protect their lawns and gardens from pests;
- they make it a point of using products that have demonstrated a high level of safety while being effective in controlling pests;
- they use these products as part of an integrated pest management program which focuses on promoting the overall health of the grass plants;
- pesticides are used as tools only when needed to protect the lawn from weeds and other pest infestations;
- if pesticides are not used, property values will decline and the city will be overcome with noxious plants;
- pest control products are already Federally and Provincially regulated by agencies that have the expertise to do so;
- he does not believe the majority of HRM residents would like to see their tax bills increase as a result of additional unnecessary legislation;
- if this By-Law is passed, the residents will see their rights taken away more and more;
- there is mis-perception that pesticides are used for cosmetic purposes only;
- healthy lawns produce many benefits to the environment such as being oxygen producers and can remove dust and pollutants from the air;
- healthy lawns have the ability to trap, hold and cleanse surface water that may be entering nearby sewers, lakes or streams as well as providing excellent soil stabilization and erosion control;
- healthy lawns reduce noise and glare and moderate air and soil temperatures;
- they support the use of a list as a means to notify anyone that wants notification allowing the concerned individuals to make the necessary arrangements to

- avoid these areas on the day of the application;
- the Province already has notification requirements in place with respect to signs that inform the public that a pesticide has been applied, noting this system has worked well in the past and will continue to work well in the future if left in tact.
- the By-Law being proposed is unnecessary and, if adopted, will do very little to protect those people who have allergies to certain chemicals;
- the enactment of the By-Law will result in higher taxes, fewer jobs, diminished property values and increase pest infestation on properties.

Mr. Ray Faulkins, Windsor Junction

Mr. Faulkins spoke in favour of the By-Law, stating:

- the ad campaign by the industry is to protect their business and their interests;
- this is a smart move;
- his motivation is to enable his children to have a healthy life;
- Council should tighten up the time frame on the By-Law and move forward on the implementation.

Ms. Karen Bates, Dartmouth

Ms. Bates advised many people are waiting for a decision to be made for a ban on lawn care pesticides. Speaking in favour of the By-Law she made the following points:

- young children and adults do not have the education available to realize the seriousness of pesticide spraying;
- it is time for a change;
- this issue has pitted neighbour against neighbour;
- no boundary fence can protect her family from pesticide threats;
- chemicals are not a necessary step in having a nice lawn;
- she can sympathize with those that have allergies;
- chemicals disturb immune systems;
- continued practice of applying lawn care pesticides may increase allergies;
- Council should implement the By-Law.

Mr. Charles Kerry, Stanley Street, Halifax

Mr. Kerry reading from prepared text made the following points:

- the proposal of the implementation of a By-Law is good as the environment is already under the worst chemical stress that it has ever experienced in history;

- never before has there been such a high percentage of people with asthma as well as environmental illness or multi chemical sensitivity;
- more and more people are suffering from the pollutants in the environment;
- more and more people are suffering from various chemical intolerances and hyper-sensitivities than ever before and the numbers are rising;
- there are approximately three species per day being lost;
- it has been stated that certification of a chemical does not ensure it's safety;
- many lawn care and agricultural products were last tested prior to 1972 when more stringent guidelines were put in place and are yet to be retested; however, most of these are still used;
- the EPA states that only two out of thirty four common lawn pesticides have been thoroughly tested for human health hazardous such as cancers, nerve damage or immune system damage;
- there is a need for a change in attitude that weeds and insects are not all necessarily bad.

Mr. Andrew Dunn

Mr. Dunn stated he was speaking in support of the By-Law and the only question to be asked "do you want to support the health of citizens or the lawns?"

Mr. Ronald Coleman, GPI Atlantic

Mr. Coleman stated his wife suffers from severe chemical sensitivities and advised of several attacks which she had suffered on different occasions when notification would not have helped as they occurred while she was out in the community. He stated:

- there are strong correlations between pesticide use and health effects;
- there are no statistics that can prove any one pesticide can cause cancer but the medical evidence shows that exposure to pesticides reduces immune system function which reduces the ability to fight a cancer or another illness;
- if it is found in later years there is no relation between pesticides and ill health then spraying can be reinstated;
- while there is a suspected correlation, caution be applied until there is evidence to the contrary;
- the time line be contingent upon how long it takes companies to upgrade their skills to treat lawns without the use of pesticides.

(Council recessed for ten minutes at 8:00 p.m.)

Ms. Vetska Grosky

Ms. Grosky spoke in favour of the By-Law, stating she does not feel it is a good environment where there is only one species and all others have to be exterminated.

Ms. Elizabeth May, Sierra Club of Canada

Ms. May spoke in favour of the By-Law stating:

- HRM was showing leadership nationally;
- the Sierra Club is in favour of an accelerated phase out time especially for schools and daycares;
- the ban should take effect in two years, not four;
- the federal regulatory system for toxic chemicals, including pesticides, is so inadequate that the health of Canadians is at risk;
- the rate of application in lawn care use exceeds the rate of application in agriculture;
- the report from the House of Commons asked that the burden of proof be reversed so that when you are assessing a chemical for use in Canada the burden of proof that a pesticide does not pose an unacceptable risk remain with the manufacturer both before and after registration;
- the present regulatory system does not provide adequate protection;
- what HRM is proposing is very important and in the interests of the residents.

Mr. David Patriquin, Professor of Biology, Dalhousie University

Mr. Patriquin spoke in favour of the By-Law, stating:

- one quote has been that if Health Canada says a product is safe to accept, it is safe;
- it was noted that if there is no unacceptable risk then Health Canada does not approve it;
- risk involves many value judgements;
- trees and roadside spraying has been banned in Nova Scotia with no detrimental effects;
- the transition to a non toxic system will involve turning back the clock to some extent, making use of some of the tools that have been developed in the interim such as mulch movers, developing new tools for the new environment of turf and finally, retooling on the part of the landscape industry;
- it will be a transitional process;
- he is in agreement with a four year transitional process rather than a one year transition because it will take time to become successful;
- some of the transitions would be getting clover back into turf, mowing higher,

mulch mowing, building up soil organic matter, composting, learning which weeds to control and how to control them, over seeding, diversifying the turf environment with garden beds and ground covers.

Ms. Alexandra Bigelow

Mr. Bigelow spoke in favour of the By-Law stating she does not use anything toxic on her lawn and there are many non toxic ways you can control weeds and pests. She stated she was in favour of the process being initiated faster than the proposed time line with companies being provided enough time to find alternate ways of controlling weed and bug infestations.

Ms. Marie Welton

Ms. Welton stated she was speaking in support of the By-Law and read an excerpt from the House of Commons report from the Standing Committee for Sustainable Environment regarding the potential effects of pesticides on health.

Ms. Emily McMillan

Ms. McMillan stated there is a risk that comes with the use of pesticides and health is more important. She noted the By-Law is a positive step but recommended the implementation process be accelerated.

Mr. Victor Altheim

Mr. Altheim spoke in favour of the By-Law noting:

- chemicals should only be used when necessary;
- pesticides refers to two groups of compounds - herbicides to control weeds and insecticides to control insects;
- herbicides control a number of weeds besides dandelions which are harder to control;
- if there is an infestation that destroys roots, you cannot recover your lawn;
- the cost to administer the By-Law would be expensive to the taxpayer and the expense to any homeowner to replace a lawn will be very high with no guarantee that it would have to be replaced more than once;
- many products are poisonous in the wrong concentration;
- some of the pesticides should be reevaluated;
- a registry be used which would not ignore those people who want to protect their lawns, gardens and flower beds.

Dr. William Harvey, Bedford

Dr. Harvey stated he was speaking in support of the By-Law making the following points:

- there are very serious health concerns and there are no compelling reasons to justify the risk that is being placed on individuals and their children;
- there was a study done in Mexico between children from the foothills where no spraying had taken place and the valley where pesticides were sprayed, noting there was a difference in the development of the children from these areas;
- he does not support unnecessary pesticide use;
- the process from his perspective is backwards in that we are looking for evidence that they are harmful first before we take them away;
- children are vulnerable, as well as the blind, postal workers, animals and anyone who can't read or has to be exposed in a lot of different conditions involuntarily;
- cancers are more common in individuals that have been exposed;
- the effects of pesticides have not been studied in combination or of their degradation in metabolic products;
- there is also the issue of the inert ingredients such as surfactants which are not on the label;
- alternatives are available and the use of pesticides needs to be banned.

Ms. Lynne Simpson, Purcell's Cove

Ms. Simpson speaking in favour of the By-Law, stated she has had a garden for thirty years and has never used pesticides. She stated she has friends who are not as fortunate and who come to stay during spraying season. She noted sometimes the only option open to many people who are affected is to live out of a car.

Dr. Acension, Dalhousie University

Dr. Acension speaking in favour of the By-Law advised:

- the people most vulnerable to the use of pesticides are the children because they run a greater risk of exposure to pesticides due to specific characteristics of their development and physiology. The younger they are, the more limited their ability to metabolize and eliminate residual toxic substances;
- Canadian Institute of Child Health Studies states "pesticides can be transferred from the mother's body to a developing fetus or embryo", noting traces of DDT has been found in amniotic fluids;
- women whose bodies contain greater proportion of fatty tissues are more likely to accumulate persistent organic pollutants;

- pesticides have been linked to breast and other cancers.

Mr. Shawn Betts, Dartmouth

Mr. Betts speaking in favour of the By-Law, stated he is a postal worker who works outside in the environment and made the following points:

- because of the nature of this work there is the possibility of being exposed to pesticides;
- there are people who are sick from pesticides and who are postal workers;
- there are a number of reports that indicate that pesticides are affecting health and suggested these be taken into account;
- there are alternatives to pesticides which are environmentally friendly ways to ensure that you have nice green grass without the use of any toxins;
- the issue seems to be health versus profit;
- it is appropriate and a positive step and encourage the direction being taken by HRM to ensure there is a By-Law enacted that eradicates non essential use of pesticides in the community.

Dr. Robert Strang, Medical Officer of Health

Dr. Strang spoke in support of a phase in of a ban because the risks outweigh the benefits. He made the following comments in support of a ban on pesticide use:

- there should be a shortened time with an immediate registration system for those people who are at risk and then move, within a two year period, to a total ban;
- during that two year period an education process be undertaken as well as allowing time for industry adjustment;
- pesticides pose a health risk for the entire community and a ban is the only legislative step that is going to significantly decrease exposure to all of those at risk;
- although Council may not have the knowledge to make an expert opinion they can obtain the knowledge and opinion in order to make an informed decision.

Mr. Shannon Lynch

Mr. Lynch referenced the newspaper ad and stated he was not in favour of the By-Law as it would allow for bug infestation and an overgrowth of weeds.

Mr. John Dunn, Purcell's Cove Road

Mr. Dunn advised he was representing Jane Trembell, who due to chemical sensitivities could not be present, read from a prepared statement. Ms. Trembell advised she has to live in her car for a period of time each year during the spray season. She suggested if the ban is to be phased in, Council be humane and allow for registration for safe homes. Mr. Dunn stated he, personally, was in support of a ban on pesticides and wished to see better regulations in place.

Ms. Lisa Ann Norman, Williamswood

Ms. Norman, a lymphomic cancer patient having Hodgkin disease and who was exposed to pesticides, expressed concern with the use of pesticides and requested the By-Law be put in place to prevent any risks to people's health.

Ms. Brigetta March, Williams Lake Conservation Company

Ms. March spoke in favour of the By-Law making the following comments:

- there is concern with the use of pesticides around wells and stated she was in favour of implementing this restriction as soon as possible;
- ground water has been found to have pesticide residue in both rural and urban water supplies;
- children consume about four times the amount of water per kilogram per body weight, a fact not being taken into consideration;
- further testing is being done on one pesticide at a time and queried what would happen if you consumed water which contained thirty nine pesticides;
- spraying of wells should be stopped this year, noting a safe zone of 100 metres is not enough;
- testing of well water should be paid for by lawn sprayers or by the homeowners who insist on having their properties sprayed.

Mr. Alfred Neiforth, Carroll's Corner

Mr. Neiforth expressed concern that if the By-Law was not put in place there will be many children affected. He stated the question is one of poison versus profits. He stated the producers of these products are aware of the effects on health.

Ms. Rachael Finn

Ms. Finn spoke in support of the By-Law and submitted letters on behalf of a number of students of Dalhousie University. She stated that as one of many in an apartment building she does not have a say as to how the landlord cares for his property. She stated she walks to school each day and is not notified if spraying takes place on the properties

surrounding the apartment building.

Ms. Ruth Smith, Clayton Park Drive, Halifax

Ms. Smith urged Council to enact the By-Law, noting health concerns linked to pesticide use are serious and startling. Children are the most vulnerable to these health risks and health concerns are widely acknowledged in many scientific publications.

Ms. Barbara Locke, Fenwood Road, Halifax

Ms. Locke spoke in support of the By-Law and commended Council on its proposal to phase out the use of pesticides, stating there are alternatives to lawn spraying.

Mr. Lance McMillan

Mr. McMillan stated he was speaking in support of the By-Law as he has a child that is affected when pesticides are sprayed around his property. He stated he does not use pesticides on his own lawn and it is very healthy.

Mr. Kevin Blair, Dalhousie University Student

Mr. Blair spoke in favour of the By-Law and made the following points:

- he expressed concern that diseases as malaria and the hanta virus were even mentioned as being a result of the ban of pesticides in HRM;
- insects do become immune to pesticides and the more you spray and kill them, the more quickly they become immune;
- the public has to be made aware there are different ways to deal with pests through education;
- he expressed concern that the industry does not have the expertise to support a 100 metre radius on spraying but they do seem to have the expertise to say that pesticide spraying won't hurt anyone, adding it is not logical as they do not know how pesticides travel;
- the industry is willing to post signs to notify but not willing to come up with solutions to do their jobs without pesticides;
- there are lawn care companies taking care of lawns in very safe ways;
- referencing Section 6(2), he recommended that "infested" be clarified to state that infested means a pest that cannot be dealt with in any other way other than with the use of pesticides;
- it was unreasonable to ask people to register their property each year and suggested a one time only charge at the initial registration.

Mr. Eric Wagner, Bedford

Mr. Wagner stated that the lawns and gardens of those who do not use pesticides are fine. He stated he does not believe in something that infringes on a persons rights and freedoms. He urged Council to enact the By-Law and consider an immediate ban or implementation in a shorter time frame.

Mr. Don Weagle

Mr. Weagle stated there are plants that are a member of an endangered species and if he is not allowed to use pesticides on a small and limited basis, these plants will be gone. He stated some of the seeds will not live if they are to wait for a long term environmental friendly approach. He suggested Council consider a balanced approach rather than an outright ban.

Mr. Grant Walker, Bedford

Mr. Walker stated he was speaking neither in favour of or against the proposed By-Law, but felt the solution is somewhere in between complete extension of all pests and the status quo. He suggested a bigger representation was needed on this issue and recommended a plebiscite be held to provide a larger number of people to give guidance on this very important issue.

Ms. Lisa Trevesan, Lawrence Street, Halifax

Ms. Trevesan speaking in favour of the By-Law noted the following:

- it is being stated that pesticides do not pose a risk if only used in small quantities.;
- any green plant will produce oxygen not only healthy lawn grasses;
- Council adopt a people care ethic;
- introducing a ban may in fact mean that some people will sustain some damage to their properties, noting her health and the health of her family is worth more than her lawn.

Mayor Fitzgerald read a letter into the record in opposition to the By-Law from Mr. Herman Pye, Lawrencetown.

14. ADJOURNMENT

MOVED by Councillors Hetherington and Blumenthal at 10:00 pm that the public

**hearing be adjourned to June 13, 2000 at 6:00 p.m. MOTION PUT AND PASSED
UNANIMOUSLY.**

Vi Carmichael
Municipal Clerk